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W. P. Public Order Detenu Rules, 1962

No. 8-41-H-Spl-1/57, dated 8th May, 1962 : In exercise of the powers conferred by Section 27 of the West Pakistan Maintenance of Public Order Ordinance, 1960 (XXXI of 1960), the Governor of West Pakistan is pleased to make the following rules, namely:--

1. Short title: These rules .may be called the West Pakistan Public Order Detenu Rules, 1962.

2. Definitions: In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

(a) "detenu" means any person detained In custody under the provisions of Section 3 of the Ordinance ;

(b) "Deputy Inspector-General, Criminal Investigation Department" means the Deputy Inspector-General of Police, who for the time being, is in charge of the Provincial Criminal Investigation Department, or any officer specially authorised by him by an order in writing to perform his functions under these rules ;

(c) "Director" means the Director of Prisons in charge of the Region in which any detenu is detained ;

(d) "Form" means a form appended to these rules ;

(e) "Jail" means any prison as defined in sub-section (1) of Sec. 3 of the Prisons Act, 1894 and includes any place which has been declared by Government by general or special order to be a subsidiary Jail ;

(f) "Ordinance" means the West Pakistan Maintenance of Public Order Ordinance, 1960 (XXXI of 1960) ; and

(g) "Superintendent" means the Superintendent-in-charge of the Jail in which any detenu is detained.

3. Accommodation : Detenus shall be kept in association wards, or, if that be not possible or convenient, in cells, and shall be allowed to associate freely with one another, but as far as possible separate from ordinary prisoners;

Provided that the Superintendent may confine any particular detenu or any class of detenus separately, if he considers it desirable on grounds of health or for any other sufficient reason.

4. Classification: (1) There shall be two classes of detenus, namely, Class I and Class II.

(2) The classification in regard to any person detained under the Ordinance shall be determined by the authority directing his detention In accordance with his social

status nd more of living and shall be specified in the order of detention.

(3) A detenu shall in no case be treated as a C' class prisoner, even in the absence of any classification.

5. Diet : (1) Detenus of Class I and Class II shall be provided with diet on the same scale as is for the time being prescribed for convicted prisoners of. A and B classes. respectively.

(2) Detenus of either class may receive food from private sources in the same manner as ordinary prisoners.

6. Clothing: (1) A detenu may wear his own clothes, and may with permission of the Superintendent, obtain extra clothes and bedding through relatives and friends. A detenu who is unable to provide himself with sufficient clothing and bedding through his own sources will be supplied by the Superintendent with clothing and bedding on the same scale as is prescribed for ordinary prisoners.

(2) Where detenus obtain clothes from private sources, their washing charges shall be borne by the detenus themselves, and will be recovered from the funds of the detenus. In the case of clothes supplied by the Superintendent, the Jail may provide the same facility for washing as is allowed to ordinary prisoners.

7. Periodical reports regarding detenus : The Superintendent in whose custody any detenu is placed shall on the first day of January, April, July and October in each year submit to Government through the Director, a report on the conduct, health and comfort of the detenu.

8. Funds: (1) A Class I detenu may receive funds not exceeding Rs. 50.00 per mensem and a Class II detenu may receive funds not exceeding Rs. 20.00 per mensem, from friends and realities to supplement amenities of life.

(2) In addition to any funds received under sub-rule (1), detenus shall be granted a monthly allowance in cash at the following rates :--

Rs.	Rs.
Class 150.00	Class 11 30.00

(3) A detenu may, with the permissin of Government pass the whole or any part of the allowance to his family or dependents.

(4) All funds received by a detenu shall be kept by the Superintendent and spent by him in consultation with the detenu.

(5) A detenu shall not be allowed to receive money directly by money order or otherwise, and all remittances meant for detenus shall be made to the Superintendent.

(6) In addition to the allowance to be paid to detenus under the provisions of sub-rule (2), Government may, in its discretion, grant an allowance for the maintenance of the dependents of a detenu, having regard to the consequences to the dependents of any deprivation of the detenus capacity to earn his livelihood and maintain them.

(7) A separate account shall be kept by the Superintendent of the expenditure of monthly allowance of each detenu and when the detenu is transferred, the balance of

his monthly allowance and other funds (if any) received by a detenu shall be notified to the receiving jail.

(8) On final release from jail, every detenu is entitled to receive the balance of the monthly allowance and other funds (if any) that stand to his credit.

9. Searches : Every detenu and his cell or ward, as the case may be, shall be searched by the Superintendent or any other officer duly authorised by him in this behalf in writing not less than once a week, and oftener if the Superintendent so directs. Special precaution shall be taken to make such a search thorough and the fact of the search shall be noted in the report book of the officer conducting the search. Detenus shall be searched before and after interviews and at any other time if the Superintendent considers it necessary.

10. Photograph and fingerprints: The District Superintendent of Police or any other police officer duly authorised by him in this behalf may take photographs and register the fingerprints of detenus.

11. Interview: No detenu shall be permitted to have an interview with any relative or friend unless the person seeking the interview:--

(a) has been approved in accordance with rule 12, as a person who may be regularly admitted for interview without special sanction for has been granted such permission pending the preparation of the list of interviewers ; or

(b) has obtained special permission to interview the detenu in accordance with rule 13.

12. Lists of persons approved for interviews : (1) The Director shall, with the approval of Government, prepare a list of the relatives and friends of each detenu, who may be permitted to interview him without special sanction. A copy of such list as revised from time to time will be supplied to the Superintendent who will have the authority to allow persons on the list to interview the detenus, in conformity with these rules, without special reference to Government or to the Deputy Inspector-General, Criminal Investigation Department.

(2) Pending the preparation and supply of the aforesaid a list to the Superintendent, the authority ordering the detention may permit any person to interview the detenu and no production of such permission the Superintendent shall act as if the name of the person so permitted is included In the said list.

13. Application for interviews : (1) Applications for interview from persons other than those referred to in rule 12, shall be preferred to the Deputy Inspector-General of Police, Criminal Investigation Department, who may, in his discretion grant or refuse sanction.

(2) The applications shall as far as possible be made in Form A.

(3) An application for interview will not ordinarily be considered unless it is received by the Deputy Inspector-General of Police, Criminal Investigation Department, not less than four clear days before the date for which the interview is sought.

14. Cases of impersonation: If a person, not being one of the persons permitted by rule 12 or a person specially authorised under rule 13 to interview to detenu, secures an interview with a detenu, pretending to be a person in the permitted category or

one who has been given special permission, and the detenu is found to have been a party to such impersonation, interviews with the detenu shall be prohibited or such period as the Director may determine.

15. Restrictions on interviews: (1) No detenu shall be allowed more than one interview in a fortnight, and not more than three persons shall be permitted to visit a detenu at one interview.

(2) Persons admitted for interview may be allowed, at the discretion of the Superintendent, to take children under 12 years of age with them, and any children so permitted shall be in addition to the number of persons mentioned under sub-rule (1).

16. Days for interviews: (1) Interviews shall ordinarily take place on Thursdays, but where the enforcement of this rule entails harshness, the Superintendent may, in his discretion, allow interview to take place on any other day of the week.

(2) Aid cases in which a Superintendent exercise his discretion under this rule to allow an interview on a day other than a Thursday shall be reported by him forthwith to the Superintendent of Police of the District in which the jail is situated, except in the case of Lahore, where the report shall be made to the Deputy Inspector-General, Criminal Investigation Department.

(3) Intimation of the date and time fixed for all interviews shall be given by the Superintendent, not less than twelve hours in advance, to the Deputy Inspector-General, Criminal Investigation in the case of detenus at Lahore and to the Superintendent of Police of the District where the detenu is confined in other cases, in order that arrangements may be made for the attendance of the officer referred to in rule 18.

17. Duration of interviews: (1) Interviews with relatives shall be limited to an hour's duration, and those with others to half-an-hour, provided that these limits may be extended with the written permission of the Superintendent of Police of the District in which the jail is situated.

(2) All cases in which the Superintendent of Police makes use of the powers conferred by this rule shall be reported by him forthwith to the Deputy Inspector-General, Criminal Investigation Department.

18. Manner of interviews : (1) All interviews shall take place in the presence of an officer not below the rank of Sub-Inspector of Police deputed for the purpose by the Deputy Inspector-General, Criminal Investigation Department in the case of jails in Lahore and in other cases by the District Superintendent of Police, and such officer may stop the interview if he considers that the conversation has turned on an undesirable subject, and shall also report the matter to the Superintendent, who may inflict on the detenu any of the punishments enumerated in rule 32.

(2) Subject to the provisions contained in sub-rule (1) the place and mode of all interviews shall be determined by the Superintendent.

(3) It shall be the responsibility of the Superintendent to see that the detenus and their interviews are provided with chairs.

19. Increase in the number of interviews in special cases : The Deputy Inspector-General. Criminal Investigation Department, may in special cases, increase the number of persons permitted to be present at any interview and the number of

interviews allowed to a detenu in a fortnight All orders passed by him in exercise of this power shall be reported to Government.

20. Record of interviews : A record shall be maintained by the Superintendent of all interviews between a detenu and his relatives with the names of the persons present at each interview.

21. Correspondence and censorship : (1) Detenus of class I shall ordinarily be permitted to write four letters, and detenus of class II two letters, each per week.

(2) All letters from detenus shall be written in Form B, and shall not exceed the prescribed length. The forms shall be supplied by Government.

(3) No detenu shall write a letter to any other detenu and not more than one letter shall be enclosed is one envelope, except with the special permission of the Superintendent. All correspondence to and from a detenu shall be confined to purely domestic matters, or subjects relating to the welfare of the detenu and his near relatives. Matters containing references to communal or political or other objectionable matters shall be withheld as laid clown in rule 22.

(4) No restriction shall be imposed on the number of letters detenus may receive.

22. Transmission of letters, newspapers and other communications to detenus: (1) No letters, newspapers or other communication shall be transmitted, to or from a detenu except through the Superintendent or such other officer as Government by general or special order in this behalf may direct.

(2) All letters to and from a detenu detained in a jail shall be perused by the Superintendent concerned, and subject to any special orders of Government shall be submitted by him to the senior most police officer of the district concerned, who may in his discretion either withhold the letters or forward them without delay as they are, or after scoring out such portions, as he may consider undesirable. In case of doubt the aforesaid police officer shall refer the matter to the Deputy Inspector-General, Criminal Investigation Department, or other officer designated by Government in this behalf.

(3) Newspapers permitted by Government shall be handed over to detenus without prior censorship. The names of newspapers, periodicals and magazines which have been approved by Government for detenus shall from time to time be communicated to the Superintendent by Government.

(4) No detenu shall receive more than two newspapers a day or more than ten boods a month. The restriction can be relaxed in special cases by an order in writing of the Deputy Inspector-General, Criminal Investigation Department.

23. Transmission of books to and from detenus : No books shall be transmitted to and from a detenu except through the senior most Police Officer of the district and the Superintendent. The Police Officer may in his discretion withhold any took. In cases in which books have been withheld a report shall be made to the Deputy Inspector-General, Criminal Investigation Department, or any other officer designated by Government in this behalf.

24. Supply of articles of stationery to detenus : (1) Loose paper may be supplied to detenus but only for writing the permissible number of letters or applications. For other purposes, ordinary school exercise books shall be supplied, and the pages shall

be numbered. The extraction of any loose leave from any such exercise book by a detenu shall be dealt with as a breach of jail discipline.

(2) Pencils, pens and ink may be allowed to detenus, for writing the permissible number of letters, or applications at Government cost, but if required for other purposes, shall be paid for out of their monthly allowances or private funds.

(3) Only such detenus may purchase articles of stationery as really need them for literary pursuits. In case a detenu abuses this privilege, the Superintendent may withhold the concession.

25. Deletion of objectionable portions from communications to and from detenus : If in any communication made by, or intended to be delivered to a detenu, anything objectionable from the point of view of jail discipline is found by the Superintendent, he may delete the same or mark it for deletion and point this out when forwarding such communication to the proper authority.

26. Purchase of newspapers by detenus : In addition to newspapers, periodicals and books may be received through the Superintendent any detenu who receives funds from outside may be allowed to purchase from such funds, newspapers, periodicals, books and stationery subjects to the conditions laid down in rules 22 and 23.

27. Initialling of detenus letters by scrutinizing officer: Every letter to or from a detenu shall be initialed and dated by the officers who handle the letter.

28. Procedure on detention of letters to and from detenus : In all cases in which a letter from or to a detenu is withheld the detenu shall be informed, through the Superintendent concerned of the detention, and every letter so withheld shall be sent to the Deputy Inspector-General. Criminal Investigation Department or other officer designated by Government in this behalf, who may in his discretion either retains or destroy it.

29. Telegrams to and from detenus : The following procedure shall be followed with regard to the despatch of telegrams to and from detenus--

(a) When the telegram is to or from Government, it shall be forwarded direct, provided that the Provincial Government shall always be the intermediary in correspondence with the Federal Government.

(b) It shall be the duty of the Superintendent to ensure that only telegrams the urgency of the contents of which justifies the use of the telegraphic transmission shall be despatched by a detenu. Any telegram despatched by a detenu, which in the opinion of the Superintendent does not conform to this condition shall be considered to be a letter to be included in the total number of letters permitted to be written under sub-rule (1) of rule 21 and the detenu shall be informed accordingly in each case.

(c) The Superintendent may despatch any intended telegram from a detenu, including a petition submitted in telegraphic form by post instead of by telegram in any case where in his opinion the subject-matter is not of sufficient urgency to justify transmission by telegraph.

(d) Telegram to or from private individuals shall be subject to the censorship described in rule 22 in the absence of special orders of Government to the contrary.

30. Discipline : A detenu--

(i) shall reside in the accommodation allotted to him by the Superintendent whether in an associate ward or a cell ;

(ii) shall not proceed beyond the limits of the jail save with the permission of the Superintendent given by general or special order in this behalf ;

(iii) shall obey the orders of the Superintendent issued from time to time for the comfort, safety and health, or for the discipline, orderly conduct and control of detenus ;

(iv) shall attend roll-call and answer to his name in person at such time and place within the jail as may be appointed by the Superintendent;

(v) shall not do anything wilfully with the object of affecting his own bodily welfare;

(vi) shall conform to the standard of cleanliness and dress laid down by the Superintendent ;

(vii) shall not have in his possession any coin, currency-notes or negotiable instrument, any weapon, stick, razor other than safety razor, pieces of iron or any other articles which may be used as a weapon of offence or defence ;

(viii) shall not exchange or sell any of his kit, equipment, clothes, furniture or other belonging ;

(ix) shall not refuse to take the prescribed diet ; and

(x) in matters not provided for by these rules, shall abide by the provisions of the Jail Manual for the time being in force.

31. Breaches of Discipline : Any detenu who contravenes any of the provisions of Rule'30 or refuses to obey any order issued thereunder, or does any of the following acts, namely :--

(i) assaults, insuits, threatens or obstructs any fellow prisoner or any officer of the jail or any other Government servant, or any person employed in or visiting the jail ; or

(ii) quarrels with any person in the jail ; or

(iii) is guilty of indecent, immoral or disorderly conduct; or

(iv) communicates or attempts to communicate with any person outside the jail in an unauthorised manner; or

(v) bribes or attempts to bribe any Government servant or any person employed in or visiting the jail ; or

(vi) commits any nuisance or wilfully befouls any well, latrine, washing or bathing place; or

(vii) disobeys the orders of or shows disrespect to any official of the jail; or

(viii) wilfully damages any property belonging to Government or tempers with any locks, lamps or lights in the jail; or

(ix) receives, possesses or transfers any articles in contravention of an order of the Superintendent ; or

(x) feigns illness, or

(xi) wilfully brings a false accusation against any officer of the jail or a fellow prisoner ; or

(xii) omits or refuses to report, as soon as it comes to his knowledge, the occurrence of any fire, any plot or conspiracy to escape, attempt or preparation to escape, and any attack or preparation for attack upon any officer or occupant of the jail ; or

(xiii) abets the commission by a fellow prisoner or any of the foregoing acts ; or

(xiv) omits or refuses to help any officer of the jail in the case of an attempted escape on the parts of any of his fellow prisoners, or of any attack upon such officer or upon any of his fellow prisoners, shall be deemed to have committed a jail offence.

32. Punishment : (1) If after such inquiry as he may deem necessary, the Superintendent is satisfied that a detenu is guilty of a prison offence specified in Rule 31, he may award the detenu one or more of the following punishments :--

(a) confinement in cell for a period not exceeding fourteen days ;

(b) alteration of diet for a period not exceeding fourteen days ;

(c) cancellation or reduction, for a period not exceeding two months, of the concession of receiving funds or food or both from outside ;

(d) cancellation or reduction for a period not exceeding two months of the privileges of writing and receiving letters or of receiving newspapers and books ;

(e) cancellation or reduction for a period not exceeding two months of the privilege of having interviews ;

(f) cancellation of the privilege of wearing his own clothes.

(2) if any detenu is guilty of a prison offence which by reason of his having frequently committed such offence or otherwise is in the opinion of the Superintendent not adequately punishable by him under the provisions of sub-rule (1), he may report the facts to a Magistrate of the First Class having jurisdiction and also forward the detenu, if still under detention, to him and such Magistrate shall thereupon enquire into and try the charge so brought against the offender and upon conviction may sentence him to imprisonment for a term not exceeding one year, provided that where the act, constituting the offence constitutes an offence publishable under the Penal Code with imprisonment for a term exceeding one year, nothing in this rule shall preclude the offender from being tried and sentenced for such offence in accordance with the provisions applicable to such offence.

(3) When a detenu in jail is prosecuted under this rule the trial may be held in jail, if the Government so directs.

33. Use of force to compel obedience to lawful order: The Superintendent may use or require to be used such force as may in his opinion be necessary to compel obedience on the part of any detenu to any lawful order issued by the Superintendent.

34. Games and exercises for detenus : (1) Arrangements for games for detenus shall be made by the Superintendent with due regard to the maintenance of jail discipline ;and the safe custody of the detenus, exercises shall be allowed in the open air for at least one hour in the morning and one hour in the evening on each day. During games and exercises in the open air, detenus shall be allowed to associate with each other under the supervision of the jail staff in such numbers and in such manner as the Superintendent may think safe.

(2) Detenus shall be allowed to play volley-ball and badminton if there is room for this in the jail and the number of detenus warrants it.

(3) Detenus shall be permitted to engage in useful work to enable them to make good use of their time, and suitable employment may be provided for them in their own yards and barracks, if they so desire, at the direction of the Superintendent; provided that they shall not be employed on any office or clerical work.

35. Smoking : Detenus shall be allowed to smoke cigarettes at their own expense, but smoking of `HUKKA' shall not be allowed in the jail.

(3) Detenus shall be permitted to engage in useful work to enable them to make good use of their time, and suitable employment may be provided for them in their own yards and barracks, if they so desire, at the direction of the Superintendent; provided that they shall not be employed on any office or clerical work.

36. Applications or representations : (1) Detenus shall submit their applications or representations to Government in duplicate. One copy of such application or representation shall be detained by the Superintendent for future reference.

(2) The superintendent shall withhold applications or representations addressed to Government by detenus which are couched the disrespectful or discourteous language.

37. Transfer of detenus to hospitals : (1) In cases where it is necessary to remove a detenue to a hospital outside the jail for operative or other special treatment which cannot conveniently be given in the jail itself the orders of Government shall he obtained through the Director.

(2) In emergent cases, the Superintendent may anticipate the sanction of Government, but should make an immediate report of all cases in which he exercises this authority.

(3) The superintendent shall ask the Superintendent of Police of the District in which the laic is, situated to wake arrangements for guarding detenus during their stay in the hospital, and fur the purposes of jail discipline the Superintendent should depute a jail official to see that the rules herein contained are properly observed by the detenu in the hospital.

38. Treatment : (1) It a detenu is found to be in need of eyeglasses, the point shall be decided beforehand whether their are to be supplied at Government expenses or at his own expense in other case a reference shall be made to Government for sanction by the superintendent Laitf the recommendation whether or not the spectacles are to be provided at Government expense.

(2) In case a detenu wishes to get dental or other treatment from his private doctor instead of at a Government hospital, the sanction of Government to this effect shall invariably be obtained beforehand.

(3) Ire places where medical or dental facilities in Government institutions dose not exist awl the detenus have perforce to resort to a private practitioner for treatment, such expenses shall be met out of Government fund.

(4) Charpoys (wooden) shall be supplied, on the recommendations of the Medical Officer of the fall concerned, to detenus who are not in a good state of health.

39. Production of detenus in the Court of Law : (1) No detenu shall be taken out of the jail for production in a Court of Law other than the High Court without prior sanction of Government. In case the detenu is required only to give evidence, he shall not be allowed to be produced in Court in person, but may be examined in jail through a Commission.

(2) In case the High Court of West Pakistan issues a Notice for the production of any detenu the same shall be complied with and a reference to the effect made to the Director concerned for obtaining formal sanction of Government.

40. Miscellaneous : (1) All particulars relating to detenus shall be entered (without serial number) in the register of civil prisoners, and all statistics of detenus shall be shown separately in jail returns.

(2) Detenus of either class shall be allowed to use electric table fans at their own expense in jails where facilities for these exist.

(3) In case a detenu desires to take up the University examination while under detention. sanction of Government shall be obtained well in advance by the Superintendent through proper channel, and in case Government agrees to the request, an examination centre for holding of the examination shall be declared within the premises of the jail with the prior consultation of the University concerned.

(4) Class I detenus shall be allowed furniture at the scale allowed to 'B' class prisoners.

41. Rules regarding rail journeys by detenus : (1) Whenever it is necessary to transfer a detenu from one place to another by rail, the class by which he is to travel shall be determined by Government.

(2) While in transit from one place to another a detenue shall be paid a daily diet allowance to be fixed by the Superintendent keeping in view the social status of the detenu.

42. Issue of local instructions by Director : (1) Such other local instructions as may be necessary for the guidance of jail officers may be issued by the Director or any other officer of Prisons authorised in this behalf, with the approval of Government.

43. Rules to be shown to Detenus : These rules shall be shown to each detenu on his arrival in jail.

43-A. There shall be set up one or more Boards for the purpose of reviewing cases of detenus to be dealt with under clause (b) of sub-section (5) of Section 3 of the Ordinance.

[Ins. by Notification No. 3-57-H/62, published in the Gazette of West Pakistan Extraordinary dated 4th October, 1962.]

43-B. The Board or Boards shall sit at such place; or places as may be fixed by the Government.

42-C. Government shall place at the disposal of the Board, for the performance of its duties such staff or officers as Government may deem necessary.

43-D. Government shall appoint one or more officers for the purpose of placing before the Board, the material and the other information referred to in sub-clause (iv) of clause (c) of sub-section (5) of Section 3 of the Ordinance, which may be required by the Board.

44. Supersession of existing rules : These rules supersede--

(1) The Punjab Public Safety Detenu Rules, 1952.

(2)The Baluchistan Public Safety Detenus Rules 1953.

(3) The North-West Frontier Province Public Safety Rules, 1954

(4) The Sindh Public Order Detention Rules, 1952.

W. P. Maintenance of Public Order Ordinance, 1960

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