

CHAPTER 8 - Remission System

Definitions

Rule 198

In these rules, unless the context otherwise requires, the following expressions shall have the meaning-here by respectively assigned to them, that is to say:

- (a) “Convicted prisoner” means a person sentenced to imprisonment and committed to prison, and includes a person committed to prison in default of furnishing security to keep the peace or to be of good behaviour;
- (b) “Life ” means a prisoner sentenced to imprisonment for life; such sentence shall mean twenty-five years, rigorous imprisonment; and
- (c) “Sentence “ means a sentence as finally fixed on appeal, revision or otherwise, and includes an aggregate of more sentences than one and an order of committal to prison in default of furnishing security to keep the peace or be of good behaviour.

Definition of remission system

Rule 199

Remission system is an arrangement by which a prisoner sentenced to imprisonment, whether by one sentence or by consecutive sentences, for a period of four months or more may by good conduct and industry become eligible for release when a portion of his sentence ordinarily not exceeding one-third of the whole sentence has yet to run.

Nature of remissions

Rule 200

Remission under these rules may be ordinary or special.

Cases in which no ordinary remission is earned

Rule 201

Ordinary remission shall not be earned in respect of:-

- (i) Any sentence of rigorous imprisonment amounting to less than four months;
- (ii) Any sentence of simple imprisonment, except for any continuous period not being less than one month, during which the prisoner labours voluntarily, and
- (iii) Any sentence of rigorous imprisonment in default of payment of fine; provided that if this sentence is in addition to a substantive sentence of four months or more, ordinary remission shall also be earned in respect of such sentence.

Explanation I If a prisoner’s sentence or total of sentences is reduced on appeal to less than four months, he shall cease to be eligible for ordinary remission under these rules and any remission that he may have earned prior to the reduction of sentence or sentences shall be cancelled.

Explanation II When a sentence of less than four months has, by subsequent conviction or convictions or otherwise, been raised to a sentence of four months or more, the prisoner shall be credited with ordinary remission from the first day of the calendar month following the month in which he was admitted to a prison on his first or original conviction.

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

Rule 202

If a prisoner is convicted for an offence committed after admission into prison or for an assault committed after admission to prison, on a warder or other officer, the remission of whatever kind earned, by him excluding remission awarded by Government under section 401 of Criminal Procedure Code, awarded for blood donation, surgical sterilization and for passing examinations, upto the date of the said conviction may in part or whole be cancelled with the sanction of the Inspector-General

Re-admission to the remission system

Rule 203

The Superintendent may, with the previous sanction of the Inspector-General, re-admit to the remission system any prisoner who has been removed there-from as punishment for prison offences. Any such, prisoner shall earn remission under these rules from the commencement of the month following such re-admission.

Scale of ordinary remission

Rule 204

- (i) Ordinary remission to be awarded to a prisoner, other than a prisoner employed on prison service, shall be according to the following scale:
- (a) Two days per month for thorough good conduct and scrupulous attention to all prison regulations; and
 - (b) Three days per month for industry and the due performance of the prescribed daily task.
- (ii) Ordinary remission to be awarded to prisoner employed on prison service as specified in the table below, shall be according to the scale specified against each category of such service:-

TABLE

Serial No.	Prisoners classification as per labour allotment	Extent of award of ordinary remission per month
1.	Numberdar	6 days
2.	Muqaddam	7 days
3.	Shinposh	8 days
4.	Cook	7 days
5.	Educational Teacher	8 days
6.	Sweeper	8 days plus Rs. 25 per mensem to be paid under the head "Contract Contingencies"
7.	Mason Barber, Hospital Attendant, Cleaner and prisoners who work on Sundays and holidays.	6 days

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

Rule 205

- (i) A convicted prisoner who is unable to labour through causes beyond his control, such as his being in Court, in transit from one prison to another, in hospital or in an invalid gang shall be

granted remission under rule 204 on the scale earned by him during the previous month, if his conduct prior to and during the period in question has been such as to deserve such grant.

- (ii) A convicted prisoner whose absence from work is due to his own misconduct in prison, shall not be allowed remission for labour under rule 204 for the period of absence, when the Medical Officer reports that the prisoner's absence from labour is due to causes within his control and is caused by action of the prisoner himself with a view to avoid work or to get admission into or to remain in hospital.
- (iii) A prisoner under sentence of death whose death sentence is subsequently commuted to imprisonment for life or rigorous imprisonment for any period on appeal or otherwise shall be entitled to award of ordinary remission under sub-rule (i) of rule 204 from the date of award of such death sentence.

Application of remission system

Rule 206

- (i) Remission shall be calculated from the first day of the calendar month next following the date of the prisoner's sentence.
- (ii) A prisoner who after having been released on bail or because his sentence has been temporarily suspended is afterwards re-committed to prison shall be brought under the remission system on the first day of the calendar month next following his re-admission, and shall on his return to prison, be credited with any remission which he may have earned prior to his release on bail or the suspension of his sentence.
- (iii) Remission awarded to prisoners specified in sub-rule (ii) or rule 204 shall be calculated from the first day of the next calendar month following the appointment or employment as such.

Power of officers to award remission

Rule 207

Ordinary remission shall be awarded by the Superintendent or subject to his control and supervision by the Deputy Superintendent, Assistant Superintendent or any other officer, specially empowered in that behalf by him.

Remission to be awarded quarterly

Rule 208

- (i) Ordinary remission, other than annual and triennial remission, shall be awarded quarterly, and as nearly as possible, on 1st January, 1st April, 1st July and 1st October, and shall be recorded on the history ticket of the prisoner concerned.
- (ii) Prisoners shall be informed of the remission they have earned and they are expected to remember it.

Procedure for awarding remission

Rule 209

- (i) An officer awarding ordinary remission shall, before making the award, consult the prisoner's history ticket in which every punishment awarded must be carefully recorded.
- (ii) If a prisoner has not been punished during the quarter, otherwise than by a formal warning, he shall be awarded full ordinary remission for that quarter under these rules.

- (iii) If a prisoner has been punished during the quarter, otherwise than by a formal warning, two days remission shall be deducted from the month in which he has been punished and the balances of remission to which he is entitled shall be awarded, provided that not more than two days shall be deducted for one month even if the number of punishment is more than one in that month.

Explanation The deduction of two days remission under this sub-rule shall be in addition to any forfeiture of remission, which may have been ordered for any offence committed by the prisoner.

- (iv) All remission recorded on the prisoner's history ticket shall be entered every quarter on the remission sheet and signed by the Superintendent.

No remission for the month of release

Rule 210

No prisoner shall receive ordinary remission for the month in which he is released; provided that if in calculating the date of his release it is found that the grant of the full amount of remission for any month would bring the prisoner's date of release within the very month, remission just sufficient to admit of his being released on the 1st day of the following month shall be given.

Annual good conduct remission

Rule 211

- (i) Any prisoner eligible for ordinary remission under these rules who for a period of one year commencing from the first day of the month following the date of his sentence or recommittal to prison or the date on which he was last punished for a prison offence, has not committed any prison offence whatever, shall be awarded fifteen days ordinary remission in addition to any other remission earned under these rules.

Example A prisoner sentenced to two years rigorous imprisonment on 14th July 1972 shall be eligible for annual good conduct remission of fifteen days on 1st August 1973, provided he is not punished for any prison offence during this period.

- (ii) A prisoner who complete three years of his sentence without having committed during the whole of his period any prison offence what so ever shall in addition to the annual remission of fifteen days under sub-rule (i), be granted, at the end of the third year of his sentence, a further remission of thirty days for good conduct; provided that the total remission earned shall not in any case exceed the maximum remission permissible under these rules.
- (iii) Prison offences punished only with a warning shall not be taken into account for the award of remission under this rule.

Remission to prisoners who donate blood

Rule 212

- (i) A convicted prisoner subject to his medical fitness shall be allowed to donate blood and for such donation he shall be awarded thirty days extra remission.
- (ii) The number of times a prisoner shall be allowed to donate blood and earn remission therefore shall be in accordance with the table below:

TABLE

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

(iii) Remission granted under this rule: -

- (a) Is not liable to forfeiture like ordinary remission; and
- (b) Shall be exclusive of the limit of one-third remission prescribed under rule 217.

Remission to a prisoner who undergoes surgical sterilization

Rule 213

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

Special remission

Rule 214

Special remission may be given to any prisoner, whether entitled to ordinary remission or not, for special services such as: -

- (i) Marked diligence in teaching other prisoners to read and write;
- (ii) Special proficiency in learning to read and write or passing an examination
- (iii) Marked success in teaching a handicraft;
- (iv) Special excellence in work or greatly increased out-turns of work of good quality;
- (v) Protecting a prison officer or a prisoner from attack;
- (vi) Special assistance to an officer of the prison in case of an out-break of fire or similar emergency;
- (vii) Special economy in the use of clothes
- (viii) Assisting in detecting or preventing breaches of prison discipline or regulations; and
- (ix) Regular prayers and observance of fasts during Ramadan.

Education remission

Rule 215

- (i) “A convicted prisoner, who has not already passed an examination specified in the table below may appear in any one of the said examination in an academic year and shall on passing such examination be entitled to earn remission according to the scale given in sub-rule (ii), provided that he is certified by the Superintendent to be of good character.

TABLE

Serial No.	Name of the Examinations
(i)	Any examination held by a university, board of secondary education, director of education or a district education officer.
(ii)	Oriental language examination in Arabic, Urdu, Bengali, Punjabi, Persian. ‘Sindhi and Pushto languages.
(iii)	Primary classes examination conducted by the District Education Officer.
(iv)	Examination of reading the Holy Quran held for prisoner who learn to read Holy Quran during confinement.
(v)	Examination of understanding the meaning of the Holy Quran or acquiring proficiency in understanding fundamentals of Islam.
(vi)	Examination of having learnt the Holy Quran by heart (Hafiz-e-Quran) held for convicts who learnt Quran by heart during confinement.
(vii)	(a) In the case of an examination mentioned at Sr. No. (I) of the table the scale of remission shall be as follows: <ol style="list-style-type: none">1. For prisoners undergoing substantive sentence upto two years for:<ol style="list-style-type: none">(i) Securing 40% marks 2 months(ii) Securing 41% to 60% 3 months(iii) Securing above 60% marks 4 months2. For prisoners undergoing substantive sentence exceeding 2 years but not exceeding six years, for<ol style="list-style-type: none">(i) Securing 40% marks 3 months(ii) Securing 41% to 60% 4½ months(iii) Securing above 60% marks 6 month3. For prisoners undergoing substantive sentence exceeding 6 years, but not exceeding 10 years, for:<ol style="list-style-type: none">(i) Securing 40% marks 4 months(ii) Securing 41% to 60% 6 months(iii) Securing above 60% marks 8 months4. For prisoners undergoing substantive sentence exceeding 10 years, for:<ol style="list-style-type: none">(i) Securing 40% marks 5 months(ii) Securing 41% to 60% 6 months(iii) Securing above 60% marks 10 months
	(b) In the case of an examination mentioned at Sr. No. (II) of the table the convict shall not be entitled to earn more than two remissions in all;
	(c) In the case of the examination mentioned at Sr. No. (iii) of the table a convict who appears in and passes the said examination after 6 months of his admission into jail shall be awarded two months remission,
	(d) In the case of the examination mentioned at Sr. No. (iv) of the table remission shall

be 3 months.

- (e) In the case of an examination at Sr. No. (v) of the table, the courses of Taleem-ul-Quran shall be divided into the following four units with the scale of remission mentioned against each:

	COURSE	REMISSION
(i)	First unit / first course/elementary course. What is Islam?	15 days
(ii)	First Unit / second course. What is Islam?	15 days
(iii)	Second Unit/Third Course. What is Islam?	30 days
(iv)	Third Unit/Fourth Course. Islamic System of Justice.	60 days
(v)	Fourth Unit/fifth Course. Holy Prophet of the Quran	69 days

- (f) In the case of the examination mentioned at Sr. No. (vi) of the table remission shall be awarded according to the following scale

(1)	For convicts undergoing sentence upto 3 years	6 months
(2)	For convicts undergoing sentence exceeding 3 years but not exceeding 6 years	9 months
(3)	For convict undergoing sentence exceeding 6 years but not exceeding 10 years	12 months
(4)	For convicts undergoing sentence exceeding 10 years	2 years

- (g) For the purpose of examination at Sr. Not (iv), (v) and (vi) of the table, the examination shall be conducted by a committee comprising the following:—

- (I) Superintendent of the Prison or his Dy. Superintendent
- (II) District Khatib, Auqaf Department, Government of Sindh or his nominee.
- (III) Principal of the local college or a Lecturer nominated by him.
- (IV) A representative of the Government.

- (h) In case an under trial prisoner passes an examination, mentioned in the Table he shall be entitled to remission at the same scale as admissible to a convicted prisoner, if his trial results In conviction

- (I) A prisoner under sentence of death who passes an examination mentioned in the table shall be entitled to remission according to the above scale if his sentence is commented

- (I) Remission under this rule shall be granted by the IG Prisons and the recommendation for such remission shall be accompanied by the necessary provisional certificate, degree, diploma or a certificate issued by the committee.

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

(a)	For prisoners undergoing substantive sentence upto 2 years	2 months
(b)	For prisoners undergoing substantive sentence exceeding 2 years but not exceeding 6 years	3 months
(c)	For prisoners undergoing substantive sentence exceeding 6 years but not exceeding 10 years	4 months
(d)	For prisoners undergoing substantive sentence exceeding 10 years	6 months

- (iii) Remission under this rule shall be granted by the Inspector-General and the recommendation for such remission shall be accompanied by the provisional certificate, degree or diploma.
- (iv) Remission under this rule shall be exclusive of the limit of one-third remission prescribed in rule 217
- (v) For the purpose of examination of reading Holy Quran, the word meanings of Holy Quran, or acquiring proficiency in understanding fundamentals of Islam, or having learnt to recite Holy Quran by heart (becoming Hafizul Quran), the committee shall consist of:-
 - (a) Superintendent of the Prison.
 - (b) Khatib of a Jamia Masjid to be appointed by the District Magistrate.
 - (c) District Inspector of Schools or his representative.

Extent of special remission

Rule 216

- (i) Special remission may be awarded by the following authorities upto the extent mentioned against each:-

	Authority awarding remission	Extent of award
1.	Superintended	Not exceeding thirty days in one year.
2.	Inspector-General	Not exceeding sixty days in one year.
3.	Government	Not exceeding sixty days in one year.
4.	Federal Government	Not exceeding sixty days in one year.

Explanation For the purpose of this rule, year shall be reckoned from the date of sentence.

- (ii) An award of special remission shall be entered in the history ticket and remission sheet of the prisoner concerned as soon as possible after it is made and the reasons for every award of special, remission by the Superintendent shall be briefly recorded thereon.

Extent of total remission

Rule 217

- (i) The total remission, both ordinary and special awarded to a prisoner under these rules (other than remission for donating blood awarded under rule 212, surgical sterilization under rule 213 and for passing an examination under rule. 215) shall not exceed one- third of his sentence:

Provided that Government may, on the recommendations of the Inspector. General, grant remission beyond the one-third limit in very exceptional and deserving cases.

- (ii) Remission, both ordinary and special, earned by a lifter shall be so much that a sentence of imprisonment for life is not shortened to a period of imprisonment than fifteen years.

Remission under section 401 of Criminal Procedure Code

Rule 218

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

Remission in calculating date of release

Rule 219

Account of remission shall be kept in days and in calculating the date of release of a prisoner the number of days of remission earned shall be converted into months and days, at the rate of thirty days to a month.

Release of Prisoners on earning remission

Rule 220

When a prisoner has earned such remission as entitles him to release, the Superintendent shall release him unconditionally.

Remission to be endorsed on warrant on release

Rule 221

When a convicted prisoner is released under rule 220 the total amount of remission earned by him shall be endorsed on his warrant and in the admission register of convicted prisoners in the column of disposal and the endorsement shall be signed by the Superintendent.

Remission to be entered in history ticket and remission sheet of prisoner on transfer

Rule 222

- (i) When a prisoner is transferred to another prison, the total amount of remission earned by him upto the end of previous month shall be endorsed on his remission sheet and entered in his history ticket, the entries being signed by the Superintendent, and the remission sheet together with the other documents shall be sent with the prisoner to the prison to which he is transferred.
- (ii) The total amount of remission earned by prisoner at time of his transfer shall also be recorded in the admission register against the endorsement of transfer.
- (iii) The receiving prison shall be responsible that the information and documents referred to in sub-rule (i) are duly obtained.
- (iv) Each prison at which a prisoner serves a portion of his sentence shall be held responsible for the correct calculation and record of remission earned by him in that prison

Remission sheet

Rule 223

Remission sheet shall be attached to the warrant of every convicted prisoner with a sentence of four months or more soon after his admission into the prison. Columns pertaining to particulars shall be filled in at the time and entry of check date of release shall be signed by the Assistant Superintendent and the Deputy Superintendent. Remission sheet shall be retained in the warrants office of the prison for a period of one year after the release of a prisoner.

Power of Government to grant temporary parole

Rule 223-A

- (i) The Government after considering the circumstances, may release a convict, other than a person convicted on an offence punishable with death or for life imprisonment under trial prisoner or detainee on parole for such period as it may determine on furnishing surety to the satisfaction of the authority competent to sanction the parole.
- (ii) The security of the prisoner released on parole under sub-rule (i) shall be the responsibility of the police.