

THE DIYAT, ARSH AND DAMAN FUND RULES, 2007¹

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S.R.O. 1110(I)/2007, dated 13.11.2007.—In exercise of the powers conferred by subsection (2) of Section 338-G of the Pakistan Penal Code (Act XLV of 1860), the Federal Government is pleased to make the following rules:

1. Short title and commencement. (1) These rules may be called the Diyat, Arsh and Daman Fund Rules, 2007.

(2) They shall come into force at once.

2. Definitions. (1) In these rules, unless there is anything repugnant in the subject or context:-

(a) "Administrative Committee" means the committee constituted under Rule 4;

(b) "Convict" means a person who is confined in jail for non-payment of diyat, arsh or daman;

(c) "Fund" means the Diyat, Arsh and Daman Fund established under Rule 3; and

(d) "Soft loan" means a loan with a below-market rate of interest as may be determined by the State Bank from time to time and includes other concessions such as long repayment periods.

(2) The words and expressions used but not defined in these rules shall have the same meaning as assigned to them in Chapter XVI of the Pakistan Penal Code (Act XLV of 1860).

3 Establishment of Fund. (1) The Federal Government shall, by notification in the official Gazette, establish a fund to be called the Diyat, Arsh and Daman Fund.

(2) The Fund shall have the following sources:

(a) Annual grants from the Federal Government and Provincial Government;

(b) Aid, assistance and contribution from local, national and international agencies; and

(c) Donations made by private organizations and individuals.

(3) The Fund in full or a part thereof except initial Fund to meet the immediate requirement may be invested in any Government savings scheme and proceeds thereof shall be utilized for the purposes of the Fund.

(4) The Fund shall be operated through an account to be opened in any scheduled bank as may be authorized by the Administration Committee.

(5) The amount credited to the Fund shall be non-lapsable and shall be exempted from tax.

¹ PLJ 2008 Fed. St. 138.

4. Administrative Committee for management etc., of the Fund. (1) For the purposes of management, control and disbursement of the Fund, there shall be an Administrative Committee consisting of the following:

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| (a) Minister for Law, Justice and Human Rights | Chairman |
| (b) Secretary, Ministry of Law, Justice, and Human Rights. | Member |
| (c) Secretary, Ministry of Interior. | Member |
| (d) Provincial Home Secretaries. | Members |
| (e) Joint Secretary (Human Rights Wing),
Ministry of Law, Justice and Human Rights. | Secretary |

(2) No act or proceedings of the Administrative Committee shall be invalid merely on the ground of existence of any vacancy or defect in the constitution of the Administrative Committee.

(3) The meeting of the Administrative Committee shall be presided over by the Chairman or in his absence, by the Secretary, Ministry of Law, Justice and Human Rights

(4) The Administrative Committee shall hold its meeting at least once in three months.

5. Delegation of powers. The Administrative Committee may, subject to such conditions and limitations as it deems fit, delegate all or any of its powers, to one or more members of the Administrative Committee for the management, control or disbursement of the Fund.

6. Conditions for providing soft loan. (1) Subject to sub-rule (2), a convict may be given soft loan if:-

- (a) He has been sentenced with imprisonment including payment of diyat, daman or arsh and is languishing in jail for non-payment thereof, or
 - (b) He is languishing in jail only on account of non-payment of diyat, arsh or daman as no substantive imprisonment was awarded to him.
- (2) The soft loan shall not given to a convict unless he:-

- (a) Furnishes surety bond for return of soft loan within the period specified by the Administrative Committee, which may be extended from time to time keeping in view the financial position of the convict; and
- (b) Undertakes for doing job if offered by any organization or individual for realizing the soft loan and paying remaining amount of diyat, arsh or daman where applicable.

7. Scheme for providing soft loan. (1) The soft loan to a convict shall be provided as under:-

- (a) Whole amount of diyat, arsh or daman where the amount does not exceed two hundred thousand rupees;
- (b) One half of the amount of diyat, arsh or daman where the amount exceeds two hundred thousand rupees but does not exceed five hundred thousand rupees, and
- (c) One third of the amount of diyat, arsh or daman where the amount exceeds five hundred thousand rupees.

(2) For the purpose of sub rule (1), the Federal Government and if so desired by the Federal Government, the State Bank, shall issue instructions to the scheduled banks to advance soft loans to convicts for the purposes of these rules.

8. **Grant out of Fund.** (1) The grant out of the Fund may be provided to a convict who is incapacitate due to physical or mental illness or otherwise.

(2) The Administrative Committee shall have the power to provide grant to a convict under sub-rule (1)

9. **Failure to return soft loan.** (1) Where a convict fails to comply with any or all of the conditions of his surety bond or undertaking including return of soft loan, he may again he kept in jail.

Provided that the convict may be released when any job is available or any individual or organization stands surety for return of soft loan including payment of outstanding diyat, arsh or daman.

(2) The soft loan may, in addition to the provisions of these rules, be recoverable as arrears of land revenue.

10. **Sub-committees for facilitating jobs to convicts.** The Administrative Committee may constitute sub committees for facilitating and engaging the convict in different jobs with the non-governmental organizations and individuals or work places within jail or attached to jail, if any, for return of the soft loan or payment or amount of diyat, arsh or daman.

11. **Release of convict on parole.** Where a convict has served out the substantive sentence of imprisonment and makes part payment of diyat, arsh of daman, he may be released on parole on such terms and conditions as may be determined by the Court for payment of remaining amount. The Court may pass an order for detention of the convict if he fails to fulfill the terms and conditions for release on parole.

12. **Audit of accounts of the Fund.** The accounts of the Fund shall be audited by the Auditor General of Pakistan.