

PART B.—WARRANTS FOR EXECUTION

Warrants of commitment issued by European Magistrates should as a rule, and especially in cases where more than six months' imprisonment, is awarded, be filled up in English ; but cases need never be delayed on this account, as the printed forms leave very little to be filled up in writing.

Filling in warrants.

Note.—Instructions have been issued to Superintendents of jails that in cases in which more than six month's imprisonment is awarded by a European Magistrate and the warrant is not filled up in English, a fresh warrant in due form should be called for and substituted for that originally sent.

2, Warrants issued by an Indian Magistrate should be in Urdu unless he is well acquainted with the English. The objects to be attained are that the officer who signs a warrant should be responsible for its contents, and that all warrants should, as far as possible, be uniform.

Officer signing the warrant is responsible for its accuracy.

3. (i) The Code of Criminal Procedure enacts that every warrant should be signed by the Magistrate with his own hand, and the practice of affixing a signature by means of a stamp is strictly prohibited and should never be resorted to. An officer in charge of a jail would be justified in refusing to reserve or detain a prisoner in jail on a warrant to which is affixed a signature by means of a stamp.

Signature by means of a stamp not permissible.

(ii) Warrants of commitments should be in the form prescribed by Schedule V to the Code of Criminal Procedure, and should be signed in full (not initialled) by the Judge or Magistrate who issues it, and should be sealed with the seal of the Court.

Warrants should be signed sealed and in the prescribed form.

(iii) In the case of under-trial prisoners, the warrant of commitment for intermediate custody should be prepared with the greatest care possible with reference to the above instructions. A separate warrant should be issued in respect of each person committed to jail.

Separate warrants for each person.

(iv) Except in cases falling under clause (1) of this rule the Superintendent of a Jail should not refuse to admit a person where the above instructions have not been carried out but he should draw the immediate

Superintendent of jail should not refuse to admit a prisoner owing to defect in the warrant.

attention of the Magistrate concerned to the defect, and ask for its rectification at once, sending at the same time a copy of his letter to the Magistrate of the district for his information.

Loper convicts to be sent to Tarn Taran Jail.

(v) Persons sentenced to imprisonment who are found to be suffering from leprosy in a communicable form should be sent to the Leper Asylum at Tarn Taran.

Class of Prisoner when other than C to be noted in the warrant.

(vi) When a Court places a prisoner in a class other than C, it should make an endorsement to this effect on the warrant of commitment.

Warrants for release or remission of sentence.

4. On receipt of warrant ¹[and personal bond] for release of a prisoner, it should be forwarded through e-mail under digital signatures immediately provided that till such time such facility is made available in all the jails/Sub Jails, the release warrants be sent through Fax as well as through registered post.

1. Inserted vide C.S. No. 39 Rules/II.D4 dated 18.12.2020]

In case of dacoity or other organized crime, court should note on the warrant the nature of the crime and convict.

5. (i) In accordance with the request of the State Government communicated in the letter from the junior Secretary to Government, Punjab, No. 35, dated the 31st January, 1898, it is directed that, in every case of a sentence for dacoity, or other organized crime, the convicting Court shall enter on the warrant of commitment, for the information of the jail authorities, the nature of the crime, and whether the prisoner is a professional, hereditary or specially dangerous criminal.

If this is not noted the jail authorities should take steps if this is not noted.

(ii) If in any case this information is not given the jail authorities will refer the warrant to the Court, which should then have the proper entry made on it.

Court should consult record if required.

(iii) If there is any doubt as to the entry to be made the Court should decide the question by a reference to the record of the case, or by further inquiry, if necessary

The following rules have been made by the Punjab Government under section 60 of the Prisons' Act, 1894 to regulate the classification and treatment of convicted and under-trial prisoners : —

Rules about classification and treatment of convicted and under trial prisoners.

SECTION I.

Rules for classification of convicted and under-trial Prisoners.

1. (1) Convicted persons shall be divided into three classes, namely, A, B and C Class 'A' will contain all prisoners who are-

Three classes.

- (a) non-habitual prisoners of good characters.
- (b) by social status, education and habit of life been accustomed to a superior mode of living, and
- (c) have not been convicted of-
 - (i) offences involving elements of cruelty moral degradation or personal greed;
 - (ii) serious or premeditated violence
 - (iii) serious offences against property.
 - (iv) offences relating to the possession of explosives, firearms and other dangerous weapons with the object of committing an offence or of enabling an offence to be committed;
 - (v) abetment or incitement of offences falling within these sub-clauses.

(2) Class 'B' will consist of prisoners who by social status education or habit of life have been accustomed to a superior mode of living. Habitual prisoners may be included in this class by order of the State Government.

(3) Class "C" will consist of prisoners who are not classified in classes A and B.

2. In the case of classes A and B the classifying authority will be the State Government. Class C will be classified by the trying Courts, but such prisoners will have a right to apply for revision to the State Government.

Classifying authority.