



Prison Reforms

Carried Out by the Wafaqi Mohtasib

WAFaqi MOHTASIB (OMBUDSMAN)'S SECRETARIAT

ISLAMABAD

Prison Reforms carried out by the Wafaqi Mohtasib

Legal background

Under the law, the Wafaqi Mohtasib (Ombudsman) is empowered to ascertain the root causes of corrupt practices and injustice; and arrange for studies to be made or research to be conducted and recommend appropriate steps for their eradication. The law also has a provision that on a motion of the Hon'ble Supreme Court or High Court during the course of any proceedings before them, the Wafaqi Mohtasib can undertake any investigation into any allegation of mal-administration on the part of any agency or any of its officers or employees.

2. The Honorable Supreme Court of Pakistan, in its Order dated 28th May 2015, issued in CMA No.1313/2015, in *suo moto* Case No.1 of 2006 regarding miserable condition of women in jails, recorded, inter alia, as under:

“Given the elaborate regulatory framework and based on the evidence received, we are compelled to conclude that there is a near total failure of the regulatory framework in relation to prison conditions. No official or body appears to have been effective in regulating the implementation of the prison law and rules to ensure prisoner welfare as required by law.”

3. Having conducted a detailed review of mandate and powers of the Ombudsman offices, the Hon'ble Supreme Court in its aforementioned order stated as under:-

- Paragraph 31 *“..... in view of the Ombudsman offices’ mandate, it is not sufficient to just address individual complaints, the Ombudsman offices must address systemic failures that are the root causes of “mal-administration” and formulate and enforce standards of “good administration” as envisaged by the law.*
- 32) *Based on the reports reviewed by us there is evidence of significant mal-administration and systemic dysfunction in the criminal justice system at large and prisons in particular including regulatory frameworks, which needs to be rigorously diagnosed to be effectively rectified, implemented and monitored for quality and impact. The failure to adopt and implement a sufficient due diligence to life approach as required by the law constitutes a breach of statutory duty. The Ombudsman offices may therefore form standing committee/s and inspection team/s to examine the systemic failures in the administrations to rectify such failures and set good administration standards that if breached would be deemed to be mal-administration.”*

Constitution of the National Committee on Prison Reform

4. In light of the Hon'ble Supreme Court of Pakistan's observation/order, the Wafaqi Mohtasib in October 2015 constituted a National Committee on Prison Reform. The Committee headed by Senator S.M. Zafar, former President, Human Rights Commission of Pakistan and Supreme Court Bar Association, included eminent persons in different spheres of public life, the civil society, the legal and medical community, retired and serving public officials and media, besides Inspector Generals of Prisons and heads of major prisons in Pakistan. The Committee undertook a systemic study and assessment of actual situation on ground in some important prisons in the country. The Committee made study visits to six selected prisons of the country and identified core issues and concerns, in some detail, and noted certain serious shortcomings and failures in the system. The report and recommendations of the Committee which were provided in December 2015 to all concerned federal and provincial government agencies were submitted in the Hon'ble Supreme Court.

Recommendations of the Committee Constituted by the Wafaqi Mohtasib

5. Following are the major recommendations contained in the study report prepared by the Committee:-

- i- All provinces should constitute two Committees, namely,
 - a. District Oversight Committees, and
 - b. Welfare Committees for:
 - i. Improvement of life of prisoners in jails especially children, women and destitute / resource-less prisoners.
 - ii. Ensuring that District Oversight Committees are constituted to monitor implementation of orders of the Hon'ble Supreme Court in their respective districts and to submit deficiencies, if any, to respective Home Department / IG Prisons.
 - iii. These Committees should consist of members from civil society, bar councils, education and health sectors, who have proven track record of significant contributions for improvement of prisoner's life.
- ii- Ministry of Interior (Federal) and Provincial Home / Prison Departments may be directed to appoint Senior Officers to act as Focal Persons to enable surprise visits of these Committees. The Committees may submit a comprehensive schedule of visits by respective focal persons.
- iii- Law & Justice Commission together with Advocates General and Provincial Ombudsmen to review and submit proposals for significant expansion of probation / parole possibilities to reduce pressure on accommodation facilities in jails. Probation and Parole system also needs to be revisited to make it more effective to deal not only

- with overcrowding but also for reformation of convicts, juveniles and first-time offenders.
- iv- Provincial Governments to build jails in every district headquarter and the Federal Government in Islamabad. Every jail should have separate and independent portion for women and juvenile prisoners with sleeping space for every prisoner and adequate toilet and hygiene facilities.
 - v- There is a need to link biometric system in jails with courts for maintaining record of prisoners. “Peshi Roaster” and jail record / registers should also be computerized / automated. Provincial Governments may be directed to proceed accordingly and ensure development of an interface between jails, courts and NADRA for monitoring and verification of prisoners’ record.
 - vi- Drug users and mentally challenged prisoners are to be kept outside of jail premises, in drug clinics (rehabilitation centers) /homes for mentally challenged with provisions of medical treatment. Hard-core/high-profile criminals such as murderers, terrorists, extortionists should be kept separate from ordinary or under trial prisoners who are not involved in such heinous crimes. Prisoners with HIV, Hepatitis, T.B. and drug addicts should be segregated and kept apart from other prisoners. Strict surveillance should be done in jails for protecting prisoners from physical and sexual assaults.
 - vii- Higher Education Commission of Pakistan, universities falling in respective territorial area of jails, Allama Iqbal Open University, and other reputable government institutions/ organizations may be directed to assist in improving educational and skill training facilities including missing facilities, and in payment of fines for deserving prisoners.
 - viii- Concerned ministries/departments at federal and provincial levels may be directed to allocate necessary funds and resources for improvement in jails. Establishment of Prisoners Voluntary Donations Fund at provincial level to be ensured.
 - ix- Pakistan Bar Council and Provincial Bar Councils may be advised to provide free legal aid to prisoners especially to under-trial prisoners for appeal purposes.

Other miscellaneous recommendations:

- a) Health and Hygienic Conditions of Prisoners must be improved.
- b) Juveniles and Women Prisoners should be completely segregated.
- c) Computerization of prisons staff and their transfer to other jails after every three years.
- d) Resolution of grievances of Foreign Prisoners.
- e) Establishment of Prisoners Voluntary Donations Fund.
- f) Establishment of Sweet Homes for Children living with their mothers in jails.
- g) Construction of Wash Rooms and Provision of drinking water facility to both prisoners and visitors.

- h) Waiting Rooms for visitors along with relevant facilities in every jails.
- i) Mechanism to address the issue of unnecessary / illegal detention of UTPs involved in petty crimes.
- j) Provision of proper health care facilities in the prisons including psychological counselling of prisoners by the Government.
- k) Arrangements must be made by the Provincial Government to Control the violence and harassment in jails.
- l) Hard-core/ high profile criminals such as murderers, terrorists, extortionists should be kept separate from the ordinary or under trial prisoners who are not involved in such heinous crimes.
- m) Prisoners with HIV, Hepatitis, T.B. and drug addicts should be segregated and kept apart from other prisoners.
- n) Strict surveillance should be done in jails for protecting the prisoners from physical and sexual assaults.
- o) Training and performance evaluation of prison's officials should go hand in hand with career planning.
- p) Sanctioned strength of medical staff should be enhanced and medical equipment requirement should be furnished.
- q) Libraries in jails should be well stocked with books.

Subsequent Order of the Hon'ble Supreme Court of Pakistan

6. In July 2018, the Hon'ble Supreme Court during hearing of the above case directed that **“an exercise be undertaken by the Ombudsman on behalf of this Court to determine whether the report of the Ombudsman has been implemented in letter and spirit. ... The Ombudsman shall also be empowered to seek implementation of its recommendations which have already been approved by this Court. ...”** Again, in September 2018, during hearing of the same case, the apex court ordered the Wafaqi Mohtasib to review and follow up the implementation of recommendations of his report regarding miserable condition of jails, more particularly in light of the decisions and actions recommended.

7. In pursuance of the above mentioned Orders, the Wafaqi Mohtasib periodically holds meetings with the concerned provincial government departments to evaluate level of implementation of the recommendations of the report on prison reforms. So far, 14 Quarterly Progress Reports on the implementation of the report on prison reforms by the provincial Home and the Prison Departments have been submitted by the Wafaqi Mohtasib Secretariat to the Hon'ble Supreme Court of Pakistan.

Status of implementation of report on Prison Reforms

8. Salient points of the status of implementation reported by the provincial authorities on the recommendations of Wafaqi Mohtasib's report on prison reforms are as follows:

I. Formation of Oversight and Welfare Committees:

All provincial prison authorities have formed two Committees, i.e; District Oversight Committee and Welfare Committee. These committees are functional and visiting jails regularly to monitor improvements of prisoners' life especially children, women and destitute. Members of the Civil Society, bar associations, and prominent personalities in health and education sectors represent on the Welfare Committees. These Committees frequently visit the jails in their jurisdiction.

II. Nomination of Focal Persons:

Provincial Home Departments and Jail authorities have nominated focal persons who facilitate the functions of these Committees and arrange their visits to the jails.

III. Construction of Jails in every district Headquarter to overcome Overcrowding in Jails and Construction of Jail in the Federal Capital:

Provincial Governments are making efforts to overcome the problem of overcrowding in jails and new jails are either under construction or PC-1 for the identified lands for new jails have been prepared. In Punjab, constructions of District Jail Nankana Saab, District Jail Khushab, District Jail Chiniot are in process. In KPK, D.I Khan and Swabi jails have been completed and existing Peshawar jail has been up-graded. In Balochistan, construction of central jail Loralai, district jail Killa Saifullah, district jail Harnai and Gwadar jails is in progress. In Sindh, three new jails i.e. District Prison Thatta, Shaheed Benazirabad and Malir are under construction. At the federal level, Ministry of Interior is also in the process of building Islamabad Model Prison.

IV. Medical Coverage

Prisoners are being provided adequate medical facilities. Every jail has a medical officer and para-medical staff. Psychiatrists and other specialist from outside hospital are arranged for regular visits to jails. Drug users have been segregated in all jails, and being provided rehabilitation facilities. Mentally challenged prisoners are also kept in separate barracks. Prisoners are being screened for HIV, Hepatitis, T.B and other infectious disease, and accordingly being segregated from the healthy prisoners, and also given treatment and awareness to manage their problem.

V. Education and skill Development:

An MOU was signed by heads of HEC and Vice Chancellors of Universities with Patron-in-Chief of Pakistan Sweet Homes to provide free of cost education facilities including technical education & skill development and educational material in prisons to up-grade facilities for the prisoners. The Patron-in-Chief of Pakistan Sweet Homes offered to establish Sweet Homes for Children in Prisons to cater for their normal up-bringing. The First such Sweet Home was established in Central jail, Kot Lakhpat, Lahore.

Formal and in-formal education has become an essential part of the improvement initiatives in jails. With the help of provincial universities, formal education is being provided to the prisoners who are willing to pursue education. Courses are being offered for Matric, F.A. certificates and B.A & M.A degrees. Religious education and computer literacy courses are also provided. Libraries are also being established in jails.

Provincial Technical Education and Vocational Training Authority (TEVTAs) are actively supporting the jail authorities and offer courses like tailoring, welding, motor repair, auto repairs, plumbing, furniture making, carpet weaving, and electrical work, etc.

VI. Separation of Women Enclosures:

The women in prisons are kept in separate blocks and only female staff has been appointed to look after them.

VII. Juveniles and Children:

All the jails have separate enclosures for juveniles and facilities like outdoor games, music, indoor games, education and medical treatment are provided. NGOs and philanthropist are also contributing towards welfare of children. Small babies with mothers are also looked after, and nurseries are being established. Sweet Homes are also being planned to be established in Jails.

VIII. Biometric Systems in Jails:

Biometric systems with help of UNODC have been established in jails. Jails records are being computerized. Developing interface between NADRA, Police and Prisons is also under process. Peshi roasters are also being computerized. Jail Management Information System (PIMS) are also being set-up.

IX. Health and Hygiene:

Toilet facilities with water etc., are made available. Provision of clean drinking water is being ensured. Food and roti is also given as per jail manual. Prisoners are allowed to have small LCDs with limited/controlled programs.

X. Under Trial Prisoners (UTPs), Parole and Probation System, and Payment of Fines:

Jail authorities are ensuring arrangements to UTPs, minor offenders, first-time-offenders before the courts. Parole and Probation Systems are also being re-vamped to make them more effective. Petty fines (Arsh, Diyat, etc.) are also being arranged for release of the prisoners. Provisional Governments along with Philanthropists are contributing towards this.

XI. Free Legal Aid

Free Legal aid and legal counseling is also being arranged. District Bar Councils, Lawyers, and Provincial Governments are playing a very useful role in this regard.

XII. Regular Monitoring by the Wafaqi Mohtasib Secretariat

The Wafaqi Mohtasib visits provincial headquarters to meet with the Chief Secretary, Home Secretary, and I.G. Prisons etc. to have up-date on the implementation of reform initiatives.

XIII. Parole Boards

Parole Boards have been constituted in jails to scrutinize the eligibility of prisoners to be released on parole through need/risk assessments.

Project of Model Prison in Islamabad

9. The project of Model Prison in Islamabad was initiated on the direction of Hon'ble Supreme Court of Pakistan; and progress of this project is monitored by Federal Shariat Court, Islamabad High Court, Prime Minister's Inspection Commission (PMIC) and Justice Committee of Islamabad High Court.
10. PC-I of the project was approved by ECNEC in its meeting held on 20.07.2016 at a cost Rs.3.9 billion. Pak PWD through ICT Administration is the executing agency of the project. An amount of Rs.1667.162 million has been utilized so far Rs.350.00 million was allocated for this project in the CFY: 2022-23.
11. The Prime Minister was pleased to constitute a committee headed by Minister of Interior for completion and Operationalization of Model Prison Project. A meeting of the Committee was held on 6th July 2022 whereby a sub-committee was constituted under the Chairmanship of Special Secretary Interior to monitor implementation of the decisions taken in the meeting.
12. Two meetings of the sub-committee were held on 21st July 2022 and 15th August 2022. All issues pertaining to revision of PC-1 were resolved and revised PC-1 prepared by Pak PWD at an estimated cost of Rs.18.279 billion was submitted to PD&SI Division for consideration of CDWP.
13. CDWP considered the said revised PC-1 in its meeting held on 19th October 2022. Subsequently, a review meeting under the chairmanship of Member (Infrastructure), Planning Commission was held on 27th February 2023 and it was decided that the project should be reconsidered by Pre-CDWP and CDWP. Necessary steps on this score are being taken.

Monitoring Meetings with Stakeholder Agencies

14. As a regular feature, the Wafaqi Mohtasib chairs meetings in all provincial capitals, along with concerned provincial Chief Secretary to monitor the implementation of the recommendations of the report of the Wafaqi Mohtasib Secretariat's Committee on Prison Reforms. Appropriate directions are issued to all concerned during such meetings to remove the bottlenecks in implementation of the recommendations of the report with a view to improve the living conditions of the inmates of prisons in Pakistan, as far as possible.
-