

JAIL REFORM

Introduction

The Secretariat of the Law & Justice Commission of Pakistan received many reports from NGOs and suggestions from the general public to the effect that the prison system needs reform with a view to ameliorate the condition of prison inmates. Data was received from the Human Rights Commission of Pakistan, Council of Islamic Ideology, Jail Training Institute, Lahore, containing useful suggestions for improvement in the prison system. Many reports appeared in the media, asking for review and reform of the prison system. All such data/suggestions were examined and have been incorporated in the present report.

It may be stated that earlier on, the Commission published a fairly comprehensive report on Jail Reform (Report 23) in 1997. The Report was prepared after considerable efforts in collecting Data, inviting suggestions from the general public, visit to prisons by officers of the Secretariat and after conducting a public hearing on the subject. A summary of recommendations contained in the said report is at Annex I. These recommendations which are yet to be implemented by the Federal and Provincial Governments, for want of fund or amendments in the relevant laws and rules, include construction of prisons in outskirts of major cities, improving conditions of judicial lock-ups by equipping these with facilities like fans, benches and toilets. The facilities of outdoor games like football, basketball and indoor games have not been provided while recommendations for improving the conditions in death cells are yet to be adhered to. Similarly, the recommendations of reviving sick industries in jails and encouraging private sector for establishing industrial units in prisons are also not yet implemented. The recommendation with regard to calling for strengthening the system of jail inspections so that the judges of High Courts and Sub-ordinate Courts could pay regular visits and give on-the-spot instructions regarding under-trial prisoners is still in the cold storage. Similarly, recommendation to facilitate prisoners in meeting their relatives/friends and to

release the prisoners on short parole to meet their families and help them in task like cultivation and harvesting of crops, etc is still to be implemented.

The standards of jail management and conditions of jail inmates during the British Raj were by no means ideal, however prison officials and the Government were always under strong pressure from the legal/political professions and the media to try to prevent abuses and take corrective actions, where due. This kind of concern for prison reform continued to be articulated for some time even after independence. But unfortunately during the last few decades the community in general has become cynically inured to mal-administration and corruption in the prisons. The jail population, including the number of under-trial and juvenile offenders, has been burgeoning at a rapid pace but the capacity of jails to house prisoners has increased only marginally and that, too, only in some cases. Take the case of the Province of Punjab before independence, there were 28 jails and now there are 30 jails meaning thereby construction of only two new jails in the last 57 years. This is despite the fact that the prison population has increased manifold.

Some critics and especially the cynics, express the view that mal-administration and corruption in the prison system have crossed all limits, with hardly any prospects of reform or improvement in the system, hence, why the trouble of trying to reform? This attitude merely reflects the deep-rooted concern for the absence of any plan to improve the lot of prison inmate. The Secretariat of the Commission thought it appropriate to continue its efforts to look into prisons conditions and produce a comprehensive plan and suggestions for reform. After approval of the Report, it is expected that Government will give serious consideration to the recommendations and implement the same. Drastic changes are called for. These cannot be brought about unless the rulers muster the political will to overcome obstacles and give resources to improve the prison system. This, in turn, will become possible only if there is also a strong and sustained public demand for necessary changes to reform and modernize the prison laws, rules and improve conditions inside prison.

The recommendations on jail reforms contained in the report of Human Rights Commission of Pakistan for the year 2003 and a report of the Council of Islamic Ideology Committee on prisoners and jail reforms presented in the year 2003, have been thoroughly examined and where appropriate incorporated in this report.

The present revised Report on Jail Reforms reiterates the recommendations of the Law and Justice Commission contained in its earlier report (Report No. 23) of 1997. This is so, because by and large, these recommendations have not been implemented yet, though they continue to be current and valid. Other studies and reports compiled by various agencies/NGOs have also been carefully examined and where appropriate, incorporated in the present report. The Secretariat of the Commission has been closely monitoring the media reports, especially complaints made and columns written in the newspapers, pertaining to issues and problems in the prisons system. With a view to have first-hand information on conditions prevailing in prisons, hearing the viewpoint of prison inmates and get input from the prison administration, the Secretary of the Commission deputed a Deputy Secretary of the Secretariat to visit various prisons in the country to examine the conditions prevailing there and also consult with other relevant government agencies, and human rights organizations to have an in-depth study of the prison system. Accordingly, visits were undertaken to the Central Jail, Karachi, Women Jail, Karachi, Central Jail, Lahore and Central Jail, Peshawar. Similarly meetings were also arranged for getting input from the civil society and discussions were held with the Government officials and NGO representatives. These meetings were held with the Principal, Jail Staff Training Institute, Lahore, Regional Director, Human Rights Wing, Law and Justice Division, at Lahore and Director, Human Rights Commission of Pakistan, Lahore. During such meetings pertinent issues relating to reform in the prison system and improvement in the conditions inside prisons were discussed. Valuable data/statistics with regard to prison population, number of prisons in the country and the staff working in prisons was obtained. The conditions of prison inmates were observed and viewpoint of the prison management obtained. Detail report in this regard is at Annexure-II. The Government of NWFP have recently made amendments in the prison rules vide Notification No. 4/44-SO(Prisons)HD/2004 dated the 4th September 2004. The

said amendments have incorporated some of the recommendations of the earlier LJCP report on prison reform such as improving the quality of food served to prison inmates, permission to keep reading/writing material, enhancing the duration of walk for prisoners and permission to wear own clothes, besides giving more incentives to prison staff. The amendments are apparently beneficial and may appropriately recommended for adaption by other provinces. These amendments have been incorporated in the draft amendments proposed in this report. The report that follows is somewhat comprehensive as to data/statistics in respect of prisons and its inmates. Having analyzed the earlier reports and subsequently data on the prison system, the present revised report on jail reform is formulated. This report prepared by the Secretariat was placed before the Commission and was considered in its meeting held on 11.12.2004. The Commission decided that the views of the Provincial Governments and other concerned quarters may also be obtained for incorporation in the report. Pursuant to this direction, the Home Department of each Provincial Government was requested to send their views on the recommendations made in the report. The Central Jail Staff Training Institute, Lahore was also requested to offer their comments in this respect. The Home Departments of the Provincial Governments and the Central Jail Staff Training Institute have offered their comments on the recommendations made in the report and are placed at Annex III. Most of the recommendations have been agreed to by the Provincial Governments but in some suggestions, they have reservations over these recommendations.

Summary of recommendations as proposed by the Secretariat of the Law & Justice Commission of Pakistan is as follows.

Summary of Recommendations

(i) Amendment in Statutes

1. The punishment of putting bar fetters should be abolished in all prisons.
2. The relevant prison law prescribing the punishment of whipping for jail offences should be repealed so as to comply with the Abolition of Punishment of Whipping Act 1996.
3. With a view to check the abuse of discretionary powers of Superintendent, the prisoners should have a right of appeal against major penalty, to be filed before the Sessions Judge.
4. Special arrangements be made for long term convicts for meeting of couples in privacy in the jail and the short term convicts/prisoners be considered for release on parole and the jail authority should issue a certificate to this effect to avoid future complications.
- ¹5. Women, especially below the age of 18 and above 50, not involved in heinous offences, be liberally granted bail.
- ²6. Hudood cases should be decided within four months.

(ii) Amendment in Rules

1. Prisoners should be allowed to keep a radio (with headphone), wristwatch, books, paper and pen/pencil, without having to obtain any permission.
2. All convicts of Class "C" should be allowed to wear their own clothes instead of jail uniform.
3. The duration of walk time for condemned prisoners should be extended from half an hour to one hour, each in the morning and evening, and the rule pertaining to the use of hand'cuffs, during such walk, may be applied only in respect of terrorists or dangerous criminals.

¹ Not recommended by the Commission

² Not recommended by the Commission

4. Arrangements should be made for the accommodation, food, education and recreation of children, accompanying convict women.
5. Proper security system should be ensured in jails. Closed circuit T.V. equipment should be installed in jail and the staff be given appropriate gadgets for detecting escapes. Such staff must also be given appropriate training for the purpose.
6. The system of granting remission on account of acquiring education and higher qualifications should also be reviewed with a view to allow remission on the basis of certificate/degree awarded. For higher degrees the period of remission should be greater.
7. Arrangements should be made for provision of legal aid to indigent prisoners and to facilitate prisoners in meeting their counsels.
8. Children should also be allowed to meet their relations in prisons.
9. The prisoners not involved in heinous offences and having good character and record should be allowed to join their families for two to three days after each four months.
10. Improvement of facilities in prison (food, clothing, medical, sanitation and education) etc.
11. Regular official visits to the prison in every three months be arranged for the Inspector General of Prison along-with District Nazim, District & Sessions Judge and Director of Health Services.
12. Adequate facilities be provided in death cell.
13. The remission system be rationalized so that the prisoners with good conduct may be benefited.
14. Immediate judicial inquiry be conducted by additional District & Session Judge in case of suicide or death of any jail inmate.
15. Foreigners prisoners may be allowed to meet staff from their missions in Pakistan and seek legal aid. Arrangements be made for repatriation on completion of their sentence. Foreigners involved in minor offences be deported to their country of origin.
16. Arrangement should be made for regular medical check-up and treatments of jail inmates.

17. At the time of release on completion of sentence of the convict, sufficient amount be paid to him to defray travelling expenses or the relatives be informed well in advance so that they may take the convict on his release to their native place/residence.
18. Efforts be made to house the convict near his native place so that his relatives may visit him without incurring expenditure on travelling and avoid wasting of time.
19. Political prisoners be housed in separate place and they should not be housed with other criminal convicts/offenders.
20. Mental patients should not be housed in jails as they create disturbance for other inmates.
21. Under rule 543 the convict may be allowed to write two letters in a week to their relatives.
- ³22. The period for filing appeal to High Court against a sentence of death may be enhanced from 7 days to 30 days as in case of life imprisonment, the period for filing appeal is 60 days.

(iii) Administrative Actions

1. New prisons should be constructed in the outskirts with proper facilities for prisoners. The conditions of police/judicial lockups should be improved and due facilities, such as fans, benches and toilets should be provided therein.
2. The facilities of out-door games like football, basketball and in-door games should be provided.
3. The number of prisoners in a death cell should be according to the capacity of the cell.
4. Arrangements should be made for the setting up of separate and exclusive prisons for women and juveniles prisoners at all district levels. Proper education and training

³ Not recommended by the Commission

should be provided to the women prisoners and juvenile offenders during prison period.

5. In every jail, facilities should be made available for religious, general as well as vocational/technical education to prisoners.
6. Arrangements should be made for the proper utilization of Open Jail, Badin. Similarly, open jails should also be established in other places. To start with, at least one such facility should be immediately established in each province.
7. Sick industries in jail should be revived and private sector encouraged to establish industrial units in jails. The prisoners should be trained to work in such industry and paid adequate wages.
8. In each prison, a qualified medical officer, nursing staff and essential medicines should be provided. In case of serious illness, the prisoner should be referred to an appropriate hospital for tests/treatment. Periodic visits by consultants, specialists, psychologists, psychiatrists, etc should also be arranged.
9. The medical officer should be provided residence on or near the jail premises so as to ensure his/her availability in emergent cases.
10. Proper treatment for drug addicts should be arranged in jail hospitals or outside, in public/private hospitals/clinics.
11. The system of jail inspection be strengthened so that the judges of High Courts and Subordinate Courts regularly visit jail and give on-the-spot instructions regarding the cases of under-trial prisoners.
12. Proper facilities should be provided in meeting halls so as to facilitate prisoners in meeting their relatives/friends. Prisoners with good conduct may also be released on short parole to meet their families and help them in tasks such as cultivation/harvesting of crops, etc.
13. Steps should be taken for eradication of corruption in jail.
14. All remissions granted or earned should be recorded on the history ticket. Such ticket must be in duplicate with one copy available with the prisoner. The prisoner should carry the ticket along on transfer to another jail.
15. For release on short parole, permission should be given by the Director, Reclamation & Probation, after due process.

16. A greater number of prisoners should be released on parole not just for working as domestic servants but also to be employed in trade, industry and other commercial institutions in the public/private sector.
17. With a view to address the problem of lack of transport facilities and security arrangements; the Government may establish courts on or near jail premises for the expeditious disposal of cases.
18. The Federal and Provincial Governments should arrange more funds to cater the needs of food and medicine of jail inmates.
19. Steps be taken for expeditious dispensation of justice.
20. Women and indigent prisoners confined in jail and unable to arrange the payment of fine or compensation should be released through contribution/assistance provided by volunteer associations, philanthropists/NGOs.
21. The task of processing of cases pending over several years, contributing to overcrowding in jail, must be speeded up by establishing more courts, appointing more judges, improving methods of investigation and streamlining the trial and bail procedures.
22. Jail officials, guilty for illegal detention of prisoners be punished under the law. The officials responsible for detention of prisoners on completion of their prison sentences, in safe house in violation of law, be penalized.
23. Shortage of police vehicles and staff which continues to hamper the production of prisoners before court be overcome by providing more vehicles and staff by the provincial Governments.
24. Jail staff disobeying court orders with regard to right and welfare of prisoners be taken to task.
25. Steps may be taken to eliminate the causes of escape and breaking of jail. Further, the recommendations contained in various reports on jail escape be implemented.
26. To check jail cleanness and inmates conditions, the Provincial Minister for Jails and Inspector General, Jail may pay surprise visits during three months period and issue

standing orders to jail authorities with regard to cleanness and solving the problems faced by the inmates.

27. There should be no cruel treatment to prisoners and their shifting from one place to another as punishment be prohibited.
28. The cases of juvenile offenders be dealt with in accordance with the provisions of Juvenile Justice System Ordinance, 2000. They should be kept in congenial environment in borstals where these are facilities for medical care, education, training and sports/entertainment.
29. The Government should provide free legal aid to defend the cases of children and women who have no means to defend themselves.
30. Female Juvenile offenders be housed in separate enclosures of the borstal institutions.
31. The police should strictly adhere to the statutory provisions regarding detention of the accused.
32. The career progression of prison staff be ensured, terms and conditions of service improved and they should be imparted adequate training.
33. Sexual harassment and physical torture of children which are common in lock-ups and are worse sort of victimization be eliminated through disciplinary proceedings against the officials involved in such acts.
34. Basic facilities such as fans, benches, toilets etc. be provided in lock-ups and new lock-ups be constructed with basic facilities, where needed.
35. Family members be allowed to bring food but it shall not be served as a supplement to replace normal food which is the exclusive responsibility of the Government.
36. Setting up of canteen within premises of prison for certain eatables, drinks and other essential item be ensured, though a situation must never arise that prisoners have to buy food from the canteen to survive.
37. Jail staff guilty of violating the provisions contained in Jail Manual must be punished under the relevant law.
38. Arrangements be made for courtrooms in major jails in all the

provinces to introduce video trial system for juveniles, females and hardened criminals in jails. Such court must however be freely accessible.

39. Computerized record of all detainees in jails should be maintained and networking established to connect all prisons.
40. For security purposes, the Central and District Jails should be equipped with metal detectors, wireless sets, computerized video cameras and latest weapons. Scanner machines be installed at main gates to search the visitors and luggage.
41. The parole and probation law should be used liberally.
42. Separate high security prisons be constructed in each province to house the terrorists that are currently being detained in different jails in various parts of the provinces, and these prisons should incorporate full proof security systems to keep a vigilant eye on the prisoners to avoid untoward incidents.
- ⁴43. On the pattern of remission to Muslim prisoners for reciting Holy Quran, the same concession may also be extended to non-Muslim convicts for reading/educating in their holy books.
- ⁵44. The provincial governments, while setting up the district administration offices in new districts must simultaneously construct jail/judicial lock up therein.
- ⁶45. Take strict disciplinary action against those delinquent jail staff who violate the orders of the court and may also be considered for proceeding under the contempt of the court.

⁴ Recommendation added by the Commission

⁵ Recommendation added by the Commission

⁶ Recommendation added by the Commission

Islamic Perspective of Jail Reform

Islamic history gives some perspectives of treatment of prisoners. It has been revealed that four thousand years ago, Hazrat Yousaf Alehe-s-Salam was detained in a prison on face of the earth as under-trial inmate by Egyptian Chief (Aziz-e-Misr). (Holy Quran, Surah Yousaf). The word Sijjan (prison) has been used seven times in the same Surah (Surah Yousaf).

As per reported tradition, the Holy Prophet (S.A.W.) used Masjid-e-Nabvi for confinement of prisoners to be released on condition of educating ten Muslim illiterates. (Musnad Ibn-e-Hunbal). Similarly, it is stated that Hazrat Umar (R.T.A.) established the first regular prison in Makkah (Al-Farooq).

Prisons in Pakistan

Pakistan inherited a rigid and colonial prison system from the British who used the institution of prisons to punish their political opponents and the criminal out laws in a manner that they would not create a threat to the crown.

Definition of Prison

Prison traditionally defined as a place in which persons are kept in custody pending trial, or in which they are confined as punishment after conviction (Encyclopedia Americana). Jail is an institution for the confinement of persons convicted of major crimes or felonies. Jails were widely used in 12th Century England as places for the confinement of accused persons until their cases could be tried by the King's Court (Encyclopedia Britannica).

The Prison Act, 1894 (Act No. IX of 1894) defines prison as any jail or place used permanently or temporarily under the general or special orders of a 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 Provincial Government under Section 541 of the Code of Criminal Procedure 1898;

(c) any place which has been declared by the Provincial Government, by general or special order to a subsidiary Jail.

Walnut Street Jail in Philadelphia established around 1794 was supposed to be the first state penitentiary in the USA. The District Jail Dadu (1774) in Sindh Province is considered to be the premier and oldest Prison in Indo-Pak Sub-continent under Kalhora Rulers.

Classification of Prisons

According to the Jail Manual, the following are 4 types of jails:

- i Central Prison
- ii Special Prison
- iii District Prison
- iv Sub-Prison

Besides the above prisons, there is also a judicial lock up.

(i) Central Prison

A prison declared as central prison by the provincial government. It shall have accommodation ordinarily for more than 1000 prisoners irrespective of the length of sentences. There shall be a central prison in each division of a province. The provincial government may, in its discretion, declare any special prison or district prison to be a central prison.

(ii) Special Prison

The provincial government may, from time to time, declare any prison to be a special prison or establish a special prison at any place. Under Rule 6, women's

prisons, open prisons, borstal institutions and juvenile training centers, are special prisons.

(iii) District Prison

All prisons other than central prisons or special prisons, shall be deemed to be the district prisons.

(iv) Classes of District Prisons

There shall be 3 classes of district prisons:

- (a) First Class, having accommodation ordinarily for 5 prisoners or more with sentences upto 5 years;
- b) Second Class, having accommodation ordinarily for 300 prisoners or more but less than 500 with sentences upto 3 years;
- c) Third Class, having accommodation ordinarily for less than 300 prisoners with sentences upto one year.

(v) Sub-Prison

The provincial government may, by general or special order, declare any place to be a subsidiary jail.

(vi) Judicial Lock Up

The provincial government has established judicial lock ups at tehsil and sub-tehsil level. In judicial lock ups, less than 100 prisoners are accommodated.

Functions of Prison

- (i) Execution of Sentences awarded by the courts.
- (ii) Maintenance of Order & Discipline amongst prisoners.
- (iii) Administration, Supervision & Training of Executive/Subordinate staff for effective prison management.
- (iv) Enforcement of Provisions of Prison Laws/Rules for protection and control of prisons /prisoners.
- (v) Imparting of vocational training and skill to prisoners for rehabilitation after release.
- (vi) Education of Prisoners.
- (vii) Recreation & Psycho-counseling of prisoners.

Objectives of the Prison (6 Cs)

- (i) Custody: Keeping inmates in safe place of confinement to the satisfaction of court.
- (ii) Care: Meeting basic needs (e.g. accommodation, food, medicine) of the inmates.
- (iii) Control: Maintaining order and discipline within the prison premises.
- (iv) Correction: Motivating inmates through ethical, moral and vocational teachings to become useful and law-abiding citizens.
- (v) Cure: Providing treatment (through physical, medical and psychological counseling) to reform and rehabilitate the inmates.
- (vi) Community Re-adjustment: Re-socializing inmates religious and other education for better rejuvenation after release.

Statistics on Prisons

Province	Number of Prisons as on 31.12.2003
(i) Punjab	30
(ii) Sindh	18
(iii) NWFP	22
(iv) Balochistan	10
(v) Azad Kashmir	06
(vi) Northern Area	03
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Total	89

Types of Prisons

(i) Central Jails	23
(ii) District Jails	47
(iii) Sub-Jails	13
(iv) Women Jails	02
(v) Juvenile Jails	03
(vi) Open Jail	01
	—
Total	89

Criminal Prisoner

The Act defines “criminal prisoner“ as any prisoner duly committed to custody under the writ, warrant or order of any court or authority exercising criminal jurisdiction or by order of the Court Martial. The “convicted criminal prisoner” is defined as any criminal prisoner under sentenced of a court or court-martial and includes a person detained in prisoner under the provision of Code of Criminal Procedure 1898. “Civil Prison”er means any prisoner who is not a criminal prisoner.

Prison Population**Position as on 31.12.2003**

	Province	Authorised Capacity	Current Population
(i)	Punjab	17637	50213
(ii)	Sindh	8026	18396
(iii)	NWFP	7857	9992
(iv)	Balochistan	1845	2780
(v)	AK	608	703
(vi)	NA	150	221
	Total:	36123	82305

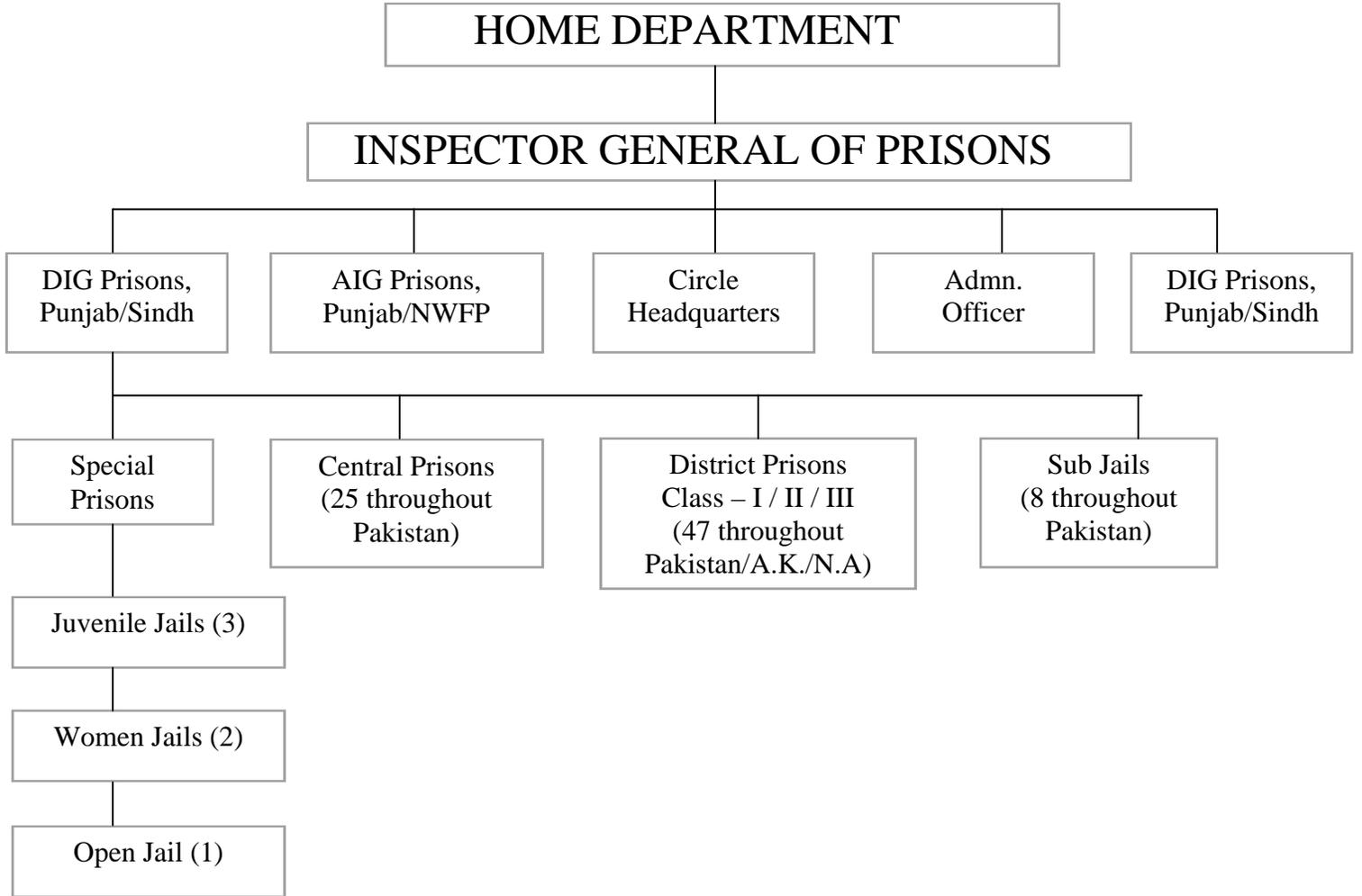
Province-wise Statement of Prisoners as on 31-12-2003

Name of Province	Male		Condemned		Women		Juveniles		Foreigners		Users/Traffickers		Total Population
	U/T	Con:	M	F	U/T	Con	M	F	M	F	M	F	
Punjab	26538	9343	5986	27	681	180	1609	07	487	13	5156	186	50213
Sindh	12377	2591	250	-	252	67	552	-	952	-	601	754	18396
NWFP	5705	3075	134	05	217	85	351	-	31	04	385	-	9992
Bal:	752	1491	142	-	17	13	142	-	126	-	97	-	2780
NA	192	19	-	-	04	-	-	-	-	-	06	-	221
AK	501	124	23	-	18	04	18	-	-	-	15	-	703
Total	46065	16643	6535	32	1189	349	2672	07	1596	17	6260	940	82305

**Categorized Break Down
of Prisoners****Position as on 31 Dec 2003**

a)	Undertrials	57.4%
b)	Convicts	20.6%
c)	Condemned	8%
d)	Juvenile	3%
e)	Foreigners	2%
f)	Users/Drug Traffickers	9%
g)	Male	96.9%
h)	Female	3.1%

STRUCTURE OF THE PRISON DEPARTMENT



Prison Staff Strength

Position as on 30 June 2003

	Existing Staff	Deficiency	Additional Staff Required
Punjab	7642	606	6429
Sindh	2274	117	2500
NWFP	1496	120	1500

Balochistan	814	118	784
AK	207	-	100
NA	69	-	50
Total	12502	961	11363

Present Condition of Jails

- (i) Jails of today are heavily overcrowded.
- (ii) Jails have old & dilapidated structure of 19th century.
- (iii) There is acute shortage of manpower.
- (iv) Budget allocation is quite critical.
- (v) Security devices are very rare.
- (vi) Amendment in Rules is direly required.
- (vii) Training of Prison Staff at home and abroad is extremely necessary
- (viii) All prison departments are administratively controlled by non-departmental/professional heads.

Reformative Issues

- (i) Construction of new jails;
- (ii) Provision of additional accommodation;
- (iii) Strict segregation of vulnerable prisoners.
- (iv) Rehabilitation of drug addicts;
- (v) Improvement of facilities (food, clothing, medical, sanitation, education etc)
- (vi) Upgradation of prison staff;

- (v) Career progression of prison staff;
- (vi) Adequate training opportunities;
- (vii) Modernization of Prison Industries;
- (viii) Eradication of corruption;
- (ix) Contribution through philanthropists/NGOs.
- (x) Re-activation in probation/parole system.

History of Prison Reforms

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| (i) | First Prison Reforms Committee under Col Salamat Ullah, Ex-IGP of UP combined India. | 1950/55 |
| (ii) | East Pakistan Jail Reform Commission headed by S. Rehmat ullah, CSP, Commissioner, Dacca Div. | 1956 |
| (iii) | The West Pakistan Jail Reforms Committee headed by Mr Justice S. A. Mahmood (S.Pak), Retired Judge, High Court of West Pakistan | 1968-70 |
| (iv) | Jail Reforms Conference under Prison Division, Government of Pakistan | 1972 |
| (v) | Special Committee on Prison Administration headed by Mr Muhammad Hayatullah Khan Sumbal, Home Secretary appointed by Governor of Punjab. | 1981-83 |
| (vi) | Prison Reforms Committee headed by Mr Mahmood Ali, Minister of State. | 1985 |
| (vii) | Jail Reforms Committee headed by Maj Gen (Retd) Nasirullah Khan Babar, Minister for Interior & Narcotics Control. | 1994 |
| (viii) | Pakistan Law Commission headed by Mr Justice Sajjad Ali Shah, CJ of Pak | 1997 |
| (ix) | Task Force on Prison Reforms under Mr Justice Abdul Kadir Sheikh | 2000 |

Remedial Measures Generally Raised

- (i) Pakistan Prison Rules be amended to suit the requirements.
- (ii) Initiate concrete reformatory measures in jails.
- (iii) Allocation of funds for new construction/expansion of jails.
- (iv) Implementation of previous Prison Reforms Reports.
- (v) Federal Prison be established to deal with Prisoners under Federal Laws such as Drug Traffickers, Foreigners, Army Deserters, Tax Evaders, Loan Defaulters, Money Launderers (Accountability cases) etc.

Construction Period of Various Prisons

Period	No of Prisons
(i) Years 1800 – 1900	24
(ii) Before Independence	27
(iii) After Independence	38

Rehabilitation of strategy of Jail Inmates: The past decade has witnessed an increasing consciousness about the desirability of prison reforms. It is now, being recognized that a reformatory philosophy and a rehabilitative strategy must form part of prison justice. Pursuant to this desirability, many Jail reforms committees stressed for rehabilitation of jail inmates.

Accommodation and Allied Facilities: Section 4 of the Prison Act 1894, Rules 745 to 752 and Chapter 31 of the Pakistan Prisoner Rules 1978 deal with the accommodation as well as sanitary conditions in prison.

As per estimation there are 759 jails in Pakistan ss3sout of which 28 are situated in Punjab, 16 in Sindh, 21 in NWFP, 10 in Balochistan And3 in Northern Areas, similarly, there are 06 jails in Azad Jammu and Kashmir. .

The total capacity of such jails is for 34,014,612 inmates whereas in actual fact 74,483 convicted and under trial prisoners were confined in such jails on 30th, June 1996 which increased with the passage of time. According to Punjab prisons official record⁷ which was reviewed recently, 54,602 persons were detained in 13 jails of the province. It is estimated that the number of prisoners is five times more than the capacity of jails. Overcrowding is the main reason for security arrangements/lapses and poor sanitary condition in these jails. Of the total prisoners, 53,482 are men and 1,120 women, who include 50,205 adult men and 1,104 adult women. There are 3,277 male juveniles and 16 female ones.

Among the condemned prisoners there are 5,122 adult males, 21 women and 61 male juveniles. Among the under-trial prisoners, there are 34,455 adult men, 812 adult women, 2,582 male juveniles and 12 female juveniles. Convicted prisoners include 10,628 adult men, 271 women, 634 male juveniles and 4 female juveniles. A total of 23,618 people are detained on charges of committing murder, 1,545 for attempted murder, 323 for causing death due to negligence and 3,234 for hurting people.

As many as 5,983 persons are detained on dacoity charges, 2,545 for theft, 250 for various violation, 293 for abduction and rape and 977 for sodomy. The number of the detention of charges of criminal assault is 336. As many as 1,416 have been detained under the Arms Act, 41 are military deserters, 114 on charges of gambling 14 under the MPO and 480 for forgery and fraud. Those caught wandering and sent to jails number 66. As many as 118 are under going imprisonment on charge of attempted homicides and 136 for breaching of peace while 1,381 were caught in possession of stolen property. 65 persons have detained under the Railway Act, 143 under Pakistan Army Act, 7 for attempting to commit suicide, 199 under the Foreign Act and 6,602 under the Prohibition Act. The prisons house 55 persons on charges of creating violence, 127 for

⁷ Dawn, July, 2003

smuggling, 2,816 under the offence of Zina Ordinance 1979, 97 under Custom Act and 1488 for miscellaneous offences. There are 52 lunatics. The jail population has been increased fast despite all the measures the authorities adopt like releasing those held for minor offences. In 1996, in Sindh there were 13,812 prisoners as against the capacity of 8005, in NWFP, 8466 prisoners as against the capacity of 7042 and in Balochistan, 2351 prisoners as against the capacity of 1361.

Another note-worthy feature is that the number of under trial inmates exceeds the number of convicted prisoners. The problem of congestion is thus overwhelming, contributable to the abnormal delays caused in the system of administration of justice.

From the above it transpires that an inadequate number of jails in the country and the slow disposal of criminal cases are the main hurdles of congestion and impediments in smooth administering the jail inmates. In order to reduced overcrowding in jail, the following are the recommendations. which require to be implemented in its true letter and spirit.

- i) New jails should be established in every district with additional accommodation facilities keeping in view the climate condition of country because in the present prison barracks in winter the cell are extremely cold and in summer they are sizzling with the heat, therefore, the new jails in Pakistan be constructed so that all jail inmates to get adequate accommodation. Such jails should be constructed in the outskirts easy approachable to the general public and designed in a manner to suit the environmental and climate condition. It may also be ensured that in old as well as in new prisons, clean hygienic condition are provided including flush system in toilets with proper sewerage facilities. Such jails should also have proper facilities of electric fans, heater and water coolers, etc.

- ii) Jail authorities should take proper care of jail intimates by providing quality food and medicines, for which the federal and provincial government should place more fund to defray the expenses on such food items.
- iii) The parole and probation facilities should be encouraged and the system simplified to reduce congestion and provide prisoners the opportunity to reform themselves.
- iv) Dispensation of justice should be expedited. The Federal Law Ministry, Law Departments in Province, the Courts in every forum be asked to play its role in this regard. The courts exercising jurisdiction be asked to liberally grant bails to drug addict, and women prisoners, so as to reduce the burden of overcrowding in the jails and their babies.
- vi) The drug addicts should be dealt with separately in all judicial proceedings.
- vii) n-
- viii) o
- ix) The jail authorities should make arrangements to segregate vulnerable prisoners like women, juveniles, addicts, foreigners, mental retarded and condemned prisoners.
- x) To place checks on the use of discretion powers by the jail Superintendents through which he is passing order for enhancing the term of prisoners by awarding punishment to the jail inmates or refusing to grant remission on account of good conduct or other privileges as envisages in the prisoner laws and rules, The Inspector General (Prison) should regularly check the orders of the Jail Superintendent instead in exercising of The prisoner should have a liberal right of appeal against

major penalty to Inspector General Prisoners. Similarly, all punishment awarded by the Superintendent jails had to be checked by a board comprising Sessions Judge and DIG Prison. The Drug addicts who are self-victim may not be put in jail but shift to rehabilitation centers to be established under the Social Welfare Departments.

- xi) Instead of encouraging the hardened criminals in the jail to get weapons and create trouble like Sialkot accident and Narrowal, the jail prisoners be encouraged to keep their radio with headphone, wrist watch, bags, papers and pen and pencil with them without having to obtain permission. These facilities have been provided by the Government of NWFP where the prisoner are allowed to keep money for purchase of these items from the Utility Stores established in jail prisoners, TV facilities should be provided in every barrack so that they can pass their time by watching TV programmes.
- xii) To extend the facilities of outdoor games like, Football, Volleyball, Basketball and indoor games to the inmates.
- xiii) All convicts of class "C" may be allowed to wear their own clothes instead of jail uniform. The Government of NWFP has already allowed this concession to the jail inmates of class C. The same may be followed by other provinces.
- xiv) Steps be taken for establishment of the skill development centers in jails for rehabilitation of prisoners.
- xv) Combating corruption in jail and provide adequate facilities for imparting training to Jail Staff to make them inmates friendly.

Conjugal Rights of prisoner: - It is propounded by the jurists that the prisoners should be granted the right of conjugal rights to help and keep the family intact. This is based on the Shariat which upholds that “ No husband can go on a journey and be away from his wife for more than 4 months without her consent”. From this Islamic jurists drew the principle that if a husband who imprisoned for more than four months then a meeting should be arranged either to permit him to visit his wife or else to permit her to visit him. Many experts supported this idea, Justice ® Mr. Z.A Channa, Convener of the Jail Reform Committee was of the view that if a prisoner was sentenced for more than 3 years, then he should have the right to visit his family. Iran is the first country that provides this right to prisoner after every 6 months on the basis that it is a right under Islam. He added that to be accorded this right, a prisoner in Iran have to fulfill certain conditions. He should not be accused of having committed a heinous crime. The Superintendent, who monitors the prisons and the judge who conducts his case must grant him a certificate of good behaviour. Once he meets this condition he can visit his family for 3 days without escort. Such visits it is believed will help to prevent weaken of family ties. Arrangements have also been made within the prison in Iran to enable the wife to meet her husband in privacy, Mr. Justice (R) Z.A. Channa gave up hypothetical case for newly marriage woman, who wanted a child but was separated from her husband who had been sentenced for 10 years, Can she leave within limits of Islam in such a case?. He asksq or else she would be forced to divorce her husband. To prevent such an eventuality a prisoner sentenced for more than 3 years should be permitted a family visit once every six month under police escort. If such escort can be provided to prisoners when they go to court it can also be provided for a family visit. A Psychiatric who heads the Psychiatric department at Hamdard University conducted study pointed out that some married women developed “deviant behaviour” if deprived of conjugal relations over several years,, even several months. He said separation over long periods of time could also make the wife prone to depression, feelings of futility, worthlessness and weeping tendencies and psychosomatic disorders. According to human rights activist that in Pakistan this

idea has already been accepted in principle by allowing the right of conjugal relations for prisoners, but presently it is only the privilege of rich and powerful. He gave the example of Banazir Bhutto private meetings with Asif Ali Zardari in the Landi prison during his first term of imprisonment from August 4, 1990 to April 1992 and the birth of daughter in September 1991. Other have succeeded having overnight stay in their homes with the connivance of police when their cases were out of station or have managed to visit their home while attending the courts. Some politicians have had their homes declared a sub-jail.

Keeping in view the above facts,

it is recommended that the prisoners not involved in heinous crimes and who by circumstances were compelled to commit offence notwithstanding of their good record in the locality may be allowed to join their families after every 4 months as allowed in Iran so that the husband and a wife may not suffer physiologically due to non-observance of their conjugal rights.

Jails Conditions and maintenance: A large number of jails in Pakistan are dirty and poorly maintained. This condition is not caused due to wear and tear that occurs from day-to-day usage. Rather, poor maintenance is visible as grime on the floors and walls, dirty windows, clutter, flaking paint etc. as visible poor jail maintenance is indicative of poor management. Even the poorest and oldest designed facilities can be kept clean, the manpower needed to keep facility clean is abandoned-its inmates. Lack of attention to jail cleanness is often associated with the lack of attention to other essential operation in running jails.

Dirt and grime do not help to create a punitive environment that induces offenders to stay out of jail. Since many live in homes that are dirty, the existence of dirt is not punishing them. There is no lesson to be learnt by inmates by induced laziness. Certainly, they will not have exposed the attitude towards cleanness or work they might positively affect their lives.

Dirt and grime also affect jail staff. Jail staff in well-managed, clean jails tend to exhibit a sense of pride in their work. In dirty facilities, staff more often convey a feeling of dislike for their work and antagonism towards inmates.

Unfortunately during the last few decades the community in general has become cynically inured to mal-administration, oppression and corruption in the prisons. Jail population including the number of undertrial and juveniles offenders, has been burgeoning at a rapid pace but the capacity of jails to house prisoners has increased only marginally and that too only in some cases. Overcrowding is not the only problem. There is highly objectionable practice of putting up juvenile offenders and new convicts in the wards where hardened criminals, drug addicts and homosexual are housed. The litany of complaints includes such abuses as the theft of prisoners sanctioned food supply with the result that many of them are short rations and favour shown to those prisoners who are in position to bribe jail officials.

In order to well maintained the jail, it is recommended that the Provincial Minister for jails and the Inspector General of jail may regularly pay visit after each 3 months and inspect the condition of the jail and give direction to jail staff for proper using the jail inmates for cleanness and removing dirt and grime from the jail vicinity, open discussion of the issue with the jail staff shall facilitate to achieve the object of cleanness of jails for betterment of the inmates and jail staff. The Provincial Minister for Jail should accept no excuses from a Jail Superintendent for a dirty Jail. As much pressure as possible be put on the Jail Superintendent to clean up the facility. The Provincial Minister should regularly discuss the Jail cleanness in the meeting with Inspector General (Prison).

Prison Visiting System: - Prison where the offenders are incarcerated are largely impermeable to the outside world.. They are not open to scrutiny and hence are unaccountable. The condition in average Pakistani prison present a

very depressing picture. Overcrowded, unhygienic and hopeless, these prisons have from being any kind of correctional centers, often produce hardened criminals who truly become menace to society. Outside of the jail the people have no knowledge how the jail staff treat the incarcerated inmates. The misery condition and treatment come to light when any of inmates comes out from these prisons. Whenever the prisoner is shifted from one prison to another he has to face the cruel treatment of the jail staff in new prisoner despite the fact that he is shifted on account of administrative arrangements.

To improve prison conditions and to ensure that prisoners rights are not violated it is important to establish a system or improve arrangements through which the jail condition and the performance and behaviour of the jail staff can be constantly monitored. Besides, the present arrangements to overview and monitor the performance and behaviour of the jail staff, it is suggested that the following mechanism to monitor the performance and behaviour of the jail staff be devised so that the visitor be in position to keep a tab on the prison administration and make it open to scrutiny.

(i) Official Visit: - The following officers may visit the prison once in 3 months and to look prisoners living condition in the prison.

(1) Inspector General or Deputy Inspector General (2) City or District Magistrate
(3) District & Sessions Judge (4) Director of Health Services.

The function of these officers may be;

- (i) to visit the prison and ensure that care and welfare of the inmates are properly attended
- (ii) to attend to the request of the inmates.

- (iii) to make the recommendations about redressal of the grievance, complaints of prisoner and living conditions in prisons.
- (iv) to help prison administration in the development of correctional programmes.
- (v) attempts to improve conditions in prison by suggesting amendments in the rules, regulations and by laws.
- (vi) releasing the intimates who were involved in the crime having less punishment or those who have completed the period of sentence and they are incarcerated on account of non-payment of fines which they are not in position to pay.

(ii) Visit of NGO

A well reputed NGO working for the welfare of jail inmates and human rights activate be allowed to conduct survey about the living condition of inmates in jail.

Women's Jail :- In recent years more women are involved in criminal activities and thus are incarcerated in prison throughout in the country. Keeping the women in male prison is totally against the natural norms. Generally, it is observed that the male persons in the street and shopping centers starring and harassing the women, how one could expect male inmates of the jail who are away from their home for long time could keep their natural emotions in control by seeing the women in prison. Realizing this state of affairs and gruesome situation the Government has already established the separate police stations for women and separate cell for women in the vicinity of the prison. However, it is imperative that the Government may set up exclusive prison for women inmates, at least one in the District level with capacity for 50 women prisoners in small district and for 100 women prisoners in big district. The Senior Lady Superintendent of police may head the jail with the entire staff consists of women

warders. However, outside wall guarding may be done by male warders. Where the Government cannot manage to establish the separate prison for women or the women prisoners are small in number, the Government may take steps to provide separate enclosures for women in the jail where they may be confined. There may be provisions for sanitary toilets within the enclosures. Sufficient day and night sanitary toilets have to be provided in the enclosures to cater to the needs of women inmates. Electric fans and electric lights be provided in these enclosures. For recreation purposes, a television sets and indoor games may also be provided, the lady doctor may visits these enclosures and extend medical facility to these female prisoners. A Psychiatric may pay weekly visit to examine and suggest treatment to those women who are mentally suffering from stress oppression. To keep them busy they may be involved imparting educational training like embroidery, netting and other allied jobs. The children of these women prisoners who are living with them may also be provided recreation of playing outside of their enclosures They may be extended educational facilities so that they become honourable and respectable citizen of the country. The places where such women could be accommodated should be equipped with proper lighting arrangements and fans. Since the prisoner are locked up in their respective wards at sun set till next sun rise, sufficient arrangements for portable water is to be made. To save from them sizzling cold the required blankets be provided to each prisoner.

Under-trial Women: - Although women in detention constitute only small percentage of the total prisoners in various jails in the country. Their detention is pathetic in terms of the prison involved, the treatment meted out to them in the jail and the social ostracism they suffer. Women prisoners suffer from greater disabilities than man, the psychological stress caused by separation from children, the unhealthful attitude of close relations, uncertain about future or all fetters which make their life miserable in jails. The rules and regulation of insensitive approach of the jail authorities add to their woes. The jails where women prisoners are lodged the condition inside the jails appalling. About 80

percent of the women prisoner found in the jails are undertrial, who have been there for days. No one knows when the trial will take place or when they will be able to go out of the cold prisoner wall. Many of them could not arrange sureties to go out from jail on bail. It is therefore, recommended that the cases of the women prisoners be taken in every judicial forum on priority basis and those women who are not involved any heinous crimes may be released on bail without asking for surety bond. The recommendation of the Law and Justice Commission of Pakistan in this regard for making the amendment in Section () on may be placed before the parliament for early passage of the bill so that women prisoner may get benefit from this legislation. The Government should provide to the needy women prisoners free legal aid, counseling. The services of the psychiatrist should also be hired to provide counseling to women prisoners. This genuine demand was put forward during visit to woman jail at Karachi. Besides, an ambulance be provided to shift the serious ill prisoner in emergency to the city Hospital.

Problems in Death Cell: - The prisoner awarded death sentenced or are kept in special death cells constructed for the purpose. Normally, these are very segregated small rooms measuring 9' x 12' attached with the W.C in corner, rounded by a wall of 3 feet height. It has been observed that 6 to 8 prisoners are kept in one death cell. The prisoner in death cells are entitled to one hour walk 30 minutes in morning and 30 minutes in the evening while handcuffed. It is recommended that these rooms be properly ventilated. It is further recommended that the duration of walk time may be extended from half hour to one hour each in the morning and evening, and the provisions for handcuffing the prisoners during walk may be applied only in respect of hardened criminals, terrorists or dangerous criminals. Such prisoners may be kept in death cell according to capacity of the cell. As the life of these condemned prisoners is likely to vanish on their execution, therefore, comfort to the extend of their remaining days of life be provided instead of giving torture for few days in death cell which is not seen by the outside people. Their appeal if pending in any forum of court should be

decided as early as possible to extinct the miserable psychologically condition of such prisoners as early as possible. The jail authorities should refrain from putting up more than 3 condemned prisoners together in one cell.

,, as during visits to various jails it is found that sufficient space is available where more rooms and barracks could be constructed.

Police/Judicial Lockup: - The accused persons on the arrest, are kept in detention at the police lockup, on the court direction, they are kept in judicial lockup. Some studies point out that sexual harassment and physical torture are common in lockups. Some Children Rights Organizations allege that children lodged in police lockup and judicial lockup are facing worse sort of victimization. They have to undergo rough treatment first at police station and then in jails. The Government of Pakistan is signatory to the United Nation Convention on the Rights of the Children (CRC), therefore, the Government of Pakistan is not only bound to ensure implementation of all existing laws on child rights but also to enact more laws to protect children from abuse. Lockups in the country are few in number and are generally in a deplorable condition. The lockups do not have basic facilities such as fans, benches, toilets etc.

It is therefore recommended that adequate number of police / judicial lockups be constructed and the condition of existing lockups be improved providing therein the basic requisite facilities Besides, the police should be given a proper in service training to handle the small children and women and other innocent inmates with kindness and not to resort to torture, methods for the sake of retracting statement from them.

Children in Prison: Children below 6 years are permitted by law to stay with their mothers in the jails. The innocent children who have committed no crime/sin have to forego freedom and other facilities of their life when they stay with their mothers in the jails.

It is therefore recommended that an arrangement be made to provide special facilities care, so that they can live normal life and have healthy growth like others. A children park has to be setup with all facilities in the vicinity of jail. Arrangements should be made to get out the children on picnics at least once a month, so that they can have really test of outside freedom, Sincere steps should be taken to provide them with a life similar to those children outside the prison walls like schooling, playing act.

Under the newly enacted Juvenile Justice System Ordinance 2000, children under 18 years of age cannot be awarded certain type of punishment e.g. death, hard labour, corporal punishment, etc. Further children, if convicted cannot be kept in prison. They must be kept in borstals where there are arrangements for healthcare, education, training and sports/entertainment. The law should be strictly enforced.

Children Inmates: On account of some sin committed by the Children, the police and the jail staff put them in police custody and jails where they are tortured and abuse by the police and the jail staff. Physical torture and brutality on these children forve reaching consequences and effect on their remaining life. They usually belong to poor strata of society and their parents have usually no means to get them release on bail to protect them from these brutalities of the police and jail staff. They are languishing in the jail for a long period and face arduous situation of their life. Keeping in view the misery of these children it is recommended that:

- (i) Separate reformatory schools or borstal institutions for children throughout the country.
- (ii) Early steps be taken to establish separate courts to deal the cases of children as envisaged in the Juvenile Justice System Ordinance 2000.

- (iii) The Jail staff and the police may be imparted special training in dealing with these children.
- (iv) Strict disciplinary action may be taken against those police and jail staff involving in committing brutalities on these children.
- (v) The Government should provide free legal aid for the releasing of these of poor children

Juvenile Justice System: On persistent demand of public, the Federal Government has promulgated Juvenile System Ordinance, 2000 on 01-07-2002 which provides that a person who has not attained the age of 18 years and involves in commission of an offence is child and shall be entitled to special treatment as provided in the Ordinance and the rules made there under. The child offender is to be detained in borstal institution and given education and training for their mental, moral and psychological development.

Contrary to provisions of the law in vogue, complaints are still coming in that no proper borstal institution exists for the juvenile offenders in the provinces. In some places, in prisons a separate section for male juveniles are available. But no such separate sections are available for female juvenile offenders and they have been housed with adult women offenders. The rules strictly prohibits that in no case female juveniles be kept in police lock up or prisoners. Under the rules female juveniles shall be detained in a separate enclosures of the borstal institutions exclusively established for this purpose and a no case where there is no such enclosures, they shall be immediately transferred to any care house as ordered by the Court.

It is recommended that all provincial Governments should strictly adhere to the provisions to the Ordinance and the Rules made there under by taking necessary steps / measures for fulfilling some of the basic requirements of the law including the establishment of the borstal institution for keeping male and female juveniles

in these institutions. Keeping along with female juvenile and adult women prisoner, the Government had been exposing these juvenile to danger and would bring them in association with any criminal inside. It is now the legal responsibility of the Provincial Governments to keep these female offenders separate from audit offenders.

System of Interviews: While in jails, communication with the outside world gets snapped with the result that the prisoner does not know what is happening even to his near and dear ones. This cause them additional trauma. Therefore, a liberalized view relating to communicating with close relatives and friends is desirable. It is therefore recommended that all prisoners be allowed to have one interview per week with his relatives/friends. Jail Superintendents may also have a discretionary power to permit / grant additional interviews on special grounds. The duration of each interview is to be 30 minutes. The interview of sick prisoners may be allowed also at the hospitals, normally 5 visitors per interview be allowed. During the Interviews a prisoner may be allowed to receive dry food, fruits and clothes. In addition prisoners be allowed to receive interview from his legal advisor on working days. The prisoner be allowed to send one letter per week to his relatives. This effort will keep them in touch with their relatives and friends and they will not suffer further mental agony and will not create trouble for jail staff in jail premises.

Special arrangements be made in jail for meeting of couples in segregation and privacy. Children who are born in jail and those who accompany their mother to jail are compelled to live behind bars without being offenders. They may be allowed to go with their visitors for any time as be permitted by their mothers, so that there incarceration with mothers do no adversely effect on them.

Unlawful Detention: Article 10 (1) of the Constitution of the Islamic Republic of Pakistan 1973 states “ No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest, nor

shall be denied the right to consult and be defended by legal practitioner of his choice.” Further Article 10 (2) states “ Every person who is arrested and detained in custody shall be produced before a magistrate within a period of 24 hours of such arrest”. Similarly, Section 61 of the Criminal Procedure Code, 1898 provides that “ no police officer shall detain in custody a person arrested without warrant for a longer period than under all circumstances of the case is reasonable and such period shall not, in the absence of special order of a Magistrate under section 167, exceed twenty four hours exclusively of the time necessary for the journey from the place of arrest to the Magistrate Court. Section 167 does allow the police to detain in custody a person arrested without warrant for a term not exceeding 15 days “where the investigation can not be completed within the period of 24 hours fixed by section 61 and there are grounds for believing that the accusation or information is well founded”. However, the police Incharge of the police station or police officer making investigation must still transmit to the nearest Judicial Magistrate a copy of the entries in the diary relating to the case, and shall at the same time forward the accused to such Magistrate. However, the law permits DCO of local district who orders the detention without charge for 30 days, a person suspected of threatening public order and safety. The DCO may renew detention in 30 days period for total of 90 days.

The recent reports as reported in the press as well as the documentary films shown on the Jeo television that in practice the authorities do not strictly observed these limits of detention. The police often hold detainees without charge until their detention are challenged in court of law. It is also alleged that the police some times detain individual arbitrary without charges or on false charges. In order to extort money for their release. In recent documentary film shown on Jeo Television in one police station the individuals arrested on account of certain charges were detained for many days without producing before the Magistrate. Some people have made allegations that they were detained in incommunicado detention, i.e. safe house by the Government agencies without

any intimation to their relatives or produced before the Magistrate for many days. It is therefore recommended that the police officer that are defying the law be brought to justice and disciplinary action should be taken against them so that the police may not detained persons for their own greed. The special agencies functionaries who are picking up the individuals on account of some reliable complaints or information for investigation may at least informed the r relatives of the individuals as well as of the Ilaqa Magistrate of such arrest so that the relatives may not undergo mental suffering and arrangement on account of sudden disappearance of their dear ones for many days.

Segregation of Prisoners: - Sections 27 to 30 of the Prison Act 1894 and Rules 224 to 249 of the Pakistan Prison Rules 1978, clearly provide for the classification of prisoners on the basis of their involvement in civil matters or criminal offences. They further require for the segregation of female and juvenile convicts from the rest. It has generally been observed that due to overcrowding in all the prisons of the country, the rules relating to segregation are not fully observed. This practice is contrary to the Injunction of Islam and the laid down law/rules,

The facility of separate prisons for women is available only in Multan, Province of the Punjab and in Larkana and Karachi, Province of Sindh. Similarly, the facility of separate jails for juveniles exists only in Landhi (Karachi) in the Province of Sindh and in Behawalpur, Province of the Punjab. Elsewhere in the country, segregation is effected through separate enclosures for women and juveniles within the same premises.

It is, therefore, recommended that arrangements should be made for the construction of separate prisons for women and juveniles prisoners. Proper food, education, training and other facilities should also be provided to women and juvenile offenders.

It is also recommended that special care must be taken in respect of children accompanying their convicted/under-trial mothers. Efforts should be made to arrange for the maintenance and protection of children, outside the jail, when they became of school-going age. Arrangements should also be made for their education. The Government should also open institution for the care and protection of such children as well as other neglected/orphan/abandoned children. However, in situation, when such arrangements do not exist/cannot be made, women prisoners should be allowed to retain their children and arrangement should be made for the education, provision of food and health care for such children.

Torture or Inhumane Treatment by cpolice in judicial lockups:

There are legal provisions providing to protect the individual from the acts of torture in police stations and judicial lockups. The law prohibits confession extracted from the offender by using different method of force by police and are inadmissible in the court of law. The Constitution of Pakistan explicitly prohibits the torture under Article 14 (2), which provides that "No person shall be subjected to torture for the purpose of extracting evidence Further under the Pakistan Penal Code 1860 which was amended by the Criminal Law (Amendment) Act 1997 (II of 1997) the causing of hurt of any person to extort any confession or any information which may lead to the detection of any offence or misconduct is defined as a distinct punishable offence. Section 337 K of the Pakistan Penal Code states as under: -

"Whoever causes hurt for the purpose of extorting from the sufferer or any person interested in the sufferer, any confession or any information which may lead to the detection of any offence or misconduct, or for the purpose of constraining the sufferer, or any person interested in the sufferer, to restore, or to cause the restoration of, any property or valuable security or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security shall, in addition of punishment of Qisas, arsh or

daman, as the case may be, provided for the kind of hurt caused be punished, having regard to the nature of the hurt caused, within imprisonment of either description for a term which may extend to 3 years as Ta'zir".

Article 37 of the Qanoon-e-Shahdat 1984 (law of evidence) provides that "a confession made by an accused person is irrelevant in a criminal proceedings, if the making of the confession appears to the court to have been caused by any inducement, threat or promise having reference to the charge against accused person, proceeding from a person in authority and sufficient, in the opinion of the court, to give the accused persons grounds which would appear to him reasonable for supposing that by making it he would gain any advantage or avoid any evil of a temporal in reference to the proceeding against him". Moreover under Article 38 " no confession made by any person to police officer shall be permissible against the person accused of any offence. Similarly, under Article 39 "no confession made by any person while he is in custody of police officer unless it is made in the immediate presence of a Magistrate shall be approved as against such person". Despite these legal safeguards, the police resort to torture, ill treatment ton the offenders while in custody in police station or jail lockup which includes beatings, burning with Cigarettes, whipping with rubber or leather straps, sexual assault, being hung upside down for a long period, electric shocks, deprivation of sleep, the use of fetter and humiliation in different way by the police to extract statements, compelling to confess the crime and or provide clue to the weapons used in crime or whereabouts of the stolen property.

It is therefore recommended that the police shoulddo not resort to torture whichor may cause grievance hurts for extracting confessional statements of the offender. They should not used third degree method against the accused involving in minor offences. Like male prisoners, females are also facing cruel attitude of police while in their custody. The police should respect the law which prohibits the Magistrate from authorizing the detention in police custody of a female except in cases involving Qatl (murder) or dacoity. The police must

undertake investigation of a female to interrogate her in the presence of an officer of the jail and a lady police officer.

Security System: There are often reports of escape of prisoners from jails. This happens due to the crumbling walls of some jails and the non-availability of adequate security equipment for the purpose of detecting escapes. This problem becomes more acute when there are crisis in jail premises. To forestall any eventuality of escape from jail premises, it is recommended that jail walls/structures should be strengthened and proper security system should be installed in jail premises. Closed circuit T.V. equipment be installed in jail and the staff should be given appropriate gadgets for detecting escapes. Such staff must also be given appropriate training for the purpose.

Education: Rule 679 of the Jail Manual provides for the provision of education up to the primary level to all illiterate prisoners and further provides for appropriate facilities to those prisoners who wish to acquire higher studies. The rule further provides for the establishment of well furnished library in jail premises where books, magazines and newspapers should be made available. Rule 215 provides for remission to prisoners who qualify any examination.

Notwithstanding such rules, in fact no proper and organized system for imparting education to prisoner exists. It is recommended that in every Jail, facilities should be established for the purpose of general as well as vocational and technical education to prisoners. They should also be provided facilities to acquire higher qualification. Such facilities should include classrooms, qualified teachers and reading material. Where appropriate, the services of educated prisoners may also be utilized for the purposes. Each jail should have a library which is well stocked and contains books, magazines and newspapers. If need, be appeal for donation may be made to the general public for the purpose of donating books, and other printed material to jail inmates. The International Islamic University

and Allama Iqbal Open University may be approached to manage courses, through correspondence.

Release on parole: Section 2 and 5 of the Good Conduct Prisoners Probation Release Act, 1926 deal with powers and conditions for the release of convicts on parole. A common problem experienced by the prisoners is, that for release on parole for a short period in case of death of relative in the family, etc, permission is granted by the Government i.e. Home Secretary of the Province. Such permission is not given expeditiously with the result that the needy prisoners are unable to avail it. It is, therefore, recommended that such permission may be given by the Director, Reclamation and Probation, after the process, and the procedure for the purpose should be simplified.

Similarly, rules also exist for the release on parole of those prisoners who have already undergone a substantial part of their imprisonment. Parolees in such cases, are required to work in residences on meagre salary. Only a fraction of this amount is paid to them as wages.

With the passage of time, the number of prisoners, released on parole is declining. The procedure is lengthy and cumbersome. The probation officers are confronting difficulties while getting the prisoners released on parole. At present it is, therefore, suggested that the procedure for release should be simplified, so as to allow a greater number of prisoners to be released on parole, for working not just as domestic servants but also in industry, trade and other commercial institutions, in the public and private sector. The terms and conditions of work and the amount of wages may be negotiated with the concerned industry/department. An appropriate amount of such wages should be paid to the working parolees. This will enable the Government to earn some revenue and the parolees to provide subsistence to his/her family members. This will make the prisoner, a productive member of the society and facilitate him/her in rehabilitation.

Open Jail: The establishment of open Jail is a new and innovative concept, meant to reform and rehabilitate the prisoners. This way the prisoners are enabled to get training and learn the skills. By working in such prisons, they also participate in the national development and increase in agricultural output.

Open Jails were established in Badin (Sindh) and Bureawala (Punjab). The later was subsequently closed around 1962. The Badin Jail is still in operation but under-utilized. Stretching over 2800 acres of land, only five prisoner are employed there under the supervisions of 22 members of Jail staff.

The concept of open jail is very positive and development-oriented. It is quite successfully practiced in India. Nearly every state of India has an open jail. In Pakistan, we need to implement this scheme in earnest. It is, therefore, recommended that arrangements should be made for the proper utilization of Open Jail Badin. Similarly, open jails should also be established in other places. To start with, at least one such facility should be immediately established in each province.

Prison Labour: Chapter 33 of the Prison Rules 1978 deals with the establishment/management of industrial and commercial centers in jails and to provide the terms and conditions of employment in such centers. Such centers do exist and are functioning in some prisons. Their performance, however, is not appreciable. These centers are very few in numbers and are ill-managed. Some of them do not get the necessary raw material, elsewhere the quality of products are poor because of low quality work, which is partly attributed to lack of trained persons for the job and also due to lack of any incentive of the work. As compensation for the labour is very meager and too inadequate and in most of the cases, payment of wages is nil.

The situation was considered by Mr. Justice (Retd) Z.A Chann's Committee, constituted by the Government of Sindh, which made some useful recommendations for reformation of the system. These recommendations speak of privatization of the existing centers and investment from the private sector for increasing such industrial and commercial centers. The recommendation also provides for proper wages to be negotiated in respect of prisoners employed there and that a substantial part of the same should be paid to the prisoners. This recommendation should be accepted by the Government. It will enable the Government of the jail to earn considerable revenue which will be utilized for bringing further improvements of the jail system. The prisoners will also be able to become productive and help their families. They will acquire skills and experience, needed for employment. It will help in their rehabilitation, on release. which able to

Award of Punishment by Jail Superintendent: Chapter 23 of the Jail Manual, classifies the offences committed in prisons by the prisoners and prescribes the procedure for award of punishment. The Jail Superintendent is authorized to award punishment both for minor and some major offences. Such punishment includes the award of whipping and putting bar fetters to the prisoners. These two punishments are inhumane and of degrading nature. The prisoners are put in a separate cell known as 'Chakki' to undergo severe punishment awarded by the jail authorities. There are complaints of abuse of authority and exceeding limits, in the award of punishment by the jail Superintendent. There are also complaints of corruption due to accumulation of vast power in the hands of jail authorities.

The Government have already passed the Abolition of punishment of whipping Act 1996 under which whipping has been abolished. It is, therefore, recommended that the relevant prison rules may also be repealed accordingly. It is further recommended that the punishments of putting bar fetters should also be abolished in all prisons. The same punishment has been abolished by the

Government of NWFP through Prison (NWFP) (Amendment) Act 1996 on the recommendation of High Powered Committee, constituted by the NWFP Provincial Assembly. The same has also been recommended by the Mr. Justice (Retd) Z.A Channa's Committee, constituted by the Government of Sindh.

with a view to check the abuse/misuse of authority by jail superintendent, it is appropriate that an appellate authority is prescribed for the purpose of reviewing the orders of jail superintendent. Such an authority may be within the hierarchy of jail authorities. It is recommended that the prisoner should have a right of appeal against a major penalty to the Inspector General, Prison whose order shall be final.

Remission of Sentences:

It is felt that the convicted prisoners sentenced and imprisoned for committing various offences come out from Jails after spending some portion of their imprisonment, which is often very less in compare to their crimes. It is happened because of Remission System which gives powers to the functionaries of the Government to commute the sentences of the convicted persons during each year and in pursuance of these remissions they are released from jails and some hardened criminals become again dangerous elements for the society. According to Pakistan Prisoners Rules 1978 (Rules 199 to 233) a convicted prisoner who abides by jail rules is legally entitled to the facilities of earning remission upto one third of the total sentence. But these rules are not made known to convicts at the start, of their prison terms, though regular jailbirds know about each concession they can buy or extort.

(i) Provisions of the Statutes/Rules regarding Commutation of Sentence.

The following provisions of the laws/rules give ample powers to the functionaries of the Government to commute the sentences of the convicted persons thus facilitating their release from Jail well before the end of period of sentences.

Section 54 of the Pakistan Penal Code, 1860 provides that in every case in which sentence of death shall have been passed, the Federal Government or the Provincial Government of the Province within which offenders shall have been sentenced may without consent of the offenders, commute punishment for any other punishment provide by the Pakistan Penal Code, 1860. Similarly, under section 55 in every case in which sentence of imprisonment for life shall have been passed, the Provincial Government of the Province within which the offenders shall have been sentenced may, without consent of the offenders, commute the punishment for imprisonment of either description for term not exceeding fourteen years. However, proviso has been added to these sections where the offender convicted for the offence of Qatal or under the offences punishable under Chapter XVI of the Pakistan Penal Code shall not be commuted without consent of the victim or, as the case may be, of his heirs.

Section 401 of the Code of Criminal Procedure, 1898 empowers the Provincial Government to suspend the execution of sentence or remit the whole or any part of punishment of any person who has been sentenced for a offence, at any time without conditions or upon any conditions which the persons sentenced accepts and whenever any application is made to the Provincial Government for the suspension or remission of sentences, the Provincial Government may approach the Presiding Officer of the Court for confirmation whether the application should be granted or refused together with his reason for such opinion. Section 402 gives powers to the Provincial Government to commute any one of the following sentences without consent of the person sentenced, for any other punishment.

(i) Death to imprisonment for life (ii) Rigorous imprisonment to Simple imprisonment, for a like term, fine. Under

Section 402A Cr.PC provides that the power conferred by Section 401 and 402 upon Provincial Government may, in the case of sentences of death, shall also be exercised by the President. Section 402 provides certain restriction on the

exercise of powers by the Provincial Government which provides that notwithstanding any thing contained in Section 401 or Section 402, the Provincial Government shall not, except with the previous approval of the President, exercised the powers conferred thereby, in a case where the President has passed any order in exercise of this powers under the Constitution to grant pardons, reprieves, and respites or to remit, suspend or commute any sentence or of his powers under section 402A.

Section 402C, however, provides that the Provincial Government, Federal Government or the President shall not with out consent of the victim or as a case may be of his heirs, suspend, remit or commute any sentence passed in Chapter XVI of the Pakistan Penal Code.

Article 45 of the Constitution of the Islamic Republic of Pakistan, 1973 empowers the President to grant, pardon, reprieves and respites or to remit, suspend or commute any sentenced passed by any court, tribunal or authority.

Clause (5) of Section 3 of the Prisoners Act, 1894 defines "Remission System" which means the rules for the time being enforced regulating the award of marks to, and the consequent shortening of sentences of, prisoners in jail.

Rules 198 to 249 of the Rules for the Superintendence and Management of Prisoners in Pakistan adopted by the Govtof Pakistan, through Adaptation of Pakistan Law Order, 1947 regulate the Remission System.

(ii) Definition of Remission System. Rule 199 of the above rules states that 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.

(iii) Nature of Remission. Rule 200 provides that remission under the rules may be ordinary or special.

(iv) Cases in which no ordinary remission is earned.

Rule 201 provides that 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.

According to explanation of section 201 if a prisoner 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 and when a sentence of less than four months has, by subsequent conviction or convictions or otherwise, been raised to 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.

Under Rule 204 ordinary remission to be awarded to a prisoner, other than a prisoner employed on prison service, shall be according to the following scales.

- (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.

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

S. No.	Prisoners classification as per labour allotment	Extend 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 prisons who work on Fridays and holidays	6 days

(v) scale of award of remission when a prisoner is unable to labour through causes beyond his control.

(i) Rule 205 provides that a convicted prisoners 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 into or to remain in hospital.

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

(vi) Remission on account of Annual Good Conduct.

(i) Rule 211 provides that 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 committal 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.

(ii) A prisoner who completes three years of his sentence without having committed during the whole of this period any prison offence whatsoever shall, in addition to the annual remission of fifteen days under sub-rule (i), be granted, at the 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 exceeded the maximum remission permissible under these rules.

(vii) Remission to Prisoners who donate blood.

(i) Rule 212 provides that a convicted prisoner shall be allowed to donate blood and for such donation he shall be awarded 15 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.

Period of Imprisonment	Nature of Imprisonment	Interval Permissible between each Donation	Extend of Donation
1 month upto 6 months	Simple or rigorous or in lieu of fine		Once only
Exceeding 6 months up to 5 years	Simple or Six months rigorous or in lieu of fine	Six months	Three times
Exceeding 5 years and above	Rigorous	Six months	Four times.

Remission granted under the above rule is not liable to forfeiture like ordinary remission; and shall be exclusive of the limit of one-third remission prescribed under the rule 217.

(viii) Remission to a prisoner who undergoes surgical sterilization.

In rule 213 a prisoner who voluntarily undergoes surgical sterilization (Vasectomies tuberculigation) shall be awarded thirty days special remission. He shall also be allowed to receive monetary award (if in) from the Family Planning Development.

(ix) Special Remission.

Rule 214 provides that Special Remission to 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-turn 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 Ramazan.

(x) Education Remission.

Rule 215 says that the convicted prisoner who has already passed any 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 to entitled to earn remission once as per scale given in the table.

S. No.	Name of the Examination
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 recognized by Central/Provincial Government.
4	Middle (in full subject).
5	Matriculation (in full subjects)
6	Intermediate (in full subject)
7	B. A. (in full Subjects)
8	L.L.B.
9	M.A.

(xi) Enhanced Education Remission and Intensive Educational System.

In Rule 215 a convicted prisoner, who has 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 according to the scale give in sub-rule (2), provided that he is certified by the Superintendent to be a good character.

S. No	Name of Examination
1	Any examination held by a University, Board of Secondary Education, Board of Technical Education, Director of Education or a District Education Officer
2	Oriental language examination in Arabic, Urdu, Bengali, Punjabi, Persian, Sindhi and Pushto languages
3	Primary classes examination conducted by the District Education Officer.
4	Examination of reading the Holy Quran held for prisoners who learn to read Holy Quran during confinement.
5	Examination of understanding the meaning of the Holy Quran or acquiring proficiency in understanding fundamentals of Islam.

6	Examination of learning the Holy Quran by heart (Hafiz-e-Quran) held for convicts who learnt Quran by heart during confinement.
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Rule 215 provides that in the case of an examination mentioned at Sr. No (1) of the table, the scale of remission shall be as follows:

- (A)** For prisoners undergoing substantive sentence up to two years, for:
- | | | |
|-------|-----------------------|----------|
| (i) | Securing 40 % marks | 2 months |
| (ii) | Securing 41 % to 60 % | 3 months |
| (iii) | securing 60 % marks | 4 months |
- (B)** for prisoners undergoing substantive sentence exceeding 2 years but not exceeding six years, for:
- | | | |
|-------|-----------------------------|------------|
| (i) | Securing 40 % marks | 3 months |
| (ii) | Securing 41 % to 60 % marks | 4 ½ months |
| (iii) | Securing above 60% marks | 6 Months |
- (C)** For prisoners undergoing substantive sentence exceeding 6 years but not exceeding 10 years, for:
- | | | |
|-------|-----------------------------|------------|
| (i) | Securing 40 % marks | 4 ½ months |
| (ii) | Securing 41 % to 60 % marks | 6 months |
| (iii) | Securing above 60 % marks | 8 months |
- (D)** For prisoners undergoing substantive sentence exceeding 10 years, but:
- | | | |
|-------|-----------------------------|-----------|
| (i) | Securing 40 % marks | 5 months |
| (ii) | Securing 41 % to 60 % marks | 6 months |
| (iii) | Securing above 60 % marks | 10 months |
- (b) In the case of an examination at Sr. No (ii) of the table the convict shall not be entitled to earn more than two remission in all.

- (c) In the case of the examination mentioned at Sr. No. (iii) of the table a convict, who appears in and passes the said examination after six months of his admission into jail shall be awarded tow months remission.
- (d) In the case of examination mentioned at Sr. No. (iv) of the table remission shall be 3 months.
- (e) For the purpose of the examination at Sr. No. (v) of the table the courses of Taleem-ul-Quran shall be divided into the following four units with the scale of remission mentioned against each: --

COURSES

(i) days	First Unit/First Course/Elementary Course. What Is Islam?	15
(ii) days	First Unit/Second Course What is Islam?	15
(iii)	Second Unit/ Third Course. What is Islam?	30 days
(iv) days	Third Unit/Fourth Course. Islamic System of Justice	 60
(v) days	Fourth Unit/Fifth Course. Holy Prophets of the Quran	 60
(f)	In the case of the examination mentioned at Sr. No. (vi) of the table remission shall be awarded according to the following scale:	
(i)	For convicts undergoing sentence up to 3 years. 6 months	
(ii) months	For convicts undergoing sentence exceeding 3 years but not exceeding 6 years	 9
(iii)	For convicts undergoing sentence exceeding 6 years but not exceeding 10 years 12 months	

(iv) For convicts undergoing sentence exceeding 10 years 2 years.

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

- (i) Superintendent of the Prison or his Deputy Superintendent.
- (ii) District Khatib, Quqaf Department, Government of the Punjab or his nominee.
- (iii) Principal of the local college or a Lecturer nominated by him.
- (iv) A Representative of the Government.

(h) In case an undertrial prisoner passes an examination, mentioned in the table, he shall be allowed remission at the same scale as admissible to a convicted prisoner, if his trial results in conviction.

- (i) A prisoner under sentence of death who passes an examination mentioned in the table shall be entitled to remission according to the above scale if his sentence is commuted.
- (j) Remission under this rule shall be granted by the I.G Prisoners and the recommendation for such remission shall be accompanied by the necessary provisional certificate, degree, diploma or a certificate issued by the Committee.

(xii) Extent of Special Remission.

Rule 216 provides that Special remission may be awarded by the following authorities up to the extent mentioned against each: --

S. No	Authority awarding remission	Extent of award
1	Superintendent	Not exceeding thirty days in one year.
2	Inspector-General	Not exceeding sixty days in one year.

3	Government	Not exceeding sixty days in one year.
4	Federal Government	Not exceeding sixty days in one year

(xiii) Remission Granted by the President of Pakistan.

The President of Pakistan in exercising his prerogative under Article 45 of the Constitution of Islamic Republic of Pakistan, 1973 is also granting remission in sentences. As per letter issued by the Interior No. 8/4/2003-Ptns. Dated 20th, March, 2003, the President has granted remissions in sentences on the occasion of the Pakistan Day (23rd March, 2003) in respect of the following cases.

- i) Special remission of 90 days to the prisoners convicted for life imprisonment except those convicted for murder, espionage, anti-state activities, sectarianism, Zina (Sec. 10 offence of Zina (Enforcement of Hudood) Ordinance, 1979 (also under Sec. 377 PPC), robbery (Sec. 394 PPC), dacoity (Sec. 395-396 PPC), kidnapping / abduction (Sec. 364-A & 365-A), and terrorist acts (as defined in the Anti-Terrorism(Second Amendment) Ordinance, 1999 (No. XIII of 1999).
- ii. Special remission for 45 days to all other convicts except the condemned prisoners and also except those convicted of murder, espionage, subversion, anti-state activities, terrorist act (as defined in the Anti-Terrorism (Second Amendment) Ordinance, 1999 (No. XIII of 1999), Zina (Sec. 10 Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (also under section 377 PPC), kidnapping/ abduction (sec. 364-A & 365-A) robbery (sec. 394 PPC), dacoity (sec. 395-396 PPC) and those undergoing sentences under the Foreigners Act, 1946.

- iii. Special remission at sub-paras I & ii above will be admissible provided that the convicts have undergone 2/3rd of their substantive sentence of imprisonment.
- iv. Total remission to male prisoners who are 65 years of age or above and have undergone at least 1/3rd of their substantive sentence of imprisonment, except those involved in culpable homicide and those involved in terrorist acts, as defined in the Anti Terrorism (Second Amendment) Ordinance, 1999 (No. XIII of 1999).
- v. Total remission to female prisoners who are 60 years of age and above and have undergone at least 1/3rd of their sentence of imprisonment, except those involved in culpable homicide and those involved in terrorist acts, as defined in the Anti Terrorism (Second Amendment) Ordinance, 1999 (No. XIII of 1999)
- vi. Special remission of one year to female prisoners who have accompanying children and are serving sentence of imprisonment for crimes other than culpable homicide and those involved in terrorist acts, as defined in the Anti Terrorism (Second Amendment) Ordinance, 1999 (No. XIII of 1999)
- vii. Total remission to juvenile convicts (under 17 years of age) who have served 1/3rd of their substantive sentence except those involved in culpable homicide, terrorist act (as define in Ordinance No. XIII of 1999), Zina (Sec. 10 offence of Zina (Enforcement of Hudood) Ordinance, 1979 (also under section 377 PPC), robbery (sec. 394 PPC), dacoity (sec. 395-396 PPC), kidnapping / abduction (sec. 364-A & 365 –A) and anti-state activities)

- viii. Those convicted in cases processed by the NAB will not be entitled to any remission

Those who have been convicted on or before 23-03-2003 are entitled for the above said special remission.

From the above system of remission, the convicted prisoners including the prisoners imprisonment for life get remission of sufficient period of their sentences, resulting thereto their early release from Jails but in many cases the jail authorities do not record the remission earned on the remission ticket of a convict for variety of reasons. It is generally observed during the visit to jails that these rules in vogue are not followed by the administration of jail. It was found that in most of jails the remission on account of giving blood, getting education and doing labour, was not accounted for.

It is suggested that to ensure a fair application of the system, court should announce one third remission and probable date of release alongwith the judgment. This could eliminate the element of misuse and encourage prisoners towards better behaviour. The Jail Superintendent already has the authority to forfeit remission of a prisoner for committing an offence in jail. The Commission may also recommend to the Government to rationalize the remission system so as to avail this concession by each prisoner without discrimination who obey the rules and do not create any trouble for the jail administration.

Medical Facilities: Rules 776 to 809 of Pakistan Prison Rules, 1978 deal with the medical treatment. The state of medical care in jails is abysmally poor and was one of the most common complaints which came to light during visit to prisons throughout the country. Prisoners in all the prisons complained that they are not being provided medicines according to the requirement. This was confirmed by the jail staff who pleaded lack of funds. In the Central Jail, Karachi, it was pointed out that only rupees one lac is earmarked for purchase of

medicines which is hardly sufficient for two months. They are arranging the medicines with the assistance of NGOs and philanthropists.

Under Rule 787, in each prison a hospital for the treatment of sick prisoners is required to be established.

In case of illness, the prisoners should be admitted in hospital for proper treatment. Rules also provide for proper medical care and special diet to the patients during their illness.

In all prisons, the hospitals are without proper laboratories, equipments and necessary medicines. The hospitals are also lacking nursing and technical staff. The services of prisoners are utilized in the hospitals for such jobs. It is, therefore, recommended that in each central prison, proper medical facilities viz. laboratory equipments, X-ray and ultra sound machines be provided. A qualified medical officer should be appointed with adequate nursing staff. The medical officer should be provided residence on or near jail premises so as to be available for emergency treatment. In case of serious illness, the patient should be referred to appropriate government or private hospital for treatment.

It is further recommended that necessary arrangements should also be made for periodic visits of psychologists, psychiatrist, medical specialists, and sociologists to prison, so as to help in diagnosing and giving appropriate treatment/medicine to patients.

It is also recommended that for cheap and effective medical treatment, homeopathic dispensaries may also be established in prisons.

Reportedly, approximately one-third of the total prison population consists of addicts, who need detoxification and regular treatment. It is, therefore, recommended that proper treatment for such addicts may also be arranged in jail hospitals or outside, in the public/private hospitals /clinics.

The prison authorities should consider the problem of aids and introduce a system of screening and treatment.

Patients in need of special attention should be shifted and referred to appropriate government hospitals and procedure for such shifting should be simplified.

Ambulance service be provided to each central prison and woman jail for shifting of serious ill prisoners to the city hospital.

Mentally Sick.

The condition of mentally sick prisoners should be a cause of particular concern for our society. They are treated as a pariah, suffering from abject neglect and target of ridicule. They are unaware of their crime or their situations. They are not provided medical treatment or shown any sympathy. They are huddled in an isolated part of the jail in abominably filthy state, often surrounded by excreta, urine, insects and flies. Those who tend to be aggressive or difficult are ruthlessly beaten and further degraded.

Mentally sick prisoners are usually without any legal aid. They are rejected by their families and the society also ignores them. They suffer for indefinite periods.

As a punishment it is not uncommon for the jail authorities to confine a normal prisoner with the mentally sick. Often police places mentally sick but non-criminal persons behind bars.

The progress made in the treatment of mental diseases over the past years has confirmed that those afflicted by mental disease are not criminals. They must not

be kept in prison. Prison conditions instead of solving their problems have devastating effects on their mental health.

It is therefore recommended that:-

1. Prison should not be the place for mental patients
2. The state of mental health of each person held in prison should be assessed by a qualified psychiatrist.
3. All under-trial prisoners suffering from mental disorders should preferably be granted bail.
4. All prisoners who are found to be suffering from mental ill health should be transferred to an appropriate hospital or rehabilitation center for treatment and care.
5. If it is not feasible to place mentally sick prisoners in mental hospital, then they should be provided proper treatment by visiting specialists.
6. These prisoners should be provided medical attendants to help them. It must be ensured that they are regularly fed, kept clean, properly clothed and their accommodation is hygienic and clean. They should also be provided free legal aid.
7. NGOs and other organizations should be encouraged to visit jail and keep in touch with mentally sick prisoners.

Foreigner Prisoners.

Away from home and imprisoned! This double burden is unbearable:

No letters from home, no money for even basic daily needs, no visit by a well-wisher to listen to the tale of suffering or provide a little help. Diplomatic help is not available to everyone. Differences in language, belief and customs increase their problems and they cannot even express their grievances. Even after completion of sentence their release is not assured. Loss or misplacement of passport, ticket and/ or money creates new problems in their release. Foreign nationals confined in Pakistan prisons deserve special attention of the Government of Pakistan and people. It should not be difficult to appreciate their suffering because Pakistani prisoners in foreign jails and their families face similar ordeals. Domestic legislation and regional and international treaties and regulations are needed to solve the problems of foreign prisoners in any country.

It is essential that

- Every foreign prisoner must be guaranteed easy contact with his family.
- Each prisoner should be provided opportunity for meeting with his country's diplomatic representatives without delay.
- After completion of sentence by a prisoner all possible steps should be taken to ensure his earliest possible return to his country.
- Arrangements should be made so that prisoners who are awarded long prison terms could serve the initial period of the sentence in the country awarding the punishment and the remaining period in their own countries. The Ministries of interior and foreign Affairs should be in constant contact with concerned embassy for repatriation of the prisoners to his origin country.

Under-trial prisoners.

In all prisons, about two third of jail inmates are under-trial prisoners. It is noticed that most of such under-trial prisoners are languishing in jails due to delays in the disposal of their cases. Delays occur, sometimes, due to non-availability of transport for brining them to courts. Delays also occur due to late submission of

challans, re-investigation by police and remand of cases by superior courts. It is alleged that some under-trial prisoners have already completed the prescribed period of their imprisonment in jails. During visits to jails, it came to the notice that some prisoners are dumped in prison without any trial for months and even the police station where an FIR was registered is not known to jail administration. The confinement of undertrials in prisons is the principal and decisive cause of overcrowding, and gradually the proportion of undertrials to convict is rising. Accordingly, it is recommended that the system of jail inspection be strengthened so that the judicial officers and judges of high courts regularly visit jails and give on-the-spot instructions regarding the cases of such under-trial prisoners. Pre-trial detention should be avoided as far as possible and bail should easily be available. Pre-conviction and detention should always count as time served as sentence and never exceed the maximum sentence provided for the offence a detainee is charged with. Duration of pre-trial detention may be limited by law. Procedure for granting bail should be liberalized and disposal of pending cases speeded up produced overcrowding in jails. The undertrials held for crimes punishable with less than 7 years' imprisonment should be given the right to automatic bail after one year. In petty offences, liberal use of pre-arrest bail on surety of good behaviour and summary trials by Ilaqa Magistrate should be resorted to. All persons confined in jails for petty/minor charges for 6 months without trial should be released.

The disposal of serious and heinous cases is delayed for years due to a variety of reasons. To ensure speedy completion of such cases, the procedure need to be streamlined, work ethics improved and the number of Sessions Judges increased. Section 382-B Cr.PC should be amended to ensure that everyone who has remained as undertrial prisoner is given the benefit of the entire undertrial period towards conviction.

Legal Aid/Assistance: There are often complaints that prisoners do not get any legal aid or assistance. Sometimes it is difficult for them to meet their counsels.

Without proper legal aid/assistance, convicts and under-trial prisoners may not get expeditious trial. In this respect, instructions should be issued to jail superintendents to ensure that prisoners do not have any difficulty in meeting their counsels. Similarly, application for legal aid/assistance for indigent prisoners should be promptly forwarded to courts.

The Pakistan Bar Council Rules provide for legal aid/assistance to the needy/poor litigants. No adequate institutional arrangements, however, exist for the purpose. It is, therefore, recommended that the Pakistan Bar Council and Provincial bar councils should made necessary arrangements for the purpose of setting up legal aid committees.L

The Government should consider extending to the bar councils, financial assistance of the purpose.

The Juvenile Justice System Ordinance 2000 envisages the provision of free legal aid to a child-victim on offender-by a qualified lawyer with 5 years standing in the Bar. This provision should be enforced and appropriate funds given to District and Sessions Judges to arrange for the legal aid of indigent children.

Meeting with relations/Friends: Rules 552 to 562 of Pakistan Prison Rules 1978, provide for proper facilities so as to enable prisoners to meet their relatives and friends. The conditions of such meeting places are, however, stated to be deplorable. It is recommended that proper facilities, such as fans and chairs, etc should be made available in the meeting halls for the comfort of prisoners and their relatives/friends. Children, accompanied by parents or guardians, may also be allowed to meet their relations in prisons.

Prisoners with good conduct should be granted short term parole to meet their families and help them in tasks such as cultivation / harvesting of crops, etc.

Jail Visits: Chapter 38 of the Jail Manual deals with the visit of jail by official and no-official visitors to carry out inspection and to ensure proper compliance with the rules. The present system of such inspection is not effective and there is need for strengthening the mechanism of jail inspection so as to ensure proper compliance with the rules and provision of proper accommodation, food, medical facility, etc to jail inmates. It is recommended that a food committee may be constituted from amongst the educated and well behaved suitable prisoners to check the meal provided to the prisoners. Similarly, a committee consisting of public representative, retired government officials, members of the bar associations, journalists, members of the NGOs and social workers may be constituted to visit and inspect jails and ensure compliance with the Jail Manual.

It is further recommended that as per the Jail Manual, the executive and judicial authorities responsible for periodic inspections of jails should be asked to carry out such inspections once in a month. Furthermore, each High Court may designate a Judge for the purpose of carrying out such visits/inspections, once every 3 months, so as to ensure that due facilities such as food, medicines and hygienic conditions, are provided to jail inmates. Such Judge may also enquire about the cause of delays of under-trial prisoners and issue necessary instructions for the purpose of expeditious disposal of their cases. Such official visits must be regularly undertaken on specially designated and notified dates. Such officers should also undertake surprise visits to jails.

Prison Staff: The above mentioned prison reforms may not achieve its desired goals, unless the prison staff is given proper training and motivation. Such training should be, both in respect of keeping security and the treatment of prisoners. The services of Central Jail Training Institute, Lahore should be fully utilized for the purpose. If need be, prison staff may also be sent to other institutions for getting training in the relevant laws/rules and better management techniques. The service structure of the jail officers and staff be improved. The post of Deputy Superintendent of Jail be upgraded to B-17 and that of the

Assistant Superintendent of Jail in B-16. Similarly, the posts of other jail staff may also be upgraded to bring them at par with police staff. Their duties are also very arduous and for long period. In this respect, the Government may approach the relevant national/international organization for technical and financial assistance. The government may further make arrangements for approaching the philanthropists, NGOs and social workers to provide donation and other assistance, in kind or cash to jail inmates. Such arrangements may be through a properly constituted jail inspection committee consisting of the elected representatives, members of NGO's bar councils, medical associations, journalists and other social elites of the society.

Processing Bail application: it was brought to the notice of the Commission that most of the prisoners, both under-trial and convicted, were ignorant of their right of bail under the law. Such prisoners languish in prison unnecessarily. There is a need for finding a solution to this problem. It is, therefore, recommended that procedure should be devised for ensuring that the bail petitions of such prisoners are processed and forwarded to the concerned appellate/trial court. This may be done by obliging the Superintendent of Jail to regularly prepare and forward the cases of such prisoners to the appropriate court for the purpose of being released on bail. This will require an amendment to the Jail Manual.

It is, therefore, recommended that in Rule 940 of Chapter 39, after Rule (i) (e), a new clause namely (f) may be added as under: -

- (f) “ To prepare and forward to the Government the cases of such prisoners who entitled to bail by virtue of Section 426 (1A) or 497 Cr. P.C.”

Courts on Jail Premises: The Commission in 1996 examined the problem of lack of transport for bringing prisoners to courts which is a cause of delay in trial.

At times, prisoners cannot be produced in the courts due also to lack of proper security arrangements for the purpose. The Commission was also conscious of the increasing incident of escapes of prisoners while being carried from one place to another. The transportation of under-trial prisoners, involved in heinous crimes or terrorist activities is also a problem. Such problems are, at times, complicated by the non-availability, in some cities, of judicial lock up facilities. All such factors prevent the quick disposal of cases. After careful consideration of the pros and cons of the issue, the Commission came to the conclusion that on way of resolving the issue is to establish courts on or near jail premises.

The Commission therefore, recommends that the Government may consider establishing courts on or near jail premises. Care, however, should be taken to ensure that such courts are freely accessible. The Government may launch this scheme in some major cities, and if successful, extend it to other areas.

The Government of Sindh has already established three courts in Central Jail Karachi to try dangerous and terrorist criminals. The other provinces may also consider the proposal for establishing courts within the premises of jail to try the offenders involving in terrorist activities. During visits to Central Jail Peshawar, Lahore and Karachi, it reveals that there is sufficient space available outside the jail buildings and within the boundary walls of jails which can be utilised for establishing the courts.

Amendments suggested in Statutes/Prison Rules

In pursuance of the suggestions/recommendations made in preceding paragraphs of this report, the proposed amendments in prison statute and prison rules are as follows.

(i) Draft Amendment Bill

A Bill

further to amend the Prison Act, 1894

WHEREAS it is expedient further to amend the Prison Act, 1894, for the purpose hereinafter appearing;

It is hereby enacted as follows.

1. Short title and commencement. – (1) This Act may be called the Prisons (Amendment) Act, 2004.

(2) It shall come into force at once.

2. Amendment of Section 46, Act IX of 1894.- In the Prisons Act, 1894 (Act IX of 1894), hereinafter referred to as the said Act, in section 46, sub-sections (7) and (12) shall be omitted.

3. Insertion of new section 49-A, Act IX of 1894.- In the said Act, after section 49, the following new section shall be inserted, namely:-

“49A. Appeal.- Any prisoner who is aggrieved from the punishment awarded by the superintendent under section 46 and the rules made thereunder shall prefer an appeal within 15 days from the award of such punishment to the Inspector General of Prison, whose order shall be final”

Insertion of new section 41A, Act 1894.- In the said Act, after section 41, the following new section shall be inserted namely:-

“41A (1). In the case of imprisonment of husband or wife the couple may be allowed to meet in separate and privacy for a period as specified in the rules:

Provided that the jail authority shall issue a certificate of such meeting of the couple in jail and entries made in the jail record.

“(2). The superintendent may allow the authorized employee of the foreign mission in Pakistan to visit prisoner, having nationality of that country in connection with judicial proceedings.

(ii) Proposed Draft Amendments in Prison Rules -- Notification.

In exercise of powers conferred by section 59 of Prisons Act, 1894 (XI of 1894), the Provincial Government is pleased to direct that the following further amendments shall be made in the Pakistan Prison Rules, 1978, namely:-

In the aforesaid Rules,-

1. In Chapter 1.- In Rule 1, after Clause (x), the following new Clause shall be added, namely:-

“(xi) the Juvenile Justice System Ordinance, 2000 (XXII of 2000)” .

2. In Chapter 3.-

(a) in Rule 18, after the words and full stop “small-pox.” the words “if the medical officer or junior medical officer, while examining the prisoner prescribes the blood and urine tests, the result of such tests shall be entered in admission register. If the prisoner is suffering from any communicable disease he shall not be imprisoned with other prisoners” shall be added.

(b) (i) In Rule 24, the existing Rule shall be renumbered as Sub-rule (i) of that Rule; and

(c) after Sub-rule (i), amended as aforesaid, the following new Sub-rule shall be added, namely;-

“(ii) A convicted prisoner shall be allowed to wear his own clothes.”

(d) In Rule 65, in Sub-rule (i) after the words “history ticket” the words “in duplicate” shall be inserted.”.

(e) In Rule 66, after the words “locked almirah” the words “and duplicate copy shall be handed over to the convict” shall be added.

(f) In Rule 67, after Clause (b), the following new Clause shall be added, namely:-

“(c) In the event of release, escape or death- permanently stored on computer.”

3. In Chapter 4.-

(a) In rule 75, for sub-rule (i), the following shall be substituted, namely:

“(i) 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 alongwith plates 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 and pickle in small quantity	1 bottle
21	Biscuits standard size	2 pkts
22	Bottle of squash or sharbat	1 Bottle
23	Pull-over 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 eye sight	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	Shoes/Chappal each	2 pairs
32	Pen/pencil	1
33	Books/papers	number/ quantity:,

(b) In Rule 84, in Clause (a) and Clause (c) for the figure "500" the figure "1000" shall be substituted and clause (d) and entry relating thereto shall be omitted .

4. In Chapter 5.- In Rule 94, after Sub-rule (iv), the following new clause shall be added, namely:-

"(v) A convicted prisoner if illiterate or pauper shall be allowed the services of an advocate on government expense to draft and file an appeal on his behalf.

5. In Chapter 6.-

(a) For Rule 117, the following Rule shall be substituted, namely:-

"117. A prisoner whose final date of released has been fixed shall be informed of the date on which he is to be released. If he wishes to inform his relatives the date of his release, the Assistant Superintendent, Incharge of Releases, shall send a notice by registered post to his relatives 30 days ahead of release follows by another confirmation notice of a release after 15 days of dispatch of first notice."

(b) in Rule 134, for Sub-rules (i) and (ii), the following shall be substituted:-

"(i) journey by road. "Rupees fifty " as allowance when the distance to be traveled 10 Km-050 M or rupees twenty five if less than 10 Km".

(ii) if the distance exceeds 10 Km-050 M, fifty rupees for every day's or part of the day's journey.

(c) In Rule 135.-

(i) for the figures and letters "8 Km-050 M". the figures and letters " 3 Km-050 M". shall be substituted.

(ii) In Sub-rule (ii), for the figures and letters "8 Km-050 M" the figures and letters" 3 Km-050 M" shall be substituted.

(d) In Rule 143, after clause (e), the following clause shall be added, namely:-

“ (f) The medical officer shall regularly check-up the jail inmates and those who are suffering from scabies and other communicable disease be immediately shifted to separate place of prison”.

6. In Chapter 7.- in Rule 158, for the “full stop” at the end “a colon” shall be substituted and thereafter the following provisos shall be added, namely;-

“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.

provided further that as far as possible, the confinement of prisoner shall be made in prison located near to his native place.

“provided further that if the transfer of the prisoner to the prison located in far flung is necessary , the reason for such transfer shall be communicated to him. If he is not satisfied with the reason of transfer to other prison, he shall have a right of appeal against such order within 15 days to the District and Session Judge of the District where he was confined before his transfer to other prison.

Provided further that no maltreatment shall be meted out to the prisoner on his transfer to the new prison”.

7. In Chapter 8,

(i) In rule 212, in sub-rule (i), for the word “fifteen” the word “thirty” shall be substituted.

(ii) In Rule 215.-

(a) the existing sub-rule (ii) shall be renumbered as sub-rule (ii-a) of that Rule; and

(b) before the sub-rule (ii-a) amended as aforesaid, the following sub-rule shall be added, namely;-

“(ii) for acquiring education against S.No. 5 to 9 on Table of Remission, the scale of remission shall be allowed as under:-

- | | |
|--|----------|
| (a) for prisoners undergoing substantive sentence upto two years. | 4 months |
| (b) for prisoners undergoing substantive sentence exceeding two years but not exceeding six years. | 6 months |
| (c) for prisoners undergoing substantive sentence | |

exceeding six years but not exceeding ten years. 8 months

(d) for prisoners undergoing substantive sentence
exceeding ten years. 12 months

(c) for sub-rule (v), the following shall be substituted, namely:-

“(v) 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 Khateeb; and
- (c) Representative of Education Department.”.

8. In Chapter 9, in Rule 231.-

(a) in sub-rule (i) for the full stop at the end a colon shall be substituted; and

(b) after sub-rule (i), amended as aforesaid, the following new proviso shall be added, namely:-

“provided that where the government has established separate prison exclusively for women prisoners, the entire staff of such prison shall consist of females except the guarding of outside wall and entrance shall be done by male staff.

(c) for sub-rule (ii), the following shall be substituted, namely:-

“(ii) juvenile shall be kept in a separate borstal institution, Juvenile Reformatory Centre or any separate part of the same prison in such manner as to prevent their meetings or holding communication with adult prisoners”.

9. In Chapter 10, in Rule 250,-

(a) in sub-rule (iii), the words “subject to the revisional order of the District Magistrate” shall be deleted.

(b) In rule 256, for the words “half an hour both morning and evening”, the words “two hours daily i.e. one hour in the morning and one hour in the evening” shall be substituted.

(c) In rule 257, for sub-rule (ii), the following shall be substituted, namely:-

“(ii) The following items will be allowed to superior class prisoners at their own expenses,-

- 1. Toilet Soaps - - one cake weighting about 200 grams for a fortnight.

2. Washing material - - 200 grams laundry soap weekly.
3. Mustard Oil - - 60 grams per week.”.

(d) For rule 258, the following shall be substituted, namely:-

“Cooking arrangement.-

Rule 258. 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”.

(e) In rule 261,-

(1) In sub-rule (i), for the letter and word “A class” the words “Superior class convicted” shall be substituted; and

(2) in sub-rule (ii),-

- (a) for the letter and words “A class”, the words “Superior class convicted” shall be substituted;
- (b) for the words and letter “and all ‘B’ class prisoners” shall be deleted; and
- (c) in the list of equipment for women prisoners during winter season, the following shall be added at the end, namely:

“One foam mattress five cm thick in addition to cotton durree already provided”;

(f) For rule 263, the following shall be substituted, namely:-

“Facilities for reading.-

Rule 263. 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.”.

(g) For rule 265, the following shall be substituted, namely:-

“Letters and Interviews.—

Rule 265. 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 fail 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.”.

(h) For rule 266, the following shall be substituted, namely:-

“Menial duties.-

Rule 266. Menial duties will be discharged by’ the prison servants who shall not be used as personal servants by superior class prisoners.”.

(i) For rule 267, the following shall be substituted, namely:-

“Punishments.-,

Rule 267. Superior class prisoners shall be subjected to the general rules, regarding punishments, except whipping. Punishment inflicted upon superior class prisoner shall immediately be reported to the Inspector General. In case of misbehaviour, the Superintendent may withdraw individual privileges, subject to the sanction of Inspector General, when the period exceeds one month, but the power to remove a prisoner from this class rests with the Government only”.

(j) In rule 270,

(a) in sub-rule (iv), for the words, figures and letters “allowed the use of a light upto 10.00 p.m.”, the words, figures and letters “lighting timings shall be 10.00 p.m. in winter and 11.00 p.m. in summer” shall be substituted; and

(b) for sub-rule (v), the following shall be substituted, namely:-

“(v) The letters of suspected prisoners shall be subject to censorship by concerned agencies.”

10. In Chapter 11, In rule 273, in sub-rule (i), for the word “habitual”, the word “dangerous” shall be substituted.

11. In Chapter 13,-

(i) In rule 311, in sub-rule (i), for the word “Special”, the word “lawful” shall be substituted.

(ii) In rule 317, in sub-rule (i), for the words “one chattak of soap and one chattak of mustard oil”, the words “one medium size soap cake and one medium size bottle of mustard oil” shall be substituted.

(iii) in rule 326,-

(a) the existing rule shall be renumbered as sub-rule (i) of that Rule and for the words “three” the word “six” shall be substituted; and

(b) after sub-rule (1), amended as aforesaid, the following new sub-rule shall be added, namely:-

“(ii) Proper facilities of recreation, health and schooling shall be provided to such children. They may be allowed with the consent of their mother to go outside of the prison with their relatives for such times as may be allowed by the superintendent of jail”.

(iv) In rule 327,-

(a) the existing rule shall be re-numbered as sub-rule (i) of this rule and in sub-rule (i), as so re-numbered,-

(i) for the word “three”, the word “six” shall be substituted; and

(ii) for the words “District Magistrate”, the words “District Coordination Officer” shall be substituted; and

(b) after sub-rule (i), as so renumbered, the following new sub-rule (ii) shall be added, namely:-

“(ii) If the child is a girl who has attained the age of puberty and the relatives are unable or unwilling to support and take care of the girl, the District and Sessions Judge shall, with the help of any welfare society or individual, arrange for her marriage”.

12. In Chapter 14,

(i) in rule 340.-

(a) in sub-rule (i), for the words “half an hour” the words “one hour “ and for the words “Only one such prisoner”, the words “Not more than two such prisoners” shall be substituted; and

(b) in sub-rule (ii) for the full stop at the end, a colon shall be substituted; and thereafter the following proviso shall be added, namely:-

“provided that the use of hand’cuff during the walk shall be applied only in respect of terrorists or dangerous criminals”

(ii) for rule 345, the following shall be substituted, namely:-

“Smoking by condemned prisoners.-

- Rule 345. Condemned prisoners are allowed to smoke at their own expense”.
- (iii) In rule 346, for the words “as punishment”, the words “for security reason” shall be substituted.
- (iv) In rule 364, at the end, the following words shall be added, namely:-
“The wali of the victim, if he so desires, shall be allowed to witness the execution.”.
13. In Chapter 16,-
In rule 411, for the word “by”, the word “through” shall be substituted.
14. In Chapter 18.-
- (i) In rule 434,-
- (a) in clause (i), the word, “or”, occurring at the end, shall be deleted;
- (b) in clause (ii), for the full-stop at the end, a semicolon shall be substituted and thereafter the word “or” shall be added; and
- (c) after clause (ii), as so amended, the following new clause shall be added, namely:-
“(iii) Drug-addicts.”
- (ii) For Rule 435, the following shall be substituted, namely :-
“435. A person who is a mental patient whether detained or confined in a prison shall be shifted to mental hospital for treatment and be kept separate from other prisoners”.
- (iii) the existing rule 444, shall be renumbered as sub-rule (i) of that rule and after sub-rule (i) as so renumbered, the following new rule shall be added, namely:-
“(ii) for proper and effective treatment of mental patients, arrangements shall be made for periodic visits by Psychologists, Psychiatrists, Medical Specialists, Specialists, Sociologists, besides the prison doctor”
15. In Chapter 20,-
- (i) for the existing rule 472 and Explanation the following rule and Explanation shall be substituted, namely:-

“472- (a) The following scales are prescribed for the morning meal of all prisoners:-

“Tea	...	03 grams
Milk	...	75 grams
Sugar	...	20 grams
Wheat flour	...	75 grams; and

“Explanation,- Wheat flour will be cooked as roti for issue to prisoners. If majority of the prisoners do not favour this breakfast, the Superintendent in his discretion may issue some suitable substitute provided the cost does not exceed the scale.”.

(ii) In rule 473,

(a) in sub rule (i), for the existing scales prescribed for each of mid-day and evening meals, the following shall be substituted namely:

“Wheat flour	...	275 grams
Vegetables	...	75 grams
Vegetables ghee (Venaspati)	...	15 grams
Garlic or Onion.	...	10 grams.”

(b) in sub-rule (i), after the words “garlic or onion”, the words and figures “Tomatoes 10 grams” shall be added;

(c) in sub-rule (i), for the figures “203”, the figures “215” shall be substituted;

(d) in sub-rule (ii), for the figures “58”, the figures “75” shall be substituted;

(e) in sub-rule (iv), for the figures “233”, the figures “300” shall substituted, and for the figures “12”, the figures “15” shall be substituted; and

(f) in sub-rule (v), for the existing scale prescribed for condiments, the following shall be substituted, namely:

(1)	Alaichi Kalan	2 grams
(2)	Zeera	2 grams
(3)	Dar Chine	2 grams

(iii) In rule 474, in sub-rule (i), for the figure “350”, the figure “400” shall be substituted.

(iv) In rule 475,

(a) for the words “and Eid-ul..Azha”, the comma, words and figures “Eidu-ul-Azha and on the occasion of independent day i.e. 14th August” shall be substituted; and

(b) for the existing scales prescribed for morning, mid-day and evening, the following shall respectively be substituted, namely:

“(i) **Morning:**

Swayyan	75 grams
Sugar	75 grams
Milk	300 grams
Firewood	as per scale.

(ii) **Mid-day:**

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

(iii) **Evening:**

Beef	75 grams
Rice	300 grams
Vegetable ghee or cooking oil of Equivalent value for rice.	30 grams
Vegetable ghee or cooking oil of equivalent value.	15 grams
Vegetable	75 grams
Firewood	As per scale

(v) In rule 476, for existing scales prescribed for morning, mid-day and evening, the following shall respectively be substituted, namely:-

“Morning meal:

Wheat flour	200 grams
Vegetable ghee or cooking oil of equivalent value.	15 grams
Tea leaves.	3 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

Evening:

Wheat flour	300 grams
Beef	125 grams (twice a week in lieu of dal)
Vegetable ghee	15 grams
Dal	125 grams

- (vi) In rule 477, for the existing scales prescribed for summer and winter, the following shall respectively be substituted, namely:-

“(i) In Summer:-

Milk	300 grams
Ice	300 grams
Sugar (Made into sharbat)	70 grams

In Winter:

Milk	125 ml
Sugar	70 grams
Tea leaves	3 grams
Firewood (Made into tea)	as per scale.

16. In Chapter 21,-

- (i) In rule 508, In sub-rule (ii), for the full stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:-

“provided that a prisoner under sub-rule (i) and (ii) may wear personal clothes, if he so desires.”.

- (ii) For rule 509, the following shall be substituted, namely:-
 “Rule 509. Prisoners who are unable to provide themselves with the necessary clothing shall be supplied with sufficient clothing from the prison stores.”.
- (iii) In rule 512, for the word “habitual”, the word “dangerous” shall be substituted.
- (iv) In rule 525, in sub-rule (ii):
 - (a) for the word “coir”, the word “foam” shall be substituted; and
 - (b) after the word “pajama”, the comma and words “an azarband” shall be inserted.
- 17. In Chapter 22.-
 - (i) In rule 545 in sub-rule (ii), for the word “letter”, the word “telephone” shall be substituted.
 - (ii) In rule 548, the existing rule shall be renumbered as sub-rule (i) of that rule and after sub-rule (i), amended as aforesaid, the following new sub-rule shall be added, namely:-
 “(ii) A prisoner of foreign origin shall be allowed by the superintendent at least once a week meeting with duly authorized employee of mission of his country and his legal advisor in connection with judicial proceeding.”
 - (iii) In rule 549, the words, comma and full stop “one day in the week, preferably Sunday, shall be set apart for letter writing” shall be deleted.
 - (iv) In rule 551, in explanation after the word “card”, occurring for the second time the following shall be added, namely:-
 “However in deserving cases superintendent may allow interviews after verifying identity other than identity card.”
 - (v) In rule 552, for the words “be taken” the word “take” shall be substituted and for the word “Friday”, the word “Public” shall be substituted.
 - (vi) In rule 554, for the word “adult”, wherever occurring, the word “person” shall be substituted.

(vii) In rule 563, for sub-rule (i), the following shall be substituted, namely:-

“(i) Prisoners may be allowed to receive the following articles for their consumption once a month at the time of interviews:

Gur, Shakar or sugar	... 3Kg
Cigarettes.	... 20 packets of 10 each
Ghee	... 3 Kg
Mustard Oil.	... 1.933 Kg
Toilet soap.	... 3 cakes
Washing soap	... 1 Kg
Chewing tobacco (bira)	... 1 Kg”

18. In Chapter 23.-

(i) In rule 583, the entries at serial No. (9) shall be omitted.

(ii) In rule 584, the entries at serial No. (5), (6) and (7) shall be omitted.

(iii) after rule 584 amended as aforesaid, the following new rule shall be added, namely:-

“584A (i) An aggrieved person may file appeal within 7 days of the award of punishment.

(ii)The Appellate Authority shall dispose of the appeal within 7 days of receipt.

(iii) Pending disposal of appeal, the impugned decision shall be held in abeyance.

(iv) In rule 585, in sub-rule (i), entry (3) shall be omitted.

(v) The rule 588, 589, 590 and 591 shall be omitted.

19. In Chapter 24.-

the existing rule 592 shall be re-numbered as sub-rule (i) of that rule and after sub-rule (i), as so renumbered, the following new sub-rule (ii) shall be added, namely:-

“(ii) 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.”.

20. In Chapter 27.-

(i) In rule 648, in sub-rule (iv), for word “six”, the word “two” shall be substituted.

(ii) Rule 655 shall be omitted.

21. In Chapter 28.-

(i) In rule 662, for the words and commas “shall rise, move forward, stop or sit down at the word of command or signal”, the words “shall be in discipline” shall be substituted.

(ii) For rule 663, the following shall be substituted:

“Prisoners conduct towards officer.

Rule 663. Prisoners shall be required to conduct themselves and to show proper respect to prison officers and visitors.”.

(iii) The existing rule 670 shall be renumbered as sub-rule (ii) of this rule and before sub-rule (ii), as so renumbered, the following new sub-rule (i) shall be inserted, namely:-

“(i) 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)”.

(iv) For rule 680, the following shall be substituted:

Television.-

“Rule 680. One or two Television sets shall be provided for each barrack if financed by any welfare organization.”.

22. In Chapter 29.-

In rule 717, in sub-rule (ii), for the existing table of scale, the following shall be substituted, namely:-

<u>Kind of lamp</u>	<u>Summer</u>	<u>Winter</u>
Lanterns	100 ml	150 ml
Main walls lamps	200 ml	250 ml.”

23. In Chapter 30.-

In Rule 731, after sub-rule (vi), the following new sub-rule shall be added, namely;-

“(vii) Whenever, a prisoner attempts to committed suicide, an immediate inquiry shall be conducted by the Additional District & Session Judge posted in the district to find out the reason of such suicidal act. The findings contained in the report shall be submitted to the Home Secretary of the Province.

24. In Chapter 33.-

In rule 812, for the word “nine”, the word “eight” shall be substituted.

25. In Chapter 35.-

In rule, 882, for the figure “20,000”, the figure “50,000” shall be substituted.

26. In Chapter 37.- In rule 913, in sub-rule (i),

- (1) In clause (a), the word “and” shall be replaced by a semi-colon;
- (2) in clause (b), the full-stop shall be replaced by a semi-colon and the word “and”; and
- (3) after clause (b), as so amended, the following new clause (c) shall be added, namely:
 - “(c) Members Provincial Assembly, North-West Frontier Province”.

27. In Chapter 39.-

(i) In rule 940, in sub-rule (ii), after clause (e), the following new clause shall be added, namely:-

“(f) to prepare and forward to the Government the cases of such prisoners who become entitled to bail by virtue of sub-rule (1A) of Section 426 or 497 of the Code of Criminal Procedure, 1898”.

(ii) In rule 962, after the word “telephone”, the words “or fax” shall be inserted.

28. In Chapter 45.-

(i) In rule 1113:

- (a) for sub-rule (i), the following shall be substituted, namely:-
 - “(i) Wardens shall be recruited by Headquarters Prison in accordance with the policy of Government for the time being laid down; and
 - (b) for sub-rule (iv), the following shall be substituted namely:-
 - “(iv) No person shall be appointed as warden unless he passes Secondary School Certificate or equivalent examination from a recognized Board.”

- (ii) In rule 1134:
- (a) In sub-rule (i), for the figure “100”, the figure and words “1000 and commendatory certificate” shall be substituted;
- (b) In sub-rule (ii), for the figure “100”, the figure “1000” shall be substituted; and
- (c) After sub-rule (ii), the following new sub-rule (iii) shall be added, namely:
- “(iii) The Superintendent may grant cash reward not exceeding Rs. 500/- and commendatory certificates in any case of a Chief Warden, a head Warden or Warden for special service as mentioned in sub-rule (i)”.

Human Rights Commission of Pakistan Study

Human Rights Commission of Pakistan as contained in their report for the year, 2003. Ts T Recommendations: -

1. Overcrowding in jails is contributing greatly to the dismal conditions within them. Given the gravity of the problem and the constraints in constructing new prisons, the mere release of prisoners from time to time will do nothing to alleviate the situation.

Instead, changes in laws and their implementation are required to discourage police from placing those guilty of minor offences behind bars. Community-based restraints, a parole system and other means can be strengthened as alternatives to imprisonment.

2. The rise in the number of deaths, including murders and suicides, in jail is alarming. All reported cases of suicide, or death in other unusual circumstances, must be followed up by a judicial inquiry. In cases where the victim is found to have died due to torture by jail staff, or due to their

- failure to intervene in cases of violence by other prisoners, action must be taken under relevant laws.
3. Given the increasing number of riots taking place in jails, mainly due to conditions prevailing within them, police and jail staff must be trained to properly handle such dangerous situations, without resorting to desperate measures that might cause loss of life.
 4. Jail staff guilty of violating the jail manual, or of torture and extortion, must be punished under relevant laws. In many cases a failure of follow regulations or respect even the most basic rights of prisoners has led to extremely volatile situations including riots erupting within jails. a prisoner must also be informed of his or her rights and rules requiring this enforced. Torture and brutality must not be condoned under any circumstances.
 5. The restrictions, on visits to jails by members of civil society have resulted in deterioration in conditions within jails. regular visits to prisons by committees including eminent jurists and other citizens, as well as committees appointed by the government, must be carried out, so that prisoners can make complaints about conditions when necessary. Reports can also be submitted by these committees. The access of journalists to jails must be permitted to allow a regular monitoring of conditions.
 6. The Juvenile Justice System Ordinance and its various provision, aimed at providing adequate protection to youthful offenders, is still to be implemented in full. The reasons for the failure to do so need to be examined and remedied.
 7. Reform must be seen as a major purpose of the prison system. The emphasis must be on rehabilitating prisoners in society by providing them with vocational training, literacy and other skills, as well as with expert

- counseling and psychological help where required. This is of course especially true in the case of juvenile prisoners for whom detention should be avoided as far as possible and where this is absolutely essential imprisonment alongside adult prisoners avoided to prevent the criminalisation of young offenders.
8. Recommendations on prison reforms made by various committees need to be implemented.
 9. Jail staff must be trained to recognize the need to protect the basic rights of prisoners and ensure they are treated humanely and their dignity preserved. Brutality by prison staff is an offence and only aggravates poor conditions within prisons.
 10. Poor pay structures, a lack of training, low social esteem, staff shortages, frequent transfers and dismal housing conditions for jail staff breed corruption, contribute to their lack of interest in rehabilitating prisoners and to the deplorable situation in jails. The jail staff should also be safeguarded.
 11. The long detention of under-trial prisoners, sometimes over several years, contributes to overcrowding in jails and consequently the poor conditions within them, besides being violative of detainees, basic rights. To reduce the strain on prisons and protect the rights of those facing trial, the task of processing cases must be speeded up by establishing more courts, appointing more judges, improving methods of investigation and streamlining the trial and bail procedures. Rules that set time limits for the investigation of cases and the production of prisoners before courts must be strictly implemented to check the police tendency to seek extensions in cases or to avoid bringing prisoners before courts.

12. Detainees must have access to legal aid. The denial of this frequently removes from prisoners their right to seek redress of grievance, including illegal detention. Reports that prisoners are being denied permission to meet their counsel is of particular concern. The basic rights of all those held in jails, including those accused of involvement in militancy, must be protected.
13. Those guilty of illegal detention must be punished under the law. This includes prison staff who continue to hold prisoners after the completion of their sentences unless a bribe is paid and those guilty of picking up persons in violation of the law. Violators of court orders regarding illegal detentions must also be penalized. It should also be noted by authorities that mass illegal detention is not an answer to the entrenched problem of militancy. Violent trends in society can be checked only by putting in place holistic policies that address the root causes.
14. The dignity and privacy of women in jails must be safeguarded. Female staff should solely be responsible for women in jails, and all detainees must be protected from sexual abuse and harassment.
15. It must be kept in view that the children detained alongside their mothers are not guilty of any crime and should in no way be penalized and treated as prisoners. Educational, recreational and health facilities must be available to these children. They should be helped to spend at least some of their time outside the prisons.
16. Prison staff conniving in the committing of any crime within jails, including sodomy, must be punished. Juveniles must not be housed alongside adults to offer them protection from such crimes.

17. Drug addicts and the mentally disordered must not be jailed but provided the expert care they require.
18. Provincial health departments should be made responsible for the health care of prisoners. Preventive health, to stem the increase in dangerous infectious diseases including AIDS, and prompt medical care or hospitalization for prisoners who fall sick must be ensured at all jails.
19. Students, and other groups in society, can be involved in the education of prisoners and interaction with them, as a means to aid rehabilitation and overcome resource constraints, while also raising awareness about the condition of prisoners. Under-trial prisoners must also be included in all educational efforts.
20. The absence of police vehicles and staff continues to hamper the production of prisoners before courts. Transport should be supplied specifically for this purpose and a special police force entrusted with the task of escorting prisoners to the courts.
21. The conditions under which prisoners are kept at courts must be overhauled. The use of cramped vans to detain prisoners for many hours is unacceptable. Conditions of detention at police lock-ups are often also inhumane and need urgent improvement.
22. Fishermen from Pakistan and India entering each other's waters must not be detained, and steps taken to implement India's announcement that it will not imprison Pakistani fisher folk. The continued detention of fisher folk adds hugely to their suffering.

23. The exchange mechanism for Indian and Pakistani prisoners needs to be streamlined so that they can be expeditiously identified and repatriated, with a permanent system set in place for this.
24. The right to privacy during visits, currently available to political prisoners in many cases, needs to be extended to all categories of detainees. Visits should also take place in an environment of dignity, and be organized to ensure prisoners are able to interact freely with visitors.
25. New prisons or prisons that have been shifted must be located in areas that are easily accessible to relatives of prisoners and other visitors.
26. The plight of Pakistan in jails overseas and particularly in Thailand and Saudi Arabia, needs to be taken up immediately by the authorities. Steps must be taken to ensure there is no miscarriage of justice, adequate living arrangements are provided and missions kept in regular contact with detainees. Exchange treaties with countries where Pakistanis are being held also need to be finalised.
27. Foreigners jailed in the country must be permitted to meet staff from their missions and family members without hindrance. Those in need must be provided legal aid. They must not be kept in jails after the expiry of their terms, but arrangements made for their repatriation with the support of their missions in Pakistan.
28. Jail staff disobeying court orders regarding the rights and welfare of prisoners must be awarded suitable punishment.

Central Jail Institute, Lahore Study.

Similarly, Central Jail Institute, Ministry of Interior, Lahore have carried out a study 'Prison Affairs' in which they have raised pertinent issues/problems faced by the prison system. The problems/issues identified by the study are:

(a) Overcrowding

Causes

- i. Poor rate of conviction
- ii. under utilization of parole & probation provisions
- iii. Increasing population of addicts
- iv. prolonged detentions of petty cases
- v. non-utilization of open jails.

Effects

- i. Congestion in Barracks & cells
- ii. Poor diet & health care management
- iii. un-hygienic & poor sanitary conditions
- iv. increased security/admn problems

(b) Mal administration/corruption

- i. Over-fatigued prison staff.
- ii. Extortion/harassment of interviewers.
- iii. Lack of recreational facilities.
- iv. Un-organized educational programmes.
- v. Un-attractive service structure and slow career progression of prison staff
- vi. Low priority to training of officers and staff.

(c) Declaration of better status for training institute.

- i. Meager budget allocations.
- ii. More nominations from provinces for training at home.
- iii. Consistent lapse of opportunities of foreign training.
- iv. Full activation of function No 28 of interior division of rules of business.
- v. Training institution be headed by professional trainer having relevant background.
- vi. Special consideration for vulnerable prisoners.

The Central Jail Institute, Lahore, have also suggested in following recommendations for reform:

1. Essential new jails be constructed preferably at district levels. Funds be arranged from government/international donors. As a temporary measure judicial lock-ups/ detention centres be modified & converted into jails.
2. Construction of additional barracks/cells and maintenance/improvement of existing accommodation be undertaken as planned by the provinces.
3. Vulnerable prisoners like women, juveniles, foreigners, mental patients should be kept segregated in jails.
4. Measures be initiated to eradicate corruption in jails through proper management, strict checks on all purchases, by improving the system of interviews/family meetings & by settling prisoners grievances without delay.

5. Diet, medical, hygiene/sanitation conditions in the jails be improved.
6. Deficiency of manpower in jails be made up & staff to inmate ratio be improved which is currently at 1:7.
7. Probation departments of provinces be activated & systems be simplified to ensure maximum benefits of provisions. Provincial governments initiate measures.
8. Dormant open jails be made functional & new open jails be established on regional basis as a long term plan.
9. Latest/computerized security system & closed circuit TV system be installed in all jails for better security.
10. Skill development centres be established in all jails to reform the prisoners for future rehabilitation.
11. Service structure of prison officers/staff be improved & made attractive for better career progression.
12. Selected prison officers be sent abroad for better exposure.
13. Philanthropists/NGOs be encouraged for provision of facilities in jails & legal aid to prisoners.
14. Central jail staff training institute be upgraded to national level academy to ensure career based training of prison staff & to produce professional managers for the jails.

The Council of Islamic Ideology Study.

The Council of Islamic Ideology also constituted a special committee to examine the prison system and formulate recommendations for reform. The Council recommendations follow:-

Draft Amendments Bill

The Reform Committee of the Islamic Ideology Council has also recommended that amendments in the Prison Act, 1984 and the rules made thereunder as follows.

A
Bill

An act further of amend the Prison Act, 1894

Whereas it is expedient further to amend the prison laws for the purpose hereinafter appearing, in accordance with the recommendations of the Council of Islamic Ideology on Jail Reforms.

(1) Short title and commencement: (1) This Act may be called the Prisons (Amendment) Act, 2003.

(2) It shall come into force at once.

(2) (a) Amendment in Section 46 of the Prison Act, 1894: In this Act sub-section (2), (5), (6), (7), (8), and (2) of Section 46 shall be omitted.

(3) Section 47 shall be omitted

(4) After 49 of the Prisons Act, 1894, a new Section 49 A shall be added:

49A Appeal : - An appeal again major punishment shall before lie the Inspector-General, Prisons as prescribed by rules, whose order shall be final.

(5) In section 56 a proviso shall be added: provided that he shall record reason in writing for confirming a person in iron and also specify the period for which the confinement is to confined. It shall in no case exceed seven days. A copy of the order shall be supplied to the Prisoner immediately who may make a representation to the I.G prisons against the order.

- (b) in sub-section (4) after the word “such loss of privileges” add the words “not exceeding thirty days within a span of six month” before the word admissible.
- (6) Section 57 may be deleted altogether.
- (7) In Section 59 at the end of clause (3) subsection after the word “ thereof” the semi Colon be omitted and the following words be added:

“and the time and manner of filing appeal under section 49A and representation under section 56” be added.

Draft Amendments in the Rules.

In exercise of the powers conferred under section 59 of the Prisons Act (XI of 1894), the Provincial Government is pleased to amend the following Rules as under:

- (1) In chapter 3, Rules 24, a sub rule (ii) as under shall be inserted:
- (ii) A convicted prisoner shall be allowed to wear his own clothes.

Rules 65 (i), after the words history ticket, the word “duplicate” shall be inserted.

Rule (66), in the third line after the words locked almirah the following shall inserted, “ and duplicate copy shall be handed over to the convict.

Rule 67, clause (a) and (b) shall be deleted and after the word “Custody” add the words “for future reference”.

- (2) In Chapter 4, rule 75 (i) the following articles shall be included:

Radio with head phone one

Wrist watch one

Pen/pencil, sharpner, rubber on each

Books/Papers Reasonable number/quantity.

(ii) Rule 84, In sub rule (a) and (c) a sum of Rs 5,000/- sub-rule (d) and (e) be deleted.

(3) In Chapter 8, Rule 215 (ii), a new sub rule (ii-A) shall be added as under:

(ii-A) For acquiring education against S. No. 5 to 9 on Table of Remission, the scale of remission shall be allowed as under:

- | | | |
|-----|---|-----------|
| (a) | For prisoners undergoing substantive sentence up to years | 4 Months |
| (b) | For prisoners under going substantive Sentence exceeding two years but not exceeding Six years. | 6 Months |
| (c) | For prisoners undergoing substantive sentence exceeding six years but not exceeding ten years | 8 months |
| (d) | For prisoners undergoing substantive sentence exceeding ten years | 12 months |
| (e) | Rule 202 shall be omitted al-together. | |

(4) In Rule 94, at the end the following proves shall be added: -

“Provided that where a convict demands free legal aid the superintendent shall, so provided in the rules, shall arrange legal aid for prep oration and filing of appeal, review or revision against conviction.

(5) Rule 116 shall be numbered as sub rule 9a) and another sub-rule (b) be added as follows.

(b) that where the prisoners specifically prohibits intimation the nominated relative shall be informed firstly thirty days before its release and secondly 15 days before his release the actual dafe and time of the release of the prisoner.

(6) Rule 147, add the following after the existing rule “who shall record the reasons of transfer in writing or endorse the request made by the Superintendent after satisfying himself that there are genuine reasons for transfer of the prisoner to another prison beyond the district of his residence.

7. Rule 242. Clause (i) may be substituted by the following clause: -

(i) A prisoner of accused person on conviction shall be allocated A.B or C clauses by the Superintendent unless the convicting Court allocates category A or B to the convict. The category A shall contain prisoners who are-

(8) In Chapter 14, Rule 340, the words half an hour shall be substituted by the words “one hour”.

In sub rule (ii), a proviso shall be added as under.-

Provided that the use of hand' cuff during the walk shall be applied only in respect of terrorists or dangerous desperate criminals.

(9) In Rule 434 a third category of patients shall be added namely:

(iii) drug-addicts.

In Rule 444, sub rule (ii) shall be added as under: -

(ii) for proper and effective treatment of mental patients, arrangements shall be made for periodic visits by psychologists, psychiatrists, Medical Specialist Sociologists, besides the prison doctor.

(Mental patients shall be transferred without loss of time under intimation to the Seniors Judge of the District Where the convict is confined.

- (10) IN Chapter 21, Rule 508 at the end, a proviso shall be added as under:
provided that a prisoner under sub rule (i) and (ii) may wear personal clothes, if he so desire.
- (11) In Chapter 22, Rule 543 for the words “ one letter per week”, the words “ two letters per week” be substituted and in Rule 554, the words “ adults” occurred in line 1 and 3 shall be deleted and substituted by the words, “person”.
- (12) In Chapter 23, Rule 583 sub-rule 2 through a should be omitted altogether and after Rule 584, a new sub rule 584 A shall be added as under: -

- 584 A** (i) An aggrieved person may file appeal within 7 days of the award of punishment;
- (ii) The appellate Authority shall dispose of the appeal within 7 days of receipt and shall hear the appellant if he so desires. The record of the case shall be transferred to the appellate authority.
- (iii) Pending disposal of appeal, the impugned decision shall be hold in abeyance.

- (13) In Chapter 24, Rule 592, a new sub rule 592 (ii) shall be inserted as under:

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

- (14) In chapter 39, Rule 940, after sub rule (ii) (e), a new sub rule (ii) (f) shall be added as under: -

(ii) (f) To prepare and forward to the Government the cases of such prisoners who become entitled to bail by virtue of section 426 (1A) or 497 of the Cr. P.C

However rule 2(a) through (f) as well as sub-rule (4) through (8) similarly rules 585, 588 to 591 be deleted.

**Summary of Recommendations
(Law & Justice Commission Report No. 23)****(i) Amendments in Statutes**

1. The punishment of putting bar fetters should be abolished in all prisons.
2. The relevant prison law prescribing the punishment of whipping for jail offences should be repealed so as to comply with the Abolition of Punishment of Whipping Act 1996.
3. With a view to check the abuse of discretionary powers of Superintendent, the prisoner should have a right of appeal against major penalty to Inspector-General, Prison.

(ii) Amendment in Rules

1. Prisoners should be allowed to keep a radio (with headphone), wrist watch, books, paper and pen/pencil, without having to obtain any permission.
2. All convicts of Class "C" should be allowed to wear their own clothes instead of jail uniform.
3. The duration of walk time for condemned prisoners should be extended from half an hour to one hour, each in the morning and evening, and the rule pertaining to the use of hand'cuffs, during such walk, may be applied only in respect of terrorists or dangerous criminals.

4. Arrangements should be made for the accommodation, food and education of children, accompanying convict women, outside the jails.
5. Proper security system should be ensured in jails. Closed circuit T.V. equipment should be installed in jail and the staff be given appropriate gadgets for detecting escapes. Such staff must also be given appropriate training for the purpose.
6. The system of granting remission on account of acquiring education and higher qualifications should also be reviewed with a view to allow remission on the basis of certificate/degree awarded. For higher degrees the period of remission should be greater.
7. Arrangements should be made for provision of legal aid to indigent prisoners and to facilitate prisoners in meeting their counsels.
8. Children should also be allowed to meet their relations in prisons.

(iii) Administrative Action

1. New prisons should be constructed in the outskirts with proper facilities for prisoners. The conditions of police/judicial lockups should be improved and due facilities, such as fans, benches and toilets should be provided therein.
2. The facilities of out-door games like football, basketball and in-door games should be provided.
3. The number of prisoners in a death cell should be according to the capacity of the cell.
4. Arrangements should be made for the construction of separate prisons for women convicts and juveniles. Proper education and training should be provided to the women prisoners and juvenile offenders.

5. In every jail, facilities should be made available for religious, general as well as vocational/technical education to prisoners.
6. Arrangements should be made for the proper utilization of Open Jail, Badin. Similarly, open jails should also be established in other places. To start with, at least one such facility should be immediately established in each province.
7. Sick industries in jail should be revived and private sector encouraged to establish industrial units in jails. The prisoners should be trained to work in such industry and paid adequate wages.
8. In each prison, a qualified medical officer, nursing staff and essential medicines should be provided. In case of serious illness, the prisoner should be referred to an appropriate hospital for tests/treatment. Periodic visits by consultants, specialists, psychologists, psychiatrists, etc should also be arranged.
9. The medical officer should be provided residence on or near the jail premises so as to ensure his/her availability in emergent cases.
10. Proper treatment for drug addicts should be arranged in jail hospitals or outside, in public/private hospitals/clinics.
11. The system of jail inspection be strengthened so that the judges of high courts and subordinate courts regularly visit jail and give on-the-spot instructions regarding the cases of under-trial prisoners.
12. Proper facilities should be provided in meeting halls so as to facilitate prisoners in meeting their relatives/friends. Prisoners with good conduct may also be released on short parole to meet their families and help them in tasks such as cultivation/harvesting of crops, etc.
13. Instructions should be given to executive and judicial authorities to carry out jail inspections at regular interval.

14. All remissions granted or earned should be recorded on the history ticket. Such ticket must be in duplicate with one copy available with the prisoner. The prisoner should carry the ticket along on transfer to another jail.

15. There is a need for improving the salary structure and service conditions of prison staff. They should be given proper training.

16. For release on short parole, permission should be given by the Director, Reclamation & Probation, after due process.

17. A greater number of prisoners should be released on parole not just for working as domestic servants but also to be employed in trade, industry and other commercial institutions in the public/private sector.

18. With a view to address the problem of lack of transport facilities and security arrangements, the Government may establish courts on or near jail premises for the expeditious disposal of cases.

(iv) Draft Amendments in the prison Act

A

Bill

further to amend the Prisons Act, 1894.

Whereas it is expedient further to amend for the purpose hereinafter appearing, the recommendations of Pakistan Law Commission on Jail Reforms.

1) Short title and commencement: (1) This Act may be called the Prisons (Amendment) Act, 1997.

(2) It shall come into force at once.

2) Amendment in Sections 46 of the Prisoner Act, 1894: In this Act sub section (7) and (12) of section 46 shall be omitted.

3) After Section 49 of the Prisons Act 1894, a new Section 49 A shall be added:

49 A: Appeal.- The offences falling under major punishments shall be appealed before the Inspector-General, Prisons as prescribed by rules, whose order shall be final.

(V) Draft Amendments in Prison Rules.

Notification

In exercise of the powers conferred under section 59 of the Prisons Act (XI of 1894), the Provincial Government is pleased to amend the following Rules as under:

1) In Chapter 3, Rule 24, a sub rule (ii) as under shall be inserted:

(ii) A convicted prisoner shall be allowed to wear his own clothes.

In Chapter 3, Rule 65 (i), after the words history ticket, the word "duplicate" shall be inserted.

In Chapter 3, Rule 66, in the third line after the words locked almira the following shall be inserted, "and duplicate copy shall be handed over to the convict.

2) In Chapter 4, Rule 75 (i), the following articles shall be included:

Radio with head phone	one
Wrist watch	one
Pen/Pencil	one
Books/Papers	reasonable number/quantity.

3) In Chapter 8, Rule 215 (ii), a new sub rule (ii-A) shall be added as under:

(ii-A) For acquiring education against S. No. 5 to 9 on Table of Remission, the scale of remission shall be allowed as under :-

- | | | |
|-----|--|-----------|
| (a) | for prisoners undergoing substantive sentence upto two years. | 4 months |
| (b) | for prisoners undergoing substantive sentence exceeding two years but not exceeding six years. | 6 months |
| (c) | for prisoners undergoing substantive sentence exceeding six years but not exceeding ten years. | 8 months |
| (d) | for prisoners undergoing substantive sentence exceeding ten years. | 12 months |
- 4) In Chapter 14, Rule 340, the words half an hour shall be substituted by the words "one hour";
in sub rule (ii), a proviso shall be added as under :-
Provided that the use of hand'cuff during the walk shall be applied only in respect of terrorists or dangerous criminals.
- 5) In Rule 434 a third category of patients shall be added namely:
(iii) drug-addicts.
In Rule 444, sub rule (ii) shall be added as under:-
(ii) for proper and effective treatment of mental patients, arrangements shall be made for periodic visits by Psychologists, Psychiatrists, Medical Specialists, Sociologists, besides the prison doctor.
- 6) In Chapter 21, Rule 508 at the end, a proviso shall be added as under:
Provided that a prisoner under sub rule (i) and (ii) may wear personal clothes, if he so desire.

- 7) In Chapter 22, Rule 554, the words "adults" occurred in line 1 and 3 shall be deleted and substituted by the words, "persons".
- 8) In Chapter 23, Rule 584, sub rule (7) shall be omitted.
- 9) In Chapter 23, after Rule 584, a new sub rule 584 A shall be added as under:-
 - 584 A (i) An aggrieved person may file appeal within 7 days of the award of punishment;
 - (ii) The Appellate Authority shall dispose of the appeal within 7 days of receipt;
 - (iii) Pending disposal of appeal, the impugned decision shall be held in abeyance.
- 10) In Chapter 24, Rule 592, a new sub rule 592 (ii) shall be inserted as under :-
 - 592 (ii) For effective security system, close circuit T.V. equipment shall be installed in every jail and security staff shall be given special training to handle the gadgets for detecting escapes.
- 11) In Chapter 39, Rule 940, after sub rule (ii) (e), a new sub rule (ii) (f) shall be added as under:-
 - (ii) (f) To prepare and forward to the Government the cases of such prisoners who become entitled to bail by virtue of section 426 (1A) or 497 of the Cr. P.C.

Annexure-II**Visit to Prisons**

Mr. Mumtaz Ahmad, Deputy Secretary of the Law and Justice Commission Secretariat visited the Central Jail and Woman Jail, Karachi on 14-6-2004, the Central Jail, Lahore on and Central Jail, Peshawar on 21-6-2004. He also met the representatives of Human Rights Commission of Pakistan, Lahore, and Lawyers for Human Rights and Legal Aid at Karachi, the Regional Director, Human Rights Wing of the Law & Justice Division at Lahore. The detail reports of visits follow:-

(i) Visit to Central Jail, Karachi

During visit to the Central Jail, Karachi on 15-6-2004, it was observed that the overcrowding of jail inmates is the basic problem. The jail inmates housed in barracks are far more in excess than the capacity. The strength of prisoners confined in Jail on 15-6-2004 is as under:

**LIST OF PRISONERS CRIME WISE CONFINED IN
SPECIAL PRISON FOR CENTRAL KARACHI.**

S.No.	Crime	U.T.P	Convict	Detained
1	Prisoners	4397	663	
2	B-Class	37	18	0
3	Condemned Prisoners	0	96	0
4	Foreigners	202	82	29 (awaiting for deported)
	Total	4636	859	33

Grant Total	5528
Capacity authorized	1691
Excess in Capacity	3837

Despite overcrowding of the jail inmates, the administration stated that they are They further stated that no inmate is chained in Sindh Province. They are put in solitary confinement when there is need to protect the others from the rude or violent behaviour of prisoners.

The jail inmates are produced before the court in the transport arranged by the Police of Sindh Government. When the transport is not available, the prisoners are not produced before the court and the court always take notice of it and give show cause notice to the Superintendent Jail. According to Superintendent Jail, he is helpless without transport. He therefore explained that the transport should be placed purely at the disposal of the jail authorities so that he could arrange to produce the prisoners before the court in time. The production time in the court is from 7 a.m. to 11.00 a.m. and they have to transport prisoners within this time.

3 courts are functioning in the jail premises to conduct trial of the prisoners who are involved in heinous or terrorist offences. Deficiency is noticed in security system. No camera has been installed in the jail premises. It was emphasized by the authorities of the jail that proper security system is the need of hour by installing cameras in each barrack so that the Superintendent Jail could watch on TV the movement of each prisoner. There is need of scanner to check the inmates while coming back from the court. It was pointed out that when the prisoners go to court for attending the hearing, they are provided narcotics by their friends or relatives. Therefore, they should be checked thoroughly by

scanning machine so that the chances of taking narcotics into the jail could be eliminated.

Inside the jail, a hospital is established to check and provide medical facilities to the prisoner patients. There is also facility for admitting the prisoner patients who have serious problems of their health. During the visit, 46 patients were found admitted in the dispensary, out of which 13 were convicted and 33 were under trial. There was acute shortage of medicines as the provincial government is providing inadequate fund for purchasing of medicines. There were facilities for elementary tests like blood, sugar, CP etc. and X-ray. However no facility of ultra sound is available in jail. There is also no facility of ambulance to send the patient outside the jail in case of emergency. In case of emergency, the ambulance is hired from outside. Therefore, it is suggested that an ambulance should be provided for jail so that in case of emergency, the patient could be taken to the hospital as early as possible. The doctors, who are attending the patients, desired that the government should provide ultra sound machine at the earliest. A doctor on duty, pointed out that 400 to 500 patients daily come in OPD.

The jail administration consists of the following staff:

Superintendent	01	B-18
Medical Officers	03	B-17
Deputy Superintendent	01	B-16
Asstt Superintendent	12	B-14
Head clerk	02	B-11
Chief Warder	03	B-11
Weaving Master	01	B-11
Senior Clerk	05	B-07
Head Warder	31	B-07
Junior Clerk	05	B-06
Selection Grade Warder	15	B-05
OG Warder	245	B-05
Dispenser	02	B-05
Tailor Master	01	B-05
Sweeper	25	B-01

There are facilities for playing games like valley ball, foot ball, cricket etc in the jail premises. TV has been placed in each barrack with the assistance of the NGOs. 4 to 5 prisoners are confined in the condemned prison cell, resulting in tremendous hardships. Whenever a prisoner is convicted with death penalty, he is immediately transferred to this cell despite that he has a right of appeal to the Higher Courts.

According to rules, when a prisoner is awarded death penalty by the court, he can prefer an appeal before the High Court within 7 days and 30 days before the Supreme Court. It was desired that this period is too short to file an appeal, as the convict in jail has to obtain certified copy of the judgment to file appeal within 7 days. It was proposed that the period for filing of appeal in the High Court should be enhanced to 30 days and for filing appeal in the supreme Court, the period of limitation should be 60 days, so that the convicts may get sufficient time to prefer an appeal. The person who is awarded life imprisonment, can file appeal within 90 days before the High Court and 60 days before Supreme Court and a prisoner who is awarded death penalty is given very short time, therefore, it is felt that this period may be enhanced by making an amendment in the relevant rules.

There was a demand that the scale of pay of Deputy Superintendent and Assistant Superintendent may be enhanced and placed in B-17 and 16 respectively. The demand is genuine as they are working round the clock and are accountable for any lapse in the jail. Similarly, there is a need to improve the terms and conditions of service of all jail staff, so that corruption is minimized and conditions inside prisons improve.

The factory within the premises was closed. No work is done for the last many years. The machines have become rusted. The factory is required to be made functional so that the labour of prisoners be utilized for the benefit of nation.

(ii) Women Jail, Karachi

Women jail is located beside the Central Jail. There are total 219 female prisoners, out of which 175 are under trial; 44 are convicted; 42 children having an age ranging from 1 to 7 years are also living with their mothers. The break up of the prisoners confined on 15-6-204 are as under:-

**LIST OF FEMALE PRISONERS CRIME WISE CONFINED IN
SPECIAL PRISON FOR WOMEN KARACHI.**

S.No.	Crime	U.T.P	Convict
1	Murder	26	10
2	Decoity	11	0
3	Theft	10	0
4	Narcotics	10	0
5	Kidnapping	14	5
6	Assaults	0	0
7	Arms	0	0
8	Other	7	1
9	Foreigners	35(33 Nar,2 F-Act)	24(23 Nar, 1 F-Act)
10	Zina	62	2
	Total	175/35	42/7

Detainee: 2

Grant Total 219/42

There are foreigner women. It was pointed out that some foreigner women are confined inspite of completion of period of sentence in jail because they lost their documents and their tickets have expired. No one from the Embassy of their country even paid visit to them. They are mentally disturbed because they are confined in the jail without any assistance from outside. The women jail has the capacity for 150 inmates but 219 have been put in it. Many of them could not be released, as they could not arrange surety bond.

No male guard is allowed to enter in the women jail. Outside guarding is made by the male guards. However, there is no proper system for security as no camera has been installed in it to watch the movement of the prisoners. There was a demand for a law officer to be attached with the jail so that he could reply the queries made by the court on different legal issues.

Women jail has no proper sanctioned posts. All of them have been posted on deputation from Larkana Jail. The jail is managed by Deputy Superintendent, B-16 and Assistant Superintendent, B-14. There is demanded that the post of Deputy Superintendent be upgraded to B-17 and that of the Assistant Superintendent to B-16. There is a small room, which is used for schooling the children with assistance of one NGO by providing a teacher for this purpose. The provincial government should take steps to provide a teacher for teaching the children. No doctor having psychiatrics qualification visit the women jail. There are women who are suffering from mental disorder and they require proper

treatment by psychiatric. It was emphasized that a psychiatric doctor should visit once in a week to examine and advise the patients.

Two doctors and a dispenser have been posted to look after the female inmates and extend medical care. However, no qualified doctor of the government pay visit to treat the mentally retarded patients. It is considered necessary that a qualified psychiatric may weekly visit the jail and provide necessary medical treatment to those patients who are mentally disturbed.

(iii) Visit to Central Jail Kot Lakhpat, Lahore

During visit to Central Jail, Lahore on 17.6.2004, it was revealed that the jail has a capacity for 1000 prisoners. On this date, 3919 prisoners were confined, out of which 110 are female prisoners. The Superintendent of Jail was of the view that the overcrowding is the main hurdle in proper administration of the jail. About 500 persons daily visit to see the prisoners. Although the visitors are facilitated to see the prisoners but there are administrative difficulties to accommodate such a large number of visitors. He was of the view that the young people are more involved in dacoity and murder which shows the frustration on the part of young generation. It is the responsibility of the parents to closely keep watch on their wards and may not let them to indulge in such an activity the consequence of which is to lay them in jail.

The jail has the security system installed. The movement of the prisoners is observed by the Superintendent through close circuit camera system. There is a factory for manufacturing cloth and carpets. The Superintendent is of the view that although the prisoners are working in the factory but they will not get benefit from this work as when the prisoners on their release from prison they will go for their job which they had left before coming to jail, so they are not willing workers. There is a hospital in the jail to provide treatment to the prisoners. For female prisoners, there is a separate section within the premises of jail. The Superintendent stated that no prisoner is chained in the prison. It was observed however that prisoners are not getting remission in accordance with rules. For the labour, they get remission in prison period but the remission on account of blood, education etc is not fully implemented.

(iv) Visit to Central Jail Peshawar

On 22.6.2004, visit was paid to the Central Jail, Peshawar. The Central Jail is located in the main city and is easy approachable. The Superintendent informed that the prison has capacity for accommodating 900 prisoners. On this date, 2109 prisoners were confined in the jail. There are separate barracks for male prisoners, juvenile prisoners and mentally retarded prisoners. Female prisoners are housed in separate section of prison quite in exclusion. During the visit, 2 barracks were inspected which show very distressing conditions. There was no space for walking in the barracks as the prisoners were virtually lying close to each other. It was observed that at night the prisoners feel inconvenience in

reaching the bathroom as no space is left when the prisoners are sleeping very close to each other. He inspected the barracks reserve for keeping the juveniles. There are 184 juvenile prisoners. They are involved in committing various offences like narcotics, theft, murder and quarrelling etc. They are living in better position as compared to other prisoners. They also attend their classes in the school established within the premises of the jail. In the female barrack, there are 93 female prisoners, out of which 47 are convicted and 56 are under trial. There are 14 children of age from 1 to 7 years living with their mothers. There is no female probation officer who could deal with the cases of female prisoners. There are 2 male probation officers who deal with the cases of the prisoners in the jail. No transport facility is available for the probation officers and they have to pursue the cases on their own arrangement. During discussion, it came to light that professional unscrupulous elements try to release the females on bail for their own greed. The relatives of the female prisoners do not come forward for release of the females. In Peshawar City, there is no Brostal institution to shift the juvenile offenders and thus the Provincial Government must take steps for establishment of Brostal institution as early as possible to house the juvenile offenders as envisaged in the Juvenile Justice System Ordinance 2000.

Foreigners

There are 10 foreigners male and 4 females in the jail. 4 foreigners are to be deported to their country as they have completed their punishment. In spite of

completion of their punishment they could not be released from jail because of non-availability of traveling documents viz visa, passport, ticket and money.

Facilities

There are 2 or 3 bathrooms adjacent to the barracks for about 130 inmates. No TV set is provided by the Government. However, the NGOs have managed to provide one set of TV in the barrack for entertainment. No water cooler is installed in the barrack. The inmates are using their own stove for cooking purposes as no gas facility is provided in the barrack.

Hospital

There is a dispensary in the prison vicinity and the patients are attended to by 2 doctors. The mentally retarded patients are referred outside the jail for check up. There was demand from the doctors to provide facilities of X-ray, ultra sound machine and other equipments for test.

Diet

The diet is provided according to the specification as mentioned in the rules. One bread weighing 345 to 350 grams is provided in the afternoon and evening. For morning, the inmates are provided $\frac{1}{4}$ bread which is insufficient. According to the Jail Administration, diet is provided according to the specification as mentioned in the Rules. However, it was noticed that the prisoners were preparing their meals.

The prisoners who have been awarded death penalty by the Sessions Judge are confined in a small room i.e. death cell. 3 to 4 inmates are put in such death cell. Although their appeals are still pending in the court and their death sentence is subject to confirmation by the High Court but they are immediately transferred to the death cell by the jail administration. It is recommended that these prisoners should not be put in death cell unless their appeals filed in the High Court or Supreme Court are decided. They should be placed in separate barrack and sufficient space should be provided for their living. They are condemned prisoners and should not suffer for years before execution.

Security System

No outsider is allowed to enter the jail. The prisoners are allowed to make conversation with visitors behind bar. There is no scanning machine in the jail. No camera is installed for watching the movement of the prisoners. About 400 to 500 people come to see the prisoners. There is a small room bifurcated by steel wire. The prisoners can easily talk with their relatives. There is no distance between the visitor and prisoners except the steel bar/jalls.

Factory

The factory is burnt, hence no work is carried on.

Staff

Demand for upgradation of the posts of Deputy Superintendent from BPS-16 to BPS-17 and Assistant Superintendent from BPS-14 to BPS-16 was forcefully put. Keeping the nature of job these posts may be upgraded.

(v) Visit to Central Jail Staff Training Institute, Lahore

During visit to Central Jail Staff Training Institute, Ministry of Interior, Lahore, he met Mr. Masud Khan, Principal of the Institute and discussed various issues relating to the training of the staff of Jails to enhance their capacity, caliber and capability by acquainting them with rules, regulations and laws. Special attention is given to change their attitude towards Jail inmates.

The Institute is maintaining up-to date data regarding total number of Jails in Pakistan, the population of prisoners and the facilities available for them. The Principal informed that they have translated the prisons statutes and rules in vogue into Urdu for the benefit of Jail Staff. So far the following publications have been published and are available in market on cheap rate:-

1. Jail Warder.
2. Duties of the Assistant Superintendent of Jail.
3. Duties of the Deputy Superintendent of the Jail.
4. Duties of Inspector General of prison and Deputy Inspector General of prison.
5. Commission of offences by the Government Servants and punishment provided for them.

6. Government Servants (Efficiency and Disciplinary) Rules 1973
7. Rules relating to Efficiency and Discipline related to supervisory staff of the Jail.
8. Punjab Government Efficiency and Discipline Rules 1999.
9. Removal of Government Servant Ordinance 2000.
10. Conduct Rules of Government Servants.

He informed that the institute staff comprises with well qualified officers/teachers. Services of learned specialized persons in relevant field are also hired as resource persons. The Principal is himself a very high educated, experienced and author of many books/articles relating to prison affairs. He has provided very useful material for incorporation in the report.

(vi) Visit to Directorate of Human Rights at Lahore

On 16-6-2004, during visit to the Directorate of Human Rights, Ministry of Law, he met Ms. Kishwar Shaheen Awan, Regional Director and Mr. Arshad Mehmood Malik, Deputy Director. The Regional Director disclosed that Punjab Police has registered as many as 23,815 cases under Hudood Ordinance, 62 under Blasphemy law and 271 of child trafficking during the last 3 years. Giving details of these cases, she said, out of the total registered cases, challans of 17,339 cases have been submitted to the courts, while 406 cases remained undetected, while 4,554 cases were cancelled. Similarly, accused in 3,140 cases have been convicted, while 3,864 were acquitted. However, 9535 cases are still under trial while 631 cases are under investigation.

According to her, another serious issue during the last few years is child trafficking. As many as 271 cases of child trafficking have been reported during last three years in the province. According to data received from Inspector General of Prisons, Punjab, 37 cases registered under Blasphemy Law are under trial, accused in 19 cases have been convicted while 6 prisoners were condemned.

Since its inception, the Regional Directorate Human Rights Lahore has received about 3,000 complaints of human rights violations, which were forwarded to the quarters concerned for appropriate action under the law. Financial assistance is also being provided to the victims of kidnapping, rape, police encounter, torture and extra-judicial killing through the special fund which has been created in the Ministry of Law, Justice and Human Rights. This Directorate during the last five years, distributed financial assistance ranging from Rs.5,000 to Rs.20,000 on merit and case-to-case basis. As such, an amount of Rs one million has been distributed among the victims out of this fund.

The Regional Directorate has planned to expand its activities at gross root level with the help of various departments including Home, Police, Social Welfare and Population Welfare Departments. The Directorate has suggested to the government that frequent meeting of officers of Ministry of Law, justice and Human Rights, and the heads of concerned departments must be held to

strengthen interaction between the government functionaries. It has also been suggested that Human Rights Investigation Inspectors should be posted at district levels or at least an officer of the district police or district government directly under the control of district nazim or DCO must be designated as focal person for dealing with human rights issues. The federal government has been asked to direct the provincial government to take immediate action against the culprits on any report regarding human rights abuse to be referred by the Ministry of Law, Justice and Human Rights.

The regional directorate should be empowered to independently visit and report on human rights violation pertaining to prisons and police stations in the province, which would improve the state of affairs of human rights, she maintained.

The federal government has been asked to direct the provincial government to take immediate action against the culprits on any report regarding human rights abuse specifically referred by the Ministry of Law, Justice and Human Rights. There is dire need of budgetary allocation to create awareness among the people and financial powers should be delegated to regional office so as enable it to arrange seminar workshop in each district.

(vii) Visit to office of the Human Right Commission of Pakistan

During visit on 18-6-2004 to the office of the Human Right Commission of Pakistan (HRCP), he met Mr. I.A. Rehman, Director and Brig.(Retd) Rao Abid

Hamid, Coordinator, Penal System Reform Project (HRCP) to get briefing on "Prison Reforms ". The Director is of the view that a whole Criminal Justice System needs reform and it is long overdue for change. He stated that the Prisoners are the most neglected part of our society while jails have become crime promoting centers and the community hate these due to lack of awareness.

He further stated that Prisoners are suffering; but some are suffering more due to the 150-year-old prison laws. These included the vulnerable children, the sick, foreigners and those on the death row, especially women, for whom nothing is being done.

His deliberations focused on the miserable and tragic state of affairs in some of the worst jails, such as Much Jail in Balochistan, Mianwali and Sheikhpura jails, etc. The government's failure to solve the problems of over crowded jails, check crime rate as well as various laws such as foreigners Act, vagrancy law and laws concerning women and children in prisons. According to statistics shared by Coordinator Penal Reforms, Brig.(Retd) Rao Abid Hamid, till 2003 prison population had exceeded 80,500 in all the 89 jails of the country against the capacity of not more than 35,500. Besides, the prison staff, not more than 3,000 in total, had no prior training before they went on the job.

The number of convicted prisoners was 17,073, and those still awaiting justice or under-trial exceeded 53,891.

Only the Adiala Jail that could only accommodate 1,900 was home to nearly 5,500 inmates. Sketching a gloomy picture of prisons, Mr. Rehman said

approximately 550 prisoners were sentenced to death every year “ of whom only 15 to 18 were executed each year while others would rot in enclosed walls for ten to twelve years before their sentences were carried out.”

Addressing the difficulties faced by women and children, Mr. Rehman said the HRCP had found children between the age of nine to 11 years arrested and sent to Adiala Jail without any charges or cases.

Mr. Abid said prisoners were the most oppressed. He said even prison manuals, which entitled prisoners to certain rights, were not followed and very little reforms had been implemented.

Mr. Rehman and Mr. Abid said it was high time both the HRCP and the parliamentarians and other concerned institutions took practical steps to help the prisoners in the country.

Mr. Rehman deliberated that the Human Right Commission of Pakistan have in the past under taken many projects on a penal system reform and prepared reports and submitted to the concerned agencies but their suggestions for reform of penal system have not been given due weight. They have sent posters containing the rights and liabilities of the prisoners to the jail authorities for displaying in the jail premises but sorry to point out that no jail authority take pain to display these posters in the jail venue and their efforts for awareness of jail inmates about their rights have gone in vein.

The Director stressed that in the context of the penal system reforms, the factors contributed to the imprisonment of a large number under trial be identified. The

fact that more than three fourths of the prison population comprised under trials. Such a heavy preponderance of under trials in the prison population led to overcrowding in prisons, with all its attendant hardship and evils. Could the incarceration of a large number of accused person, who must be considered innocent until proved guilty, be reconciled with the minimum requirements of justice? Was it possible to ensure that all under trials who were held in prison deserved this treatment on the basis of reasonable evidence and that due consideration was given to their fundamental right to liberty?, he posed the questions.

At last he stated that a long-term but important recommendation to minimize hardship to litigants and in criminal courts is that there should be a permanent Law Commission and a permanent Police Commission both with extensive research facilities so that our laws, procedures, rules and practices keep pace with the times and developments in society.

Annexure-III

Views of Provincial Governments/Departments

a. Views of the Balochistan Government.

Draft Bill proposed by the Law & Justice Commission of Pakistan	Comments of Balochistan Government
<p>Summary of Recommendations</p> <p>(i) Amendment in Statutes</p> <p>1. The punishment of putting bar fetters should be abolished in all prisons.</p> <p>2. The relevant prison law prescribing the punishment of whipping for jail offences should be repealed so as to comply with the Abolition of Punishment of Whipping Act 1996.</p> <p>3. With a view to check the abuse of discretionary powers of Superintendent, the prisoners should have a right of appeal against major penalty, to be filed before the Inspector-General, Prison.</p>	Agreed
<p>4. Special arrangements be made in jail for meeting of couples in privacy and the jail authority should issue a certificate to this effect to avoid future complications.</p>	<p>These special arrangements are not advisable inside the Jail because it may create various complications & problems for Jail Administration. However it is suggested that Government may establish such places outside the Jail premises under the control of Jail Administration for meeting of couples in privacy or Government can facilitate the inmates for family reunion by releasing them on short parole on obtaining reasonable personal surety/bond.</p>
<p>5. Women, especially below the age of 18 and above 50, not involved in heinous offences, be liberally granted bail.</p> <p>6. Hudood cases should be decided within four months.</p>	Agreed
<p>(ii) Amendment in Rules</p>	
<p>1. Prisoners should be allowed to keep a radio (with headphone), wristwatch, books, paper and pen/pencil, without having to obtain any permission.</p>	Agreed

<p>2. All convicts of Class "C" should be allowed to wear their own clothes instead of jail uniform.</p>	<p>The Jail Uniform distinguishes a prisoner from rest of people specially during an eventuality. If the prisoners were allowed to wear their own clothes, it may create security problems because it would be difficult for jail authorities to recognize the prisoners and their interviewers in daily routine of the jails.</p>
<p>3. The duration of walk time for condemned prisoners should be extended from half an hour to one hour, each in the morning and evening, and the rule pertaining to the use of hand'cuffs, during such walk, may be applied only in respect of terrorists or dangerous criminals.</p>	<p>The recommendation that the condemned prisoners may be allowed to walk without hand cuffs is not advisable because once a prisoner is declared as "condemned prisoner" he becomes dangerous as he may try to escape at any cost.</p>
<p>4. Arrangements should be made for the accommodation, food, education and recreation of children, accompanying convict women.</p> <p>5. Proper security system should be ensured in jails. Closed circuit T.V. equipment should be installed in jail and the staff be given appropriate gadgets for detecting escapes. Such staff must also be given appropriate training for the purpose.</p> <p>6. The system of granting remission on account of acquiring education and higher qualifications should also be reviewed with a view to allow remission on the basis of certificate/degree awarded. For higher degrees the period of remission should be greater.</p> <p>7. Arrangements should be made for provision of legal aid to indigent prisoners and to facilitate prisoners in meeting their counsels.</p> <p>8. Children should also be allowed to meet their relations in prisons.</p>	<p>Agreed</p>
<p>9. The prisoners not involved in heinous offences and having good character and record should be allowed to join their families for two to three days after each four months.</p>	<p>Agreed. Such prisoners may be released on short parole by the Government on the recommendations of the Superintendent Jail certifying for their good conduct in Jail.</p>

10. Improvement of facilities in prison (food, clothing, medical, sanitation and education) etc.	Agreed
11. Regular official visits to the prison in every three months be arranged for the Inspector General of Prison along-with District Nazim, District & Sessions Judge and Director of Health Services.	The Home Department does not recommend the inclusion of District Nazim in the visiting delegation. Rest agreed.
<p>12. Adequate facilities be provided in death cell.</p> <p>13. The remission system be rationalized so that the prisoners with good conduct may be benefited.</p> <p>14. Immediate judicial inquiry be conducted by additional District & Session Judge in case of suicide or death of any jail inmate.</p> <p>15. Foreigners prisoners may be allowed to meet staff from their missions in Pakistan and seek legal aid. Arrangements be made for repatriation on completion of their sentence. Foreigners involved in minor offences be deported to their country of origin.</p> <p>16. Arrangement should be made for regular medical check-up and treatments of jail inmates.</p> <p>17. At the time of release on completion of sentence of the convict, sufficient amount be paid to him to defray travelling expenses or the relatives be informed well in advance so that they may take the convict on his release to their native place/residence.</p>	Agreed
18. Efforts be made to house the convict near his native place so that his relatives may visit him without incurring expenditure on travelling and avoid wasting of time.	According to Prisons rules long termers/lifers are kept in Central Jails hile under trial and short term prisoners are kept in District Jails. It is not advisable to keep long termers in District Jails. However, if a long termer serves major portion ofhis sentence in a Central Jail, he may be kept in a Jail near to his native place for rest of his/her sentence.
19. Political prisoners be housed in	

<p>separate place and they should not be housed with other criminal convicts/offenders.</p> <p>20. Mental patients should not be housed in jails as they create disturbance for other inmates.</p> <p>21. Under rule 543 the convict may be allowed to write two letters in a week to their relatives.</p> <p>22. The period for filing appeal to High Court against a sentence of death may be enhanced from 7 days to 30 days as in case of life imprisonment, the period for filing appeal is 60 days.</p>	
<p>(iii) Administrative Actions</p>	
<p>7. New prisons should be constructed in the outskirts with proper facilities for prisoners. The conditions of police/judicial lockups should be improved and due facilities, such as fans, benches and toilets should be provided therein.</p> <p>8. The facilities of out-door games like football, basketball and in-door games should be provided.</p> <p>9. The number of prisoners in a death cell should be according to the capacity of the cell.</p> <p>10. Arrangements should be made for the setting up of separate and exclusive prisons for women and juveniles prisoners at all district levels. Proper education and training should be provided to the women prisoners and juvenile offenders during prison period.</p> <p>11. In every jail, facilities should be made available for religious, general as well as vocational/technical education to prisoners.</p> <p>12. Arrangements should be made for the proper utilization of Open Jail, Badin. Similarly, open jails should also be established in other places. To start with, at least one such facility should be immediately established in each province.</p>	<p>Agreed</p>

<p>7. Sick industries in jail should be revived and private sector encouraged to establish industrial units in jails. The prisoners should be trained to work in such industry and paid adequate wages.</p> <p>8. In each prison, a qualified medical officer, nursing staff and essential medicines should be provided. In case of serious illness, the prisoner should be referred to an appropriate hospital for tests/treatment. Periodic visits by consultants, specialists, psychologists, psychiatrists, etc should also be arranged.</p> <p>9. The medical officer should be provided residence on or near the jail premises so as to ensure his/her availability in emergent cases.</p>	
<p>10. Proper treatment for drug addicts should be arranged in jail hospitals or outside, in public / private hospitals / clinics.</p>	<p>The treatment for drug addict prisoners in private hospitals/clinics (outside the Jail) is not advisable because it may create administrative problems for Jail Administration. However, the Government may establish rehabilitation centers for such prisoners within the premises of the Jail.</p>
<p>11. The system of jail inspection be strengthened so that the judges of High Courts and Subordinate Courts regularly visit jail and give on-the-spot instructions regarding the cases of under-trial prisoners.</p> <p>12. Proper facilities should be provided in meeting halls so as to facilitate prisoners in meeting their relatives/friends. Prisoners with good conduct may also be released on short parole to meet their families and help them in tasks such as cultivation/harvesting of crops, etc.</p> <p>13. Steps should be taken for eradication of corruption in jail.</p> <p>14. All remissions granted or earned should be recorded on the history ticket. Such ticket must be in duplicate with one copy available with the prisoner. The</p>	<p>Agreed</p>

<p>prisoner should carry the ticket along on transfer to another jail.</p> <p>15. For release on short parole, permission should be given by the Director, Reclamation & Probation, after due process.</p> <p>16. A greater number of prisoners should be released on parole not just for working as domestic servants but also to be employed in trade, industry and other commercial institutions in the public/private sector.</p> <p>17. With a view to address the problem of lack of transport facilities and security arrangements; the Government may establish courts on or near jail premises for the expeditious disposal of cases.</p> <p>18. The Federal and Provincial Governments should arrange more funds to cater the needs of food and medicine of jail inmates.</p> <p>19. Steps be taken for expeditious dispensation of justice.</p> <p>20. Women and indigent prisoners confined in jail and unable to arrange the payment of fine or compensation should be released through contribution/assistance provided by volunteer associations, philanthropists/NGOs.</p> <p>21. The task of processing of cases pending over several years, contributing to overcrowding in jail, must be speeded up by establishing more courts, appointing more judges, improving methods of investigation and streamlining the trial and bail procedures.</p> <p>22. Jail officials, guilty for illegal detention of prisoners be punished under the law. The officials responsible for detention of prisoners on completion of their prison sentences, in safe house in violation of law, be penalized.</p>	
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<p>23. Shortage of police vehicles and staff which continues to hamper the production of prisoners before court be overcome by providing more vehicles and staff by the provincial Governments.</p> <p>24. Jail staff disobeying court orders with regard to right and welfare of prisoners be taken to task.</p> <p>25. Steps may be taken to eliminate the causes of escape and breaking of jail. Further, the recommendations contained in various reports on jail escape be implemented.</p> <p>26. To check jail cleanness and inmates conditions, the Provincial Minister for Jails and Inspector General, Jail may pay surprise visits during three months period and issue standing orders to jail authorities with regard to cleanness and solving the problems faced by the inmates.</p>	
<p>27. There should be no cruel treatment to prisoners and their shifting from one place to another as punishment be prohibited.</p>	<p>Sometimes the conduct of the prisoners & circumstances compel the Jail Administration/Government to shift the prisoner from the prison to another prison on administrative grounds.</p>
<p>28. The cases of juvenile offenders be dealt with in accordance with the provisions of Juvenile Justice System Ordinance, 2000. They should be kept in congenial environment in borstals where these are facilities for medical care, education, training and sports/entertainment.</p> <p>29. The Government should provide free legal aid to defend the cases of children and women who have no means to defend themselves.</p> <p>30. Female Juvenile offenders be housed in separate enclosures of the borstal institutions.</p> <p>31. The police should strictly adhere to the statutory provisions regarding detention of the accused.</p> <p>32. The career progression of prison staff</p>	<p>Agreed.</p>

<p>be ensured, terms and conditions of service improved and they should be imparted adequate training.</p> <p>33. Sexual harassment and physical torture of children which are common in lock-ups and are worse sort of victimization be eliminated through disciplinary proceedings against the officials involved in such acts.</p> <p>34. Basic facilities such as fans, benches, toilets etc. be provided in lock-ups and new lock-ups be constructed with basic facilities, where needed.</p> <p>35. Family members be allowed to bring food but it shall not be served as a supplement to replace normal food which is the exclusive responsibility of the Government.</p> <p>36. Setting up of canteen within premises of prison for certain eatables, drinks and other essential item be ensured, though a situation must never arise that prisoners have to buy food from the canteen to survive.</p> <p>37. Jail staff guilty of violating the provisions contained in Jail Manual must be punished under the relevant law.</p> <p>38. Arrangements be made for courtrooms in major jails in all the provinces to introduce video trial system for juveniles, females and hardened criminals in jails. Such court must however be freely accessible.</p> <p>39. Computerized record of all detainees in jails should be maintained and networking established to connect all prisons.</p> <p>40. For security purposes, the Central and District Jails should be equipped with metal detectors, wireless sets, computerized video cameras and latest weapons. Scanner machines</p>	
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<p>be installed at main gates to search the visitors and luggage.</p> <p>41. The parole and probation law should be used liberally.</p> <p>42. Separate high security prisons be constructed in each province to house the terrorists that are currently being detained in different jails in various parts of the provinces, and these prisons should incorporate full proof security systems to keep a vigilant eye on the prisoners to avoid untoward incidents.</p>	
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b. View of the Sindh Government

Draft Bill proposed by the Law & Justice Commission of Pakistan	Comments of Sindh Government
<p>1. Short title and commencement. – (1) This Act may be called the Prisons (Amendment) Act, 2004. (2) It shall come into force at once.</p>	No comments
<p>2. Amendment of Section 46, Act IX of 1894.- In the Prisons Act, 1894 (Act IX of 1894), hereinafter referred to as the said Act, in section 46, sub-sections (7) and (12) shall be omitted.</p>	Recommended
<p>3. Insertion of new section 49-A, Act IX of 1894.- In the said Act, after section 49, the following new section shall be inserted, namely:- “49A. Appeal.- Any prisoner who is aggrieved from the punishment awarded by the superintendent under section 46 and the rules made thereunder shall prefer an appeal within 15 days from the award of such punishment to the Inspector General of Prison, whose order shall be final” <u>Insertion of new section 41A, Act 1894.-</u> In the said Act, after section 41, the following new section shall be inserted namely:- “41A (1). In the case of imprisonment of husband or wife the couple may be allowed to meet in separate and privacy for a period as specified in the rules: Provided that the jail authority shall issue a certificate of such meeting of the couple in jail and entries made in the jail record. “(2). The superintendent may allow the authorized employee of the foreign mission in Pakistan to visit prisoner, having nationality of that country in connection with judicial proceedings.</p>	<p>Recommended the word “shall” appearing in the proposed section may be substituted with “May”</p> <p>Endorsed</p> <p>Recommended, however words “Except under security law espionage, hi-profile & detenue ,au be added after the words “Prisoner” appearing in the proposed draft.</p>

(ii) Proposed Draft Amendments in Prison Rules -- Notification.

In exercise of powers conferred by section 59 of Prisons Act, 1894 (XI of 1894), the Provincial Government is pleased to direct that the following further amendments shall be made in the Pakistan Prison Rules, 1978, namely:-
In the aforesaid Rules,-

1. **In Chapter 1.-** In Rule 1, after Clause (x), the following new Clause shall be added, namely:-

“(xi) the Juvenile Justice System Ordinance, 2000 (XXII of 2000)” .

2. **In Chapter 3.-**

(a) in Rule 18, after the words and full stop “small-pox.” the words “if the medical officer or junior medical officer, while examining the prisoner prescribes the blood and urine tests, the result of such tests shall be entered in admission register. If the prisoner is suffering from any communicable disease he shall not be imprisoned with other prisoners” shall be added.

(b) (i) In Rule 24, the existing Rule shall be renumbered as Sub-rule (i) of that Rule; and

(c) after Sub-rule (i), amended as aforesaid, the following new Sub-rule shall be added, namely;-

“(ii) A convicted prisoner shall be allowed to wear his own clothes.”

(d) In Rule 65, in Sub-rule (i) after the words “history ticket” the words“ in duplicate” shall be inserted.”.

(e) In Rule 66, after the words “locked almirah” the words “and duplicate copy shall be handed over to the convict” shall be added.

(f) In Rule 67, after Clause (b), the following new Clause shall be added, namely:-

“(c) In the event of release, escape or death- permanently stored on computer.”

3. **In Chapter 4.-**

(a) In rule 75, for sub-rule (i), the following shall be substituted, namely:

“(i) Prisoners may be allowed to keep the following articles for use in the prison:

Recommended

Recommended

Rule 24 now proposed to be re-numbered as sub-rule (i) lays down compulsory provision for providing prison clothing & equipment whereas the proposed clause allows wearing of private (own) clothes by convicted prisoners hence there will be conflict with the insertion of proposed clause (ii) to Rule 24 also rendering sub rule (i) ineffective as such proposed sub rule (ii) may be substituted with existing rule to avoid confusion because of dual provision. Rule 24 (ii) endorsed.

1.	Jersey	1	<p>Agreeable.</p> <p>Recommended</p> <p>Endorsed.</p> <p>Necessary provision for the items proposed vide Sr. No. 1 to 31 has already been made by Government of Sindh vide notification No. SO (PRS-II) 11-94 dated 13-05-1996. There is no objection if same is incorporated as a common provision for Jails in Pakistan. If other province have not already amended rule 75.</p>
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 alongwith plates 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 and pickle in small quantity	1 bottle	
21	Biscuits standard size	2 pkts	
22	Bottle of squash or sharbat	1 Bottle	
23	Pull-over 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 eye sight	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	Shoes/Chappal each	2 pairs	
32	Pen/pencil	1	
33	Books/papers	number/ quantity:.	
<p>(b) In Rule 84, in Clause (a) and Clause (c) for the figure "500" the figure "1000" shall be substituted and clause (d) and entry relating thereto shall be omitted .</p>			

4. In Chapter 5.- In Rule 94, after Sub-rule (iv), the following new clause shall be added, namely:-

“(v) A convicted prisoner if illiterate or pauper shall be allowed the services of an advocate on government expense to draft and file an appeal on his behalf.

5. In Chapter 6.-

(a) For Rule 117, the following Rule shall be substituted, namely:-

“117. A prisoner whose final date of released has been fixed shall be informed of the date on which he is to be released. If he wishes to inform his relatives the date of his release, the Assistant Superintendent, Incharge of Releases, shall send a notice by registered post to his relatives 30 days ahead of release follows by another confirmation notice of a release after 15 days of dispatch of first notice.”.

(b) in Rule 134, for Sub-rules (i) and (ii), the following shall be substituted;-

“(i) journey by road. “Rupees fifty “ as allowance when the distance to be traveled 10 Km-050 M or rupees twenty five if less than 10 Km”.

(ii) if the distance exceeds 10 Km-050 M, fifty rupees for every day’s or part of the day’s journey.

(c) In Rule 135.-

(i) for the figures and letters “8 Km-050 M”. the figures and letters “ 3 Km-050 M”. shall be substituted.

(ii) In Sub-rule (ii), for the figures and letters “8 Km-050 M” the figures and letters” 3 Km-050 M” shall be substituted.

(d) In Rule 143, after clause (e), the following clause shall be added, namely:-

“ (f) The medical officer shall regularly check-up the jail inmates and those who are suffering from scabies and other communicable disease be immediately shifted to separate place of prison”.

6. In Chapter 7.- in Rule 158, for the “full stop” at the end “a colon” shall be substituted and thereafter the

NO objection for addition of the item Sr. No. 32 & 33. Words “Reasonable Limit” may be added in the 3rd column.

The substitution of figures 500 with 1000 in clause (a) & (c) is endorsed. The office of District Magistrate is no more existing as such words “District Magistrate” in clause (c) is proposed to be substituted with I.G Prisons.

ii) Deletion of clause (d) is not recommended, as limitation to the issuance of cheques is deemed necessary.

Rule 94

It will be difficult to comply with the rule as it will need availability of lawyers for such service and involve expenses as well which will be non manageable. It is proposed that words “subject to availability of such facility from

following provisos shall be added, namely;-

“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.

provided further that as far as possible, the confinement of prisoner shall be made in prison located near to his native place.

“provided further that if the transfer of the prisoner to the prison located in far flung is necessary , the reason for such transfer shall be communicated to him. If he is not satisfied with the reason of transfer to other prison, he shall have a right of appeal against such order within 15 days to the District and Session Judge of the District where he was confined before his transfer to other prison.

Provided further that no maltreatment shall be meted out to the prisoner on his transfer to the new prison”.

7. In Chapter 8,

(i) In rule 212, in sub-rule (i), for the word “fifteen” the word “thirty” shall be substituted.

(ii) In Rule 215.-

(a) the existing sub-rule (ii) shall be renumbered as sub-rule (ii-a) of that Rule; and

(b) before the sub-rule (ii-a) amended as aforesaid, the following sub-rule shall be added, namely;-

“(ii) for acquiring education against S.No. 5 to 9 on Table of Remission, the scale of remission shall be allowed as under:-

(e) for prisoners undergoing substantive sentence upto two years. 4 months

(f) for prisoners undergoing substantive sentence exceeding two years but not exceeding six years. 6 months

(g) for prisoners undergoing substantive sentence exceeding six years but not exceeding ten years. 8 months

(h) for prisoners undergoing substantive sentence exceeding ten years. 12 months

Government” may be added after the word “in this behalf” in proposed such rule (v).

The substitution is deemed to be uncalled for. The existing provision for providing facilities of writing letter to the prisoners is enough. The office will be un-necessarily burdened if proposed recommendation is added. Moreover prisoners have been availing liberal facilities of interviews and letter writings hence remains in touch with family / friends. The proposed substitution is therefore not considered necessary. Agreed to the extent of informing the accused date of release.

Agreeable.

Agreeable.

Agreeable.

Agreeable.

Recommended. The words “District Magistrate” appearing in sub rule (i) is

<p>(c) for sub-rule (v), the following shall be substituted, namely:-</p> <p>“(v) For the purpose of examination of reading Holy Quran, Hifz-e-Quran or Translation of Holy Quran/Tafseer, the Committee shall consist of,</p> <p>(d) Superintendent of the Prison;</p> <p>(e) District Khateeb; and</p> <p>(f) Representative of Education Department.”.</p> <p>8. In Chapter 9, in Rule 231.-</p> <p>(a) in sub-rule (i) for the full stop at the end a colon shall be substituted; and</p> <p>(b) after sub-rule (i), amended as aforesaid, the following new proviso shall be added, namely:-</p> <p>“provided that where the government has established separate prison exclusively for women prisoners, the entire staff of such prison shall consist of females except the guarding of outside wall and entrance shall be done by male staff.</p> <p>(c) for sub-rule (ii), the following shall be substituted, namely:-</p> <p>“(ii) juvenile shall be kept in a separate borstal institution, Juvenile Reformatory Centre or any separate part of the same prison in such manner as to prevent their meetings or holding communication with adult prisoners”.</p> <p>9. In Chapter 10, in Rule 250,-</p> <p>(a) in sub-rule (iii), the words “subject to the revisional order of the District Magistrate” shall be deleted.</p> <p>(b) In rule 256, for the words “half an hour both morning and evening”, the words “two hours daily i.e. one hour in the morning and one hour in the evening “ shall be substituted.</p> <p>(c) In rule 257, for sub-rule (ii), the following shall be substituted, namely:-</p> <p>“(ii) The following items will be allowed to superior class prisoners at their own expenses,-</p> <ol style="list-style-type: none"> 1. Toilet Soaps-one cake weighting about 200 grams for a fortnight. 2. Washing material-200 grams laundry soap weekly. 3. Mustard Oil-60 grams per week.”. <p>(d) For rule 258, the following shall be substituted, namely:-</p> <p>“Cooking arrangement.-</p> <p>Rule 258. When several superior class prisoners are</p>	<p>recommended to be substituted with words “Government/Home Secretary of the Province”.</p> <p>The provision as proposed vide para-I has already been added by Government of Sindh vide notification dated 13.05.1996.</p> <p>The addition of the Provision vide para-2 is not deemed necessary. It is the administration to decide the place of confinement/transfers. The provision of appeal before Session Judge is unwanted because it being an administrative matter and not a judicial process. Moreover involvement of Session Judge will create dual authority at the same time making the I.G Prisons answerable to prisoners, which will defeat the spirit of administration, control and authority as well. Moreover at times immediate shifting are deemed necessary for security and administrative reasons if prolonged the</p>
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<p>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”.</p> <p>(e) In rule 261,-</p> <p>(1) In sub-rule (i), for the letter and word “A class” the words “Superior class convicted” shall be substituted; and</p> <p>(2) in sub-rule (ii),-</p> <p>(d) for the letter and words “A class”, the words “Superior class convicted” shall be substituted;</p> <p>(e) for the words and letter “and all ‘B’ class prisoners” shall be deleted; and</p> <p>(f) in the list of equipment for women prisoners during winter season, the following shall be added at the end, namely: “One foam mattress five cm thick in addition to cotton durree already provided”;</p> <p>(f) For rule 263, the following shall be substituted, namely:- “Facilities for reading.- Rule 263. 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.”.</p> <p>(g) For rule 265, the following shall be substituted, namely:- “Letters and Interviews.— Rule 265. 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 fail 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.”.</p> <p>(h) For rule 266, the following shall be substituted, namely:- “Menial duties.- Rule 266. Menial duties will be discharged by’ the prison servants who shall not be used as personal servants by superior class prisoners.”.</p> <p>(i) For rule 267, the following shall be substituted, namely:- “Punishments.-, Rule 267. Superior class prisoners shall be subjected to the</p>	<p>desired result cannot be achieved also delay may entail serious consequences.</p> <p>The proposed amendment has already been made by Government of Sindh vide notification dated 26.05.1996 hence recommended.</p> <p><u>ii) Rule 215 (i)(ii)&(v)</u> The Government of Sindh has already made necessary amendment to Rule 215 (i)(ii) vide notification-dated 26-5-1996, which is reasonable and comprehensive. No change is therefore deemed necessary. The same may be considered for adoption by other provinces in the country.</p>
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general rules, regarding punishments, except whipping. Punishment inflicted upon superior class prisoner shall immediately be reported to the Inspector General. In case of misbehaviour, the Superintendent may withdraw individual privileges, subject to the sanction of Inspector General, when the period exceeds one month, but the power to remove a prisoner from this class rests with the Government only”.

(j) In rule 270,

(a) in sub-rule (iv), for the words, figures and letters “allowed the use of a light upto 10.00 p.m.”, the words, figures and letters “lighting timings shall be 10.00 p.m. in winter and 11.00 p.m. in summer” shall be substituted; and

(b) for sub-rule (v), the following shall be substituted, namely:-

“(v) The letters of suspected prisoners shall be subject to censorship by concerned agencies.”

10. **In Chapter 11**, In rule 273, in sub-rule (i), for the word “habitual”, the word “dangerous” shall be substituted.

11. **In Chapter 13,-**

(i) In rule 311, in sub-rule (i), for the word “Special”, the word “lawful” shall be substituted.

(ii) In rule 317, in sub-rule (i), for the words “one chattak of soap and one chattak of mustard oil”, the words “one medium size soap cake and one medium size bottle of mustard oil” shall be substituted.

(iii) in rule 326,-

(a) the existing rule shall be renumbered as sub-rule (i) of that Rule and for the words “three” the word “six” shall be substituted; and

(b) after sub-rule (1), amended as aforesaid, the following new sub-rule shall be added, namely:-

The Government of Sindh has constituted committee vide rule 215 (g), which is appropriate and no change is deemed necessary.

Endorsed with addition “I.G Prisons” may permit posting of selected male clerical staff for office and out door duties where deemed necessary.

The Government of Sindh has already made necessary amendment as proposed, vide notification-dated 13.5.1996. The recommendation is however endorsed.

Endorsed.

Endorsed with following addition:-
“Provided the number of prisoners and time available for the purpose are adjustable if not the

<p>“(ii) Proper facilities of recreation, health and schooling shall be provided to such children. They may be allowed with the consent of their mother to go outside of the prison with their relatives for such times as may be allowed by the superintendent of jail”.</p> <p>(iv) In rule 327,-</p> <p>(a) the existing rule shall be re-numbered as sub-rule (i) of this rule and in sub-rule (i), as so re-numbered,-</p> <p>(i) for the word “three”, the word “six” shall be substituted; and</p> <p>(ii) for the words “District Magistrate”, the words “District Coordination Officer” shall be substituted; and</p> <p>(b) after sub-rule (i), as so renumbered, the following new sub-rule (ii) shall be added, namely:-</p> <p>“(ii) If the child is a girl who has attained the age of puberty and the relatives are unable or unwilling to support and take care of the girl, the District and Sessions Judge shall, with the help of any welfare society or individual, arrange for her marriage”.</p> <p>12. In Chapter 14,</p> <p>(i) in rule 340.-</p> <p>(a) in sub-rule (i), for the words “half an hour” the words “one hour “ and for the words “Only one such prisoner”, the words “Not more than two such prisoners” shall be substituted; and</p> <p>(b) in sub-rule (ii) for the full stop at the end, a colon shall be substituted; and thereafter the following proviso shall be added, namely:-</p> <p>“provided that the use of hand’cuff during the walk shall be applied only in respect of terrorists or dangerous criminals”</p> <p>(ii) for rule 345, the following shall be substituted, namely:-</p> <p>“Smoking by condemned prisoners.-</p> <p>Rule 345. Condemned prisoners are allowed to smoke at their own expense”.</p> <p>(iii) In rule 346, for the words “as punishment”, the words “for security reason” shall be substituted.</p>	<p>Superintendent or determine the duration”.</p> <p>The Government of Sindh has already amended rule 257 sub rule (ii) vide notification dated 13-5-1996. No change is deemed necessary. However proposal is endorsed.</p> <p>Recommended.</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed.</p>
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<p>(iv) In rule 364, at the end, the following words shall be added, namely:- “The wali of the victim, if he so desires, shall be allowed to witness the execution.”.</p> <p>13. In Chapter 16,- In rule 411, for the word “by”, the word “through” shall be substituted.</p> <p>14. In Chapter 18.- (i) In rule 434,- (a) in clause (i), the word, “or”, occurring at the end, shall be deleted; (b) in clause (ii), for the full-stop at the end, a semicolon shall be substituted and thereafter the word “or” shall be added; and (c) after clause (ii), as so amended, the following new clause shall be added, namely:- “(iii) Drug-addicts.” (ii) For Rule 435, the following shall be substituted, namely :- “435. A person who is a mental patient whether detained or confined in a prison shall be shifted to mental hospital for treatment and be kept separate from other prisoners”. (iii) the existing rule 444, shall be renumbered as sub-rule (i) of that rule and after sub-rule (i) as so renumbered, the following new rule shall be added, namely:- “(ii) for proper and effective treatment of mental patients, arrangements shall be made for periodic visits by Psychologists, Psychiatrists, Medical Specialists, Specialists, Sociologists, besides the prison doctor”</p> <p>15. In Chapter 20,- (i) for the existing rule 472 and Explanation the following rule and Explanation shall be substituted, namely:- “472- (a) The following scales are prescribed for the morning meal of all prisoners:- “Tea ... 03 grams Milk ... 75 grams Sugar ... 20 grams Wheat flour ... 75 grams; and</p>	<p>Recommended.</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>The substitution is endorsed excepting the words “Except whipping. Punishment inflicted upon superior class prisoner shall immediately be reported to the Inspector General” as punishment of whipping stands abolished. The part is recommended to be dropped from the proposed amendment.</p>
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<p>“Explanation,- Wheat flour will be cooked as roti for issue to prisoners. If majority of the prisoners do not favour this breakfast, the Superintendent in his discretion may issue some suitable substitute provided the cost does not exceed the scale.”.</p>																																	
<p>(ii) In rule 473, (a) in sub rule (i), for the existing scales prescribed for each of mid-day and evening meals, the following shall be substituted namely:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 40%;">“Wheat flour</td> <td style="width: 10%; text-align: center;">...</td> <td style="width: 10%; text-align: center;">275</td> <td style="width: 30%;"></td> </tr> <tr> <td>grams</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Vegetables</td> <td style="text-align: center;">...</td> <td style="text-align: center;">75</td> <td></td> </tr> <tr> <td>grams</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Vegetables ghee (Venaspati)</td> <td style="text-align: center;">...</td> <td style="text-align: center;">15</td> <td></td> </tr> <tr> <td>grams</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Garlic or Onion.</td> <td style="text-align: center;">...</td> <td style="text-align: center;">10</td> <td></td> </tr> <tr> <td>grams.”</td> <td></td> <td></td> <td></td> </tr> </table>	“Wheat flour	...	275		grams				Vegetables	...	75		grams				Vegetables ghee (Venaspati)	...	15		grams				Garlic or Onion.	...	10		grams.”				<p>The lighting restrictions are proposed to be removed detailed looking to condition i.e. allowing facilities of books, magazines, exams, indoor games, T.V & water coolers.</p>
“Wheat flour	...	275																															
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<p>(g) in sub-rule (i), after the words “garlic or onion”, the words and figures “Tomatoes 10 grams” shall be added;</p> <p>(h) in sub-rule (i), for the figures “203”, the figures “215” shall be substituted;</p> <p>(i) in sub-rule (ii), for the figures “58”, the figures “75” shall be substituted;</p> <p>(j) in sub-rule (iv), for the figures “233”, the figures “300” shall substituted, and for the figures “12”, the figures “15” shall be substituted; and</p> <p>(k) in sub-rule (v), for the existing scale prescribed for condiments, the following shall be substituted, namely:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 40%;">(1) Alaichi Kalan</td> <td style="width: 10%; text-align: center;">2</td> <td style="width: 30%;"></td> </tr> <tr> <td>grams</td> <td></td> <td></td> </tr> <tr> <td>(2) Zeera</td> <td style="text-align: center;">2</td> <td></td> </tr> <tr> <td>grams</td> <td></td> <td></td> </tr> <tr> <td>(3) Dar Chine</td> <td style="text-align: center;">2</td> <td></td> </tr> <tr> <td>grams</td> <td></td> <td></td> </tr> </table>	(1) Alaichi Kalan	2		grams			(2) Zeera	2		grams			(3) Dar Chine	2		grams			<p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed.</p>														
(1) Alaichi Kalan	2																																
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<p>(iii) In rule 474, in sub-rule (i), for the figure “350”, the figure “400” shall be substituted.</p> <p>(iv) In rule 475,</p>	<p>Endorsed. However it is necessary that weight for soap & oil is fixed to have a uniform size of soap cake & bottle, which should made of “plastic” or light metal.</p> <p>Necessary amendment to rule 326, substituting the age of child from 3 to 6 has already been made by Government of Sindh vide</p>																																

<p>(a) for the words “and Eid-ul..Azha”, the comma, words and figures “Eidu-ul-Azha and on the occasion of independent day i.e. 14th August” shall be substituted; and</p>	<p>notification dated 13.5.1996. In case of girls the age limit is recommended to be raised upto 14 years or till release of the mother if the does not consent to removal of the girl child earlier.</p>
<p>(b) for the existing scales prescribed for morning, mid-day and evening, the following shall respectively be substituted, namely:</p>	
<p>“(i) <u>Morning:</u></p>	
<p>Swayyan 75</p>	
<p>grams</p>	
<p>Sugar 75</p>	
<p>grams</p>	
<p>Milk 300</p>	
<p>grams</p>	<p>Recommended with the addition after the words schooling in proposed darft “in Jail as well as out of Jail” subject to mother’s consent.</p>
<p>Firewood as</p>	
<p>per scale.</p>	
<p>(iv) <u>Mid-day:</u></p>	
<p>Beef 75</p>	
<p>grams</p>	
<p>Vegetable ghee or cooking oil of 15</p>	
<p>grams</p>	
<p>equivalent value</p>	
<p>Vegetable 75</p>	
<p>grams</p>	<p>Endorsed.</p>
<p>Firewood as</p>	
<p>per scale.</p>	
<p>(v) <u>Evening:</u></p>	
<p>Beef 75</p>	
<p>grams</p>	
<p>Rice 300</p>	
<p>grams</p>	
<p>Vegetable ghee or cooking oil of 30</p>	
<p>grams</p>	<p>The words “subject to consent of the mothers” are proposed to be added after the word arrange in the proposed draft.</p>
<p>Equivalent value for rice.</p>	
<p>Vegetable ghee or cooking oil 15</p>	
<p>grams</p>	
<p>of equivalent value.</p>	
<p>Vegetable 75</p>	
<p>grams</p>	
<p>Firewood As</p>	
<p>per scale</p>	
<p>(v) In rule 476, for existing scales prescribed for morning, mid-day and evening, the following shall respectively be substituted, namely:-</p>	
<p><u>Morning meal:</u></p>	
<p>Wheat flour 200 grams</p>	<p>Endorsed with addition “provided the number of</p>

<p>Vegetable ghee or cooking oil of 15 grams equivalent value.</p> <p>Tea leaves 3 grams</p> <p>Milk 125 ml</p> <p>Sugar 35 grams</p> <p>Mid-day:</p> <p>Wheat flour 300 grams</p> <p>Dal 125 grams</p> <p>Vegetable ghee or cooking oil of 15 grams equivalent value.</p> <p>Evening:</p> <p>Wheat flour 300 grams</p> <p>Beef 125 grams (twice a week in lieu of dal)</p> <p>Vegetable ghee 15 grams</p> <p>Dal 125 grams</p> <p>(vi) In rule 477, for the existing scales prescribed for summer and winter, the following shall respectively be substituted, namely:-</p> <p> “(i) In Summer:-</p> <p>Milk 300 grams</p> <p>Ice 300 grams</p> <p>Sugar (Made into sharbat) 70 grams</p> <p> In Winter:</p> <p>Milk 125 ml</p> <p>Sugar 70 grams</p> <p>Tea leaves 3 grams</p> <p>Firewood (Made into tea) as per scale.</p> <p>16. In Chapter 21,-</p> <p>(i) In rule 508, In sub-rule (ii), for the full stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:- “provided that a prisoner under sub-rule (i) and (ii) may wear personal clothes, if he so desires.”.</p> <p>(ii) For rule 509, the following shall be substituted, namely:-</p> <p> “Rule 509. Prisoners who are unable to provide themselves with the necessary clothing shall be supplied with sufficient clothing from the prison stores.”.</p> <p>(iii) In rule 512, for the word “habitual”, the word “dangerous” shall be substituted.</p> <p>(iv) In rule 525, in sub-rule (ii):</p> <p> (a) for the word “coir”, the word “foam” shall be substituted; and</p> <p> (b) after the word “pajama”, the comma and words “an azarband” shall be inserted.</p>	<p>prisoners and time available for the purpose is adjustable may be added in the proposed draft after the word “prisoners”.</p> <p>Discrimination is not recommended, as it will create serious problems in categorizing the prisoners in same ward/enclosures. The courts do not make such classification and the categorization by administration will not be acceptable to the prisoner, which will lead to administrative problems. The amendment is therefore, proposed to be dropped.</p> <p>Recommended.</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed.</p>
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<p>17. In Chapter 22.-</p> <p>(i) In rule 545 in sub-rule (ii), for the word "letter", the word "telephone" shall be substituted.</p> <p>(ii) In rule 548, the existing rule shall be renumbered as sub-rule (i) of that rule and after sub-rule (i), amended as aforesaid, the following new sub- rule shall be added, namely:- “(ii) A prisoner of foreign origin shall be allowed by the superintendent at least once a week meeting with duly authorized employee of mission of his country and his legal advisor in connection with judicial proceeding.”</p> <p>(iii) In rule 549, the words, comma and full stop “one day in the week, preferably Sunday, shall be set apart for letter writing” shall be deleted.</p> <p>(iv) In rule 551, in explanation after the word “card”, occurring for the second’ time the following shall be added, namely:- “However in deserving cases superintendent may allow interviews after verifying identity other than identity card.”</p> <p>(v) In rule 552, for the words “be taken” the word “take” shall be substituted and for the word “Friday”, the word “Public” shall be substituted.</p> <p>(vi) In rule 554, for the word “adult”, wherever occurring, the word “person” shall be substituted.</p> <p>(vii) In rule 563, for sub-rule (i), the following shall be substituted, namely:- “(i) Prisoners may be allowed to receive the following articles for their consumption once a month at the time of interviews: Gur, Shakar or sugar... 3Kg Cigarettes. ... 20 packets of 10 each Ghee ... 3 Kg Mustard Oil... 1.933 Kg Toilet soap ... 3 cakes Washing soap... 1 Kg Chewing tobacco (bira)... 1 Kg”</p> <p>18. In Chapter 23.-</p> <p>(i) In rule 583, the entries at serial No. (9) shall be omitted.</p> <p>(ii) In rule 584, the entries at serial No. (5), (6) and (7) shall be omitted.</p> <p>(iii) after rule 584 amended as aforesaid, the following new rule shall be added, namely:- “584A (i) An aggrieved person may file appeal within</p>	<p>Endorsed.</p> <p>Endorsed.</p> <p>Needs to be made clear whether mental hospital in Jail or outside the Jail. The proposal is recommended to be improved.</p> <p>Endorsed.</p> <p>The rule has been amended by Government of Sindh vide notification dated 19.2.1997 which lays down the following scale for morning meals: Tea – 2.3 gram Milk – 58 gram Sugar – 15 grams Atta – 116 gram The scale of tea is recommended to be changed to 2 grams mile 60 grams. The proposed increase in milk sugar is not recommended.</p>
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7 days of the award of punishment.

(ii) The Appellate Authority shall dispose of the appeal within 7 days of receipt.

(iii) Pending disposal of appeal, the impugned decision shall be held in abeyance.

(iv) In rule 585, in sub-rule (i), entry (3) shall be omitted.

(v) The rule 588, 589, 590 and 591 shall be omitted.

19. In Chapter 24.-

the existing rule 592 shall be re-numbered as sub-rule (i) of that rule and after sub-rule (i), as so renumbered, the following new sub-rule (ii) shall be added, namely:-

“(ii) 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.”.

20. In Chapter 27.-

(i) In rule 648, in sub-rule (iv), for word “six”, the word “two” shall be substituted.

(ii) Rule 655 shall be omitted.

21. In Chapter 28.-

(i) In rule 662, for the words and commas “shall rise, move forward, stop or sit down at the word of command or signal”, the words “shall be in discipline” shall be substituted.

(ii) For rule 663, the following shall be substituted:

“Prisoners conduct towards officer.

Rule 663. Prisoners shall be required to conduct themselves and to show proper respect to prison officers and visitors.”.

(iii) The existing rule 670 shall be renumbered as sub-rule (ii) of this rule and before sub-rule (ii), as so renumbered, the following new sub-rule (i) shall be inserted, namely:-

“(i) 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)”.

(iv) For rule 680, the following shall be substituted:

Television.-

“Rule 680. One or two Television sets shall be provided for each barrack if financed by any welfare organization.”.

22. In Chapter 29.-

In rule 717, in sub-rule (ii), for the existing table of scale, the following shall be substituted, namely:-

<u>Kind of lamp</u>	<u>Summer</u>	<u>Winter</u>
Lanterns	100 ml	150 ml

Explanation to rule 472, has already been amended by Government of Sindh vide notification dated 13.5.1996. Proposal is however endorsed.

(ii) Rule 473.

The Government of Sindh has already changed the daily Menu of diet & scales vide notification No. PRS-II-HD/01-15/95 dated 19.2.1997 (copy enclosed) which is well balanced by virtue of variety, nutritional values and quantity hence no change is deemed necessary so far this province is concerned. The other Provinces may consider the amended menu for adoption with changes if deemed necessary:

<p>Main walls lamps 200 ml 250 ml.”</p> <p>23. In Chapter 30.- In Rule 731, after sub-rule (vi), the following new sub-rule shall be added, namely;- “(vii) Whenever, a prisoner attempts to committed suicide, an immediate inquiry shall be conducted by the Additional District & Session Judge posted in the district to find out the reason of such suicidal act. The findings contained in the report shall be submitted to the Home Secretary of the Province.</p> <p>24. In Chapter 33.- In rule 812, for the word “nine”, the word “eight” shall be substituted.</p> <p>25. In Chapter 35.- In rule, 882, for the figure “20,000”, the figure “50,000” shall be substituted.</p> <p>26. In Chapter 38.- In rule 913, in sub-rule (i), (1) In clause (a), the word “and” shall be replaced by a semi-colon; (2) in clause (b), the full-stop shall be replaced by a semi-colon and the word “and”; and (3) after clause (b), as so amended, the following new clause (c) shall be added, namely: “(c) Members Provincial Assembly, North-West Frontier Province”.</p> <p>27. In Chapter 39.- (i) In rule 940, in sub-rule (ii), after clause (e), the following new clause shall be added, namely:- “(f) to prepare and forward to the Government the cases of such prisoners who become entitled to bail by virtue of sub-rule (1A) of Section 426 or 497 of the Code of Criminal Procedure, 1898”. (ii) In rule 962, after the word “telephone”, the words “or fax” shall be inserted.</p> <p>28. In Chapter 45.- (i) In rule 1113: (c) for sub-rule (i), the following shall be substituted, namely:- “(i) Wardens shall be recruited “By Headquarters Prison” in accordance with the policy of Government for the time being laid down; and</p>	<p>Not recommended, as there is no demand for increase of scale, the present scale of 350 grams is reasonable. The increase will be unnecessary burden on budget.</p> <p>475 (a) recommended.</p> <p>475 (b) The proposed increase in the scale of swayan, sugar & milk is not considered necessary. However the figures 58 & 233 for sugar & milk may be substitute with 60 grams & 250grams respectively.</p> <p>The experience has shown</p>
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<p>(d) for sub-rule (iv), the following shall be substituted namely:-</p> <p>“(iv) No person shall be appointed as warden unless he passes Secondary School Certificate or equivalent examination from a recognized Board.”</p> <p>(ii) In rule 1134:</p> <p>(a) In sub-rule (i), for the figure “100”, the figure and words “1000 and commendatory certificate” shall be substituted;</p> <p>(b) In sub-rule (ii), for the figure “100”, the figure “1000” shall be substituted; and</p> <p>(c) After sub-rule (ii), the following new sub-rule (iii) shall be added, namely:</p> <p>“(iii) The Superintendent may grant cash reward not exceeding Rs. 500/- and commendatory certificates in any case of a Chief Warden, a head Warden or Warden for special service as mentioned in sub-rule (i)”.</p>	<p>that existing scales for midday & evening meals are appropriate hence no change is recommended except the figures 58 wherever appearing may be substituted with 60 grams & 233 to 230 grams, 12 grams to 15 grams, 29 with 30 grams. The prisoners have liberty of receiving ration items of all kind on occasion of festivals hence any increase is deemed to be waste of money and burden on state exchequer. The Jail diet on such occasions is hardly used by 30 to 40 % inmates. The majority either gets hence needs or like self cooked food for which facility have been provided.</p> <p>Recommended.</p> <p>Recommended.</p>
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Recommended.

Recommended.

Recommended.

Endorsed.

Endorsed.

Endorsed.

Endorsed.

	<p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed with provision "In case of security Detenue & hi-profile inmates subject to Government clearance/approval".</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Recommended.</p> <p>Endorsed.</p>
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	<p>Endorsed with substitution of 2 KG for Mustered Oil.</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Not deemed necessary in view of the explanation to rule 584 (2). It which required confirmation of the major punishment from I.G Prisons.</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed.</p>
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	<p>Endorsed.</p> <p>Endorsed.</p> <p>The rule is proposed to be amended as under:- “Reasonable number of T.V sets may be provided in barrack/cell (one each) if financed by any organization or arranged by the prisoners jointly or individually”.</p> <p>Recommended.</p> <p>Endorsed.</p>
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Endorsed.

Endorsed (Government of Sindh have already raised the limit vide notification No. 3/23.SO.Prs-11/HD/88 dated 01-08-1988.

“Under intimation to Government” is proposed to be added in the new sub rule. The words “NWFP” be deleted.

This is exclusively a subject relating to judiciary. The Superintendent/Prison management can be no authority to determine the stage of eligibility for bail. The addition of proposed clause is therefore not recommended.

Endorsed.

	<p>The substitution is agreed with replacement of words "By Headquarter Prison" with "By the Competent Authority in accordance with the prescribed rules".</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed.</p>
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(ii) Proposed Draft Amendments in Prison Rules -- Notification.

In exercise of powers conferred by section 59 of Prisons Act, 1894 (XI of 1894), the Provincial Government is pleased to direct that the following further amendments shall be made in the Pakistan Prison Rules, 1978, namely:-

In the aforesaid Rules,-

1. In Chapter 1.- In Rule 1, after Clause (x), the following new Clause shall be added, namely:-

“(xi) the Juvenile Justice System Ordinance, 2000 (XXII of 2000)” .

2. In Chapter 3.-

(a) in Rule 18, after the words and full stop “small-pox.” the words “if the medical officer or junior medical officer, while examining the prisoner prescribes the blood and urine tests, the result of such tests shall be entered in admission register. If the prisoner is suffering from any communicable disease he shall not be imprisoned with other prisoners” shall be added.

(b) (i) In Rule 24, the existing Rule shall be renumbered as Sub-rule (i) of that Rule; and

(c) after Sub-rule (i), amended as aforesaid, the following new Sub-rule shall be added, namely:-

“(ii) A convicted prisoner shall be allowed to wear his own clothes.”

(d) In Rule 65, in Sub-rule (i) after the words “history ticket” the words“ in duplicate” shall be inserted.”.

(e) In Rule 66, after the words “locked almirah” the words “and duplicate copy shall be handed over to the convict” shall be added.

(f) In Rule 67, after Clause (b), the following new Clause shall be added, namely:-

“(c) In the event of release, escape or death- permanently stored on computer.”

Recommended

Recommended

Rule 24 now proposed to be re-numbered as sub-rule (i) lays down compulsory provision for providing prison clothing & equipment whereas the proposed clause allows wearing of private (own) clothes by convicted prisoners hence there will be conflict with the insertion of proposed clause (ii) to Rule 24 also rendering sub rule (i) ineffective as such proposed sub rule (ii) may be substituted with existing rule to avoid confusion because of dual provision. Rule 24 (ii) endorsed.

<p>3. In Chapter 4.- (a) In rule 75, for sub-rule (i), the following shall be substituted, namely: “(i) Prisoners may be allowed to keep the following articles for use in the prison:</p> <ol style="list-style-type: none"> 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 alongwith plates 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 and pickle in small quantity 1 bottle 21. Biscuits standard size 2 pkts 22. Bottle of squash or sharbat 1 Bottle 23. Pull-over 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 eye sight 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. Shoes/Chappal each 2 pairs 32. Pen/pencil 1 	<p>Agreeable.</p> <p>Recommended</p> <p>Endorsed.</p> <p>Necessary provision for the items proposed vide Sr. No. 1 to 31 has already been made by Government of Sindh vide notification No. SO (PRS-II) 11-94 dated 13-05-1996. There is no objection if same is incorporated as a common provision for Jails in Pakistan. If other province have not already amended rule 75.</p>
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<p>33 Books/papers number/ quantity:,</p> <p>(b) In Rule 84, in Clause (a) and Clause (c) for the figure “500” the figure “1000” shall be substituted and clause (d) and entry relating thereto shall be omitted .</p> <p>In Chapter 5.- In Rule 94, after Sub-rule (iv), the following new clause shall be added, namely:- “(v) A convicted prisoner if illiterate or pauper shall be allowed the services of an advocate on government expense to draft and file an appeal on his behalf.</p> <p>5. In Chapter 6.- (a) For Rule 117, the following Rule shall be substituted, namely:- “117. A prisoner whose final date of released has been fixed shall be informed of the date on which he is to be released. If he wishes to inform his relatives the date of his release, the Assistant Superintendent, Incharge of Releases, shall send a notice by registered post to his relatives 30 days ahead of release follows by another confirmation notice of a release after 15 days of dispatch of first notice.”.</p> <p>(b) in Rule 134, for Sub-rules (i) and (ii), the following shall be substituted;- “(i) journey by road. “Rupees fifty “ as allowance when the distance to be traveled 10 Km-050 M or rupees twenty five if less than 10 Km”. (ii) if the distance exceeds 10 Km-050 M, fifty rupees for every day’s or part of the day’s journey. (c) In Rule 135.- (i) for the figures and letters “8 Km-050 M”. the figures and letters “ 3 Km-050 M”. shall be substituted. (ii) In Sub-rule (ii), for the figures and letters “8 Km-050 M” the figures and letters” 3 Km-050 M” shall be substituted.</p>	<p>NO objection for addition of the item Sr. No. 32 & 33. Words “Reasonable Limit” may be added in the 3rd column.</p> <p>The substitution of figures 500 with 1000 in clause (a) & (c) is endorsed. The office of District Magistrate is no more existing as such words “District Magistrate” in clause (c) is proposed to be substituted with I.G Prisons. ii) Deletion of clause (d) is not recommended, as limitation to the issuance of cheques is deemed necessary.</p> <p>Rule 94 It will be difficult to comply with the rule as it will need</p>
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<p>(d) In Rule 143, after clause (e), the following clause shall be added, namely:-</p> <p>“ (f) The medical officer shall regularly check-up the jail inmates and those who are suffering from scabies and other communicable disease be immediately shifted to separate place of prison”.</p> <p>6. In Chapter 7.- in Rule 158, for the “full stop” at the end “a colon” shall be substituted and thereafter the following provisos shall be added, namely;-</p> <p>“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.</p> <p>provided further that as far as possible, the confinement of prisoner shall be made in prison located near to his native place.</p> <p>“provided further that if the transfer of the prisoner to the prison located in far flung is necessary , the reason for such transfer shall be communicated to him. If he is not satisfied with the reason of transfer to other prison, he shall have a right of appeal against such order within 15 days to the District and Session Judge of the District where he was confined before his transfer to other prison.</p> <p>Provided further that no maltreatment shall be meted out to the prisoner on his transfer to the new prison”.</p> <p>7. In Chapter 8,</p> <p>(i) In rule 212, in sub-rule (i), for the word “fifteen” the word “thirty” shall be substituted.</p> <p>(ii) In Rule 215.-</p> <p>(a) the existing sub-rule (ii) shall be renumbered as sub-rule (ii-a) of that Rule; and</p> <p>(b) before the sub-rule (ii-a) amended as aforesaid, the following sub-rule shall be added, namely;-</p> <p>“(ii) for acquiring education against S.No. 5 to 9 on Table of Remission, the scale of remission shall be allowed as under:-</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding-right: 20px;">13. for prisoners undergoing substantive sentence upto two years.</td> <td>4 months</td> </tr> </table>	13. for prisoners undergoing substantive sentence upto two years.	4 months	<p>availability of lawyers for such service and involve expenses as well which will be non manageable. It is proposed that words “subject to availability of such facility from Government” may be added after the word “in this behalf” in proposed such rule (v).</p> <p>The substitution is deemed to be uncalled for. The existing provision for providing facilities of writing letter to the prisoners is enough. The office will be un-necessarily burdened if proposed recommendation is added. Moreover prisoners have been availing liberal facilities of interviews and letter writings hence remains in touch with family / friends. The proposed substitution is therefore not considered necessary. Agreed to the extent of informing the accused date of release.</p> <p>Agreeable.</p> <p>Agreeable.</p>
13. for prisoners undergoing substantive sentence upto two years.	4 months		

<p>14. for prisoners undergoing substantive sentence exceeding two years but not exceeding six years. 6 months</p> <p>15. for prisoners undergoing substantive sentence exceeding six years but not exceeding ten years. 8 months</p> <p>16. for prisoners undergoing substantive sentence exceeding ten years. 12 months</p> <p>(c) for sub-rule (v), the following shall be substituted, namely:-</p> <p>“(v) For the purpose of examination of reading Holy Quran, Hifz-e-Quran or Translation of Holy Quran/Tafseer, the Committee shall consist of,</p> <p>(i) Superintendent of the Prison;</p> <p>(j) District Khateeb; and</p> <p>(k) Representative of Education Department.”.</p> <p>8. In Chapter 9, in Rule 231.-</p> <p>(a) in sub-rule (i) for the full stop at the end a colon shall be substituted; and</p> <p>(b) after sub-rule (i), amended as aforesaid, the following new proviso shall be added, namely:-</p> <p>“provided that where the government has established separate prison exclusively for women prisoners, the entire staff of such prison shall consist of females except the guarding of outside wall and entrance shall be done by male staff.</p> <p>(c) for sub-rule (ii), the following shall be substituted, namely:-</p> <p>“(ii) juvenile shall be kept in a separate borstal institution, Juvenile Reformatory Centre or any separate part of the same prison in such manner as to prevent their meetings or holding communication with adult prisoners”.</p> <p>9. In Chapter 10, in Rule 250,-</p> <p>(a) in sub-rule (iii), the words “subject to the revisional order of the District Magistrate” shall be deleted.</p> <p>(b) In rule 256, for the words “half an hour both morning and evening”, the words “two hours daily i.e. one hour in the morning and one hour in the evening “ shall be substituted.</p>	<p>Agreeable.</p> <p>Agreeable.</p> <p>Recommended. The words “District Magistrate” appearing in sub rule (i) is recommended to be substituted with words “Government/Home Secretary of the Province”.</p> <p>The provision as proosed vide para-I has already been added by Government of Sindh vide notification dated 13.05.1996.</p> <p>The addition of the Provision vide para-2 is not deemed necessary. It is the administration to decide the place of confinement/transfers. The provision of appeal before Session Judge is unwanted because it being an administrative matter and not a judicial process. Moreover involvement of Session Judge will create dual authority at the same</p>
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(c) In rule 257, for sub-rule (ii), the following shall be substituted, namely:-

“(ii) The following items will be allowed to superior class prisoners at their own expenses,-

1. Toilet Soaps - - one cake weighting about 200 grams for a fortnight.
2. Washing material - - 200 grams laundry soap weekly.
3. Mustard Oil - - 60 grams per week.”.

(d) For rule 258, the following shall be substituted, namely:-

“Cooking arrangement.-

Rule 258. 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”.

(e) In rule 261,-

(1) In sub-rule (i), for the letter and word “A class” the words “Superior class convicted” shall be substituted; and

(2) in sub-rule (ii),-

(a) for the letter and words “A class”, the words “Superior class convicted” shall be substituted;

(b) for the words and letter “and all ‘B’ class prisoners” shall be deleted; and

(c) in the list of equipment for women prisoners during winter season, the following shall be added at the end, namely:

“One foam mattress five cm thick in addition to cotton durree already provided”;

(f) For rule 263, the following shall be substituted, namely:-

“Facilities for reading.-

Rule 263. 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.”.

(g) For rule 265, the following shall be substituted, namely:-

“Letters and Interviews.—

Rule 265. 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

time making the I.G Prisons answerable to prisoners, which will defeat the spirit of administration, control and authority as well. Moreover at times immediate shifting are deemed necessary for security and administrative reasons if prolonged the desired result cannot be achieved also delay may entail serious consequences.

The proposed amendment has already been made by Government of Sindh vide notification dated 26.05.1996 hence recommended.

II Rule 215 (i)(ii)&(v)

The Government of Sindh has already made necessary amendment to Rule 215 (i)(ii) vide notification-dated 26-5-1996, which is reasonable and comprehensive. No change is therefore deemed necessary. The same may be considered for adoption by other provinces in the country.

family, this rule may be relaxed at the discretion of the fail 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.”.

(h) For rule 266, the following shall be substituted, namely:-

“Menial duties.-

Rule 266. Menial duties will be discharged by’ the prison servants who shall not be used as personal servants by superior class prisoners.”.

(i) For rule 267, the following shall be substituted, namely:-

“Punishments.-,

Rule 267. Superior class prisoners shall be subjected to the general rules, regarding punishments, except whipping. Punishment inflicted upon superior class prisoner shall immediately be reported to the Inspector General. In case of misbehaviour, the Superintendent may withdraw individual privileges, subject to the sanction of Inspector General, when the period exceeds one month, but the power to remove a prisoner from this class rests with the Government only”.

(j) In rule 270,

(a) in sub-rule (iv), for the words, figures and letters “allowed the use of a light upto 10.00 p.m.”, the words, figures and letters “lighting timings shall be 10.00 p.m. in winter and 11.00 p.m. in summer” shall be substituted; and

(b) for sub-rule (v), the following shall be substituted, namely:-

“(v) The letters of suspected prisoners shall be subject to censorship by concerned agencies.”

10. In Chapter 11, In rule 273, in sub-rule (i), for the word “habitual”, the word “dangerous” shall be substituted.

11. In Chapter 13,-

(i) In rule 311, in sub-rule (i), for the word “Special”, the word “lawful” shall be substituted.

(ii) In rule 317, in sub-rule (i), for the words “one chattak of soap and one chattak of mustard oil”, the words “one medium size soap cake and one medium size bottle of mustard oil” shall be substituted.

(iii) in rule 326,-

(a) the existing rule shall be renumbered as sub-rule (i) of that Rule and for the words “three” the word “six”

The Government of Sindh has constituted committee vide rule 215 (g), which is appropriate and no change is deemed necessary.

Endorsed with addition “I.G Prisons” may permit posting of selected male clerical staff for office and out door duties where deemed necessary.

<p>shall be substituted; and</p> <p>(b) after sub-rule (1), amended as aforesaid, the following new sub-rule shall be added, namely:-</p> <p>“(ii) Proper facilities of recreation, health and schooling shall be provided to such children. They may be allowed with the consent of their mother to go outside of the prison with their relatives for such times as may be allowed by the superintendent of jail”.</p> <p>(iv) In rule 327,-</p> <p>(a) the existing rule shall be re-numbered as sub-rule (i) of this rule and in sub-rule (i), as so re-numbered,-</p> <p>(i) for the word “three”, the word “six” shall be substituted; and</p> <p>(ii) for the words “District Magistrate”, the words “District Coordination Officer” shall be substituted; and</p> <p>(b) after sub-rule (i), as so renumbered, the following new sub-rule (ii) shall be added, namely:-</p> <p>“(ii) If the child is a girl who has attained the age of puberty and the relatives are unable or unwilling to support and take care of the girl, the District and Sessions Judge shall, with the help of any welfare society or individual, arrange for her marriage”.</p> <p>12. In Chapter 14,</p> <p>(i) in rule 340.-</p> <p>(a) in sub-rule (i), for the words “half an hour” the words “one hour” and for the words “Only one such prisoner”, the words “Not more than two such prisoners” shall be substituted; and</p> <p>(b) in sub-rule (ii) for the full stop at the end, a colon shall be substituted; and thereafter the following proviso shall be added, namely:-</p> <p>“provided that the use of hand’cuff during the walk shall be applied only in respect of terrorists or dangerous criminals”</p>	<p>The Government of Sindh has already made necessary amendment as proposed, vide notification-dated 13.5.1996. The recommendation is however endorsed.</p> <p>Endorsed.</p> <p>Endorsed with following addition:-</p> <p>“Provided the number of prisoners and time available for the purpose are adjustable if not the Superintendent or determine the duration”.</p> <p>The Government of Sindh has already amended rule 257 sub rule (ii) vide notification dated 13-5-1996. No change is deemed necessary. However proposal is endorsed.</p> <p>Recommended.</p>
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<p>(ii) for rule 345, the following shall be substituted, namely:- “Smoking by condemned prisoners.- Rule 345. Condemned prisoners are allowed to smoke at their own expense”.</p>	Endorsed.
<p>(iii) In rule 346, for the words “as punishment”, the words “for security reason” shall be substituted.</p>	Endorsed.
<p>(iv) In rule 364, at the end, the following words shall be added, namely:- “The wali of the victim, if he so desires, shall be allowed to witness the execution.”.</p>	Endorsed.
<p>13. In Chapter 16,- In rule 411, for the word “by”, the word “through” shall be substituted.</p>	Endorsed.
<p>14. In Chapter 18.- (i) In rule 434,- (a) in clause (i), the word, “or”, occurring at the end, shall be deleted; (b) in clause (ii), for the full-stop at the end, a semicolon shall be substituted and thereafter the word “or” shall be added; and (c) after clause (ii), as so amended, the following new clause shall be added, namely:- “(iii) Drug-addicts.”</p>	Endorsed.
<p>(ii) For Rule 435, the following shall be substituted, namely :- “435. A person who is a mental patient whether detained or confined in a prison shall be shifted to mental hospital for treatment and be kept separate from other prisoners”.</p>	Recommended.
<p>(iii) the existing rule 444, shall be renumbered as sub-rule (i) of that rule and after sub-rule (i) as so renumbered, the following new rule shall be added, namely:- “(ii) for proper and effective treatment of mental patients, arrangements shall be made for periodic visits by Psychologists, Psychiatrists, Medical Specialists, Sociologists, besides the prison doctor”</p>	Endorsed.
<p>15. In Chapter 20,- (i) for the existing rule 472 and Explanation the following rule and Explanation shall be substituted, namely:-</p>	

<p>“472- (a) The following scales are prescribed for the morning meal of all prisoners:- “Tea ... 03 grams Milk ... 75 grams Sugar ... 20 grams Wheat flour ... 75 grams; and “Explanation,- Wheat flour will be cooked as roti for issue to prisoners. If majority of the prisoners do not favour this breakfast, the Superintendent in his discretion may issue some suitable substitute provided the cost does not exceed the scale.”.</p> <p>(ii) In rule 473, (a) in sub rule (i), for the existing scales prescribed for each of mid-day and evening meals, the following shall be substituted namely: “Wheat flour ... 275 grams Vegetables ... 75 grams Vegetables ghee (Venaspati) ... 15 grams Garlic or Onion. ... 10 grams.”</p> <p>(g) in sub-rule (i), after the words “garlic or onion”, the words and figures “Tomatoes 10 grams” shall be added; (h) in sub-rule (i), for the figures “203”, the figures “215” shall be substituted; (i) in sub-rule (ii), for the figures “58”, the figures “75” shall be substituted; (j) in sub-rule (iv), for the figures “233”, the figures “300” shall substituted, and for the figures “12”, the figures “15” shall be substituted; and (k) in sub-rule (v), for the existing scale prescribed for condiments, the following shall be substituted, namely: (1) Alaichi Kalan 2 grams (2) Zeera 2 grams (3) Dar Chine 2 grams</p> <p>(iii) In rule 474, in sub-rule (i), for the figure “350”, the figure “400” shall be substituted.</p>	<p>Endorsed.</p> <p>The substitution is endorsed excepting the words “Except whipping. Punishment inflicted upon superior class prisoner shall immediately be reported to the Inspector General” as punishment of whipping stands abolished. The part is recommended to be dropped from the proposed amendment.</p> <p>The lighting restrictions are proposed to be removed detailed looking to condition i.e. allowing facilities of books, magazines, exams, indoor games, T.V & water coolers.</p> <p>Endorsed.</p> <p>Endorsed.</p>
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<p>(iv) In rule 475,</p> <p>(a) for the words “and Eid-ul..Azha”, the comma, words and figures “Eidu-ul-Azha and on the occasion of independent day i.e. 14th August” shall be substituted; and</p> <p>(b) for the existing scales prescribed for morning, mid-day and evening, the following shall respectively be substituted, namely:</p> <p>“(i) <u>Morning:</u></p> <table border="0"> <tr> <td>grams</td> <td>Swayyan</td> <td>75</td> </tr> <tr> <td>grams</td> <td>Sugar</td> <td>75</td> </tr> <tr> <td>grams</td> <td>Milk</td> <td>300</td> </tr> <tr> <td>per scale.</td> <td>Firewood</td> <td>as</td> </tr> </table> <p>(l) <u>Mid-day:</u></p> <table border="0"> <tr> <td>grams</td> <td>Beef</td> <td>75</td> </tr> <tr> <td>grams</td> <td>Vegetable ghee or cooking oil of equivalent value</td> <td>15</td> </tr> <tr> <td>grams</td> <td>Vegetable</td> <td>75</td> </tr> <tr> <td>per scale.</td> <td>Firewood</td> <td>as</td> </tr> </table> <p>(m) <u>Evening:</u></p> <table border="0"> <tr> <td>grams</td> <td>Beef</td> <td>75</td> </tr> <tr> <td>grams</td> <td>Rice</td> <td>300</td> </tr> <tr> <td>grams</td> <td>Vegetable ghee or cooking oil of equivalent value for rice.</td> <td>30</td> </tr> <tr> <td>grams</td> <td>Vegetable ghee or cooking oil of equivalent value.</td> <td>15</td> </tr> <tr> <td>grams</td> <td>Vegetable</td> <td>75</td> </tr> <tr> <td>per scale</td> <td>Firewood</td> <td>As</td> </tr> </table> <p>(v) In rule 476, for existing scales prescribed for</p>	grams	Swayyan	75	grams	Sugar	75	grams	Milk	300	per scale.	Firewood	as	grams	Beef	75	grams	Vegetable ghee or cooking oil of equivalent value	15	grams	Vegetable	75	per scale.	Firewood	as	grams	Beef	75	grams	Rice	300	grams	Vegetable ghee or cooking oil of equivalent value for rice.	30	grams	Vegetable ghee or cooking oil of equivalent value.	15	grams	Vegetable	75	per scale	Firewood	As	<p>Endorsed.</p> <p>Endorsed. However it is necessary that weight for soap & oil is fixed to have a uniform size of soap cake & bottle, which should made of “plastic” or light metal.</p> <p>Necessary amendment to rule 326, substituting the age of child from 3 to 6 has already been made by Government of Sindh vide notification dated 13.5.1996. In case of girls the age limit is recommended to be raised upto 14 years or till release of the mother if the does not consent to removal of the girl child earlier.</p> <p>Recommended with the addition after the words schooling in proposed darft “in Jail as well as out of Jail” subject to mother’s consent.</p> <p>Endorsed.</p>
grams	Swayyan	75																																									
grams	Sugar	75																																									
grams	Milk	300																																									
per scale.	Firewood	as																																									
grams	Beef	75																																									
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grams	Vegetable	75																																									
per scale	Firewood	As																																									

morning, mid-day and evening, the following shall respectively be substituted, namely:-		
<u>Morning meal:</u>		
Wheat flour	200	
grams		
Vegetable ghee or cooking oil of equivalent value.	15	
grams		
Tea leaves.	3	
grams		
Milk	125	
ml		
Sugar	35	
grams		
<u>Mid-day:</u>		
Wheat flour	300	
grams		
Dal	125	
grams		
Vegetable ghee or cooking oil of equivalent value.	15	
grams		
<u>Evening:</u>		
Wheat flour	300	
grams		
Beef	125	
grams (twice a week		
in lieu of dal)		
Vegetable ghee	15	
grams		
Dal	125	
grams		
(vi) In rule 477, for the existing scales prescribed for summer and winter, the following shall respectively be substituted, namely:-		
<u>(i) In Summer:-</u>		
Milk	300	
grams		
Ice	300	
grams		
Sugar (Made into sharbat)	70	
grams		
<u>In Winter:</u>		
Milk	125	
ml		
Sugar	70	

The words "subject to consent of the mothers" are proposed to be added after the word arrange in the proposed draft.

Endorsed with addition "provided the number of prisoners and time available for the purpose is adjustable may be added in the proposed draft after the word "prisoners".

Discrimination is not recommended, as it will create serious problems in categorizing the prisoners in same ward/enclosures. The courts do not make such classification and the categorization by administration will not be acceptable to the prisoner, which will lead to administrative problems. The amendment is therefore, proposed to be dropped.

<p>grams Tea leaves 3 grams Firewood (Made into tea) as per scale.</p>	<p>Recommended. Endorsed.</p>
<p>16. In Chapter 21,- (i) In rule 508, In sub-rule (ii), for the full stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:- "provided that a prisoner under sub-rule (i) and (ii) may wear personal clothes, if he so desires." (ii) For rule 509, the following shall be substituted, namely:- "Rule 509. Prisoners who are unable to provide themselves with the necessary clothing shall be supplied with sufficient clothing from the prison stores." (iii) In rule 512, for the word "habitual", the word "dangerous" shall be substituted. (iv) In rule 525, in sub-rule (ii): (a) for the word "coir", the word "foam" shall be substituted; and (b) after the word "pajama", the comma and words "an azarband" shall be inserted.</p>	<p>Endorsed. Endorsed. Endorsed. Endorsed. Endorsed.</p>
<p>17. In Chapter 22.- (i) In rule 545 in sub-rule (ii), for the word "letter", the word "telephone" shall be substituted. (ii) In rule 548, the existing rule shall be renumbered as sub-rule (i) of that rule and after sub-rule (i), amended as aforesaid, the following new sub- rule shall be added, namely:- "(ii) A prisoner of foreign origin shall be allowed by the superintendent at least once a week meeting with duly authorized employee of mission of his country and his legal advisor in connection with judicial proceeding." (iii) In rule 549, the words, comma and full stop "one day in the week, preferably Sunday, shall be set apart for letter writing" shall be deleted. (iv) In rule 551, in explanation after the word "card", occurring for the second' time the following shall be added, namely:- "However in deserving cases superintendent may allow interviews after verifying identity other than identity card." (v) In rule 552, for the words "be taken" the word "take" shall be substituted and for the word "Friday", the word</p>	<p>Needs to be made clear whether mental hospital in Jail or outside the Jail. The proposal is recommended to be improved. Endorsed.</p>

<p>“Public” shall be substituted.</p> <p>(vi) In rule 554, for the word “adult”, wherever occurring, the word “person” shall be substituted.</p> <p>(vii) In rule 563, for sub-rule (i), the following shall be substituted, namely:-</p> <p>“(i) Prisoners may be allowed to receive the following articles for their consumption once a month at the time of interviews:</p> <p>Gur, Shakar or sugar ... 3Kg Cigarettes. ... 20 packets of 10 each Ghee ... 3 Kg Mustard Oil. ...1.933 Kg Toilet soap. ... 3 cakes Washing soap ...1 Kg Chewing tobacco (bira) 1 Kg”</p> <p>18. In Chapter 23.-</p> <p>(i) In rule 583, the entries at serial No. (9) shall be omitted.</p> <p>(ii) In rule 584, the entries at serial No. (5), (6) and (7) shall be omitted.</p> <p>(iii) after rule 584 amended as aforesaid, the following new rule shall be added, namely:-</p> <p>“584A (i) An aggrieved person may file appeal within 7 days of the award of punishment.</p> <p>(ii)The Appellate Authority shall dispose of the appeal within 7 days of receipt.</p> <p>(iii) Pending disposal of appeal, the impugned decision shall be held in abeyance.</p> <p>(iv) In rule 585, in sub-rule (i), entry (3) shall be omitted.</p> <p>(v) The rule 588, 589, 590 and 591 shall be omitted.</p> <p>19. In Chapter 24.-</p> <p>the existing rule 592 shall be re-numbered as sub-rule (i) of that rule and after sub-rule (i), as so renumbered, the following new sub-rule (ii) shall be added, namely:-</p> <p>“(ii) 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.”.</p> <p>20. In Chapter 27.-</p> <p>(i) In rule 648, in sub-rule (iv), for word “six”, the word “two” shall be substituted.</p> <p>(ii) Rule 655 shall be omitted.</p> <p>21. In Chapter 28.-</p> <p>(i) In rule 662, for the words and commas “shall rise, move forward, stop or sit down at the word of command or</p>	<p>The rule has been amended by Government of Sindh vide notification dated 19.2.1997 which lays down the following scale for morning meals:</p> <p>Tea – 2.3 gram Milk – 58 gram Sugar – 15 grams Atta – 116 gram</p> <p>The scale of tea is recommended to be changed to 2 grams mile 60 grams. The proposed increase in milk sugar is not recommended.</p> <p>Exlanation to rule 472, has already been amended by Government of Sindh vide notification dated 13.5.1996. Proposal is however endorsed.</p> <p>(ii) Rule 473.</p> <p>The Government of Sindh has already changed the daily Menu of diet & scales vide notification No. PRS-II-HD/01-15/95 dated 19.2.1997 (copy enclosed) which is well balanced by virtue of variety, nutritional values and quantity hence no change is deemed necessary so far this province is concerned. The other Provinces may consider the amended menu for adoption with changes if deemed necessary:</p>
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signal”, the words “shall be in discipline” shall be substituted.

(ii) For rule 663, the following shall be substituted:
“Prisoners conduct towards officer.

Rule 663. Prisoners shall be required to conduct themselves and to show proper respect to prison officers and visitors.”.

(iii) The existing rule 670 shall be renumbered as sub-rule (ii) of this rule and before sub-rule (ii), as so renumbered, the following new sub-rule (i) shall be inserted, namely:-

“(i) 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)”.

(iv) For rule 680, the following shall be substituted:
Television.-

“Rule 680. One or two Television sets shall be provided for each barrack if financed by any welfare organization.”.

22. In Chapter 29.-

In rule 717, in sub-rule (ii), for the existing table of scale, the following shall be substituted, namely:-

<u>Kind of lamp</u>	<u>Summer</u>
<u>Winter</u>	
Lanterns	100 ml
150 ml	
Main walls lamps	200 ml
250 ml.”	

23. In Chapter 30.-

In Rule 731, after sub-rule (vi), the following new sub-rule shall be added, namely;-

“(vii) Whenever, a prisoner attempts to committed suicide, an immediate inquiry shall be conducted by the Additional District & Session Judge posted in the district to find out the reason of such suicidal act. The findings contained in the report shall be submitted to the Home Secretary of the Province.

24. In Chapter 33.-

In rule 812, for the word “nine”, the word “eight” shall be substituted.

25. In Chapter 35.-

In rule, 882, for the figure “20,000”, the figure “50,000” shall be substituted.

26. In Chapter 37.- In rule 913, in sub-rule (i),

(1) In clause (a), the word “and” shall be replaced by a semi-colon;

Not recommended, as there is no demand for increase of scale, the present scale of 350 grams is reasonable. The increase will be unnecessary burden on budget.

475 (a) recommended.

<p>(2) in clause (b), the full-stop shall be replaced by a semi-colon and the word "and"; and</p> <p>(3) after clause (b), as so amended, the following new clause (c) shall be added, namely: “(c) Members Provincial Assembly, North-West Frontier Province”.</p> <p>27. In Chapter 39.-</p> <p>(i) In rule 940, in sub-rule (ii), after clause (e), the following new clause shall be added, namely:- “(f) to prepare and forward to the Government the cases of such prisoners who become entitled to bail by virtue of sub-rule (1A) of Section 426 or 497 of the Code of Criminal Procedure, 1898”.</p> <p>(ii) In rule 962, after the word “telephone”, the words “or fax” shall be inserted.</p> <p>28. In Chapter 45.-</p> <p>(i) In rule 1113:</p> <p>(vi) for sub-rule (i), the following shall be substituted, namely:- “(i) Wardens shall be recruited by Headquarters Prison in accordance with the policy of Government for the time being laid down; and (vii) for sub-rule (iv), the following shall be substituted namely:- “(iv) No person shall be appointed as warden unless he passes Secondary School Certificate or equivalent examination from a recognized Board.”</p> <p>(ii) In rule 1134:</p> <p>(a) In sub-rule (i), for the figure “100”, the figure and words “1000 and commendatory certificate” shall be substituted;</p> <p>(b) In sub-rule (ii), for the figure “100”, the figure “1000” shall be substituted; and</p> <p>(c) After sub-rule (ii), the following new sub-rule (iii) shall be added, namely: “(iii) The Superintendent may grant cash reward not exceeding Rs. 500/- and commendatory certificates in any case of a Chief Warden, a head Warden or Warden for special service as mentioned in sub-rule (i)”.</p>	<p>475 (b)</p> <p>The proposed increase in the scale of swayan, sugar & milk is not considered necessary. However the figures 58 & 233 for sugar & milk may be substitute with 60 grams & 250grams respectively.</p> <p>The experience has shown that existing scales for midday & evening meals are appropriate hence no change is recommended except the figures 58 wherever appearing may be substituted with 60 grams & 233 to 230 grams, 12 grams to 15 grams, 29 with 30 grams. The prisoners have liberty of receiving ration items of all kind on occasion of festivals hence any increase is deemed to be waste of money and burden on state exchequer. The Jail diet on such occasions is hardly used by 30 to 40 % inmates. The majority either gets hence needs or like self cooked food for which facility have been provided.</p>
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	<p>Recommended.</p> <p>Recommended.</p> <p>Recommended.</p> <p>Recommended.</p>
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	<p>Recommended.</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed with provision "In case of security Detenue &</p>
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	<p>hi-profile inmates subject to Government clearance/approval".</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Recommended.</p> <p>Endorsed.</p> <p>Endorsed with substitution of 2 KG for Mustered Oil.</p> <p>Endorsed.</p> <p>Endorsed.</p>
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	<p>The rule is proposed to be amended as under:- “Reasonable number of T.V sets may be provided in barrack/cell (one each) if financed by any organization or arranged by the prisoners jointly or individually”.</p> <p>Recommended.</p> <p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed (Government of Sindh have already raised the limit vide notification No. 3/23.SO.Prs-11/HD/88 dated 01-08-1988.</p>
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“Under intimation to Government” is proposed to be added in the new sub rule. The words “NWFP” be deleted.

This is exclusively a subject relating to judiciary. The Superintendent/Prison management can be no authority to determine the stage of eligibility for bail. The addition of proposed clause is therefore not recommended.

Endorsed.

The substitution is agreed with replacement of words “By Headquarter Prison” with “By the Competent Authority in accordance with the prescribed rules”.

Endorsed.

	<p>Endorsed.</p> <p>Endorsed.</p> <p>Endorsed.</p>
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c. View of the Punjab Government.

Draft Bill proposed by the Law & Justice Commission of Pakistan	Comments of Punjab Government
In Rule 1, after Clause (x), the following new Clause shall be added, namely:- “(xi) the Juvenile Justice System Ordinance, 2000 (XXII of 2000)” .	Agreed
(a) in Rule 18, after the words and full stop “small-pox.” the words “if the medical officer or junior medical officer, while examining the prisoner prescribes the blood and urine tests, the result of such tests shall be entered in admission register. If the prisoner is suffering from any communicable disease he shall not be imprisoned with other prisoners” shall be added.	Agreed
(b) (i) In Rule 24, the existing Rule shall be renumbered as Sub-rule (i) of that Rule; and (c) after Sub-rule (i), amended as aforesaid, the following new Sub-rule shall be added, namely;- “(ii) A convicted prisoner shall be allowed to wear his own clothes.”	The existing provision to continue as the proposed amendment will cause in discipline and complication regarding management of Prisoners.
(d) In Rule 65, in Sub-rule (i) after the words “history ticket” the words“ in duplicate” shall be inserted.”.	Agreed
(e) In Rule 66, after the words “locked almirah” the words “and duplicate copy shall be handed over to the convict” shall be added.	Agreed
(f) In Rule 67, after Clause (b), the following new Clause shall be added, namely:- “(c) In the event of release, escape or death- permanently stored on computer.”	Agreed
(a) In rule 75, for sub-rule (i), the following shall be substituted, namely: “(i) Prisoners may be allowed to	Agreed

<p>keep the following articles for use in the prison:</p> <ol style="list-style-type: none"> 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 alongwith plates for taking 1 tea, made of plastic or china clay 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 and pickle in small quantity 1 bottle 21 Biscuits standard size 2 pkts 22 Bottle of squash or sharbat 1 Bottle 23 Pull-over sweater may be used under the shirt 1 during winter 24 Under-wear or nicker 1 25 Jai namaz and tasbeeh 1 26 Spectacles for eye sight 1 27 Hearing aid for deafness 1 28 Reading material i.e. books and magazines 1 preferably educative in Islam 29 Match box or lighter 1 30 Yogurt (Dahi) 1 31 Shoes/Chappal each 2 pairs 32 Pen/pencil 1 33 Books/papers number/ quantity:., 	
<p>(b) In Rule 84, in Clause (a) and Clause (c) for the figure "500" the figure "1000" shall be substituted and clause (d) and entry</p>	<p>The amount of Rs.500/- already been enhanced to Rs.5000/-. It is enough.</p>

relating thereto shall be omitted .	
In Rule 94, after Sub-rule (iv), the following new clause shall be added, namely:- “(v) A convicted prisoner if illiterate or pauper shall be allowed the services of an advocate on government expense to draft and file an appeal on his behalf.	Agreed
(a) For Rule 117, the following Rule shall be substituted, namely:- “117. A prisoner whose final date of released has been fixed shall be informed of the date on which he is to be released. If he wishes to inform his relatives the date of his release, the Assistant Superintendent, Incharge of Releases, shall send a notice by registered post to his relatives 30 days ahead of release follows by another confirmation notice of a release after 15 days of dispatch of first notice.”.	Not agreed due to legal complication
(b) in Rule 134, for Sub-rules (i) and (ii), the following shall be substituted;- “(i) journey by road. “Rupees fifty “ as allowance when the distance to be traveled 10 Km-050 M or rupees twenty five if less than 10 Km”. (ii) if the distance exceeds 10 Km-050 M, fifty rupees for every day’s or part of the day’s journey.	Agreed
(c) In Rule 135.- (i) for the figures and letters “8 Km-050 M”. the figures and letters “ 3 Km-050 M”. shall be substituted. (ii) In Sub-rule (ii), for the figures and letters “8 Km-050 M” the figures and letters” 3 Km-050 M” shall be substituted.	Agreed
(d) In Rule 143, after clause (e), the following clause shall be added, namely:- “ (f) The medical officer shall regularly check-up the jail inmates and those who are suffering from scabies and other communicable disease be immediately	Agreed

shifted to separate place of prison”.	
<p>in Rule 158, for the “full stop” at the end “a colon” shall be substituted and thereafter the following provisos shall be added, namely;-</p> <p>“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.</p> <p>provided further that as far as possible, the confinement of prisoner shall be made in prison located near to his native place.</p> <p>“provided further that if the transfer of the prisoner to the prison located in far flung is necessary , the reason for such transfer shall be communicated to him. If he is not satisfied with the reason of transfer to other prison, he shall have a right of appeal against such order within 15 days to the District and Session Judge of the District where he was confined before his transfer to other prison.</p> <p>Provided further that no maltreatment shall be meted out to the prisoner on his transfer to the new prison”.</p>	Agreed
<p>(i) In rule 212, in sub-rule (i), for the word “fifteen” the word “thirty” shall be substituted.</p> <p>(ii) In Rule 215.-</p> <p>(a) the existing sub-rule (ii) shall be renumbered as sub-rule (ii-a) of that Rule; and</p> <p>(b) before the sub-rule (ii-a) amended as aforesaid, the following sub-rule shall be added, namely;-</p> <p>“(ii) for acquiring education against S.No. 5 to 9 on Table of Remission, the scale of remission shall be allowed as under:-</p> <p>(a) for prisoners undergoing substantive sentence upto two years—4 months</p> <p>(b) for prisoners undergoing substantive sentence exceeding two years but not exceeding six years—</p>	Agreed

<p>6 months</p> <p>(c) for prisoners undergoing substantive sentence exceeding six years but not exceeding ten years—8 months</p> <p>(l) for prisoners undergoing substantive sentence exceeding ten years—12 months</p> <p>(c) for sub-rule (v), the following shall be substituted, namely:-</p> <p>“(v) For the purpose of examination of reading Holy Quran, Hifz-e-Quran or Translation of Holy Quran/Tafseer, the Committee shall consist of,</p> <p>(a) Superintendent of the Prison;</p> <p>(b) District Khateeb; and</p> <p>(c) Representative of Education Department.”.</p>	
<p>in Rule 231.-</p> <p>(a) in sub-rule (i) for the full stop at the end a colon shall be substituted; and</p> <p>(b) after sub-rule (i), amended as aforesaid, the following new proviso shall be added, namely:-</p> <p>“provided that where the government has established separate prison exclusively for women prisoners, the entire staff of such prison shall consist of females except the guarding of outside wall and entrance shall be done by male staff.</p> <p>(c) for sub-rule (ii), the following shall be substituted, namely:-</p> <p>“(ii) juvenile shall be kept in a separate borstal institution, Juvenile Reformatory Centre or any separate part of the same prison in such manner as to prevent their meetings or holding communication with adult prisoners”.</p>	Agreed
<p>in Rule 250,-</p> <p>(a) in sub-rule (iii), the words “subject to the revisional order of the District Magistrate” shall be deleted.</p>	Agreed
<p>(b) In rule 256, for the words “half an</p>	Agreed

<p>hour both morning and evening”, the words “two hours daily i.e. one hour in the morning and one hour in the evening “ shall be substituted.</p>	
<p>(c) In rule 257, for sub-rule (ii), the following shall be substituted, namely:- “(ii) The following items will be allowed to superior class prisoners at their own expenses,- 1.Toilet Soaps—one cake weighting about 200 grams for a fortnight. 2. Washing material –200 grams laundry soap weekly. 3. Mustard Oil—60 grams per week.”.</p>	Agreed
<p>(d) For rule 258, the following shall be substituted, namely:- “Cooking arrangement.- Rule 258. 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”.</p>	Agreed
<p>(e) In rule 261,- (1) In sub-rule (i), for the letter and word “A class” the words “Superior class convicted” shall be substituted; and (2) in sub-rule (ii),- (a) for the letter and words “A class”, the words “Superior class convicted” shall be substituted; (b) for the words and letter “and all ‘B’ class prisoners” shall be deleted; and (c) in the list of equipment for women prisoners during winter season, the following shall be added at the end, namely: “One foam mattress five cm thick in addition to cotton durree already provided”;</p>	Agreed

<p>(f) For rule 263, the following shall be substituted, namely:- “Facilities for reading.- Rule 263. 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.”.</p>	Agreed
<p>(g) For rule 265, the following shall be substituted, namely:- “Letters and Interviews.— Rule 265. 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 fail 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.”.</p>	Existing provision in rule 265 regarding letters and interviews should continue.
<p>(h) For rule 266, the following shall be substituted, namely:- “Menial duties.- Rule 266. Menial duties will be discharged by’ the prison servants who shall not be used as personal servants by superior class prisoners.”.</p>	Existing provision to continue
<p>(i) For rule 267, the following shall be substituted, namely:- “Punishments.-, Rule 267. Superior class prisoners shall be subjected to the general rules, regarding punishments, except whipping. Punishment inflicted upon superior class prisoner shall immediately be reported to the Inspector General. In case of misbehaviour, the Superintendent may withdraw individual privileges, subject to the sanction of Inspector General, when the period exceeds one month, but the power to remove a prisoner from this class rests</p>	Agreed

with the Government only”.	
<p>(j) In rule 270, (a) in sub-rule (iv), for the words, figures and letters “allowed the use of a light upto 10.00 p.m.”, the words, figures and letters “lighting timings shall be 10.00 p.m. in winter and 11.00 p.m. in summer” shall be substituted; and (b) for sub-rule (v), the following shall be substituted, namely:- “(v) The letters of suspected prisoners shall be subject to censorship by concerned agencies.”</p>	<p>The following shall be substituted in place of the existing provision (a) The lights should remain on throughout the night for better visibility and security. In sub-rule (v) the following shall be added “The letters of suspected prisoners shall be subjected to censorship by concerned agencies”</p>
In rule 273, in sub-rule (i), for the word “habitual”, the word “dangerous” shall be substituted.	Agreed
In rule 311, in sub-rule (i), for the word “Special”, the word “lawful” shall be substituted.	Agreed
In rule 317, in sub-rule (i), for the words “one chattak of soap and one chattak of mustard oil”, the words “one medium size soap cake and one medium size bottle of mustard oil” shall be substituted.	Agreed
<p>(iii) in rule 326,- (a) the existing rule shall be renumbered as sub-rule (i) of that Rule and for the words “three” the word “six” shall be substituted; and (b) after sub-rule (1), amended as aforesaid, the following new sub-rule shall be added, namely:- “(ii) Proper facilities of recreation, health and schooling shall be provided to such children. They may be allowed with the consent of their mother to go outside of the prison with their relatives for such times as may be allowed by the superintendent of jail”.</p>	Agreed
<p>(iv) In rule 327,- (a) the existing rule shall be re-numbered as sub-rule (i) of this rule and in sub-rule (i), as so re-numbered,-</p>	In existing rule 327, the figure three shall be substituted with six in the first sentence and the word “District Magistrate” shall be substituted by “District & Sessions Judge”.

<p>(i) for the word “three”, the word “six” shall be substituted; and</p> <p>(ii) for the words “District Magistrate”, the words “District Coordination Officer” shall be substituted; and</p> <p>(b) after sub-rule (i), as so renumbered, the following new sub-rule (ii) shall be added, namely:-</p> <p>“(ii) If the child is a girl who has attained the age of puberty and the relatives are unable or unwilling to support and take care of the girl, the District and Sessions Judge shall, with the help of any welfare society or individual, arrange for her marriage”.</p>	
<p>(i) in rule 340.-</p> <p>(a) in sub-rule (i), for the words “half an hour” the words “one hour “ and for the words “Only one such prisoner”, the words “Not more than two such prisoners” shall be substituted; and</p> <p>(b) in sub-rule (ii) for the full stop at the end, a colon shall be substituted; and thereafter the following proviso shall be added, namely:-</p> <p>“provided that the use of hand’cuff during the walk shall be applied only in respect of terrorists or dangerous criminals”</p>	Agreed
<p>(ii) for rule 345, the following shall be substituted, namely:-</p> <p>“Smoking by condemned prisoners.- Rule 345. Condemned prisoners are allowed to smoke at their own expense”.</p>	Agreed
<p>In rule 346, for the words “as punishment”, the words “for security reason” shall be substituted.</p>	Agreed
<p>In rule 364, at the end, the following words shall be added, namely:-</p> <p>“The wali of the victim, if he so desires, shall be allowed to witness the execution.”.</p>	Agreed

<p>In rule 411, for the word “by”, the word “through” shall be substituted.</p>	<p>Agreed</p>
<p>(i) In rule 434,- (a) in clause (i), the word, “or”, occurring at the end, shall be deleted; (b) in clause (ii), for the full-stop at the end, a semicolon shall be substituted and thereafter the word “or” shall be added; and (c) after clause (ii), as so amended, the following new clause shall be added, namely:- “(iii) Drug-addicts.”</p>	<p>In rule 434 (ii) the following shall be added after the word crime, “or Drug addicts”,</p>
<p>(ii) For Rule 435, the following shall be substituted, namely :- “435. A person who is a mental patient whether detained or confined in a prison shall be shifted to mental hospital for treatment and be kept separate from other prisoners”.</p>	<p>Agreed</p>
<p>(iii) the existing rule 444, shall be renumbered as sub-rule (i) of that rule and after sub-rule (i) as so renumbered, the following new rule shall be added, namely:- “(ii) for proper and effective treatment of mental patients, arrangements shall be made for periodic visits by Psychologists, Psychiatrists, Medical Specialists, Sociologists, besides the prison doctor”</p>	<p>In rule 444, the following shall be added after the word Superintendent, “who shall obtain the opinion of Psychiatrist of Government Hospital/institution”</p>
<p>(i) for the existing rule 472 and Explanation the following rule and Explanation shall be substituted, namely:- “472- (a) The following scales are prescribed for the morning meal of all prisoners:- “Tea ... 03 grams Milk ... 75 grams Sugar ... 20 grams Wheat flour ... 75 grams; and “Explanation,- Wheat flour will be cooked as roti for issue to prisoners. If majority of the</p>	<p>Agreed</p>

<p>prisoners do not favour this breakfast, the Superintendent in his discretion may issue some suitable substitute provided the cost does not exceed the scale.”.</p>	
<p>(ii) In rule 473, (a) in sub rule (i), for the existing scales prescribed for each of mid-day and evening meals, the following shall be substituted namely: “Wheat flour ... 275 grams Vegetables ... 75 grams Vegetables ghee (Venaspati)... 15 grams Garlic or Onion... 10 grams.” (b) in sub-rule (i), after the words “garlic or onion”, the words and figures “Tomatoes 10 grams” shall be added; (c) in sub-rule (i), for the figures “203”, the figures “215” shall be substituted; (d) in sub-rule (ii), for the figures “58”, the figures “75” shall be substituted; (e) in sub-rule (iv), for the figures “233”, the figures “300” shall substituted, and for the figures “12”, the figures “15” shall be substituted; and (f) in sub-rule (v), for the existing scale prescribed for condiments, the following shall be substituted, namely: (1) Alaichi Kalan 2 grams (2) Zeera 2 grams (3) Dar Chine 2 grams</p>	<p>Punjab Government has already revised the dietary chart as per Annex-A.</p>
<p>(iii) In rule 474, in sub-rule (i), for the figure “350”, the figure “400” shall be substituted.</p>	<p>Agreed</p>
<p>(iv) In rule 475, (a) for the words “and Eid-ul..Azha”, the comma, words and figures “Eidu-ul-Azha and on the occasion of independent day i.e. 14th August” shall be substituted; and</p>	<p>Agreed</p>

<p>(b) for the existing scales prescribed for morning, mid-day and evening, the following shall respectively be substituted, namely:</p> <p>“(i) <u>Morning:</u> Swayyan 75 grams Sugar 75 grams Milk 300 grams Firewood as per scale.</p> <p>(ii) <u>Mid-day:</u> Beef 75 grams Vegetable ghee or cooking oil of 15 grams equivalent value Vegetable 75 grams Firewood as per scale.</p> <p>(iii) <u>Evening:</u> Beef 75 grams Rice 300 grams Vegetable ghee or cooking oil of 30 grams Equivalent value for rice. Vegetable ghee or cooking oil 15 grams of equivalent value. Vegetable 75 grams Firewood As per scale</p>	
<p>(v) In rule 476, for existing scales prescribed for morning, mid-day and evening, the following shall respectively be substituted, namely:-</p> <p><u>“Morning meal:</u> Wheat flour 200 grams Vegetable ghee or cooking oil of 15 grams equivalent value. Tea leaves. 3 grams Milk 125 ml Sugar 35 grams</p> <p><u>Mid-day:</u> Wheat flour 300 grams Dal 125 grams Vegetable ghee or cooking oil of 15 grams equivalent value.</p> <p><u>Evening:</u> Wheat flour 300 grams Beef 125 grams (twice a week in lieu of dal) Vegetable ghee 15 grams</p>	Agreed

Dal	125 grams	
(vi)	In rule 477, for the existing scales prescribed for summer and winter, the following shall respectively be substituted, namely:- “(i) In Summer:- Milk 300 grams Ice 300 grams Sugar (Made into sharbat) 70 grams In Winter: Milk 125 ml Sugar 70 grams Tea leaves 3 grams Firewood (Made into tea) as per scale.	Agreed
(i)	In rule 508, In sub-rule (ii), for the full stop at the end, a colon shall be substituted and thereafter the following proviso shall be added, namely:- “provided that a prisoner under sub-rule (i) and (ii) may wear personal clothes, if he so desires.”.	Not agreed. Existing rule should continue.
(iv)	In rule 525, in sub-rule (ii): (a) for the word “coir”, the word “foam” shall be substituted; and (b) after the word “pajama”, the comma and words “an azarband” shall be inserted.	Agreed
(i)	In rule 545 in sub-rule (ii), for the word “letter”, the word “telephone” shall be substituted.	Agreed
(ii)	In rule 548, the existing rule shall be renumbered as sub-rule (i) of that rule and after sub-rule (i), amended as aforesaid, the following new sub-rule shall be added, namely:- “(ii) A prisoner of foreign origin shall be allowed by the superintendent at least once a week meeting with duly authorized employee of mission of his country and his legal advisor in connection with judicial proceeding.”	Agreed
(iii)	In rule 549, the words, comma and	Agreed

full stop "one day in the week, preferably Sunday, shall be set apart for letter writing" shall be deleted.													
(iv) In rule 551, in explanation after the word "card", occurring for the second' time the following shall be added, namely:- "However in deserving cases superintendent may allow interviews after verifying identity other than identity card."	Agreed subject to the addition that Pakistani citizens living abroad may prove their identity through Passport if identity card is not available.												
(v) In rule 552, for the words "be taken" the word "take" shall be substituted and for the word "Friday", the word "Public" shall be substituted.	Agreed. But word "Friday" should be substituted with "Sunday".												
(vi) In rule 554, for the word "adult", wherever occurring, the word "person" shall be substituted.	Existing provision to continue.												
(vii) In rule 563, for sub-rule (i), the following shall be substituted, namely:- " (i) Prisoners may be allowed to receive the following articles for their consumption once a month at the time of interviews: Gur, Shakar or sugar...3Kg Cigarettes. ... 20 packets of 10 each Ghee 3 Kg Mustard Oil.1.933 Kg Toilet soap. ...3 cakes Washing soap 1 Kg Chewing tobacco (bira)... 1 Kg"	In rule 563, for sub-rule (i) the following shall be substituted namely:- " (i) prisoners may be allowed to receive the following articles for their consumption once a week at the time of interview:- <table border="1" data-bbox="824 1129 1448 1432"> <tr> <td>Sugar, Shakkar or Sugar</td> <td>1 Kg</td> </tr> <tr> <td>Ghee</td> <td>1 Kg</td> </tr> <tr> <td>Mustard Oil</td> <td>117 grams</td> </tr> <tr> <td>Toilet Soap</td> <td>2 cakes</td> </tr> <tr> <td>Washing Soap</td> <td>250 grams</td> </tr> <tr> <td>Chewing Tobacco (bira)</td> <td>250 grams</td> </tr> </table>	Sugar, Shakkar or Sugar	1 Kg	Ghee	1 Kg	Mustard Oil	117 grams	Toilet Soap	2 cakes	Washing Soap	250 grams	Chewing Tobacco (bira)	250 grams
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Chewing Tobacco (bira)	250 grams												
(i) In rule 583, the entries at serial No. (9) shall be omitted.	Agreed												
(ii) In rule 584, the entries at serial No. (5), (6) and (7) shall be omitted. (iii) after rule 584 amended as aforesaid, the following new rule shall be added, namely:- "584A (i) An aggrieved person may file appeal within 7 days of the award of punishment. (ii)The Appellate Authority shall	Agreed												

dispose of the appeal within 7 days of receipt. (iii) Pending disposal of appeal, the impugned decision shall be held in abeyance.	
(iv) In rule 585, in sub-rule (i), entry (3) shall be omitted.	Agreed
(v) The rule 588, 589, 590 and 591 shall be omitted.	Agreed
the existing rule 592 shall be re-numbered as sub-rule (i) of that rule and after sub-rule (i), as so renumbered, the following new sub-rule (ii) shall be added, namely:- “(ii) 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.”.	Agreed subject to addition of Wireless Sets and other security gadgets.
(i) In rule 648, in sub-rule (iv), for word “six”, the word “two” shall be substituted.	Agreed
(ii) Rule 655 shall be omitted.	Agreed
(i) In rule 662, for the words and commas “shall rise, move forward, stop or sit down at the word of command or signal”, the words “shall be in discipline” shall be substituted.	Agreed
(ii) For rule 663, the following shall be substituted: “Prisoners conduct towards officer. Rule 663. Prisoners shall be required to conduct themselves and to show proper respect to prison officers and visitors.”.	Agreed
(iii) The existing rule 670 shall be renumbered as sub-rule (ii) of this rule and before sub-rule (ii), as so renumbered, the following new sub-rule (i) shall be inserted, namely:- “(i) The Superintendent of Jail concerned shall constitute a Prisoners Food Committee, consisting of senior and well-behaved prisoners, who will look after the	Agreed

food quality and supervise main kitchen (Langer Khana)".										
(iv) For rule 680, the following shall be substituted: Television.- "Rule 680. One or two Television sets shall be provided for each barrack if financed by any welfare organization."	Agreed									
In rule 717, in sub-rule (ii), for the existing table of scale, the following shall be substituted, namely:- <table border="0" data-bbox="175 684 792 800"> <tr> <td><u>Kind of lamp</u></td> <td><u>Summer</u></td> <td><u>Winter</u></td> </tr> <tr> <td>Lanterns</td> <td>100 ml</td> <td>150 ml</td> </tr> <tr> <td>Main walls lamps</td> <td>200 ml</td> <td>250 ml."</td> </tr> </table>	<u>Kind of lamp</u>	<u>Summer</u>	<u>Winter</u>	Lanterns	100 ml	150 ml	Main walls lamps	200 ml	250 ml."	Instead of lanterns of kerosene oil, gas lamps or UPS be substituted.
<u>Kind of lamp</u>	<u>Summer</u>	<u>Winter</u>								
Lanterns	100 ml	150 ml								
Main walls lamps	200 ml	250 ml."								
In Rule 731, after sub-rule (vi), the following new sub-rule shall be added, namely;- "(vii) Whenever, a prisoner attempts to committed suicide, an immediate inquiry shall be conducted by the Additional District & Session Judge posted in the district to find out the reason of such suicidal act. The findings contained in the report shall be submitted to the Home Secretary of the Province.	Agreed									
In rule 812, for the word "nine", the word "eight" shall be substituted.	Agreed									
In rule, 882, for the figure "20,000", the figure "50,000" shall be substituted.	In rule 882 for the figure "50,000", the figure "100,000" shall be substituted.									
In rule 913, in sub-rule (i), (1) In clause (a), the word "and" shall be replaced by a semi-colon; (2) in clause (b), the full-stop shall be replaced by a semi-colon and the word "and"; and (3) after clause (b), as so amended, the following new clause (c) shall be added, namely: "(c) Members Provincial Assembly, North-West Frontier Province".	Agreed									

<p>(i) In rule 940, in sub-rule (ii), after clause (e), the following new clause shall be added, namely:- “(f) to prepare and forward to the Government the cases of such prisoners who become entitled to bail by virtue of sub-rule (1A) of Section 426 or 497 of the Code of Criminal Procedure, 1898”.</p>	Not agreed. Existing should continue.
<p>(ii) In rule 962, after the word “telephone”, the words “or fax” shall be inserted.</p>	Agreed
<p>(i) In rule 1113: (a) for sub-rule (i), the following shall be substituted, namely:- “(i) Wardens shall be recruited by Headquarters Prison in accordance with the policy of Government for the time being laid down; and (b) for sub-rule (iv), the following shall be substituted namely:- “(iv) No person shall be appointed as warden unless he passes Secondary School Certificate or equivalent examination from a recognized Board.”</p>	Warder shall be recruited by the DIG Prisons in accordance with the Government policy in vogue. For sub-rule (iv), the following shall be substituted namely:- “(iv) No person shall be appointed as warden unless he passes Secondary School Certificate or equivalent examination from a recognized Board.”
<p>(ii) In rule 1134: (a) In sub-rule (i), for the figure “100”, the figure and words “1000 and commendatory certificate” shall be substituted; (b) In sub-rule (ii), for the figure “100”, the figure “1000” shall be substituted; and (c) After sub-rule (ii), the following new sub-rule (iii) shall be added, namely: “(iii) The Superintendent may grant cash reward not exceeding Rs. 500/- and commendatory certificates in any case of a Chief Warden, a head Warden or Warden for special service as mentioned in sub-rule (i)”.</p>	Agreed

d. Views of the NWFP Government.

Draft Bill proposed by the Law & Justice Commission of Pakistan	Comments of NWFP Government
<p>(i) Amendments in Statutes 1. The punishment of putting bar fetters should be abolished in all prisons.</p>	<p>(i) Amendments in Statutes 1. Punishment. of imposition of bar fetters has already been abolished by promulgation of the Prison (North West Frontier) (Amendment) Ordinance 1996 whereby clause 7 of section 46 & section 57 of Prison Act 1894 containing provisions of imposition of bar fetters on prisoners have been deleted. Corresponding amendments have also been made in rules 583 & 584 of Prison Rules 1985.</p>
<p>2. The relevant prison law prescribing the punishment of whipping for jail offences should be repealed so as to comply with the Abolition of Punishment of Whipping Act 1996.</p>	<p>2. Clause 12 of section 46, clause 4 of Sub Section 1 of section 47 and section 53 of Prisons Act 1894 containing provision of whipping have already been deleted/omitted through the Prison (North West Frontier) (Amendment) Ordinance 1996 promulgated in January 1996. Required amendment in rule 584 of NWFP Prisons Rules 1985 has also been made. Moreover rules 588, 589, 590 and 591 of NWFP Prison Rules 1985 relating to infliction of whipping have also been deleted.</p>
<p>3. With a view to check the abuse of discretionary powers of Superintendent, the prisoner should have a right of appeal against major penalty to Inspector-General, Prison.</p>	<p>3. Not agreed.</p>
	<p>4. Proper security system should be ensured in Jails. Closed Circuit T.V. equipment should be installed in Jail and the staff be given appropriate Budgets for detecting escapes. Such staff must also be given appropriate training for the purpose.</p>

<p>(ii) Amendment in Rules</p> <p>1. Prisoners should be allowed to keep a radio (with headphone), wristwatch, books, paper and pen/pencil, without having to obtain any permission.</p>	<p>AMENDMENT IN RULES:</p> <p>1. Provision for books, pen/pencil and Televisions sets has been made through amendments in rules 75.263 and 680 of NWFP Prison Rules 1985. Due to security "and administrative reasons, provision of radios and wrist watched is not agreed to. Prisoners are enjoying such facilities, however due to security reason, permission is very much necessary to avoid any mishap in this regard.</p>
<p>2. All convicts of Class "C" should be allowed to wear their own clothes instead of jail uniform.</p>	<p>2. Major penalty awarded by Superintendent (with permission of Inspector General of Prisons) has been once in a year and it is the best tool to calm down the hardened criminals and prevent them from creating any trouble. It is also stated that such punishments are only recommended by the Superintendent and the awarding authority is the Inspector General of Prisons.</p>
<p>3. The duration of walk time for condemned prisoners should be extended from half an hour to one hour, each in the morning and evening, and the rule pertaining to the use of hand'cuffs, during such walk, may be applied only in respect of terrorists or dangerous criminals.</p>	<p>3. Such provision has already boon made through amendment in Rulc-340 and 346 of NWFP Prison Rules 1985.</p>
<p>4. Arrangements should be made for the accommodation, food, education and recreation of children, accompanying convict women.</p>	<p>4. Agreed to. Such facilities arc being provided to the children accompanying their mothers in prisons.</p>
<p>5. Proper security system should be ensured in jails. Closed circuit T.V. equipment should be installed in jail and the staff be given appropriate gadgets for detecting escapes. Such staff must also be given appropriate training for the purpose.</p>	<p>5. This provision has already been made through amendment in Rulc-592 of NWFP Prison Rules 19&5. Closed circuit T. V s. will be installed in all the Jails of the province shortly in the Access to Justice Program.</p>
<p>6. The system of granting remission on account of acquiring education and higher qualifications should also be reviewed with a view to allow remission on the basis of certificate/degree awarded. For higher</p>	<p>6. This provision has already been made through amendment in Rule-215 of NWFP Prison rules 1985.</p>

	degrees the period of remission should be greater.	
7.	Arrangements should be made for provision of legal aid to indigent prisoners and to facilitate prisoners in meeting their counsels.	7. Formation of committees at district level headed by the District & Sessions Judges with concerned Superintendents Jail and Presidents of District Bar Council and representative of Social Welfare and Women Development Department as members is suggested to sort out genuine cases for free legal aid. Funds may be placed at the disposal of Sessions Judges for payment to counsels of destitute prisoners. As far as interview with counsels is concerned, Rule-568 of NWFP Prison Rules 1985 is very clear on that.
8.	Children should also be allowed to meet their relations in prisons.	8. This provision has already been made through amendment in Rule-554 of NWFP Prison Rules 1985.
9.	The prisoners not involved in heinous offences and having good character and record should be allowed to join their families for two to three days after each four months.	9. Such provision has already been made through amendment in Rule-544 of NWFP Prison Rules 1985. NWFP Government has recently made this practice valid vide Notification No.4/44-SO(Prs:)HD/2004 dated 04-9-2005 and even No. dated 04-01-2005. At the time of release on completion of sentence of the convicts, sufficient amount be paid to them to defray traveling expenses or their relatives be informed in advance so that they may take the convict on this release to their native place residence.
10.	Improvement of facilities in prison (food, clothing, medical, sanitation and education) etc.	10. For improvement of food, suitable amendments in Rule- 472,473,474,475, 476, 477 and 670 of NWFP Prison Rules 1985 have been made. For better medical care, amendment in Rule-444 has been made. For improvements in living conditions and better clothing, sanitation, amendments in Rules-75, 257, 307, 508, 509, 525, 563 and 680 of Prison Rules have been effected. Better incentives i.e. remission in sentence to attract the prisoners towards passing examinations in Jails have been provided through amendment in Rule-215.
11.	Regular official visits to the prison in every three months be arranged for	11. Director of Health Services and District and Sessions Judges are already official

<p>the Inspector General of Prison along with District Nazim, District & Sessions Judge and Director of Health Services.</p>	<p>visitors of the Jails. Rule-914 (I) of NWFP Prison Rules 19 & provides for visit of District & Sessions Judges to the prisons located at their headquarters at least once in three months. Members of Provincial Assembly and Secretary to Government of NWFP Law, parliamentary Affairs and Human Right Department and Regional Director of Human Rights, Ministry of Law Justice and Human Rights have also been appointed as official visitors to jail by separate amendments in Rule-913 of NWFP Prison Rules 1985. Inspector General of Prison also pays visit to the jails regularly. However, visit of District Nazim to Jails is not agreed to firstly because Prisons is not a devolved department and secondly District Nazim is local political figure and his appointment as visitor to jail would encourage outside and political influence in Prison Administration which may adversely affect the overall discipline in Prison. Joint visits may not be practicable in view of multifarious engagements of the Officers/Judges. Superintendents Jail are the representatives of the Inspector General of Prisons who can represent him on such visits.</p>
<p>12. Adequate facilities be provided in death cell.</p>	<p>12. Facilities such as ceiling fans have provided in condemned prisoners cells in all the Jails of the province. Toilets and latrines have also been provided in condemned prisoners cells in most of the Jails and will be arranged in other Jails shortly. However, group baths/toilets in the court yards of condemned cells of all the Jails are available.</p>
<p>13. The remission system be rationalized so that the prisoners with good conduct may be benefited.</p>	<p>13. Remissions are granted to convicts having good conduct and always properly recorded in remission rolls.</p>
<p>14. Immediate judicial inquiry be conducted by additional District & Session Judge in case of suicide or death of any jail inmate.</p>	<p>14. The practice as per suggestion is in vogue in prisons of NWFP, however necessary amendment in relevant Prisons Rules No. 734 & 735 are to be made in the existing setup of district administration.</p>

	Provision for holding an inquest inside the Jail by a first class Magistrate under section 174 of Cr.P.C in case of sudden, un-natural or violent death or supposed suicide by a prisoner already exists as also in rule-735 of NWFP Prison Rule 1985 which is adequate.
15. Foreigners prisoners may be allowed to meet staff from their missions in Pakistan and seek legal aid. Arrangements be made for repatriation on completion of their sentence. Foreigners involved in minor offences be deported to their country of origin.	15. Such meeting are allowed with permission of Foreign Office. In the interest of state security, these arrangements may be kept intact. Repatriation! Deportation arrangements are to be made by the Government for which policy may be evolved by the Executive.
16. Arrangement should be made for regular medical check-up and treatments of jail inmates.	16. Such arrangements already exist. To improve further, provision for visit to Jail of Psychologists, Psychiatrists, Medical Specialists and Sociologists has been made through amendment in Rule-444 of NWFP Prison Rules 1985.
17. At the time of release on completion of sentence of the convict, sufficient amount be paid to him to defray travelling expenses or the relatives be informed well in advance so that they may take the convict on his release to their native place/residence.	17. As far as sufficient amount for traveling expenses to the inmates at the time of their release is concerned, it is stated that the Jail Department has meager resources and it would be very difficult to manage such amount. Generally the convicted prisoners on their release are collected by their families and relatives. Jail Administration in case of female inmates, inform their relatives for their collection from the Jail and in failure they are sent to Darul-Amans on their own consent & at their will.
18. Efforts be made to house the convict near his native place so that his relatives may visit him without incurring expenditure on travelling and avoid wasting of time.	18. Nil.
19. Political prisoners be housed in separate place and they should not be housed with other criminal convicts/offenders.	19. For confinement/segregation of political prisoners separate enclosures with the required standard to be constructed in those Jails where such facilities are not available.
20. Mental patients should not be housed in jails as they create	20. This suggestion is good particularly in cases of non criminal lunatics.

disturbance for other inmates.	Unfortunately, as has been experienced, non-criminal lunatics are often arrested by police under section 107/151. Cr.P.C instead of relevant section of the lunacy Act, and are committed to Jail. Such practice on the part of police needs to be stopped/reformed immediately.
21. Under rule 543 the convict may be allowed to write two letters in a week to their relatives.	21. Suggestion is good. However, there is need of check & balance on such correspondence to avoid harm to security of Jail etc.
22. The period for filing appeal to High Court against a sentence of death may be enhanced from 7 days to 30 days as in case of life imprisonment, the period for filing appeal is 60 days.	22. Agreed. Suitable amendment in article 150 of second schedule of limitation Act 1908 and rule-91 of NWFP Prison Rules 1985 will have to be made.
<p>(iii) Administrative Actions</p> <p>1. New prisons should be constructed in the outskirts with proper facilities for prisoners. The conditions of police/judicial lockups should be improved and due facilities, such as fans, benches and toilets should be provided therein.</p>	<p>(iii) ADMINISTRATIVE ACTION</p> <p>1. Such provision has already been made through amendment in Rules-65 & 66 of NWFP, Prison Rules 1985.</p>
2. The facilities of out-door games like football, basketball and in-door games should be provided.	2. A proposal for payment of Arsh, Daman. Diyat of indigent prisoners from Zakat Fund and appropriate legislation. Files are imposed by courts in accordance with law and a convict who is awarded the punishment of fine is also awarded sentence in default thereof. Therefore he should undergo imprisonment in case of default. We need not beg for people convicted of a crime. They must undergo the sentence. The only category of prisoners who may get financial assistance from Baitul Mall/Zakat Fund is that who have been awarded punishment of Diyat, Daman or Arsh and have to languish in Jail indefinitely till payment of the amount which is then payable to the victim or his/her legal heirs who are thereby compensated. At the same time the indigent prisoner whose further imprisonment would in no way be beneficial for the victim or his/her heirs gets

	released. The state is also relieved of the expenditure borne on diet and maintenance of such a prisoner. The Chief Minister NWFP has already established a fund for receiving contributions for the purpose.
3. The number of prisoners in a death cell should be according to the capacity of the cell.	3. Jail authorities of this province do not keep prisoners in safe houses after release.
4. Arrangements should be made for the setting up of separate and exclusive prisons for women and juveniles prisoners at all district levels. Proper education and training should be provided to the women prisoners and juvenile offenders during prison period.	4. Agreed.
5. In every jail, facilities should be made available for religious, general as well as vocational/technical education to prisoners.	5. Agreed. Rule 10(1) of NWFP Juvenile Justice System Rules 2002 also contains the same provision.
6. Arrangements should be made for the proper utilization of Open Jail, Badin. Similarly, open jails should also be established in other places. To start with, at least one such facility should be immediately established in each province.	6. Agreed. Food provided by relatives/friends at the time of interview is already being allowed.
7. Sick industries in jail should be revived and private sector encouraged to establish industrial units in jails. The prisoners should be trained to work in such industry and paid adequate wages.	7. Agreed.
8. In each prison, a qualified medical officer, nursing staff and essential medicines should be provided. In case of serious illness, the prisoner should be referred to an appropriate hospital for tests/treatment. Periodic visits by consultants, specialists, psychologists, psychiatrists, etc should also be arranged.	8. For release on short parole, permission should be given by the Director, Reclamation &, Probation, after due process.
9. The medical officer should be provided residence on or near the jail premises so as to ensure his/her availability in emergent cases.	9. A greater number of prisoners should be released on parole not just for working as domestic servant but also be employed in trade, industry and other commercial institutions in the public/private sector.

(iv) Draft Amendment Bill

Amendments suggested in statutes/Prison Rules at page 8 of the Summary of Recommendations in the shape of Draft Amendment Bill are aimed at the following:

- i- Abolition of punishment of bar fetters and whipping;
- ii- Provision for appeal against award of a punishment by the Superintendent;
- iii- Permission for meeting of prisoners with their spouses in privacy; and
- iv- Permission by the Superintendent to allow authorized employee of foreign mission in Pakistan to visit a prisoner belonging to that country.

In this connection it is submitted that punishment of imposition of bar fetters and whipping has already been abolished by the Government of this province vide the Prison (North West Frontier) (Amendment) Ordinance 1996 (copy enclosed) which is far more comprehensive than the Draft Amendment Bill under discussion. Appeal against award of punishment by Jail Superintendent to a prisoner in accordance with NWFP Prison Rules 1985 being potentially injurious to maintenance of discipline is not supported. Provision for meeting of prisoners with their spouses has already been made by Government of NWFP through an amendment in Rule- 544 of NWFP Prison Rules 1985. Moreover permission to allow employees of Foreign Mission in Pakistan to visit prisoners belonging to their countries in Jails of Pakistan without permission from Foreign Office is opposed in the best interest of State security, therefore there is no need of processing the Draft Amendment Bill further as far as NWFP is concerned.

- v. Children should also be allowed to meet their relatives in prisons.
- vi. Foreigner prisoners may be allowed to meet staff from their missions in Pakistan and seek legal aid. Arrangements be made for repatriation on completion of their sentence. Foreigners involved in minor offences be deported to their country of origin.
- vii. The period for filing appeal to High Court against a sentence of death may be enhanced from 7 days to 30 days as in case of life imprisonment, the period for filing appeal is 90 days.
- viii. The number of prisoners in a death cell should be according to the capacity of the cell.

- ix. Arrangements should be made for the proper utilization of open Jail. Building. Similarly, open jails should also be established in other places. To start with, at least one such facility should be immediately established in each province. Sick industries in Jail should be revived. The prisoners should be trained to work in such industry and they should be paid adequate wages.
- x. The medical officer should be provided residence on or near the Jail premises so as to ensure his/her availability in emergent cases.
- xi. The system of Jail inspection be strengthened so that the judges of High Courts and Subordinate Courts regularly visit Jail and give on the spot instructions regarding the cases of under-trial prisoners.
- xii. Steps be taken for expeditious dispensation of Justice.
- xiii. To check jail cleanliness and inmates conditions, the Provincial Minister for Jails and Inspector General, Jail may pay surprise/non-planned visits once in three months period and issue standing orders to Jail authorities with regard to cleanliness and solving the problems faced by the inmates.
- xiv. Sexual harassment and physical torture of children which are common in lock -ups and are worse sort of victimization be eliminated through strict disciplinary proceedings against the officials involved in such acts.
- xv. Basic facilities such as fans, benches, toilets etc. be provided in lockups and new lock-ups be constructed with basic facilities, where needed. Moreover, Jails in FATA may be come under the control/authority of NWFP Prisons Department.
- xvi. Computerized record of all detainees in Jails should be maintained and networking be established to connect all Prisons with one another.
- xvii. For security purposes. Central and District Jails should be equipped with metal detectors, wireless sets, computerized video cameras and latest weapons. Scanner machines be installed at main gates to search the visitors and luggage.
- xviii. Separate high security prisons be constructed in each province to house the terrorists that are currently being detained in different Jails in various parts of the province. and these prisons should have full proof security systems to keep a vigilant eye on the prisoner to avoid any untoward incidents.
- xix. Bail provision for pregnant women prisoners at the delivery stage for both convict and under trial.
- xx. Establishment of school upto Matric inside Jails for children and Juveniles/Computer Lab for imparting I.T. skills to them.
- xxi. Extension of existing Jail buildings and construction of new jail in those District where no jail are available.
- xxii. Increase of jail staff according to Prison population of inmates.

- xxiii. Disposal of appeal of prisoners including condemned prisoners in specific/limited period for the: reasons that some-times condemned prisoners are executed after remaining in death cells for many years without any remedy.
- xxiv. Before deciding the cases of prisoners the Judges must verify background of the evidence/proofs.
- xxv. Provision of T.V. sets for each barrack of prisoners. Amendment in Prison Rule-680.
- xxvi. Provision of necessary law for awarding seven punishments to those persons who used children and women as source for narcotics trafficking.
- xxvii. Religious Teaching through Ulemas be imported to the inmates. So as to bring forth the problem and condition of the jails to line light for improvement.

However, it is to inform you that in case of financial implications, the consent/clearance of the Finance Department, Govt. of NWFP would also have to be obtained.

**Government of Pakistan
Ministry of Interior
(Interior Division)
Central Jail Staff Training Institute, Lahore

No.F.73/451

Dated 22.02.2005

To :- Mr. Mumtaz Ahmed,
Deputy Secretary,
Law & Justice Commission of Pakistan,
Supreme Court Building,
Constitution Avenue,
Islamabad.

Subject:- **REPORT ON JAIL REFORMS.**

Please refer to your letter No.F.25/R&R/DS-II/2004 dated 29th December 2004 on the above subject.

It is really a hard work done by the Secretariat of the Law & Justice Commission of Pakistan to pin point some reforms in the Prison Rules and relevant laws. However, the views of this Institute to improve the draft recommendations are as under:-

- a. **Amendment in Statute**
Partially agreed with SL#3. Use of powers shall only be accordingly to rules. Right to appeal shall be a must.
- b. **Amendment in Rules**
Not agreed with SL#2.
- c. **Administrative Action**
Agreed in toto.
- d. **Draft Amendments in Prison Act.**
Agreed but instead of Prisons (Amendment) Act 1997, it shall be Prisons (Amendment) Act, 2005.
- e. **Draft Amendments in Prison Rules**
Not agreed with SL#6

This office has also carried out an academic exercise in this regard and drafted "proposed Prison Reforms 2005". A copy of the same is enclosed for your kind perusal and consideration before submitting it to the Law and Justice Commission for recommendations to the Federal Government as well as Provincial Governments.

Sd/xxx
(Muhammad Masood Khan)
Principal
Tele:9200646

Commission's deliberation on 4.2.2006

The Jail Reform (Revised) prepared by the Secretariat of Law and Justice Commission of Pakistan was considered by the Commission in its meeting held on 4.2.2006 and the recommendations made therein were considered one by one. The following are the views of the Commission:-

(i) Amendment in Statutes

The Secretary explained that proposal for reformation of Jail Manual and the prison statute have earlier been approved by the Commission in the year 1997 and the recommendations of the Commission were sent to the Government for implementation. The Secretary stated that some of the recommendations have been implemented by provincial governments but others are still pending with the Government. Two officers of the Secretariat visited various prisons in the country and also met with NGOs and public officials and their reports are incorporated in the revised draft. This report also contains an extract from 4 reports one made by an NGO, second by Jail Training Institute, Lahore, third by a Committee constituted by the NWFP Government and the fourth by the Council of Islamic Ideology on the jail reforms. Suggestions from the public were also invited through publishing notice in the press and views of the Provincial Governments were sought, based on which a revised report on Jail Reform is placed before the Commission. The Chairman observed that the summary of the proposals may be considered one by one.

On the issue of bar fitters, the Chairman observed that there has been a Court judgment on the subject, whereunder this punishment is prohibited. The Chief

Justice, High Court of Sindh stated that this bar was originally placed by a judgment of the High Court of Sindh and it has to be seen whether the judgment is being implemented or not. The Chief Justice, Peshawar High Court expressed the view that in the province of NWFP, all District and Sessions Judges have been directed to visit the jails and make reports on the observance of law by the jail authorities. The Chief Justice, Lahore High Court observed that in the province of Punjab, all District and Sessions Judges visit jails regularly but they may not be going to each and every barrack of the prisoners. The Secretary, Ministry of Law, Justice & Human Rights stated that putting bar fitters as punishment in jail offences may be abolished. The Chief Justice, Federal Shariat Court narrated that the Holy Prophet (Peace be upon Him) disliked a prisoner tied in such a way who could not feel easy to sit or sleep. Mr. Justice (R) Amir-ul-Mulk Mengal desired that power of the Superintendent of Jail to put bar fitters may be curtailed. Mr. Abdul Qadir Halepota, Advocate stated that this power is generally abused for corruption upon the rich and well-to-do prisoners.

The provincial governments are generally in agreement with the proposal to abolish the punishment of bar fitters. The Chairman, however, observed that there could be some dangerous prisoners who are required to be put in fitters when they are transported from one place to another but the power of Superintendents in awarding major penalties need to be subject to appeal, to check the arbitrary exercise of authority. It was, therefore agreed that to prevent the misuse of power of the Superintendent, a right of appeal against the order of

the Superintendent in awarding major penalty may be provided to the Sessions Judge. The Commission further recommended that the Sessions Judges shall regularly visit the jail and dispose of the appeals against the orders of the Jail Superintendent.

The Commission also observed that the Government may make arrangements for meeting of prisoners with their spouses in privacy in the jail. The Chief Justice, Peshawar High Court expressed that the NWFP Government has amended the rules to allow/arrange meetings of the prisoners with their spouse. The Chief Justice, Lahore High Court observed that the concession may be misused. The Chief Justice, Federal Shariat Court expressed that by this proposal, the requirement of Islamic law is being satisfied. The Commission resolved that arrangements should be made for long term convicts to meet their spouses in privacy in the jails and the short term convicts/prisoners may be considered for release on parole for the purpose. The Commission dropped the proposal of liberally granting bail to the woman below the age of 18 and above 50 years which is covered by section 497 and the Juvenile Justice System Ordinance, 2000. The Commission also disagreed with the proposal of prescribing time limit for disposal of Hudood cases within 4 or 6 months, as it is not practicable.

(ii) Amendment in Rules

For amendments in rules, the Commission dropped the proposal of enhancing the limitation of 7 days for filing appeal on punishment of death to 30 days,

because the present limitation of filing appeal against the punishment of death within 7 days of the judgment or order have not so far created any difficulty. For remissions in sentence to the prisoners, the Commission observed that a study may be conducted for remission of sentences being awarded from time to time resulting in early release of the convicts and the authorities competent to exercise such powers. Early release of prisoners on miscalculation of remissions granted may also be considered in the study. The Commission, however, resolved that on the pattern of remission to Muslim prisoners for reading Holy Quran, the same concession may also be extended to non-Muslim convicts for reading/educating in their holy books.

The Commission also took notice of the fact that the Government creates new districts and establishes district administration offices therein, but no funds are provided for construction of new jails or judicial lock ups in the districts, which result in transportation of prisoners to the courts in such districts from the prisons allocated in other districts, and the judges remain mostly sit idly in the court without work, awaiting for the accused to be brought from jail in another district. Therefore, the provincial governments, while setting up the district administration offices in new districts must simultaneously construct jail/judicial lock up therein. The Commission further observed that the jail authorities do not observe the court's orders in letter and spirit and sometimes disobey such orders mischievously as in case of Mrs. Naseem Akhtar who had to be released on 1.7.2005 but was released 6 months after on the ground of alleged

miscalculation of remissions. The Commission desired that strict disciplinary action may be taken against such delinquent jail staff for violation of the orders of the court and may be considered for proceeding under the contempt of the court. With the above observations, the Commission approved the proposals made in the revised report on Jail Reform.