

THE PRISONERS (BALOCHISTAN AMENDMENT)
ACT, 2011

(Baln. Act VIII of 2011)

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(Balochistan Act No. VIII OF 2011)

[16" August, 2011]

An Act further to amend the Prisoners Act, 1900 (Act No. II of 1900).

WHEREAS, it is expedient further to amend the Prisoners Act, 1900 (Act No. II of 1900), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. (1) This Act may be called the Prisoners (Balochistan Amendment) Act, 2011.

(2) It shall come into force at once.

2. In the Prisoners Act 1900 (Act No. II of 1900, in section 29—

(a) in sub-section (1), in clause (b), for the words "or transportation" the words "or imprisonment for life" shall be substituted; and

(b) after sub-section (3), the following new sub-sections shall be added, namely:—

"(4) Unless the gravity of situation really demands an emergent and expeditious action, the authority directing the transfer of prisoners from one prison to another prison located within the province or in any other part of Pakistan, shall—

(a) serve a notice to the prisoner stating therein the reasons for his shifting to the other prison; and

(b) provide him a reasonable opportunity to show cause against the proposed action:

* This Act was passed by the Provincial Assembly of Balochistan on 11" August, 2011, assented to by the Governor of Baloch 13" August, 2011; and published in the Balochistan Gazette (Extraordinary) No. 219, dated 16" August, 2011.

Provided that no such notice is required—

(i) | where a prisoner himself seek transfer on solid grounds; or

(11) whose release is due and is being transfer near his home town; or

(iii) who is required to be produce in another court in a case being tried elsewhere; or

(iv) there are other reasonable grounds such as safety, security or health:

Provided further that in case where the order is by Government for transfer of a prisoner from one prison to another prison, the Inspector General Prison shall serve the notice and provide opportunity for show cause to the prisoner concerned before taking approval of the Government.

(4) Direction by the Government or the Inspector General of Prison for removal of a prisoner from one prison to another prison shall be in writing containing the reasons thereof and copy of the same shall be provided to the prisoner through the Superintendent of the concerned Prison.

(5) A prisoner aggrieved by an order of his transfer, passed under any of the above provisions, may file an appeal within 7 days of the order passed, before an independent tribunal constituted for the purpose by the Provincial Government and if no such tribunal is constituted before the District and Sessions Judge within or from whose jurisdiction he is being shifted to another prison".