



The Sindh Government Gazette

Published by Authority

KARACHI TUESDAY JUNE 11, 2019

PART-IV

**PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 11TH JUNE, 2019**

NO.PAS/LEGIS-B-06/2019-The Sindh Prisons and Corrections Services Bill, 2019 having been passed by the Provincial Assembly of Sindh on 17th May, 2019 and assented to by the Governor of Sindh on 29th May, 2019 is hereby published as an Act of the Legislature of Sindh.

THE SINDH PRISONS AND CORRECTIONS SERVICES ACT, 2019.

SINDH ACT NO. X OF 2019.

**AN
ACT**

to consolidate and reform the law relating to Prisons and Correctional facilities and correction and rehabilitation of Prisoners in Sindh, and to provide a policy for regulating such matters;

AND WHEREAS it is expedient to make provision for the establishment, management, control and security of Prisons and Correctional facilities, the custody and welfare of prisoners and for related matters;

Now, therefore, it is hereby enacted as follows:

CHAPTER 1 PRELIMINARY

1. Short Title, extent and commencement. – (1) This Act may be called the Sindh

Prisons and Corrections Services Act, 2019.

(2) It extends to whole of the Province of Sindh.

(3) It shall come into force at once.

2. **Purpose of the Prison System.**—The purpose of the Prison system is to contribute to the maintenance and protection of a just, peaceful and safe society by -

- (a) enforcing sentences given by the courts in the manner prescribed by this Act;
- (b) confining all Prisoners in safe and secure custody whilst ensuring their fundamental rights as enshrined in the Constitution of Islamic Republic of Pakistan, as well as under this Act or related laws and rules; and
- (c) assisting the welfare and rehabilitation of prisoners and their reintegration into the society as law abiding citizen through provisions of reformation programs.

3. **Basic Principles.** — The treatment of all Prisoners shall be in accordance with the following basic principles:-

- a.) every Prisoner shall accept the authority of and obey the lawful instructions of the officers of the Sindh Prisons and Correctional Facilities and Corrections Services and all prisoners shall be treated with respect due to their inherent dignity and value as human beings.
- b.) All Sentenced Prisoners must
 - i. participate in the reformation process and cooperate in implementation of any correctional plan or program; and
 - ii. perform any work which is related to any correctional program or which generally is designed to foster habits of industry, unless the Medical Officer certifies in writing that the Prisoner is physically or mentally unfit to participate in such program.
- c.) an environment will be created in which Prisoners will be able to live with dignity and develop the ability to lead a socially responsible and crime-free life and such opportunities shall be available to all prisoners without discrimination.
- d.) the Sindh Prisons and Correctional Facilities and Corrections Service shall be designed at promoting self-respect and responsibility on part of the Prisoners.
- e.) opportunities would be created for prisoners to take part in cultural activities and vocational training aimed at developing skills, promoting self-respect, social responsibility and responsibility.
- f.) sentenced Prisoners participating in the rehabilitation programs will be offered incentives in the shape of special remission or as may be prescribed.
- g.) the Sindh Prisons and Correctional Facilities and Corrections Service shall ensure that there shall be no discrimination on the grounds of race, offence, color, gender, language, religion, belief, sect, political or other opinion, national or ethnic origin or birth.

- h.) subject to good order and discipline and the policy framed under this Act or the Rules made there under all Un-sentenced Prisoners shall retain the rights and privileges as members of civil society and shall be entitled to maintain their original lifestyle as far as possible in given circumstances.

4. **Definitions.** — In this Act, unless there is anything repugnant in the subject or context:

- a) 'Administrative Department' means, the Home Department as provided in the Sindh Government Rules of Business 1986;
- b) 'Authorized Absence' means, any absence authorized to Prisoners in writing for specified period by the officer so authorized under the rules;
- c) 'Board of Visitors' means, any person, other than a Prisoner or Prison staff member, who are permitted by the Government or by duly empowered authorities to visit the Prison;
- d) 'Breach of discipline' means, violation or deviation which prisoner is liable for minor or major punishment prescribed under the Rules;
- e) 'Care' means, the provision of services and correctional programs aimed at enhancing and maintaining the social, mental, spiritual, health and physical well-being of Prisoners;
- f) 'Child or Children' means, a person or persons under the age of 18 years;
- g) 'Code' means, the Code of Criminal Procedure, 1898;
- h) 'Commission' means, the Sindh Public Service Commission.
- i) 'Competent Authority' means, the authority as defined in the Rules.
- j) 'Community Corrections' means, all non-custodial measures and forms of supervision in the community which are under the control of the Service;
- k) 'Constitution' means, the Constitution of the Islamic republic of Pakistan;
- l) "Correction or Correctional Program" means provision of services and programs aimed at correcting the criminal conduct of the Prisoners in order to rehabilitate and integrate them in the society;
- m) 'Court' means a court of law including tribunal or other body or person that has judicial or quasi-judicial functions or otherwise acts judicially;
- n) 'Employee' means any member of the Services;
- o) 'Government' means the Government of Sindh;

- p) 'Inspector General' means the Inspector General of Sindh Prisons and Correctional Facilities and Corrections Service;
- q) 'Legal Practitioner' means any person admitted to practice law as a registered advocate in Pakistan;
- r) 'Medical Officer' means an officer in relation to Prisons and Correctional Facilities with such designation and classification as prescribed and includes Medical Practitioner authorized to perform duties under this Act;
- s) 'Offence' means, violation which requires prosecution under this Act and Rules;
- t) 'Officer' means, any Officer of the Service;
- u) 'Officer In-charge' means the Prison officer posted as In-charge of any Prison or any Training Academy or any other place required under the Provision of this Act;
- v) "Prison Policy Board" means the Prison Policy Board constituted under this Act;
- w) 'Privileges' means, entitlements granted to prisoners as may be prescribed;
- x) 'Prescribed' means prescribed by rules or regulations made under this Act;
- y) 'Prison' means any jail, sub-jail, judicial lock-ups of any category or place declared under the provisions of this Act as a place for the reception, detention, confinement, training or treatment of persons liable to detention in custody or detention/placement under protective custody, and all land, buildings and premises adjacent to any such place and used in connection therewith and all land, branches, outstations, camps, buildings, premises or places to which any such persons have been sent for the purpose of imprisonment, detention, protection, work, treatment or otherwise, and all quarters of the Employees used in connection with any such prison but does not include Police Lock-Ups or any other places under the control of law enforcement agencies;
- z) 'Prisoner' means a person admitted either in criminal or civil proceeding, remanded or under a sentence of imprisonment imposed by a court or authority or detained under any law for the time being in force;
- aa) 'Prison Officer' means Prison Officers belonging to Sindh Prisons, Correctional Facilities and Correction service with such designation and classification as may be prescribed under the Rules;
- bb) 'Prohibited Article' means an article which is prohibited by rules framed under this Act;
- cc) 'Remission' means, the period to be deducted in accordance with the provisions of this Act and the rules for the time being in force regulating the award of marks to, and the consequent shortening of sentence of Sentenced Prisoners;
- dd) 'Rules' means, rules framed by the Government under the Act;
- ee) 'Sentenced Prisoner' means a convicted person sentenced to incarceration under law for the time being in force and shall include person kept under detention by the Government;

ff) 'Separate Confinement' means the separation of prisoners from general population for good order and discipline or medical reasons with or without privileges as may be prescribed under the rules;

gg) 'Service' means, Sindh Prisons and Corrections Service;

hh) 'Un-sentenced Prisoner' means, any person committed to Prison custody with pending investigation or trial by a Competent Authority;

CHAPTER II

ESTABLISHMENT OF PRISONS AND CORRECTIONAL FACILITIES

5. **Retention of existing Prisons and Correctional Facilities.** - Subject to any declaration made under this Act, the buildings which at the commencement of this Act are in use as Prisons and Correctional Facilities shall be deemed to be Prisons and Correctional Facilities within the meaning of this Act.

6. **Declaration of Prisons and Correctional Facilities.**- (1) The Government may, by order:

- a. declare any building, enclosure or place to be a Prison within the meaning and for the purpose of this Act in a manner as provided under Rules;
- b. alter the boundaries of a Prison declared under this sub-section or under clause (a);
- c. declare that a Prison shall with effect from a date specified in the order cease to be a Prison and direct the removal of Prisoners confined in that Prison to a Prison named in the said order; and
- d. Provide Classification for Prisons and Correctional Facilities.

(2) Government or the person so authorized in this regard, may by general or special order declare any place to be a subsidiary jail for temporary or permanent detention of Prisoner(s).

(3) Government or the person so authorized in this regard, may by general or special order declare any place to be a place of imprisonment as provided in Section 541 of the Criminal Procedure Code 1898.

(4) Government may, by order, amend or revoke an order under sub-sections (1), (2) and

7. **Power to Prohibit or Regulate lands, Construction of Buildings, Planting of Trees.**- Government shall, if it deems necessary, notwithstanding anything contained in any law for the time being in force, by general or special orders, have the power to prohibit or regulate, within one hundred yards radius, the construction of building, planting of trees or any such structure that may compromise the safety and security of the Prisons and Correctional Facilities and Prisoners and for this purpose may acquire, if necessary, any land and declare it as property of the Prison.

CHAPTER-III
Policy, Planning and Oversight

8. **Establishment of Prison Policy Board.** – (1) Government shall by notification in the official Gazette, establish a Prison Policy Board with the following composition:

- (i) Minister or Advisor or Special Assistant to Chief Minister on Prisons (Chairperson)
- (ii) Secretary Home (Member)
- (iii) Secretary Finance or a nominee of the Secretary Finance, not below the rank of Additional Secretary. (Member)
- (iv) Secretary Law (Member)
- (v) Secretary Health or a nominee of the Secretary Health not below the rank of Additional Secretary (Member)
- (vi) Secretary Works or a nominee of the Secretary Works not below the rank of Additional Secretary (Member)
- (vii) Secretary Higher/Technical Education or a nominee of the Secretary Higher/Technical Education not below the rank of Additional Secretary (Member)
- (viii) Secretary Social Welfare or a nominee of the Secretary Social Welfare not below the rank of Additional Secretary (Member)
- (ix) Secretary Women Development or a nominee of the Secretary Women Development not below the rank of Additional Secretary.
(Member)
- (x) Secretary Information Technology or a nominee of the Secretary Information Technology not below the rank of Additional Secretary.
(Member)
- (xi) Prosecutor General, Sindh or a nominee of the Prosecutor General
(Member)
- (xii) Three members of the Provincial Assembly, two from Treasury and one from Opposition benches as nominated by the Speaker.
(Members)
- (xiii) One member from the civil society to be nominated by the Chief Minister”
(Member)

- (xiv) One member from a non-governmental organization to be nominated by the Chief Minister.

(Member)

- (xv) Inspector General (Secretary)

(2) Non-official members shall be appointed for a period as specified under the Rules.

9. Functions of the Prison Policy Board:

(1) The Prison Policy Board shall perform the following functions:-

- (i) review and recommend the infrastructure needs of Prisons and suggest construction of new Prisons or improvements in existing Prisons;
- (ii) suggest innovation through use of information technology;
- (iii) develop a rehabilitation framework and policy;
- (iv) design post release plans for reintegration of Prisoners into the society;
- (v) review and approve recommendations made by the Prison Management Board;
- (vi) advise Government on policy matters relating to the management, development and administration of the Service; and
- (vii) support, as far as practicable, the families affected by the imprisonment of a bread-earner through a mechanism devised by the Government, as prescribed by the Rules;
- (viii) perform any other function that is connected to the above or that may be accorded to it by law or Government;

(2) The meeting of the Prison Policy Board shall be held at least once every 120 days and the presence of 50 (fifty) % members shall constitute quorum for the meetings.

10. Establishment of Prison Management Board. - (1) The Administrative Department shall by notification in the Official Gazette, establish a Prison Management Board headed by the Inspector General.

a) The members of the board shall include:

- (i) Deputy Inspector General and two Officers In-charge nominated by the Administrative Department;
- (ii) a retired judge of Sindh High Court nominated by the Chief Minister;

(iii) a member from civil society nominated by the Prison Policy Board;

(iv) a member from a relevant NGO nominated by the Prison Policy Board;

(v) a retired bureaucrat (*not less than grade 20*)/professor) nominated by the Prison Policy Board;

(vi) an officer from the Home Department nominated by the Home Secretary.

(vii) Secretary, Local Government or a nominee of the Secretary Local Government;

(viii) Prosecutor General, Sindh or a nominee of the Prosecutor General;

(ix) a retired officer from the Service;

(x) a representative of Prisoners who had remained a prisoner, in the recent past and was not involved in any heinous crime and was finally acquitted by the court of law, or was not convicted, nominated by the Chief Minister;

(2) Non-official members shall be appointed for a period as specified under the Rules.

11. Functions of Prison Management Board:

(1) The Prison Management Board shall formulate strategies, policies, mechanisms and make recommendations for efficient and transparent management of Prisons to ensure the highest level of public service for Prisoners as per rules and shall perform the following functions:

(i) recommend decorations to Prison Officers;

(ii) suggest programs for rehabilitation and reintegration of Prisoners so as to enhance their ability to resettle in their communities;

(iii) suggest strategic frameworks and plans for the development of the Service;

- (iv) advise the Prison Policy Board on matters relating to the management, development, and administration of the Service;
- (v) suggest SOPs for the staff and Prison Officers;
- (vi) respond to any matter referred to it by the Government or Court;
- (vii) suggest and revisit minimum service delivery standards from time to time;
- (viii) seek opinions and suggestions from Prisoners for improving the delivery of the Service;
- (ix) perform any other function that is related to the above or that may be accorded to it by law;
- (x) seek help and guidance from professionals concerned for completion of their tasks and responsibilities; and
- (xi) recommend Prisoners for Authorized Absence or early release under relevant law/Act for the time being in force.

(2) The meetings of the Prison Management Board shall be held at least once in every sixty (60) days & the percentage of fifty (50) % members shall constitute quorum for the meetings.

12. Establishment of Committees. – (1) The Administrative Department on the recommendation of the Prison Policy Board, shall notify any committee, at divisional or district level, for carrying out the purpose(s) of this Act;

(2) The Administrative Department shall by notification, establish for each prison an Oversight Committee for the welfare of the Prisoners, philanthropic initiatives, rehabilitation programs, monitoring of Prison administration or any other purpose.

CHAPTER IV ADMINISTRATION

13. Superintendence by Government: The superintendence of the Service shall vest in and shall be exercised by the Government for carrying out the purposes of the Act.

14. Composition and Management of Service. – (1) Subject to the provisions of this Act, the Sindh Prisons and Corrections Service shall consist of such ranks of Prison Officers and such Employees as prescribed by the Rules.

(2) The management of the Service including but not limited to recruitment, training, promotions, transfer, postings, discipline, performance management, incentives and provision of work environment shall be regulated in the manner prescribed.

15. Powers and Duties of the Inspector General. – (1) The Inspector General shall be appointed by the Government from amongst the Deputy Inspectors General of the Service on the basis of merit-cum-fitness.

(2) The Inspector General shall have the powers to carry out all actions necessary to be done in connection with performance of his duties not inconsistent with this Act or rules made there under.

(3) The Inspector General may with the approval of the Administrative Department make Regulations, not inconsistent with this Act or Rules made thereunder for the management and Security of Prisons and Correctional Facilities and for the welfare, protection and discipline of the Prisoners.

(4) The Inspector General may issue codes of conduct for the professional and ethical behavior of Prison Officers and Employees.

(5) Subject to Rules as prescribed, the Inspector General may enter into necessary contract(s) for efficient Administration of the Service.

(6) The Inspector General may determine staff to Prisoner ratio periodically to ensure efficient management and security of Prisons and Correctional Facilities and accordingly recommend such regular or temporary posts to the Competent Authority for approval.

16. Deputy Inspector General and Assistant Inspector General. – The Deputy and Assistant Inspectors General shall be appointed by the Competent Authority to perform such functions in the manner as prescribed under the Sindh Civil Servants (Appointment, Promotion & Transfer) Rules 1974.

17. Officer In-charge. – Such number of Superintendents or Senior Superintendents shall be appointed and posted by the Competent Authority as the Officer In-charge as may be prescribed.

18. Powers and duties of Officer(s) In-charge.(1) Subject to the Control and superintendence of the Inspector General, the Officer In-charge is responsible for the management, Security, good order of the Prison, safe Custody and welfare of the Prisoners.

(2) The Officer In charge may issue orders for the efficient management and security of the Prison consistent with this Act and Rules or Regulation made there under.

19. Appointment of Officers and Employees. – Appointment of Officers and Employees shall be made in the manner as prescribed by Rules;

20. Training Institute(s).– (1) There shall be one or more training institute(s) for the purposes of training of Officers and other Employees of the Service.

21. **Powers of Prison Officers.**— (1) A Prison Officer by virtue of his office shall have all the powers, authority, protection and privileges provided under this Act and as are prescribed by Rules.

(2) The powers of Officer may be limited by special order of the Government or Inspector General or Officer In-charge.

22. **Duties of Prison Officers.**— A Prison Officer shall:

- (a) observe the provisions of this Act, Rules, Regulations and code of conduct;
- (b) ensure the security of Prison whilst on duty and report to the Officer In-charge in any matter which may jeopardize the security of the Prison or the welfare of the prisoners;
- (c) subject to rules or regulation, search of persons or inspect any vehicle or to refuse entry to ensure proper management and security;
- (d) when directed, furnish such special reports on prison management and security for the Government or Inspector General or Officer In-charge; and
- (e) comply with any other matter relating to a prison officer's duties under this Act or rules as may be prescribed from time to time.

23. **Weapons, Accoutrements etc.**—A Prison Officer shall be provided with such weapon, uniform, equipment and other accoutrements with certain conditions as may be prescribed by Government for efficient management, protection and security of Prisons and Prisoners.

24. **Cash Reward.**— Prison Officers may receive cash rewards in exceptional circumstances or on the basis of performance as may be prescribed under the Rules.

25. **Occupation of Existing Officers.**— All existing officers and employees shall be deemed to be in occupation of the Service.

26. **Authority to use force.**— (1) An Officer may use reasonable force against any Prisoner or any person to-

- (a) prevent a Prison break
- (b) ensure compliance under the provisions of this Act;
- (c) prevent a Prisoner or any person from committing or attempting to commit an offence against this or another Act or breach of discipline;
- (d) prevent any Prisoner from harming or attempting to harm themselves or other prisoner or employee;
- (e) make a person who has been lawfully ordered to leave a prison and who refuses to do so, to leave the Prison;

- (a) the day on which the deceased first complained of illness or injury to the Medical Officer or when the Prisoner was observed to be ill or injured;
- (b) the work, if any, on which the Prisoner was engaged on that day;
- (c) the diet of the Prisoner on that day for the preceding 48 hours;
- (d) the day on which the Prisoner was admitted to a hospital;
- (e) the nature of the disease and/or injury;
- (f) when the deceased was last examined before death by the Medical Officer; and
- (g) an account of appearances after death, together with any special remarks that appear to the Medical Officer to be necessary for examining the case.

(4) The report of such death shall forthwith be sent to the Officer In-charge, DIG and the next of kin of the deceased and for unclaimed bodies, the onus of responsibility will be upon the Government to ensure, as early as practicable, funeral arrangements as per religious belief of the deceased.

(5) The Officer In-charge upon receiving information that a Prisoner has committed suicide, or has been killed by another prisoner or a person, or by an accident, or has died under circumstances raising a reasonable suspicion, that some other person has committed an offence then he shall immediately convey such information to the Magistrate empowered to hold inquests, in accordance with the law and such Magistrate shall hold an inquiry into the cause of death.

Provided that it will be necessary to conduct postmortem of any such victim as explained in sub section (5) above.

CHAPTER V EFFICIENCY AND DISCIPLINE

28. **Breach of Discipline.** – A Prison employee who:

- (a) commits a breach of any duty or responsibility imposed on him by this Act, Rules, Regulation or standing orders or code of conduct;
- (b) refuses to obey or ignores any lawful order made or given by any competent Prison officer superior to his rank;
- (c) performs his duties negligently;
- (d) acts in an unprofessional or discreditable manner whilst on duty;

is guilty of disciplinary breach and shall be dealt in accordance with the relevant law.

29. **Punishment.** – (1) Subject to the Rules, every Prison employee below the rank of Officer In-charge may at any time be dismissed, removed, compulsorily retired, demoted or fined with any amount, barred from promotion up to one year, disentitled from increment for a term not exceeding three years without cumulative effect, confined to quarter guard for a term not exceeding fifteen days, subjected to extra drills or extra guard duties, for a term not exceeding fifteen days.

(2) Disciplinary action against the Officer In-charge and other Senior Prison Officer(s) shall be taken under the Sindh Government Efficiency & Discipline Rules.

30. **Criminal Offence.** – When any Officer below the rank of Officer In-charge is accused or suspected of having committed any offence under the provisions of this Act or any law for the time being in force, dealt with under Section 28 of this Act or Rules framed thereunder, necessary prosecution under Section 29 of this Act shall be instituted in accordance with relevant law.

31. **Special Penalty.** – (1) Any Employee who signed an affirmation roll:

(a) makes for obtaining appointment or release from Service as an Officer, a false statement or a statement which is misleading in material particulars or uses a false document for the purpose;

(b) is guilty of cowardice, or resigns his office or withdraws himself from duties without permission;

(c) is found in a state of intoxication, while on duty;

(d) feigns or voluntarily causes hurt to himself with intention to render himself unfit for duty;

(e) is grossly insubordinate to his superior officer or uses a criminal force against a superior officer;

(f) engages himself or participates in any demonstration, procession or strike or resorts to or in any way abets any form of strike or coercion or physical duress to force any authority to concede anything;

(g) brings or causes to bring any frivolous, vexatious or false complaint against any senior prison officer;

(h) enters any enclosure reserved for women Prisoners unless he is authorized to do so under the Rules;

(i) is found sleeping whilst on duty;

(j) is suspected of having committed any offence under the provisions of this Act or any other law;

(k) provides any contraband substance to any Prisoner;

(l) tortures or causes physical harm to any Prisoner; and

(m) takes bribe from any Prisoner or their relatives.

shall on conviction before a Magistrate, for every such offence be punished with imprisonment for a term which may extend to two years or fine of Rs. 50, 000/- or with both.

(2) Subject to Rules, Prosecution under this Section shall require a report in writing by an officer not below the rank of an Officer In-charge.

(3) Nothing contained in this section shall preclude any Officer, after an inquiry to institute prosecution against any Employee under other provisions of this Act or the Pakistan Penal Code or any other law for the time being in force.

32. **Appeal.** – Appeal against the punishment under Section 28 may be preferred by every aggrieved Employee against the order of the authority to the next superior authority as may be prescribed by Rules.

CHAPTER VI

CUSTODY, ADMISSION, ACCOMMODATION OF PRISONERS

33. **Treatment of Lawful Custody** – (1) Every Prisoner admitted to Prison shall be in the lawful custody at all times both by day and night in the charge of any Prison Officer during the whole period of imprisonment and shall be subject to prison discipline and the provisions of this Act.

(2) The Officer In-charge shall cause to ensure that every person admitted to Prison under a warrant or order, is confined in accordance with the provisions of rules, until the person is lawfully released from Prison.

(3) Prisoners who are not convicted shall be presumed to be innocent and shall be treated as such and they shall be kept separately from Sentenced Prisoners.

(4) Where a Prisoner is admitted for remand in a Prison by order of a Court or other Competent Authority, the Prisoner shall be handed over in the custody of the Officer In-charge not without the warrant of commitment, and the Officer In-charge shall cause to get the Prisoner in custody for a period indicated in the warrant and cause the Prisoner to be discharge at such time, or as to the terms of the warrant in question may specify.

34. **Admission Process.** – (1) A Prisoner may not be committed to a Prison without a valid warrant for the Prisoner's confinement.

(2) At every Prison record shall be maintained in following manner:-

(a) Information concerning the identity of the Prisoner including the biometrics;

(b) The reason for the committal and the authority thereof; and

(c) The day and hour of admission.

(3) On admission, a Prisoner shall be informed of the following rights and obligations to:

(a) choose and consult with a legal practitioner; or

(b) there shall be a panel of legal consultants available with the Officer In-charge and the prisoner shall, as far as practicable have the right to choose any one from the panel on state expense;

(c) written instruction shall be provided about the rules and regulation in a language which he understands governing the treatment of the Prisoners in the Prisoner's category, disciplinary requirements, authorized channels of communication for complaints and requests and all such other matters as are necessary to enable the Prisoner to understand the Prisoner's rights and obligation;

(4) If a Prisoner is illiterate, subject to order of the Officer In-charge, any officer must explain this written information to the Prisoner, if necessary through an interpreter.

(5) Every Prisoner after the admission into the Prison shall -

(a) bathe or shower, and

(b) undergo a mandatory health status examination, which must include blood screening test for testing contagious and communicable diseases, if in the opinion of the Medical Officer it is necessary to protect or maintain the health of the Prisoner in the manner prescribed;

(c) be asked if already under any medical treatment.

35. **Accommodation.**— The Government shall provide for the accommodation of Prisoners in Prisons, constructed and regulated in such manner as to comply with the provisions of this Act and in respect of separation of Prisoners as per standards developed from time to time or as prescribed by the Rules.

36. **Temporary Accommodation.**—Whenever it appears to the Inspector General or the Administrative Department that -

(a) the number of Prisoners in any Prison is greater than can conveniently or safely be kept there and it is not convenient to transfer the excess number to some other Prison;

(b) from the outbreak of epidemic diseases within any Prison or for any other reason, it is desirable to provide for the temporary shelter and safe custody of any Prisoner;

provision shall be made in terms of Section 6(2) of this Act for the shelter and safe custody in temporary Prisons and correctional facilities, of as many of the Prisoners as cannot conveniently or safely be kept in the Prison.

37. Accommodation's Condition and Requirement. —(1) Prisoners shall be held in cells, dormitories, compartments or any room which meet the requirement prescribed by Rules in respect of floor space, cubic capacity, lighting, ventilation and climate which may maintain appropriate heating and cooling need, toilet, sanitary installations and general health conditions and such requirements must be adequate for confinement under conditions of climate and human dignity.

(2) The Government shall as far as is practicable and as prescribed under the Rules make sure the availability of hot water for bathing during the winter, air coolers or cooling systems and water dispensers for cold drinking water during the summer.

38. Separation of Prisoners. — following Prisoners shall be kept separately:

- (a) civil prisoners or person confined for contempt of court shall be kept separately from criminal prisoners;
- (b) sentenced prisoners be kept separately from persons awaiting trial;
- (c) male prisoners shall be kept separately from female prisoners;
- (d) transgender prisoners shall be kept separate from female and male prisoners;
- (e) children shall be kept separate from adult Prisoners;
- (f) Female Prisoners with children residing inside Prisons shall be kept separate from other female Prisoners; and
- (g) Prisoners suffering from communicable diseases shall be kept separate from other Prisoners.

39. Separate Confinement.— (1) Where the Officer In-charge considers under his opinion or any report receive from official sources or upon own request of Prisoner that association of one or more Prisoners is detrimental to:

- (a) good order or discipline of prison;
- (b) is likely to encourage commission of any offence or breaches of discipline;

(c) security of prisoner's own life or security of other prisoner(s) from that prisoner;

(d) prison security and management that warrants confinement of dangerous, terrorist or hardcore prisoners separately;

(e) health of any prisoner himself or of other prisoners;

The Officer In-charge shall arrange for separate confinement of such prisoner(s)

(2) Nothing contained from sub-section (a) to (e) shall be construed as punishment and subject to good order and discipline, the Prisoner shall be entitled to receive privileges as other prisoners receive.

40. Prisoners under Sentence of death.—Prisoners sentenced to death shall be kept separate in such manner and conditions as may be prescribed by Rules.

41. Diet.—(1) Each Prisoner shall be provided with an adequate diet to promote good health, as prescribed under Regulations.

(2) Such diet must make provision for the nutritional requirements of children, women and any other category of inmates whose physical condition requires a special diet.

(3) Where reasonably practicable, dietary regulations must take into account religious requirements and, if required, such Prisoners will be allowed to cook their own food.

(4) Clean and safe drinking water shall be available to every Prisoner.

42. Clothing and Bedding. — (1) Subject to Rules, the Service shall provide every prisoner with clothing, bunk bed and bedding sufficient to meet the requirements of hygiene and climatic conditions and follow the standards as prescribed under the Rules

Provided that the Prisoner may with the permission of Officer In-charge may arrange for his own bedding;

(2) Every Prisoner shall keep clothing, bedding and living area clean and tidy as may be prescribed by Rules.

(3) The Service shall provide the means to do so.

43. Exercise. — Subject to good order and discipline and provisions of this Act, every Prisoner shall be given the opportunity to exercise and engage in outdoor sports appropriately as prescribed under the Rules.

CHAPTER VII

TRANSFER AND REMOVAL OF PRISONERS

44. **Transfer to Outside Prison.** – (1) The Inspector General or the Administrative Department may order the transfer of a Prisoner from one Prison to another Prison or to a place for medical examination or treatment or where Prisoner presence is warranted in accordance with law as may be prescribed by Rules.

(2) A sentence of imprisonment lawfully imposed upon a person may be served partly in one Prison and partly in another.

45. **Transfer of Prisoners to Court.** – (1) The Officer In-charge shall cause to produce a Prisoner at the time and place, stated in a court order.

(2) On determination or an adjournment of a court proceeding at which a Prisoner attends under this section, Prisoner may be returned to the Prison.

(3) Prisoner may be restrained by use of mechanical or electronic or plastic or nylon restraints whilst absent from Prison.

(4) The Service may if necessary provide adequate place for trial inside Prison and/or trial through video.

46. **International Transfers of Prisoner.** – (1) Subject to the provisions of the Transfer of Offender Ordinance 2002 or Extradition Act 1972 or any other law or any reciprocal arrangement where a person who is not a citizen of Pakistan is sentenced to a period of imprisonment by a competent court of law in Pakistan, such person be transferred to the country of which the person is a citizen to serve the rest of the term of imprisonment in accordance with the law of that country subject to existence of an agreement between two countries and provided that country and the prisoner concerned agree to that procedure.

(2) A person who is being transferred under sub-section (1) shall, whilst in Pakistan, be deemed to be in lawful custody.

(3) The transfer of a person to another country under this section shall not affect that person's right under any law to appeal against the person's conviction or sentence in a court of law in Pakistan.

(4) A Pakistani citizen belonging to Province of Sindh, who has been duly sentenced to a term of imprisonment by a competent court of law within a foreign country, may be transferred to a prison in Sindh Province of Pakistan to serve the whole or the unexpired portion of sentence, and shall, on such transfer, be subject to the provisions of this Act as if the person was serving a sentence of a competent court in Pakistan.

47. **Extramural Custody.** – (1) The Officer in-charge shall cause any prisoner to be taken to a place where his presence is warranted under the provisions of this Act or any other law.

(2) Whenever a Prisoner is outside a Prison, he shall be deemed to be subject to provisions of this Act.

CHAPTER VIII DISCHARGE OR RELEASE

48. **Discharge or Release.** – (1) A Prisoner shall be discharged at the time determined by the Officer In-charge or Inspector General on the day when the Prisoner's sentence expires or otherwise terminates by the order of the Court or Competent Authority as prescribed by the Rules.

(2) A Prisoner who is due for release but is still under treatment by the Medical Officer shall be discharged from Prison to a medical facility outside the Prison as may be prescribed.

(3) The Inspector General may by regulations devise a mechanism to facilitate under treatment Prisoner to transfer the Prisoner to a medical facility outside the Prison.

49. **Early Discharge.** – (1) Subject to the provisions of this Act and Rules, the Officer In-charge shall cause to release a Sentenced Prisoner prematurely under certain conditions where the Competent Authority so approves in case:

(a) it is found that any Prisoner is incapacitated;

(b) it is found that any Prisoner is suffering from an incurable disease ; and

(c) any female prisoner where she attains the age of (60) sixty and any male prisoner who attains the age of (65) sixty five or is found to be infirm; or if she/he has served/completed "1/2" portion of their sentence with demonstrated capability of reform, as the case may be.

(d) Children and women shall be released, if they are not dangerous for the peace of the society and not involved in any heinous crime or act of terrorism, as may be prescribed.

(2) A subsistence allowance, as far as practicable, will be paid to the families of the prisoners whose only bread-earner is in Prison and they have no other source of income, for this purpose and endowment fund will be established, as prescribed;

CHAPTER IX PRISONER WELLBEING AND REHABILITATION

50. **Prisoner's Rights and Obligation.** (1) Subject to the Constitution and provisions of this Act, a Prisoner shall be entitled to the following rights and obligations:

(a) a Prisoner shall be treated with the respect due to the Prisoner's inherent dignity and value as a human being.

(b) confinement of any Prisoner, convicted or under trial, or as the case may be, is only meant to restrict the Prisoner's movement and liberty in Prison and should not harm the Prisoner's dignity, basic human

rights, way of living, basic needs and necessities. The Service shall try to provide living facilities as far as is possible under the circumstances.

(c) be free from discrimination on the grounds of race, color, gender, language, religion, political or other opinion, national or social origin, property or birth.

(d) have access to the health services available in the Province without discrimination.

(e) avoid frivolous, fictitious and groundless complaints against the Service.

(f) shall enjoy freedom of religion.

(g) be provided with adequate diet and clean drinking water.

(h) allow academic improvements through Secondary Board/Intermediate board/Technical Board or University exams and its incentive (*remission*) to promote positive change and corrections;

(i) shall be permitted to cook for him/herself where the Prisoner enjoys a better class.

(j) obey lawful authority of all officers.

(k) avoid breach of discipline and offences.

(l) have access to newspapers, books or writing material, air cooler or alternate cooling system, electric kettle, water dispenser, microwave oven, LED or LCD television, personal computer (without internet) and other such electronic equipment as prescribed by Regulations at the Prisoner's own expense where the Prisoner enjoys a better class.

(2) Where the Service or the Administrative Department comes to know that the Un-sentenced Prisoner was the only bread-earner of the family, and is in dire need, the Service or Administrative Department, as far as practicable, will issue a certificate, which will assign the Prisoner with priority for available Government funding schemes.

51. **Classification of Prisoners:** (1) The Officer In-charge of the Prison shall classify the prisoners into two categories as Better Class (b-class) prisoner and Common Class (c-class) prisoner.

(2) Criteria for better class shall be -

(a) any prisoner who holds a Bachelors or a professional degree from any institution recognized by the Higher Education Commission;

(b) a tax payer for the last three years of his productive life (*not less than fifty thousand per annum*); or

(c) a person who has been a Gazetted officer; or

(d) a person who is or has been a member of Provincial or National Assembly or Senate of Pakistan or Mayor, Deputy Mayor, Chairman or Vice Chairman of Metropolitan Corporation, Municipal Corporation, Municipal Committee, District Council or Town Committee or a person involved in the field of academia as the case may be;

(e) socially accustomed to a better mode of living; or

(f) a Sentenced Prisoner involved in heinous crime shall not be entitled for a better class, irrespective of whether he meets the above criterion or requirements;

52. **Health Care.**— (1) The Service shall provide, within its available resources, adequate health care services, based on the principles of primary health care, in order to allow every Prisoner to lead a healthy life.

(2) Every Prisoner, subject to the permission of the Officer In-charge, may be visited and examined by Medical Officer or a specialist employed in Government or Private Medical Facility of his own choice and shall be treated by such practitioner, in which event the prisoner shall be liable for the costs of any such consultation, examination, service or treatment.

(3) Prisoners with special needs, in case of any disability or condition as determined by the Medical Officer or a Specialist employed in the Government or a private facility shall be catered for in an appropriate manner by the Prison Officer.

(4) In order to meet such requirements, all Prisons shall be constructed or developed in a manner where the needs of disabled prisoners with special conditions could be catered accordingly.

53. **Educational and Vocational Training.** - (1) The Service shall provide or give access to range of programs and activities, including need-based programs, as is practicable to meet the educational and training needs of prisoners as may be prescribed under the Rules which may include:

- (a) access to an outside library through official internet.
- (b) computer lab shall be set-up in support of vocational/technical training programs certified by the relevant technical boards.
- (c) adult literacy centers shall be established in each barrack and services of trained teachers shall be hired by the Service.
- (d) a primary, secondary school and college shall be established by the Education Department, Sindh.
- (e) STEVTA or any other authority as approved by the Government shall establish vocational training centers in each Prison, subject to approval of the Prison Policy Board.
- (f) industrialist and Government facilities will be required to run programs in Prison or at their own premises to impart training and skills useful to integrate Prisoners into society, and such prisoners will be paid stipend for such program.

(2) The Service may seek collaboration from any private or Government organization to carry out the purpose of this section.

54. **Remission.**-(1) To promote corrections, remission in sentence shall be granted to every prisoner without discrimination as prescribed by Rules.

(2) The whole remission system shall be transparent and maintained as prescribed under the Rules.

(3) The copy of the order of each Remission shall be provided to Prisoner concerned.

55. **Legal Assistance/Services.**-A committee for the welfare of prisoners shall be established by the Administrative Department with the approval of the Chief Minister to provide for legal aid, assistance and also for working for the welfare and well-being of Un-sentenced Prisoners

56. **Directorate of Corrections.** - There shall be a Directorate of Corrections, Rehabilitation and Welfare of the Prisoners, which shall work and perform duties and functions as prescribed in the Rules.

**CHAPTER X
PRISONERS' CORRESPONDENCE AND VISITS TO PRISON**

57. **Correspondence Generally.** — A prisoner may send and receive letters personally or may make or receive audio or video calls which can only be done through the facilities provided by the Service, as may be prescribed under the Rules.

58. **Visits.** — A Prisoner may receive a visit from relative(s) friend(s), a person(s) for legal assistance in the manner as prescribed under the Rules.

59. **Supervising Visit.**—(1) All visits to Prisoners shall be supervised by a Prison Officer.

(2) The Officer In-charge may direct that conversation between a visitor and prisoner be monitored or recorded with the following exceptions:

- (a) authorized investigating Police officer;
- (b) Prisoner's Advocate; and
- (c) official visitor or any person as may be prescribed by Rules:

Provided that the Officer In-charge may in certain circumstances issue orders regarding monitoring and recording the visits and conversation in case of the above mentioned.

60. **Monitoring.**—Prison Policy Board and Prison Management Committee or any member thereof shall visit Prisons or correctional facilities on quarterly basis to monitor smooth functioning of the Prisons or correctional facilities, as provided in this Act.

**CHAPTER XI
AUTHORIZED ABSENCE**

61. **Authorized Absence from Prison.**—(1) Notwithstanding any other law for the time being in force, the Government may prescribe rules for such authorization in view of rights and the nature of the offences of the sentenced prisoner(s) or un-sentenced prisoner(s) and such authorized absence shall be granted for the following purposes and subject to strict watch:

- (a) medical examination, assessment or treatment in Government or private hospital as may be advised by the Medical Officer or a private consultant or Specialist approved by the Administrative Department;
- (b) taking an educational examination;
- (c) participating in paid employment or community service;

(d) attending marriage or funeral services of Family Member(s) or blood relative as prescribed under Rules;

(e) any other purposes as prescribed by Rules.

(2) Subject to such rules, the Inspector General may impose conditions on such order that he reasonably believes necessary for the safe custody and security of the Prisoner, including, but not limited to, a condition that Prisoner shall remain in the custody of police officer deputed by the head of district police whilst under Authorized Absence.

(3) any prisoner who has fulfilled the maximum sentence prescribed of the crimes for which he is accused of shall be given Authorized Absence as prescribed in the Rules along with remissions as announced from time to time;

(4) if the trial is not completed in one year from the date of arrest, and the Prisoner is not involved in any heinous crime, he or she will also be entitled for Authorized Absence as prescribed by Rules;"

Provided that the provisions of this sub-section will be applicable from the date of this Act coming into force.

(5) if the prisoner is a woman, especially where she is a mother, but is not involved in any heinous crime and where appropriate prison environment can not be provided as per requirements, she will also be entitled for Authorized Absence;

(6) Minors if not involved in any heinous crime shall be entitled for Authorized Absence;

(7) Copy of order under this Section shall be provided to Prisoner and concerned authorities.

62. Prisoner's obligation during Authorized absence.—(1) During Authorized Absence, the Prisoner shall:

(a) comply with the conditions stated in the order.

(b) when requested by a Police officer or Prison officer, show the copy of order to the officer; and

(2) On receiving report from any Prison Officer or police officer regarding the breach of the conditions of order of Authorized Absence, the order may be revoked as prescribed in the Rules.

CHAPTER XII
CONTROL AND SECURITY OF PRISONS / CORRECTIONAL FACILITIES
Breaches and Offences by Prisoners

63. Breaches of Discipline.—A Prisoner shall be deemed to have committed a breach of discipline as prescribed in the manner if he:

- (a) disobeys directions of a prison officer;
- (b) makes an article which is prohibited to own;
- (c) possesses something without the approval of the officer in-charge;
- (d) consumes something without the approval of the officer in-charge;
- (e) uses abusive, indecent, insulting, obscene, offensive or threatening language or signs;
- (f) acts in indecent or offensive way;
- (g) behaves in a manner contrary to the security or good order of a prison;
- (h) makes a frivolous and vexatious complaint;
- (i) indulges in gambling;
- (j) possesses or takes medication or gives medication to another prisoner without the approval of officer in-charge or Medical Officer;
- (k) takes another prisoner's property without permission;
- (l) contravenes a requirement of the Rules or regulations as prescribed;
- (m) commits any assault;
- (n) fills, cuts, alters or removes handcuffs or any mechanical, electronic or nylon restraint;
- (o) willfully damages Prisons or correctional facilities property, assets or belongings;
- (p) tampers or defaces any Prison record or any documents;
- (q) receives, possesses or transfers any prohibited article;

- (r) fails to comply with the condition as imposed under authorized absence order;
- (s) absents himself from any place he is required to be or is present at any place where he is not authorized to be;
- (t) intentionally obstructs an officer in the execution of his duty, or any person (other than a prisoner) who is at the prison for the purpose of working there, in the performance of his work;
- (u) intentionally endangers the health or personal safety of others or, by his conduct, is reckless;
- (v) detains any person against his will;
- (w) denies access to any part of the prison to any officer or any person who is at the prison for the purpose of working there;

64. **Escape from Lawful Custody.**—(1) Any person who escapes, prepares to escape or attempts to escape from lawful custody commits an offence and shall be punished by the court of law with imprisonment which may extend to two years.

(2) If at the time of escape, the preparation to escape or attempted escape, of a Prisoner serving a term of imprisonment, the imprisonment imposed for the offence shall be cumulative upon any term of imprisonment the prisoner is currently serving.

65. **Riot.**—(1) Any Prisoner who takes part in a riot shall be deemed to have committed an offence and shall be punished with imprisonment subject to evidence or enquiry in the manner as prescribed.

(2) Any prisoner who during a riot:

- (a) takes another person hostage; or
- (b) escapes from lawful custody,

commits an offence and shall be punished by the court of law with the imprisonment subject to evidence or enquiry in the manner as prescribed.

66. **Assault.**—(1) Any prisoner who assaults any officer shall be deemed to have committed an offence and shall be punished by the court of law with imprisonment subject to evidence or enquiry in the manner as prescribed.

(2) The term of imprisonment period shall be cumulative upon any term of imprisonment which the prisoner was serving at the time when the assault was committed.

67. **Prohibited Things.** — Any Prisoner who makes, possesses, conceals or consumes a prohibited thing, without reasonable excuse commits an offence and shall be punished by the court of law with imprisonment subject to evidence or enquiry in the manner as prescribed.

68. **Other Offences.** - (1) Any Prisoner who -
(a) threatens to do grievous bodily harm to anyone;
(b) destroys, damages or removes any part of a prison or any property in the prison;
and
(c) is unlawfully at large,
commits an offence and shall be punished by the court of law with imprisonment which may extend to two years.

(2) Any prisoner who does not comply with the condition of authorized absence commits an offence and shall be punished by the court of law with imprisonment subject to evidence or enquiry in the manner as prescribed.

69. **Punishment and Procedure for Breach of Discipline and Criminal offence.** - Where a Prisoner is found to have committed supra breach of discipline and criminal offence defined in this Act or any law for the time being in force, the Officer In-charge may initiate necessary action as prescribed in the Rules.

CHAPTER XIII

Offences by Persons

70. **Aiding Prisoner to escape.** - Any person who renders assistance of any kind or in any manner, to enable such prisoner to escape from lawful custody commits an offence and shall be punished by the court of law with imprisonment subject to evidence or enquiry in the manner as prescribed.

71. **Aiding escaped prisoner or prisoner unlawfully at large.** - Any person who aids someone that the person knows, or ought to reasonably know, is a prisoner who has escaped from a lawful custody or is unlawfully at large commits an offence and shall be punished with imprisonment subject to evidence or enquiry in the manner as prescribed.

72. **Obstructing Prison Officer.** - Any person who obstructs a prison Officer in the performance of his duties under this Act commits an offence and shall be punished with imprisonment subject to evidence or enquiry in the manner as prescribed.

73. **Refusing to leave Prison when directed.** - (1) A Prison officer who has control of a prisoner may require a person to leave the vicinity of the prison, if the prison officer reasonably believes that the person poses a risk to the security:

- (a) of the prisoner, and
- (b) good order of the prison.

(2) Any person who fails to comply with sub-section (1), without reasonable cause, commits an offence and shall be punished by the court of law with imprisonment subject to evidence or enquiry in the manner as prescribed. The Prison Officer may use reasonable force to remove the person from the vicinity of the prisoner or prison.

74. **Prohibited Articles.**— Any person who, without reasonable excuse:

- (a) takes or causes a prohibited thing to be taken into a Prison; or
- (b) gives, or attempts to give, a prohibited article to a prisoner or causes, or attempts to cause, a prohibited thing to be given to a prisoner,
- (c) commits an offence and shall be punished by the court of law with imprisonment subject to evidence or enquiry in the manner as prescribed.

75. **Taking Articles from Prison or Prisoner.**— (1) Any person who, without the approval of officer in-charge, removes or causes anything to be removed from a prison commits an offence and shall be liable upon conviction to a fine not exceeding Rs. 25,000/- (Rupees Twenty Five Thousand Only), which may be adjustable through CPI indexation.

(2) Any person who without the approval of Officer In-charge, exchanges or attempts to exchange any prohibited article from a prisoner, whether inside or outside a prison commits an offence and shall be liable upon conviction to a fine not exceeding Rs.25,000/- (Rupees Twenty Five Thousand Only), which may be adjustable through CPI indexation.

(3) This section shall not apply to a Prison Officer or employee in the course of his duties.

76. **Persons not to enter Prison without authority.**— Any person who enters a Prison without the Officer In-charge's approval commits an offence and shall be punished by the court of law with imprisonment subject to evidence or enquiry in the manner as prescribed, and the Officer In-charge will be subject to departmental enquiry.

77. **Trial of Offences.**—(1) Government shall designate court(s) for trial of offences under this Chapter.

(2) The Officer In-charge may initiate necessary action in the manner as prescribed.

CHAPTER XIV GENERAL PROVISION

78. **Delegation of Powers.**— (1) Government may, by notification in the official gazette, delegate all or any of its powers under this Act, to the officer(s) as it may deems fit.

(2) The Inspector General may by an office order, delegate any of his powers under the provisions of this Act or rules for the efficient functioning of the Service to any officer or authority working under him.

(3) The Deputy Inspector General (DIG) and Officer In-charge may also delegate any of their powers under this Act to any authority working under them.

79. **Implementation Committee.**—There shall be an implementation committee constituted by the Administrative Department with the task to implement this law for the initial period of one year which may be extended by Government for further period.

80. **Power to make Rules.**—Government may, by notification in the official gazette make rules for purpose of carryout the provision of this Act.

81. **Regulations.** — The Inspector General may with the approval of Administrative Department by notification in the official gazette, make regulations consistent with this Act and the rules for carrying out the purpose of this Act.

82. **Indemnity.** — No suit, prosecution or other legal proceeding shall lie against any person for anything which is done in good faith, or intended to be done, under this Act or the Rules or Regulations.

83. **Savings.** — All rules, instructions, orders or any proceedings or legal instructions made before the commencement of this Act shall, so far as not inconsistent with the provisions of this Act, be deemed to be rules made, orders or instructions issued and proceedings or legal instructions made, under this Act.

84. **Repeal.** — Prisons Act, 1894 and the Prisoners Act, 1900 are hereby repealed.

**BY ORDER OF THE MADAM ACTING SPEAKER
PROVINCIAL ASSEMBLY OF SINDH**

**G.M.UMAR FAROOQ
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH**