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Report on meetings with Provincial Governments

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Reports of the Federal Ombudsman: Meetings with the Provincial Governments

The Supreme Court following suo-moto proceedings in 2015 requested the Federal Ombudsman to enquire into the systemic mal-administration resulting in the denial of the rights experienced by the citizens who come in contact with the Prisons System and the Police Stations. The Ombudsman in turn created two Committees under well reputed and experienced retired officials, assisted by serving personnel from the Federal and Provincial governments, to examine the issues and recommend remedial measures. The Reports were forwarded to the Provincial governments and it was decided that meetings of an official representing the Ombudsman be held with the Chief Ministers/ Chief Secretaries to gather their response before forwarding these to the Supreme Court.

These meetings held were most useful and instructive. The Governments of Sindh, Khyber Pukhtunkhwa and Baluchistan fully owned and supported the recommendations made in the Ombudsman Reports on the two subjects. Since both the Prisons and the Police are provincial subjects, apart from the Islamabad Capital Territory, they stated that they remain committed to undertaking reforms and providing additional personnel and finances to redress the deficiencies pointed out by the Supreme Court. The Punjab government pointed out that since these two matters fell under their provincial jurisdiction alone they were constantly undertaking all measures whether statutory, financial or administrative to address the shortcomings. The Home Secretary recounted in detail the financial and administrative problems that have either been resolved or steps taken to deal with these. He also stated that they have forwarded their reports to the Supreme Court in this regard. In the light of the discussions held with the provinces it is felt that since the recommendations are practical and non-intrusive with the onus of responsibility lying exclusively with the provinces the Reports may be finally scrutinized by the Ombudsman and thereafter forwarded.

The Punjab government and to an extent the other provinces are also implementing the provisions of the Probation and Parole system under which convicted persons in non-heinous offences are not incarcerated in prisons but are being rehabilitated. This approach is very positive and needs further refinement so that not only is the over-crowding in prisons mitigated but that the first time

offenders in such cases are open to rehabilitation. There is need also to examine the possibility by the provinces to get disputes resolved through 'Alternate Dispute Resolution' so that potential offenders are kept away from the prison environment.

It would also appear that there may not be a need for a Federal Prisoners' Endowment Fund as some of the provinces already have an instrument similar to this and those that do not could fashion one most appropriate to their needs.

Finally there was broad recognition that there was a pressing need for an element of 'external accountability' regards the Police Station and that the Public Safety Commission not being empowered under the Criminal Procedure Code was not a prompt or sufficient mode for safeguarding the rights of the citizen especially if he was not rich or influential.

Shakil Durrani (Former Chief Secretary KP, Sindh, AJK and GB)