

The Prison System in Pakistan

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Abstract

The present structure of the Prison system in Pakistan can be traced back to British India. The author has tried to explain the current situation of jails and their problems: overcrowding; mal-administration; lack of training and low salaries of jail staff; and outdated methods of treating prisoners. This article also describes the functions and achievements of the Central Jail Staff Training Institute, the only institute for the professional training of prison staff and officers in Pakistan. Important prison rules and data compiled from government departments in all provinces of the country and policy recommendations are also included in this article.

Keywords

Prison System, Prisoners, Penal System, Jails in Pakistan, Penology, Prison Administration

Introduction

Pakistan inherited the Prisons System from the British as a colonial legacy. This system was used as an instrument to suppress political opponents and to neutralize threats to Crown rule.

Prison as a place of punishment after conviction, is an 18th century concept. It was conceived of as a humanitarian alternative to corporal punishment. It was felt that confinement would help prisoners to become penitent and that penitence would result in reformation. It was not until the 19th century that the prison reform movement took shape when for the first time classification, segregation, individualized treatment and vocational training of inmates were given due consideration.

After independence the prisons and prison departments as a whole remained a low-priority item on the Government agenda. However prisons remained an exclusively provincial concern in the successive constitutions of the Republic of Pakistan. Provincial Governments did make efforts to maintain and improve the existing prisons available in the country. Quite a few numbers of new jails were also constructed in the last fifty years, on the recommendations of various prisons reform committees.

The first prison reform programme was introduced in Pakistan during the year 1950 under the chairmanship of Col Salamat Ullah, ex-IG Prisons (UP combined India). Later various reforms committees were constituted in the provinces and under the auspices of the Federal Government in order to settle the grievances brought by prisoners. The recommendations of these Committees were invariably approved. However no productive work could be done mainly because of financial constraints.

Background of Prison System in Pakistan

Maximum-security prisons were commonly identifiable by the walls and towers for armed guards as well as the restrictive rules for the prisoners. The colonial prison system was conceived as an instrument of punishment. Harsh and brutal treatment was meted out to prisoners such as the imposition of handcuffs and fetters as well as hard labor, cellular and separate confinement, whipping, dietary restriction, the substitution of gunny clothes and the loss of privileges.

The Jailor being the head of the institution without uniform had to play the role of judge and his orders were to be implemented through his deputy designated the Chief Executive Officer of the prison. Prisons were operated under a military-style system of authority. Each officer in the staff hierarchy had specified duties and responsibilities and was linked to officers of higher and lower rank through a chain of command. Despite its hierarchical logic the system of authority and communication had serious weaknesses. One problem was that policy-decisions were made by administrators who were far removed the realities of daily life in prison.

The chain of command also compromised the accuracy and completeness of reports as they moved up and down the ranks. For many officers in the lower ranks allegiance to administrative policies was less important than engaging in the exchange of rumors with the inmates resulting in fraternization and collusion with the inmates.

Existing Prison Structure

At present there are 99 Prisons in Pakistan including Azad Kashmir & Gilgit Baltistan which includes four Women Jails (one jail in Punjab i.e. Women Jail, Multan and three jails in Sindh Province i.e. Women Jail, Larkana, Women Jail, Karachi and Special Women Jail, Hyderabad). However, women prisoners are also kept in separate portions of other jails.

It also includes two Borstal Institutions and Juvenile Jails i.e. B.I.&J.Jail, Bahawalpur and B.I.&J.Jail, Faisalabad. Juvenile prisoners are also kept in the Youthful Offenders Industrial School, Karachi and separate portions of other jails of the country.

Objectives of the Prisons

- a. Custody Keeping inmates in safe place of confinement to satisfaction of the court.
- b. Control Maintaining discipline within the prison premises.
- c. Care Meeting basic needs of the inmates.

- d. Correction Providing treatment (physical, mental and psychological counseling) to reform and rehabilitate the convicted inmates.
- e. Cure Provision of facilities that are needed for a normal person to become productive member of the society.

Functions of the Prison

- Execute the sentence awarded by the Court.
- Maintenance, Care, Custody and transfer of prisoners.
- Maintenance of orders and discipline amongst the prisoners.
- Control of expenditure relating to prison management.
- Enforcement of Prison Act, all Laws, Rules/Regulations and orders pertaining to the protection and maintenance of prison/prisoners.
- Imparting useful education / training to the prisoners in various trades/skills and other vocational disciplines for their rehabilitation.
- Organizing of recreational programmes, welfare measures and psychological counseling of inmates for their correction and rehabilitation.

Statistics

Currently there are 99 prisons in Pakistan out of which 32 are situated in Punjab, 22 in Sindh, 23 in NWFP, 11 in Balochistan, 06 in Azad Kashmir and 05 in the Gilgit - Baltistan (As on 31-12-2009). According to the vital prison statistics, the Province wise number of prisons is as under:

Provinces	No. of Jails
Punjab	32
Sindh	22
NWFP (KP)	23
Balochistan	11
Gilgit Baltistan	05
Azad Kashmir	06
Total	99

Type-wise breakdown is as under:

S. No.	Particulars	No. of Jails
a	Central Jails	25
b	District Jails	50
c	Sub Jails	09
d	Women Jails	05
e	Juvenile Jails	05
f	Special Prison	01
g	Judicial Lock-ups	04
	Total	99

Prison Population

According to the prison population as on 31st December 2009, the authorized accommodation for keeping inmates is 42165 whereas 78328 inmates are actually kept in jails. The Punjab Prison department presides over the gravest incidences of overcrowding by accommodating 52318 prisoners against a capacity of merely 21527.

Province-wise prison population and authorized capacity is as under:

Type-wise breakdown is as under:

S. No.	Name of Province	No. of Prisons	Authorised Capacity	Prison Population
1	Punjab	32	21527	52318
2	Sindh	22	10285	14422
3	Khyber Pakhtunkhwa former NWFP	23	7982	7549
4	Balochistan	11	2173	2946
5	Azad Kashmir	06	530	663
6	Gilgit Baltistan	05	173	430
	Total	99	42670	78328

(Position updated till 31 Dec 2009)

Legislation on Prisons

The colonial Government had through Regulation III of 1818 passed on the 7th April of the same year, for the confinement of state prisoner adopted a procedure to place any individual under personal restraint against whom there were no sufficient grounds to initiate judicial proceeding. Act No. IX of 1894 was passed by the Governor General of India in Council on the 22nd March. The said enactment came after Bombay Act II of 1874 which was applicable to civil jails in the Presidency of Bombay under the provisions of about eight sections i.e. Section 9 to 16. The Prisons Act was came into force on the 1st July 1894 comprising twelve chapters and sixty-two sections and detailing the provisions for maintenance of prisons, the duties of prison staff, discipline, rights and obligations of prisoners.

Having received the assent of the Governor General on the 11th March 1897 an Act VIII of 1897 was passed to amend the law relating to reformatory schools and to make further provisions for dealing with youthful offenders. After enactment of this law, the Reformatory Schools Act, 1876 was repealed.

Act III of 1900, the Prisoners Act, received the assent of the Governor General on 2nd February 1900 and came into force at once. It consolidated the existing statutes relating to prisoners confined by order of a court. It extended to the whole of British India inclusive of British Balochistan, the Santal Parganas and the Pargana of Spiti. The Act included nine parts and fifty-three sections had the guidance on admission, removal, discharge, attendance in court and employment of prisoners.

The Punjab Borstal Act, 1926 received the assent of the Governor on the 22nd July 1926 and that of the Governor General on the 16th August 1926 and was first published in the Punjab Government Gazette of the 27th August 1926. It was an Act to make provision for the establishment and regulation of Borstal Institutions in the Punjab and for the detention and training of Adolescent offenders therein already received the sanction of the Governor General under sub-section (3) of section 80-A of the Government of India Act. The Act contains thirty-six sections to discuss various aspects of prisoners under twenty-one years of age.

The 1932 Jail Manual received the assent of the Governor in the council of Punjab on 31st December 1932. The Manual included forty-two chapters, eleven hundred and sixty rules, twenty supplement appendices and a comprehensive index. All the rules framed in the Manual are under the authority of section 59 of the Prisons Act 1894. The Manual included special mention of the post of Factory Manager, provisions for the appointment of European Warders for European prisoners, for the role of Senior Assistant Superintendent, for documents of bails or surety bonds, for duties of convict monitors, for punishments like Transportation for life, accidental or unnatural deaths, details about state, Leprosy and European prisoners and their treatment.

Issues and Problems

Under the 1973 Constitution of Pakistan (Concurrent List) “Jail Matters” is the responsibility of Provincial Governments. However, the Federal Ministry of Interior with the consultation of Ministry of Law and Justice and National Reconstruction Bureau (NRB) has made efforts to draft a comprehensive report on Prison Conditions and Prison Reforms which are yet to be fully implemented.

Present Conditions of Jails

- Jails of today are heavily overcrowded.
- Jails have old and dilapidated facilities, often dating from the 19th century.
- There is acute shortage of manpower.
- Budget allocation is insufficient.
- Security devices are very rare.
- Amendment in Rules is required (Pakistan Prison Rules being 28 years old).
- Training of Prison Staff at home and abroad is necessary.
- Establishment of Medical Laboratories is important.
- Water Treatment Plants need to be added;
- HIV/Aids/ Hepatitis issues need to be addressed on a priority basis;
- Education Programmes need to be introduced.
- Remission Systems need to be liberalised by prison authorities.
- The use of mobile phone needs to be stopped immediately and replaced with installation of PCOs/Booths.
- Transport facilities need to be extended to prisons.

1. Overcrowding

Causes:

- High proportion of Pre-trial Prisoners
- Under-utilization of Parole & Probation Provisions (see article in this issue)
- Increasing Population of Addicts.
- Prolonged Detention of Petty Cases
- Non-Utilization of Open Jails

Effects:

- Congestion in Barracks / Cells.
 - Poor Diet & Health Care Management
 - Un-hygienic & poor sanitary conditions.
 - Increased Security and administrative problems.
2. Mal-administration / Corruption:
 - Over-fatigued Prison Staff.
 - Extortion, Harassment and torture of Prisoners.
 3. Lack of Recreational Facilities;
 4. Un-organized Educational Programmes;
 5. Un-attractive service structure and slow career progression of Prison Staff;
 6. Low priority to training of prison staff;
 - Meager Budget Allocation;
 - More Nominations from Provinces for training at home (Common Training Programme at National Level).
 - Consistent lapse of opportunities of Foreign Training.
 - Full Activation of Function No.28 of Interior Division of Rules of Business.
 7. Special consideration for vulnerable prisoners.

Suggestions for improvement in Prison System

Following curative/ reformatory steps are required to be taken to improve the conditions of the jails in the country:

- Provision of funds for new construction / expansion of jails.
- Number of Jails for juveniles and female prisoners is increased.
- Prison Departments are actually understaffed. Keeping in view prison population, additional manpower is direly needed. This issue needs to be considered realistically.
- Financial constraints be removed to entertain previous recommendations and to solve a lot of problems. Minor approvals can be granted through delegation of powers at the lower level.
- The system of jail inspection be strengthened so that the judges of high courts and subordinate courts regularly visit jails and give on-the-spot instructions about the cases of under-trial prisoners.

- Open Prisons be established at Divisional level with large chunks of agricultural lands for rehabilitation of prisoners before final release.
- Federal Prison be established to deal with Prisoners under Federal Laws such as Drug Traffickers, Foreigners, Army Deserters, Tax Evaders, Loan Defaulters, Money Launderers (Accountability cases) etc.
- The number of prisoners in a condemned (death) cell be according to the capacity of the cell.
- Psychological counseling be provided to inmates which is extremely necessary.
- The old record about admission, release and remission accounts of the prisoners be computerized for efficient administration of jails.
- Prison staff be encouraged through better incentives of awards / prizes for their achievements and work of excellence.
- The tendency of long period of posting at one place be immediately stopped or some policy be devised.

Prison Reform

The credit for having started the prison reform movement belongs chiefly to the Englishman John Howard (1726-1790) whose study of prison life forced a change in the treatment of offenders. The work of Elizabeth Fry (1780-1845) was also significant as she spent much of her life to understand the lives of inmates. Similar work was done in the United States by a group of Philadelphia Quakers, who began agitating for prison reform later. Their efforts came to a point which ultimately led the United States to lead by example. The American prison system, now in almost universal use, embodies two main principles: the separation of prisoners by individual cells, and their engagement in some form of labor. Later correctional programmes in nearly all parts of the world show a significant trend toward specialization, diversification and experimentation.

The Reform Movement in Pakistan had its beginnings in the formation of the Punjab Jail Reforms Committee headed by Col H M Salamat Ullah the then Inspector General Prisons, the first meeting of which was convened on the 4th October 1950. The originally two-point agenda of the meeting was “whether these are certain rules which are derogatory to human self respect” and whether the existing rules provide facilities to prisoners for the discharge of the obligations enjoined by their religion. Later recommendations on Prison Reforms were brought forward by the same Committee. The condition of Prisoner's was improved through Punjab Jail Manual of 1955.

The meetings of the following Committees / Commissions / Conferences were held during the last 50 years:

1. First Prison Reforms Committee under Col. Salamat Ullah, Ex-IGP of UP combined India in 1950/1955;
2. East Pakistan Jail Reform Commission headed by S. Rehmat Ullah, CSP, Commissioner in 1956;
3. The West Pakistan Jail Reforms Committee headed by Mr. Justice S. A. Mahmood (S.Pk.), Retired Judge, High Court of West Pakistan in 1968-70
4. Jail Reforms Conference under Prison Division, Government of Pakistan in 1972.
5. Special Committee on Prison Administration headed by Mr. Muhammad Hayatullah Khan Sumbal, Home Secretary appointed by Governor of Punjab 1981-83.
6. Prison Reforms Committee headed by Mr. Mahmud Ali, Minister of State in 1985;
7. Jail Reforms Committee headed by Maj Gen (Retd) Nasirullah Khan Babar, Minister for Interior & Narcotics Control in 1994;
8. Jail Reforms Committee under Mr. Justice M. Rafique Tarar, Pak Law Commission headed by Mr. Justice Sajjad Ali Shah, Chief Justice of Pakistan in 1997;
9. Pak Law Commission headed by Mr. Justice Sajjad Ali Shah, Chief Justice of Pakistan in 1997;
10. Task Force on Prison Reforms under Mr. Justice Abdul Qadir Sheikh in 2000;
11. Meetings held at the national level by M/o Interior 2005 under the Chairmanship of former Minister for Interior Mr. Aftab Ahmed Khan Sherpao;

In addition meetings were also held under the Chairmanship of the Principal, Secretary to the Prime Minister and in the National Reconstruction Bureau, Islamabad with the coordination of Central Jail Staff Training Institute now upgraded as National Academy for Prison Administration (NAPA), Lahore.