



COMMITTEE
FOR THE
WELFARE OF
PRISONERS



Authorized Absence



Akbar: Jamal! Why are you sad?

Jamal: Dear! I have only one son who is getting married next month and since I am a convict in the prison with more than three years remaining in my sentence it seems I will miss his wedding. How unfortunate am I to not be able to rejoice on such an occasion!



Akbar: Don't worry Jamal, there is a way that you can attend your beloved Son's wedding.

Jamal: Really brother? Can you please guide me about this?

Akbar: According to the Sindh Prisons and Corrections Services Act, 2019, A prisoner or his relative or authorized agent can make an application for temporary release from prison. This is called a long term or short term authorized absence. All that is needed is for the prisoner to make an application through a letter addressed to the Officer in Charge. The application needs to contain full details including the purpose, circumstances, period of leave required and any other relevant information. So, you can follow these guidelines according to your convenience and apply for a short term authorized absence to attend the wedding!

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Jamal: Can you tell me who has the power to grant such an authorized absence?

Akbar: As per Rule#916 of the Prison Rules, such an allowance for leave can be made in case of marriage of a prisoner's daughter or son. The following authorities shall have the power to grant an authorized absence:-



Home Secretary

upto 24 hours

**excluding
traveling time**

**Minister /Advisor
for Prisons**

up to 48 hours

**excluding
traveling time**

Chief Secretary

up to 72 hours

**excluding
traveling time**

Chief Minister

**More than
72 hours**

**excluding
traveling time**

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Jamal: This is a real revelation! Are there other grounds upon which such a temporary release can be granted to prisoners?

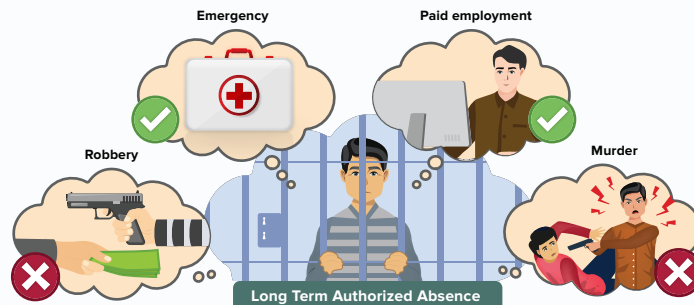
Akbar: Yes, it has been described under Rule#917 of the Sindh Prison Rules in cases where a prisoner may need to attend a funeral. The following authorities shall have the power to grant authorized absence to attend a funeral :-

		
Deputy Inspector General within region	up to 6 hours	excluding traveling time
Inspector General	up to 12 hours	excluding traveling time
Secretary of Administrative Department	up to 24 hours	excluding traveling time
Minister or Advisor for Prisons	up to 48 hours	excluding traveling time
Chief Secretary	72 hours	excluding traveling time
Chief Minister	more than 72 hours	

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Let me tell you more! There is another type of authorized absence which is called Long-Term Authorized absence. This can be granted in the following cases:

- Participating in paid employment or community services;
- Any prisoner who has fulfilled the maximum sentenced prescribed of the crimes for which he is accused;
- If the trial is not completed in one year from the date of arrest if the prisoner is not involved in heinous crime;
- If the prisoner is women not involved in heinous crime;
- Where women is mother and where appropriate prison environment cannot be provided as per requirement;
- If the prisoner is minor or juvenile if he is not involved in heinous crime;
- In case of emergency, war, epidemics and pandemics.



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Jamal: And what is the procedure?

Akbar: The Officer In charge shall process the applications for long term authorized absence through the Deputy Inspector General to the Prison Management Board.

The Prison Management Board shall scrutinize the applications received for long term absence and furnish its recommendations to the Prison Policy Board.

The Prison Policy Board may consider the recommendations of the Prison Management Board and decide the applications for long term authorized absence.

The Government also has the power to grant authorized absence in case of emergency of war, epidemics and pandemics.



Jamal: Do you think I will get the authorized absence granted in my favor?

Akbar: There are a number of aspects the officials will need to weigh in on and consider. These are also provided in the law under rule#929 of the Sindh Prison Rules. These are:

considering:

- a** Whether it is ordinarily in the public interest that prisoner to be remained in Prison; (Not in the rule but for the sake of clarification)
- b** Whether there is any threat, likely to be posed by the prisoner to public safety;
- c** The behavior of the prisoner whilst in custody; and
- d** The Physical condition of the prisoner;
- e** The Mental condition of the prisoner;
- f** Any other relevant circumstances

Jamal: This is all very reassuring brother! But what can I do in case my application is rejected? Do I have a chance to appeal against that refusal?

Akbar: An appeal against the refusal of the authorized absence can be made to the authority which refused the authorized absence. The appeal against the order made by the Prison Policy Board shall lie before the Chief Minister and where the order has been passed by the Chief Minister, the appellant may file a review petition before the Chief Minister. All this is provided under rule 931 of the Sindh Prison Rules.



Jamal: Thank you so much brother Akbar! You have shared life changing information with this old man whose wish is to see his son once again.

Akbar: No need for thanks. Just remember that where a Prison Officer or Police officer is of the opinion that a prisoner has failed to comply, or appears likely to fail to comply, with any condition or restriction set out in the absence permit or that unforeseen or special circumstances otherwise so require, such Officer may return the prisoner to prison.

Jamal: No problem, if my application is approved, I'll definitely obey all instructions and comply with any conditions and restrictions imposed on me.

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