

THE
NWFP PRISONS RULES

1985

PRISON RULES

(JAIL MANUAL)

(U/S 59 OF PRISONS ACT, 1894)

**(Rules for the Superintendence and Management of the Prisons of
Pakistan)**

CONTAINING

- **THE PRISONS ACT, 1894**
- **THE PRISONERS. ACT, 1900**
- **THE REFORMATORY SCHOOLS ACT, 1897**
- **THE PUNJAB BORSTAL ACT, 1926**

**RULES FOR THE SUPERINTENDENCE AND MANAGEMENT OF THE PRISONS OF
NWFPAN (APPLICABLE TO ALL CONCERNED JAILS IN NWFP.**

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PAKISTAN PRISONS RULES, 1978
(Amendments)

(2nd October, 1985)

No.3/23-SOPrs. II-HD/81.-- In exercise of the powers conferred on him under section 59 of the Prisons Act, 1894 (XI of 1984), the Government of the Punjab is pleased to direct that in the Pakistan Prisons Rules, 1978 the following Amendments shall be made:-

1. In Rule 543 the words 'per week' appearing in third line, shall be substituted with the words 'om a fortnight'.

2. In rule 544 the word 'week' appearing in third line. Shall be read as fortnight'. The foot-note added as Explanation No.2 shall be deleted.

3. The (following shall be added to the existing rule 556 after the word 'only':-

“For this purpose a grated gallery of 5 ½’ to 6’ width, fitted with expanded metal shall be provided to maintain the distance between the prisoners and the interviewers”.

4. In the existing rule 564 the words “very week shall be substituted with the words ‘in a fortnight’.

5. The opening sentence of existing rule 723 and clause (I) shall be substituted as under:-

“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.”

6. In the existing rule 723, the following shall be added as sub-rule (ix):-
“All dangerous prisoners shall be required to submit a list of their relatives of the Superintendent Jail on their admission to jail. No friend will be allowed to interview with them”.

7. In rule 518(I), the scale of clothings, beedings and other equipment’s prescribed for C Class female prisoners shall be substituted as under:-

WOMEN

1	Fine Dasuti Kamiz	2 during a year.
2.	Fine Dasuti Shalwar	2 during a year
3.	Doppatta or Trivera or some other fine fabric Size 2 M- 10 CM x 1 M-5 CM	2 during a year
4.	Turkish Towel 91 CM x 61 CM (Jail made)	1 during a year
5.	A auzarband weighing 20 gm	2 during a year
6.	Bed sheets Dasuti 2 Mether- 13 CM x 1.36 M	2 during a year
7.	Dasuti Chaddar during Winter 2 Meter-10 CM x 1 Meter- 5 CM	1 during a year
8.	Sanitary pads	

	23 CM x 8 CM (Jail made)	
9.	Durree (Jail made)	1
10.	Blanket (Jail made)	1
11.	Munj Mat (Jail made)	1
12.	Mattress stuffed with cotton or foam.	1
13.	Pillow	1
14.	Pillow covers (Jail made)	2
15.	Aluminium Cup	1
16.	Aluminium Plate	1
17.	Aluminium Mug	1
18.	Bed	1
19.	Country Soap	117 gram per week
20.	Toilet Soap (Medium Quality)	1 Cake per fortnight,
21.	Mustard Oil	120 gram per week.
22.	Hair removing powder	One time used packed once a week
23.	Brassier (Jail Made)	3 per year.
24.	Parandas of 50 gm yarn (Jail Made)	2 per year
25.	Comb	2 per year
26.	Banyan made of muslin	2 per year

8. The following shall be added as sub-rule (iv) to rule 518:-
‘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 month
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 Dasuti measbring 30 CM)	4 per six months
8	Clothings (Medium quality)	4 sets per six months

Note:- Undertrial prisoners who cannot maintain themselves shall also be supplied the above articles at same scale at Government expenses.

Utensils :

The existing rule 259 shall be substituted as under :-

The following utensils shall be supplied to each prisoner :-

- (a) One full plate, one quarter plate, one teaspoon, one table spoon and one number 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 try 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 classes prisoners if they desire, shall be allowed to use their own utensils.

Clothing and Bedding.

The existing rule 261, shall be substituted as under :-

A class prisoners may, within reasonable limit, wear their own clothing and provide their own bedding, shoes, etc.

(ii) A classes prisoners who prefer prisoner 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 :	Women prisoners throughout the year :
Two Dasuti shirts or Kurtas	Two cotton Shalwars
Two Dasuti Shalwars or trousers	Two Dasuti pillow covers
Two cotton Azarbands	Two cotton shirts
Two towels	Six napkins
Two Dasuti Caps	Two cotton Dopattas of coarse muslin.
Two Dasuti pillow covers	Two cotton Azarbands
One foam pillow	Two towels
Two Dasuti bed sheets	One foam pillow
One blanket	Two Dasuti bed sheets
One cotton durree	One blankets
	One cotton durree
During Winter	During Winter:
One woollen Jersey	Four blankets.
Four blankets (medium quality)	One foam mattress 5 CM thick.
One foam mattress 5 CM thick	One woollen jersey

The following shall be added to the existing rule 518 after sub-rule (iii) as sub-rule (iv)

“(vi), Prisoners including undertrial prisoners may be provided with suitable cots under a phased programme.”

AMENDMENT
PAKISTAN PRISONS RULES 1978

[Gazette of Punjab, Part I, 29-5-1985]

No.3/23-SO(Prs:II/HD/81--- In exercise of the powers conferred on him under Section 59 of the Prisons Act, 1894 (XI of 1894) the Governor of the Punjab is pleased to direct that in the Pakistan Prisons Rules, 1978 the following amendments shall be made :-

Furniture

The existing Rule 255 shall be substituted as under :-

Rule-255.—(I) rooms shall be supplied with following articles:-

One cot women with niwar, one chair, one tea-poy, one table lamp, one shelf one ash tray, one wooden rack and necessary washing and sanitary appliances.

Rule 255(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, laterines and bath rooms in the enclosure.

- (iii) A class prisoner 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 10 PM.
- (vi) One waste paper basket will be supplied for each cell and more for association barracks at the discretion of the Superintendent

Sanitary and Bothing Arrangements

The existing Rule 257 shall be substituted as under:-

- (i) They shall be allowed reasonable facilities for bathing, latrines, etc. with due regard to the provision of privacy. The use of toilet and washing soap shall also be allowed. Superior class prisoners shall be allowed to keep the articles as permissible under rule 75.
- (ii) Soap will be allowed to A&B class prisoners on the following scale:-
Toilet soap-one cake weighing about 117 grams, for fortnight.
Washing material-117 grams washing soap and 177 grams washing soda weekly.
- (iii) Prisoners in association barracks, will be provided with one fixed mirror of size 57 CM x 41 CM in wall, one hair comb medium quality, one soap case, one lota plastic, one mug plastic and one towel per prisoner and one plastic tub (medium size) for ten prisoners. A fixed towel hanger will be provided in each bath room

PRISONERS (SIND AMENDMENT) ORDINANCE, 1984**(ORDINANCE X OF 1984)****(5th September 1984)**

An Ordinance to amend the Prisoners Act, 1900

No.S.Legis 1(10)84—The following Ordinance by the Governor of Sind is hereby published for general information.

Preamble.-- Whereas the Federal Shariat Court has directed to make certain amendments in the Prisoners Act, 1900 :

And whereas it is expedient to amend the Prisoners Act, 1900, in its application to the Province of Sind, in the manner hereinafter appearing ;

Now, therefore, in pursuance of the Proclamation of the fifth day of July, 1977 and the Provincial Constitution Order, 1981, the Governor of Sind is pleased to make and promulgate the following Ordinance :-

1. Short title and commencement.-- (1) This Ordinance may be called the Prisoners (Sind Amendment) Ordinance, 1984.

(2) It shall come into force at once.

2. Amendment of section 40 of Act 111 of 1900.—In the Prisoner Act 1900, in its application to the Province of Sind, in section 80, the and the words “if It thinks fit”, shall be deleted.

CHAPTER 1- DEFENATION

Act relating to prisons and prisoners

Rule 1.-The enactment's (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 conferment treatment, and transfer of prisoners, the maintenance of discipline amongst them and other matters relating to prisoners, 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) The Lunacy Act, 1912 (Act IV of 1912); and
- (viii) The Reformatory Schools Act, 1897;

Note: Some of the Acts specified are printed entire in the Appendices. In the case of other Acts, such portions are like by to be or 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 and buildings appurtenant thereto, but does not include—
 - (a) Any place for the confinement of prisoners who are exclusively in the custody of the police; and
 - (b) Any place specially appointed by Government under section 34 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 this Act or the rules there under;
- (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; and
- (viii) "MEDICAL SUBORDINATE", means any Assistant Medical Officer.

Definitions prescribed in under rules Prison Act (Act II of 1894)

Rule 3.- 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;
- (iii) “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 has been proved, that he is by habit a member of a gang of decoits, 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.

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 Magistrate or the absence of an order by the convicting Court or District Magistrate and pending result of a reference to the District Magistrate, 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 Magistrates may, for reasons 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 Magistrates, as the case may be, may revise their own classifications, and the District Magistrate 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 Magistrate” wherever it occurs in notes 1, 2 and 3 above means the District Magistrate 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:
- (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 words in the singular shall include the plural and vice versa.

CHAPTER 2

Classification of Prisons.

Four kinds of prisons

Rule 4.-- Prisons shall be classified into four kinds namely, Central Prisons, Special Prisons, District Prisons and Sub Jails.

Central Prisons

Rule 5. (i)-- Central Prisons shall have accommodation ordinary 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

Rule 6. (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

Rule 7.--- All Prisons, other than Central Prisons or Special Prisons shall be deemed to be District Prisons.

Classes of District Prisons

Rule 8 (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 up to 3 years; and

Third class, having accommodation ordinarily for less than 300 prisoners with sentences upto 1 year.

(ii) The class to which any District Prison shall be deemed, during any year to belong and the term of sentence for confinement if each prison shall be determined by the Inspector General in the month of July in each year, in accordance with the average number of Prisoners confined in such prison during the preceding year ending on the thirteen of June.

Central Prison may also be a District Prison

Rule 9.-- The Provincial Government may declare any Central Prison to be for all or any purposes, also a District Prison.

CHAPTER 3- DIFINATION

Admission of Prisoners.

Note.-- Section 24 to 26 of the Prisons Act, 1894, contain certain directions about the admission, discharge and removal of Prisoners from one prison to another and should be carefully followed.

Sections 3, 15 and 16 of the Prisoners Act of 1900 empower officer incharge of prisons to give effect to any sentence, order or warrant for detention of persons duly committed to their custody.

No Prisoner to be admitted at night

Rule 10.--No prisoner shall, except on transfer from another prison, be admitted into any prison after the hour of lock -up for the night or before sunrise on any day.

Under-trial prisoner when received

Rule 11.-- Under-trial prisoners shall not be admitted after the prison has been locked-up for the night. They shall be received not later than the time mentioned below:-

From 1st April to 30th September ... ..	...	5 p.m.
From 1st October to 31st March ... ..	...	4 p.m.

Prisoners received at night to be locked-up in a separate place

Rule 12.-- Prisoners received after Lock-up shall be confined in separate cells or any other suitable place provided for the night. Barracks shall not be opened for this purpose.

Prisoners to be received by an Assistant Superintendent

Rule 13.-- The Assistant Superintendent incharge of admission shall receive all prisoners brought to prison for admission during the day. Prisoners who arrive after lock-up or during the night on transfer from other prisons may be received by an official detailed for the purpose.

Note.—Newly admitted prisoners may be kept in quarantine for not more than five days.

No prisoner to be admitted without a proper warrant

Rule 14.--No prisoner shall be admitted into any prison except under lawful warrant or order of commitment issued by a competent Court addressed to the Superintendent of prison.

Identification of prisoners, on admission

Rule 15.-- Before admitting a prisoner, the Assistant Superintendent incharge of admission shall question him and ascertain that this 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

Rule 16.-- 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, jewelry, 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

Rule 17.-- (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

Rule 18.-- Every prisoner shall be written up in admission register by the Assistant Superintendent incharge of admissions and shall also be examined by the Medical Officer or the Junior Medical Officer within 24 hours of his admission into the prison. The Medical Officer or Junior 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 labor for which he is fit, whether hard, medium or light. While describing a prisoner's health as bad or indifferent the Medical Officer or Junior Medical Officer, shall record the reasons such as enlarged spleen, anemia, etc. He shall also note whether the prisoner has been vaccinated or has had small-pox.

Un-explained injuries

Rule 19.-- 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 abrasions and if detected shall be entered in the Injury Register and the admission register.

Report of unexplained Injuries

Rule 20.-- 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 medical-legal report accompanying the prisoner, a report shall at once be made to the District Magistrate and the Superintendent of Police.

Search and Examination of women prisoner

Rule 21.-- In case of women prisoners, the search and examination shall be carried out by a Woman warden under, the orders of Deputy Superintendent and the Medical Officer respectively.

Record for purposes of identification

Rule 22.-- 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

Rule 23.-- The state of education of every prisoners 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

Rule 24.-- 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

Rule 25.-- 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 warrant 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

Rule 26.-- The Superintendent shall satisfy himself that the prisoner's description, identification, marks and thumb impression / signatures 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 or warrants

Rule 27.-- 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 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 are recorded
- (viii) that in the case of prisoners previously convicted a statement of their previous conviction is duly recorded;

- (viii) 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

Rule 28.-- 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

Rule 29.-- (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 by whose order on the case he and all other public officers shall be guided as to further disposal of prisoner.

(ii) Pending a reference made under sub-section (i), the prisoner shall be detained in such manner and with such restrictions or mitigation's as may be specified in the warrant 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 be refuses admittance to a prisoner whose warrant is defective

Rule 30.-- 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 District Magistrate 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

Rule 31.-- 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

Rule 32.-- (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 to necessary alterations in registers

Rule 33.-- 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

Rule 34.-- 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, 1973 shall be released on the 14th January, 1974.

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, 1973. 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 1½ month's imprisonment on 2nd February will be released on 16th March..

Periods to be included for sentence

Rule 35.-- 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.

Note.-- A prisoner released on bail on a day subsequent to that on which he was committed to prison but who is again recommitted to undergo sentence in the same case, shall be entitled to count every day of admission and every day of release as days of imprisonment in respect of such sentence.

Suspension of sentence of prisoners surrendered to foreign jurisdiction

Rule 36.-- 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 un-expired portion of his sentence. The sentence of 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

Rule 37.-- 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

Rule 38.-- 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

Rule 39.-- 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

Rule 40.-- When a prisoner is sentenced two or more terms of imprisonment 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 to commence from the expiration of the first sentence. He will be released on the 20th June, 1975, not on the 19th June, 1975.

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

Rule 41.--(i) When a prisoner has been committed to prison at one trial-under two separate warrants, the sentence in the one to 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

*Rule 42.--*When an appellate Court modifies a sentence passed by a lower Court without charge 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

*Rule 43.--*If a prisoner is sentenced to imprisonment of 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 non-payment of the fine. When any portion of the fine is subsequently paid, the date of 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 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

*Rule 44.--*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:-

$$\frac{\text{Number of days of imprisonment in lieu of fine}}{\text{Amount of fine}} \times \text{Amount paid} = \text{Number of days to be remitted}$$

Rs. $\frac{180 \times 63}{300} = 37 \frac{4}{5}$ days i.e. 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.

Disposal of notice intimating payment of fine

Rule 45.--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.

Rule 46.-- 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 prisoners is confined. Such notices shall always be sent under a registered cover.

Payment of fine at the prison

Rule 47.--(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 Magistrate or an authorized bank. 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

Rule 48.--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 District Magistrate informed of the fact.

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

Rule 49.--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 1973, 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, 1973, 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 1978, (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 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 Criminal Procedure Code in addition to substantive sentences

Rule 50.--(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 1(2) of section 123, the Magistrate's proceeding must be laid before the session 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 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

*Rule 51.--*When an additional sentence of imprisonment is passed on an escaped convict who has been recaptured, such sentence shall take effect according following rules: -

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.

(See sections 396-97 and 398 of Criminal Procedure Code)

Note.-- A sentence of life imprisonment is severer than one of imprisonment: a sentence of rigorous imprisonment is severer than one of simple imprisonment. When whipping is awarded

Entry when whipping is awarded

*Rule 52.--*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.

Execution of sentence of whipping only

*Rule 53.--*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 appeal-able. 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

Rule 54.--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 collapse 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 Magistrate 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 (ALREADY DELETED VIDE NO. 1996)

Rule 55.--(i) In the case of a prisoner of sixteen years of age or over, whipping shall be inflicted with a light rattan 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 within still lighter rattan.

(ii) Stripes shall not exceed thirty in case of persons of sixteen years of age or over and fifteen in the case of offenders under sixteen years of age.

Note.-- A thin lion-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.

Amendment (Dated 13th May 1996) Stripes shall be executed in accordance with the provision of the execution of the punishment of Whipping Ordinance 1979

Whipping to be inflicted on buttocks

Rule 56.--Whipping shall be inflicted on buttocks. It shall not be inflicted in public. The superintendent shall be present at the time of infliction.

Amendment (Dated 13th May 1996) Stripes shall be executed in accordance with the provision of the execution of the punishment of Whipping Ordinance 1979

Whipping not to be executed in installments

Rule 57.--Whipping shall not be executed in installments.

(Section 393 of Criminal Procedure Code)

Amendment (Dated 13th May 1996) Stripes shall be executed in accordance with the provision of the execution of the punishment of Whipping Ordinance 1979

Medical Officer to certify fitness to receive stripes

Rule 58.--(i) The Medical Officer 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 Medical Officer certifies that prisoner is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped.

Amendment (Dated 13th May 1996) Stripes shall be executed in accordance with the provision of the execution of the punishment of Whipping Ordinance 1979.

Procedure when whipping cannot be inflicted

Rule 59.--In any case in which a sentence of whipping is wholly or partially 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.

(See sections 394 and 395 of Criminal Procedure Code)

Amendment (Dated 13th May 1996) Stripes shall be executed in accordance with the provision of the execution of the punishment of Whipping Ordinance 1979

Whipping to be certified on warrant

Rule 60.--After a whipping has been duly inflicted, the Superintendent endorses a certificate on the warrant to that effect, recording the date of execution.

Police registered prisoners

Rule 61.--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 'P.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 PR. Prisoners

Rule 62.--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 Prisoner.

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

Rule 63.--The order to a convict to give his thumb impression is a lawful order and should be upheld by the Superintendent of the prisons, 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 purpose 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

Rule 65.--(i) Every prisoner shall be provided with a history ticket ¹[in duplicate] -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 labor 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 labor in the history ticket. He shall record in his own hand all punishments awarded to a prisoner. Entries of special remission promotions 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 wards of ordinary remissions shall be made and initialed by the Assistant Superintendent or other officer entrusted by the Superintendent with these duties.

Maintenance and custody of history tickets

Rule 66.--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 ²[and duplicate copy shall be handed over to the convict]. 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 certification the new ticket that all entries have 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

Rule 67.--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

Rule 68.--All cash, jewelry, 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

Rule 69.--Such moneys and property shall be entered in the admission register and prisoner's property register and in the list of prisoner's property attached with the prisoners 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, jewelry, 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

Rule 70.--The condition of clothing, whether new, part-worn, or rags, shall always be recorded in the admission register and prisoners property register and in the list of prisoner's property. If the clothing is woollen the fact should be specifically mentioned. In the case of jewelry 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 initialed by the Superintendent.

Receipt to be obtained of the official who receives the property

Rule 71.--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, jewelry and other valuable articles shall remain in the custody of the Deputy Superintendent.

Superintendent may refuse to receive property

Rule 72.--The Superintendent may receive or refuse any property tendered for a prisoner by his friends or his relatives at the time of admission, or subsequently., **and furnish copy of such order to the person, tendering the property refused to be received.**

Money to be entered in cash book on admission

Rule 73.--(i) The receipt of all moneys belonging to the prisoners shall be entered in the cash hook 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 be 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

Rule 74.--(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 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 the relieving officers.

(iii) The Superintendent shall check all the valuable property of the prisoner with the register and admission register him-self 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

Rule 75.--(i) ¹[Prisoners may be allowed to keep the following articles for use in the prison

- | | | |
|------|---|-----------|
| (1) | Jersey..... | 1 |
| (2) | Bunyan..... | 2 |
| (3) | Towels..... | 1 |
| (4) | Blanket, Loi or Dhussa..... | 1 |
| (5) | Socks..... | 2 pairs |
| (6) | Lota..... | 1 |
| (7) | Hair oil..... | 1 vial |
| (8) | Tooth brush..... | 1 |
| (9) | Tooth paste or powder | 1 |
| (10) | Comb..... | 1 |
| (11) | Small mirror..... | 1 |
| (12) | Metal glass..... | 1 |
| (13) | Spoon..... | 1 |
| (14) | Mug, cup or piala along with plate for taking tea
made of plastic or china clay..... | 1 |
| (15) | Plate made of Plastic, china clay, enamel etc..... | 1 |
| (16) | Mug made of Plastic enamel, etc..... | 1 |
| (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..... | 2 pkts |
| (22) | Bottle of squash or sharbat..... | 1 bottle |
| (23) | Pull-overt sweater may be used under the shirt during winter | 1 |
| (24) | Under-wear or nicker..... | 1 |

(25)	Jai-Namaz and Tasbeeh.....	1
(26)	Spectacles for eyesight.....	1
(27)	Hearing aid for deafness.....	1
(28)	Reading material i.e. books and magazines preferably educative in Islam.....	1
(29)	Match box or lighter.....	1
(30)	Yogurt (Dahi).....	1
(31)	¹ [Shoes / Chappals each.....	2 pairs
(32)	Pen / Pencil.....	1
(33)	Books / Papers.....	Reasonable number / Quantity].

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

[Notification No.6/19-SO-Prs-II-HD/80-In exercise of the powers conferred on him under section 59 of the Prisons Act, 1894 (XI of 1894) the Governor of the Punjab is pleased to direct that in rule 75 (I) of the Pakistan Prisons Rules, 1978, the following amendment shall be made: -

Rule 75.—(I) The following articles shall also be included in the list of articles which the prisoners are allowed to keep with them for use in the prison under rule 75 (I) of the Pakistan Prison Rules 1978.

- (1) Mug, cup or piala along with plate for taking tea
made of plastic or china clay.....1
- (2) Plate made of Plastic, china clay, enameled etc.....1
- (3) Mug made of Plastic enameled, etc.....1]

(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, for reasons to be recorded in writing refuse to allow retention of ornaments in any particular case for disciplinary reasons.

Women prisoner 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.--Prisoner property shall be dealt with in accordance with the following rules:

- (a) 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

*Rule 77.--*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 labeled 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 disbursement is 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 any 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 the amount shown in the cash book under the same head.

Disposal of property on transfer of a prisoner

*Rule 79.--*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

*Rule 80.--*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

Rule 81.-- 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

Rule 82.-- 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 prisoners possession

Rule 83.-- (i) A prisoner at the time of his admission to prison on transfer 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 person who discovers it, on the following scale -

Upto Rs. 100	50%
Rs. 101 to Rs. 200	40%
Rs. 201 to Rs. 500	33. 1/3 %
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-B-Jails Miscellaneous"

(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 on a prisoner. Valuable articles shall be sold by public auction and the sale proceeds deposited in the local treasury.

(iv) Where any money or other prohibited articles are found in a prisoner's possession after his admission to the prison, an inquiry shall be instituted by the Superintendent himself to determine as to how the prisoner came to be in possession of the money or other prohibited article, and if negligence or collusion on the part of a prison official is found, departmental proceeding shall be taken against such official, and a report in this behalf be submitted to the Inspector General

Prisoners may be allowed to issue cheques

Rule 84.-- Cheques may be issued by prisoners while confined in prison on the following conditions: —

- (a) A cheque for not more than 500 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 500 rupees is required at any time, the relatives of the prisoners should get a written permission from the District Magistrate.
- (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

Rule 85.-- 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 cash deposit, if any, deposited into local treasury as unclaimed property.

Property of deceased prisoners

Rule 86.-- (i) On the occurrence of a prisoner's death, his relatives shall be informed through the District Magistrate 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 Magistrate of his district, all transit charges being paid by such heirs. In the absence of such instructions, the property shall be sold and the 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 Magistrate.

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 his relative

Rule 88.-- 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 columns 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

Rule 89.-- 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. the quantum of compensation payable to the prisoner on the basis of the money or property lost shall be substituted.**

CHAPTER 5
Appeals and Petitions

Facilities to prisoners for filing appeals

Rule 90.-- 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

Rule 91.-- (i) The periods allowed for appealing are as follows:

- (a) Appeal from the decision of a Magistrate to the District Magistrate 30 days
- (b) Appeal to the Sessions Judge 30 days
- (c) Appeal to High Court against a sentence of death 07 days
- (d) Appeal to the High Court in all other cases 60 days
- (e) Petition for special leave to appeal to Supreme Court 30 days

(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

Rule 92.-- Every convicted prisoner shall be allowed reasonable opportunity of interviewing his relatives, friends and legal advisors for the purpose of preparing his appeal.

Every such interview shall be allowed within sight, but out 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

Rule 93.-- 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

Rule 94.-- (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 appelland.

(iii) An appeal preferred by a prisoner from the prison should, before dispatch, 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.

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 summons cases convicted prisoners are entitled under section 371 (1). Criminal Procedure Code, to a copy of the judgment free of cost. In summons cases no court fees 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.

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.

When an appeal is not desired

Rule 95.-- 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

Rule 96.-- 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

Rule 97.-- 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

Rule 98.-- If the result of an appeal to the District Magistrate or Session 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 concerned 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

Rule 99.-- If an Appellate Court directs that a prisoner be retried and a warrant for his release on bail or for his custody pending trial is not received at the same time, the prisoner shall, unless he has to undergo a sentence on 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.

Petition from prisoners sentenced by court martial

Rule 100.-- 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 authorized 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 or petitions addressed to the President of Pakistan or to any Civil authority will be forwarded to the Adjutant-General, General Head-quarters, Rawalpindi, Director of Personnel, Naval Head-quarter, Karachi or Director of Personnel, Air Force Headquarter, Peshawar as the case may be, for disposal.

Petition for clemency

Rule 101.-- 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

Rule 102.-- (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 from 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:

Rule 103.-- (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 Courts 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 Home Affairs, Home Division. In case, however, the Provincial Government decides to commute the sentence, the petition to the President shall be withheld 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 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 consider, the petition addressed to it or not. In the following circumstances, however, the Provincial Government, whether it considers the petition or not, shall forward the petition to the Secretary to the Government of Pakistan, Home Affairs 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 renders 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 arouse.

(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 the Pakistan, Home Affairs Division, as expeditiously as possible, and upon receipt of the President's orders shall immediately send an

acknowledgement 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 receipts

(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, the Superintendent shall certify that the execution remain stayed pending 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 the 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 the Interior.

Fixing of date of execution

Rule 105.-- (i) On receipt of In the event of the final orders of the government to carry out execution, the Superintendent Jail 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 Session Judges 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. 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 shall be intimated to the Provincial / The Federal Government through the fastest means of communications

(iii) The Superintendent of jail shall make arrangements for the summoning of relatives and friends of the condemned prisoner for the last interview, making of will, if any, and such like other purposes.

Superintendent to visit his office on the morning of execution

Rule 106.-- 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

Instruction regarding submission of mercy petitions of condemned prisoners

Rule 107.-- 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 the 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" standardised for use in all prisons.

Procedure of opening dak relating to condemned prisoners in prison

Rule 108.-- 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

Rule 109.-- 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

Rule 110.-- Orders of the Governor rejecting the petitions 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

Rule 111.-- 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.

Rule 112.-- 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

Rule 113.-- 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 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 release 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 at least 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 borne 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.

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 preceding 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

Rule 120.-- (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

Rule 121.-- (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

Rule 122.-- (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 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

Rule 123.-- 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 entitled 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

Rule 124.-- (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

Rule 125.-- 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 release of a prisoner transferred

Rule 126.-- 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

Rule 127.-- The Superintendent shall not release any prisoner on the authority of any informal document. Release orders duly signed by the Magistrate 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 Magistrate are genuine and that the particulars noted in the release orders 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

Rule 128.-- No prisoner shall be released on the authority of a telegram except in the case of a 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

Rule 129.-- (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 Magistrate, intimation in writing that such bail 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 by the Deputy Superintendent in the absence of the Superintendent.

Prisoners on release to be furnished with certificate

Rule 130.-- 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.

Return of prisoner's property on release

Rule 131.-- (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

Rule 132.-- (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 weather 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 traveling by night.

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

Meal to prisoners on release

Rule 133.-- Prisoners shall be supplied with meals before release.

Scale of subsistence allowance to be paid to prisoners

Rule 134.-- The following scale of diet money is laid down for prisoners possessing 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, ten rupee for every 24 Km-140 M or part thereof.
- (ii) 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. ten rupee for every days or part of the days 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 1Km-610 M. Conveyance may also be provided for short distances in case in which for reasons of health or custom or other valid reason failure to make such provision would cause undue hardships to the 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

Rule 135.-- Every prisoner whose home is more than Six Km 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 any 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

Rule 136.--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

Rule 137.-- (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.

Release of Juvenile prisoner

Rule 138.-- (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 and 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.*

Release of Police Registered prisoners

Rule 139.-- (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 of 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.

Case of a prisoner seriously ill on release

*Rule 141.--*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

Rule 142.-- (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 District Magistrate 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 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

Rule 143.-- (i) The Superintendent may release a prisoner suffering from serious illness with the consent of the District Magistrate 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, if a convict, 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 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

Rule 144.-- If the District Magistrate dissents from the Superintendent's recommendations, the case shall be submitted through the Inspector General to Government for orders.

Release of prisoner on short parole

*Rule 144-A--*¹ [(i) Government, after considering the circumstances, may release a convict, other than a person convicted of an offence punishable with death or for life imprisonment, undertrial prisoner or detinue, on parole for a maximum period of seven days on furnishing surety to the satisfaction of the authority competent to sanction the parole.

(ii) The security of the prisoner released on parole under sub-rule (i) shall be the responsibility of the police].

Cases not provided for in the foregoing rules

Rule 145.-- Cases not provided for in 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 recommendation from the Inspector General.

Release of prisoners on grounds of old age, infirmity or illness

Rule 146.-- 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**.

1. Amended vide Government of KPK Home Department Notification No.5/18-SO(Prs.)HD/08-SHORT PAROLE dated 17/12/2008

CHAPTER 7

Transfer of Prisoners

Note:- Transfer of prisoners within the Province is governed by Section 29, 37, and 39 and outside the Province by Section 40 of Prisoner's Act, 1900.

Power of inspector General to transfer of prisoners

Rule 147.-- 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

Rule 148.-- 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 belong or the prison nearest his home. The inspector General of the prisoner is being removed shall be informed :

Provided that if the Government appoints any prison or prisons as receiving centers 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

Rule 149.-- 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 prisoner to the Inspector General for transmission to Government.

Transfer of prisoners to other Provinces on reciprocal basis

Rule 150.-- 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

Rule 151.-- 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

Rule 152.-- 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) prisoner detained under the Reformatory Schools Act, 1897, and the Borstal or children Acts ;
- (iv) Court Martial prisoners;
- (v) habitual prisoners ;
- (vi) leper and tubercular prisoner ;
- (vii) prisoners whose transfer is necessary to relieve over-crowding;
- (viii) prisoners with special qualifications whose services are required else where;
- (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 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

Rule 153.-- The Superintendent may recommended 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 it transferred and should also be recorded on the history ticket of the prisoner.

Transfer of adolescent, habitual and other prisoner

Rule 154.-- (i) All male adolescent prisoners under the age of 21 years with sentences of three months or over shall immediately on conviction be transferred to the Borstal Institution and Juvenile Prison.

(ii) All women prisoner 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 terms, to central prisons nearest their homes.

Transfer of leper and tubercular prisoners

Rule 155.-- Leper and tubercular prisoners shall be transferred to prisons specially reserved for them. Medical history and record of the case must invariable 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 of sanction and formal sanction may be obtained afterwards.

Transfer of local prisoners whose sentences exceed five years

Rule 156.-- Prisoners whose sentences exceed five years shall not be confined in a prison, which is situated in the home district or which is close to their homes.

Adult male prisoners where to be confined

Rule 157.-- 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.

Powers of Inspector General as to detention and transfers

Rule 158.-- Nothing contained in these rules regarding the confinement of prisoners in prisons, shall be deemed in any way to interferes 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 or transferred to any prison or class of prisons.

Provided that in the case of an under trial prisoner who is transferred to another jail, the Court trying such prisoners shall forthwith be informed of such transfer

Transfer of prisoners for purpose(s) of release

Rule 159.--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.

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

Rule 160.-- 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 ways.

Prisoner not ordinarily to be transfer

Rule 161.-- (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 **assault** of the appeal is known or **is** appeal is not preferred, **the** 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

Rule 162.-- (i) Infirm 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

Rule 163.--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.

Rule 164.--(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 alter 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 declare free from infection.

Descriptive roll to be submitted

Rule 165.-- 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

Rule 166.-- 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 upto 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

Rule 167.-- 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)

Rule 168.-- 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

Rule 169.-- 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 re-delivered to the prison.

Order to be transmitted through the District Magistrate

Rule 171.— Subject to the provision of section 37 and 39 of the Prisoners Act, 1900, when any prisoners, 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 Magistrate within the local limits of whose jurisdiction the person is confined and the District Magistrate shall cause it to be delivered to the Superintendent of the prison in which the prisoners is confined.

OMITTED AS PER AMENDMENTS DATED 13 th MAY 1996

Intimation to the receiving prison

Rule 172.-- When prisoners are transferred from one prison to another, the Superintendent shall send intimation to the Superintendent of 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

Rule 173.-- The scale of police escort for prisoners is: —

For one prisoners...	...	...	...	Two constables,
For two to four prisoners...	...	...	...	Two constables.
From five to nine prisoners..	...	...	...	One Head constable and three constables,
For ten to twelve prisoners..	...	...	...	One Head constable and four constables.

If the prisoner or prisoners are disparate 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 the prison.

Prisoners to be handcuffed before removal

Rule 174.-- Male prisoners except A Class prisoners and political detenues shall be handcuffed before removal from prison.

Imposition of fetters on transfer

Rule 175.-- (i)-- Prisoners admitted to Class 'A' or Class 'B' should 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 under trial 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 escape 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 that not be fettered.

Food of prisoner 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 mealtime, the officer-in-charge of the Police escort shall receive diet money for each prisoner at the rate of {Rs.3} 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 prisoner removed from prison

Rule 177.-- The Inspector-General shall from time to time fix the scale of diet for prisoner 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 con-fined, 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 {Rs.3} per prisoner per meal shall be paid to the Police escort by the Superintendent.

Money advance for road expenses and railway pass

Rule 178.-- A sum of money sufficient to meet all expenses together with a railway pass for the tickets required it the journey is to be performed by rail, shall be handed over to the warder in charge or the officer-in-charge of the escort as the case may be, by the Superintendent of the dispatching prison.

Different kind 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 in-ordinary third class carriages. 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 to Railway authorities

Class of train

Rule 180.-- (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 is desired to dispatch them.

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

Superior class prisoners may travel in a higher class

Rule 181.-- 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 them and for the Police escort they may be allowed to travel in a higher class.

Adjustment of traveling expenses

Rule 182.-- (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 dispatching prison.

(ii) The Superintendent shall furnish the warder in charge 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 the warder. In case the transfer

is outside the Province, the railway pass for the return journey should be issued in advance by the, dispatching 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 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 traveled.

(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 endeavor 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 charge of under-trial prisoners

Rule 183.-- 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

Rule 184.-- 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 traveling by road

Rule 185.--(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 women 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

Rule 186.-- (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 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 in charge 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 fetters are securely riveted and the ankle rings do not come off the heels, if the prisoners are fettered.

Warder to accompany prisoners on transfer

Rule 187.-- (i) A warder shall accompany prisoners on transfer when their number exceeds twenty-five. He shall be in charge 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 of water supply, food, etc., en route and that the warder accompanying them understands his duties in this connection.

Duties of Warder or Police officer In charge of prisoners

Rule 188.-- 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 wader shall be: —

- (a) To arrange and provide the prisoners with food and water when necessary. He shall carry enough buckets or earthen pitcher for storing water;
- (b) to preserve carefully and be responsible for the safe custody and safe delivery to 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 in charge 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 authorized food in the journey.

Documents etc., to be examined on arrival

Rule 189.-- On the arrival of the prisoners at their destination the Assistant Superintendent in charge 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 far prisoners, etc., Government property to be returned

Rule 190.-- The receiving prison shall duly acknowledge the receipt of the prisoners and other documents and property relating to them. One copy should be made over 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 into standard should be returned instead.

Procedure when property in retained by receiving prison

Rule 191.-- 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

Rule 192.-- If it be found on the arrival of the prisoners at 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

Rule 193.-- When a prisoner on transfer becomes ill as to be unable to complete the journey, he should be at the nearest Police Station and taken whet sufficiently will 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 prisoner before he can be received in any prison

Rule 194.-- If a prisoner dies on transfer and before he can be received in any prison en route, the officer in charge of the police escort should report the fact to the District Magistrate or the officer-in-charge of the Sub-Division, 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 proceeding of the enquiry to the Inspector General.

Escape enroute

Rule 195.-- If an escape occurs en route, intimation, of the 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

Rule 196.-- A prisoner who escapes on transfer shall, if recaptured be sent to the prison from which he was dispatched. A report of the recapture of a prisoner shall be sent to the Inspector-General.

Transfer of prisoner to Civil Hospitals in case of serious illness

Rule 197.-- (i) Where it is necessary to remove a convicted prisoner or an under trial prisoner to be 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 is to be admitted to the hospital for treatment provided that in emergent cases the superintendent of the prison is authorized to anticipate the sanction of Government and if he does so, he should make an immediate report through the Inspector General.
- (b) In case 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 empowered to authorize the visit himself

(i-A) Where a court directs that an under-trial prisoner be taken to a hospital as an outdoor patient or for an X-Ray examination the Superintendent shall as soon as possible arrange for such under trial prisoner to be taken to the hospital for such purpose and if the Medical Superintendent of the Hospital or the Civil Surgeon certifies that it is necessary to admit such under-trial prisoner in the hospital, the Superintendent shall authorize the admission of the under trial prisoner in the hospital and make an immediate report, to the government through the Inspector General

(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 the Government in all cases in which he allows a prisoner to be moved in anticipation of sanction.

(iii) In all cases in which a prisoner is removed to hospital for the purposes of an operation, the removal should take place as close as possible for 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 should 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

Rule 198.-- In these rules, unless the context otherwise requires, the following expressions shall have the meaning-here by 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 of 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

Rule 199.-- 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 remissions

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
- (iii) 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 I. 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 II 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.

Ordinary remission not earnable for certain offence committed after admission to prison

Rule 202.-- 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

Rule 203.-- 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

- Rule 204.--* (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; and
 - (b) Three days per month for industry and the due performance of the prescribed daily task.
- (ii) Ordinary remission to be awarded to prisoner employed on prison service, as specified in the table below, shall be according to the scale specified against each category of such service:-

TABLE		
Serial No.	Prisoners classification as per labour allotment	Extent of award of ordinary remission per month
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, Hospital Attendant, Cleaner and prisoners who work on Sundays and holidays.	6 days

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

Rule 205.-- (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.

(ii) 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 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.

Application of remission system

Rule 206.-- (i) Remission shall be calculated from the first day of the calendar month next following the date of the prisoner's sentence.

- (ii) A prisoner who after having been released on bail or because his sentence has been temporarily suspended is afterwards re-committed 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.
- (iii) Remission awarded to prisoners specified in sub-rule (ii) 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

Rule 207.-- 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

Rule 208.-- (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

Rule 209.-- (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

Rule 210.-- No prisoner shall receive ordinary remission for the month in which he is released; provided that if in calculating the 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

Rule 211.-- (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 recommitment 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 14th 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 complete three years of his sentence without having committed during the whole of his period any prison offence what so ever shall in addition to the annual remission of fifteen days under sub-rule (i), be granted, at the end 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

Rule 212.-- (i) A convicted prisoner shall be allowed to donate blood and for such donation he shall be awarded ¹[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 below:

TABLE

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

- (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 sterilization (vasectomies tuberculization) shall be awarded thirty days special remission. He shall also be allowed to receive a monetary award (if any) from the Family Planning Department.

1. Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs:)HD/2004 dated 04/09/2004

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 out-turns 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
- (ix) Regular prayers and observance of fasts during Ramadan.

Education remission

Rule 215.-- (i) “A convicted prisoner, who has ¹[not] already passed an examination specified in the table 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 shall be entitled to earn one remission for each such examination, but shall not be entitled to earn more than two remission ; and Provided also that the he is certified by the Superintendent to have been of good character.

TABLE

<u>Serial No.</u>	<u>Name of the Examinations</u>
(1)	Examination of reading Holy Quran to be conducted by a committee constituted under this rule for prisoners who learn to read Holy Quran during confinement
(2)	Oriental language examination in Arabic, Urdu, Bengali, Punjabi, Persian. ‘Sindhi and Pushto languages.
(3)	An examination conducted by a Technical Institution recognised 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)	L.L.B.
(9)	M.A.
(10)	² [Hafiz-e-Quran.
(11)	Translation of Holy Quran or Tafseer.
(12)	Sania Aama (Equivalent to Matric).
(13)	Sania Khasa (Equivalent to F.A)
(14)	A’lia (Equivalent to B.A).
(15)	A’limia (Equivalent to M.A).]

1 & 2. Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs.)HD/2003-Vol-I dated 29/10/2003

(ii) (a). The scale of remission shall be as follows :-

1. ¹[For prisoners undergoing substantive sentence upto two years.....4 months
2. For prisoners undergoing substantive sentence exceeding Two years but not exceeding 6 years.....6 months
3. For prisoners undergoing substantive sentence exceeding 6 years but not exceeding 10 years.....8 months
4. For prisoners undergoing substantive sentence exceeding 10 years.....12 months

(b) A prisoner who learns the Holy Quran by heart or learns Translation / Tafseer of Holy Quran during his stay in the prison and is certified as such by the committee constituted under sub-rule (v) shall, in addition to the above remission, be entitled to the following scale of remission namely:

1. For convicts undergoing sentence upto 3 years.....6 months
2. For convicts undergoing sentence exceeding 3 years But not exceeding 6 years.....12 months

3. For convicts undergoing sentence exceeding 6 years
But not exceeding 10 years; and18 months
4. For convicts undergoing sentence exceeding 10 years.....2 years]

(iii) Remission under this rule shall be granted by the Inspector General and the recommendation for such remission shall be accompanied by the provisional certificate, degree or diploma.

(iv) Remission under this rule shall be exclusive of the limit of one-third remission prescribed in rule 217.

(v) ¹[For the purpose of examination of reading Holy Quran, Hifz-e-Quran or translation of Holy Quran / Tafseer, the committee shall consist of :-

- (a) Superintendent of the Prison.
- (b) District Khatib, and.
- (c) Representative of Education Department.]

**AMENDED RULE 215 VIDE HOME DEPARTMENT NWFP NOTIFICATION
NO.SO(PRISONS)HD/2003-VOL:I DATED 29-10-2003**

Rule 215.

- (i) in sub-rule (1)
- (a) After the words "who has" the word 'not' shall be inserted;
- (b) In the table, regarding Examiantion, after S.No.9. The following new entries shall be inserted, namely:-
10. Hafiz-e-Quran.
 11. Translation of Holy Quran or Tafseer.
 12. Sania Aama (Equivalent to Matric).
 13. Sania Khasa (Equivalent to F.A)
 14. A'lia (Equivalent to B.A).
 15. A'limia (Equivalent to M.A).
- (ii) for sub-rule (ii), the following shall be substituted, namely:
- (ii)(a) The scale of remission shall be as follows:
- (i) For prisoners undergoing substantive sentence upto two years : 4 months
 - (ii) For prisoners undergoing substantive sentence exceeding Two years but not exceeding 6 years. 6 months
 - (iii) For prisoners undergoing substantive sentence exceeding rs but not exceeding 10 years. 8 months
 - (iv) For prisoners undergoing substantive sentence exceeding 10 years. 12 months
- (b) A prisoner who learns the Holy Quran by heart or learn Translation/Tafseer of Holy Quran during his stay in the prison and is certified as such by the committee constitute under sub-rule (v) shall, in addition to the above remission, be entitled to the following scale of remission, namely:
- (i) For convicts undergoing sentence upto 3 years; 6 months
 - (ii) For convicts undergoing sentence exceeding 3 years but not exceeding 6 years:.. 12 months
 - (iii) For convicts undergoing sentence exceeding 6 years but not exceeding 10 years; and 18 months
 - (iv) for convicts undergoing sentence exceeding 10 years.. 2 years

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. Superintended	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

Rule 217.-- (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 sterilization 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 lifter 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

Rule 218.-- Special remission is awarded by Government on occasions of public rejoicing. It is granted unconditionally under section 401 (1) of the Criminal Procedure Code, 1898, and is not governed by these rules.

Remission in calculating date of release

Rule 219.-- 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

Rule 220.-- 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

Rule 221.-- 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 an history ticket and remission sheet of prisoner on transfer

Rule 222.-- (i) When a prisoner is transferred to another prison, the total amount of remission earned by him upto the end of previous month 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 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 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 prisoners

Rule 224.-- 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

Rule 225.-- (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 prisoners 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

Rule 226.-- 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 habitual 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

Rule 227.-- 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

Rule 228.-- 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) Sent to Sessions.
- (b) Sent to other Courts.

Classification of women prisoners

Rule 230.-- Women prisoners will be classified in the same manner as is provided in the case of males.

Separation Of Prisoners

Rule 231.-- 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. **institution or jail, or if there be no separate institution or jail in any area, in a separate part of the same prison in such manner as to prevent their meeting or holding communication with adult prisoners**
- (iii) Under trial 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 all other prisoners.

Further provisions regarding separation

Rule 232.-- Separation of the following prisoners shall, to the extent to which it can in each prison be observed, be carried into effect

- (i) Under trial prisoners who have been committed to Sessions, shall be kept separate from under trial prisoners who have not been to 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

Rule 233.-- 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.

Association and Segregation of prisoners

Rule 234.-- 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

Rule 235.-- 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.

Occupation of vacant cells

Rule 236.-- Cells not in a use for purposes of punishment or 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.

Separation of habituals

Rule 237.-- Habitual prisoners shall be subjected to the system of separation prescribed in the preceding rules in relation.

Separation of casuals

Rule 238.-- If at any time there are more cells in any prison than suffice for the separation of all habituals, prisoners of the casual class shall be confined in cell by night only in rotation.

Procedure when separation by day is not feasible

Rule 239.-- A convicted prisoner who would ordinarily 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 any offence

Rule 240.-- 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

Rule 241.-- 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 arrangement for separation as are under the circumstances practicable shall be made.

Rules for the classification of prisoners into A, B and C Class

Rule 242.-- (i) Convicted shall be divided into three classes; A, B and C class. Class A 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 engaging 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 at 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.

Superintendent may award B class to convicted prisoners.

Rule 244.-- In case convicting Courts 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 requires verification, further enquiries should be made from the ¹[District Revenue Officer] or any other source. The recommending

1. Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs.)HD/2003-Vol-I dated 29/10/2003

authority may either defer making any recommendations until it has received the information asked for or may make the recommendations on the materials available and state that the result of further enquiries will be submitted when received.

(AMENDED VIDE HOME DEPTT: NWFP NOTIFICATION No.4/44-SO(Prs:)HD/2003-VOL: I DATED 29-10-2003.

In rule 245, the words “District Magistrate”, the words “District Revenue Officer” shall be substituted.

Disagreement between the convicting Court and the District Magistrate.

Rule 246.-- In case in which there is disagreement between the convicting Court and the District Magistrate as to the classification of any prisoner, the District Magistrate shall decide the class in which a convicted prisoner shall be kept pending final orders of the Government.

Condemned prisoners governed by these rules

Rule 247.-- The above rules shall also apply to the prisoners under sentence of death.

Classification of under trial prisoners.

- Rule 248.--* (i) There shall be only two classes of under trial prisoners,
- (a) Better class; and
 - (b) Ordinary class.
- (ii) Better class will include those undertrial 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.
- (iii) Before and undertrial prisoner is brought before a competent, Court it will be at the discretion of the Officer Incharge of the Police Station to properly classify him. After he is brought before the Court, he will be classified by that Court, subject to the approval of the District Magistrate.
- (ii-a) Members of the Senate, National Assembly, Provincial Assembly, officers of grade 17 or above in the Federal or Provincial Government, Commissioned Officers in the defense forces or the Rangers, Mayors of Metropolitan Corporations, Chairman of Municipal Corporations and District Councils, officers in autonomous institutions or corporations established or controlled by the Federal or any Provincial Government, holding posts equivalent to or higher than grade 17 in Government, and any person paying income tax or agricultural/wealth tax not less than Rs. 10,000/- per year shall be classified as better class facilities, both in the jails, and sub-jails and while in police custody.
- (ii-b) Those under trial prisoners who pass matriculation or higher examination in 1st Division during their stay in the Jail shall be allowed better class Jail facilities with effect from the date of result is announced
- (iii) The court competent to try a prisoner, if it is satisfied that the prisoner by reason of his exceptionally high educational or professional qualification or his status is accustomed to a superior mode of life, may, by an order in writing, with reasons therefore, classify such prisoner as better class prisoner. Provided that if such order is passed by any court sub-ordinate to a Sessions Court. The order shall be subject to approval of the ¹[District Revenue Officer.]

Classification of political prisoners.

Rule 249.-- Classification of political prisoners will be determined by the authority ordering their detention 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 the Government; and
- (iii) Under-trial prisoners admitted to superior class by order of the Courts. (¹subject to the revisional order of the District Magistrate(deleted vide KPK Home Department Notification No.4/44-SO(Prs:)HD/2004 dated 04/09/2004).)

Application of general rules

Rule 251.-- Except as provided in this chapter, all prison rules shall also apply to superior class prisoners.

Accommodation

Rule 252.--(i) Superior class prisoners shall, where such accommodation is available, be kept apart from other prisoners and accommodation 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 a 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

Rule 253.-- 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

Rule 254.-- (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 any additional expenditure.

(ii) This facility shall not be permitted to condemned prisoners admitted to superior class.

Furniture

Rule 255.-- (i) Rooms shall be supplied with following articles: —

One cot, one chair, one teapoy, one lantern if there is no electric light, one shelf, and necessary washing and sanitary appliances.

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 bathrooms 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 table-lamp or light for reading upto to 10 pm.

¹. Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs:)HD/2004 dated 04/09/2004

Exercise and games

Rule 256.-- When there is only one superior class prisoner, he should be allowed walking or some other physical exercise for ¹[two hours daily i.e one hour in the morning and one hour in the evening]. Where the number of such prisoners exceeds one, outdoor games such as volleyball, deck tennis and badminton may be allowed at the discretion of the Superintendent, provided that the space in the enclosure permits it. The initial expenditure in every case shall be paid by the Government. Indoor games such as cards, carom or chess may also be permitted at the cost of the prisoners.

Sanitary and bathing arrangements

Rule 257.-- (i) They shall be allowed reasonable facilities for bathing, latrines, etc. with due regard to the provision of privacy. The use of toilet and washing soap shall also be allowed. Superior class prisoners shall be allowed to keep the articles as permissible under rule 75.

- (ii) ¹[The following items will be allowed to superior class prisoners at their own expenses: -
- | | | |
|----|-------------------|--|
| 1. | Toilet soaps. | One cake weighing about 200 grams for a fortnight. |
| 2. | Washing material. | 200 grams laundry soap weekly. |
| 3. | Mustard Oil | 60 grams per week]. |

Cooking arrangement

Rule 258.-- ²[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 cooking].

Utensils

Rule 259.-- (i) 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.

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		Diet Scale for	
	Vegetarians			
Eaters	Kgr.	Grams.	Kgr.	Grams.
Wheat atta		0 583		0 583
Dal		0 117		0 117
Meat		0 75		
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
Vegetables		0 117		0 233
Potatoes		0 117		0 117
Condiments		0 15		0 15
Salt		0 15		0 15
Firewood		1 866		0 886

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 Grams.

(iii) Loaf bread weighing upto 467 Grams. May be substituted for wheat atta, in one case of foreigners or Pakistanis accustomed to western diet. 467 Grams. Rice may be substituted for 583 Grams. Wheat-atta in case 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.

Clothing and bedding

Rule 261.-- (i) ¹[Superior Class convicted] prisoners may, within reasonable limit, wear their own clothing and provide their own bedding, shoes, etc.

(ii) ²[Superior Class convicted] prisoners who prefer prison clothing etc, 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

2 dasuti shirts or kurtas
2 dasuti shalwars or trousers
2 cotton azarbands
2 towels
2 dasuti caps
2 dasuti pillow covers
1 pillow case filled with cotton.
2 dasuti bed sheets
1 blanket
1 cotton durree

During winter

1 woolen jersey
2 blankets
1 dasuti mattress

Women Prisoners: throughout the year

2 cotton shalwars
2 dosuti pillow covers

1 cotton shirts
 6 napkins
 2 cotton dopattas of coarse muslin
 2 cotton Azarbands
 2 towels
 2 dasuti pillow covers.
 1 pillow case filled with cotton.
 2 dasuti bed Sheets
 1 blanket
 1 cotton duree

During winter

3 blankets
 1 dasuti mattress
 1 woolen Jersey

¹[One foam mattress five cm thick in addition to cotton duree already provided].

Mosquito Nets

Rule 262.-- Superior class prisoners may be permitted to use mosquito nets at their own expense.

Facilities for reading

*Rule 263.--*²[In addition to the books from prison's library, a prisoner may have any reading material legally available in the market from private source, subject to clearance of Superintendent].

Electric Fans

Rule 264.-- 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

*Rule 265.--*³[Superior class prisoners shall be allowed to write letters and have interviews twice a week. On urgent occasions such as death or serious illness in a prisoner's family, this rule may be relaxed at the discretion of the jail authorities. The number of person who may visit a prisoner per day shall be limited to six. This facility may also be provided to all ordinary prisoners by the superintendent].

Menial duties

*Rule 266.--*⁴[Menial duties will be discharged by the prison servants who shall not be used as personal servants by superior class prisoners].

Punishments

*Rule 267.--*⁵[Superior class prisoners shall be subjected to the general rules, regarding punishments, except whippings. Punishments inflicted upon superior class prisoner shall immediately be reported to the Inspector General. In case of misbehavior, 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

Rule 268.-- 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

Rule 269.-- (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 them-selves and for 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 under-trial prisoners

Rule 270.-- (i) **Accommodation:--** As far as possible they will be provided with accommodated 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 as 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 ¹[lighting timings shall be 10:00 p.m in winter and 11.00 p.m in summer].

(v) ²[The letters of suspected prisoners shall be subject to censorship by concerned agencies].

(vi) 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

Rule 271.-- Except as otherwise provided in this chapter, all the Prison Rules shall apply to prisoners sentenced to simple imprisonment. They shall be subject to as little restriction as is consistent with the maintenance, of order and discipline in the prison.

Restriction against transfer

Rule 272.-- Prisoners sentenced to simple imprisonment shall ordinarily be detained in the prisons to which they are committed.

Can wear their own clothes

Rule 273.-- (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 makeup the deficiency. Prisoners classed as ¹[dangerous] 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 the privilege of being allowed to wear his private clothing or any portion of it.

Clothing for military prisoner

Rule 274.-- 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 is clothing by the Superintendent. This will not exceed the scale provided for the prisoners sentenced to rigorous imprisonment.

Utensils and bedding

Rule 275.-- 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

Rule 276.-- 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

Rule 277.-- 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
- (ii) Shall be allowed to discontinue work if he so desire

1. Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs:)HD/2004 dated 04/09/2004

- (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

Rule 278.-- (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 formative 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

Rule 279.-- 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 offender

Juvenile and youthful offenders

Rule 280.-- (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

Rule 281.-- 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 District Magistrate to send the boys to Reformatory School

Rule 282.-- 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 District Magistrate under section 10 of the Reformatory Schools Act of 1897, for an order of detention in the school. The District Magistrate may, if such youthful offender appears to be a proper person to be an inmate of a Reformatory School, direct that instead of undergoing 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

Rule 284.-- An order of detention in the Reformatory School, under sections 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 School 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)

Age at conviction	Period
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

Rule 285.-- 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 District Magistrate to the Reformatory School. There should he 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

Rule 286.-- If accommodation in a Reformatory School is not immediate 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 happens first. Should the term of his original sentence first expire, he shall be released, hot 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

Rule 287.-- When any male Prisoner less than 21 years of age is convicted of an offence by 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 association with persons of bad character it is expedient, in the opinion of 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 District Magistrate for detention in a Borstal Institution

Rule 288.-- Whenever it appears to the Superintendents of prison that any male prisoner less than 21 years of age sentenced to rigorous imprisonment for an offences 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 District Magistrate in whose jurisdiction the prison is situated, and if the District Magistrate in whose jurisdiction the prison is situated, and if the District Magistrate after making such enquiry as he may deem proper or as 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 of 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 at the offender before the passing of an order of detention

Rule 289.-- Before passing an order of detention under any Act pertaining to detention of juvenile delinquents the Magistrate or the District Magistrate 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

Rule 290.-- 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

Rule 291.-- 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.

Juveniles female prisoners where to be confined

Rule 292.-- Juvenile female convicted prisoners shall be transferred immediately on conviction to the Women's prison.

Juvenile prisoners to be designated as Inmates

Rule 293.-- Convicted prisoners confined in the Borstal Institution and Juvenile Reformatory Centre, shall be designated as inmates.

Separation of Juveniles

Rule 294.-- 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 Juvenile

Rule 295.-- All juvenile 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 shortness of sentence, of course operates against any manifest result, but experience has shown that with young prisoners of this age, much can be affected by close personal interest and oversight of minor breaches 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

Rule 296.-- 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 looking 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

Rule 297.-- 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 enable him to earn an honest livelihood.

Education

Rule 298.-- (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 Matric standard as laid down for schools by their 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 Quran Sharif.

(ii) A well-stocked library shall be provided in the Borstal Institution and Reformatory Centre.

Physical drill, gymnastics and games.

Rule 299.-- (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 playground shall be provided in the jails

Young adults in Borstal Institution and Reformatory Centre

Rule 300.-- 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

Rule 301.-- 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

Rule 302.-- 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.

Rule 303.-- (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 pm
- (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 juveniles prisoners after release

Rule 304.-- 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 this residence at least one month before the date of release.

CHAPTER 13 Women Prisoners and Children

Separation of prisoners

Rule 305.-- Women prisoners both convicted and under-trial, shall, as required by section 27 of the Prisons Act 894, 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

Rule 306.-- 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

Rule 307.-- (i) Women prisoners with sentences of less than two months shall be confined in the prison 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

Rule 308.-- Women prisoners fall into the following age groups: —

- (1) Juveniles Those under 16 years of age
- (2) Adolescent Those from 16 to 20 years of age.
- (3) Adults Those over 20 years of age.

Separation of different classes of women prisoners

Rule 309.-- 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

Rule 310.-- 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

Rule 311.-- (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 ¹[lawful] purpose.

(ii) Every women prisoner who is authorized to leave the women's enclosure shall be accompanied by and be in the custody of a women warder from the time she leaves the enclosure until she has been brought back to it.

Work

Rule 312.-- Women convicted, prisoners shall ordinarily be employed on spinning, newar-making, etc. and shall, whenever possible be given instructions in needlework, knitting and other domestic industries. They shall not be employed on grinding grain or similar irksome work.

Bar to certain kinds or punishment

Rule 313.-- 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

Rule 314.-- 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 the 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 woman 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

Rule 315.-- 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

Rule 316.-- (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

Rule 317.-- (i) Women prisoners shall be supplied with a comb for their hair. They shall be given ¹[one medium size soap cake and one medium size bottle of mustared 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 bathrooms shall be provided in the women's ward.

(iii) Every women prisoner shall be provided with a cot, a mattress and a pillow.

1. Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs.)HD/2004 dated 04/09/2004

Supply of food

Rule 318.-- 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

Rule 319.-- 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 the 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

Rule 320.-- (i) The keys to 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 her other keys to the Deputy Superintendent. The key to the other lock will remain by day in the custody of the head warder on duty and by night at the main gate.

Women's prison

Rule 321.-- (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 neighbouring prison as an additional duty, but the supervisory, custodial and instructional staff shall all be female. 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 prison unless accompanied by the Lady Deputy/ Assistant Superintendent.

(iv) Only ladies shall be appointed as non-official visitors for the women's Prison.

Women prisoners in an advanced stage of pregnancy.

Rule 322.-- 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

Rule 323.-- 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 midwife so deputed to prison, but they shall be entitled to conveyance charges to and from the prison.

Under-trial women prisoners expecting confinement

Rule 324.-- The case of under-trial women prisoners expecting confinement shall be referred to the District Magistrate 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

Rule 325.-- In the event of a child being born in a prison notice of the birth shall be sent to the municipal authorities.

Children to be allowed to remain with their mother

Rule 326.-- Women prisoners shall be allowed to keep their children with them in prison till they attain the age of ¹[six years].

Cases in which a child cannot be kept in a prison

Rule 327.--(i) No woman prisoner shall be allowed to keep a child who is over the age of ²[six] 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 ³[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 ⁴[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 provide she is ready and also capable to look after it.

(ii) ⁵[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 District & sessions Judge shall, with the help of any welfare society or individual, arrange for her marriage].

Diet and clothing for children

Rule 328.-- Children in prison shall be provided with such clothing as the Superintendent may prescribe in writing. The scale of diet for children is prescribed in rules pertaining to dietary.

1, 2, 3, 4 & 5. Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs.)HD/2004 dated 04/09/2004

CHAPTER 14

Prisoners under sentence of death

Warrant of commitment for sentence of death

Rule 329.-- 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, the Session Judge, or the High Court will transmit a warrant of execution as the case may be, to the Superintendent of the prison in which the condemned prisoner is confined.

Search and confinement

Rule 330.-- 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, aluminum utensils and light chappals, the Deputy superintendent shall remove him to a cell and forthwith make arrangements for his watch and ward.

Cell to be examined. Facilities be provided

Rule 331.-- (i) The Deputy Superintendent or Assistant Superintendent in charge of condemned prisoners shall examine every cell in which a condemned prisoner is to be confined. 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

Rule 332.-- 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 guards.

Information to be supplied to prisoners

Rule 333.-- The date fixed for the execution, the periods within which appeals or petition must be submitted, and the result of the petition in each case, shall be intimated the condemned prisoner by the Deputy Superintendent or the Assistant Superintendent.

Light at Night

Rule 334.-- Electric light shall be provided from sunset to sunrise in condemned prisoner's cell, so that he may at all times remain under observation..

Munj mat not to be issued

Rule 335.-- Munj mat shall not be issued to any condemned prisoner. An extra blanket shall be issued.

The guarding of condemned prisoners

Rule 336.-- (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 of the establishment.

Number of warders required for guarding

Rule 337.-- (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 some 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 cell 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.

Rule 338.-- (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 or cell yard respectively, and shall keep him constantly in view.

(iii) He shall allow no person except authorized prison visitors, the Superintendent, Medical Officer, Deputy Superintendent and Assistant Superintendent, head warder on duty and the authorized menials 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

Rule 339.-- (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 as cannot be opened by any other key in use in the prison.

Occupation of cell yards - Precautions to be taken

Rule 340.-- (i) A condemned prisoner should (unless disallowed for special reasons by the Superintendent in writing), be permitted to occupy the courtyard for ¹[one hour], each morning and evening. ²[Not more than such prisoners] 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, ³[provided that the use of handcuffs during the walk shall be applied only in respect of terrorists and dangerous criminals].

(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 sweeper or other prisoner allowed to enter the cell of a condemned prisoner to perform any duty, shall first 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 grated door. The handcuffs can be removed in a similar manner, when he has been locked in the cell.

Duty of head warder over condemned prisoners

Rule 341.-- The head warder on duty shall visit the cells occupied by condemned prisoners frequently at uncertain hours during the day and night, and shall satisfy himself that the warder are alert on duty, the prisoners present, the cells secure and the lights 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

Rule 342.-- The Assistant Superintendent incharge shall have every condemned prisoner carefully searched 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.

Diet - Precautions to be taken

Rule 343.-- (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 warder on duty.

(ii) Prisoners under sentence of death shall be permitted 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 used of books

Rule 344.-- 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 Prisoner

*Rule 345.--*¹[Condemned prisoners are allowed to smoke at their own expense].

Prohibition against fetters

Rule 346.-- Condemned prisoners shall not be fettered except ²[for security reason] or when on transfer.

Precautions for women prisoners

Rule 347.-- In case of women 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 women warded 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 women 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

Rule 348.-- When a woman 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 women declares herself pregnant

Rule 349.-- When a women prisoner sentenced to death declares herself to be pregnant and the Medical Officer is unable to certify the correctness or 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 along-with the warrant shall be forwarded to the Session Judge.

The sentence may be postponed or commuted

Rule 350.-- 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 thinks fit, commute the sentence to imprisonment for life, ----- vide section 382, Criminal Procedure Code.

Evidence of condemned prisoners

Rule 351.-- 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 Prisoners Act 1900.

Communication of date and time of execution

Rule 352.-- When the date of execution has been finally fixed, the Superintendent shall inform the District Magistrate and the relatives and friends of the condemned prisoner by post and through the District Magistrate of the date and time of the execution.

Officer responsible for executions - Mishap to be reported

Rule 353.-- (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 arrangement for an execution. He shall ordinarily remain at headquarters during the 24 hours preceding the execution.

(ii) The occurrence of any mis-hap or departure from the rules; shall be reported to the Inspector General.

Place of execution

Rule 354.-- (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 to 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
(v)	For a prisoner under 140 Lbs. Weight	=	5 ½ feet

Height	=	5'--5"
Neck	=	<u>0—9"</u> 4'—8"

Weight	=	135 Lbs. 5'—6" <u>4'—8"</u>
Drop	=	0--10"

Description and testing of rope

Rule 355.--(i) A manila 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 execution are to take place. The rope should be 5M—80 Cm. 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 2M—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 to one and 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 drop

Rule 356.-- (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: -

	Kgr. Gr.		Cm.	Mm
For a prisoner under	45 – 310 weight	..	2 --	13
For a prisoner under	54 – 320 weight	..	1 --	82
For a prisoner under	63 – 510 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.

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 understands 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

Rule 358.-- The Superintendent, the Medical Officer and a First Class Magistrate deputed by the District Magistrate 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 Magistrate it is not necessary for another Magistrate to be present.

Prison guards at executions. Police force when necessary

Rule 359.-- (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

Rule 360.-- Whenever an execution is being carried out, the prisoners shall remain looked-up in their barracks and cells till the execution is over and the body is removed.

Time and day of execution

Rule 361.-- (i) Executions shall take place at the following hours: -

May to August	4:30 A.M.
March, April, September and October	5:30 AM.
November to February	6:30 AM..

(ii) Executions shall not take place on Fridays, gazetted holidays, the day following Friday and holiday and in the month of Ramzan Sharif.

Procedure to be adopted at execution

Rule 362.-- (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 Magistrate. Any other document requiring signature by the prisoner, such as his will, shall thereafter be signed by him and attested by the Magistrate. 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, Magistrate and Medical Officer have already taken their places, the Superintendent shall inform

the Magistrate 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 head and face and adjust the rope tightly round his neck, the noose being 3 Cm. 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.

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 a 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. ¹[The wali of the victim, if he so desires, shall be allowed to witness the execution].

1. Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs:)HD/2004 dated 04/09/2004

CHAPTER 15 Undertrial Prisoners

Admission of under-trial prisoners

Rule 365.-- 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 Magistrate who issued the warrant.

Warrants of detention

Rule 366.-- 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 Magistrate.

Examination of warrant

Rule 367.-- The Assistant Superintendent shall see that the warrant authorizing 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 in complete 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

Rule 368.-- 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 defense.

Medical Examination on admission

Rule 369.-- 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

Rule 370.-- Every under-trial prisoner shall on admission be provided with an under-trial prisoner's ticket on the prescribed form.

Periodical weightments

Rule 371.-- Under-trial prisoners shall be weighed on admission and subsequently every month and their weights entered on their tickets.

Examination by the Superintendent

Rule 372.-- 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

Rule 373.-- 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

Rule 374.-- (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

Rule 375.-- 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 the 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

Rule 376.-- 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

Rule 377.-- (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

Rule 378.-- 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.

Rule 379.-- (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

Rule 380.-- 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 prisoner

Rule 381.-- (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 soak 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

Rule 382.-- (i) The Superintendent of Police shall invariably inform the Superintendent Jail about the nature and background of dangerous characters on their admission to Jail, to take timely precautions for the 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

Rule 383.-- Under-trial prisoners shall be strictly segregated from convicted prisoners. The under-trial prisoners' 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

Rule 384.-- Any special directions given by a Magistrate, 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 prisoner not to alter their appearance

Rule 385.-- 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 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 punishments.

Books, newspapers, etc

Rule 387.-- 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

Rule 388.-- (i) When intimation is sent by a Magistrate, 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 prisoner going to Courts

Rule 389.-- A receipt shall be obtained from the officer in charge of the court 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 their being taken over from the Police.

Time for meal

Rule 390.-- 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

Rule 391.-- 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 District Magistrate to any instance in which this rule has not been observed.

Notice of discharge or release on bail

Rule 392.-- 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

Rule 393.-- 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

Rule 394.-- 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 District Magistrate

Rule 395.-- (i) Every District Magistrate shall visit once a month the under-trial prisoners confined in the prison or prisons under his jurisdiction with the express object of noting all those cases which appear to be delayed.

(ii) The Superintendent shall submit a monthly list to the District Magistrate 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

Rule 396.-- In the event of an under-trial 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

Rule 397.-- 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

Rule 398.-- When an under-trial prisoner dies in prison, the Superintendent shall at once report the occurrence to the District Magistrate and the Court under whose authority such under-trial prisoner was detained.

Approvers

Rule 399.-- (i) All prisoners who have accepted the tender 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 District Magistrate shall otherwise direct.

(ii) Except under the orders of the Superintendent no prison official below the rank of Assistant Superintendent who is in charge of prisoners of other classes, and no prison menial 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 District Magistrate 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 approved by the District Magistrate; 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 District Magistrate (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 District Magistrate. The Superintendent is allowed to withhold and confiscate any such letter, written communication, parcel, etc..

Disciplinary action against under-trial prisoners outside the precincts of prison

Rule 400.-- 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

Rule 401.-- 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

Rule 402.-- 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.
- (ii) Persons imprisoned under order of a Criminal Court under sections 318, 332 and 514 of the Code of Criminal Procedure.
- (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

Rule 403.-- Except as otherwise provided in this chapter, all prison Rules shall apply to civil prisoners.

Maintenance from private sources

Rule 404.-- 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

Rule 405.-- (i) Civil prisoners who are supplied with prison diet, shall, unless the scale of subsistence allowance (if any), 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

Rule 406.-- Civil prisoners not provided with prison diet, shall be permitted to use their own cooking utensils.

Subsistence Allowance

Rule 407.-- 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

Rule 408.-- (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

Rule 409.-- 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

Rule 410.-- 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

Rule 411.-- All articles purchase for civil prisoners, except those from prison stores, shall be purchased ¹[through] the Deputy Superintendent under the orders of the Superintendent .

Restrictions on transfer of food and clothing

Rule 412.-- 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 Superintendent thinks proper.

Supply of clothing and bedding to civil prisoners

Rule 413.-- 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

Rule 414.-- (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

Rule 415.-- 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.

1. Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs:)HD/2004 dated 04/09/2004

Labour

Rule 416.-- No civil prisoners shall be put to work under any circumstances.

Punishments

Rule 417.-- Civil prisoners shall not be punished with imposition of handcuffs and fetters or by whipping.

Civil prisoners follow a trade and receive the earning

Rule 418.-- (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

Rule 419.-- Civil prisoners 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 them in such manner as the Superintendent may consider proper.

Sleeping out-side in summer

Rule 420.-- Civil prisoners may be allowed to sleep outside their ward or barrack in the open enclosure during summer.

CHAPTER 17

State prisoners

Report when a state prisoner is received

Rule 421.-- (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

Rule 422.-- Every state prisoner shall, subject to provisions of the Regulation for the confinement of State Prisoners, be treated in such manner as the warrant of order committing him to prison may direct.

When a state prisoner is to be treated as civil prisoner

Rule 423.-- 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

Rule 424.-- 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

Rule 425.-- 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 Deputy Commissioner and Commissioner.

Inspector General to issue orders

Rule 426.-- 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

Rule 427.-- (i) Every Superintendent of a prison in whose custody any state prisoner is confined, shall on 1st January and 1st of July each year submit to the Commissioner of the Division 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 Patients

Definition of mental patient

Rule 433.-- 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.

Classes of mental patients

Rule 434.-- 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).

(ii) Criminal, i.e., those who are accused of having committed or have committed a crime; ¹[or]

(iii) ²[Drug addicts]

Separation of mental patient

Rule 435.-- 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

Rule 436.-- 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

Rule 437.-- (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 Magistrate, suitable accommodation and establishment for the reception and custody of mental patient exist; and

(c) in other cases, in the District Prison.

(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

Rule 438.-- 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 Magistrate or officer under whose warrant the person is detained, pointing out that the authorized 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 course order, he shall report the matter to the Inspector General.

Maintenance charges of non-criminal mental patient

Rule 439.-- 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 patient.

Rule 440.-- The term “criminal mental patient”, shall include persons of 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 defense, 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 insane.

Procedure when certain mental patient are committed to prison

Rule 441.-- (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 Magistrate 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 class (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

Rule 442.-- (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 prisoner feigning insanity

Rule 443.-- When a convicted prisoner is acting as if he were 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

Rule 444.— (i) 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 Mental Hospital Manual.
 - (c) Medical Certificate in form No. 3 of Schedule I of Act IV of 1912.
- (ii) ¹[For proper and effective treatment of patients, arrangements shall be made for periodical visits by Psychiatrists, Psychiatrist, Medical Specialists and Sociologists, besides the prison doctor].

Transfer of a mental patient to mental hospital

Rule 445.— 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 Act IV, 1912.

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

Rule 446.— 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.

1. Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs:)HD/2004 dated 04/09/2004

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).

(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.

(Section 30. (i) of Act IV of 1912)

Procedure when prisoner is reported capable of making his defense

Rule 453.-- 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 defense, 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. (section 473 of Criminal Procedure code)

Officer empowered to act as Inspector-General

Rule 454.-- The Provincial Government may empower the officer incharge of a prison, in which a person is confined under the provisions of section 461 or 47 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 instance, is subject to the same discipline as 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 **1{Warder}**

Convict-Officers are public servants

Rule 456.-- 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

Rule 457.-- There shall be three grades of convict officers, namely numberdar, moqaddam and shinposh.

Appointments to be made by the Superintendent

Rule 458.-- 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

Rule 459.-- A literate prisoner with a minimum height of 1M— 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 conviction 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, and.

- (h) 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 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

Rule 460.-- 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

Rule 461.-- 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 fetters clean and bright.

Duties of shinposh

Rule 462.-- 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

Rule 463.-- 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 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

Rule 464.-- The strength of each grade of convict officers shall be fixed as under:-

<u>Name of grade</u>	<u>District Prison</u>	<u>Central Prison</u>
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

Rule 465.-- 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 officers

Rule 466.-- Every convict officer shall be provided with whistle for raising an alarm in case of an emergency.

Supply of umbrellas and great coats

Rule 467.-- 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. Woolen great coats shall be provided to all convict officers in winter.

CHAPTER 20 Dietary

Power to fix scales of prison diet

Rule 468.-- 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 my season of the year.

Prisoners to receive diet according to scale

Rule 469.-- (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 sources. 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

Rule 470.-- 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

Rule 471.-- (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

¹[Weekly Menu and Scale for morning meal

Rule 472.---(i) The following scales are prescribed for weekly menu of all prisoners:

S.#	DAY	BREAK FAST	MIDDAY MEAL	EVENING MEAL
1-	Monday	Tea, Paratha	Dal Channa	Potato, Beef
2-	Tuesday	Tea, Paratha	Dal Mash	Potato, Egg
3-	Wednesday	Tea, Paratha	Chicken Kari	Vegetable
4-	Thursday	Tea, Paratha	Dal Channa	Beef Pulao
5-	Friday	Tea, Paratha	White Channa	Dal Moong
6-	Saturday	Tea, Paratha	Potato, Chicken	Vegetable, Sweet rice
7-	Sunday	Tea, Paratha	Vegetable	Dal Masoor

(ii) The following scale is prescribed for morning meal per prisoner:

<u>TEA, PARATHA</u>		
i)	Atta	75 grams
ii)	Packed milk	75 grams
iii)	Sugar	20 grams
iv)	Firewood	120 grams
v)	Tea Leaves	03 grams
vi)	Ghee	05 grams
vii)	Iodized Salt	05 grams

Explanation.---75 gram atta will be cooked as paratha for issue to prisoners. If some prisoners do not favour tea, the Superintendent is authorized to issue them some suitable substitute; provided that the cost does not exceed that of the scale of tea leaves, sugar and packed milk.

Scales for Midday and evening meals

Rule -473.---(i) The following scales are prescribed for each of the midday and evening meals per prisoner:

S#	DAY	MIDDAY MEAL	EVENING MEAL		
1-	Monday	<u>DAL CHANNA, ROTI</u>			
		i) Dal Channa	60 grams	i) Potato	100 grams
		ii) Ghee	20 grams	ii) Beef	100 grams
		iii) Curry powder	06 grams	iii) Ghee	20 grams
		iv) Atta	275 grams	iv) Tomato	10 grams
		v) Onion	15 grams	v) Atta	275 grams
		vi) Firewood	200 grams	vi) Firewood	200 grams
		vii) Tomato	10 grams	vii) Onion	15 grams
		viii) Iodized Salt	07 grams	viii) Curry Powder	06 grams
2-	Tuesday	<u>DAL MASH, ROTI</u>			
		i) Dal Mash	60 grams	i) Potato	100 grams
		ii) Ghee	20 grams	ii) Egg	01 No
		iii) Onion	15 grams	iii) Ghee	20 grams
		iv) Atta	275 grams	iv) Tomato	10 grams
		v) Firewood	200 grams	v) Atta	275 grams
		vi) Tomato	10 grams	vi) Firewood	200 grams
		vii) Curry Powder	06 grams	vii) Onion	15 grams
		viii) Iodized Salt	07 grams	viii) Curry Powder	06 grams
		<u>POTATO EGG, ROTI</u>			
		ix) Iodized Salt	07 grams		

Rule-472 (i) & (ii) Amended vide Home Department Notification No.4/44-SO(Prs)HD/10 dated 14/05/2010

S#	DAY	MIDDAY MEAL	EVENING MEAL
3-	Wednesday	<u>CHICKEN KARL, ROTI</u> i) Chicken 100 grams ii) Ghee 20 grams iii) Onion 15 grams iv) Atta 275 grams v) Firewood 200 grams vi) Tomato 10 grams vii) Curry Powder 06 grams viii) Iodized salt 07 grams	<u>VEGETABLES ROTI</u> i) Vegetables 120 grams ii) Ghee 20 grams iii) Tomato 10 grams iv) Atta 275 grams v) Firewood 200 grams vi) Onion 15 grams vii) Curry Powder 06 grams viii) Iodized Salt 07 grams
4-	Thursday	<u>DAL CHANNA, ROTI</u> i) Dal Channa 60 grams ii) Ghee 20 grams iii) Curry powder 06 grams iv) Atta 275 grams v) Onion 15 grams vi) Firewood 200 grams vii) Tomato 10 grams viii) Iodized Salt 07 grams	<u>BEEF PULAO</u> i) Rice 250 grams ii) Beef 100 grams iii) Ghee 35 grams iv) Tomato 10 grams v) Firewood 600 grams vi) Onion 15 grams vii) Iodized Salt 07 grams viii) Condiments for Rice 05 grams
5-	Friday	<u>WHITE CHANNA, ROTI</u> i) White Channa 75 grams ii) Atta 275 grams iii) Ghee 20 grams iv) Onion 15 grams v) Firewood 200 grams vi) Tomato 10 grams vii) Curry Powder 06 grams viii) Iodized Salt 07 grams	<u>DAL MOONG, ROTI</u> i) Dal Moong 60 grams ii) Atta 275 grams iii) Ghee 20 grams iv) Tomato 10 grams v) Firewood 200 grams vi) Onion 15 grams vii) Curry Powder 06 grams viii) Iodized Salt 07 grams
6-	Saturday	<u>POTATO, CHICKEN, ROIT</u> i) Potato 75 grams ii) Chicken 100 grams iii) Ghee 20 grams iv) Onion 15 grams v) Atta 275 grams vi) Firewood 200 grams vii) Tomato 10 grams viii) Curry Powder 06 grams ix) Iodized Salt 07 grams	<u>VEGETABLES, ROTI, SWEET RICE</u> i) Vegetable 120 grams ii) Ghee (for Sweet Rice) 15 grams iii) Ghee (for Vegetable) 20 grams iv) Rice 70 grams v) Sugar (for sweet Rice) 50 grams vi) Zarda / Colour 05 grams vii) Kishmesh 25 grams viii) Iodized Salt 07 grams ix) Tomato 10 grams x) Atta 255 grams xi) Firewood 300 grams xii) Onion 15 grams xiii) Curry Powder 06 grams
7-	Sunday	<u>VEGETABLE, ROTI</u> i) Vegetable 120 grams ii) Atta 275 grams iii) Ghee 20 grams iv) Tomato 10 grams v) Firewood 200 grams vi) Onion 15 grams vii) Curry Powder 06 grams viii) Iodized salt 07 grams	<u>DAL MASOOR, ROTI</u> i) Dal Masoor 60 grams ii) Ghee 20 grams iii) Atta 275 grams iv) Tomato 10 grams v) Firewood 200 grams vi) Onion 15 grams vii) Curry Powder 06 grams viii) Iodized Salt 07 grams

(ii) The following scale of condiments is allowed per prisoner for cooking pluaou:

- | | | | | | |
|-----|-----------------|----|----|----|-----------|
| (1) | Alaichi Kalan.. | .. | .. | .. | 1.67 gms |
| (2) | Zeera | .. | .. | .. | 1.67 gms |
| (3) | Dar Chini | .. | .. | .. | 1.66 gms] |

Rule-472 (i) & (ii) Amended vide Home Department Notification No.4/44-SO(Prs)HD/10 dated 14/05/2010

Scale of fuel

Rule 474.-- (i) ¹[deleted]

- (ii) Scale of firewood may be increased from ²[520 to 600] Grams. per prisoner in prisons where the population does not exceed one hundred prisoners.
- (iii) ³[deleted].
- (iv) 6 Kgr.—532 Grams. firewood shall be allowed for boiling one maund milk in hospital and cookhouse.

Issue of special diet on eids

Rule 475.-- All prisoners shall receive the following special diets on the occasion of Eid-ul-Fitar, ¹[Eid-ul-Azha and on the occasion of Independent day i.e 14th August].

(a) Eid-ul-Fitar:

Morning	...	Swayyan with milk and sugar.
Mid-day	...	Beef with vegetable and roti.
Evening	...	Pulao and beef with vegetables

(b) Eid-ul-Azha

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:**Swayyan**

Swayyan	...	75	Grams
Sugar	...	75	Grams
Milk	...	300	Grams
Firewood	...	as per scale,	

(ii) Midday:

Beef	...	75	Grams
Vegetable ghee or cooking oil of equivalent value	...	15	Grams
Vegetable	...	75	Grams
Condiments	...	as per scale	
Roti	...	as per scale	
Firewood	...	as per scale	

(iii) Evening

Beef	...	75	Grams
Rice	...	300	Grams
Vegetable ghee or cooking oil of equivalent value for Rice	...	30	Grams
Beef for vegetable	...	75	Grams
Vegetable ghee or cooking oil of equivalent value	...	15	Grams.
Vegetable	...	75	Grams.
Condiments	as per scale plus condiments sanctioned for pulao.		
Firewood	...	as per scale.	

Note.-- A special extra diet consisting of 233 Grams. rice, 117 Grams. gur, 29 Grams. vegetable ghee and 233 Grams. 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.

1. Rule-475 Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs:)HD/2004 dated 04/09/2004
1, 2 & 3. Rule-474 Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs:)HD/10 dated 14/05/2010

(Amended vide No.10556-73/WE dated 1-8-1988 File 1/5-J-79)

Diet of prisoners in extral-mural labour camps

Rule 476. -- The following scale of diet are prescribed per prisoner in extra mural labour camps:-

Morning meal:

Wheat flour	...	200	Grams.
Vegetable ghee or cooking oil			
Of equivalent value	...	15	Grams.
Tea leaves	...	03	Grams.
Milk	...	125	ML
Sugar	...	35	Grams

Mid-day

Wheat flour	...	300	Grams
Dal	...	125	Grams.
Vegetable ghee or cooking oil			
Of equivalent value	...	15	Grams.
Salt	...	10	Grams.
Chilies	...	1.93	Grams
Turmeric	...	0.96	Grams
Garlic or onion	...	1.93	Grams.

Evening:

Wheat flour	...	300	Grams.
Beef	...	125	
			” (twice a week in lieu of, dal).
Vegetable ghee	...	15	Grams
Dal	...	125	Grams
Salt	...	10	Grams
Chilies	...	1.93	Grams
Turmeric	...	0.96	Grams
Garlic or onion	...	1.93	Grams

Firewood shall be issued at the rate of 467 Grams. per prisoner per day.

Explanation.-- Where beef is not readily available mutton may be issued, provided the cost does not exceed that of beef.

¹[Aftari to prisoners observing fast during Ramzan

Rule 477.--- (i) Prisoners who observe fasting during the month of Ramadan shall not be allowed morning meal prescribed in rule 472 but shall be provided tea for Sehri and Aftari each on the following scale: -

i)	Milk	100 ml
ii)	Sugar	30 grams
iii)	Tea Leaves	03 grams
iv)	Firewood	58 grams

(ii) In addition Sharbat shall be provided during the month of Ramadan from 1st April to 30 September on the following scale per prisoner: -

i)	Sugar	30 grams
ii)	Sharbat	25 grams
iii)	Ice	30 grams]

Food provided by Private Societies

Rule 478.-- Whenever any philanthropic society offers to provide & special meal or fruits on any special occasion like Ids, etc; to the entire population of the prison, it may, at the discretion of the Superintendent be permitted to issue the food or fruit to the prisoners and the Superintendent shall record the fact in his order book.

Rice diet

*Rule 479. --*In the case of prisoners who are accustomed to rice diet the Superintendent may direct the issue of ¹[300 Gr. of Selah 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.—²[deleted].

Variety of dals

*Rule 480.—*³[deleted]

Manner of issuing dal

*Rule 481.—*⁴[Dal Channa, dal moong, dal masoor and dal mash shall be issued split except white channa as whole].

Programme of issuing different dals

*Rule 482.—*⁵[deleted].

Issue of Vegetables

Rule 483.-- (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 vegetables should be weighed after they are ready for the pot. Arrangements must be made for ample and continuous supply of vegetable during 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 saga shall be restricted to our meals in a week.

Diet of convalescent prisoners

Rule 484.-- 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 Grams. of Gur or 117 Gr. of meat or dahlia additional to diet to which he is ordinarily entitled.

¹[Scale of diet for sick prisoners

Rule 485.-- (i) The following scales of diet are prescribed for patients in the hospital :—

Scale No.I	Milk diet	Milk 1 Kg ...165 gms and sugar 73 gms
Scale No .II	Milk and sago	Milk 933 gms Sugar 58 gms Sago 117 gms
Scale No.III	Milk and Rice	Milk 933 gms Sugar 58 gms Rice 233 gms
Scale No.IV	Rice and Dal	Rice Sehla 600 gms Dal Moong 120 gms Vegetables 117 gms
Scale No.V	Roti and Dal	Wheat Atta 550 gms Dal Moong 120 gms Vegetable 117 gms

458 gms of firewood is allowed for each of the above five scales.

The following additional articles shall be issued for scales No.IV and V:

Salt 19 gms. Ghee 40 gms. Chilies 2.32 gms. Onion of Garlic 30 gms. Tomato 20 gms and Turmeric 1.16 gms.

Note: Morning meal as prescribed in sub-rule (ii) of Rule 472 shall be issued to the hospital patients as breakfast. The above quantities are for the whole day and be issued at the times fixed by the Medical Officer]”:-

(ii) The Medical Officer is authorized to order such extra articles of diet to prisoners 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 patients and prisoners on convalescent list to be recorded

Rule 486.-- 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 in the case of patients in hospital and on the history tickets in the case of prisoners on infirm and convalescent list, under the initials of the Medical Officer.

Extra diet for nursing mothers

Rule 487.-- A nursing mother with a child admitted to prison, 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 women

Rule 488.-- 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 necessity. The quantities shall not usually exceed the following scales:

Milk	700 Gr.
Fresh fruits	233 ”
Fresh vegetables	233 ”

Diet scale for children

Rule 489.-- (i) A child admitted to prison with his mother shall receive according to age, one or other of the following allowance of food daily :—

(a) Under twelve months	Milk 467 Gr. sugar 29 Gr.
(b) Over twelve months and upto 1 ½ 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

Rule 490.-- Wheat before being ground into flour should be thoroughly cleaned and freed from dirt, unsound or inedible grains and any other deleterious substances. The flour shall be sifted through a fine wire gauze with 22 to 25 holes to 2 Cm—5 Mm.

Cleaning and winnowing loss

Rule 491.-- (i) The maximum loss allowed for cleaning, winnowing and grinding the various grains and pulses is given below :—

Article	Loss -in cleaning per maund	Las in grinding per maund	Bran.
Wheat	467 Grams.	467 Grams.	467 Grams.
Dals	467 ”	933 ”	--- ”
Gram for bullocks	467 ”	----	---
Chilies	2 Kgr. – 333	---	---

(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 should be issued to bullocks in lieu of 7 Kgr— 165 Gr. gram 933 Gr. loss is allowed in cleaning this gram.

(iv) Brand over and above the requirements of the prison cattle should be sold at short intervals and not allowed to accumulate

The issue of uncooked rations

Rule 492.-- (i) The store-keeper shall weigh out the rations to the Assistant Superintendent, the warder incharge of the cook house, and the junior Medical Officer who shall be responsible that the correct quantities are issued. Ghee 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 Superintendent and shall be strictly adhered to. The whole day's ration shall be issued once in the morning.

Charge of cook house

Rule 493.-- 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 the 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

Rule 494.-- 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

Rule 495.-- 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 food 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

Rule 496.-- (i) The cooks shall perform the duty of preparing food with care and attention. The flour issued to the cookhouse 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 well-kneaded dough of proper consistency, if a finger is inserted, atta should not stick to finger. While kneading, some salt and Khamir, 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 tanours shall be installed in the cookhouse, keeping a couple in reserve. Arrangement should be made so that smoke emitted from tanours does not spread all over the cookhouse but is exhausted through a special chimney. New garah cloth should be issued for making gaddies for cooking of roti in tanoor.

(iii) ¹[One part of wheat gives 1.4 to 1.5 parts of bread. 275 gms of wheat flour should give two rotis weighing 390 to 410 gms. 255 gms wheat atta should give 370 gms to 390 gms roti. roti should not be less than 305 cm in dia meter and should be of the same thickness throughout.]; and

(iv) Wheat Atta 75 gms prescribed for morning meal in rule 472 (ii) shall give roti / paratha weighin 80 gms to 100 gms]

Brass vessels to be used in cookhouse

Rule 497.-- Iron vessels shall not be used in the cookhouse. Degs, dal buckets, spoons, measures, scales and weights etc. used in the cookhouse 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 cookhouse 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

Rule 498.-- The cooks should be well-behaved and as far as possible, short termers. No convicted prisoner shall be permitted to cook his own food separately. As far 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

Rule 499.-- 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

Rule 500.-- All food shall be carefully protected from flies. The doors, windows and skylights 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

Rule 501.-- Prisoners shall be protected from rain and intense heat while having meals. Dining sheds shall be provided for the purpose in enclosures and factories.

Provision of electric fans

Rule 502.-- Electric fans shall be provided in all cookhouses.

Duty of Inspector-General to ensure adequate food

Rule 503.-- (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 times so supplied with food and drink as to maintain him in good physical health and vigour.

(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

Rule 504.-- 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.
- (c) all food stuffs at any time contained and stored are frequently inspected, and that all article 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 duty provided..

Examination of food by Medical Officer

Rule 505.-- 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

Rule 506.-- The Superintendent shall daily inspect the cooked food and frequently while it is being issued to prisoners.

Deputy Superintendent to check food daily

Rule 507.-- The Deputy Superintendent shall daily inspect all the food prepared for prisoners. He shall taste the food to test its quality, weigh ten percent of rations at random and record the fact daily in his report book.

CHAPTER 21 Clothing and Equipment

Supply of clothing to prisoners

Rule 508.-- (i) ¹[Prisoners may wear their own clothing. However the prisoners classified as dangerous, convicts working outside Jail in gang and convict officers employed along parameter wall shall 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 an may, at any time, sanction in respect of any such prisoner.

Clothing for simple imprisonment and under-trial prisoners

Rule 509.-- ²[Prisoners who are enable to provide themselves with the necessary clothing shall be supplied with sufficient clothing from the prison stores].

Military prisoners not permitted to wear uniform

Rule 510.-- (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

Rule 511.-- Prisoners shall not be allowed to wear political symbols

Habitual prisoners not to wear own clothes

Rule 512.-- ³[Dangerous] prisoners sentenced to simple imprisonment shall not be permitted to wear their own clothing.

When convicted prisoners are permitted to wear private clothing

Rule 513.-- 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

Rule 514.-- 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 directors (if any) of the Inspector General.

Power to fix scales of prison clothing and bedding

Rule 515.-- 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 of all articles

Rule 516.-- The Inspector-General shall prescribe the measurements, pattern, etc., of each article of clothing and bedding for supply of prisoners. Sealed samples 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

Rule 517.-- 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: -

MEN

2 dasuti kurtas
 2 dasuti shalwars
 1 dasuti cap
 1 dasuti jangia
 1 dasuti sheet
 1 dasuti towel (1 M.—52 Cm x 68 Cm.
 2 azarband
 1 durrie
 1 blanket
 1 munj mat
 1 almunium cap

 1 almunium plate
 1 almunium mug

WOMEN

2 fine dasuti Kamiz
 2 fine Dasuti Shalwar
 2 dasuti or garah sheets
 1 dasuti towel (1 M.—52 Cm. X 68 Cm.—6 Mm
 2 Azarbands
 4 garah napkins for sanitary use
 1 durrie
 1 blanket
 1 munj mat
 1 mattress stuffed with cotton or coir
 1 pillow
 1 pillow cover
 1 almunium cap
 1 almunium plate
 1 comb
 1 bed

Note Sikh prisoners may be issued a garah cloth turban 3 Meter-66 Cm. x 61 Cm.

During winter

Men

1 woolen jacket
 2 blankets.

Women

1 woolen jersey
 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 be not, however, be necessary to issue extra blankets for more than three months. Blankets and woolen 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.

Clothing of convict officers

Rule 519.-- (i) Convict officers shall be issued the same clothing prescribed for ordinary prisoners except that they shall be issued a red beret cap with a brass badge instead of the ordinary cap.

(ii) Colour of kurtas and salwars shall be yellow for moqaddams and green for shinposhes.

(iii) A leather belt shall issue to a moqaddam and shinposh.

(iv) Convict officers on duty outside the barracks at night shall be provided with woolen great coats during winter.

Clothing of Infants

Rule 520. -- 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

Rule 521.-- 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

Rule 522.-- The admission number of every prisoner-sentenced to a period of imprisonment shall be stamped on his clothing, and bedding. Cotton articles shall be marked with one inch numbers with indelible ink, while woolen articles shall be marked with white paint.

Life of clothing and bedding

Rule 523.-- (i) All cotton clothing should ordinarily last for six months. Woolen jackets, coats, blankets 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 a stainless steel plate as also of an aluminum Mug is two years

Issue of clothing

Rule 524.-- (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 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 terners may be issued with two serviceable suits.

Hospital clothing

Rule 525.-- (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 women in the cloth. Woolen clothing shall be made in gray with two red stripes in the centre 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 ¹[foam], a pillow stuffed with cotton, a pillow over, two bed sheets, a kurta, ²[an azarband], a towel and blankets and a woolen 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 the articles.

(v) A certain number of articles should be set-aside for patients suffering from infections diseases. Articles intended for such use should be distinctly marked with a piece of fast dyed red cloth 7 Cm. -- 4 Mm. length and 1 Cm -- 2 Mm. breadth and attached on to each article of clothing.

Extra clothing for convalescents

Rule 526.-- Prisoners on convalescent and infirm list should be provided with an extra blanket, a woolen pyjama and woolen jacket during the coldest season of the year.

Extra clothing to certain prisoners

Rule 527.-- 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 cookhouse. They may also be allowed an apron of coarse white dasuiti cloth. Clothing issued to cooks and sheets in use in cookhouses for covering food shall be chargeable to dietary head and taken on stock.

Clothing to be kept serviceable

Rule 528.-- 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

Rule 529.-- 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

Rule 530.-- 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

Rule 531.-- 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

Rule 532.-- 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

Rule 533.-- (i) No prisoner shall destroy, damage, alter or in any way make away with any 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

Rule 534.-- Once a month all articles of clothing and bedding, etc. considered unserviceable shall be put up before the Superintendent and, if declared useless shall be condemned by him, and written off in the clothing register in words by him and initialed. 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. Woolen articles when condemned should not be torn into more than two pieces. These should be weighed and taken on stock and dispatched to prisons manufac-turing 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 woolen, 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 woolen jackets shall be stored in the clothing Store according to their condition 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 the folds of all woolen 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. Woolen clothing shall be disinfected by soaking in water treated with one per cent phenyle on the weight of the clothing.

CHAPTER 22 Letters and Interviews

Facilities to new convicted prisoners

Rule 538.-- 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 or 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

Rule 539.-- 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

Rule 540.-- Every prisoner shall, on transfer from one prison to another be allowed to write special letters to his friends 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 Magistrate for admission to a superior class. Such application 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 communications 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 as the Superintendent may think reasonable. One interview and one letter per week may normally be allowed. If desired by the prisoner, the Superintendent may request the District Magistrate of the prisoner's district to communicate his desire for an interview with his relatives or friends.

Ordinary letters and interviews

Rule 544.— (i) 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 week. 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.

¹[(ii) Those convicts whose term of imprisonment exceeds five years shall be allowed to keep their spouses with them inside the Jail premises in place specially meant for the purpose for three consecutive days thrice in a year subject to the following conditions: -

- (a) Only that person will be allowed who is legally married to a convict and whose identity has been certified by the District Coordination Officer concerned;
- (b) Such male convict who has more than one wife will be allowed two days for each wife at a time;
- (c) Only children below the age of six years will be allowed to accompany during such arrangement;
- (d) Those convicts who can not bear the maintenance charges shall be provided meal etc, from the jail cook house free of cost as per provision of rules, while those convicts who can afford to run their own kitchen shall be allowed to do so;
- (e) The convicts who are convicted on the charge of terrorism or anti-state activities shall not be allowed to avail the facilities permissible under this sub-rule, except with the prior consent of Government;
- (f) The Superintendent Jail will detail one or more Assistant Superintendent Jail who will be responsible for maintaining all the relevant record i.e date of visit and other particulars of the spouses of the convict concerned under the supervision of Deputy Supdt: Jail; and
- (g) Monthly statement of convicts who have availed such privileges be sent to Inspector General of Prisons.

(iii) For availing facilities under sub rule (ii), a convict or his spouse shall apply through the Superintendent Jail concerned to the District Coordination Officer of the District to which they belong.]

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

1. Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs:):HD/2004 dated 04/01/2005

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 in case of extreme urgency the friends or relatives should be called by ¹[telephone]or telegram.

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 authorized by the Superintendent in this behalf but no unnecessary delay shall be allowed to occur in its delivery or dispatch. 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 or 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 unauthorized messages written in invisible ink being smuggled in or out of prison.

Retention of letters by prisoners

Rule 547.-- A prisoner may, unless the Superintendent otherwise directs retain any letters which may have been delivered to him or may request that these be kept for him in the prison.

No interview or communication to take place without permission of Superintendent

Rule 548.-- No prisoner shall be allowed to have an interview or to write a letter except with the permission of the Superintendent, which shall be recorded in writing.

Provision of writing materials

Rule 549.-- 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. Service postage stamps at Government expense shall be provided for prisoner's letters.

1. Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs:)/HD/2004 dated 04/09/2004

Letter and Interviews, etc., to be recorded on history ticket

Rule 550.-- (i) Interviews and letters allowed to a prisoner shall be entered on his history ticket and initialed 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 initialed by the Deputy Superintendent and Superintendent.

(iii) All petitions, vakalat namas 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 interview

Rule 551.-- 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 interviewers shall also be entered in the interviews register. No visitor shall be allowed to interview without showing the identity card. ¹[However in deserving cases Superintendent may allow interviews after verifying identity other than identity card].

Time and days of Interview

Rule 552.-- 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 ¹[should take] place on working days. No interview should be allowed on ²[public] 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 Id-ul-Fitr and Id-ul-Azha, and with the permission of the Superintendent, on the occasion of the marriage of a son, daughter, brother or sister of the prisoner.

Place of interview

Rule 553.-- Every interview shall take place in a special part of the prison set apart for the purpose, if possible at or 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
- (v) The Superintendent may, for special reasons to be recorded in writing, permit an interview to take place in any part of the prison.

¹ & ². Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs:;)HD/2004 dated 04/09/2004

Number of person at an interview

Rule 554.-- Not more than six ¹[persons] shall be allowed to interview a prisoner at one interview. At the last interview of a condemned prisoner, not more than fifty ²[persons] in five batches of ten each shall be allowed to interviews the condemned prisoner. The Superintendent may exceed this limit if the occasion warrants it and is not likely to interfere with arrangements for execution the following day.

Persons granted an interview may be searched

Rule 555.-- Every person desiring to have an interview with a prisoner shall, give his name and address and submit to be searched if 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

Rule 556.-- 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.

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

Rule 558.-- The time allowed for an interview shall not ordinarily exceed thirty minutes but may be extended by the Superintendent at his discretion.

Search of prisoner before and after interview

Rule 559.-- 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

Rule 560.-- 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

Rule 561.-- 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

Rule 562.-- 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 Prison 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:-

Gur, shakkar or sugar	¹ [3 Kg
Cigarettes	20 packets of ten each
Ghee	3 Kg
Mustard oil	1.933 Kg
Toilet soap	3 cakes.
Washing soap	1 Kg
Chewing tobacco (bira)	1 Kg]

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 biris, etc.

(iii) 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 times 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 every week.

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 defense, 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 advisers

Rule 566.-- Every interview between an under-trial prisoner and his legal advisor 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 liberally and strictly interpreted, i.e., no one should be allowed an interview with a prisoner 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.

1. Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs:)HD/2004 dated 04/09/2004

Application from legal adviser for under-trial prisoners

Rule 567.-- When any person desires an interview 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

Rule 568.-- 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

Rule 569.-- The Deputy Superintendent shall personally conduct interviews with approvers, after these are granted by the District Magistrate and shall bring all these interviews to the 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

Rule 570.-- 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 Punishment

Acts declared to be prison offences under section 45, Prisons Act, 1894

Rule 571.-- The following acts are declared to be prison-offence when committed by a prisoner: —

- (1) Such willful 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) Willfully disabling himself from labour;
- (6) Contumaciously refusing to work;
- (7) Filing, cutting, altering or removing hand-cuffs, fetters or bars without due authority;
- (8) Willful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;
- (9) Willful mismanagement of work by any prisoner sentenced to rigorous imprisonment;
- (10) Willful 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) Willfully 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 sec 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 thy meaning of sub-section I 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 otherwise), 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 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.

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 District Magistrate 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 any of the punishments enumerated in section 46 of the Prisons, Act:

Provided that the District Magistrate may transfer the case for 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

Rule 576.-- 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

Rule 577.-- 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

Rule 578.-- All reports shall be investigated by the Superintendent as soon as possible. The prisoner shall be present during the investigational 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

Rule 579.-- (i) When the investigation is 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 excusable 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

Rule 580.-- 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

Rule 581.-- (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 defense 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

Rule 582.-- (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 Punishments

Rule 583.-- 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 the Superintendent and recorded in the punishment register and on the prisoner 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 ca 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 prison 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 hour's 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) ¹[deleted].

1. Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs:)HD/2004 dated 04/09/2004

Major Punishment

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 the 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) ¹[deleted].
- (6) ²[deleted].
- (7) ³[deleted].
- (8) Any combination of minor punishments admissible under section 47 of the Act.

Plurality of Punishments 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) ⁴[deleted]

(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.--*¹[deleted]

Medical Officer to certify fitness for whipping

*Rule 589.--*²[deleted]

Mode of inflicting punishment or whipping

*Rule 590.--*³[deleted]

Limits of stripes

*Rule 591.--*⁴[deleted]

1, 2, 3 & 4. Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs:)HD/2004 dated 04/09/2004

CHAPTER 24

Escapes and Out-breaks

Provisions for raising an alarm

Rule 592.—(i) The main gate of every prison shall be provided with a bell or gong or siren with which to raise an 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 preconcerted means of rapidly conveying information of an untoward occurrence shall be provided.

(ii) ¹[For effective security system, close circuit T.V equipment shall be installed in every jail and security staff shall be given training to handle the gadgets for detecting escape].

Steps to be taken in the event of escape or out-breaks

Rule 593.-- 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 gatekeeper

Rule 594.-- The gatekeeper 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

Rule 595.-- The sentry at the main gate shall sound the alarm by loudly ringing the alarm bell when ordered to do so by the gatekeeper 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

Rule 596.-- The warder on duty at the place where the alarm originated shall dispatch 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 prisoner 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

Rule 597.-- 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 alarms

Rule 598.-- On hearing the alarm all prison officers, excepting warder on duty shall, no matter where or how engaged or whether in proper uniform or not, worth with assemble at the main gate. The Warder shall fall in near the armory and be armed as quickly as possible with rifles, bayonets and ten rounds of live ammunition. Warder 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 warden at an alarm

Rule 599.-- 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 dispatched 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 Officers to fall in

Rule 600.-- 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 warder in central and first class district prisons and the head warder in other prisons.

Collection and checking of prisoners

Rule 601.-- 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 incharge. The prisoners shall sit silently till the alarm is cover. Warders and convict officers, after looking up the prisoners in their charge, shall, unless otherwise directed, remain on duty outside the barracks or factory in which the prisoners have been locked up.

Duty of Deputy superintendents or Assistant Superintendents before the arrival of the Superintendent

Rule 602.-- 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 Superintendents 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 ease the moment the prisoners disperse or yield. Firing should be done with intent to wound and not to kill.

Superintendent to assume charge of operations

Rule 603.-- The Superintendent on arrival shall assume charge of the operations.

Use of arms against prisoners

Rule 604.-- The following rules have been made under clause (6), section 59 of the Prisons Act, 1894, regulating the use 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 ground to believe that he cannot otherwise prevent the escape.

(ii) Any officer of the prison may use a sword, bayonets fire-arm or any ether 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 lire-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 prisoner 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

Rule 605.-- (i) In the event of all escape, the Deputy Superintendent shall immediately form search parties of waders 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 in front 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

Rule 606.-- 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 whom a prisoner may be actually using violence.

Precautions to be taken in case of disturbance

Rule 607.-- 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 prisoner.

Absolute silence to prevail at an alarm

Rule 608.-- Absolute silence shall be observed as 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 beforehand 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

Rule 609.-- 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

Rule 610.-- (i) The Superintendent shall, in consultation with the Superintendent of Police and the District Magistrate, 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 District Magistrate 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.

- (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 safe 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 District Magistrate, 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 Magistrate of that district, the Superintendent of Railway Police and the District Magistrates 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.

Reports to the Inspector-General and Home Secretary

Rule 612.-- (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 at once. 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

Rule 613.-- (i) The Superintendent shall hold a practice alarm parade once in three months at 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 one alarm parade shall be held at night.

Reward for recapture

Rule 614.-- (i) Superintendent may recommend any person for grant of suitable reward by the Inspector General after due 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

Rule 615.-- 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

Rule 616.-- (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

Rule 617.-- (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

Rule 618.-- (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 off 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

Rule 619.-- 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

Rule 620.-- (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 and a clear space 4M. -86 Cm. feet be left between it and any building on either side of it.

(ii) The enclosure walls of barracks and cellblock shall not be less than 3 M –5 Cm. in height.

Report of assault of disturbance - Certain prisoners not to be entrusted with knives etc.

Rule 621.-- (i) A full report of every serious assault committed by a prisoner on 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 it 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 are 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, 1894, 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 prisoners. 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 eyehole 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 used

- Rule 624.--* Cells may be used for-
- (a) Carrying out sentences of judicial solitary confinement;
 - (b) Separate and cellular confinement as a prison 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 prisoner 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

Rule 625.-- 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

Rule 626.-- 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

Rule 627.-- 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 all 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

Rule 628.-- (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 prisoner's condition.

Cells to be kept clean

Rule 629.-- Prisoners confined in cells shall be required to keep their cells scrupulously clean. Their bedding shall be frequently exposed to sun air.

Search of prisoners in cells

Rule 630.-- 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

Rule 631.-- 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

Rule 632.-- (i) The presence of every prisoner in a cell shall be ascertained at each change 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 Officer. If 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 this supervision and with proper safeguards. 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

Rule 633.-- 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

Rule 634.-- 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 cells

Rule 635.-- (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

Rule 636.-- 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

Rule 637.-- Prisoners confined in cells shall be provided with earthen pitchers for storing water for drinking.

CHAPTER 26 Judicial Solitary Confinement

Amount of solitary confinement ordered on a warrant

Rule 638.-- (i) The maximum periods of solitary 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 exceeds 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.

Limit of solitary confinement

Rule 639.-- 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 period. When the imprisonment awarded exceeds three months, the solitary confinement shall not exceed seven days in any one month, with intervals between the periods of solitary confinement of not less duration than such periods. (Section 74, Pakistan Penal Code)

Conditions to be compiled with in executing sentences of solitary confinement

Rule 640.-- (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) No prisoner should be placed in solitary confinement until the 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 Medical Officer

(iv) The execution of a 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 Medical Officer or Junior Medical officer.

(vi) If the 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 reasons 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 prisoners.

Fettering of convicted prisoners

Rule 644.-- (i) No convicted prisoner inside the prison other than a camp or temporary prison shall be fetters 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.

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 only one leg of the patient and this fact shall also be entered on the 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 ¹[two] 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 need

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 be imposed on the following: -

- (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 Medical Officer, unfit to be placed in fetters.

Prisoners ordinarily exempted

Rule 651.-- Fetter 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 un-expired period of whose term of imprisonment 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 prisoner 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 prisoner 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.

Cars of fetter

Rule 655.— ¹[deleted].

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 be 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 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 warden, each barrack shall be unlocked; the prisoners marched in pairs and counted by the day head warden. 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 warden 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 bathrooms 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 or when paraded for inspection, they shall be arranged in files of pairs and ¹[shall in discipline].

Prisoners' conduct towards Officers

*Rule 663.--*²[Prisoners shall be required to conduct themselves and to show proper respect to prison officers and visitors].

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 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 and march to the bathrooms. After they have washed their hand 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 their place of work

Procedure after mid-day meals

Rule 669.-- When the meal is finished the prisoners shall visit the bathrooms 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.--(i) ¹[The Superintendent of Jail concerned shall constitute a Prisoners Food Committee, consisting of senior and well-behaved prisoners, who will look after the food quality and supervise main kitchen (Langer Khana)].

(ii) 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 weights in use. They shall record in the report book that the food distributed was correct in weight and good in quality or otherwise and note down complaints, if any, made by prisoners.

1. Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs:)HD/2004 dated 04/09/2004

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 warden has counted them and compared them with the attendance register, they shall march to their respective wards and enclosures. They shall then visit the latrines and bathrooms. 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 locked 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 even 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 is an urgent one, such as 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 do the course laid down for his guidance.

Prisoners to wash their clothing weekly

Rule 676.-- (i) All prisoners shall wash their cotton clothing Sunday. A tub containing a hot solution of washing soda shall be placed in a suitable place near the bathrooms. 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, patient, etc. Half a chatak washing soda and six chataks firewood shall be used per prisoner per week. Each prisoners shall be issue 1 Cake of country toilet soap weighing 1 chatak for bathing once a week.

(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.

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 hours 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 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 approval list.

Television

Rule 680.—¹[One or two Television sets shall be provided for each barrack if financed by any welfare organization].

Matters affecting casts 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 congregation prayers on Fridays and Eids. 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 prisons 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 barber shops.

(iii) All razors 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 case 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.

(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, zinc oxide, one part and starch, two parts shall be issued to women prisoners and other prisoners requiring it. This should be made into a paste before 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 keep matchboxes. Hookas shall not be permitted.

Hanger Strikes

Rule 684.-- (i) Prisoner who go on hunger strike shall be warned that requests for the redress of 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 condition of the prisoner shall be sent by the Superintendent to the Inspector-General.

Artificial feeding

Rule 686.-- In the event of a 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 whoever 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 present 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 acts 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 descriptions 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) removed 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 bullion, metal, coin, jewelry, 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 rule defining and regulating prohibited articles

Rule 691.-- Every article, of 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, An 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 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, o 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 is 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.

Duty Officer

Rule 693.-- 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".

CHAPTER 29

Watch and Ward

Every prisoner to be in the charge of prison officers

Rule 693-A.-- 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 squads. 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 8. The Inspector General may change or modify this system to suit local Condition.

Executive Officer 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 ends warders 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 the 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 in to 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 incharge of each part. 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 incharge 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 wardens; 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

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 warden taking the second turn of day duty. They shall remain incharge until the prisoners are locked up and correctly taken over by the warden 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 Assistant Superintendent. When warders and convict officers are posted to heir 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 patty shall be counted, and in the case of parties outside the prison, the names of the prisoners companies 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 warden; 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 warier Incharge of a pony working outside the prison shell keep a vigilant eye on the prisoners in his party and shall not allow them to wander 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 after noon 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 as over the prisoners shall be locked up hi 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 lock-up in the barrack shall be written by chalk on a black slab outside the barrack door.

(iv) When all the prisoners, except the convict Officers on duty hi 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 own 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 tile 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 warders 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 un-expired 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 the alarm if sounded cannot be heard at the prison, one or more wardens shall accompany the parties, armed with rifles and ammunition. These shall be in addition to the warder 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 post 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 in 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 warden or warden 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 ones 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 warden 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, fire etc.

Roster of Officers for duty

Rule 713.-- A roster showing the turns of duty of each warden and convict officer shall be prepared in advance under the orders of the Deputy Superintendent in the day duty register of warden 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 watch 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 warden 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 at every fortnight. When exceptional precautions are necessary or a barrack is on 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 numbers of prisoners present after actual counting;
- (v) To give notice of any unusual occurrence to the patrolling officer for taking air 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 lantern. 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 (15th April to 14th October)	Winter scale (15th October to 14th April)
Lanterns	¹ [100 ml	150 ml
Main wall Lamps.	200 ml	250 ml]

(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 naked 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 granted 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 the Deputy Superintendent

Cell Block

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 cell

Rule 720.-- A prisoner confined in a cell at night shall respond to a cell 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 warden 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 lock up, their hours of duty at night.

Custody of dangerous prisoner

Rule 723.-- [Special precautions shall be taken 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 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 trust worthy subordinate at other times.

(iv) They may be fettered if necessary. The reasons for having recourse to fetters shall be recorded by the Superintendent on 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 places, 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.

¹[The may be required to submit the list of their relatives for approval by the Superintendent, who will fix the date of interview ;

Friend shall not be included in the approval list of interviewers.]

Visits by officials at night, report to be made

¹[*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 any Assistant Superintendent or a Head Warder, provided that every Deputy Superintendent and Assistant Superintendent shall make at least two night rounds on different nights in a week.

(iii) The time and the order in which these officers make the rounds shall not be made known and the order in which officers will make the rounds shall be changed occasionally.

(iv) The rounds shall be made between the following hours:—

CENTRAL PRISON.

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 a.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 gatekeeper during the night. The Assistant Superintendent shall provide it daily before the Deputy Superintendent & 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 warder, 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.

Precaution about jock and keys

Rule 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 mis-laid shall be destroyed in the presence of the Superintendent and written off from the records.

(v) All enclosures gates shall be kept locked 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 keys chest shall be provided with hooks 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 riveted 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. Searchlights 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 up to 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 relief and postings of these convict officers shall be carried out according to military discipline under the supervision of a head warder or warder.

(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 far 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.

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, alt 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 account be employed inside a well for any purpose.

(iv) Prisoner suspected of suicidal tendencies shall be carefully watched and be kept under the constant supervision of a warder or conflict 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 wards and all windows at a height of more than 91 Cm. from the ground shall be protected by a mesh of a wire gauze on the inside 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 as precautions against are: -

(i) No fires except in constructed fire-places (e.g.) in cookhouse, 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 buildings.

(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 after 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 sand or dry earth in buckets shall be available at all times at each godown, factory at the main gate and other prominent

(vii) **Chemical fire extinguishers, where available, shall be fixed at suitable places.**

(vii) On the occurrence of an outbreak of fire, the municipal fire brigade shall be immediately called in.

(ix) The prison shall be provided with a fire alarm to notify the outbreak 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 earned out in the prison.

Death

Rule 733.-- On the death 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 Magistrate 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 is extinct, immediate measures shall be taken to give relief and to restore and for this purpose the body may, if necessary, be removed to a more convenient place.

Report of death to be made to the District Magistrate 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 District Magistrate, 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.

Repeat 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 174 (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 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 District Magistrate, 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 due 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 Muslims 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 kafoor should be obtained through local purchase. The services of the local gravedigger 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 ground 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 towards the prison and that sufficient ground is available for all requirements for at least fifteen years.

Matters concerning graves-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 about the graves should be encouraged, but it shall be kept trimmed; quick growing trees shall be planted about 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 one 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 Sanitation

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. Meter	Cu. Meters	Sq. Meters
(a) Barracks			
i. Plains	18	220	7
ii. Hills	16	162	2 ½
(b) Cells			
i. Plains	31	366	9
ii. Hills	24	244	3 ½
(c) Hospital			
i. Plains	31	366	9
ii. Hills	24	244	3 ½

(ii) In calculating the cubic space account shall not be taken of any air space above 3 Meter 96 Cm and in no case the height shall exceed 4 Meter 06 Cm.

(iii) No building shall be within 4 Meter 87 Cm. of an enclosure wall.

Ventilation of wards and cell, Shutters and Fans

Rule 746.-- Direct circulation of air through every barracks, 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 beams and shall extend right down to the floor level Shutters shall be provided in barracks 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 prisoner 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 Meter 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 barracks 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 authorized accommodation available in each barrack shall be shown in the lock-up register, to enable the Superintendent to see whether any particular barrack is overcrowded.

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 whenever 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 tents to be maintained

Rule 755.-- The Inspector-General shall arrange to maintain a small number of tents at every prison for the relief of temporary overcrowding or other emergencies, a reserve supply of tents 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 Meters for each prisoner.

Explanation.-- The standard prison tent covers a floor area 4 Meters - 87 Cm. x 4 Meters - 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 proceeding rule shall also apply to these huts.

Tents to be kept serviceable

Rule 758.-- (i) Tenants 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 tenants are dispatched from one prison to another, an inventory showing the number of tenants, their condition and the number of mattresses, ropes, tat covers, etc., accompanying them shall be forwarded with the railway receipt and advice of dispatch. Before tenants are returned they shall be repaired and all missing articles replaced.

Provision for custody of prisoners

Rule 759.-- (i) All prisoners in a prison in excess of accommodation shall be provided with temporary shelter in huts or tents 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 establishment as 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 weapon are removed.

Precautions against overcrowding

Rule 760.-- When the population of a prison has approximately 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 the temporary shelter as the case may be.

Cleanliness 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 undergrowth and rank vegetation.

(ii) The wall 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 has 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 Meters - 27 Cm. and the rest of the walls of barracks and cells shall be white-washed as 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 an 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 mosquitoes.

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.

Precaution to prevent contamination

Rule 766.-- The masonry cylinder of every well shall be watertight 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 description 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 a 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 analyzed 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 the 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 latrines with sufficient number of seats. Latrines with flush system shall, where possible, be provided. Number of seats shall not be less than ten per cent of the population.

(ii) The floors of latrines shall be well raised and renewed at frequent intervals, Every latrines shall be provided with a roof and partitioned for the sake of privacy. Iron latrines pans shall be provided in every latrines to receive the excretes. The latrines pans shall be coated with crude oil or coal at least once a week. Every cell shall be provided with an iron or earthen pan for conservancy purposes. These shall be kept thoroughly cleaned and treated with crude oil or coal tar at least once a week.

Disposal 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 than be filled 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 old 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 where possible, otherwise with sanitary openings in the back wall of the cells to hold and allow removal of latrines pans. Old pattern cells shall be provided with a latrine pan or gamla in one corner or in the cell-yard if the occupant has access to it. These receptacles shall be removed and cleaned by the sweeper every morning, and should be frequently painted with coal tar or crude oil.

Drainage of prison land. Sanitary defects to be reported

Rule 775.-- (i) The drainage of the land around the prison shall receive careful attention and all dew ground shall be filled up with clean earth. High crops shall not be grown within 45 Meters 72 Cm of the prison walls to avoid affording cover to any prisoner escaping or attempting to escapes.

(ii) It is the duty of the Medical Officer bring to notice of the Superintendent any defects of drainage within the prison area or its vicinity The construction of public latrines, sewers, drains or the existence of any other in sanitary condition in the neighborhood of the prison likely to affect the health of the prison, shall be reported to the Inspector-General, through the Superintendent.

CHAPTER 32 Medical Administration

Procedure when the mortality is unusually high

Rule 776.-- Whenever the mortality in a prison during any month exceeds one percent, 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”, Prisoner 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 ailments those who are not fit for hard labour, but do not need hospital treatment, shall be shown 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, anemia 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 the 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 articles 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 of the Medical Officer.

(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 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 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 infirm 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 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, recovered 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 increase of admission to hospital from dysentery or other bowel complaints the Medical Officer shall mark enquiry to ascertain the cause. The diet of the prisoners 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 kind 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 form of labour than 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.

Provision of a 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 matteress and a pillow stuffed with cotton, a pillow cover, two bed sheets, a cotton kurta and pyjama, a towel, a woollen jacket in winter and as many blankets as the Medical Officer deems necessary.

Maintenance of bed head 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 particulars 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 their 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 baths 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 infirms, etc., shall take place in the presence of the junior Medical Officer.

Convalescent prisoners do Night work

Rule 794.-- As a certain amount of physical exertion is an important actor in the maintenance and improvement of health, and keeps the mind occupied, prisoners who are convalescing may be provided with some light work preferably m 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 a 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, small-pox or other communicable diseases, shall be wrapped in a sheet saturated with one part of corrosive sublimate in 1,000 parts of water or some other strong disinfectant. Such corpse shall be disposed of with the least possible delay and surrounded with arm 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 Director of Health Services, and by letters to Superintendent of neighboring prisons, the nearest Civil and Military authorities and the District or Municipal Health Officer, in whose jurisdiction the prison 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 Director of Health Services. The report shall be submitted daily for fifteen days after the occurrence of the last case.

Precautions in cholera cases

Rule 798.-- All cases 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 step to ensure that water supply is protected from any possible contamination and all open wells shall be chlorinated with bleaching powder. The cook use shall be inspected and the milk shall be haled under his personal supervision. The sanitary arrangements shall receive special attention 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 vomited 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 the 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 prisoners 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 foodstuffs 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 cookhouse shall be closely supervised by the Medical Officer and all refuse shall be removed and burnt in an incinerator. The drains from the cookhouse shall be cleaned daily and liberally dusted 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, it 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 disinfectant 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 reoccupied.

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 District Health Officer.

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 of 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 Assistant Director of Health Services, or the nearest District or Municipal Officer 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 clue of prisoners sentenced to rigorous imprisonment confined in the prison and such other prisoners confined in the prison who volunteer to be put to work. 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 festivals.

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 ¹[eight] 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 lights

(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 changes 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 due of labour, which the Medical Officer considers unsuitable or for which that officer considers him unfit, or shall be subjected to any labour, unless the Medical Officer certifies his fitness for the same.

Time 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.

1. Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs:)HD/2004 dated 04/09/2004

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. Especially serve 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 serve 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. Reasonable time and facility for offering prayers shall be allowed to prisoners working in the factory.

Hours of commencing and stopping work

Rule 818.-- Prisoners 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 labourer.

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 percent in each industry.

(ii) In Central Prisons and first class District Prisons an additional twenty percent of such prisoners shall be trained as are 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 after noon, 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 workshops and factories shall be responsible for the tools and other property kept therein.

Means and appliances to 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 hand 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 precincts 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, prisoner 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 a 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 un-expired 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 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 prisoner 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, habitual with not more than two previous convictions may be employed.

Employment of prisoners in the garden attached to the residence 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 percent of the total population; and
- (b) In case of other prisons —twelve percent 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 or 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 warden or police escort be permitted to proceed to or visit any bazar, market or any unauthorized 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 way 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 Departments; 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 mechanize 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 much 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 manufacture 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 realized 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 so realized or received shall, as soon as may be, 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 realized by the sale of articles or received on account of the earnings of the prisoners. All sums of money so realized 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 headings 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 any 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, along with 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 registers.
- (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 other departments, or private firms, and the prison charges for the cost of labour only supply materials, 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 indented 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 loss actually incurred in the process of manufacture shall be charged for in the factory registers and shall in no case exceed the authorized scale.
- (9) The Deputy Superintendent or Assistant Superintendent shall be in charge of the factories.
- (10) 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 utilized. 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.
- (11) 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 line orchard. All spare land shall be utilized for raising crops suitable for prisoners' food and fodder for the prison cattle.

No subordinate officer permitted to enter 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 waterlogged. 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 or any 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. of the enclosure walls nor planted so thickly or so near buildings as to interface 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 utilised 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 manure. 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 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 and store in containers in a dry place for Use during the hot weather and rains, to supplement the supply from The prison garden. Immature vegetables and those that are fibrous overgrown running or running to seeds shall no 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 airtight 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 morning hours. Drying in the sun out-right definitely reduces the germinating quartiles of the seeds. As a precaution against ravages of insects and weevils, a few naphthalene 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 property 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 he prison land utilised to supplement articles purchased for the maintenance department of the prisons, shall be submitted the Inspector-General.

Condiment's and sags

Rule 862.-- Turmeric (haldi), mint (podina), chillies, fenugreek (metbi), coriander (dhania) 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, palak, 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

Vegetable for Storage

Rule 863.-- Potatoes, yams, 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 cacti 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 sieve, one part of well-rotted cattle manure also put through a sieve and one part of good river sand.

Care in the gardening

Rule 865.-- Successful gardening requires frequent and through surface till large and useful 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 percent of the population of the prison. In smaller district prisons, the proportion may, however, be increased to five percent. An experienced gardener shall, when a gardener is not specially sanctioned, be entertained as a warder.

Register of vegetables

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 to staff, shall also be entered therein. The register shall be maintained by the Assistant Superintendent in-charge of the garden.

Supply of vegetables to prison officers

Rule 868.-- (i) 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 vegetable 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 of 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 animals

Rule 869.-- (i) The Superintendent and Deputy Superintendent are permitted to keep two milch animals with their two calves or a horse in lieu of one of the milch animals. Assistant Superintendents may be permitted by the Superintendent 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 do 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 growing on the prison grounds with a diameter of 30.Cui or over in the garden register showing their serial numbers, description, age, etc. The serial numbers 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 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 the 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 farmer may be entertained for the purpose.

Ration for 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:

S.#.	Description of cattle	Bhusa		Gram		Oil cake		Salt Green		Grass weeds weeds	
		Kgs.	Grams	Kgs.	Grams.	Kgs.	Grams.	Kgs.	Grams.	Kgs.	Grams.
1.	Working bullock or he-buffalo	9-	331	1-	866	0-	938	392	-	1-	868
2.	Stud bull for dairy	---		0-	333	1-	1	392	2	1-	868
3.	Dry buffalo		10	0-	467	01-	407	392	2	1-	868
4.	Dry cow	7-	465	½	-	½	-	392	2	1-	868
5.	Buffalo in milk	9-	331	3-	799	0-	933	392	2	1-	868
6.	Cow in milk	7-	465	2-	799	0-	933	392	2	1-	868
7.	Calves not exceeding six Month's ago	-----		-----		-----		-----	2	1-	868
8.	Calves above six months but not exceeding one year in age	3 -	432	0-	467	----		----	2	1-	868
9.	Calves above one year but not -exceeding two years	5 -	6 99	½	--	0-	467	----	2	1-	868
10.	Calves above Years	6 -	732	½	--	½	---	----	2	1-	868

- (ii) (a) Green fodder when available shall replace bhusa at the rate of three to one but not more than $\frac{3}{4}$ th 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 month cotton seed may be issued to cattle in milk; but with-in the cost of scale of gram and oil cake allowed above.
- (d) Cheapness and palatability are the chief considerations when compounding a mixed ratios,
- (e) Green grass and weeds should 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 Grams of gram and 933 of oil case should be issued to a working bullock from the 1st April to 31st October and 2 Kgr - 333 Grams. of gram and 467 Grams of oil cake for the remaining period of the year
- (h) Green fodder, grass and bran are not to be purchase 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 to be obtained. The milk or other produce of prison dairy shall be consumed for prisoners' use only. It shall primarily be utilised for hospital requirements and convalescents.

CHAPTER 35 Prison Buildings

Classification of works and repairs

Rule 875.-- (i) Buildings in prisons are classified as follows: —

		Rs.
A – Original works	}	Major works costing over 25,000
		Minor works costing over 1,000
		but not exceeding petty works costing 25,000
B – Repairs		1,000 or under
		Special periodical or annual

(ii) “Original works “, include all new constructions whether entirely new or merely additions and alterations to existing building: all repairs to newly purchased or previously abandoned buildings required to bring them into use, and substitution 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, fire, 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 repairs “, comprise not only such work as painting and white-washing but such miscellaneous repairs as it may be convenient to carry out at the same time.

(v) The Inspector General is competent to convey administrative approval for works of prison buildings to be carried out of departmental grant under the head “28-Jails and convict settlement–D--Works” upto Rs.20,000 and grant technical sanction to estimates 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 a 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 Executive Engineer 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 the Superintending Engineer who will then order the preparation of the detailed estimate.

Detail 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 approximate estimates of the cost and on 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. 500,000. If approved the Inspector General will include the work in his list of budget proposals and the Superintending Engineer or 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 plane and estimate will be sent to the Superintendent for countersignature and afterwards returned to the Executive Engineer who will transmit them through the Superintending Engineer 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 what he is empowered to sanction.

(ii) No material alterations or additions to a building may be made without the approval of the Superintending Engineer, 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 emergent cases of danger or inconvenience suddenly arising, a definite written request must be made to the Executive Engineer who will act on his own responsibility.

Prison labour –

Details to be observed in the execution of works

Rule 881.-- (i) In the execution of every prison work prison labour shall be utilised to the fullest extent. An Executive Engineer 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 Executive Engineer 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 Executive Engineer 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 Executive Engineer, this will be paid for by the Superintendent and charged in the estimate.

(vii) The work to be done shall be laid out by the Executive Engineer, 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 Executive Engineer to point 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 Executive Engineer 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 ¹[Rs. 50,000] to buildings used, or intended to be used for residential or non-residential purposes, subject to the following exceptions

- (a) Such works where skilled civil engineering supervision is required.

1. Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs:)HD/2004 dated 04/09/2004

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 of 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 competent authority must be obtained by the Department.

Explanation.-- (2) An up-to-date record of expenditure against sanctioned estimates shall also be maintained by the Department.

(ii) Estimates for the class of 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 use 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 such works, the Executive Engineer 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 Executive Engineer has not objected to as unsuitable to prison labour, the Executive Engineer would, of course, carry it out for him; the matter is one that should be arranged between the Superintendent and the Executive Engineer. But it should be borne in mind that, whenever by supplying help in the way of subordinate staff the Executive Engineer can aid the Superintendent to carry out work, it will be preferable to do so rather than to undertake it himself.

(iv) The Executive Engineer should, as far as possible, inspect or direct one of his subordinates 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. Superintending Engineer will also, during tour, examine them.

(v) In carrying out prison works the Superintendent of the prison will act on behalf of the Buildings Department, and as such it will be his duty to see that money provide for one work is not directed 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 Executive Engineer with information on the following points to enable the latter to keep the register of buildings upto-date: —

- (a) Particulars of work.
- (b) Cost.
- (c) Date of completion.

Duties and responsibility of Superintendent and Executive Engineer

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 Executive Engineer to

see that his arrangements for materials, etc., are such that full employments are 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 the 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 Executive Engineer 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 Executive Engineer shall submit this report to the Superintending Engineer for information and also send a copy to the Superintendent for transmission to the Inspector General with his comments.

(ii) On receipt of the inspection report the Superintendent will ask the Executive Engineer for estimates for such work, as he considers necessary to remedy the unsatisfactory features pointed out by him. If for financial or other reason 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 Executive Engineer accordingly, so that these particular points may not be repeated.

(iii) The Superintending Engineer will forward to the Chief Engineer, 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 Executive Engineer 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 Executive Engineer for final disposal.

(ii) A copy of the completion certificates 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 Executive Engineer 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.

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, if the total work load on the Inspector General is great in view of the large number of prison and the prisoners.

(ii) Duties of the Deputy Inspector General shall be assigned by the Inspector General.

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 entertain 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 of 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 bill 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 be 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 p1 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 thereunder, 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 plate 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 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 thereunder, 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) (c) Note any defects in the water supply and conservancy arrangement, 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 over crowing.
- (e) See every prisoner confined in the prison, noting any circumstances of importance requiring attention, such as the adoption of task to physique and capabilities, the condition and sufficiency of the clothing; the employment of feters, 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.

A copy of minute 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 behavior, 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 or 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 incharge 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 hospitals

Rule 904.-- Under the provisions of section 28 (2) of the lunacy Act IV of 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.

CHAPTER 37 The District Magistrate

District Magistrate to visit prisons

Rule 907.-- (i) It shall be duty of the District Magistrate 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 prison, the District Magistrate visiting and inspecting any prison, under the provisions of these 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 the visitor's book maintained at the prison.

Powers conferred on the District Magistrate

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 Magistrate, subject to such general or special directions as may be given by Government.

Exercise of powers by the District Magistrate

Rule 909.-- (i) The orders passed under sub-section (2) of section 11 of the Prison Act, 1894 should, except in cases in which immediate action is, in the opinion of the District Magistrate 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 Magistrate shall if expressed in time requiring immediate compliance, be forthwith complied with, and a report made to the Inspector General.

District Magistrate to communicate with Superintendent

Rule 910.-- The District Magistrate shall not address any communication or order to any officer of any prison other than the Superintendent. All orders issued by the District Magistrate shall be in writing.

General directions under section 11(2) of the Prison Act

Rule 911.-- (i) The District Magistrate's orders shall ordinarily be issued in the form of any entry in the visitors' book. The District Magistrate 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 Magistrate 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 Magistrate 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 thereunder 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 Magistrate.

Appointment of teachers on religious and moral subject

Rule 912.-- The District Magistrate 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 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;
 - (b) Non-officials appointed by name; ¹[and]
 - (c) ²[Members Provincial assembly North West Frontier Province].
- (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) Commissioner of Division.
 - (b) District and Sessions Judge.
 - (c) District Magistrate.
 - (d) Deputy Inspector General of Police.
 - (e) Superintendent of Police.
 - (f) Director Health Services.
 - (g) Director of Reclamation and Probation.
 - (h) Director of Agriculture.
 - (i) Head of Department of Social work, Psychology and Psychiatry of the University.
 - (j) Administrator, Auqaf Department.
 - (k) Director of Industries.

Visits by official visitors

Rule 914.-- (i) Commissioners 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 Magistrates 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 Prison Act, 1894, and of all rules, regulations, orders and directions made or issued thereunder, are duly observed, and to hear 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, depending 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 nonofficial visitor shall hold office for four years but may be reappointed on the expiring of his term

Appointment of non-official visitors

Rule 917.-- (i) A selection board under the chairmanship of the ¹[District Coordination Officer] consisting of the local members of the National and Provincial Assemblies, Superintendents 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 Assemblies 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.

Explanation.-- Every 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.

(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 Magistrate 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 Magistrates 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.

1. Amended vide Government of KPK Home Department Notification No.4/44-SO(Prs:)HD/2003-Vol-I dated 29/10/2003
(AMENDED VIDE HOME DEPTT: NWFP NOTIFICATION No.4/44-SO(Prs:)HD/2003-VOL: I DATED 29-10-2003.
In Rule 917, for the words "District Magistrate", wherever occurring the words "District Coordination Officer" shall be substituted

Visits by non-official visitors

Rule 918.-- (i) Every non-official visitors is expected to take interest and visit the prison of which he is a visitor once a month and oftener 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 Magistrate 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 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 the ground that its production is 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 910.-- Once in every quarter not less than two ex-officio and one non-official visitors, of which one unless prevented by unavoidable cause, shall be the District Magistrate, shall constitute a Board and visit the prison of which they are visitors. The District Magistrate shall be ex-officio Chairman of the Board. The Board shall meet at the prison on a date to be fixed by the District Magistrate, 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 Magistrate 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, during every visit shall

- (a) Inspect the barracks, cells, wards, workshops and other buildings of the prison generally and the food;
- (b) Ascertain whether considerations 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 anti 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 prisoner shall be punished for any statement made by him to a visitor unless an enquiry made by a 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 allowed to go around the prison without the escort necessary for 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 or 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 visitors' 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 Magistrate.

(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.

(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 the 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 any remarks made by a visitor and shall forward these to Government if any question of importance is raised, which in his opinion, requires the orders of Government.

(iii) In the case of the remarks recorded in the visitors' book by Commissioners Divisions, 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, on 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 authorized 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 recognizing 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 weekday.

(iii) No police officer shall, at any time, upon any pretext whatsoever, be allowed to enter any women's ward or any pretext 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 Magistrate addressed to the Superintendent.

(v) Any interview, permitted under an order from the District Magistrate, 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 provision of sub-rule (iv) and (v) of the receding rule shall ordinarily not be below rank of an Assistant Sub-Inspector.

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 Superintending Engineer of the circle, the Executive and the Assistant Engineer 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 authorized 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 Magistrate 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 by promotion or where expedient in the public interest, by transfer of an officer from the Armed Forces of Pakistan or Civil Service (District Management/Ex-Provincial Civil Service/ Police Service of Pakistan) and shall hold their office either alone or in conjunction with any other duties at the discretion of Government.

Conditions of service

Rule 936.-- (i) Superintendents of District Prisons shall be in grade 17 and Superintendents of Central Prisons shall be in grade 18.

(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 develop 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 there under which may be given respecting the prison by the District Magistrate, 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 later.

- (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 the 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, on 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 the 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 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, cookhouse, 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.

Superintendents 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 book in acknowledgement of having seen and received the order.

Distribution of duties

Rule 948.-- (i) The Superintendent shall record in 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 the 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 throughout the day between unlocking and lock-up.

Change 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 any infectious or 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, anti-scorbutics 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 check 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 checks 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 officials 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 shall also be present at such parades in addition to any other parades that he may think fit to hold 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 duly awarded, communicated to 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 and 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 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 taken 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 Prison Act, 1894, entered in the punishment register and he shall initial the 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 enquiries 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 ¹[or FAX] 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 diseases or disease which is likely to assume an epidemic form, amongst the prisoners and prison staff, and the measures 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 visitor

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 desired, 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 maintains 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 Prison Act, 1894 and the orders on 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 requisitions 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 up-to-date and in good order, and that the cash balances, permanent advance and accounts 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 Prison Rules or the orders 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 years under report and the two years immediately preceding the same.

(iii) The annual administration report of the prison shall be forwarded to the Inspector General direct, and a copy of it shall be sent to the Commissioner. In the case of Central Prisons and to the District Magistrate in 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, bolts, locks, fetters, handcuffs and fastenings, etc. He shall require the Deputy Superintendent to report daily the result of such examination in his report back. 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 Medical Officer

Rule 973.-- Subject to the control of the Superintendent. The Medical Officer shall have charge of the medical and sanitary administration of the prison and shall perform such duties as are prescribed in the Prison Rules.

Appointment of Medical Officer

Rule 974.-- 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 Medical Officer

Rule 975.-- Whenever the 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.

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 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 Medical Officer

Rule 978.-- (i) Any directions (other than those, which are to be carried out by the Medical Officer himself or under his personal supervision) which the 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 Medical Officer may think fit to make shall 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 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 prisoner

Rule 980.-- (i) The 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 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 prisoner and malingerer

Rule 981.-- (i) The 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 Medical Officer is of opinion that any prisoner is malingering he shall forthwith report the fact to the Superintendent.

Medical Officer to report in certain uses

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, cells, 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 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 Medical Officer shall inspect the cookhouse daily at uncertain hours and shall at such inspection examine the uncooked rations and rest the quality and weight of the cooked rations

Medical Officer may vary diet in certain cases

Rule 985.-- The 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 Medical Officer shall occasionally inspect the cemetery of the prison, and shall satisfy himself that it is maintained in a sanitary condition.

Medical officers duty on the appearance of epidemic

Rule 987.-- (i) The 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 from the 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 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 Medical Officer shall in case of illness attend on all members of the prison staff, their families and relations residing with them on the premises

Examination of candidates

Rule 990.-- The 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 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 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 at Medical Officer upon the death of any prisoner

Rule 992.-- (i) In the event of the death of any prisoner, the 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 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 provision 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 Medical Officer shall forth with 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 Medical Officer or junior Medical Officer;
- (8) When the prisoner died; and.
- (9) An account of the appearance after death in case where a postmortem examination is made together with any special remarks considered necessary by the Medical Officer.

Medical Officer to comply with duties Imposed by the Inspector General

Rule 994.-- (i) The 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 poisons are kept separate from other medicines properly labeled 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 of 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 Medical Officer shall see all prisoners on the weekly parade. He shall observe the general state or 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 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 disinfections of these articles.

Bed-head tickets and temperature chart

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 notes about symptoms treatment and diet.

Cleanliness and other amenities in hospital

Rule 999.-- The Medical Officer shall select 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, hand-pump has shall be provided and C class prisoners may be employed for pulling these. The Medical officer shall ensure that this facility is provided in the prison hospital.

CHAPTER 41 The Deputy Superintendent

Persons included in the word “Deputy Superintendent”

Rule 1002.-- For the purposes 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.

Conditions of Services

Rule 1003.-- (i) The Deputy Superintendent shall be in Grade 16.

(ii) 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 direction and orders of the Superintendent. It shall be his duty to see that all order 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 at 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 purposes 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, cook-house, 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 the 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 unlocked;
- (b) the members 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 necessity for the same.

Deputy Superintendent not 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 herein—before 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 lockup

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 evenly such prisoner who is fit for labour is daily put on the allotted labour and prisoner 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 at the prescribed times.

Explanation.- In larger prisoners 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 complement 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 the 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 of 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 unauthorized 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 officer 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 attendance's and duties is carried into effect
- (d) all officers are neat and clean in appearance, properly dressed and accoutered 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; and

satisfy himself generally that everything is in proper order. He shall record the result of his inspection in his report book noting 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 safe 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 noting, 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 article will be checked once in three months either by the Superintendent or the Deputy Superintendent. The certificate of check shall be submitted to the Inspector General soon after the 1st January and 1st July of each year.

Sick prisoners

Rule 1029.-- (i) The names of prisoner desiring to see the 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 Junior Medical Officer to see such prisoners and shall carry into effect all Written directions given by the 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 the prisoner, the Deputy Superintendent shall give immediate notice of it to the Superintendent Medical Officer and the Junior 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 prisoner on various labours is profitable to Government. He shall prevent waste and misappropriation 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 warden enter and leave the prison with military precision. He shall cause the warden 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 if do not leave the prison 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 storerooms are clean, neatly arranged and protected from varmin, insects and whether 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, cookhouse, 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, weight 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 Superintendent duties to any subordinate, in no way relieves the Deputy Superintendent of the responsibility for ensuring that are correctly and punctually made. His most important duties are the direct control of prisoner 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 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 or Cause to be prepared and submit to the Superintendent, all indents for the requirement of food, clothing and other articles. He shall prevent needless destruction of Government property, utilize prison labour fullest extent to supplying the requirements of the prison and other departments and being so the notice of the Superintendent say waste or extravagance.

Inventory of property and stores on handing over charge

Rule 1039.-- (i) When making over charge of his duties on resignation, suspension, transfer, discharge or on taking haves 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 record.

(ii) The Superintendent shall countersign the inventory list after satisfying himself as to its correctness and copies shall be given to the relieved end the relieving officers. In the case a Deputy Superintendents 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 weighted and checked by the relieving officer.

(iii) The stock ammunition shall be compared with the stock as shown in the ammunition register and also the numbers of empty fired cases in stock, it shall also be seen whether the stock of ammunition is in accordance with the prescribed scales.

Duty of Deputy Superintendent on change 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 three or more Assistant Superintendent according to the nature, class and population of the prison.

(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:

- (a) Minimum height-- 1 meter – 70cms
- (b) Minimum girth of chest—78 cm, with an expression of 3 cm – 3 Mm.
- (c) Vision Right eye - 6/6} without glasses
Left eye - 6/6} without glasses

Residence

Rule 1043.-- Assistant Superintendent 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 subjected to all the responsibilities, of a Deputy Superintendent under the Prisons Act, or any rule there under.

(ii) Assistant Superintendent shall be subordinate to the Deputy Superintendent and shall obey all orders issued by him.

(iii) The Assistant Superintendent may be assigned to the Assistant 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.

Assignment of duties

Rule 1045.-- (i) The Assistant Superintendent shall perform such duties as the superintendent may prescribe 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 allocated to the Assistant Superintendents: -

- (1) Direct charge of a section of the prison including the prisoners confined there and the Government property that may be located there.
- (2) Admission, transfer and release of prisoner.
- (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 cookhouse, 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 Rules.

Leave on Fridays and public holidays

Rule 1046.-- (i) In prisons where there are two or mote 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 lockup. All Assistant Superintendents shall attend the evening lock-up.

Weekly checking of clothing and equipment

Rule 1047.-- Every Thursday evening the Assistant Superintendents incharge of circles shall hold a parade of the prisoner 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 Director of Health Services.

Whole-time Junior Medical Officer

Rule 1049.-- Every whole-time Junior Medical Officer

- (a) is entitled to draw the ordinary pay of his grade and such special allowance as sanctioned by the Government to 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 an 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 Director of Health Services.

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 part 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 hospital and bring 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 labeled 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 is 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 history ticket 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 food 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 weighing of prisoners

Rule 1060.-- 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 weighing. 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 stitched 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, after injuriously the health of the prisoners or the staff, such as: -

- (a) overcrowding
- (b) unseasonable or worn cut clothing
- (c) neglect of personal cleanliness
- (d) undue exposure to the weather
- (e) neglect of punctuality of meals
- (f) neglect of air, dry or clean clothing and bedding and
- (g) unsuitable tasks

Assistances 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 order 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 prisoner humanly and with tact, 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 truck. 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.-- (i) 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 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 of 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 certificate 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 provision 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 a 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 tune 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 trade, business or employment other than his legitimate duties.

(ii) No prison officer shall lend money to, borrow money from, enter into any pecuniary transaction with, or incur any obligation in favor of any other or any prisoner.

Residential quarters

Rule 1081.-- (i) Rent free residential quarters shall ordinarily be provided at each prison for the Deputy Superintendent, Assistant Superintendents, Assistant Medical Officer, Dispensers, Assistant and Clerical Staff, Storekeepers, Instructors, Teachers and the warder establishment.

(ii) Every prison official for whom the residential quarters are not available 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, at any time, without the per. mission 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 any one 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 save 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 cause

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 forth-with give notice to the Superintendent along with 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 notebook with him in which he shall record every order given to him by his superior officers.

Subordinate Officer 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 superior officer, With proper courtesy and respect.

Prohibition against communicating with prisoners, their-relatives and friends

Rules 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 unauthorized communication with any prisoner;
 - (c) correspond or communicate with any discharged prisoner; or
 - (d) permit any discharged prisoner or any relative of any 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 prison 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 person.

Officer not to live 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 boat 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 sit unseemly or disorderly manner

(iii) All quarrelling or disputes between prison officers is prohibited. Any disagreement between subordinate officers about any matter connected with their duties shall at once be referred to the Deputy Superintendent.

Visitors to 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 with in 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 or supposed grievance, or 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 protect 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 say person other than a prison officer duly authorised to receive such key or to have the care or custody thereof ; or
- (d) leave his 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 protect, 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 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.

Prohibitions 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 wader;
- (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) Malingering 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 Superintendent, Account and Clerical Staff, Teacher, Instructor 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 percent of their sanctioned strength shall be absent from all causes 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 of 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 an 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 so 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 report on Deputy Superintendents, Assistant Superintendents, Account 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.

(vi) 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.-- (i) 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 the 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 Asstt. Superintendents shall be published by the officer 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:-

<u>Appointment Authority</u>	<u>Establishment</u>
<u>Government</u>	
Inspector-General	Superintendents and Deputy Superintendents, Assistant Superintendents, Accounts, Clerical and Technical Staff. Teachers and Dispensers.
Superintendents Head Quarters Prison	Chief Warders, Head Warders and Warders

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 Superintendent 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 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 bar;
- (f) Reduction to a lower post or 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 if the period of 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 graves misconduct or of continue misconduct, indicating complete unfitness for services. A person who succeeds in obtaining employment by concealing his antecedents would also merit dismissal on discovery of the true facts. While inflicting this 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 Headquarters Prison.

2. (i) Penalties inflicted under heads (e) (f) and (h) of sub-rule 1 shall also involve the entry of a black mark in the character roll 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 and outstanding black mark.

(iii) The existence of one or more un-cancelled black marks shall ordinary bar all leave other than sick leave or hospital leave.

(iv) The existence of three uncancelled 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 uncancelled black mark 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 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 held 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 these 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 a prima facie 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 shown cause against the action proposed to be taker 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 officers who have recorded that the accused has a reputation for dishonestly 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 quarter 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 there from 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 toll 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 Prison Rules (1978 Edition) the following amendment 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.

By order of the Governor of the Punjab
MOHAMMAD HAYATULLAH KHAN SUMBAL
Home Secretary
Government of the Punjab
Dated 8th January, 1981

SCHEDULE

	Serial No								
1.	Deputy Superintendent Jail	Government	Government	I.G.Prisons	...	Government	I.G.Prisons	I.G.Prisons	
2.	Assistant Superintendent Jail	I.G.Prisons	I.G.Prisons	Supdt: Jail	Government	D.I.G Prisons	I.G.Prisons	Supdt: Jail	
3.	Chief Warden	Supdt: H.Q.Jail	Supdt: H.Q.Jail	Superintendent Jail	D.I.G Prisons	-do-	Supdt: H.Q.Jail	-do-	
4.	Head Warders, Head Warders, Warders and Women Warders	-do-	-do-	-do-	-do-	-do-	-do-	-do-	

(G.M.JAVVAD JAH)
Under Secretary Prisons
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 for 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:

Providd 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 increases 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.

(xi) 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 dispatch.

14. (i) Any person affected by an order passed by the Superintendent and desires to appeal to the inspector-General may apply to the Superintendent copy of the order in question. It shall be the duty of the Superintendent to 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, vexatic 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 rule 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 organized in circles

Rule 1110.-- (i) For the purpose of 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 pur-pose of appointments under these rules.

(ii) The management of the warder establishment of prison shall, for the purpose of appointment, transfer and promotions, 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 Prisons 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 departments 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 may be revised by him if and when necessary.

(ii) [The strength of the Head Warders shall be calculated on the basis for every 10 warders]

Requirements for enlistment in the warder guard

Rule 1113.-- (i) ¹[Warders shall be recruited by Headquarter Prison in accordance with the policy of Government for the time being laid down; and].

(ii) The minimum height of accepted candidates for enlistment shall be 1 Meter and 70 Cm and the minimum girth of chest 78 Cm candidates shall have normal vision in both eyes with out glasses, be physically fit in all respects for prison services and not be under twenty one or more than twenty five years of age.

(iii) As far as possible the warder guard shall be recruited from pensioned or release soldier of the Defense Services. The candidate must have good charters in their discharge certificates. In the case of ex-service personnel, men over the age of 35 years shall not be appointed.

(iv) ²[No person shall be appointed as a warder unless he posses Secondary School Certificate or equivalent examination from a recognized Board].

Explanation.-- Inspector General of prisons is empowered to relax the above condition to suit local condition 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 Prison and a senior Superintendent of the same circle. The Superintendent of the Headquarter 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 confirmed in his appointment by the Superintendent of the Headquarters Prison.

Warder 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 or approved candidate suitable in every respect for appointment as warders. A descriptive 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 for permanent posts if their work and conduct has been satisfactory.

(ii) The character 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. Warder 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 lists 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 registers 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, house district, place 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 Warder services books for the preceding month for record in the services register of the circle.

(iii) In the same statement shall be shown the offences committed by and the punishment awarded to the warders.

Explanations.-- Temporary warders, who have been punished, shall not be shown in the list and warder officiating, as bead-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 headquarter 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 warder 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 organized at the Training institute.

(iii) Illiterate warders shall not be promoted to any capacity whether temporary or permanent.

(iv) Warder 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 absentee

Warders on transfer to be relieved on fixed 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 order of transfer.

When 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 warders

Rule 1125.-- (i) All head warders and seventy-five percent of the warder shall be provided with family quarters. The rest shall be accommodated in single warder barracks.

(ii) Single warders barracks shall be provide 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 prisoners barracks.

Messing system for warder

Rule 1126.-- In all Central and first class District Prisons a messing system for warders shall be provided. Government shall incur initial expenditure on kitchen utensils and a cook shall be entertained at Government expense. All single warders shall have their meals in this mess.

Transfer of warder from one circle to another

Rule 1127.-- Transfer of warder 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 warder 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 warder

¹*[Rule 1129.—* Training of warder establishment 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 regulation. 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 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 who shall be verified through the Police prior employment.

(iv) Only those person shall be entertain as temporary warders who are considered fit for confirmation in due course

Pay of temporary warder. Sanction to their entrainment

Rule 1133.-- (i) Extra warders entertained under the provision 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, and the reasons for entertaining them shall, be stated

(iii) Temporary warder shall not be entered in the gradation list if they are up to standard, posses 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 ¹[Rs.1000 and commendatory certificate] 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. ²[Rs. 1000] to any person than an officer of Prison Department who furnishes valuable information e.g. about stolen Government property misconduct of warders etc.

(iii) ³[The Superintendent may grant cash reward not exceeding Rs.500 and commendatory certificate in any case of a Chief Warder, a Head Warder or Warder for special service as mentioned in sub rule(i)]

Regulation of duties of warder guard

Rule 1135.-- The general duties of watch and Ward, the posting and duties guards and sentries, the fixing of their periods of duty and their strength, an 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 warder

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 change 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 the uniform and shall not sit or lie down, they shall keep their uniforms arms and accoutrements clean and in good order.

(ii) The chief warder in Central and first class District Prisons and the senior head-warder 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 Warder found to be black or improperly dressed, whilst on duty.

Duties of chief warder and head of chief warder

Rule 1138.-- The chief warder in Central and first class District Prisons and the senior head warder in other prison shall: -

- (a) Post the warders under the orders of the Deputy Superintendent explaining to each warder the duties and responsibilities of his post and supervise the warders on duty:
- (b) Assist the Deputy Superintendent at unlocking midday count and look-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 for with report to the Deputy Superintendent any unusual occurrence.
- (d) Visit the main wall and satisfy him that the convict officers on the main wall duty are preset 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 him self by personal inspection that they are secure.
- (g) Pay surprise is its 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 warder

Rule 1139.-- It shall be the duty of every head-warders to: -

- (a) Superintendent the warders subordinate to him in the discharge of their duty ties
- (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 in-charge of any warder to be entered in the attendance register.
- (h) Issue all necessary tools: raw materials and other articles required for the day's work and to keep a record of all articles issued.
- (i) Collect all such articles, together with the produce of the prisoners labor in the evening.
- (j) Satisfy him self that all articles issued have been duly returned to him 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 all prisons at each change of guard
- (n) Check all gratings, locks bolts and the like daily and satisfy him that they are secure.
- (o) Keep all the building 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 reliving guard

Rule 1140.-- (i) No head-warder or warder shall keep 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 reliving 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 of 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) Warder 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 wader to the main gate.

Periods of Duty - Drill, Arrangement of duties

Rule 1141.-- (i) Every head-warder shall ordinarily be on duty for ix hours daily, exclusive of the period spirit on night duly drill, at unlocking and locking up.

(ii) Every head-warder shall attend, such drills, and parades for instruction in drill, in a maneuvering, practice in the use of arms and other matters in the nature of military training as the Superintendent may prescribe.

(iii) The periods at duty shall be so arranged that head-warder shall, be present at every relief of warder 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 warder, 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 in use, 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 in charge of armoury

Rule 1145.-- The duties of the head-warder in-charge of the armoury shall be to: -

- (a) Give each warder (except those who are except) half an hour's drill daily 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 cleat and fit for immediate use.
- (d) Take charge of the armory ammunition and spare accoutrements keep the key of the armory 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 him self 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 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 of importance that has come to his knowledge.

Assignment of duties of warders

Rule 1146.-- (i) Each warder shall have specific duties assigned to him by the Superintendent or Deputy Superintendent such as the charge of barracks, workshops, 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 oftener 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 warders 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 whatever kinds in his charge and duly to account for the same when called upon to do so; and
- (e) Be at all times in a state of readiness to turn out immediately accounted and armed, whenever called to do so or when an alarm is raised, and to 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 particular prisoners for whom he is responsible
- (c) To search the prisoners as well as the factories, cells 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 unauthorized 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 fits 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 seat to prevent an escape or to assist in sub during a disturbances taking place within his sight when he is on main-wall duty or when is in-charge of prisoners, if he can do so without serious risk to the safe custody of his prisoners.

Duties on being relieved

Rule 1150.-- A warder 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 warder shall, before taking charge, satisfy himself that the property and the number of prisoners made over to him are correct.

Arms for warder

Rule 1151.-- Every warder 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) ¹[Two sentries shall be posted at the main-gate day and night.

(ii) During the day each sentry 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 each 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.

Sentry's picket

Rule 1153.-- Three warders and one senior warder shall form the main-gate picket of every prison from unlocking to lockup. They should be specially selected and as far as possible be ex-soldiers.

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 in-charge 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 footsteps, 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 him self that the main-gates and wickets are securely locked.

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 baton, 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 for 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 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 AM	10-2 PM	2-6 PM
6-10 PM	10-2 AM	2-6 AM

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 midnight 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 make himself thoroughly acquainted with the appearance of all prison officers, 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 gatekeepers

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 order of the Superintendent, Inspector General or the District Magistrate.

(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 searched 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 unauthorized 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 unauthorized or prohibited articles and the misappropriation of any prison property. The gatekeeper or any other prison officer may examine anything carried in or out of the prison.

Out-party 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 of 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 prisons 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 in charge 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 in charge. The entry shall be signed by the Warder in charge 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 in charge 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 be 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 passing out of the prison any prisoner who is not in the custody of a warder duly authorized 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.

Cleanness of main gate

Rule 1173.—The gate keeper 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.

Key of main gate

Rule 1174.—The gate-keeper shall keep with him the keys of the locks of the two main gate 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 accept 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 gates through out the night.

Articles to be kept between the gates

Rule 1179.-- The gatekeeper shall be in-charge of the following articles, which shall be kept between the main gates

- (a) A clock;
- (b) A weighing machine;
- (c) A measuring staff;
- (d) Spare fetters and hand cults, 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 visitor's and other persons who are authorized 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 warden duties

Rule 1181.-- (i) In every other prison where women prisoners are confined a women warden 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 women warden, shall, as regards women prisoners, be similar, to those performed, as regards male prisoners, by warders and head warden. 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 Headquarter 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 male entering the women's prison

Rule 1183.-- (i) No male person employed in any capacity or connected with the women prison shall, otherwise than in case of emergency and when called upon to do so by the Lady Assistant Superintendent or a women warden and then only when accompanied by the Lady Assistant Superintendent or a woman warden, at any time enter any barrack, cell, compartment, or other place in the said prison occupied by any 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 unauthorized 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 quits the prison premises.

Search of women prisoners

Rules 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.

Women 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 prisoner, she 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 part of the prison 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 women 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 women warder shall be responsible for seeing that every child for the time being in prison receives the clothing and the diet prescribed for it and is properly cared for.

Duties as to the task of women prisoners

Rule 1191.-- (i) The woman warder shall make over to women prisoners sentenced to rigorous imprisonment their allotted tasks and satisfy herself that every such prisoner perform 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 looking up of prisoner 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 report to the Deputy Superintendent that she has 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 Bond

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 authorized, shall be as follows: -

	Deductions	Monthly
		Rs
Deputy Superintendent	1,500	20.00
Assistant Superintendent	500	10.00
Head Clerk	500	10.00
Accountant	500	10.00
Store-keeper	500	10.00

Form of Security

Rule 1195.-- The only forms of security which shall be accepted from these officers shall be Post Office Defense 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 to date, including interest, and the passbook 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 savings bank books shall be kept by the Deputy Superintendent in his cash chest and placed before the Superintendent when required for examination and verification of 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 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 realized, 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 Superintendents, 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, a 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 center 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 woolen/silk.

Head dress.-- A khaki woolen peaked cap with a floral brass cap badge with inscription "Prisons"

Boots.-- Brown, ankle laced.

Socks.-- Khaki cotton or woolen.

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 woolen, full sleeves, V neck with pockets.

Greatcoat.-- Khaki woolen, 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 center 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.

Uniform of Assistant 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 center 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 gray cotton, cambric or linen cloth.

Shalwar.-- Made of gray long cloth or linen.

Dopatta.-- Made of gray 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.-- Gray 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 breast pockets with plain flaps fastening with gray plastic buttons, inscription “ Prisons” in brass across shoulder straps which will fasten at top with one button.

Trousers.-- Slacks, khaki drill not turned up at the ends.

Cap.-- One piece khaki woolen beret cap super-imposed with a maroon cloth diamond 5 Cm X 5Cm with a floral brass badge with inscription “Prisons”.

Foot wear.-- (i) Black Afghan Chappals
(ii) Block ammunition boots.

Socks.-- Khaki woolen.

Waist belt.-- Black leather 6 cm - 2 mm wide with brass clasp with the words “Prisons” and “Warder” embossed thereon to be worn over shirt.

Greatcoat.-- Khaki woolen.

Jersey.-- Gray woolen full sleeves.

Baton.-- 76 cm long cane sticks with 2 cm - 5 Mm diameter with 23 cm black leather thong at upper end.

Whistle.-- Fastened with a black leather 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 prisons located in cold climate one flannel shirt and one serge slacks shall also be issued to the warder guard. Inspector-General shall determine the 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 leather Sam Brown belt.

Note 1.-- Chevron 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

Dopatta.-- Gray muslin 2 Meter x 28 cm long with a maroon border 2½ cm

Shalwar.-- Mazri cloth.

Shirt.-- Mazri cloth.

Footwear.-- Black Afghan chappals.

Greatcoat.-- Khaki woolen with round collar

Jersey.-- Grey woolen, full sleeves “V” neck.

Socks.-- Khaki woolen.

Bell.-- As for warder.

Superintendent to provide own uniforms

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 renewable after three years for summer uniform. Ever Deputy and Assistant Superintendent should be provided with uniform free of charge according to his rank.

Amended vide Home Deptt: Notification No. No.4/22(A)/SO(Prs:)/HD/03 Dated 30-10-2003

S.No	Nomenclature of Posts	Initial Uniform Allow:	Renewed Uniform Allowance for Winter	Renewed Uniform Allowance for Summer
1.	A.I.G./Superintendent	Rs.1500/-	Rs.750/- per annum	Rs.600/- per annum

Free issue of uniform to warders

Rule 1210.-- (i) Every member of warder establishment shall be provided with uniform etc., free of charge according to his rank or grade. The article so supplied and the period of renewal from the date of issue is shown below: -

Warders

Name of articles	No.	Years
1	2	2
Khaki drill slacks	1	1
Mazri shirt	1	1
Khaki Woolen Great coat	1	5
Gray Woolen Jersey	1	3
Khaki Woolen Beret Cap	1	1
Woolen Socks	1	1
Chevron	1	2
Afghan Chappals	1	1
Ammunition Boots	1	3
Set of Buttons, Badges and letters	1	5
Belt	1	5
Whistle	1	5
Baton	1	5
Ammunition puch	1	5
Rifle sling	1	5
Kit box	1	5
Charpoy	1	5
Polish tin	1	3 months.

Women Warders

Dopatta	1	1
Shalwar	1	1
Shirt	1	1
Afghan Chappals	1	1
Woolen Great Coat	1	5
Woolen Jersey	1	3
Woolen Socks	2	1
Belt	1	5
Whistle	1	5
Kit Box	1	5

Polish tin	1	5
Charpoy	1	3 months

(ii) In addition to the issue of the above articles, one shirt 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. Charpoy and kit boxes shall be issued. All the articles of uniform shall be issued subject to the condition that these articles are properly looked after by them and are returned on the termination of their 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 15 February for summer uniforms and 15th of August for winter uniforms

(ii) The Superintendent may indent for uniform for the full 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-third and great coats one-fifth of the strength of the warder establishment:

Example.-- Great coats are supposed to last five years, so, that one fifth at 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 Meter 75 Cm	to	1 Meter 83 Cm
No 2 for height	1 Meter 70 Cm	to	1 Meter 75 Cm.

(v) When received, they shall be distributed by the Assistant Superintendent who shall maintain a uniforms register, showing the date 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 figure in the case of woollen articles and half inch figures for cotton articles as under: -

Mazzi shirt	On the inner side of neckband
Slacks	On inside of the waistband

Cap	On the inside
Jersey	Inner side of back.
Great coat	Inner side of back.

Cotton articles shall be marked with indelible ink and woolen 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 all 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 is 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 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 to the credit of a warder, does not cover the estimated value of the lost damaged articles of his uniform, the prison shall bear the loss.

Disposal money recovered for uniforms

Rule 1217.-- All moneys received from warders under the provisions of the proceeding 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 arrangement 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 in charge of the warder guard. 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 woolen articles in Store should be preserved in the like manner.

Washing and repair of uniform

Rule 1220.-- (i) Arrangements shall be made every prison for washing warders uniforms, a monthly deduction to meet the actual cost of material used, being made from each warder. Woolen clothing shall be cleaned Government expense. Prison labor may be utilized for washing, etc.

(ii) Uniform damaged by fair wear and tear may be repaired by, prison labor free of cost.

CHAPTER 49 Arms, Ammunition and Drill

Prisoner

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 Armory

- Rule 1222.--* (a) The armory shall at all times be kept scrupulously clean.
- (b) A brush shall be kept in the armory for cleaning it when it is opened for the issue receipt or inspection of the stores.
 - (c) No unauthorized person shall at any time be admitted into the Armory.
 - (d) The official directly incharge shall take care that it is well and securely locked.
 - (e) The armory shall not be open during or on the approach of a storm except in case of emergency.]
 - (f) No naked lights or smoking shall, be allowed inside the armory.
 - (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 armory
 - (i) The prison armory 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 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 superintendent shall be indented for on the scale allowed for warder.

(iii) Unserviceable ammunition and empty, cartages 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 dispatch 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 consignor anti 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 Prison and the Deputy Superintendent. The Chief-Ordnance Officer will accept the finding of this committee.

(jj) As the requisitions 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 lining of which have been opened, and loose rounds.
- (b) Boxes of ammunition on which the words "Examine year" are enfaced 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 at 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 Headquarter Prison soon after its communication.

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 accoutrements for which he is responsible shall be posted in the armory

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 ever warder can find his own readily. The rifle when not in use shall be kept in its place and a packet of ammunition shall he 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 in charge of the armoury 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 in 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 oftener 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 Armory will inspect the arms and ammunition in possession of prison. The inspection will be carried out once in three years.

Rifles not be taken inside the prison

Rule 1235.-- Rifles shall not be ordinarily be taken inside the prison but in times of emergency or an alarm they may be brought inside under the orders of the Superintendent or the Deputy superintendent.

Drill and use of arms weekly parade

Rule 1236.-- (i) Every Deputy Superintendent, Assistant Superintendent and warder shall undergo a thorough, training 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 be required to attend the Superintendent drill parade which shall ordinarily take place on Saturdays. On these occasions the whole establishment is required to undergo training in drill, and available for the purpose, shall be inspected by and drilled in the presence of the Superintendent. Warders who are proficient in drill, shall not, except as a punishment, be required to be present at drill 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 officer 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.

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 cause to be kept, the follow 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.*-- (i) 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, proscribed 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.	Description of register
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..No. of Register Description of register
11.	Interview register
12.	General lock-up register.
13.	Prison cashbook.
14.	Register of other contingencies.
15.	Register of contingencies.
16.	Book of purchases.
17.	Register of letters received.
18.	Register of letters dispatched.

19. Visitors' autograph book.
20. Visitors' remarks book.
21. Gate book.
22. Superintendent's order book.
23. Deputy superintendent and Assistant 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 go-down register.
36. Factory cashbook.
37. Factory contingent register.
38. Factory order book.
39. Register of raw material.
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 several registers specified in the proceeding rule, shall from time prescribed by the Inspector General.

Provided that every register now prescribed and in use shall be maintained in its present form until the Inspector General shall supercede 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 prisoners, from him afterwards, shall be here entered and the excess on his requirement and which is to be kept in shall be entered separately.

Column 11&12 Shall be filled in by the Medical Officer or under his orders by the Assistant Medical Officer. The prisoner shall be medically examined within 12 hours of their 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 mark 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 identification are to be filed in by or under the direction of the Medical officer. The entries in the register shall be made within 12 hours 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. 11 (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 we 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 It a convicted prisoner is sentenced to imprisonment in default of payment of fine, the dates of expiry of both the substantive sentence 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 initialed 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 prisoner 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) Detail 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 exceeds 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 containing 366 pages. A page shall be set apart for every day of the year.
- (ii) On the conviction of a prisoner with a 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 prisoners is entitled to be released, before the expiry of his sentence on account of the award of special remission or 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 release 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 this 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 along with 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 the 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 sub-divided 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 hook but at the end of

- the last complete page a 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, Fakhir 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 sufficient in such 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, Jewelry watches, foreign coins, bonds, shares and other valuable articles belonging prisoners shall be recorded in this register which shall remain in the custody of the Deputy Superintendent. While handing over articles to a prisoner 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 punishment awarded to him shall also be entered in this register.
- (iii) When a prisoner is sentence to whipping or change of labour, the Medical Officers certificate as to the fitness of the prisoner 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 to 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 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 back 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 clearly record the number of prisoners forming the party.

Register No 11 Interview register

Full particulars and address of the interviewer be recorded in this register by the official incharge of interviews.

Register No 12 General 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 disturbance of the money 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 that 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, or 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 draw until it is actually required for disbursement. There shall, therefore, seldom by a balance against the prison, except the permanent advance, prisoner 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 sums. 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 receipt 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 under health, thus

No. 1001. Receipt relating to prison maintenance and Prison manufactory, respectively, shall be given a separate and district 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 year vis., 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.
- (vi) 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 utilized 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 receipt 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 head of account.

Register No 14 and 15 Register of other contingencies and contingences

- (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 solely, in paying for purchases actually made between the 26th of the previous month the 25th of the month to which the bill relates.
- (iii) Save as above provided, no money shall be drawn through the Treasury between the 26th and the last day of the month payments for purchases made between those date 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 he 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 initialed 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 words as well as in figure. 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 shall endorse it, and present it before the superintendent for his signature.
- (ix) The Superintendent after comparing the items with the 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 Deputy superintendent to count the cash actually received from the Treasury, to compare it with the 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 form 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 prepare 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 order (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 dealing 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 carried 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.

Register No 17 and 18 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 in 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 covers of register No 17
 - (1) Accidents, assaults or outbreaks.
 - (2) Accoutrements, arms uniforms, ammunition and indent 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 manufactory, including budget.
 - (7) Civil prisoners.
 - (8) Classification and separation of classes including correspondence about habituels and previous convictions.
 - (9) Convict Officers, clerks and servants.
 - (10) Discipline, offences and punishments of prisoner's rules and orders.
 - (11) Epidemics 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 traveling 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) Labor 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 conservancy, or medical administration.
 - (23) Storage of grain and the purchase of supplies.
 - (24) Transfers of prisoners, including over crowding, escort and railway passes.
 - (25) Visitors, remarks and inspection.
 - (26) Miscellaneous.
- (v) The latter 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 years and subject matter of the contents so prescribed on each. The file number shall 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 corresponding 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 other 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 so the receipt for entry in the receipt register and disposal

Register No 20 Visitors Remarks Book

The 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 at this book.
- (ii) A copy of the remarks recorded in the register by any visitor shall be dispatched 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 acquired it must be scored out so that subsequent entries cannot be made in the book.
- (ii) For further instructions regarding the maintenance book see-rules 1158 and 1159.

Register No 22 and 23 Superintendent's order book and Deputy Superintendent and Assistant Superintendent's report book.

For instructions see rules 947 and 1009

Register No 24 Ammunition register

It shall be written like a ledger and account shall be opened for, every item on a separate page the name of ammunition to be mentioned on top. This register must be written, and maintained by the Assistant Superintendent himself and shall be put up before the Superintendent once a 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 that shall be clearly exhibited on the spot by means, of 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 god-own or issued 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 god-own shall be recorded against the entry of all articles sent for storage to the godown.
- (vi) When a plot is allow to lit fallow the reason shall be recorded in the register under the signature of the Superintendent.
- (vii) An account, of all trees on prison land 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' Service Register

No further instructions are required beyond those given in paragraph 1120.

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 & 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 officer and the warder guard shall be maintained in this register by the Lines officer.

Register 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) Warder 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 Clothing God-own Register

- (i) This register is intended to show the grain and other articles handled from day to day in the grain god-own. 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.
- (iii) The losses shown shall be actual and not calculated.

- (iv) The opening and closing balance in the begging and at end of month shall also be written in words

Register No 34 Daily diet requisition book

Requirements of articles if the Assistant Superintendent and the Medical Officer daily shall indent for diet or prisoner and patients in hospital

Register No 35 Clothing God-own Register

This register is primarily intended to show the balance of clothing etc. in the god-own 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., is 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 god-own on the last day of the month. With a view to compare the contents of the god-own with quantities of clothing in the indent, the number 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) For information, on 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 retrenchment 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 no 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 of on and other prisons shall be deducted and those received from departments other than Prisons added.
- (iv) At the same time another memo shall be prepared to show the detail of expenditure under different heath of manufacture earned 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 according 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 side of this register.
- (ii) All articles issued shall be entered at the time that issue is made
- (iii) The entries on the issue side shall also include the loss of 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 for 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 which classification is impossible shall 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 in the industries 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 god-owns 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 yard on which stench 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 if 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 manufactured.
- (vii) This register shall be maintained independently by the Factory Officer and not by the storekeeper in charge at the god-owns 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, no 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 manufactured according to requirements; all receipts shall be entered on the left hand and all sales whether cash or credit, as 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 of 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, iron mongery, oil soap products, etc. This register will be totaled monthly

Register No 43 Labor Distribution Register

- (i) Prisoners shall be shown as exempt from labour on the days they are admitted and released respectively
- (ii) When making tip averages, Sundays and other days, on which prisoners are exempt from labor, shall be excluded and these days left blank.
- (iii) Non laboring 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 labor.
- (iv) Members of the convalescent party employed on light labor 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 convalescents 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 Medical Stock Register

The register shall be maintained by and kept in the custody of Assistant Medical Officer. The Medical Officer will check the steel 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 addition to ordinary diet.

Register No 48 Prison Hospital Outdoors Register

The name of every prisoner or prison official attending the hospital or who in 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

The Medical Officer in hospital shall maintain this register. 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
Monthly			
1	Monthly population statement.	Inspector General	5 th of every month
2.	List of unconvinced prisoners (other than sessions) detained for more than two months	District Magistrate	1 st of every month
64	List of payee's receipt	Inspector General	8 th of succeeding month
65	Statement of Railway warrants	Ditto	Ditto
66	Statement of Credit notes	Ditto	Ditto
67	Price current rate statement	Ditto	Ditto
68	Statement of detail expenditure	Ditto	Ditto
99	General bill of prison supplies	Ditto	Ditto
98	Factory detailed contingent bill	Ditto	Ditto
112	Mortality statement	Ditto	5 th of succeeding month
113	Monthly sick return	Ditto	Ditto
100	General bill of articles supplies to other Government Offices	Accountant General	3 rd of each month
83	Warders Services Sheet	Superintendent Headquarters Prison	10 th of succeeding month
Quarterly			
3	Statement No I- Number succeeding & disposal of convicted prisoners	Inspector General	15 th of month
4	Statement No II- Religion, Age, Education and previous occupation	Ditto	the quarter
5	Statement No III- Offences and punishments of convicted prisoners	Ditto	Ditto
6	Statement No IV--Morality according to length of time	Ditto	Ditto
7	Statement No V and VI- Particulars succeeding of under trial and Civil prisoners.	Inspector General	15 th of month
8	Statement No VII,-- Condition of prisoners discharged	Ditto	Ditto
102	Outstanding list due to the prison succeeding factory.	Ditto	8 th of month
			the quarter

Half-Yearly

94	Estimate for miscellaneous articles December	Inspector General	1 st May and 1 st
9	Half-yearly report on the conduct and health of State Prisoners.	Deputy Commissioner	1 st January and 1 st July
10	Half-yearly report of mental patients.	Inspector General	Ditto
87	Half-yearly position list of warders (furnished by superintendent of Head quarter prison)	Superintendent of tributary prisons	Ditto

Yearly

11	Statement No VIII-- Admission of convicted prisoners according to length of sentence	Inspector General	1 st 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 morality of prisons	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 th January
79	Report on the character and qualification of warders	Ditto	Ditto
95	Indent for prison clothing	Ditto	1 st October
70	Annual indent for Registers and forms	Ditto	1 st August
72	Statement of amount credited into treasury	Ditto	20th January
103	Factory financial statement	Inspector General	20th January
73	Financial statement of prison expenditure	Ditto	Ditto
96	Tent statement	Ditto	15 th April
114	Annual Sick Return	Ditto	20 th January
P.A.F.Z. 2096	Receipt and delivery vouchers for arms and ammunitions	Chief Ordnance Officer	.....
P.A.F.Z. 2091	Requisition for Arms and Ammunitions	Inspector General	15 th March
C.A.C	List of establishment standing on the 1st 3 and 4 of April	Audit office	1st May
Stereo A	Certificate for the possession of full	Audit office	15 th April

and T 320 permanent advance

B.M.I	Budget Estimate (Income)	Inspector General	1 st October
W.F.35	Annual Indent for Universal forms	Ditto	1 st March
Stereo A and T 328	Indent for Account and Treasury Forms	Ditto	1 st September
I	Indent for stationery	Ditto	1 st September
MSD 134, 135	Indent for medicines in quadruplicate	Ditto	20 th January

(B) DETAIL DESCRIPTION OF FORMS

No. Of Form	Description of Forms
1.	Weekly Population Statement
2.	List of unconvinced prisoners who have been for more than 60 days in prison to the District Magistrate.
3.	Statement No. I - Number and disposal of convicted prisoner
4.	Statement No. II - Religion, age, education and previous occupations
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 under trial and civil prisoner.
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.
12.	Statement No. IX - Particulars of habitual prisoners.
13.	Statement No. X - Escape and recapture.
14.	Statement No. XI - Sickness and mortality of 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 prisoner.
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 prisoners.
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. Under trial ticket.
40. Convicted prisoner history ticket 1st leaf 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. Label for prisoner's private clothing
63. Warrant cover and list 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. Note book.
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.

86. Kit sheet of warders.
87. Half-yearly, position list of warder.
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 warders 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.
106. Reminder for outstanding bills
107. Intimation regarding supply of articles.
108. Sale bill.
109. Sale Indent.
110. Tool list.
111. Mortality statement.
112. Monthly sick return
113. Annual sick return.
114. Temperature chart.
115. 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 2098. Application for repair of arms.
- I (a) 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 prisons 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.
- B.M = Budget Manual
- C.A.C = Civil Account Code

SECTION III

Classification of Expenditure

Rule 1244.-- (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. 73

Main heads adopted by the Finance Department Establishment Dietary purposes Charges.	Sub-heads required for administrative	Classification of items Cells for no remark. This sub-head should include cost of provisions and fuel.
	B.Miscellaneous Dietary Charges	This sub-head should included 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 last for three years, but if they are, the cost should included in column 13 B (Dietary dead stock).
	C. Garden or Agricultural expenses	This sub-head should include ordinary expenses recurring expenditure on such items as seeds, manure, country plough, mots and ropes for irrigation, garden baskets, or bamboos or cane for making them tokas or sun hats, nets for fruit tees, kudalis or phaoras (shoes), and dots or knives not likely to last three years
	D. Proportion of daily 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 not 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 fuels 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 purchase 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 bedpans and urinals (if not coming under the definition of extra ordinary 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 repair 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 sub-head should be include 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 umigations and other conservancy items not coming under the definition of

		extraordinary expenditure
	B. Charges for water Supply	Water tax or rate paid to a municipality supply 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 repair of umps, pipes, reservoirs or tanks, water receptacles. Cards 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, material 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 those deputed from the ordinary establishment
Charges for moving Prisoners	A. Transfer charges and road subsistence for convicts	This sub-head include railway fares and carriage of transfers, and subsistence and other expenses for dieting 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 allowances or gratuities given to convicts on release is granted for subsistence on the journey home, but not if gamed as rewards, clothes for released convicts, and transfer charges for lunatics sent to asylums
	B. Transportation Charges	Only charges connected with the dispatch of convicts from their provinces for deportations to destination, should be included in this column not charges for maintenance clothing etc., whilst detained

		in the provinces 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, fetter, 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 and (this rate will also be an exception to the rule that Municipal rate shall be charged to contingencies. If the gas works are under a municipality), kerosene and other lamp oil, wicks, renewal of lamp glasses, repairing gas pipes, lamps "Extraordinary charges" are to be excluded
	B Disciplinary Charges	This head should include such items as materials for repairing neck rings, anklen rings, wrist ring or fetters; iron for rivets; smithy coal, neck tickets, leather or canvass for gaiters; canes for flogging, bhels not for marking cloths, etc., combs for females; shaving or hair cutting charges, repairing locks and keys, "Extra ordinary charges" excluded.
	C. Uniform and equipment of warders	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.
	D. Money payments as rewards for recapture and services	This head should include such items as rewards for recapturing prisoners and service gratuities to prisoners for good conduct or extra work; allowances to monitors; allowances to recovered lunatics; rewards for meritorious service.
	E Execution Charges.	This head should include such items (if paid by the Prison Dept. as the cost of temporary gibbets, execution ropes, cap, pay of executions and doms, cremation or burial. Expenditure for permanent plant should be included under "Extraordinary

		Charges”, Miscellaneous, column 13(j).
	F. Other Miscellaneous services and supplies	This head should include such items as oil for function for females aged and infirm, coolie hires, carriage and freight packing, umbrellas for monitors books, Pamphlets and slates for education, brass wire netting (Unless required for the garden), dyes camphor; “rough on rates” packing charges paint and paint brushes, in seed oil, saws, enamel solder, “ gurgas “, burial charges, parrdh for ward windows, mats for closing windows or for prisoners to sit upon bamboos for making these, chalk, glue fodder, straw or medicines for dragght cattle, showing of bullocks “Extraordinary charges” should be excluded
Traveling Allowances		This sub-head should include traveling allowances of non-gazetted officers. Not allowances paid to gazetted officers
Contingencies	A. Rent, rate and taxes.	Water rates and gas rate are to be excluded; the form or will be included in column 8 (B), and the latter in column 10(A) Water rates and lighting and conservancy 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 postages	To include cost of postage stamps and unpaid covers.
	C. Telegraph and Telephone charges	To include cost of telegrams and rent of telephones Lines
	D. Current Office Expenses	To include country stationary, 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 almirah, racks shelves tables, deck, chairs, tools, mats, floor mating, durees or carpets, purdas, iron

		safes, and pankha fringes, clocks, gongs, letter scales and weight, water goblets and glasses for offices, and be like. This is an exception to the rule that “Extraordinary Expenditure” is to be shown separately.
	F. Register and Stationary	To include Station Department charges and all printing charges.
Extraordinary Charges for life stock, tools and Plants	A. Conservancy and Water supply dead stock	This Sub-head should include such items as Donaldson’s Ejectors, iron urine tube conservancy pans etc., iron blanket boilers water pumps, pipes or reservoirs, water carts, iron water tank or drum, iron or brass taps, iron and wooden buckets, hot water apparatus (if of a lasting kind and for boiling drinking Water).
	B. Dietary dead stock	To include cooking rang or “Donaldson’s Ghulas”, grain carts wheat mill, scale and weights for grain god-own or cooks, if of metal, iron or copper Cooking utensils, ovens, if iron or brass cups or plates, axes and the like.
	C. Hospital dead stock	To include cost of iron beds, covered iron pans, iron urinals or metal bed pans, exercta desicoators, and similar lasting appliance
	D. Garden and Agriculture plant	To include iron plough, 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 substantial 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 scales for weighing prisoners, measuring rods or instruments for authropumetry iron for fetters and wistrings, black smith’s implements for making fetters, etc. (if likely to last three years) new locks, handcuffs, removable fetters, flogging triangles, hair clipper

		scissors or razors (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	G. Arms and Accoutrements	To include original cost arms (if charged for) belts, badges, pouncher bayonet scabbards, batons, arm- ranks, soap caps, alarm rattles etc
	H. Dairy livestock and 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 buildings erected by the Public Works Departments) and other lasting plant Maintenance charges 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 (except when intended for hospital), permanent gibbets, ladders and other stock which cannot be classified under above heads.

Note.-- Where these articles are supplied by the Public Works Department Workshops, the Prison Department should be debited and the Public Work Department credited with their value. (Expenditure on buildings, however, is recorded in the account of the Public Works Department and should be excluded from the account of the Prison Department.

- (2) The above classification is not exhaustive as it was not intended that it should be minute and collaborate beyond any useful measure; its object is to be reduce to a minimum the change 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 deed 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.

- (4) 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 realized 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 prisoner, the net amount only being entered in statement No. 73. Similarly the sale proceeds of the old stores, or 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.

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.
- (ii) Each of the four classes shall be kept separate and on the back of each register or bundle, a piece of colored 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 records 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, Acquaintance Roll.
- (c) Bills, Forms, etc Nos. 50, 78, 79, 80, 84, 85, 86, 89, 93, AG. 53; 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 these destroyed: -

- (a) Reports and return 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, 74, 88, (1 and 2) 113, 114 and 126

Records, etc. to be kept for three years

Rule 1249.-- The following records shall be preserved for 3 years and then destroyed: —

- (a) Reports and Return Nil.
- (b) Registers Nil.
- (c) Bill, Firms. 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.T, MSD.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, 47, 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 reserved from the friends and relatives of prisoners for interviews, etc. are to be preserved in the prison office for one year and then destroyed.

Appendix A

LIST OF VARIOUS KINDS OF LABOR WITH CLASSIFICATION AND THE TASK PRESCRIBED FOR EACH.***HARD***

(a) By Task

- | | |
|----------------------------------|---|
| 1. Weaving | Dasuti cloth 68½cm wide 18M – 29 CM on fly shuttle looms and 9 M – 14 CM on hand looms. |
| 2. Warping by manual labor | 4 warps, 39 M – 43 cm long each by four convicts. |
| 3. Blanket manufacture | 18 M – 29 Cm by 1 M – 67 cm on fly shuttle looms. |
| 4. Bowing Wool | 6 Kg – 532 Grams. |
| 5. Felling or shrinking blankets | 2 blankets. Wheat and gram, 13 Kg.-- 997 |
| 6. Grinding grain | Gr Wheat, makki or bajra 13 Kg. – 997 Grams.
Dal, 37 Kg. – 324 Grams. |
| 7. Storing and weighing | 50 bags of 74 Kg – 650 Grams. Each, i.e.,
3732 Kg –420 Grams |
| 8. (a) Aloe pounding | 933 Grams. dry fiber to be extracted |
| (b) Munj pounding | 9 kg – 331 Grams. |
| 9. Brick making | Moulding 1,000 bricks |
| 10. Surkhi pounding | 186 Kg – 620 Grams |
| 11. Printing | 1,500 pulls |
| 12. Cooking | 3 cooks for every 100 prisoners, cook for every 50 prisoners. |

(b) By time (i.e. 9 hours steady work).

1. Carrying Water
2. Carrying stone or clay
3. Masonry and concrete work
4. Grinding lime
5. Tile making
6. Pottery
7. Hewing and cleaning firewood.
8. Carpenter's work.
9. Blacksmith's work
10. Press work
11. Rope making
12. Sweeping.

MEDIUM

(a) By Task

1. Carpet weaving

Woolen carpets

1st quality i.e., 20 threads to 2½ cm

2½ cm

2nd quality, i.e., 15 threads in 2½ cm ...5 cm

3rd quality i.e., 10 thread in 2½ cm... 7½ cm

One convict can weave up to 61 cm in width

Cotton carpets

10 cm to 23 cm by 61 cm according to quality

2.	Dari weaving		Cm	Cm
		Striped	91 x	91
		Kantedar	61 x	91
		Flowered	31 x	61
		Tapestry	7½ x	61
3.	Munj or hemp mat weaving	5 ½ Sq. Meter		
4.	Tape weaving	Newar 5 cm and 6 ½ cm i.e. 9 M – 12 Cm		
5.	Money bag weaving	1 bag holding 1000 rupees		
6.	Tailoring	Hand Sewing		
		Coats 5, Jangias 8, tikonis 8, langots 20, towels 25, caps 40, kurtees for females 3,		

Machine sewing

Convict 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 sifting.
5. Tent making
6. Cloth 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 | Cotton yarn 1 Kg – 400 Grams |
| | Munj Ban 274 Meters |
| 2. Spinning. | Wool, 933 Grams |
| 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 dressing cane.
4. Weeding and light gardening.
5. Dressing vegetables.
6. Sweeping.

ACT No. IX of 1894

[22nd March 1894]

An Act to amend the law relating to Prisons

WHEREAS it is expedient to amend the law relating to prisons in 2 [Pakistan], and to provide rules for the regulation of such prisons; it is hereby enacted as follows:

CHAPTER I
PRELIMINARY

1. **Title, extent and commencement.**-- (1) This Act may be called the Prisons Act, 1894.

(2) It extends to the whole of Pakistan.]

(3) It shall come into force on the first day of July 1894.

(4) Nothing in this Act shall apply to civil jails in 4 [Sindh and the 5 [Karachi Division]], and those jails shall continue to be administered under the provisions of sections 9 to 16 (both inclusive) of 6 Bombay Act II of 1874, as amended by subsequent enactment's.

2. **[Repeal].**-- Rep. by the Repealing Act, 1938 (I of 1938), s.2 and Schedule.

3. **Definition.**-- In this Act: —

(1) “Prison” means any jail or place used permanently or temporarily under the general or special orders of a 7 [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 the police;

(b) any place specially appointed by the 7 [Provincial Government] under section 541 of the 8 Code of Criminal Procedure 1882; or

(c) any place which has been declared by the 7 [Provincial Government] by general or special order, to be a subsidiary jail:

(2) “Criminal prisoner “ means any prisoner duly committed to custody under the writ, warrant or order of any Court or authority exercising criminal jurisdiction, or by order of a Court-martial

(3) “Convicted criminal prisoner” means any criminal prisoner under sentence of a Court or Court-martial, and includes a person detained in prison under the provisions of Chapter VIII of the 8 code of Criminal Procedure, 1882 or under the 9 Prisoners Act, 1871:

(4) “Civil prisoner” means any prisoner who is not a criminal prisoner

(5) “Remission system” means the rules for the time being in force regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jails:

(6) “History-ticket” means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules thereunder:.

(7) “Inspector General” means the Inspector General of Prisons:

(8) “ Medical Subordinate” means an Assistant Surgeon, Apothecary or qualified Hospital Assistant: and

(9) “Prohibited article” means an article the introduction or removal of which into or out of a prison is prohibited by any rule under this Act.

CHAPTER II

MAINTENANCE AND OFFICERS OF PRISONS

4. *Accommodation for prisoners.*-- The 10 [Provincial Government] shall provide, for the prisoners in the territories under such Government, accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

5. *Inspector General.*-- An Inspector General 11 shall be appointed for the territories subject to each 10 [Provincial Government], and shall exercise subject to the orders of the 10 [Provincial Government], the general control and superintendence of all prisons situated in the territories under such Government.

6. *Officers of prisons.*-- For every prison there shall be a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Jailer and such other officers as the 13 [Provincial Government] thinks necessary :

7. *Temporary accommodation for prisoners.*-- Whenever it appears to the Inspector General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the prisoners, excess number to some other prison or whenever from the outbreak of epidemic disease within any prison, or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any prisoners, provision shall be made, by such officer and in such manner as he 13 [Provincial Government] may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as can-not be conveniently or safely kept in the prison.

CHAPTER III

DUTIES OF OFFICERS

Generally

8. *Control and duties of officers of prisons.*-- All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Jailer shall perform such duties as may be imposed on them by the Jailer with the sanction of the Superintendent or be prescribed by rules under section 15 [59].

9. *Officers not to have business dealings with prisoners.*-- No officer of a prison 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 article to any prisoner or have any money or other business dealings directly or indirectly with any prisoners.

10. *Officers not to be interested in prison contracts.*-- No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of the prison: nor shall he derive any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

Superintendent

11. *Superintendent.*-- (1) 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.

(2) Subject to such general or special directions as may be given by the [Provincial Government], the Superintendent of a prison other than a central prison or a prison situated in a presidency-town shall obey all orders not inconsistent with this Act or any rule thereunder which may be given respecting the prison by the District Magistrate, and shall report to the Inspector General all such orders and the action taken thereon.

COMMENT

Superintendent jail to be duty bound to regulate custody of criminal, civil and State prisoners in accordance with Act and rules- Held further : Provisions of Prisons Act as well as Jail Manual to become applicable as soon as person be lodged in prison unless some other rules framed under some special law be made applicable in case. (PLJ 1984 Kar. 133).

12. *Records to be kept by Superintendent.*—The Superintendent shall peep, or cause to be kept, the following records :-

- (1) a register of prisoners admitted
- (2) a book showing when each prisoner is to be released;
- (3) a punishment-book for the entry of the punishment inflicted on prisoners and prison-offences;
- (4) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison;
- (5) 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 or section 60.

MEDICAL OFFICER

13. Duties of Medical Officer.-- Subject to the control of the Superintendent, the Medical of Officer shall have charge of the sanitary administration of the prison, and shall perform such duties as may be prescribed by rules made by the [Local Government] under section 60.

14. Medical Officer to report in certain cases.-- Whenever the Medical Officer has reason to believe that the mind of a prisoner is or is likely to be, injuriously affected 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. This report, with the orders of the Superintendent thereon, shall forthwith be Sent to the Inspector General for information.

15. Report on death of prisoner.-- On the death of any prisoner, the Medical Officer shall forthwith record in a register the following particulars, so far as they can be ascertained, namely:-

- (1) the day on which the deceased first complained of illness or was observed to be ill,
- (2) the labour, if any, on which lie 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 Medical Officer or Medical Subordinate,
- (8) when the prisoner died, and
- (9) (in cases where a post-mortem examination is made) an account of the appearances after death.

together with any special remarks that appear to the Medical Officer to be required.
Jailer

DEPUTY SUPERINTENDENT

16. Deputy Superintendent.-- (1) The Jailer shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.

The Deputy Superintendent shall not, without the Inspector General's sanction in writing, be concerned in any other employment..

17. Deputy Superintendent to give notice of death of prisoner.-- Upon the death of a prisoner, the Jailer shall give immediate notice mediate notice thereof to the Superintendent and the Medical of death of Subordinate.

18. Responsibility of Deputy Superintendent .-- The Jailer shall be responsible for the safe custody of the records to be kept under section 12, for the commitment warrants and all other documents confided to his care, and for the money and other articles taken from prisoners.

19. Deputy Superintendentr to be present at night.-- The Jailer shall not be absent from the prison for a 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.

20. Power of Deputy and Assistant Jailer.-- Where a Deputy Jailer or Assistant Jailer is appointed to a prison, he 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 Jailer under this Act or any rule thereunder.

SUBORDINATE OFFICERS

21. Duties of gate keeper.-- The officer acting as ate-keeper, or any other officer of the prison, may examine anything carried in or out of the prison and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison, or of carrying out any property belonging to the prison and, if any such article or property be found, shall give immediate notice thereof to the Deputy Superintendent.

22. Subordinate Officers not to be absent without leave.-- Officers subordinate to the Deputy Superintendent shall not be absent from the prison without leave from the Superintendent or from the Deputy Superintendent.

23. Convict officers.-- Prisoners who have been appointed as officers of prison shall be deemed to be public servants within the meaning of the Pakistan Penal Code.

CHAPTER IV

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS

24. Prisoners to be examined on admission.-- (1) Whenever a prisoner is admitted into prison, shall be searched, and all weapons and prohibited, articles shall be taken from him.

(2) Every criminal prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book, to be kept by the Jailer, a record of the state of the prisoner's health, and of any wounds or marks on his person, the class of labour he is fit for if sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners the search and examination shall be carried out by the matron under the general or special orders of the Medical Officer.

25. Effects of prisoners.-- All money or other articles in respect whereof no order of a competent Court has been made, and which may with proper authority be brought into the prison by any criminal, prisoner or sent to the prison for his use, shall be placed in the custody of the Jailer.

26. Removal and discharge of prisoners.-- (1) All prisoners, previously to being removed to any other prison, shall be examined by the Medical Officer.

(2) No prisoner shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V
DISCIPLINE OF PRISONERS

27. Separation of prisoners.-- The requisitions of this Act with respect to the separation of prisoners are as follows:

- (1) in a prison containing female as well as male prisoners, the females shall be imprisoned in separate buildings, or separate parts of the same building, in such manner as to prevent their seeing, or conversing or holding any intercourse with, the male prisoners
- (2) in a prison where male prisoners under the age of 21 [twenty-one] are confined, means shall be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not:
- (3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners; and
- (4) civil prisoners shall be kept apart from criminal prisoners.

28. Association and segregation of prisoners.-- Subject to the requirements of the last foregoing section convicted criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other.

29. Solitary confinement.-- 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 twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or Medical Subordinate.

30. Prisoners under sentence of death.-- (1) Every prisoner under sentence of death shall, immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailer and all articles shall be taken from him which the Jailer deems it dangerous or inexpedient to leave in his possession.

- (2) ¹[Prisoners under sentence of death shall be kept in separate barracks / cells instead of death cells, till the final decision on their appeals and shall be placed, by day and by night under the charge of a guard]”.

1. *Amended by Provincial Assembly Khyber Pakhtunkhwa notification No.PA/KP/Bills/2010/38264 dated 13/10/2010*

CHAPTER VI**FOOD, CLOTHING AND BEDDING OF CIVIL
AND UNCONVICED CRIMINAL PRISONERS.**

31. *Maintenance of certain prisoners from private sources.--* A civil prisoner or an unconvicted criminal 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.

32. *Restriction on transfer of food and clothing between certain prisoners.--* No part of any food, clothing, bedding or other necessaries belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

33. *Supply of clothing and bedding to civil and unconvicted criminal Prisoners.--*
(1) Every civil prisoner and unconvicted criminal 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.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of the clothing and bedding so supplied to the prisoner and in default of such payment the prisoner may be released.

CHAPTER VII
EMPLOYMENT OF PRISONERS

34. Employment of civil prisoners.-- (1) Civil prisoners may, with the Superintendent's permission, work and follow any trade or profession.

- (2) Civil prisoners finding their own implements, and 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 are maintained at the expense of the prison shall be subject to a deduction, to be determined by the Superintendent, for the use of implements and the cost of maintenance.

35. Employment of criminal prisoners.-- (1) No criminal prisoner sentenced to labour or employed on labour at his own desire shall, except on an emergency with the sanction in writing of the Superintendent, be kept to labour for more than nine hours in any one day.

- (2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed, and shall at least once in every fortnight cause to be recorded upon the history-ticket of each prisoner employed on labour the weight of such prisoner at the time.
- (3) When the Medical Officer is of opinion that the health of any prisoners suffers from employment on any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer may consider suited for him.

36. Employment of criminal prisoners sentenced to simple imprisonment.-- Provision shall be made by the Superintendent for the employment (as long as they so desire) of all criminal prisoners sentenced to simple imprisonment; but no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work excepting by such alteration in the scale of diet as may be established by the rules of the prison in the case of neglect of work by such a prisoner.

CHAPTER VIII
HEALTH OF PRISONERS

37. Sick prisoners.-- (1) The names of prisoners desiring to see the Medical Sick Subordinate or appearing out of health in mind or body shall, without delay, be reported by the officer in immediate charge of such prisoners to the Jailer

(2) The Deputy Superintendent shall, without delay, call the attention of the Medical Subordinate to any prisoners desiring to see him, or who is ill, or whose state of mind or body appears to require attention, and shall carry into effect all written directions given by the Medical Officer or Medical Subordinate respecting alterations of the discipline or treatment of any such prisoner.

38. Record of directions of Medical officer.-- All directions given by the Medical Officer or Medical Subordinate in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history-ticket or in such other record as the 22 [Local Government] may by rule direct, and the Jailer shall make an entry in its proper place stating in respect of each direction the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Deputy Superintendent thinks fit to make, and the date of the entry.

39. Hospital.-- In every prison an hospital or proper place for the reception of sick prisoners shall be provided.

CHAPTER IX

“VISITS” TO CIVIL AND UNCONVICTED CRIMINAL PRISONERS

40. Visit to civil and unconvicted criminal prisoners.-- Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that so far as may be consistent with the interests of justice, prisoners under trial may see their duly qualified legal advisers without the presence of any other person.

41. Search of visitor.-- (1) The Jailer may demand the name and address of any visitors to a prisoner, and, When the Deputy Superintendent has any ground for suspicion, may search any visitor, or cause him to be searched, but the search shall not be made in the presence of any prisoner or of another visitor.

(2) In case of any such visitor refusing to permit himself to be searched, the Deputy Superintendent may deny him admission; and the grounds of such proceeding, with the particulars thereof, shall be entered in such record as the 22 [Provincial Government] may direct.

CHAPTER X
OFFENCES IN RELATION TO PRISONS

42. Penalty for Introduction or removal of prohibited article into or from prison and communication with prisoners.-- Whoever, contrary to any rule under section [60] introduces or removes attempts by any means whatever to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any article into or from prohibited article, prison and every officer of prison who, contrary to any such rule, knowingly suffers any such article to be introduced into or, removed from any prison, or to be supplied to any prisoner, outside the limits of a prison, and whoever, contrary to any such rule, communicates 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.

43. Power to arrest for offence under section 42.-- When any person, in the presence of any officer of a prison, commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and re-sidence, or gives a name or 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 thereupon such Police-officer shall proceed as if the offence had been committed in his presence.

44. Publication of penalties.-- The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in English and the Vernacular setting forth the acts prohibited under section 42 and the penalties incurred by their commission.

CHAPTER XI
PRISON OFFENCES

45. Prison offences.-- The following acts are declared to be prison offences when committed by a prisoner offences:

- (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) willfully disabling himself from labour
- (6) contumaciously refusing to work;
- (7) filing, cutting altering or removing handcuffs: fetters or bars without due authority;
- (8) willful idleness or, negligence at work by any prisoner sentenced to rigorous imprisonment
- (9) Willful mismanagement of work by any prisoner sentenced to rigorous imprisonment,
- (10) willful 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) willfully bringing a false accusation to 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.

46. Punishment of such offences.-- The Superintendent may examine any person touching any such offence, and determine thereupon, and punish such offence by:

- (1) a formal warning:
- Explanation: A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment-book and on the prisoner's history-ticket;
- (2) change of labour to some more irksome or severe form 25 [for such period as may be prescribed by rules made by the Governor General in Council ;
 - (3) hard labour for a period not exceeding seven days in the case of convicted criminal prisoners not sentenced to rigorous imprisonment;
 - (4) such loss of privileges admissible under the remission system for the time being in force as may be prescribed by rules made by the Governor General in council;
 - (5) the substitution of gunny or other coarse fabric for clothing of other material, not being woolen, for a period which shall not exceed three months;
 - (6) imposition of handcuffs of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Governor General in council
 - (7) imposition of fetters of such pattern and weight, in such manner and for such period, as may be prescribed by rules made by the Governor General in Council;
 - (8) separate confinement for any period not exceeding [three] months

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 per diem and to have his meals in association with one or more other prisoners;

- (9) Penal diet,— that is, restriction of diet in such manner and subject to such conditions regarding labour as may be prescribed by the Governor General in council.

Provided that such restriction of diet shall in no case be applied to a prisoner for more than ninety-six consecutive hours, and shall not be repeated except for a fresh offence nor until after an interval of one week;

- (10) cellular confinement for any period not exceeding fourteen days:

Provided that 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 or solitary confinement:

Explanation.—Cellular confinement means such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners;

- (11) penal diet as defined in clause (9) combined with 31 [Cellular] confinement;
 (12) Whipping, provided that the number of stripes shall not exceed thirty:

Provided that nothing in this section shall render any female or civil prisoner liable to the imposition of any form of handcuffs or fetters, or to whipping.

47. Plurality of punishments under section 46.—(1) Any two of the punishments enumerated in the last foregoing section may be awarded for any such offence in combination, subject to the following exceptions, namely;

- (a) Formal warning shall not be combined with any other punishment except loss of privileges under clause (4) of that section.
 (b) Penal diet shall not be combined with change of labour under clause (2) of that section, nor shall any additional period of penal diet awarded singly be combined with any period of penal diet awarded in combination with [cellular] confinement;
 (3) 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;
 (4) whipping shall not be combined with any other form of punishment except cellular or separate confinement and loss of privileges admissible under the remission system ;
 (5) no punishment will be combined with any other punishment in contravention of rules made by the Governor General in Council.
 (2) No punishment shall be awarded for any such offence so as to combine, with the punishment awarded for any other such offence, two of the punishments which may not be awarded in combination for any such offence.

48. Award of punishment under sections 46 and 47.-- (1) The Superintendent shall have power to award any of punishments other than the punishments enumerated in the two last foregoing sections, subject, in the case of separate confinement for a period exceeding one month, to the previous confirmation of the Inspector General.

- (2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

49. Punishments to be in accordance with foregoing sections.-- Except by order of a Court of Justice, no punishment other than the punishments specified in the foregoing sections

shall be inflicted on any prisoner, and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

50. Medical Officer to certify to fitness of prisoner for punishment.-- (1) No punishment of penal diet, either singly or in combination, or of whipping, or of change of labour under section 46, clause (2), shall be executed until the prisoner to whom such punishment has been awarded has been examined by the Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment-book prescribed in section 12.

- (2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.
- (3) In the latter case he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

51. Entries in punishment book.-- (1) In the punishment-book prescribed in section 12 there shall be recorded, in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the prison-offence of which he was guilty, the date on which such prison-offence was committed, the number of previous prison-offences recorded against the prisoner, and the date of his last prison-offence, the punishment awarded, and the date of infliction.

- (2) In the case of every serious prison-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 finding with the reasons therefore
- (3) Against the entries relating to each punishment the Jailer and Superintendent shall affix their initials as evidence of the correctness of the entries.

52. Procedure on committal of heinous offence.-- If any prisoner is guilty of any offence against prison discipline which, by reason of his having frequently committed such offences or otherwise, in the opinion of the Superintendent, is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to the Court of the District Magistrate 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 any of the punishments enumerated in section 46:

Provided that any such case may be transferred for inquiry and trial by the District Magistrate to any Magistrate of the first class : and

Provided also that no person shall be punished twice for the same offence.

53. Whipping.-- (1) No punishment of whipping shall be inflicted in installments, or except in the presence of the Superintendent and Medical Officer or Medical Subordinate.

- (2) Whipping shall be inflicted with a light rattan not less than half an inch in diameter on the buttocks, and in case of prisoners under the age of sixteen it shall be inflicted, in the way of school discipline, with a lighter rattan.

54. Offences by prison subordinates.-- (1) Every Jailer or officer of a prison subordinate to him who shall be guilty of any violation of duty or willful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office Without permission, or without having given previous notice in writing of his intention for the period of two months, or who shall willfully overstay any leave granted to him, or who shall engage without authority in any employment other than his prison-duty, or who shall be guilty of cowardice, shall be liable, on conviction before a Magistrate, to fine not exceeding two hundred rupees, or to imprisonment for a period not exceeding three months, or to both.

- (2) No person shall under this section be punished twice for the same offence.

CHAPTER XII
Miscellaneous

55. External custody, control and employment of prisoners.-- A prisoner, when being taken to or from any prison in which he may be lawfully confined, or whenever he is working outside or is otherwise beyond the limits of any such prison in or under the lawful custody or control a prison-officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same incidents as if he were actually in prison.

56. Confinement in irons.-- Whenever the Superintendent considers It necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons, he may, subject to such rules and instructions as may be laid down by the Inspector General with the sanction of the Local Government], so confine them.

57. Confinements of prisoners under sentence of transportation in irons.--
(1) Prisoners under sentence of 43 [imprisonment for life] may, subject to any rules made under section 60, be confined in fetters for the first three months after admission to prison.

(2) Should the Superintendent consider it necessary, either for the safe custody of the prisoner himself or for any other reason, that fetters should be retained on any such prisoner for more than three months, he shall apply to the Inspector General for sanction to their retention for the period for which he considers their retention necessary, and the Inspector General may sanction such retention accordingly.

58. Prisoners not to be ironed by Jailer except under necessity.-- No prisoner shall be put in irons or under mechanical restraint by the Deputy Superintendent of his own authority, except in case of urgent necessity, in which case notice thereof shall be forthwith given to the Superintendent.

59. Power to make rules.-- The Provincial Government may for any part of British India and each Local Government with the previous sanction of the Governor-General in Council may for the territories under its administration make rules consistent with this Act:

- (1) defining the acts which shall constitute prison-offences;
- (2) determining the classification of prison offences into serious and minor offences;
- (3) fixing the punishments admissible under this Act which shall be awardable for commission of prison-offences classes thereof;
- (4) declaring the circumstances in which acts constituting both a prison offence and an offence under the Pakistan Penal Code may or may not be dealt with as a prison offence;
- (5) for the award of marks and the shortening of sentences ; so, however, that a sentence of imprisonment for life is not shortened to a period of imprisonment less than fifteen years. (Law reforms Act, 1972) (Schedule).
- (6) regulating the use of anus against any prisoner or body of prisoners in the case of an outbreak or attempt to escape;
- (7) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released;
- (8) regulating the transfer from one part of Pakistan to another of prisoners whose term of transportation or imprisonment is about to expire ;
- (9) generally for carrying into effect the purposes of this Act.

- (10) for the classification of prisons, and description and construction of wards, cells and other places of detention ;
- (11) for the regulation by numbers, length or character of sentences, or other-wise, of the prisoners to be confined in each class of prisons ;
- (12) for the government of prisons and for the appointment, guidance, control, punishment and dismissal of all officers appointed under this Act ;
- (13) as to the food, bedding and clothing of criminal prisoners and civil prisoners maintained otherwise than at their own cost ;
- (14) for the employment, instruction and control of convicts within or without prisons;
- (15) for defining; articles the introduction or removal of which into or out of prisons without due authority is prohibited;
- (16) for classifying and prescribing the forms of labour and regulating the periods of rest from labour
- (17) for regulating the disposal of the proceeds of employment of prisoners;
- (18) for regulating the confinement in fetters of prisoners sentenced to transportation ;
- (19) for the classification and the separation of prisoners
- (20) for regulation the confinement of convicted criminal prisons under section 28
- (21) for the preparation and maintenance of history-tickets;
- (22) for the selection and appointment of prisoners as officers of prisons
- (23) for rewards for good conduct
- (24) for regulating the transfer of prisoners whose term of transportation or shorter imprisonment is about to expire;
- (25) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in prisons;
- (26) for regulating the transmission of appeals and petitions from prisoners and their communications with their friends;
- (27) for the appointment and guidance of visitors of prisons;
- (28) for extending any or all of the provisions of this Act and of the rules thereunder to subsidiary jails or special places of confinement appointed under section 541 of the Code of Criminal Procedure, 1882, (X of 1882) and to the officers employed, and the prisoners confined, therein;
- (29) generally in regard to the admission, custody, employment, dieting, treatment and release of prisoners; and. For other purposes consistent with this Act;

60. Deleted

61. Exhibitions of copies of Rules ..-- Copies of rules, under [section 59] and 60 so far as they affect the government of prisons, shall be exhibited, both in English and in vernacular, in some place to which all persons employed within a prison have access.

62. Exercise of powers of Superintendent and Medical Officer.-- All or any of the powers and duties conferred and imposed by this Act on a Superintendent or Medical Officer may in his absence be exercised and performed by such other officer as the [Local Government] may appoint in this behalf either by name or by his official designation.

ACT NO III OF 1900**THE PRISONERS ACT**

Received the assent of the Governor-General on the
2nd February 1900

An Act to consolidate the Law relating to Prisoners confined
by order of a Court.

WHEREAS it is expedient to consolidate the law relating to prisoners confined
by order of a Court, It is hereby enacted as follows:-

**PART I
PRELIMINARY**

- 1 Short title, extent and commencement*— (1) This Act, may be called the Prisoners Act, 1900;
- (2) It extends to the whole of British India inclusive of British Baluchistan, the Santhal Parganas and the Pargana of Spiti; and
- (3) It shall come into force at once
- 2. In this Act, unless there is anything repugnant in the subject or context:*
- (a) “Court” includes a Court and any officer lawfully exercising civil, criminal or revenue jurisdiction; and
- (b) “Prison” includes any place, which has been declared by the Local Government, by general or special order, to be a subsidiary jail.

**PART II
GENERAL**

3. Officers in charge of prisons to detain persons duly committed to their custody—
The officer in charge of a prison shall receive and detain all persons duly committed to his custody, under this Act or otherwise by any Court, according to the exigency of any writ, warrant, or order by which such person has been committed, or until such person is discharged or removed in due course of law.

4. Officers in charge of prisons to return writs, etc., after execution or discharge—
The officer in charge of a prison shall forthwith, after the execution of every such writ, order, or warrant, as aforesaid other than a warrant of commitment for trial or after the discharge of the person committed thereby, return such writ, order or warrant to the Court by which the same was issued or made together with a certificate, endorsed thereon and signed by him, showing how the same has been executed, or why the person committed thereby has been discharged from custody before the execution thereof.

PART III

PRISONERS IN PRESIDENCY TOWNS

5. *Warrants, etc., to be directed to Police Officers*— Every writ or warrant for the arrest of any person issued by the High Court in the exercise of its ordinary, extraordinary or other criminal jurisdiction shall be directed to and executed by a police officer within the local limits of such jurisdiction.

6. *Power for Local Governments to appoint Superintendents of Presidency prisons*— The Local Government may appoint officers who shall have authority to receive and detain prisoners committed to their custody under this Part.

Explanation.-- Any officer so appointed, by whatever designation he may be styled, is hereinafter referred to as “the Superintendent”

7. *Delivery of persons sentenced to imprisonment or death by high Court*— Where any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to imprisonment or to death, the Court shall cause him to be delivered to the Superintendent together with its warrant, and such warrant shall be executed by the Superintendent and returned by him to the High Court when executed.

8. *Delivery of persons sentenced to transportation or penal servitude by High Court*— Where any person is sentenced by the High Court in the exercise of its original criminal jurisdiction to transportation or penal servitude, the Court shall cause him to be delivered for intermediate custody to the Superintendent and the transportation or penal servitude of such person shall be deemed to commence from such delivery

9. *Delivery of persons committed by high Court in execution of a decree or for contempt* — When any person is committed by the High Court, whether in execution of a decree or for contempt of Court or for any other cause, the Court shall cause him to be delivered to the Superintendent together with its warrant of commitment.

10. *Delivery of persons sentenced by Presidency Magistrates*— Where any person is sentenced by a Presidency Magistrate to imprisonment, or is committed to prison for failure to find security to keep the place or to be of good behaviour, the Magistrate shall cause him to be delivered to the Superintendent, together with his warrant.

11. *Delivery of persons committed for trial by High Court*— Every person committed by a Magistrate, Justice of the Peace, or Coroner for trial by the High Court in the exercise of its original criminal jurisdiction shall be delivered to the Superintendent together with a warrant of commitment directing the Superintendent to produce such person before the Court for trial and the Superintendent shall as soon as practicable cause such person to be taken before the Court at the criminal session thereof, together with the warrant of commitment, in order that he may be dealt with according to law.

12. *Custody pending hearing by High Court under Section 350 of the Code of civil Procedure of application for insolvency.--* The High Court may pending the hearing under Section 350 of the Code of Civil Procedure of any application for a declaration of insolvency cause the judgment-debtor concerned to be delivered to the Superintendent subject to the provisions as to release on security of Section 349 of the said Code and the Superintendent shall

detain the said judgment-debtor in safe. Custody until he is re-delivered to an officer of the High Court for the purpose of being taken before it in pursuance of its order or until he is released in due course of law.

13. Delivery of persons arrested in pursuance of warrant of High Court or Civil Court in Presidency-town.—

- (1) Every person arrested in pursuance of a writ, warrant or order of the High Court in the exercise of its original civil jurisdiction or in pursuance of a warrant of any Civil Court established in a Presidency-town under any law or enactment for the time being in force or in pursuance of a warrant issued under Section 5, shall be brought without delay before the Court by which, or by a Judge of which the writ, warrant or order was issued awarded or made, or before a Judge thereof, if the said Court or a Judge thereof, is then sitting for the exercise of original jurisdiction.
- (2) If the said Court, or a Judge thereof, is not then sitting for the exercise of original jurisdiction such person arrested as aforesaid shall unless a Judge of the said Court otherwise directs, be delivered to the superintendent for intermediate custody and shall be brought before the said Court, or a Judge thereof at the next sitting of the said Court, or of a Judge thereof for the exercise of original jurisdiction, in order that such person may be dealt with according to law; and the said Court or Judge shall have power to make or award all necessary orders or warrants for that purpose..

PART IV

PRISONERS OUTSIDE PRESIDENCY-TOWN

14. References in this Part to prisons, etc., to be constructed as referring also to Reformatory Schools— In this Part all reference to prisons or to imprisonment or confinement shall be constructed as referring also to Reformatory Schools or to detention therein.

15. Power for officers in charge of prisons to give effect to sentences of certain Courts— (1) Officers in charge of prisons outside Presidency-towns may give effect to any sentence or order or warrant for the detention of any person passed or issued—

- (a) by any Court or tribunal acting, whether within or without British India, under the general or special authority of His Majesty or of the Governor-General in Council or of any Local Governments;
- (b) by any Court or tribunal in the territories of any Indian Prince, or State in India —
 - (i) If the presiding Judge, or if the Court or tribunal consist of two or more Judges at least one of the Judges is an officer of the British Government authorized to sit as such Judge by the Indian Prince or State or by the Governor-General in Council, and
 - (ii) if the reception, detention or imprisonment in British India or in any province of British India of persons sentenced by any such Court or tribunal has been authorized by general or special order by the Governor-General in Council or the Local Government, as the case may be, or

- (c) by any other Court or tribunal in the territories of any Indian Prince or State in India, with the previous sanction of the Governor-General in Council or of the Local Government in the case of each such sentence, order or warrant.
- (2) Where a Court or tribunal of such an Indian Prince or State has passed a sentence which cannot be executed without the concurrence of an officer of the British Government, and such sentence has been considered on the merits and confirmed by any such officer specially authorized In that behalf, such sentence, and any order or warrant issued in pursuance thereof, shall be deemed to be the sentence, order or warrant of a Court or tribunal acting under the authority of the Governor General in Council.

16. Warrant of officer of such Court to be sufficient authority— A warrant under the official signature of an officer of such Court or tribunal as is referred to in section 15 shall be sufficient authority for holding any person in confinement or for sending any person for transportation in pursuance of the sentence passed upon him.

17.- Procedure Where officer-in-charge of prison doubts the legality of warrant sent to him to execution under this part— (1) Where an officer-in-charge of a prison doubts the legality of a warrant or order sent to him for execution under this Part, or the competency of the person whose official seal or signature is affixed thereto to pass the Local Government by whose order on the case he and all other public officers shall be guided as to the future disposal of the prisoner.

(2) Pending a reference made under sub-section (1) the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant or order.

18. Execution in British India of certain capital sentences not ordinarily executable there—(1). Where a British Court exercising in or with respect to territory beyond the limits of British India, jurisdiction which the Governor-General in Council has in such territory

- (a) has sentenced any person to death, and
 - (b) being of opinion that such sentence should, by reason of there being in such territory no secure place for the confinement of such person or not suitable appliances for his execution in a decent and human manner, be executed in British India, has issued its warrant for the execution of such sentence to the Officer-in-charge of a prison In British India.
- such officer shall, on receipt of the warrant, cause the execution to be carried out at such place as may be prescribed therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 381 of the Code of Criminal Procedure, 1898.

(2) The prisons of which the officers-in-charge are to execute sentences under any such warrants as afore-said shall be such as the Governor-General in Council or a Local Government authorized by the Governor-General in Council in this behalf may, be general or special order, direct.

(3) A Court shall be deemed to be a British Court for the purposes of this section if the presiding Judge, or if the Court consists of two or more Judges, at least one of the Judges, is

an officer of the British Government authorized to act as such Judge by any Indian Prince or State in India or by the Governor-General in Council.

Provided that every warrant issued under this sub-section by any such tribunal shall, if the tribunal consist of more than one Judge, be signed by a Judge who is an officer of the British Government authorized as aforesaid.

PART V

PERSONS UNDER SENTENCE OF PENAL SERVITUDE

19. Persons under sentence of penal servitude how to be dealt with— (1) Every person under sentence of penal servitude may be confined in such prison within British India as the Governor-General in Council by general order, directs, and may, while so confined, be kept to hard labour and, until he can conveniently be removed to such prison, be imprisoned with or without hard labour and dealt with in all other respects as persons under sentence or rigorous imprisonment may, for the time being, by law be dealt with.

(2) The time of such intermediate imprisonment, and the time of removal from one prison to another, shall be taken and reckoned in discharge or part discharge of the term of the sentence.

20. Enactments respecting persons under sentence of transportation or imprisonment with hard labour applied to persons under sentence of penal servitude— Every enactment now in force in British India with respect to persons under sentence of transportation, or under sentence of imprisonment with hard labour, shall so far as is consistent with the Act, be construed to apply to persons under sentence of penal servitude.

21. Power to grant license to person sentenced to penal servitude— (1). The Governor-General In Council may grant to any person under sentence of penal servitude a license to be at large within British India or such part thereof as is in such license expressed, during such portion of his term of penal servitude and upon such conditions as the Governor-General in Council may think fit.

(2) The Governor-General in Council may revoke or alter any license granted under sub-section (1).

22. Licensee to be allowed to go at large.-- So long as any license granted under section 21 sub-section (1) continues in force and un-revoked, the licensee shall not be liable to imprisonment or penal servitude by reason of his sentence, but as shall be allowed to go and remain at large according to the terms of the license.

23. Apprehension of convict where license revoked— In case of the revocation of any such license as aforesaid, any Secretary to the Government of India, may, by order in writing signify to any Justice of the Peace or Magistrate that the license has been revoked, and require him to issue a warrant for the arrest of the licensee, and such Justice or Magistrate shall Issue his warrant accordingly.

24. Execution of warrant— A warrant Issued under section 23 may be executed by any officer to whom it is directed or delivered for that purpose in any part of British India, and shall have the same force in any place within British India as if it has been originally issued or

subsequently endorsed by the Justice of the Peace or Magistrate or other authority having jurisdiction In the place where it Is executed.

25. Licensee when arrested to be brought up for recommitment- (1). When the licensee, for whose arrest warrant has been issued under section 23, is arrested thereunder, he shall be brought, as soon as conveniently may be, before the Justice or Magistrate by whom the warrant was issued, or before some other Justice or Magistrate of the same place, or before a Justice or Magistrate having jurisdiction In the district in which the licensee has been arrested.

(2) Such Justice or Magistrate as aforesaid shall thereupon make a warrant under his hand and seal for the recommitment of the licensee to the prison from which he was released under the license.

26.- Recombitment— When a warrant has been issued under section 25, sub-section (2), the licensee shall be recommitted accordingly, and shall thereupon be liable to be kept in penal servitude for such further term as, with the time during which he may have been imprisoned at the original sentence and the time during which he may have been at large under an unrevoked license, is equal to the term mentioned in the original sentence.

27. Penalty for breach of condition of the license— If a license is granted under section 21 upon any condition specified therein, and the licensee--

- (a) violates any condition so specified, or
- (b) goes beyond the limits so specified, or
- (c) knowing of the revocation of the license neglects forthwith to surrender himself, or conceals himself, or endeavors to avoid arrest;

he shall be liable upon conviction to be sentenced to penal servitude for a term not exceeding the full term of penal servitude mentioned In the Original sentence.

PART VI REMOVAL OF PRISONERS

28. References in this Part to prisons, etc., to be construed as referring also to Reformatory Schools— In this Part, all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein:

29. Removal of prisoners— (1) The Governor-General in Council 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 or transportation, or
 - (c) in default of payment of a fine, or
 - (d) in default of giving security for keeping the peace or for maintaining good behaviour, to any other prison In British India.
- (2) The Local Government, and (subject to its orders and under its control) the Inspector-General of Prisons may, in like manner, provide for the removal of any prisoner confined as aforesaid in a prison in the province to any other in the province.

30. Lunatic prisoner how to be dealt with— (1) Where it appears to the Local Government that any prison detained or Imprisoned under any order or sentence of any Court is of unsound mind, the Local Government may, by a warrant setting forth the grounds of belief

that the person is of unsound mind, order his removal to a lunatic asylum or to other place of safe custody within the province, there to be kept and treated as the Local Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or, on the expiration of that term it is certified by Medical Officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2) Where it appears to the Local Government that the prisoner has become of sound mind, the Local Government shall, by a warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed or to another prison within the province or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

(3) XXXVI of 1858. The provisions of section 9. of the Lunatic Asylums Act, 1858, shall apply to every person confined in a lunatic asylum under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned, and the time during which a prisoner is confined in a lunatic asylum under that subsection shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo.

(4) In any case in which a Local Government is competent under subsection (1) to order the removal of a prisoner to a Mental hospital or other place of safe custody within the province, the Governor-General in Council may order his removal to any lunatic asylum or other place of safe custody in any part of British India, and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed by order of a Local Government shall, so far as they can be made applicable, apply to a prisoner removed by order of the Governor-General in Council.

31.- Replaced by Act I of 1903.

PART VII

PERSONS UNDER SENTENCE OF TRANSPORTATION

32.-- Appointment of places for confinement of persons under sentence of transportation and removal thereto.-- The General-Governor in Council may appoint places within British India to which persons under sentence of transportation shall be sent and the Local Government, or some officer duly authorized in this behalf by the Local Government, shall give orders for the removal of such persons to the places so appointed, except when sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence.

PART VIII

DISCHARGE OF PRISONERS

33.-- Release, on recognizance, by order of High Court, of prisoner recommended for pardon.— Any Court established under the Indian High Court Act, 1861, may, in any case in which it has recommended to His Majesty the granting of a free pardon to any prisoner, permit him to be at liberty on his own recognizance.

PART IX

PROVISIONS FOR REQUIRING THE ATTENDANCE OF PRISONERS AND OBTAINING THEIR EVIDENCE

Attendance of Prisoners in Court

34.-- References in the Part to prisons, etc., to be construed as referring also to Reformatory Schools.— In this Part, all references to prisons or to imprisonment or confinement shall be construed as referring also to Reformatory Schools or to detention therein.

35.-- Power for Civil Courts to require appearance of prisoner to give evidence.— Subject to the provisions of section 39, any Civil Court may, if it thinks that the evidence of any person confined in any prison within the local limits of its appellate jurisdiction, if it is a High Court or, if it is not a High Court then within the local limits of the appellate Jurisdiction of the High Court to which it is subordinate, is material in any matter pending before it, make an order in the form set forth in the first schedule, directed to the officer-in-charge of the prison.

36.-- District Judge in certain cases to countersign orders made under section 35 —

(1) Where an order under section 35 is made in any civil matter pending—

- (a) in a Court subordinate to the District Judge, or
- (b) in a Court of Small Causes outside a Presidency town, it shall not be forwarded to the officer to whom it is directed, or acted upon by him, until it has been submitted to, and countersigned by—
 - (i) the District Judge to which the Court is subordinate, or
 - (ii) the District Judge within the local limits of whose jurisdiction, the Court of Small Causes is situate.

(2) Every order submitted to the District Judge under sub-section (1) shall be accompanied by a statement, under the hand of the Judge of the subordinate Court or Court of Small Causes, as the case may be, of the facts, which in this opinion render the orders necessary, and the District Judge may, after considering such statement decline to counter sign the order.

37.-- Power for certain Criminal Courts to require attendance of prisoner to give evidence or answer to charge.— Subject to the provisions of section 39 any Criminal Court may if it thinks that the evidence of any person confined in any prison within the local limits of its appellate jurisdiction, if it is a High Court, or, if it is not a High Court., then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter pending before, it or if a charge of an offence against such person is made or pending, make an order in the form set forth in the first or second schedule, as the case may be, directed to the officer-in-charge of the prison:

Provided that if such Criminal Court is inferior to the Court of a Magistrate of the first class, the order shall be submitted to, and counter-signed by the **Supdt: Jail** to whose Court such Criminal Court is subordinate or within the local limits of whose jurisdiction such Criminal Court is situated.

(Legis:I(5)77/2653 dt: 21-4-2004)(No.4/99-SO(Prs:)HF/2004 dt: 24-4-2004)

38.-- Order to be transmitted through Magistrate if the district or sub-division in which person is confined.— Where any person, for whose attendance an order as in this Part provided is made, is confined in any district other than that in which the Court making or countersign the order is situate, the order shall be sent by the Court by which it is made or countersigned to the District or Sub-Divisional Magistrate within the local limits of whose jurisdiction the person is confined, and that Magistrate shall cause it to be delivered to the officer-in-charge of the person in which the person is confined.

39.-- Procedure where removal is desired of person confined in Presidency-town or more than one, hundred miles from place where evidence is required— (1) Whereas a person is confined in a prison within a Presidency-town, or in a prison more than one hundred miles distant from the place where any Court, subordinate to a High Court, in which his evidence is required, is held the Judge or presiding officer of the Court in which the evidence is so required, shall, if he thinks that such person should be removed under this part for the purpose of giving evidence in such Court, and if the prison is within the local limits of the appellate jurisdiction of the High Court to which such Court is subordinate, apply in writing to the High Court, and the High Court, may if it thinks fit, make an order in the form set forth in the first schedule, directed of the officer-in-charge of the prison.

- (2) The High Court making an order under sub-section (1) shall send it to the District or Sub-Division a Magistrate within the local limits of whose jurisdiction the person named therein is confined; or in the case of a person confined in a prison within a Presidency-town to the Commissioner of Police and such Magistrate or Commissioner shall cause it to be delivered to the officer-in-charge of the prison in which the prisoner is confined.

40.-- Person confined beyond limits of appellate jurisdiction of High Court.— Where a person is confined in a prison beyond the local limits of the appellate jurisdiction of a High Court any Judge of such Court may if he thinks that such person should be removed under this Part for the purpose of answering a charge of an offence or of giving evidence in any criminal matter in such Court or in any Court subordinate thereto apply in writing to the Local Government of the territories within which the prison is situate, and the Local Government may, if it thinks fit, regulating the escort of prisoners as the Governor-General in council may prescribe.

41.-- Prisoner to be brought up-- Upon delivery of any order under this part to the officer-in-charge of the prison in which the person named therein is confined, that officer shall cause him to be taken to the Court in which his attendance is required, so as to be present in the 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 until the Judge or presiding officer of the Court authorizes him to be taken back to the prison in which he was confined.

42.-- Power to Government to exempt certain prisoners from operation of this Part— The Governor-General in Council or the Local Government may, by notification in the Gazette of India or the local official Gazette, as the case may be, direct that any person or any class of persons shall not be removed from the prison in which he or they may be confined; and thereupon, and so long as such notification remains in force, the provisions of this Part, other than those contained in section 44 to 46, shall not apply to such person or class of persons.

43.-- Officer-in-charge if prison when to abstain from carrying out orders— In any of the following cases, that is to say:

- (a) where the person named in any order made under section 35 section 37 or section 39 appears to be, from sickness or other infirmity, unfit to be removed the officer-in-charge of the prison in which he is confined, shall apply to the District or Sub-Divisional Magistrate within the local limits of whose jurisdiction the prison is situate, and if such Magistrate, by writing under his hand, declares himself to be of opinion that the person named in the order is, from sickness or other infirmity, unfit to be removed; or
 - (b) where the person named in any such order is under committal for trial; or
 - (c) where the person named in any such order is under a remand pending trial or pending a preliminary investigation; or
 - (d) where the person named in any such order is in custody for a period which would expire before the expiration of the time required for removing him under this Part and for taking him back to the prison in which he is confined;
- the officer-in-charge of the prison shall abstain from carrying out the order and shall send to the Court from which the order has been issued, a statement of the reason for so abstaining:

Provided that such officer as aforesaid shall not so abstain where—

- (i) the order has been made under section 37; and
- (ii) the person named in the order is confined under committal for trial, or under a remand pending trial or pending a preliminary investigation, and does not appear to be, from sickness or other infirmity, unfit to be removed; and
- (iii) the place, where the evidence of the person named in the order is required is not more than five miles distant from the prison in which he is confined.

44.-- Commissions for examination of prisoners— In any of the following cases, that is to say :—

- (a) where it appears to any Civil Court that the evidence of a person confined in any prison within the local limits of the appellate jurisdiction of such Court, if it is a High Court, or if it is not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, who, for any of the causes mentioned in section 42 or section 43 cannot be removed is material in any matter pending before it, for
- (b) where it appears to any such Court as aforesaid that the evidence of a person confined in any prison so situate and more than ten miles distant from the place at which such Court is held is material in any such matter; or
- (c) where the District Judge declines, under section 36, to countersign an order for removal;

the Court may if it thinks fit issue a commission under the provisions of the Code of Civil Procedure for the examination of the person in the prison in which he is confined.

45.-- Commissions for examination of prisoners beyond limits of appellate jurisdiction of High Court— Where it appears to a High Court that the evidence of a person confined in a prison beyond the local limits of its appellate jurisdiction is material in civil matter pending before it or before any Court subordinate to it the High Court may if it thinks fit issue a commission under the provisions of the Code of Civil Procedure for the examination of the person in the prison in which he is confined.

46.-- Commission how to be directed— Every commission for the examination of a person issued under section 44 or section 45 shall be directed to the District Judge within the local limits of whose jurisdiction the prison in which the person is confined is situate and the District Judge shall commit the execution of the commission to the officer-in-charge of the prison or to such other person as he may think fit.

Service of Process on Prisoners

47.-- Process how served on prisoners— When any process directed to any person confined in any prison is issued from any Criminal or Revenue Court it may be served by exhibiting to the officer-in-charge of the prison the original of process and depositing with him a copy thereof.

48.-- Process served to be submitted at prisoner's request.-- (1) Every officer-in-charge of a prison upon whom service is made under section 47 shall, as soon as may be, cause the copy of the process deposited with him to be shown and explained to the person to whom it is directed, and shall thereupon endorse upon the process and sign a certificate to the effect That such person as aforesaid is confined in the prison under his charge and has been shown and had explained to him a copy of the process.

- (2) Such certificate as aforesaid shall be prima facie evidence the service of the process, and if the person to whom the process is directed, requests that the copy shown and explained to him be sent to any other person and provides the cost of sending It by post, the officer-in-charge of the prison shall cause it to be so sent.

Miscellaneous

49.-- Application of Part in certain cases.-- (1) For the purposes of this Part, the Courts of Small Causes established in the Presidency towns and the Courts of Presidency Magistrates shall be deemed to be subordinate to the High Court of Judicature at Fort William, Madras or of Bombay, as the case may be.

(2) For the purposes of this Part, every prison in Lower Burma shall be deemed to be within the local limits of the appellate jurisdiction of the Judicial Commissioner, and the Recorder of Rangoon may issue orders under section 35 or section 37, and may issue a commission under sections 44 to 46 for the examination of any person confined in any prison in Lower Burma

(3) To obtain the removal of a person confined in a prison outside Lower Burma for the purpose of giving evidence in any criminal matter in any Court within the local limits of the ordinary civil jurisdiction of the Recorder of Rangoon, the Recorder shall have the power conferred in a judge of a High Court by section 40, and the other pro-visions of that section shall, as far as they can be made applicable, apply

50.-- Deposits of costs — No order in any civil matter shall be made by a Court under any of the provisions of this Part until the amount of the costs and charges of the execution of such order (to be determined by the Court) is deposited in such Court;

Provided that, if upon any application for such order it appears to the Court to which the application is made, that the applicant has not sufficient means to meet the said costs and charges, the Court may pay the same out of any fund applicable to the contingent expenses of such Court

and every sum so expended may be recovered by the Government from any person ordered by the Court to pay the same as if it were costs in a suit recoverable under the Code of Civil Procedure (XIV of 1882).

51.-- Power to make rules under this Part— (1) The Local Government, and in cases arising under section 40, the Governor-General in Council may make rules:—

- (a) for regulating the escort of prisoners to and from Court in which their attendance is required and for their custody during the period of such attendance;
 - (b) for regulating the amount to be allowed for the costs and charges of such escort; and
 - (c) for the guidance of officers in all other matters connected with the enforcement of this Part.
- (2) All rules made under sub-section (1) shall be published in the local official Gazette or the Gazette of India as the case may be and shall from the date of such publication have the same force as if enacted by this Act.

52.-- Power to declare who shall be deemed officer-in-charge of prison— The Local Government may declare what officer shall, for the purposes of this Part, be deemed to be the officer-in-charge of a prison.

53.-- Repeals— The enactment mentioned in the third schedule are hereby repealed to the extent specified in the last column thereof.

ACT NO.VIII OF 1897

PASSED BY THE GOVERNOR-GENERAL ON INDIA IN COUNCIL

Received the assent of the Governor-General on the 11th March, 1897 to amend the law relating to Reformatory Schools and to make further provisions for dealing with youthful offenders.

WHEREAS it is expedient to amend the law relating to Reformatory Schools and to make further provisions for dealing with youthful offenders. It is hereby enacted as follows: -

I – Preliminary

1. *Title, commencement and extent*— (1) This Act may be called the reformatory Schools Act, 1897, and
 - (2) It shall come into force at once.
 - (3) This section and section 2 shall extend to the whole of British India. The other sections shall extend in the first instance to the whole of British India except the territories for the time being administered by the Lieutenant-Governor of the Punjab and the Chief Commissioner of Coorg, but either of the said Local Governments may at any time, by notification in the local official Gazette extend these sections to their territories from such day as may be fixed in any such notification.

2. *Repeal of Act V of 1876*— (1) The Reformatory Schools Act, 1876, is hereby repealed.
 - (2) But all proceedings taken orders passed, officers appointed or authorized and rules made under the said Act, shall as far as may be, deemed to have been respectively, passed, appointed or authorized and made under this Act.
 - (3) Any enactment or document referring to the said Act shall, as far as may be, be construed to refer to this Act, or to the corresponding portion thereof.

3. *Section 399 of Act I of 1882, repealed on date fixed by a notification under section 1, sub-section (3).*-- From the date fixed by any notification issued under section 1, sub-section (3), section 390 of the Code of Criminal Procedure, 1882, shall repealed in the province to which the notification relates.

4. *Definitions*— In this Act, unless there is anything repugnant in the subject or context—
 - (a) “youthful offender” means any boy who has been convicted of any offence punishable with transportation or imprisonment and who, at the time of such conviction was under the age of fifteen years
 - (b) “Inspector-General” includes any officer appointed by the Local Government to perform all or any of the duties imposed by this Act on the Inspector-General;
 - (c) “District Magistrate” shall include a Chief Presidency Magistrate.

II - Reformatory Schools

5. *Power to establish and discontinue Reformatory School:* — With the previous sanction of the Governor-General in Council the Local Government may —

- (a) establish and maintain Reformatory Schools at such places as it may think fit
- (b) use as Reformatory Schools, schools, kept by persons willing to act in conformity with such rules, consistent with this Act, as the Local Government may prescribe in this behalf; and
- (c) direct that any school so established or used shall cease to exist as a Reformatory School or to be used as such.

6. *Requisites of schools*— Every school so established or used must provide

- (a) sufficient means of separating the inmates at night;
- (b) proper sanitary arrangements, water-supply, food, clothing and bedding for the youthful offenders detained therein ;
- (c) the means of giving such youthful offenders industrial training ;and
- (d) an infirmary or proper place for the reception of such youthful offenders when sick.

7. *Inspection of Reformatory Schools*— (1) Every school intended to be established or used as a Reformatory School shall before being used as such be inspected by the Inspector-General and if he finds that the requirements of section 6 have been complied with and that, in his opinion such school is fitted for the reception of such youthful offenders as may be sent there under this Act, he shall certify to that effect, and such certificate shall be published in the local official Gazette together with an order of the Local Government establishing the school as a Reformatory School or directing that it shall be used as such and the school shall thereupon be deemed to be a Reformatory School

(2) Every such school shall from time to time and at least once in every year be visited by the said Inspector-General who shall send to the Local Government a report on the condition of the schools in such form as the Local Government may prescribe.

8. *Power of Court to direct youthful offenders to be sent to Reformatory Schools*—

- (1) Whenever any youthful offender is sentenced to transportation or imprisonment and is in the judgment of the Court by which he is sentenced a proper person to be inmate of a Reformatory School the court may subject to any rules made by the Local Government, direct unit instead of undergoing his sentence, he shall be sent to such a school and be there detained for a period which shall be not less than three or more than seven years,
- (2) The powers so conferred on the Court by this section shall be exercised only by the High Court, (b) a Court of Sessions, (c) a District Magistrate and (d) any Magistrate specially empowered by the Local Government in this behalf, and may be exercised by such Courts whether the case comes before them originally or on appeal.
- (3) The Local Government may make rules for—
 - (a) defining what youthful offenders should be sent to Reformatory Schools, having regard to the nature of their offences or other considerations, and
 - (b) regulating the periods for which youthful offenders may be sent to such schools according to their ages or other considerations

9. Procedure where Magistrate is not empowered to pass an order under section 8— (1) When any Magistrate not empowered to pass an order under the last foregoing section is of opinion that a youthful offender convicted by him is a proper person to be an inmate of a Reformatory School, he may, without passing sentence, record such opinion and submit his proceedings, and forward the youthful offender to the District Magistrate to whom he is subordinate.

(2) The Magistrate to whom the proceedings are so submitted may make such further inquiry (if any) as he may think fit and pass such sentence and order for the detention in a Reformatory School of the youthful offender, or otherwise, as he might have passed if such youthful offender had been originally tried by him

10. Powers of Magistrates to direct boys under fifteen years sentenced imprisonment to be sent to Reformatory Schools--- The officer-in-charge of a prison in which youthful offender is confined, in execution of a sentence of imprisonment, may bring him, if he has not then attained the age of fifteen years, before the District Magistrate within whose Jurisdiction such prison is situate; and such Magistrate may, if such youthful offender appears to be a proper person to be an inmate of a Reformatory School, direct that, instead of undergoing 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, with reference to the period of detention thereby authorized.

11. Preliminary enquiry and finding as to age of youthful offender— (1) Before directing any youthful offender to be sent to a Reformatory Schools under section 8, section 9 or section 10, the Court or Magistrate shall inquire into the question of his age and, after taking such evidence (if any) as may be deemed necessary, shall record a finding thereon, stating the age as nearly as may be.

(2) A similar inquiry shall be made and finding recorded by every Magistrate not empowered to pass an order under section 8 before submitting his proceedings and forwarding the youthful offender to the District Magistrate as required by section 9, sub-section (1).

12. Government to determine Reformatory School to which such offenders shall be sent— Every youthful offender directed by a Court or Magistrate to be sent to a Reformatory School shall be sent to such Reformatory School as the Local Government may, by general or special order appoint for the reception of youthful offender to dealt with by such Court or Magistrate:

Provided that, if accommodation in a Reformatory School is not immediately available for such youthful offender, he may be detained in the juvenile ward or such other suitable part of a prison as the Local Government may direct—

- (a) until, he can be sent to a Reformatory School; or
- (b) until the term of his original sentence expires, whichever event may first happen. Should the terms of his original sentence first expire, he shall thereupon 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.

13. Persons found to be over eighteen years not to be detained in Reformatory Schools— (1) If at any time after a youthful offender has been sent to a Reformatory School it appears to the Committee of Visitors or Board of Management, as the case may be, that the age of such youthful offender has been understated in the order for detention, and that he will attain the age of eighteen years before the expiration of the period for which he has been ordered to be detained they shall report the case for the orders of the Local Government.

- (2) No person shall be detained in a Reformatory School after he has been found by the Local Government to have attained the age of eighteen years.

14. Discharge or removal by order of Government— The Local Government may at time order any youthful offender—

- (a) to be discharged from a Reformatory School;
- (b) to be removed from one Reformatory School to another such school situate within the territories subject to such Government: Provided that the whole period of his detention in a Reformatory School shall not be increased by such removal.

15. Power to Governor-General in Council to direct use of Reformatories in one province for reception of youthful offenders from another— (1) The Governor-General in Council may by general or special order direct that any Reformatory School situated in one province shall be available for the reception of youthful offender directed to be sent to any Reformatory School by any Court or Magistrate in any other province.

- (2) Any such order may also provide for the removal of the youthful offender, and the cost of his maintenance, and may give any such further directions as may be necessary.

16. Certain order not subject to appeal or revision— Nothing contained in the Code of Criminal Procedure, 1882, shall be construed to authorize any Court or Magistrate to alter or reverse in appeal or revision any order passed with respect to the age of a youthful offender or the substitution of an order for retention in a Reformatory School for transportation or imprisonment.

III - Management of Reformatory Schools

17. Appointment of Superintendent and Committee of visitors or Board of Management— (1) For the control and management of every Reformatory School the Local Government shall appoint either (a) a Superintendent and a Committee of Visitors, or (b) a Board of Management.

(2) Every Committee and every Board so appointed must consist of not less than five persons, of whom two at least shall be natives of India.

- (3) The Local Government may suspend or remove any Superintendent or any Member of a Committee or Board so appointed.

18. Superintendent may license youthful offenders to employers of labour— (1) Every Superintendent so appointed may, with the sanction of the Committee, by license under his hand, permit any youthful offender sent to a Reformatory School, who has attained the age of fourteen years to live under the charge of any trustworthy and respectable person named in the license, or any officer of Government or of a Municipality, being an employer of labour and willing to receive and take charge of him on the condition that the employer shall keep such youthful offender employed at some trade, occupation or calling.

- (2) The license shall be in force for three months and no longer, but may at any time and from time to time until expiration of the period for which the youthful offender has been directed to be detained, be renewed for three months at a time.

19. Cancellation of license— The license shall be cancelled at the desire of the employer named in the license.

20. Determination of license— if during the term of the license, the employer named therein dies, or ceases from business or to employ labour, or the period for which the youthful offender has been directed to be detained in the Reformatory School expires, the license shall thereupon cease and determine.

21. Cancellation of license in case of ill-treatment— If it appears to the Superintendent that the employer has ill-treated the youthful offender or has not adequately provided for his lodging and maintenance, the Superintendent may cancel the license.

22. Superintendent to be deemed guardian of youthful offender— (1) The Superintendent of a Reformatory School shall be deemed to be the guardian of every youthful offender detained in such school. School within the meaning of Act NO. XIX of 1850 (concerning the binding of apprentices).

Power to apprentice youthful offenders— (2) If it appears to the Superintendent that any youthful offender licensed under section 18 has behaved well during one or more periods of the license, the Superintendent may, with the sanction of the Committee, apprentice him under the provisions of the said Act, and on such apprenticeship the right to detain such youthful offender in a Reformatory School shall cease and the unexpired term (if any) of his sentence shall be cancelled.

23. Duties of Committee of Visitors— (1) Every Committee of Visitors appointed under section 17 of a Reformatory School shall, at least once in every month—

- (a) visit the school, to hear complaints and see that the requirement of section 6 have been complied with, and that the management of the school is proper in all respects;
- (b) examine the punishment book;
- (c) bring any special cases to the notice of the Inspector-General; and
- (d) see that no person is illegally detained in the school.

(2) If any member of a Committee of Visitors so appointed fails or neglects, during a period of six consecutive months, to visit the school and assist in the discharge of the duties aforesaid, he shall cease to be a member of such Committee.

24. Powers of Board of Management— If, in exercise of the powers conferred by section 17, the Local Government appoints a Board of Management for any Reformatory School, such Board shall have the powers and perform the functions of the Superintendent under section 18 to 22, both inclusive; and the license mentioned in section 18 may be under the hand of their chairman; and they shall be deemed to be the guardians of the youthful offenders detained in such school.

25. Power to appoint Trustees or other Managers of a school to be a Board of Management- The Local Government may declare any body of Trustees or Managers of the school, who are willing to act In conformity with the rules referred to in section 5, clause (b) to be a Board of Management under this Act, and thereupon such body or Managers shall have all the powers and perform all the functions of such Board of Management.

26. Power of Board to make rules— (1) With the previous sanction of the Local Government, every Board of Management of a Reformatory School may, from time to time, make rules consistent with this Act—

- (i) to prescribe the articles which are to be deemed to be “prohibited articles”; and
- (ii) to regulate
 - (a) the conduct of business of the Board;
 - (b) the management of the school;
 - (c) the education and industrial training of youthful offenders;
 - (d) visits to, and communication with, youthful offenders;
 - (e) the terms and condition under which any articles declared by the Board to be “prohibited articles” may be introduced into or removed out of the school;
 - (f) the manner in which such articles are to be removed when introduced without due authority;
 - (g) the conditions and Limitation under which such articles may be supplied outside the school to any youthful offender under order of detention therein;
 - (h) the conditions on which the possession by any such youthful offender of such articles may be sanctioned;
 - (i) the penalties to be imposed for the supply or possession of such articles when supplied or possessed without due authority;
 - (j) the punishment of offences committed by youthful offenders ; and
 - (k) the granting of licenses for the employment of youthful offenders.
- (2) In the absence of a Board of Management, the Local Government may make rules consistent with this Act, to regulate for any Reformatory School the matters mentioned in any clause of sub-section (1) other than clause (ii)(a), and also the mode in which the Committee of Visitors shall conduct their business.

IV—Offences in relation to Reformatory Schools.

27. Penalty for introduction or removal or supply of prohibited articles and communication with youthful offenders— Whoever, contrary to any rule made under section 26, introduces or removes or attempts by any means whatever to introduce or removes into or from any Reformatory School, or supplies or attempts to supply outside the limits of any Reformatory School to any Youthful offender under order of detention therein any prohibited articles; and every officer or person in charge of a Reformatory School who contrary to any such rule, knowingly suffers any such articles to be introduced into or removed from any Reformatory school to be possessed by any youthful offender detained threerein, or to be supplied to any such youthful offender outside its limits; and whoever, contrary to any such rule, communicates or attempts to communicate with any such youthful offender and whoever abets any offence made punishable under this section; shall, on conviction before a Magistrate be liable to imprisonment for a term not exceeding six month or to the fine not exceeding two hundred rupees or to both.

28. Penalty for abetting escape of youthful offender— Whoever abets an escape or an attempt to escape on the part of a youthful offender from a Reformatory School or from the employer of such youthful offender shall be punishable with imprisonment for a term which may extend to six months or with fine exceeding two hundred rupees or with both.

29. Arrest of escaped youthful offender— A Police-Officer may without orders from a Magistrate and without a warrant arrest any youthful offender, sent to a Reformatory School under this Act who has escaped from such school or from his employer and take back to such school or to his employer.

V – Miscellaneous

30. Section 30 Repealed by Act III of 1900.

31. Power to deal in other ways with youthful offenders including girls — (I) Notwithstanding anything contained in this Act or in any other enactment for the time being in force any Court may if it shall think fit instead of sentencing any youthful offender to transportation or imprisonment or directing him to be detained in a Reformatory School order him to be.

- (a) discharged after due admonition ; or
- (b) delivered to his parent or to his guardian or nearest adult relative on such parent, guardian or relative executing a bond with or without sureties as the Court may require to be responsible for the good behaviour of the youthful offender for any period not exceeding twelve months.

(2) For the purposes of this section the term “youthful offender” shall include a girl.

(3) The powers conferred on the Court by this section shall be exercised by Court empowered by or under section 98.

(4) When any youthful offender is convicted by a Court not empowered to act under this section and the Court is of opinion that the powers conferred by this section should be

exercised in respect of such youthful offender it may record such opinion and submit the proceedings and forward the youthful offender to the District Magistrate to whom such Court is subordinate.

(5) The District Magistrate to whom the proceedings are so submitted may thereupon make such order or pass such sentence as he might have made or passed if the case had originally been tried by him.

32. Procedure when youthful offender under detention in Reformatory School is again convicted and sentenced— When a youthful offender during his period of detention in a Reformatory School is again convicted by a Criminal Court the sentence of such Court shall commence at once notwithstanding anything to the contrary in section 397 of the Code of Criminal Procedure 1882 but the Court shall forthwith report the matter to the Local Government which shall have power to deal with the matter in any way in which it thinks fit.

THE PUNJAB BORSTAL ACT, - 1926

(ACT NO.XI OF 1926)

[Received the assent of the Governor on the 22 nd July 1926 and that of the Governor-General on the 16 th August 1926 and was first published in the Punjab Government Gazette of the 27th August 1926].

AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT AND REGULATION OF BORSTAL INSTITUTIONS IN THE PUNJAB AND FOR THE DETENTION AND TRAINING OF ADOLESCENT OFFENDERS THEREIN.

Preamble.-- Whereas it is expedient to make provision for the establishment and regulation of Borstal Institutions in the Punjab- and for the detention and training of adolescent offenders therein, and whereas the previous sanction of the Governor-General under subsection (3) of section 80-A of the Government of India Act has been obtained; it is hereby enacted as follows

1. Short title, extent and commencement—

- (1) This Act may be called the Punjab Borstal Act, 1926.
- (2) It extends to the Punjab.
- (3) It shall come into force on such date as the Local Government may by notification appoint in this behalf.

2. Definitions-- In this Act unless there is anything repugnant in the subject or context:

- (1) “Borstal Institution” means a place in which offenders may be detained under this Act and given such industrial training and other instruction and subjected, to such disciplinary and moral influences as will conduce to their reformation”
- (2) “detained” means detained in and “detention” means detention in a Borstal Institution;
- (3) “inmate” means any person ordered to be detained;
- (4) “offence” means—
 - (i) an offence punishable with transportation or rigorous imprisonment under the Indian Penal Code other than
 - (a) an offence punishable with :death;
 - (b) an offence punishable under Chapter V-A or Chapter VI of the said Code;
 - (ii) an offence punishable with imprisonment under the Public Gambling Act, 1867;
 - (iii) an offence punishable with imprisonment under the Opium Act, 1878
 - (iv) an offence punishable with imprisonment under the Punjab Excise Act, 1914;.
- (5) “Officer” means an officer of a Barstool Institution appointed in such manner as may be prescribed;
- (6) “Prescribed” means prescribed by rules made by the Local Government under the provisions of this Act;
- (7) “Security for good behaviour” means security for good behaviour otherwise than for political activities under section 109 or section 110 of the Code of Criminal Procedure, 1898;
- (8) “Superintendent” means a Superintendent of a Borstal Institution appointed in such manner as may be prescribed.

*3. Establishment of Borstal institution*³— For the purposes of this Act the Local Government may establish one or more Borstal Institutions.

4. Appointment of Director of Borstal institutions, officers and visiting committee

(1) The Local Government shall appoint any person, not being a police officer, to be Director of Borstal Institutions, and he shall exercise, subject to the orders of the Local Government, general control and superintendence of all Borstal Institutions.

(2) For every Borstal Institution the Local Government shall appoint a Superintendent, and such other officers, as may be necessary.

(3) For every Borstal Institution a visiting committee shall be appointed in such manner as may be prescribed.

5. Power of courts to pass a sentence of detention in a Borstal institution in the case of a convict under twenty-one years of age in lieu of transportation or rigorous imprisonment—

(1) When any male person less than twenty-one years of age is convicted of an offence by a court of sessions, a Magistrate specially empowered under section 30 of the Code of Criminal Procedure, 1898, or a Magistrate of the first class, 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 Magistrate¹ that he should be detained by such Judge or Magistrate may, in lieu of passing a sentence of transportation or rigorous imprisonment, pass an order of detention for a term which shall not be less than two years and shall not exceed seven years when the order is passed by a court of Sessions or a Magistrate specially empowered under section 30 of the Code of Criminal Procedure, 1898, and shall not be less than two years or exceed three years, when the order is passed by a Magistrate of the first class not so empowered.

(2) When any Magistrate, not empowered to pass such order, is of opinion that an offender /convicted by him is a person in respect of whom such orders should be passed in accordance with the provisions of sub-section (1) he may, without passing any sentence, record such opinion and submit his proceedings and forward the accused to the District Magistrate to whom he is subordinate.

(3) The District Magistrate to whom the proceedings are so submitted may make such further enquiry (if any) as may deem fit and, pass such order for the detention of the offender or such other sentence or order, as he might have passed if the trial had been held by him from its commencement.’

6. Special powers of District Magistrates— When any male person less than twenty-one years of age has been sentenced for an offence by a Magistrate to rigorous imprisonment or when ordered by a Magistrate to give security for good behaviour has failed to give such security, and has been committed to or confined in prison and no appeal has been preferred be against such sentence or order within the time prescribed by law and when by reason of such person’s criminal habits or tendencies or association with persons of bad character it is expedient, in the opinion of the District Magistrate, that he should be detained, the District Magistrate may order that such person shall in lieu of under going imprisonment be detained for a period not less than two years nor more than three years.

7. *Detention for prisoners confined in the Lahore Borstal Jail*— If it appears to the Local Government that any male person less than twenty-one years of age who having been sentenced to rigorous imprisonment for an offence or having been committed to or confined in prison for failing to give security for good behaviour is at the time of the commencement of this Act confined in the Lahore Borstal Jail, should for the reasons described in subsection (1) of section 5 be detained, the Local Government may direct that he be detained for a period not exceeding the residue of his sentence or of the period for which security was required, as the case may be, provided that such order shall be subject as regards the period of detention to any order passed on appeal against or revision of the sentence or order of commitment or confinement in prison.

8. *Powers of Superintendent of Jail to present prisoner less than 21 years of age before District Magistrate for detention in a Borstal Institution*— Whenever it appears to the Superintendent of a Jail that any male person less than twenty-one years of age sentenced to transportation or rigorous imprisonment for an offence or committed to or confined in prison for failing to give security for good behaviour should for the reasons described in sub-section

- (1) of section 5 be detained, he shall cause such prisoner to be produced before the District Magistrate in whose jurisdiction the Jail is situated, and if the District Magistrate after making such enquiry as he may deem proper or as may be prescribed is satisfied that the prisoner should for the reasons described in the said subsection be detained, he may order the prisoner to be removed from jail and detained for a period equal to the un-expired term of the transportation or imprisonment to which he was sentenced or of the period for which security was required from him, as the case may be.

9. *When action may not be taken under section 8*— No orders shall be made under the provisions of section 8—

- (i) until the time allowed by law for the prisoner to appeal has expired or if an appeal has been preferred until such appeal has been finally decided; or
 (ii) if an application made on appeal or otherwise to have the sentence altered into an order of detention, has been rejected by an Appellate Court or the High Court; or
 (iii) in the case of any person who has been sent to a Reformatory School in accordance with the provisions of the Reformatory Schools Act, 1897.

10. *Application of the Code of Criminal Procedure, 1898, and the Indian Limitation Act, 1908 and provisions for appeal and revision*— (1) Subject to the provisions of subsection (2) of this section the provisions of the Code of Criminal procedure, 1898, relating to appeal, reference and revision and Articles 154 and 155 of the Indian Limitation Act, 1908, shall apply in the case of any order of detention passed under section 5 as if the order had been a sentence of imprisonment for the same period as the period for which; detention was ordered.

- (2) Notwithstanding anything contained in section 423: of the Code of Criminal, procedure, 1898, when, a person who at the time of his conviction was less than twenty-one years of age has been convicted of an offence, or when such person on being ordered to furnish security for good behaviour has failed to furnish such security, an appellate court or the High Court in the exercise of its powers of revision, may in pursuance of sub-section (1) and the provisions of the Code of Criminal procedure, 1898, and after making inquiry as it may deem fit, alter a sentence of imprisonment or an order of commitment to prison under section 123 of the Code of Criminal procedure to an order of detention, if for reasons described in sub-section (1) of section 5, it considers such alteration expedient,

and may alter an order of detention to a sentence of imprisonment or an order of commitment to prison under section 123 of the Code of Criminal procedure as the case may be provided that the sentence of imprisonment order of commitment or order of detention; shall not be in excess of the powers of the trial Magistrate or Court.

(3) Any person who has been ordered to be detained in a Borstal Institution under the provisions of section 6 for a period to expire after the terms of imprisonment to which he was sentence would expire had the order not been passed, may, subject to the provisions of sub-section (5), appeal to the Sessions Judge and the Session Judge may either confirm the order or set it aside and restore the sentence of imprisonment or if the order is for more than two years reduce it to a term not shorter than two years nor shorter than the residue of imprisonment to which the offender was sentenced.

(4) Any person ordered, by a Sessions Judge under the provision of subsection (3) to be detained for a period to expire after the term of imprisonment to which he was sentenced would expire had such order not been passed, may, subject to the provisions of sub-section (5), appeal within thirty days of the order to the High Court and the High Court may pass any such order as the Sessions Judge might have passed.

(5) An appeal shall not lie under sub-section (3) or sub-section (4) against a conviction or on any finding of fact but only on the ground that the order appealed against is illegal, or unduly severe.

11. No person who has been once detained to be detained again— No person who has been previously detained for the whole period prescribed in an order of detention or who has been transferred to jail under section 20 of this Act, shall again be ordered to be detained.

12. Release on furnishing security— Any person detained for failure to furnish security shall be released on furnishing such security.

13. Enquiry to be made regarding the age of the offender before the passing of an order of detention— (1) Before passing an order of detention under this Act, the Magistrate District Magistrate or Court, as the case may be, shall enquire or cause 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 a finding thereon.

(2) A similar enquiry shall be made and finding recorded by every magistrate not empowered to pass an order of detention under this Act before submitting his proceedings and forwarding the accused to the District Magistrate as required by the subsection (2) of section 5 of this Act.

14. Magistrate to give ground of his opinion before ordering detention— When any Magistrate, District Magistrate or Court orders as offenders to be detained he or it, as the case may be, shall record the ground of his or its opinion that it is expedient that the offender to detained.

15. Power to release on license— Subject to any general or special directions of the Local Government, the Visiting Committee with the sanction of the Director of Borstal Institutions may at any time after the expiration of one third of the period of detention, or of two years, whichever is shorter, if satisfied that the inmate is likely to abstain from crime, and lead a useful and industrial Life, by license permit him to be discharged from the Borstal Institution on condition that he be placed under the superintendent or authority of any Government officer or (secular) institution or person or religious society (professing the same religion as the inmate)

named in the license who may be willing to take charge of him. A license granted under this section shall be in force until the term for which the inmate was ordered to be detained has expired unless sooner suspended, revoked or forfeited.

16. Absence under license to be counted towards period of detention— The time during which an inmate is absent under license from a Borstal Institution shall be reckoned as part of the period of detention.

17. Form of license— Every license granted under the provisions of section 15 shall be in such form and shall contain such conditions as the Local Government may, by general or special order, direct.

18. Suspension and revocation of licenses— Subject to any general or special directions of the Local Government, a license granted under section 15 may be suspended for a period not exceeding three months by the Superintendent of a Borstal Institution or revoked at any time by the Visiting committee on the recommendation of the Director of Borstal Institutions. Where the license of any inmate has been suspended or revoked he shall return to the Borstal Institution, and if he fails to do so he may be arrested without warrant and taken to the Institution.

19. Penalty for escape— If any inmate escapes from a Borstal Institution before the expiry of the period for which he was ordered to be detained or if any inmate absent on license from a Borstal institution escapes from the supervision or authority of any Government officer or (secular) institution or person or religious society in whose charge he was placed or fails on the suspension or revocation of his license to return to the Borstal Institution, he may on conviction by a magistrate be punished with imprisonment of either description for a term which extend to two years or with fine or with both, and his license shall be forfeited with effect from the date of his escape or failure to return, as the se may be. An offence under this section shall be deemed to be a cognizable offence within the definition of that term in the Code of Criminal Procedure, 1898.

20. Incurrigibles— Where an inmate is reported to the Local Government by the Visiting Committee to be incurrigible or to be exercising a bad influence on the other inmates of the institution or is convicted under section 19 of this Act, or is reported by the Superintendent to have committed an offence which has been declared to be a Major Borstal Institution offence by rules made by the Local Government in pursuance of the provisions of sub-section (14) of section 34 of this Act, the Local Government may commute the residue of the term of detention to such term of imprisonment of either description not exceeding such residue as the Local Government may direct, and may order the transfer of the inmate to any jail in the Punjab in order to complete the said term of imprisonment.

21. Inmates appointed officers to be public servants— Inmates who have been appointed as officers shall be deemed to be public servants within the definition of that term in the Indian Penal Code,

22. Extraminral custody, control and employment of inmates— An inmate when being taken to or from any Borstal Institution in which he may be lawfully detained or whenever he is working outside or is otherwise beyond the limits of any such Borstal Institution in or under the lawful custody or control of an officer belonging to such Borstal Institution shall be deemed to be under detention and shall be subject to all the same incidents as if he were actually in a Borstal Institution.

23. Penalty or introduction or removal of prohibited articles into or from Borstal Institutions and communications with inmates— Whoever, contrary to any rule under section 34, introduces or removes or attempts by any means whatever to introduce or remove, into or from any Borstal Institution, or supplies or attempts to supply to any inmate outside the limits of such Institution any prohibited articles and every officer of a Borstal Institution who, contrary to such rule, knowingly suffers any such article to be introduced into or removed from any Borstal Institution to be possessed by any inmate, or to be supplied to any inmate outside the limits of Borstal Institution; and whoever contrary to any such rule communicates or attempts to communicate with any inmate ; 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.

24. Power to arrest for offences under section 23— When any person, in the presence of any officer of a Borstal Institution commits any offence specified in the last foregoing section, and refuses on demand of such officer to state his name and residence, or gives a name or residence which each 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 thereupon such Police officer shall proceed as if the offence had been committed in his presence.

25. Publication of penalties— The Superintendent shall cause to be affixed, in a conspicuous place outside the Borstal Institution, notice in English and the vernacular setting forth acts prohibited under section 23 and the penalties incurred by their commission.

26. Officer-in-charge of Borstal Institutions to detain person duly committed to their custody— The officer-in-charge of a Borstal Institution shall receive and detain all persons duly committed to his custody under this Act according to the directions contained in the order by which such person has been committed or until Such person is discharged or removed in due course of Jaw.

27. Officer-in-charge of Borstal Institutions to return orders, etc. after execution or discharge— The officer-in-charge of a Borstal Institution shall forthwith, after the execution of every such order as aforesaid or after the discharge of the person committed thereby return such order to the Magistrate, District Magistrate or Court by which the same was issued or made, together with a certificate endorsed thereon and signed by him showing how the same has been executed, or why the person committed thereby has been discharged from detention before the execution thereof.

28. Powers of Officer-in-charge of Borstal Institutions to give effect to orders of certain court.-- (1) Officer-in-charge of Borstal Institutions may give effect to any order for the detention of any person passed or issued—

- (a) by any Court or tribunal acting whether within or without British India, under the general or special authority of His Majesty, or of the Governor-General in Council, or of any Local Government; or
- (b) by any Court or tribunal in the territories of any Native Prince or State in India .
 - (i) if the presiding Judge, or if the Court or tribunal consists of two or more Judges, at least one of the Judges is an officer of the British Government authorized to sit as such Judge by the Native Prince or State or by the Governor-General in Council, and

- (ii) if the reception, or detention in British India or in any province of British India of persons ordered to be detained by any such Court or tribunal has been, authorized by general or special order by the Governor-General in Council or the Local Government as he may case, or
 - (c) by any other Court or tribunal in the territories of any Native Prince or State in India, with the previous sanction of the Governor-General in Council or of the Local Government in the case of each such order.
- (2) Where a Court or tribunal of such a Native Prince or State has passed an order which cannot be executed without the concurrence of an officer of the British Government, and such order has been Considered on the merits and confirmed by any such officer specially authorized in that behalf, such order and any order issued in pursuance thereof shall be deemed to be the order of a Court or tribunal acting under the authority of the Governor-General in Council.

29. Warrant of Officers of such Courts to be sufficient authority Produce where Officer-in-charge of Borstal Institution doubts the legality of order sent to him for execution—

An order under the official signature of an officer of such Court or tribunal as is referred to in section 28 should be sufficient authority for detaining any person, in pursuance of the order passed upon him.

- 30.-- (1) Where an officer-in-charge of a Borstal Institution doubts the legality of an order sent to him for execution or the competency of the person whose official seal or signature is affixed thereto to pass the order, and shall refer the matter to the Local Government by whose order on the case he and all other public officers shall be guided as to the future disposal of the inmates.
- (2) Pending a reference made under sub-section (1), the inmate shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant or order.

31. Lunatic inmates, how to be dealt with — (1) Where it appears to the Local Government that any person detained under any order is of unsound mind, the Local Government may order his removal to a lunatic asylum or other place of safe custody within the Province, thereto be kept and treated as the Local Government directs during the remainder of the term for which he has been ordered to be detained, or, if on the expiration of that term it is certified by medical officer that it is necessary for the safety of the inmate or others that should be further detained under medical care or treatment, then until he is discharged according to law.

(2) Where it appears to the Local Government that an inmate so kept and treated has become of sound mind, the Local Government shall by a warrant directed to the person having charge of the inmate, if still liable to be detained, remand him to the Borstal Institution from which he was removed, or to another Borstal Institution within the province, or, if he is no longer liable to be detained, order him to be discharged.

- (3) The provisions of section 31 of the Lunacy Act, 1912, shall apply to every person confined in a lunatic asylum under subsection (1) after the expiration of the term for which he was ordered to be detained; and the time during which an inmate is confined in lunatic asylum under that subsection shall be reckoned as part of the term of detention which he may have been ordered to undergo.

- (4) In any case in which a Local Government is competent under sub-section (1) to order the removal of an inmate to a lunatic asylum or other place of safe custody within the Province, the Local Government may order his removal to any such asylum or place within any other Province or within the territories of any Native Prince or State in India by agreement with the Local Government of such other Province or with such Native Prince or State, as the case may be, and the provisions of this section respecting the custody, detention, remand and discharge of an inmate removed under sub-section (1) shall, so far as they can be made applicable, apply to an inmate removed under this subsection.

32. Application to Borstal Institution of certain provisions of the Prisons Act, 1894, and the Prisoners Act, 1900- Subject to the provision of section 33 of this Act, the provisions of section 12 and Chapter XI of the Prisons Act, 1894, and of sections 35 to 50 (inclusive) and the rules made by the Local Government or the Governor-General under section 51 of the Prisoners Act, 1900, shall apply as far as may be to Borstal Institutions established under this Act and all reference to prisoners imprisonment or confinement in the said sections, chapters and rules shall be construed as referring to inmates, Borstal Institutions and detention.

33. How punishment of whipping may be inflicted on an inmate-- For the purpose of punishing Borstal Institutions offences whipping shall be indicated upon the palm of the hand only.

34. Power to make rules under the Act— The Local Government may make rules after, previous publication consistent with this Act.

- (1) for the regulation, management and classifications of Borstal Institutions established under this Act and the description and construction of wards, cells and other places of detention;
- (2) for the regulation by number or otherwise of the inmates to be detained in each class of institution;
- (3) for defining the powers and duties of Director of Borstal Institutions
- (4) for the Government of Borstal Institutions and the appointment guidance, control, punishment and dismissal of Superintendent and other officer employed in Borstal Institutions, and for the defining their responsibilities, duties, disabilities and powers;
- (5) for the maintenance of records, and the preparation submission of reports;
- (6) for the selection appointment of inmates as inmate officers and their reduction and dismissal and for defining the responsibilities, duties and powers of such officers;
- (7) for the temporary detention of inmates until arrangements can be made for their admission to Borstal Institutions;
- (8) for the admission, removal and discharge of inmates, and for the disposal of their effects during their detention ;
- (9) for feeding, clothing and bedding of inmates;
- (10) for the custody, discipline, grading, treatment, education, and control of inmates;
- (11) for the employment, instruction and control of inmates within or without Borstal Institutions, the disposal of the proceeds of their labour;
- (12) for the treatment of sick inmates;
- (13) for classifying and prescribing the forms of education, instruction employment and labour and regulating the periods of rest;

- (14) (i) for defining the acts, which shall constitute Borstal Institutions offences ;
- (ii) for determining the classification of Borstal Institution offences into major and minor offences;
- (iii) for fixing the punishments admissible under this Act, which shall be awardable for commission of Borstal institution offences or classes thereof;
- (iv) for declaring the circumstances in which acts constituting both a Borstal Institution of offences and an offence under the Indian penal Code may or may not be dealt with as Borstal Institution offence.
- (v) for the award of marks and the shortening of period of detention;
- (vi) for regulating the use of arms against any inmate or body of inmates and the use of fetters in the case of an outbreak or attempt to escape;
- (vii) for defining the circumstances and regulating the conditions under which inmates in danger of death may be released;
- (viii) for regulating the transfer from one part of British India to another of inmates whose term of detention is about to expire;
- (15) for defining articles the introduction or removal of which into or Out of Borstal Institutions without due authority is prohibited;
- (16) for the classification and the separation of inmates;
- (17) for rewards for good conduct
- (18) for regulating the transfer of inmate from one Borstal Institution to another or to an Hospital, or Asylum and from a Borstal Institution to a prison, or from a prison to a Borstal Institution;
- (19) for the treatment, transfer and disposal of criminal lunatics or recovered criminal lunatics confined in Borstal Institution;
- (20) for regulating the transmission of appeals and petitions from inmates and their communications with their friends;
- (21) for the appointment and guidance of visitors of Borstal Institutions;
- (22) for prescribing conditions on which licenses may be granted, suspended, revoked or cancelled;
- (23) for the appointment, powers, and control of parole officers,
- (24) for defining the powers and duties of aftercare societies and guardians and the conditions on which financial assistance may be given to them;
- (25) for the appointment of visiting committees, and
- (26) generally for all purposes consistent with this Act.

35. Powers of the Governor-in-Council to vary age limit, and to apply the Act, to female— The Governor-in-Council after giving by notification in the official Gazette not less than three months notice of his intention to do so may, by like notification,

- (1) direct that the provisions of section 5, 6 and 8 shall extend to persons under such age not less than twenty-one nor more than twenty three as may be specified in the direction, and upon such direction being notified the said sections shall whilst the direction is in force have effect as if the specified age were substituted for “twenty-one”;
- (2) direct that the provisions of sections 5, 6 and 8 shall extend to females, and upon such direction being notified the said sections shall whilst the direction is in force have effect as if the word “male” were omitted.

36. Whipping not to be inflicted on females— Notwithstanding the provisions of clause (2) of, section 35 the punishment of whipping shall not at any time be inflicted upon a female for a Borstal Institution offence.

REGULATION III OF 1818

Passed on the 7 th April, 1818.

A REGULATION FOR THE CONFINEMENT OF STATE PRISONERS

1. Preamble— Whereas reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of Indian Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally under it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adopted to the nature of the case, or may for other reasons be unadvisable or improper; and whereas it is fit that, in every case of the nature herein referred to, the determination to be taken should proceed immediately from the authority of the Governor-General in Council; and whereas the ends of justice require that, when it may be determined that any person shall be placed under personal restraint, otherwise than in pursuance of some judicial proceeding, the grounds of such determination should from time to time come under revision, and the person affected thereby should be at all times be allowed freely to bring to the notice of the Governor-General in Council all circumstances relating either to the supposed grounds of such determination, or to the manner in which it may be executed; and whereas the ends of justice also require that due attention be paid to the health of every State prisoner confined under this Regulation and that suitable provision be made for his support according to his rank in life, and to his own wants and those of his family; and whereas the reasons above declared sometimes render it necessary that the estates and lands of zamindars, talukdars, and others situated within the territories dependent on the Presidency of Fort William, should be attached and placed under the temporary management of the Revenue authorities without having recourse to any judicial proceeding; and whereas it is desirable to make such legal provisions as may secure from injury the just rights and interests of individuals whose estates may be so attached under the direct authority of Government; the Vice-President in Council has enacted the following rules, which are to take throughout the provinces immediately subject to the Presidency of Fort William from the date on which they may be promulgated.

2. Mode of proceeding for placing persons under restraint as State prisoners—
First— When the reasons stated in the preamble of this Regulation may seem to the Governor-General in Council to require that an individual should be placed under personal restraint, without any immediate view to ulterior proceedings of a judicial nature, a warrant of commitment under the authority of the Governor-General in Council, and under the hand of the Chief Secretary, or of one of the Secretaries to Government, shall be issued to the officer in whose custody such person is to be placed.

*Form of warrant Second *1* The warrant of commitment shall be in the following form:
 To the (here insert the officer's designation
 'Whereas the Governor-General in Council for good and sufficient reasons, has seen fit to determine that (here insert the State prisoners name) shall be placed under personal restraint at (here insert the name of the place); you are hereby required and commanded, in pursuance of that determination, to receive the person above named into your custody, and to deal with him in conformity to the orders of the Governor-General in Council, and the provisions of Regulation III of 1818.

‘Fort William, the
 “By order of the Governor-General in Council
 “A.B., Chief Secretary Government.”

Authority of warrant Third— The warrant of commitment shall be sufficient authority for the detention of any state prisoners in any fortress jail, or other place within the territories subject to the Presidency of Fort William.

3. *Officers having custody of State prisoners to submit periodical reports.*— Every officer in whose custody any state prisoner may be placed shall on the 1st of January and 1st of July each year, submit a report to the Governor-General in Council, through the Secretary to Government in the Political Department, on the conduct, the health and the comfort of such State prisoner, in order that the Governor-General in Council may determine whether the orders for his detention shall continue in force or shall be modified.

4. *State prisoners in custody of Zilla or City Magistrate by whom to be visited First*
 When any State prisoner is in the custody of a Zilla or City Magistrate, the Judges are to visit such State prisoners on the occasion of the periodical sessions, and they are to issue any orders concerning the treatment of the State prisoner which may appear to them advisable, provided they be not inconsistent with the orders of the Governor-General in Council issued on that head.

State prisoners in custody of public officer not being Zilla or City Magistrate, by whom to be visited. Second— When any State prisoner is placed in the custody of any public officer not being a Zilla or City Magistrate; the Governor-General in Council will instruct either the Zilla or City Magistrate, or the Judge or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated period and to submit a report to Government regarding the health and treatment of such prisoner.

5. *Representations by State prisoners be submitted to Government.--* The officer in whose custody any State prisoner may be placed, is to forward, with such observation as may appear necessary, every representation which such State prisoner may from time to time be desirous of submitting to the Governor-General in Council.

6. *Report to Government regarding confinement, and c., of prisoners-* Every officer in whose custody any State prisoner may be placed shall as soon after taking such prisoner into his custody as may be practicable report to the Governor-General in Council, whether the degree of confinement to which he may be subjected appears liable to injure his health, and whether the allowance fixed for his support be adequate to the supply of his own wants and those of his family, according to their rank in life.

7. *Appropriation of allowance for support*— Every officer in whose custody any State prisoner may be placed shall, take care that the allowance fixed for the support of such State prisoner is duly appropriated to that object.

8. *(Repealed by Act No. XVI of 1874)*

9. *Attachment of estates by order of Government without decision of Court-*
 Whenever the Governor-General in Council for the reasons declared in the preamble of this Regulation, shall judge it necessary to attach the estates or lands of any zamindar, jagirdar, talukdar, or other person, without any previous decision of a Court of Justice, or other judicial

proceeding, the grounds on which the Resolution of Government may have been adopted, and such other information connected with the case as may appear essential shall be communicated, under the hand of one of the Secretaries to Government, to the Judge and the Magistrate of the district in which the lands or estates may be situated, and to the Sadar Diwani Adalat and Nizamat Adalat.

10. Management of attached estates—First— The lands or estates which may be so temporarily attached shall be held under the management of the officers of Government in the Revenue Department, and the collections shall be made and adjudged on the same principles as those of other estates held under khas management.

Second.... Attached lands not liable to sale in execution—Such lands or estates shall not be liable to be sold in execution of decrees of the Civil Courts or for the realization of fines or otherwise, during the period in which they may be so held under attachment.

Third.-- Government to arrange for satisfaction of decrees. In the cases mentioned in the preceding clause, the Government will make such arrangement as may be fair and equitable for the satisfaction of the decrees of the Civil Courts.

11. Rules as to cases where Government orders release of estate from attachment— Whenever the Governor-General in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary have ceased to operate, and the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the Revenue authorities will be directed to release the estate from attachment, to adjust the accounts of the collections during the period in which they may have been superintended by the officers of Government and to pay over to the proprietor the profits from the estate which may have accumulated during the attachment.

APPENDIX 'A'

List of various kinds of labour with classification and the task prescribed for each.

HARD**(a) By Task**

1.	Weaving	Dosuti cloth 68.6 CM. Wide. 18 M- 29 CM. On fly shuttle looms and 9 M.—14 CM on hand looms
2.	Warping by manual labour	4 Warps, 45 M.—72 CM.long each, by four convicts
3	Blanket manufacture	18 M.—29 CM. By 1 M.—83 CM. Only fly shuttle looms
4	Bowing wool	6 Kg.—532 Grams.
5	Felling or shrinking blankets	2 blankets
6	Garinding grain	Wheat and gram, 13 KG.—997 Gr. Wheat, makki or Bajra 13 Kg.—997 Grams. Dal, 37 Kg.—320 Grams
7	Storing and weighing	50 bags of 74 Kg.-- 50 Gr. Each, i.e. 3732 Kg.—420 Grams.
8	(a) Alce pounding (b) Munj pounding	933 Grams. Dry fibre to be extracted 9 Kg.—331 Grams.
9	Brick making	Moulding 1,000 bricks.
10	Surkhi pounding	186 Kg.—620 Grams
11	Printing	1,500 pulls
12	Cooking	3 cooks for every 100 prisoners, cook for every 50 prisoners.
	(b) by time i.e 9 hours steady work)	
1	Carrying water	
2	Carrying stone or clay	
3	Masoney and concrete work	
4	Grinding lime	
5	Tile making	
6	Pottery	
7	Hewing and cleaning firewood	
8	Carpenter's work	
9	Blacksmith's work.	
10	Press work	
11	Rope making	
12	Sweeping	

MEDIUM**(a) By Task**

1	Carpet weaving	Woollen carpets Ist quality i.e., 20 threads in 2 CM.—5 MM... 2 CM—5 MM 2 nd quality i.e., 15 threads in 2 CM.—5 MM... 5 CM--- 1 MM 3 rd quality i.e., 10 thread in 2 CM---5 MM.. 7 CM--- 6 MM One convict can weave upto 76 CM in width. Cotton Carpets— 10. 2 CM to 2.9 CM by 61 CM according to quality
2	Dari weaving	Striped..... 91 CM x 91 CM Kantedar..... 61 CM x 91 CM Flowered..... 22.9 CM x 61 CM Tapestry..... 12.7 CM x 01 CM
3	Munj or hemp mat weaving	1.67226 Sq Metres
4	Tape weaving	Newar 5 CM—1 MM and 6 CM— 3 MM ... 24 Meters--- 39 CM
5	Money bag weaving	1 bag holding 1,000 rupees
6	Tailoring	Hand Sewing--- Coats 5, Jangiahs 8, tillies 8, langots 20, towels 25, caps 40 jurtees or females 3 Machine sewing— Convicts suit 4, Warders uniform 3

(b) By Time (i.e 9 Lours steady work)

1	Cleaning grain	
2	Husking rice or pulse	
3	Winnowing grain	
4	Flour sifting	
5	Tent making	
6	Cloth printing	
7	Dyeing	
8	Leather working	
9	Tin working	
10	Book binding	
11	Carpenter's work	
12	Basket, bamboo and rattan 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 or fibre	Cotton yarn 1 KG--- 399 Grams Muj Ban 274 Metres
2	Spinning	Wool, 933 Grams
3	Folding paper	300 sheets
4	Making envelopes	200 large, 500 small

(b) By Time (i.e.9 hours, stead work)

1	Winding bobbins	
2	Grain or seed sifting	
3	Splitting and dressing cane	
4	Weeding and light gardening	
5	Dressing vegetables	
6	Sweeping	

APPENDIX 'B'

MUSKETRY COURSE FOR WARDERS

1. After a recruit has been practiced in the firing exercise and has mastered all details, he should be made to fire a few rounds to accustom him to the explosion of the charge and to give him steadiness before he commences his course with bullets at the target.
2. The course at the target for recruits and trained warders alike will consist of
 - 5 rounds at 45 Metres—72 C.M Standing.
 - 5 rounds at 68 Metres—58 C.M Knealing.
 - 5 rounds at 91 Metres—44 C.M Lying.
3. The target shall be 1 M- 83 C.M x 1 M—21 C.M. made of coarse cloth stretched on an iron or wooden frame and white washed.

The other particulars are as follows :-

	Dimensions	Value of hit
Bull's eye	30.48 C.M in diameter	4 points
Centre	91.44 C.M in diameter	3 points
Outer	Remainder of target	2 points

Note--- The Bull's eye should be made of paper painted black, and pasted in the center of the target. The center should be indicated by a black circle.

Note 2—Ricochets and misses should be recorded by a O.

4. For signaling purposes a dummy target shall be provided at the butts, with two discs at the end of bamboo rods. One disc to be painted white on one side and black on the other, and the second is to be painted red. In addition to the above two flags shall be provided, one red, and the other red and white. Shots shall be signaled as follow :-

Bulls eye:--	White disc to be placed on corresponding spot on dummy, face towards firing point.
Centre--	Red disc to be palced on corresponding spot on dummy, face towards firing point.
Outer--	Black disc to be placed on corresponding spot on dummy, face towards firing point.
Ricochet--	Red flag waved horizontally.
Miss	Red and white flag to be held up and waved to and fro.

5. There should always be two markers at the butts when class firing is going on one of them should not be below the rank of a Head Warder.
6. All practices at the range must be conducted in the presence of an official not below the rank of Assistant Superintendent.
7. Before the firing commences, the officer superintending the practice shall satisfy himself that there are no bullet marks on the target and that it is otherwise in accordance with orders.

8. No shot must be fired at the range until the red flag on the stop-butt is hoisted and the “commence fire” has been given, either by bugle call or other means.

9. There should be danger flag at the marker’s butt, and at the firing point, and all firing shall cease when these flags have been hoisted. Whenever possible, a bugler should be on the range under the orders of the officer superintending the practice.

10. Warders shall be classed as follows, according to the number of points obtained for the 15 shots fired during the annual course :-

Marksman	45 points and upwards.
Ist class shot	35 and less than 45
2nd class shot	25 and less than 35
3rd class shot	20 and less than 25

11. Warders who do not obtain the required number of points necessary to admit them to the 3rd class should be put through a second course of musketry.

12. Marksman shall be given a badge consisting of crossed rifles, which shall be worn on the right sleeve below the elbow. Badge shall be worn only during the year succeeding that in which the Warder has qualified for it.

13. The annual course shall ordinarily be fired between Ist November and 31st December of each year, but it is discretionary with the Superintendent to order the commencement of the course on an earlier date.

14. The officer superintending the practice should remain with the firing party the whole time it is on the range. The Superintendent should also, as often as possible, attend and personally satisfy himself that the practices are properly and regularly conducted, and that the superintending officer and markers understand their duties.

APPENDIX 'C'

INSTRUCTION FOR THE MANUFACTURE OF PRISON CLOTHING

I-Cotton clothing

1. Cotton clothing for prison wear shall have a blue check, the stripes to be one fourth of 2.5 Cm wide and the intervals 20 Cm. Sq.
2. Cotton coats for unidentified prisoners shall have two blue stripes, each 7.6 Cm. Wide running along the whole length at either side and woven into the cloth.
3. All cotton clothing for Hospital use are to have two red stripes, each 5.1 Cm. Wide, running along their whole length and woven into the cloth.--

II-Woollen clothing

1. Blankets and woollen clothing for prisoners wear shall be made of a uniform colour, with a stipe or stripes to indicat the year of manufactures as follows:-

For every year ending 1 or 6	1 stripe
For every year ending 2 or 7	2 stripes
For every year ending 3 or 8	3 stripes
For every year ending 4 or 9	4 stripes
For every year ending 5 or 10	5 stripes

2. The stripe or stripes, which are to run down the middle of the web, should be of a light or dark colour whichever gives the best contract with the ground, and each should consist of six threads, with an interval between the stripes (when there are more than one), of equal breadth to the stripes themselves.
3. There should a single woollen thread (machine made and about 59.43 Metres to 28.350 Gr. in both the warp and woof. Blanket should be woven of the full breadth, of 1 m.— 94.4 Cm, and cut into lengths of 3.19 Metre allowing one-third shrinkage, this will give a felte [Janket of 2.13 Metre x 1.36 Metre. The conn of the loom should possess 52 teeth to the feet.
4. Woollen coats and caps for unidentified prisoners should be marked in the same way, as similar articles of cotton wear.
5. Blankets and woollen coats for the use of prisoners in hospital should be made is grey and brown checks 15 Cm. Sq. A stripe or stripes indicating the year of manufacture should be woven in these as in other articles.

**III- STANDARD WEIGHT AND DIMENSION OF EACH ARTICLE OF PRISON CLOTHING AND BEDDING
WITH THE QUANTITY OF MATERIAL TO BE EXPENDED IN ITS MANUFACTURE.**

No	Articles	Dimensions	Weight when ready for use	Average loss in making	Quantity of material to be extended	Remarks
1.	Blankets	2.13 Metre x 1.28 Metre	1-- 918 Kg-- Gr	0--407 Kg--Gr	2--325 Kg-- Gr	
2.	Blanket, Hospital	2.13 Metres x 1.28 Metre	1--918	0--407	2--325	
3.	Great coat for C.O	1.36 M x 61 Cm 1.3 Metres	3--487	1--275	4--762	Consumes 4-11 Metre of cloth
4.	Great coat for Warder	1.36 M x 61 Cm 1.3 Metre	2--788	1--124	3-- 912	Consumes 4-11 Metre
5.	Woollen coats	83.9 Cn x 27.9 Cm x 1.14 M.	0--988	0-- 232	1--220	Consumes 1.14 Metre
6.	Alkhalig	1.01 M. x 55.9 Cm x 1.36 M.	1--686	0--186	1-- 872	Consumes 1.14 Metre
7.	Pajama, Woollen	91 Cm x 22.9 Cm	1--162	0--116	1--278	Consumes 1.36 Metre
8.	Dasuti Kurtas	61 Cm x 20.3 Cm	0--320	0-- 14	0--334	To be worn under the woollen coat anf alone during the summer
9.	Dasuti Pajama, <i>convicts</i>	45.7 Cm x 68.7 Cm	0--316	0-- 14	0--330	
10.	Azarbands	1.26 Metre x 1.2 Cm	0-- 29	...	0-- 29	
11.	Alkhalig D	91 Cm x 15.2 Cm	0-- 538	0-- 29	0-- 567	

No	Articles	Dimensions	Weight when ready for use	Average loss in making	Quantity of material to be extended	Remarks
			Kg-- Gr	Kg--Gr	Kg-- Gr	
12.	Dasuti towels	1.62 M x 61 Cm	221. 410	--	221- 410	
13.	Dasuti Langotas	0.81 Cm x 35 Cm	127. 573	--	127-- 573	
14.	Garha sheets for females	2.28 M x 1.36 M	482. 917	--	482-- 917	
15.	Garha pajamas for females	93.5 Cm x 1 M—16.4 Cm	383. 286	14. 458	397-- 744	
16.	Garha napkin	43.9 Cm x 27.9 Cm	58. 116	--	58- 116	
17.	Dasuti mattress covers	1 M—98.2 Cm x 81.3 Cm	872. 155	58. 116	930-- 271	
18.	Dasuti bed sheet, hospital	1 M—98.2 Cm x 1.21 M	538. 765	14. 458	538-- 765	
19.	Dasuti sheets	2.13 Metre x 1.36 M	639. 689	14. 458	654-- 147	
20	Dasuti pillow cover	61 Cm x 30 Cm	87. 033	--	87- 033	
21.	Loin cloth	2.28 M x 61 Cm	311. 845	--	311. 845	
22	Mat (Munj)	1.83 M x 61 CM	3. 317	0. 425	3. 742	
23.	Mate (Bahbar)	1.83 N x 61 Cm	3. 629	0. 907	4. 536	
24.	Mat (Straw)	1.98 M x 66.1 Cm	5. 443	--	5. 443	

