

<sup>1</sup>[Khyber Pakhtunkhwa]  
VAGRANCY RULES, 1987

[Gazette of <sup>2</sup>[Khyber Pakhtunkhwa], Extraordinary, 16th July, 1988]

No.S.O.(SW)G-2-13/86, Part II, dated 22-3-1988.—In exercise of the powers conferred by section 25 of the West Pakistan Vagrancy Ordinance, 1958 (W.P. Ord .XXX of 1958), the Government of <sup>3</sup>[Khyber Pakhtunkhwa] is pleased to make the following Rules, namely: --

1. Short title and commencement.—(i) These rules may be called the <sup>4</sup>[Khyber Pakhtunkhwa] Vagrancy Rules, 1987.

(ii) These shall come into force at once.

2. Definition.—In these rules, unless there is anything repugnant to the subject or context, the following expressions shall have the meaning hereby respectively assigned to them, that is to say: —

(a) "Controller" means the person appointed as such under rule 3;

(b) "Government" means the Government of the <sup>5</sup>[Khyber Pakhtunkhwa];

(c) "Inmate" means a person detained in a welfare homes established under the Ordinance;

(d) "Manager" means a person appointed as such under section 4 of the Ordinance;

(e) "Medical Officer" means a doctor with minimum qualification of M.B.B.S., appointed under rule 5(1);

(f) "Ordinance" means the West Pakistan Vagrancy Ordinance, 1958.

**3. Appointment of Controller.**—(1) Government shall, for the purposes of the Ordinance, appoint a person, by name or designation, as Controller.

(2) Every appointment made under sub-rule (1) shall be notified in the official Gazette, and the Controller so appointed shall hold office during the pleasure of Government.

**4. Functions of the Controller.**—The Controller--

<sup>1</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>2</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>3</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>4</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

<sup>5</sup> Sub. by the Khyber Pakhtunkhwa Act No. IV of 2011.

(a) shall be responsible for the proper management of all the affairs of the welfare homes established under the Ordinance and pay visits to the welfare homes at least once in every four months;

(b) may transfer an inmate from one welfare home to another on ground necessitating such transfer;

(c) shall fix the scale of clothing and bedding for the inmates, and may, from time to time; —

(i) vary the scale of clothing and bedding generally;

(ii) prescribe a special scale in respect of the welfare homes situated in areas with different climatic conditions;

(iii) prescribed a special scale in respect of any period or periods of time or during any season of the year;

(iv) vary the shape, size, material or quality of any article prescribed in any scale of clothing or bedding;

(d) shall appoint a Medical Officer, on whole time or part time basis, for every welfare homes, in co-ordination with the Health Department and shall also keep liaison with the Medical Superintendent of Government Hospital for examination of inmates by a Specialist and for admission into Hospital of serious cases of illness of inmates; and

(e) may sanction subsidy/subsistence allowance for the rehabilitation of the inmates if they are discharged from the welfare home.

**5. Manner in which Medical Officer will examine a Vagrant.** — (1) A Medical Officer appointed for a welfare home,---

(a) shall examine an inmate on his admission to the welfare home and send his report to the Manager who shall pass on the same, with his recommendations, to the Controller for approval of his/her admission to any Government Medical Institution, if necessary;

(b) shall give his opinion in regard to the type of work for which an inmate may be considered fit;

(c) shall visit the welfare homes at least once a day, except on Fridays and gazetted holidays: provided that the Medical Officer shall visit the welfare home on Fridays and gazetted holidays as well or more often than once a day, if the circumstances so required;

(d) shall recommend to the Manager to take all such steps and measures as may be necessary to keep the welfare home in good hygienic conditions and the inmates in sound health;

(e) shall, in the event of outbreak of an epidemic disease or an infectious disease, report to the Manager, for the information of the Controller together with his recommendations with a view to preventing the spreading of the disease;

(f) shall, in the case of a sudden or unnatural death, or a death having been the result of an offence punishable under the law, of an inmate, report to the Manager, for the information of the Controller, together with his recommendations for post-mortem examination, if necessary;

(g) shall submit to the Controller through the Manager indent for medicines and medical stores and keep a proper account of medicines, instruments and appliances issued to him.

(2) Nothing contained in sub-rule (1) shall be deemed in any way to limit or restrict the power of the Medical Officer, in his discretion at any time, to direct, on medical grounds and for the benefit of the health of any inmate, the issue of extra clothing to any such inmate, for any specified period or during any season of the year.

(3) The Medical Officer shall, the performance of his duties under these rules, be guided and supervised by the Controller.

**6. Fitness of Inmates for Type of Work.**--- The Medical Officer shall determine the types of work for which an inmate may be found fit to perform during his stay in the Welfare Home.

**7. Types of hard labour.**— The Medical Officer shall determine the type of hard labour to which an inmate may be put to for his offensive behaviour or misconduct on his part:

Provided that no such inmate shall be put to such hard labour—

(a) without the approval of the Manager where the total duration of hard labour is not more than 3 hours; or

(b) without the approval of the Controller, where the total duration of hard labour exceeds more than three hours and upto five hours.

**8. The manner in which an imprisonment under the Ordinance may be served.**-- In case the inmate is tried by a Magistrate of an offence under any law for the time being in force, and is convicted and sentenced, he shall be sent to a prison to undergo the sentence.

**9. Transfer of Vagrants to other Welfare Home/Institutions.** — (1) When an inmate is transferred from one welfare home to another, the fact of departure and arrival at the respective ends shall be communicated to the Controller by the Managers of the concerned welfare homes as soon as possible.

(2) Transfers should be made in such a manner so that the inmate reaches his destination on a day other than Fridays or gazetted holidays.

(3) The despatching Manager shall make adequate arrangement, while transporting an inmate to any other welfare home, to ensure that no inmate escapes en route. Where necessary, he may seek help from the Police.

(4) The despatching Manager shall inform the receiving Manager about the departure of the inmate and his probable arrival at the welfare home of the receiving Manager.

(5) The receiving Manager shall acknowledge the arrival of the inmate at his welfare home in Form "A" and forward a copy thereof duly signed, to the despatching Manager.

(6) All the expenses incurred in connection with the transfer of the inmate shall be borne from the accounts of the despatching welfare home.

(7) If an escape occurs en route, intimation of the same shall be given, as soon as possible, to the nearest law enforcing authority, and to the despatching Manager and every effort shall be made at all levels to recapture the absconder.

(8) The identical articles of bedding, if any, sent with the inmate on transfer shall be returned to the transferring welfare home.

**10. Seeking of Employment for Vagrant by the Manager of a Welfare Home.**— (1) The Controller shall, subject to availability of resources and with the approval of Government arrange for importing such teaching and training in welfare homes as may enable the inmates to earn their livelihood.

(2) The Manager of a welfare home, after having been satisfied that an inmate has attained sufficient skill in a particular trade or profession to earn his livelihood, he shall try to find a suitable job for such inmate in Government, semi-Government, or private enterprises. Such an inmate shall, however, not be released from the welfare home, unless he is properly rehabilitated.

**11. Manner of Taking Care of Children.**—(1) If a child of more than seven years has been detained under the Ordinance, the Manager of the welfare home shall send him to some educational or vocational institution run by Government or to any private welfare institution subject to its willingness, where the child will be looked after till the permanent arrangements for his maintenance are made.

(2) Any female inmate may be allowed to keep her children with her in the welfare home upto the age of seven years.

**12. Institution where lepers, lunatics and persons suffering from contagious disease may be confined.**--- Where it is certified by the Medical Officer or a specialist that an inmate is suffering from Leprosy, Lunacy and other contagious diseases, and it is recommended by the Manager to shift such an inmate to some other place the Controller shall make every possible effort to shift the ailing inmate to a place or institution having better facilities and arrangements to keep such like patients.

**13. Appointment and duties of Inspectors.**—(1) Government may, from time to time, appoint any officers of the Directorate of Social Welfare, or Zakat and Ushr Department to be an Inspector Welfare, for any area and the officers so appointed shall, therefore, work in that capacity under the supervision and control of the Controller. He shall at least, after every three months inspect all welfare homes within the area under his jurisdiction. He shall, during his inspection, give the inmate an opportunity to make complaints, which the inmates may wish to make. A brief memorandum regarding the state of affairs in which he finds the welfare home and the manner in which it is being administered together with any suggestion he may wish to make shall, on the occasion of each inspection, be recorded by him in the visitors books.

(2) Each Inspector of Welfare Home shall submit to the Controller an annual report on the working and progress of the Welfare Home in his jurisdiction.

**14. Duties of Manager.**—(1) The Manager shall be responsible---

- (a) for the care and custody of, and control over, all inmates housed in the Welfare Home;
- (b) to maintain order and discipline amongst the inmates housed, and the staff employed in the Welfare Home;
- (c) to control all expenditures relating to the Welfare Home; and
- (d) to take all such measures as may be necessary and expedient for the proper protection and management of the Welfare Home and of all inmates at any time housed therein and for the purpose of giving effect to the provisions of the Ordinance, and all rules, regulations, orders, and directions made or issued thereunder.

(2) The Manager shall make himself thoroughly acquainted with the provisions of the Ordinance and the rules.

(3) The Manager shall report at once to the Controller;

- (a) All serious breaches of discipline in the Welfare Home;

- (b) All outbreaks of epidemic diseases amongst the inmates and the measures taken to prevent the spread thereof;
- (c) All serious cases of overcrowding and all such other matters as the Controller may, from time to time, in his discretion by general or special order in that behalf required to be so reported.

(4) In all cases emergency, not specifically provided for in these rules, the Manager shall act in the best interest of the inmates and the Welfare Home and shall inform the Controller about the action so taken for his confirmation or otherwise for his guidance, as the Controller may deem fit.

(5) The Manager shall maintain an "Order Book" and shall enter therein all his orders relating the management and discipline of the welfare home and shall satisfy himself that every such order is duly carried into effect. All officials entrusted with the execution of any such order shall sign the Order Book in acknowledgement of having read and received the orders.

(6) The Manager shall record in the Order Book the distribution of duties and registers among the subordinate officers of the executive, clerical and other staff in such a way that responsibility for error, dereliction of duty and defalcation may be fixed with precision.

(7) The Manager shall have a round of the Welfare Home at least once on every working day, and also on Fridays and public holidays, if special circumstances render it necessary to do so. He shall record in the Order Book any failure to comply with this rule, together with the reason thereof.

(8) The Manager shall inspect the articles of food purchased for the inmates at least three times a week.

(9) The Manager shall ensure that the premises of the Welfare Home are maintained in the best possible state of repair and are kept clean and in an efficient sanitary condition.

(10) The Manager shall on all occasions be ready to enquire into any complaints and to listen to any application from an inmate, in order to solve the problem in a befitting manner.

(11) The Manager shall inspect daily the ration to be served upon the inmates and shall satisfy himself that it is of good quality and proper weighed.

(12) Once in every quarter, the Manager shall test all weights and scales which are in use in the store rooms/kitchen, etc. in the Welfare Home and shall record the result to such test in the Order Book.

(13) The Manager shall submit an annual report to the Controller by the end of February each year. This report shall contain review of the general condition and management of the welfare home concerned.

(14) The Manager shall discharge his duties and perform his functions under the general supervision and control of the Controller.

(15) The Manager shall at all times exercise a vigilant supervision and control over all moneys and property of whatever kind received by him or by any of his subordinates and overall expenditure of every kind incurred by him or under his authority or orders or under the authority of any rules in that behalf for the time being in force, on the upkeep and management of the Welfare Home and shall cause proper accounts and vouchers of all such receipts and expenditure and property to be regularly kept and audited in accordance with the provisions of these rules and any other rules and order regulating the management of the public accounts for time being in force in that behalf.

(16) The Manager shall be personally responsible for all defalcations, losses or damages caused in any way due or attributable to any negligence, disobedience or misconduct on his part.

**15. Collection of Donations etc.** — (1) No person, unless otherwise authorised by the Controller shall solicit or receive alms or donations, either in the shape of each of kind, for the purposes of maintenance of a welfare home under these rules.

(2) For the purpose of sub-rule (4), authorization shall be made in Form B.

(3) Any person soliciting or receiving alms in contravention of these rules shall be deemed to be a vagrant and shall be dealt with accordingly.

**16. Release of inmate.**--- An inmate, when released or discharged from a welfare home shall be awarded with a certificate in Form C, a copy whereof, duly acknowledged by the outgoing inmate, shall be kept on the record. The certificate shall be awarded by the Manager of the Welfare Home.

**17. Registers and Books to be maintained by a Manager to the Welfare Home.**--- The Manager shall keep or cause to be kept, the following registers/books: —

- (a) Register of Vagrants admitted.
- (b) Order Book.
- (c) Visitors Book for the entry of any observations made by the Visitors.
- (d) Register of depositing of the money and other articles taken from the vagrants.

- (e) Register of release of inmates.
- (f) Register for the entry of the names, father's names, addresses, etc., of all visitors.
- (g) Hospital Register.
- (h) General Cash Book.
- (i) Cash Ledger.
- (j) Alphabetical register of all vagrants.
- (k) Register of office furniture.
- (l) Stock registers or Forms and Registers.
- (m) Register of letters received.
- (n) Register of letters despatched.
- (o) Register of contingent charges for supplies and service contingencies.
- (p) Register of purchase of grain, fuel, etc.
- (q) Register of daily dieting of inmates.
- (r) Clothing Godown Stock Register.
- (s) Acquittance roll of establishment.
- (t) Inventory of miscellaneous property.
- (u) Manufactory Cash Book.
- (v) Register of manufactory contingencies.
- (w) Register of receipt and issue of raw materials.
- (x) Register showing raw material in process of manufacture.
- (y) Stock register of manufactured articles received and issued.
- (z) Manufactory order book.
- (aa) Bill Book.



**18. Short Leave of Absence of Inmates of Welfare Home.---** (1) The Manager of a Welfare Home may, on sufficient causes being shown to his satisfaction, grant permission in writing to an inmate under intimation to the Controller to absent himself for short periods not exceeding six days at a time subject to the maximum of 25 days in a year inclusive of the time required for going to and returning from the destination for the purpose of visiting parents, relations or any other purpose.

(2) The time during which an inmate is absent from the Welfare Home under sub-rule (1) shall be deemed to be part of the time of his detention in the home.

(3) The permission granted under sub-rule (1) may, at any time, be cancelled by an order in writing by the Manager and the inmate may be called by him without showing any reasons therefor.

(4) If an inmate fails to return to the Welfare Home at the expiry of the period under sub-rule (1) or when called under sub-rule (3), the Manager shall report the matter to the Controller and any police officer not below the rank of Sub-Inspector who may, on the report in writing of such Manager, arrest the inmate without warrant and send him back to the Welfare Home.

(5) The time which lapses after the failure of an inmate under sub-rule (4) to return to the Welfare Home shall be excluded in completing the time of his detention in the Welfare Home.

**19. Compulsory Contributions by person bound to maintain Vagrants.---** (1) A Court making an order under section 13(1) of the Ordinance may direct a person liable to maintain a vagrant, to pay into Court in advance in the beginning of each month, such sum of money as the Court may think fit, not exceeding Rs.800 per mensem, towards the maintenance of such vagrant.

(2) When a Court has by its order under this rule directed the person liable to maintain a vagrant to pay a sum of money for the maintenance of such vagrant and such person makes default in the payment for a period of one week after the expiry of the due date of payment, the Court may take action for the recovery of the same as arrears of land revenue.

**20. Supply of Information regarding vagrancy by Courts and Police.---** (1) Wherever a Court orders a vagrant to be detained in a welfare home, it shall forward to the Manager of such welfare home, a copy of its judgment, if any or orders together with information regarding his age, disability and address if known, and any particulars of his home and previous record that may have been discovered.

(2) The Officer-in-charge of the police station concerned shall on the issue of orders by a Court for detention of vagrants in a welfare home, forward to the Manager of such welfare home, copies of any record he may have of the vagrants previous history.

21. Escape from a Welfare Home.--- Any inmate who escapes from a Welfare Home may be arrested by any officer of police without warrant and sent back to such Welfare Home.

**22. General.**—(1) All articles of diet must be passed by the Manager and the Medical Officer as fit for food before being taken inside the Welfare Home for storage or consumption.

(2) All articles of diet shall when possible be weighed out to the cooks in a state ready for cooking. Measures frequently tested shall be kept in sufficient number for the distribution of all food that has to be given out by measure.

(3) The under-cooked food shall be weighed, out to the cooks in the presence of the Manager or any other official so authorised by the Manager who shall be held responsible to ensure that proper quantity is issued and also in the presence of the head warden specially appointed to keep the godowns in which the foodstuffs are stored. The cooks should always be well conducted but should always be carefully watched to prevent any theft or tampering with the food.

(4) The key of the various locks in use in the female welfare home shall (other than the outer lock of the main entrance), be kept in possession of the Manager of the Welfare Home. The Manager shall look all the inmates into their sleeping wards and having done so shall lock the door of the main entrance. It should be so arranged that whenever the female portion of the welfare home is opened, in the absence of the Manager, two officials of the Welfare Home shall be present.

(5) No female inmate shall, otherwise than under a lawful authority, of any pretext leave or be removed from the female enclosure of the Welfare Home.

(6) No clothing, beddings and other necessaries, except those supplied by the Management of the Welfare Home shall be used by the inmates.

(7) The clothing, bedding and necessaries to be supplied to infants who are permitted to reside in the welfare home, shall be such as the Medical Officer may, in each particular case, prescribe.

(8) All articles of clothing, beddings, etc., shall be of the standard patterns approved by the Controller and, shall, with the exception of the bedding and blankets, remain with the inmate at all times.

(9) Each articles of clothing and bedding supplied to every inmate shall be marked legibly with a separate consecutive number.

(10) A sufficient stock of clothing to meet all possible requirements shall be kept in store at the welfare home.

(11) All clothing and bedding must be kept in a thoroughly clean condition.

(12) Once in every month all clothing considered unserviceable, shall be brought before the Manager and, if declared useless/ unserviceable, shall be written off the accounts under his signature.

(13) Indents for clothing, bedding, etc., shall be submitted in duplicate, to the Controller, as per requirements of the Welfare Home. The requirements should be carefully considered and assessed.

(14) The clothing godown shall be placed in the charge of the Manager. Every care must be taken to protect the clothing from damp and the ravages of vermin and insect pests by searing it in the sun at least once a month, and by free use of "neem" leaves.

**FORM A**  
(See Rule 9(5))  
OFFICE OF THE MANAGER, WELFARE HOME

No.....  
Dated.....

**CERTIFICATE**

This is to certify that Mr. /Mrs. /Miss..... son/wife/daughter of.....resident of.....has been received in this Welfare Home from the Manager Welfare Home..... on this the day of.....198 . at.....hours (letter No.....dated.....refers.)

Signature and Designations  
of the Receiving Officer

**FORM B**

(See Rule 15)

**CERTIFICATE**

1. Name of Institute with complete address.....
2. Registration No. and Date.....
3. Aims and objects.....
4. Purpose of collection alms/donations.....
5. Name of the person with Identity Card No. authorized to solicit/receive money, gift or food.....

Certified that Mr.....son of..... is allowed to solicit money, food or gift for the purpose of maintenance of the .Institution mentioned above.

Controller

**FORM C**

(See Rule 16)

OFFICE OF THE MANAGER, WELFARE HOME.....

No.....

Dated.....

**CERTIFICATE OF DISCHARGE**

This is to certify that Mr./Mrs./Miss.....son/wife/daughter of..... resident of.....who has been admitted to this Welfare Home on.....after completing training in.....(from.....to.....) is hereby discharged his/her conduct in the Welfare Home has been.....

Manager,  
Welfare Home.