

BEFORE THE SERVICES TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR

In matter of Service Appeal No. 1553/2023

Muhammad Tahir, Ex-Warder (BPS-07), r/o Sub Division Hassan Khail District Peshawar.....**Appellant.**

VERSUS

1-Inspector General of Prisons, Khyber Pakhtunkhwa Peshawar.

2-Superintendent, Headquarter Prisons Peshawar**Respondents.**

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Deponent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In matter of Service Appeal No. 1553/2023

Muhammad Tahir, Ex-Warder (BPS-07), r/o Sub Division Hassan Khail District Peshawar.....Appellant.

VERSUS

1- **Inspector General of Prisons,**
Khyber Pakhtunkhwa Peshawar

2- **Superintendent,**
Headquarter Prisons Peshawar.....**Respondents.**

9286
20/11/23

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO 1 & 2

PRELIMINARY OBJECTIONS

- i. *That the appellant has got no cause of action/locus standi.*
- ii. *That the instant appeal is badly time barred.*
- iii. *That the appellant has concealed the material facts from this honorable tribunal, hence liable to be dismissed.*
- iv. *That the appellant has not come to this honorable tribunal with clean hands.*
- v. *That the appellant has filed the instant appeal just to pressurize the respondents.*
- vi. *That the appellant has filed the instant appeal on malafide motives.*
- vii. *That the instant appeal is against the prevailing law and rules.*
- viii. *That the appellant is estopped by his own conduct to file this instant appeal.*
- ix. *That the present appeal is not maintainable in the present form and also in the present circumstances of the case.*
- x. *That the appeal is bad for misjoinder and non joinder of necessary parties.*

FACTUAL OBJECTION:-

1. Pertain to appellant service history hence no comment.
2. Incorrect and not admitted that on 05-11-2023 12:00 PM during search at main Gate (Dewri) 204 gm of Chars and a mobile phone were recovered from the possession of the appellant which was hidden in his shoes **Copy of Charge Sheet and statement of allegation is (Annex A)** and later on the appellant revealed that he was taking it for a under trail prisoner namely Rehman s/o Reshmeen. The squad rushed towards the said under trail prisoner and upon his search 12gm of chars was recovered from the possession of said under trail prisoner and also confessed that this chars was provided to him by warder M. Tahir and now he was waiting for said warder to deliver some more chars. **Copy of inquiry report is attached as (Annex B).**
3. Incorrect and not admitted. The appellant was suspended on 08-11-2022 and later on Charge sheeted on 16-11-2022. The appellant released on bail on 22-11-2022 and after released provided him fair

- opportunity of personnel hearing to proof himself innocent but he failed. **copy of suspension order (Annex C).**
4. Pertain to record, hence need no comments.
 5. Incorrect and no admitted. After completion of inquiry the competent authority issued him final show cause notice to provided him an opportunity to defend himself but in vain. **Copy of final show cause notice as (Annex D).**
 6. Incorrect and not admitted. The appellant was removed from service on 11-01-2023 **(Annex E)** and after his removal he never performed any duty, so as concerned to his salary stance, The respondent No. 02 soon after his removal from service forwarded "**Salary Source**" to Accountant General office in order to stop his salary immediately.
 7. Incorrect and not admitted. The appellant was personally heard by the competent authority and provided him ample opportunity of personnel hearing but in light of available record i-e inquiry report and statement of the accused warder/appellant the competent authority was cleared that the said warder is a routine supplier and supply narcotics and mobile phone inside jail to the inmates which is undesirable offence, thus the competent authority rightly awarded him major penalty of Removal from Service, which was duly communicated to the appellant through line office of Central Prison Peshawar and appellant received a copy of Removal order on 13-01-2023 from line office **(Annex F)**. The accused warder was fully associated during whole departmental proceeding to prove him innocent but failed to do so.
 8. The appellant preferred departmental appeal on 26-06-2023 **(copy enclosed)** and the appellate authority after observing all legal and codal formalities observed that departmental appeal of the appellant being time barred by four months and fifteen days which was rejected on the basis of time barred **(Annex-G)**.
 9. No comments.

OBJECTION ON GROUNDS:

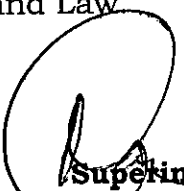
- A. Both the order issued by the respondents No.1 & 2 is totally legal and allegation has been duly proved against him.
- B. Not admitted. No one should be above the law. Everyone should be treated according to their own acts is golden principle of nature. The accused are always treated equally and legally under the rules.
- C. Not admitted, the appellant was suspended on 08-11-2022 as he was caught red handed in supplying of narcotics and mobile phone during search at main dewry while going for his allotted duties inside Jail which is violation of rule 690 and 691 of the Khyber Pakhtunkhwa Prison Rules 2018 **(Annex-H)**.

Moreover, Station House Officer, East Cantt, was also approached vide Superintendent Central Prison Peshawar letter dated 05-11-2023 (**Annex-I**) to register an FIR against the appellant.


- D. Incorrect and not admitted. The appellant has rightly been awarded major punishment as he committed heinous crime / offense by violating Rule 690 & 691 of Khyber Pakhtunkhwa Prisons Rules 2018.
- E. Incorrect and not admitted. Complete codal formalities have been exhausted and poor before passing the major penalty in shape of removal from service imposed upon the appellant.
- F. Incorrect and not admitted. The charges leveled against the appellant were completely proved through cogent evidence by the respondents.
- G. Incorrect and not admitted. The appellant was duly associated in the process of proceedings initiated against him.
- H. As elaborated in Para-G above.
- I. Respondent also seeks permission of this honorable tribunal to raise additional grounds/objections in the time of arguments.

PRAYER

It is therefore most humbly prayed that on acceptance of this instant reply/Joint Para-wise comments on behalf of respondent No. 1 & 2 the appeal of the appellant may please graciously be dismissed being devoid of merit and Law


Superintendent,
 Headquarters Prison Peshawar
 (Respondent No. 2)

(Waseem Khan)


Inspector General of Prisons
 Khyber Pakhtunkhwa Peshawar
 (Respondent No. 1)

(Usman Mehsud)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

In matter of Service Appeal No. 1553/2023

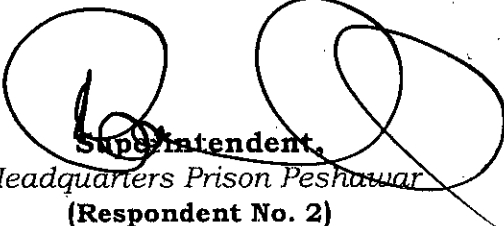
Muhammad Tahir, Ex-Warder (BPS-07), r/o Sub Division Hassan Khail District Peshawar.....Appellant.**VERSUS**

- 1- **Inspector General of Prisons,**
Khyber Pakhtunkhwa Peshawar
- 2- **Superintendent,**
Headquarter Prisons Peshawar.**Respondents.**

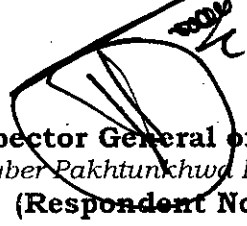
COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENTS No. 1 & 2.

We, the following respondents do hereby solemnly affirm and declare that the contents of the para-wise comments in the above cited appeal are true and correct to the best of our knowledge and belief and that no material/ facts have been kept concealed from this Honorable Service Tribunal.

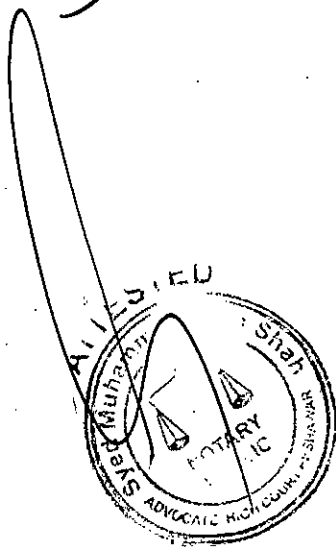
It is further stated on oath that in this appeal, the answering respondents have neither been placed ex parte nor their defense have been struck off.


Superintendent,
Headquarters Prison Peshawar
(Respondent No. 2)

(Waseem Khan)


Inspector General of Prisons
Khyber Pakhtunkhwa Peshawar
(Respondent No. 1)

(Usman Mehsud)



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No 1553 /2023

Muhammad TahirAppellant

VERSUS

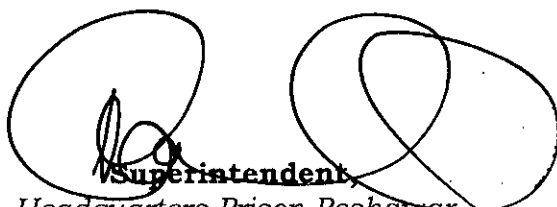
IG Prisons & Other.....Respondents

REPLICATION ON CONDONATION OF DELAY APPLICATION


1. Not related with the answering respondents.
2. Pertain to court discretion. Hence need no comment.
3. Incorrect and not admitted. The appellant making a lame excuse which is unconvincing and inadequate Just to wash out his issue of limitation, while his appeal is badly time-barred of 04 months and 15 days.
4. No Comments.

Prayers:

It is therefore most humbly prayed that on acceptance of this instant reply/Joint Para-wise comments on behalf of respondent No. 1 & 2 the appeal of the appellant may please graciously be dismissed being devoid of merit and Law.


Superintendent,
 Headquarters Prison Peshawar
 (Respondent No. 2)

(Waseem Khan)


Inspector General of Prisons
 Khyber Pakhtunkhwa Peshawar
 (Respondent No. 1)

(Usman Mehsud)

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No: 7652 P/B Dt: 16/11/2021

DISCIPLINARY ACTION

1. **Maqsood ur Rahman**, Superintendent Headquarters Prison Peshawar as Competent Authority am of the opinion that Warder (BPS-07)), **Muhammad Tahir s/o Gul Hameer (suspended)** attached to Central Prison Peshawar has rendered himself liable to be proceeded against, as he committed the following act/ omission within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011:-

STATEMENT OF ALLEGATIONS:-

"During search at Main Gate (Dewry) at 12:00 PM 204 gm Chars and a mobile phone were recovered from your possession which constituted gross misconduct and rendered yourself liable to be proceeded against under E&D rules."

2- **Mr. Abdul Haseeb**, Assistant Superintendent- Cum- Superintendent Sub Jail Jamrud, is hereby nominated as Inquiry Officer against the above accused warder with reference to the above allegations, under rule 10(1)(a) of the ibid rules.

3- The Inquiry Officer shall in accordance with the provision of the ibid rules, provide the reasonable opportunity of personal hearing to the above accused, record their findings, within fifteen days of the receipt of this order, recommendations as to punishment or other appropriate action against the above accused official.

4- The above accused Official shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
E-mail: hqprisonpeshawar@gmail.com

Endorsement No: 7653-55
Copy of the above is forwarded to the:-

1. Superintendent Central Prison Peshawar for information with reference to his letter No. 16337/WE dated 15-11-2022.
2. **Mr. Abdul Haseeb**, Assistant Superintendent-Cum Superintendent Sub Jail Jamrud as Inquiry Officer for initiating proceedings against the above named official attached to Central Prison Peshawar under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Fact finding Inquiry into the matter shall be made and responsibility shall also be fixed on defaulter/ accused concerned.
3. **Warder Muhammad Tahir s/o Gul Hameer**, C/o Superintendent Central Prison Peshawar with the directions to appear before the Inquiry Officer for the purpose of inquiry on the date, time & place fixed.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
E-mail: hqprisonpeshawar@gmail.com

CHARGE SHEET

I, **Maqsood ur Rahman**, Superintendent Headquarters Prison Peshawar as Competent Authority, hereby charge Warder (BPS-07), Muhammad Tahir s/o Gul Hameer (**suspended**), attached to Central Prison Peshawar as follows:-

"During search at Main Gate (Dewry) at 12:00 PM 204 gm Chars and a mobile phone were recovered from your possession which constituted gross misconduct and rendered yourself liable to be proceeded against under E&D rules."

2- By reasons of the above, you appear to be guilty of misconduct under rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule-4 of the rules *ibid*.

3- You are therefore required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Inquiry Officer.

4- Your written defense, if any, should reach to the Inquiry Officer/ Inquiry Committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case *ex-parte* action shall be taken against you.

5- Intimate whether you desire to be heard in person.

6- Statement of Allegations is enclosed.


**SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR**


**SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR**

OFFICE OF THE
SUPERINTENDENT
SUB JAIL JAMRUD DISTRICT
KHYBER

Msbjailjamrud@gmail.com

No. 2053 Date. 16.12.2022

To,

The Honorable Superintendent,
Headquarter Prison Peshawar.

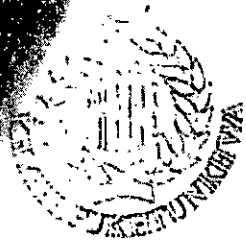
Subject: - DISCIPLINARY ACTION AGAINST WARDER (B.S-07) MOHAMMAD
TAHIR S/O GUL HAMEED, ATTACHED TO CENTRAL PRISON
PESHAWAR.

Respected Sir,

With reference to your office endorsement No. 7653-55 dated 16-11-2022. The undersigned proceeded to central prison Peshawar on 25-11-22, where I met with accused warder and all relevant staff. Accused warder and other relevant staff were heard in person, especially accused warder was provided with ample of time to defend himself. The undersigned probed into the assigned task deeply and made diligent endeavors to surface the factual position and elicit the covert hands if any. In this connection, the undersign found the following findings:

- (i) From statement of accused warder (B.S-07) MOHAMMAD TAHIR S/O GUL HAMEED he was inducted into this department in 2019 and after completion of his basic training at CP Mardan he was posted at CP Peshawar and since then he is performing his duty there.
- (ii) On 5th November 2022 at about 12:00 PM, he was ready for his duty with rest of guards in main Dewdi gate, when A.S Inaam Khan called his name and then took me to DS1 and then to superintendent jail. In front of SP jail and video camera he was searched by warders Zeeshan Alam and sharafat and recovered some chars from my shoes while I myself gave them a cell phone lying in my paint.
- (iii) During personal hearing accused warder narrated in defense a lame excuse that someone else has put that chars in his shoes and he is totally blank slate about that, and confessed that he is having family animosity and rivalry that's why he used to keep cell phone even inside jail to attend any emergency call.
- (iv) Assistant superintendent INAAM KHAN, being in charge of special search squad. On 5th November 2022, at about 12:00 PM received information from a convicted prisoner confined in solitary cell for jail

HEADQUARTERS PRISON PESHAWAR
SUPERINTENDENT



OFFICE OF THE
SUPERINTENDENT
SUB JAIL JAMRUD DISTRICT
KHYBER

Msbjailiamrud@gmail.com

No. _____ Date. 16.12.2022

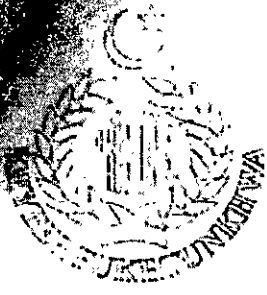
offence ,that warder TAHIR , performing duty from 12:00 pm to 4:00pm used to bring Narcotic's and other contrabands inside jail.

- (v) A.S INAAM rushed towards main Dewdi gate along with his squad. The guards were ready for entry, he asked who is warder TAHIR, at this the accused warder respond accordingly and there was no other warder with this name in guards. A.S INAAM along with two warders of his squad namely i) Zeeshan Alam and ii) Sharafat took the accused warder to DS and Narrated the scene. They all took the accused warder to sp jail and in front of SP Jail and video camera the accused warder was physical searched by warder's zeeshan and sharafat consequently two packets of chars from accused shoes weighting 204 gm and a cell phone from his belt was recovered.
- (vi) Lattor on the accused warder revealed that he was taking it for a UTP namely Rehman S/O Reshmeen. The squad rushed towards the said UTP and upon his search 12 gm chars was recovered from his possession .The accused UTP also confessed in front of D.S and video camera that this chars was provided to him by warder M.TAHIR and by now he was waiting for said warder to deliver some more chars.
- (vii) A.S Inaam Khan reported that as per his information he used to supply contrabands inside jail in routine and earned a lot of haram money with provision of this curse to inmates.
- (viii) Warders (B.S-07) Zeeshan Alam and Sharafat also narrated the same report as A.S Inaam khan.
- (ix) Moreover, the accused UTP with whom 12gm chars was recovered was heard in person and his available video also revealed that accused warder was taking chars for him and other inmates in routine, and on that day he was waiting for accused warder to deliver him some more chars as he has paid to the warder in advance .

CONCLUSION AND RECOMENDATION:

From the above findings we infer that accused warder Tahir was taking Norco's and cell phone inside jail during duty at 12: 00 pm on 25 November but was caught red handed. on spy information. by A.S Inaamullah and his team

WADQUARTERS PRISON PESHAWAR
SUPERINTENDENT



OFFICE OF THE
SUPERINTENDENT
SUB JAIL JAMRUD DISTRICT
KHYBER

Msbjailiamrud@gmail.com

No. _____ Date. 16.12.2022


mentioned above, in front of video camera, DY superintendent and superintendent jail. While the accused warder has no other defense except that he 'some one else put that chars in his shoes and about which he is blank slate'

From the findings it evident that accused warder Tahir was not taking the chars for the first time, rather he was a regular supplier, therefore, offender in solitary confinement were very confident about his name and duty timing as well and that's why a UTP Rehman Ail S/O Reshmeen was waiting for more chars to be provided by accused warder and had about 12gm previously provided by warder Tahir.

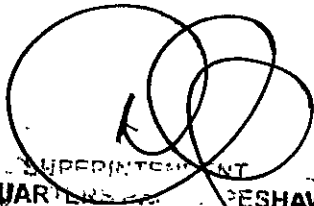
In light of above factual position the undersign being inquiry officer is of the opinion that accused warder has committed a grave misconduct on his part. Being a uniform official has violated rule 42 of prison act , 690 of PPR, therefore , the undersign strongly recommend that accused may be awarded major penalty that is "REMOVAL FROM SERVICE" under 4(b)iii of E&D rules 2011 ,to discourage this heinous practice in prison staff please.

Submitted please.

PB
For n/A


ABDUL HASEEB 16-12-22
ASSISTANT SUPERINTENDENT
INCHARGE SUB JAIL JAMRUD

Supdt


SUPERINTENDENT
HEADQUARTERS PESHAWAR

dated: 29-12-2022

FINAL SHOW-CAUSE NOTICE

1. **Maqsood Ur Rehman**, Superintendent Headquarters Prison Peshawar as Competent Authority under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, do hereby serve you, **Warder (BPS-07) Muhammad Tahir s/o Gulameer**, attached to Central Prison Peshawar as follows:-

(i) That consequent upon the completion of inquiry conducted against you by **Mr. Abdul Haseeb**, Assistant Superintendent-cum-Superintendent Sub Jail Jamrud (Inquiry Officer).

(ii) On going through the findings and recommendations and other connected papers including your defense, after detailed inquiry conducted by the Inquiry Officer vide above cited communication, it was concluded that **"the accused warder was taking Norco's and Cell phone inside Jail during duty at 12:00 PM on 25-11-2022."**

2- As a result thereof, I, as Competent Authority have tentatively decided to impose upon the major penalty of **"Dismissal from service"** under Rule-4 of the said rules.

3- You are therefore required to show cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard in person.

4- If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put it and in that case ex-parte action will be taken against you.

5- An extract of the inquiry report is attached.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endst: No. 8556-58

Copy of the above is forwarded to the:-

1. Superintendent Central Prison Peshawar for information with reference to above.
2. **Mr. Abdul Haseeb**, Assistant Superintendent-cum-Superintendent Sub Jail Jamrud, for information with reference to his inquiry report dated 16-12-2022.
3. Officials concerned, C/O Superintendent Central Prison Peshawar.

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

OFFICE OF THE
SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR
No: _____ P/B Dt: 11/01/2023

OFFICE ORDER

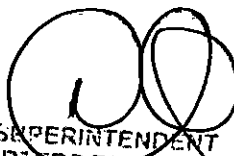
WHEREAS, the accused Warder (BPS-07) Muhammad Tahir s/o Gul Hameer [suspended] while attached to Central Prison Peshawar was charge-sheeted within the meaning of Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2021 for the charges of his misconduct contained in Statement of Allegations/ Disciplinary Action served upon him vide this Headquarters endorsement No. dated 7653-55 dated 16-11-2022 upon report received through Superintendent Central Prison Peshawar vide letter No. 16337/WE dated 15-11-2022.

AND WHEREAS, Mr. Abdul Haseeb Khan, Assistant Superintendent-cum-Superintendent Sub Jail Jamrud was appointed as Inquiry officer to conducted inquiry into the case.

AND WHEREAS, the Inquiry officer, conducted inquiry into the case and recorded the statement of the accused official and submitted his report to this Headquarters Prison vide Superintendent Sub Jail Jamrud letter No. 2053 dated 16-12-2022.

AND WHEREAS, in light of Rule-15 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2021, the accused official was afforded ample opportunity of personal hearing on 10-01-2023.

NOW THEREFORE, in exercise of powers conferred under Rule-14(5) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2021 in light of the available record and recommendations of the Inquiry Officer having considered the charges leveled against him and the undersigned being Competent Authority is pleased to impose upon him major penalty of "Removal from service" with immediate effect.

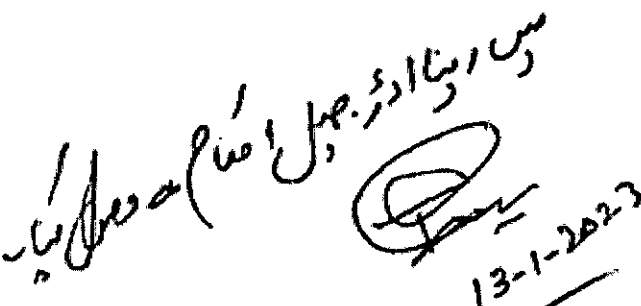


SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

Endorsement No: 136-39/1

Copy of the above is forwarded to the: -

1. Inspector General of Prisons Khyber Pakhtunkhwa Peshawar.
2. Superintendent Central Prison Peshawar for information with reference to above. Entry to this effect may be made in his service book under proper attestation.
3. Mr. Abdul Haseeb Khan, (Inquiry Officer), Superintendent Sub Jail Jamrud for information with reference to above.
4. Warder Muhammad Tahir s/o Gul Hameer, C/o Superintendent Central Prison Peshawar.


13-1-2023


SUPERINTENDENT

HEADQUARTERS PRISON PESHAWAR
E-mail: hqprisonpeshawar@gmail.com


SUPERINTENDENT

HEADQUARTERS PRISON PESHAWAR
E-mail: hqprisonpeshawar@gmail.com



OFFICE OF THE
INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR
☎ 091-9210334, 9210406 📠 091-9213445
No. Estb/Ward./Orders/ 24875
Dated 05-07-2023

5299
7-7-23

ORDER:

WHEREAS, Ex-Warder Muhammad Tahir S/o Gul Hameer, attached to Central Prison Peshawar was awarded the major penalty of "Removal from Service" by Superintendent HQs Prison Peshawar vide order No. 135-39 dated 11-01-2023 due to his misconduct/ recovery of 204 gm narcotics and mobile phone.

AND WHEREAS, the said Ex-Warder preferred his departmental appeal for setting aside the penalty awarded to him and also requested for reinstatement in service.

AND WHEREAS, his appeal was examined in light of the available record of the case and it was observed that the penalty was awarded to him by the competent authority due to his misconduct after observing all legal and codal formalities as required under Government Servants (Efficiency & Discipline) Rules, 2011. Moreover the appeal was filed on 26-06-2023 and is time barred by 04 months 15 days.

NOW THEREFORE, having considered the charges, evidences/facts on record, explanation of the accused official, the provision of rules in vogue and in exercise of powers conferred under Rule-17 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 read with Rule-05 of Khyber Pakhtunkhwa Service Appeal Rules 1986, the decision of the competent authority is upheld and appeal of the appellant is hereby rejected being without any substance and badly time-barred.

— Sd —
**ADDL: INSPECTOR GENERAL OF PRISONS,
KHYBER PAKHTUNKHWA, PESHAWAR**

ENDST. NO. 24876-78

Copy of the above is forwarded to the:

1. Superintendent, Headquarters Prison Peshawar for information and necessary action w/r to above.
2. Superintendent Central Prison Peshawar for information and necessary action. He is directed to inform the appellant accordingly and to make necessary entry in his Service Book with proper attestation. He is further directed to recover salary for the period i.e. 11-01-2023 to 31-05-2023 for which the appellant was not entitled. Moreover, disciplinary proceedings against subordinate staff being responsible for payment of salary to the appellant after his removal from service may also be initiated and progress be intimated to this office.
3. Muhammad Tahir S/o Gul Hameer (Ex-Warder) R/o Hassan Khel Tehsil and District Peshawar (Cell No. 0344-8633823) for information.

LO
D. H. C.
for WIA

Supdt.
2

SUPERINTENDENT
HEADQUARTERS PRISON PESHAWAR

DEPUTY DIRECTOR
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT.**

NOTIFICATION

Peshawar, dated the 14th March 2018.

No.SO(P&R)HD/3-3/2018.-In exercise of the powers conferred by section 59 of the Prisons Act, 1894 (IX of 1894) and in supersession of rules issued in this behalf, the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

**THE KHYBER PAKHTUNKHWA
PRISONS RULES, 2018.**

**Chapter-1
General Provision**

1. Short title and commencement.---(1) These rules may be called the Khyber Pakhtunkhwa Prisons Rules, 2018.

(2) It shall come into force at once.

2. Definitions.---(1) In these rules, unless otherwise prescribed the following expressions shall have the meaning hereby respectively assigned to them, that is to say-

- (a) "Act" means the Prisons Act, 1894 (Act IX of 1894);
- (b) "Additional Inspector General" means Additional Inspector General of Prisons appointed by Government under these rules;
- (c) "Assistant Superintendent" means Assistant Superintendent of the Prisons and includes Senior Assistant Superintendent or Senior Lady Assistant Superintendent appointed by Government;
- (d) "Central Prison" means a Central Prison declared as such by Government;
- (e) "Chief Warder" means Chief Warder either male or female, as the case may be, in respective ward in a Prison;
- (f) "Code" means the Code of Criminal Procedure, 1898 (V of 1898);
- (g) "condemned prisoner" means prisoner sentenced to death and his sentence of death confirmed by the Supreme Court of Pakistan;

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officer may arrest him and shall without unnecessary delay make him over to a police officer and therefore such police officer shall proceed as if the offence had been committed in his presence under section 43 of the Act.

689. Publication of penalties.---The Superintendent shall cause to be affixed, in a conspicuous place outside the prison, a notice in national and official provincial languages setting forth the acts prohibited under section 42 of the Act and the penalties incurred by their commission.

690. List of prohibited articles.---(1) The articles specified or included in any of the descriptions contained in the list annexed to this rule, shall be deemed to be prohibited articles, within the meaning of section 42 of the Act and sub-section (12) of section 45 of the Act, unless any such article shall be-

- (a) introduced into any prison; or
- (b) removed from any prison; or
- (c) supplied to any prisoner outside the limits of any prison; or
- (d) received, processed or transferred by any prisoner with the permission of the Superintendent or other officer empowered by him in this behalf.

(2) List of prohibited articles include-

- (a) spirituous liquors of every description and intoxicating substances;
- (b) all explosives, intoxicating or poisonous substances and chemicals, whether fluid or solid of whatever description;
- (c) all arms and weapons and articles, which are capable of being used as weapons of whatever description;
- (d) all bullion, metal, coin, jewelry, ornaments, currency notes, except within permissible limit, securities, bonds and articles of value of every description;
- (e) all books, paper, photographs and pictures and printed or written matter and materials superficially prohibited by Government and appliances for printing or writing of whatever description;
- (f) string, ropes, chains, bamboos and all materials which are capable of being converted into string or rope or chain, any article likely to facilitate escape, or implement of any kind;

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- (g) wood, bricks, stones and earth of every description;
- (h) mobile phone, PTCL phone, SIM's of any description, laptop, USB, MP3, charger, memory card and any other devices used for communications; and
- ✓ (i) all substances used for intoxication including Heroin, Ice, or any other drug / Narcotics of whatever description.

691. Prohibited articles.---Every article, of whatever description, shall be deemed to be a prohibited article within the meaning of section 42 and sub-section (12) of section 45 of the Act, in the case of-

- (a) a prisoner if introduced into or removed from any prison or received, possessed or transferred by such prisoner, and such article has-
 - (i) not been issued for his personal use from prison stores or supplies, under proper authority;
 - (ii) been so issued, if possessed or used at a time or place other than such as is authorized; and
 - (iii) not been placed in his possession for introduction, removal or used, as the case may be, by proper authority;
- (b) a prison official-if introduced into or removed from any prisoner or supplied to any prisoner and such article-
 - (i) has not been issued or sanctioned for his personal use by proper authority;
 - (ii) is not an article of clothing necessary for his personal wear; and
 - (iii) has not been placed in his possession by proper authority for introduction into or removal from the prison or for the purpose of being supplied to any prisoner.
- (c) a visitor if introduced into or removed from any prison, or supplied to any prisoner and such article-
 - (i) is not required for his personal use while within the prison and has not been declared by him before entering the prison, and the introduction into or removal from the prison, or possession, of which while in prison, has not been permitted by Superintendent jail;

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OFFICE OF THE
INSPECTORATE GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR
☎ 091-9210334, 9210406 📠 091-9213445

No. _____

Dated _____

AUTHORITY LETTER

Mr.Sulaiman, Law Officer(BPS-17) attached to the office of Inspector General of Prisons Khyber Pakhtunkhwa Peshawar is hereby authorized to make affidavit, to file comments/reply/report and to attend the Lower Courts, Ombudsperson, Khyber Pakhtunkhwa Service Tribunal, Peshawar High Court Peshawar, Supreme Court of Pakistan Islamabad, Federal Shariat Court, meeting of scrutiny committee at Law Department and also to attend the office of Advocate General Khyber Pakhtunkhwa at Peshawar on each and every date of hearing, on behalf of the Inspector General of Prisons Khyber Pakhtunkhwa .


**INSPECTOR GENERAL OF PRISONS
KHYBER PAKHTUNKHWA PESHAWAR**