



Federal Ombudsman of Pakistan
Proposals for Reforms in Prisons
and Initiatives taken to Provide
Education and Skills to Prisoners
Particularly Women and Children



14th Asian Ombudsman Association Conference in Islamabad, Pakistan

24-25 November 2015

www.asianombudsman.com www.ombudsman.gov.pk



WITH COMPLIMENTS FROM

M. SALMAN FARUQUI NISHAN-E-IMTIAZ FEDERAL OMBUDSMAN OF PAKISTAN

AND

S. M. TAHIR
SENIOR ADVISOR, FEDERAL OMBUDSMAN
&
GRIEVANCE COMMISSIONER FOR PRISON INMATES

DIRECTIVES OF THE SUPREME COURT IN SUOMOTO CASE NO.1/2006

The Supreme Court of Pakistan vide its Order dated 28/5/2015 in Suomoto Case No. 1 of 2006 paragraphs 31 & 32 outlined critical issues relating to the conditions in prisons in the country and the inherent obligations of the offices of the Ombudsman to take cognizance and address the shortcomings. Relevant part of the order is reproduced below:

- Paragraph 31) 'As well addressing individual complaints as an external executive oversight body, critically, the Ombudsman offices are mandated "to diagnose, investigate, redress and rectify an injustice done to a person through mal-administration", which is defined expansively to include "a decision, process, recommendation, act of mission or commission" that:
 - a) Is contrary to law, rules or regulation....
 - b) Is perverse, arbitrary or unreasonable, unjust, biased, oppressive, or discriminatory, or
 - c) Is based on irrelevant grounds, or
 - d) Involves an exercise of powers or the failure or refusal to do so, for corrupt or improper motives, such as, bribery, jobbery, favouritism, nepotism and administrative excessive; and
 - e) Neglect, inattention, delay, incompetence, inefficiency and ineptitude, in the administration or the discharge of duties and responsibilities.

We are therefore compelled to make the point that, 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".

• Paragraph 32) Based on the reports reviewed by us there is evidence of significant maladministration and systemic dysfunction in the criminal justice system at large and prisons in particular including regulatory frameworks, which need 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 of the criminal justice system and the prisons in particular and make recommendations to rectify such failures and set good administration standards that if breached would be deemed to be mal-administration'.

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NOTIFICATION OF THE CONSITITUTION OF NATIONAL COMMITTEE ON PRISON REFORMS



WAFAQI MOHTASIB (OMBUDSMAN)'S SECRETARIAT 36-Constitution Avenue, G-5/2, Islamabad Phone No: 051-9217213 General Phone: - Fax: 051-9217224

No.2/SCR/WMS/2015

Islamabad, the 19th October, 2015

NOTIFICATION

Subject: NATIONAL COMMITTEE FOR PROVISION OF EDUCATION AND SKILLS DEVELOPMENT TO INMATES OF PRISONS WITH PARTICULAR REFERENCE TO THE CHILDREN AND WOMEN PRISONERS.

In pursuance of the directives of the Honourable Supreme Court of Pakistan, MoU signed on 21st August, 2015 (copy enclosed) in the Wafaqi Mohtasib Secretariat and the series of meetings held in the Wafaqi Mohtasib Secretariat and in the Regional Office of Wafaqi Mohtasib in Karachi on the above subject and in partial modification of Notifications issued earlier on 26.08.2015 and 02.10.2015, the Competent Authority has been pleased to constitute the following committee on the above subject:-

1.	Senator (R) Mr. S. M. Zafar, Advocate Supreme Court of Pakistan, former	Chairman
2.	Federal Minister for Law and Justice. Mr. Shakil Durrani, former Chairman WAPDA, Federal Secretary & Chief	Member
2.	Sagretony Sind KPK & AIK	Member
3.	Mr. Zamarud Khan, Patron-in-Chief, Pakistan Sweet Homes and former Managing Director of Bail-ul-Mal, Islamabad.	
4.	Prof. Dr. Mukhtar Ahmed, Chairman Higher Education Commission of	Member
5.	Dr. S. M. Junaid Zaidi, Rector, COMSATS Institute of Information Technology, Islamabad.	Member
6.	Dr. Shahid Siddiqui, Vice Chancellor, Allama Iqbal Open University,	Member
7.	Islamabad Justice (R) Syed Pir Ali Shah, Provincial Ombudsman Sindh for Protection Against Harassment of Women at Workplace, Karachi.	Member
8.	Prof. Justice (R) Shahzado Sheikh, Honorary Advisor, WMS, Islamabad.	Member
9.	Ms. Suraiya Anwar, President, SOS Children's Village Pakistan.	Member
10.	Mr. Waqar Ayub, Provincial Ombudsman, KPK, Peshawar.	Member
11.	Mr. Muhammad Wasay Tareen, Provincial Ombudsman, Balochistan	Member
12.	Quetta. Inspector General (Prisons), Government of Punjab, Lahore	Member
13.	Inspector General (Prisons), Government of Sindh, Karachi.	Member
14.	Inspector General (Prisons), Government of KPK, Peshawar.	Member
15.	Inspector General (Prisons), Government of Balochistan, Quetta.	Member
16.	Mrs. Shaheena Waqar, Head of Women Aid Trust, H. No. 36, St. No. 2,	Member
17.	Sector G-10/3, Islamabad Mr. Abdul Sattar Khokhar, Senior Joint Secretary, M/o Interior, Islamabad	Member

18.	Mr. Shafiq ur Rahman Paracha, former Commissioner, Karachi.	Member
19.	Hafiz Ahsan Ahmad Khokhar, Senior Advisor (Law) and Grievance Commissioner (Overseas Pakistanis) WMS, Islamabad.	Niember
20.	Mrs. Farah Ayub Tarin, Senior Advisor, WMS, Islamabad.	Member
21.	Ms. Nasreen Farooq Ayub, Provincial Child Commissioner, Punjab.	Member
22.	Hafiz Tahir Khalil, Bureau Chief, Daily Jang, Islamabad.	Member
23.	Mr. Javid Akhtar, Associated Press of Pakistan, Islamabad.	Member
24.	Mr. Khalid Abbas, Superintendent Jail, Haripur District.	Member
25.	Ms. Zariyab Musarrat, Deputy Director, Wafaqi Mohtasib Secretariat, Islamabad.	Co-opted Secretary
26.	Ms. Rafia Bano, Deputy Director, Wafaqi Mohtasib Secretariat, Islamabad.	Member
27.	Mr. S. M. Tahir, Senior Advisor, WMS, Islamabad.	Member/Secretary

2. The above said Committee shall submit its report to the Honourable Wafaqi Mohtasib within a reasonable time.

(ARSHAD FAROOQ FAHEEM) Additional Secretary (ICW/R&A)

Copy to:-

- i) The Registrar, Supreme Court of Pakistan, Islamabad.
- ii) . The Secretary, Law and Justice Division, Islamabad.
- iii) The Secretary, Ministry of Finance, Islamabad.
- iv) The Secretary, Establishment Division, Islamabad.
- v) The Secretary, Ministry of Interior, Islamabad.
- vi) The Finance Secretaries, Governments of Punjab, Sindh, KPK & Balochistan.
- vii) The Home Secretaries, Governments of Punjab, Sindh, KPK & Balochistan.
- viii) The Health Secretaries, Governments of Punjab, Sindh, KPK & Balochistan.
- ix) The Social Welfare Secretaries, Governments of Punjab, Sindh, KPK & Balochistan.
- x) The Inspectors General of Prisons, Governments of Punjab, Sindh, KPK & Balochistan.
- xi) The Inspectors General of Police, Governments of Punjab, Sindh, KPK & Balochistan.

Copy also to:

- 1. PS to Federal Ombudsman.
- 2. PS to Secretary, WMS.
- 3. Master File.

(ARSHAD FAROOD FAHEEM)
ADDITIONAL SECRETARY (ICW/R&A)

MINUTES OF THE MEETING OF NATIONAL COMMITTEE FOR PROVISION OF EDUCATION AND SKILLS DEVELOPMENT TO INMATES OF PRISONS WITH PARTICULAR REFERENCE TO THE CHILDREN AND WOMEN PRISONERS

A meeting was held on 20.10.2015 at 1430 hours in the Conference Room of Wafaqi Mohtasib Secretariat Islamabad to discuss the draft report on prison reforms prepared by Prof. Justice (Retd.) Shahzado Sheikh, Hon. Senior Advisor. The list of participants is annexed.

Welcoming the participants, the HWM stated that the purpose of the meeting was to consider different aspects of the three reports on prison reforms prepared by Prof. Justice (Retd.) Shahzado Sheikh, Mr. Shakil Durrani and Justice Pir Ali Shah. These reports need to be finalized in consultation with all the stakeholders including the IG prisons and finally with Mr. S.M. Zafar for which he has been requested to hold a meeting in Lahore. He requested the participants to go through all the reports and offer their suggestions before the final meeting is held. The HWM also stressed the need for developing pragmatic and implementable recommendations which could form the basis for real change in the living condition of the prisoners. He also agreed to the suggestion that Bannu jail should also be visited for being different from the others on various accounts. He then invited the participants to offer their comments.

The meeting generally shared the views of the HWM. The following comments proposals, and decisions came to the fore:-

- i. Mr. Shakil Durrani along with Mr. Zamurad Khan and another member of the committee will visit all the four provinces to call on the Chief Ministers and Chief Secretaries to share the recommendations of the Prisons Reforms Committee, seek their input and muster support of the Provincial Governments.
- It was emphasized that the Jail Act and Jail Manual which are comprehensive documents determining the required standards must be implemented in letter and spirit.
- iii. Monitoring of the jails has to be round-the-clock and must be meaningful.
- iv. The COMSATS has already started working in the KotLakhpat, Adiala and Haripur jails. Libraries have been developed and skill development programs are being introduced in coordination with Pakistan Sweet Homes to make the prisoners useful members of the society on their release.
- v. COMSATS also offered to establish separate structures for female and child prisoners in Adiala jail.
- vi. Pre-organized visits do not serve the required purpose of monitoring. Instead, surprise visits to jails should be undertaken.

- vii. Within two days of the visit to the jails in Baluchistan, 45 children have filled up the admission forms of AIOU for matric, FA and BA. The prisoners including female, juvenile ones have also evinced interest in computer classes. Library has been established and furniture/equipment has also been arranged. Education centers will be made operational in Machh and Quetta jail within the next month.
- viii. Computers and instructors will be provided by the COMSATS in the Kot Lakhpat jail within the next 15-20 days.
- ix. Sustainable welfare activities will be generated through NAVTAC which has devised 196 different types of vocational training courses. The courses offered to the inmates of prisons should conform to the requirement of the local industry. Greater reliance should be made on the courses which have greater acceptability in the market e.g. the female prisoners should be offered courses like beautician.
- x. It was agreed that institutional strengthening is must to carry out reforms in the jails for which the Provincial Governments should be entrusted with the responsibility.
- xi. The representative of the Higher Education Commission stated that for sustainability of any program for the prisoners, institutional arrangement must be ensured. He requested for the statistics regarding the population of child prisoners who have completed Grade 12 educations for the purpose of mapping and identifying the required educational facilities for them. He also stressed the need for developing doable long term education system which may include online courses by AIOU and Virtual University. He further indicated that HEC has already interacted with the Universities and formal offers from the concerned VCs will be obtained within the next 2-3 weeks. However, the prisons where such facilities are to be provided need to be identified.
- xii. The meeting agreed that a National Endowment Fund may be created to be managed by 5-6 VCs of the universities who should be the ex-officio members of its Board, Home Secretaries of the provinces, some NGOs and the professionals of the field. The Minister for IPC could be the Chairman of the board. The provinces should be sensitized on this score.
- xiii. The existing system of filling up of lengthy forms in the prisons needs to be dispensed with and some basic templates containing essential information should be devised.
- xiv. The Provincial Governments should be requested to introduce educational facilities from class 1 to 10 for the children in jails.
- xv. For the purpose of obtaining political support, the work of the Prisons Reforms Committee should be highlighted in the media.
- xvi. Provision of proper healthcare facilities in the prisons should also be included in the recommendation part of the report. Psychological counselling of the prisoners should also be recommended.

- xvii. A meeting of the Committee members with the Chief Justice of the Supreme Court may be arranged not only to sensitize him on the committee's work but also to gain his support for cooperation of the lower courts in the context of performance of jail duties by the judges.
- xviii. Free legal aid aspect may also be included and NGOs be approached for payment of petty fine in respect of the prisoners who default on fines.
- xix. The existing system entails 40% role of the judiciary, 40% of Provincial Governments and 20% of the Committee for the welfare of the prisoners. In case all the stakeholders perform their prescribed duties, the number of prisoners in jail will reduce considerably.
- xx. The welfare organizations should be attracted to the maximum for participating in the welfare activities for the prisoners especially in the context of health and education.
- xxi. The Pakistan Sweet Homes will establish a sweet home in Adiala jail for which a site has already been selected. The PSH is also ready to finance the educational cost up to FA.
- xxii. The next meeting of the Committee will be held during the coming week to finalize the proposals.
- xxiii. A visit to Adiala jail may also be undertaken by some members of the Committee before 31st October, 2015.
 - The meeting ended with a vote of thanks to and from the chair.

FINAL REPORT FOR REFORMS IN JAILS

MEETING OF THE NATIONAL COMMITTEE FOR PROVISION OF EDUCATION AND SKILLS DEVELOPMENT TO INMATES OF PRISONS WITH PARTICULAR REFERENCE TO THE CHILDREN AND WOMEN PRISONERS TO FORMULATE FINAL REPORT ON JAIL REFORMS

A meeting of the National Committee for provision of Education and Skills Development to inmates of prisons with particular reference to the children and women prisoners was held under the chairmanship of Mr. S.M. Zafar, Senior Advocate, Supreme Court of Pakistan at 1400 hrs on 16th November, 2015 in the Conference Room of Wafaqi Mohtasib Secretariat, Islamabad. List of the participants is attached.

The purpose of the meeting was to review the steps taken by the Wafaqi Mohtasib Secretariat during the last four months in pursuance of the orders of the honourable Supreme Court of Pakistan passed on 28/5/2015 in Suomoto Case No.1 of 2006 as reproduced below:

- "31) As well addressing individual complaints as an external executive oversight body, critically, the Ombudsman offices are mandated "to diagnose, investigate, redress and rectify an injustice done to a person through mal-administration", which is defined expansively to include "a decision, process, recommendation, act of mission or commission" that:
- a) Is contrary to law, rules or regulation....
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- d) Involves an exercise of powers or the failure or refusal to so, for corrupt or improper motives, such as, bribery, jobbery, favouritism, nepotism and administrative excessive; and
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We are therefore compelled to make the point that, 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 maladministration 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."

At the outset of the meeting the Secretary of the Committee explained in detail the steps taken by the office of Wafaqi Mohtasib to implement the orders of honourable Supreme Court of Pakistan in the above mentioned suomoto case regarding miserable conditions of women in jails. The members of the Committee were informed that the honourable Wafaqi Mohtasib constituted a Committee with the mandate to visit different jails in the country to have first hand information not only about the living conditions of prisoners in jails particular the women and children including juvenile prisoners but also to report on overall condition of jails including sanitary, cleanliness, quality of food, medical and clinical facilities, violence to the prisoners, oversight mechanism and arrangements for the relatives of the prisoners visiting the jails etc. The Committee constituted by the honourable Wafaqi Mohtasib for this purpose visited the following jails on the dates mentioned against each:

•	Central Jail Adiala	on 25-06-2015
•	Central Jail Haripur	on 31-07-2015
•	Central Jail Karachi	on 07-08-2015
•	District Jail Quetta	on 31-08-2015
•	Central Jail Much	on 01-09-201.

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Central Jail Kot Lalhpat, Lahore on 05-10-2015

The reports prepared on the visits to the above-mentioned Jails highlighted not only the conditions of women and children living with their mothers in jails and the juvenile prisoners, under trial as well as convicted, but also identified the core issues which were considered to be the main cause of miserable conditions of prisoners in jails. The following core issues were highlighted in almost all the visit reports:

The major issues noticed by the members of the Committee during their visits to different jails were almost common and similar in nature. These include shortage of staff in jails, over-crowdedness, lack of sanitation and health facilities, violence on prisoners particularly women and children, lack of external oversight mechanism, non production of under-trial prisoners to courts, un-necessary/illegal detention of under-trial prisoners involved in petty crimes like stealing of small amounts, scuffles and lack of educational and entertainment facilities etc.

It was considered essential to explore the "central truth" which could be the root cause of the miserable conditions in which the prisoners were compelled to live in the jails. The "central truth" apart from the issues already discussed includes absence of welfare oriented initiatives, no workable mechanism for promotion of Education and Skills to the prisoners (males and females) in jails. The members of the Committee therefore suggested that the heads of some education institutions particularly those which were already imparting education to the inmates of jails should be invited to seek their cooperation for the noble cause of promoting education and skills development to the prisoners particularly juvenile prisoners (males and females). In order to substantiate this proposal the honourable Wafaqi Mohtasib, therefore, invited the heads of HEC, COMSATS, Institute of Information Technology and Allama Iqbal Open University in the meeting

held on 21-08-2015. The meeting was attended by the Patron-in-Chief of Pakistan Sweet Homes and the representative of Provincial Governments. During this meeting an MOU was signed to extend all possible support for improving the conditions of prisoners in jails and to make efforts to provide them education and skills. Honouring the pledges made by the heads of prime Institutions and Patron-in-Chief of Pakistan Sweet Homes the following practical steps were taken:

- i. The Vice Chancellor, Allama Iqbal University upgraded the libraries in Central Jail Adiala and District Jail Quetta by providing books which could be useful for the prisoners for improving their educational levels.
- ii. COMSATS University provided books to Central Jail Haripur and also expressed commitment to establish computer lab in that jail.
- iii. The first Pakistan Sweet Home for children was inaugurated by the honourable Wafaqi Mohtasib in Kot Lakhpat Jail Lahore on 05-10-2015. The inauguration ceremony was attended by luminaries like Mr. S.M. Zafar, former Law Minister/Senator, Vice Chancellor Punjab University, representatives of HEC, COMSATS, Allama Iqbal Open University, Special Home Secretary, Government of the Punjab, Inspector General of Prison, Punjab, members of civil society and Senior Advisors of Federal & Provincial Ombudsmen.

During visit to the Regional Office, Karachi on 07-08-2015, the honourable Wafaqi Mohtasib discussed the issues regarding implementation of the orders of honourable Supreme Court passed in the Suomoto Case No.1 of 2006. During this meeting the content of the reports on visits to Central Jail and Women Jail Karachi by a team of Senior Advisors of Wafaqi Mohtasib Secretariat also came under discussion. The reports prepared on visits to different jails had revealed that about 70-80% prisoners in the jails were Under Trial Prisoners (UTP) who were languishing in jails due to different crimes. The honourable Wafaqi Mohtasib constituted a Committee under the chairmanship of Justice (R) Pir Ali Shah, Provincial Ombudsman for protection against harassment of women at workplace, Sindh to propose measures relating to the under trial prisoners. Later on two other Committees were also constituted by the honourable Wafaqi Mohtasib, one under the chairmanship of Prof. Justice ® Shahzado Sheikh, former judge of Shariat Court and the other under the chairmanship of Mr. Shakil Durrani, former Chairman WAPDA and former Chief Secretary, Sindh and KPK. The reports submitted by them were examined and the salient issues identified by them in their reports are summarized below:

Report of Justice (R) Pir Ali Shah

- As a matter of recourse, Jail authorities should take responsibility of assessing the situation of UTPs in their custody for whom they have not received production orders from concerned trial court for the past many consecutive date of hearing.
- Secretary, Home Department to oversee as to why UTPs are detained for an indefinite period and production orders are not obtained from the concerned Courts from where initially accused were remanded to jail custody.

- S.S.P. (Court Production) should take responsibility that UTPs produced from the
 jail should not be returned, without his or her production before the concerned trial
 Court.
- Provincial Government must provide adequate funds, finances, for expansion/construction of barracks (Building) with all basic necessities.
- Provincial Chief Secretary within his domain should oversee if finances provided through public sector development plans/programs and regular budget provision/finances provided for new construction/project development plans within the jail premises have been utilized by the concerned quarters or otherwise.

Report of Prof. Justice (R) Shahzado Sheikh

- All those who are confined to prisons are not convicted. Even all the accused may not be guilty.
- Juvenile and women prisoners should be completely segregated from all others.
 Juvenile and first time offenders in most cases including theft, brawls, hurts be segregated from convicts and handed over to their families, on security in cash and involvement of local notables.
- Since Session Judge is the custodian of prisons, the system needs to draw strength from ownership of the judiciary right from its apex.
- The District and Session Judge should therefore head the Prison Stakeholder's Board comprising officials and non official members.
- Prison Monitors and Boards of Visitors should be assigned clear and defined duties and responsibilities. They should have unfettered access to all prison areas.
- The female prisoners constitute the most vulnerable and fragile segment of the prison population along with children. Therefore, very special measures need to be taken and should be continuously monitored. These have been mentioned in detail in the report. As management of the jails is the sole responsibility of the judiciary so comprehensive templates to ensure proper management of the jails must be on the agenda of the Supreme Court.
- Community participation within the boundaries of the jail must be promoted to ensure pleasant environment in the jails.

Report of Mr. Shakil Durrani

• The under trial prisoners are kept in detention so that they do not tamper with the evidence against them and that they are restrained from causing further damage to the society. The experience has revealed that most of the under trial prisoners during their long stay in the jails become harden prisoners. Therefore the juvenile and first

time offenders in most cases other than involved in heinous crimes are segregated from the convicts. In these cases the offenders could be handed over to their families, the numberdars or the local notables with some security to ensure their good conduct.

- The drug users are victims of harmful substance and do not belong to the prisons. They need care and treatment so that they are rid of their addiction and could become useful members of the society.
- Provincial level Committees, headed by Chief Minister/Home Minister, represented by the relevant Ombudsman, be constituted to formulate rules for jails. The experience has shown that the laws are good but their implementation is very weak. Some renowned civil servants or retired officers of judiciary can be appointed as Justice of peace to ensure proper supervision and implementation of laws. Although different Institutions/NGOs have promised for promotion of education and skill development from prisoners but this task exclusively falls within the ambit of provincial governments.
- Endowment Funds, discussed in different meetings should be created for the welfare of the prisoners along with a proper mechanism for its operation.

The heads of some philanthropist Institutions/donors also expressed their interest to join in the efforts made by this office for improving the conditions of prisoners in jails. A meeting was, therefore, held in this office on 05-11-2015 which was attended by representations of such Institutions including the heads of Stock Exchange and Chamber of Commerce. They pledged to support the initiative taken by this office for the noble cause.

The suggestion made by the above-mentioned chairmen of the Committees and also received from the participants who attended different meetings held in this office from time to time are summarized below:

Administrative Issues

- I. Important data about the accused prisoners especially women and juveniles should be collected and computerized.
- II. There is a dire need to provide proper facilities of food, health, education and furniture for the prisoners and to facilitate visits by relatives where such visits are discouraged. The prisoners should be especially protected from viral and contagious diseases.
- III. It was recommended that statistical data and detailed information about prisoners should be prepared, computerized and made readily available. The prisoners should be timely informed about the remission in their punishment and the date of their release. This should be the responsibility of Home Departments and IGs Prison. Necessary infrastructure should be made available to them by Home Departments.

- IV. All vacancies of the required administrative staff should be immediately filled in all jails.
- V. The jail staff should be posted out of all jails every three years.

Segregation of Criminals

- I. There is a need to study the benefits to the individuals and the society of non-custodial penalties for juvenile and first term offenders in all but the most heinous cases. Additionally it has been felt that convicted and under trial prisoners, juveniles and women be fully segregated in prisons and detention centers. A proper system for Under Trial Prisoners (UTPs) who are suggested to be kept out of jails will be devised by Mr. Shakil Durrani.
- II. The young accused prisoners in juvenile jails should be isolated from the lock up/jails and kept in Borstal jail, like a Boarding School.

Supervision/Monitoring

- I. Physical/sexual violence on prisoners particularly women and the juveniles including by the prisoners (rough heads) should be prevented.
- II. Approved and committed representatives of NGOs, Social Welfare Organizations and civil society should have the authority to enter the jail building/barracks around the clock, without prior intimation.
- III. Selected renowned activists or retired public officials can be appointed as Honorary Magistrate or Justice of the peace for addressing and resolving the problems of inmates of the jails.
- IV. Although the Prison Act and Rules lay down fair standards of prisoners' living and facilities required, it was proposed that Provincial level committees be constituted for policy and uniformity and similar district supervisory committees comprising officials, civil society members and representatives of the Ombudsman may also be considered to ensure strict compliance of prison laws, rules and standards.
- V. The Grievances Resolution Offices (GROs)) at the district level, of the Provincial Ombudsmen, be established in close proximity to each other, to address complaints of the people on predetermined dates. For this purpose Grievance Resolution Committees should be set up for each jail by the respective Provincial Ombudsman with the specific task of receiving prisoner complaints, visiting jails with permission for unfettered access, deciding complaints within a week and ensuring compliance of the decisions. Such an institution should have the full support and patronage of Home Secretary and IG Prisons. The federal subjects would be resolved by the officials of the Federal authorities and likewise for foreign prisoners.

Education/Skill Development

I. It was observed that little or no attention was paid to providing education to the prisoners for developing their professional skills so that they could be gainfully employed in the prisons and later on their release. The HEC, AIO University and COMSAT have offered to upgrade the prisoners' skills in consultation with the provincial governments.

- II. A Prison Endowment Fund was also proposed to be set up for creating additional resources for NGOs working for prison reforms, citizens committees for jails and prison managers themselves for instant un-budgeted needs to create conducive environment for reforming prisoners and their education, skill improvement and medically treat them including venereal ailments, hepatitis, rehabilitating drug addicts etc. as well as pay fines on their behalf. The response from different sections of the society who attended HWM meetings was overwhelming. It was proposed that Provincial Funds be headed by Education Ministers or any Minister designated by Chief Minister who is passionate about prison reforms and may comprise of eminent citizens heading charitable institutions, NGOs, leading professionals and retired public servants.
- III. The women prisoners after their release from the jail should be provided proper security and care in collaboration with some renowned NGOs in the relevant field.

The proposals made by other participants of the meeting held on 16-11-2015 are summarized below:

- The creation of Endowment Fund should be prioritized.
- The relatives of the prisoners visiting them in jails must be properly facilitated.
- The juvenile prisoners can be kept separately in borstal jails.
- Pakistan Sweet Homes, like one opened in Kot Lakhpat Jail, can be started in other jails.
- Fee education to the prisoners in jails has been offered by Allama Iqbal Open University from Metric to BA. The University is considering starting master level courses. COMSATS has also made similar offers.
- Oversight/supervision mechanism needs to be strengthened and monitored periodically.

The Honourable Wafaqi Mohtasib, Mr. M. Salman Faruqui, who also attended the meeting, fully supported the proposals to keep Under Trial Prisoners (UTPs) out of prisons. For this purpose they can be handed over to their family members if they are ready to take their responsibility or to some notables, on parole, with security and guarantee that they will be produced in the trial courts on the date of hearings. He suggested that, as in many countries in the world, a small chip can be inserted in the foot of the prisoner to monitor his movement and activities. He honourable Wafaqi Mohtasib further suggested that the women with infants not involved in heinous crimes can be allowed to stay at their homes provided they are ready to pay for the police guard, which might be deployed by the jail administration or local police, at their residence. Similarly, the Union Councils in villages can take the responsibility of these women prisoners living with their infant children in jails.

The Honourable Wafaqi Mohtasib appreciated the commitments made by the heads of a few premier educational institutions for provision of education and skill development and also upgradation of libraries for the inmates of jails. The pledges made by the representative of some philanthropist organizations for contribution for this noble cause was also applauded. He recapitulated, as detailed below, the views expressed by the participants of the Committee in

different meetings held in this office and also in the meetings under the chairmanship of Mr. S.M. Zafar, Senior Advocate on 4-10-2015 in Regional Office, Lahore:

- a) HEC offered to invite both public and private universities in the country and allocate jails to them in their proximity and also persuade them to undertake provision of education and skills to inmates of prisons on voluntary basis. Similarly Secondary and Intermediate Boards should be approached for similar initiatives and exemption of fee for prisoners wishing to improve their education on the pattern the Vice Chancellor of Punjab University offered during his visit to Kot Lakhpat jail. These will be their contribution to the proposed Endowment Fund.
- b) Some renowned lawyers and doctors offered to provide legal assistance to prisoners probono on the pattern of legal aid being extended in Sindh in particular under the patronage of Mr. Justice (R) Nasir Aslam Zahid. Similarly the doctors who attended the meetings in this office offered to make visits to the neighboring prisons on voluntary basis as their contribution to the proposed fund.
- c) The representatives of Chambers of Commerce and Industry, Stock Exchanges and philanthropists also offered to support the proposed Endowment Fund, if it was ensured that the funds would be properly managed and their contributions in cash and kind reach the targeted inmates of jails and help them to become useful citizens when they are out of jails.
- d) As suggested by Justice (R) Shahzado Sheikh, prison issues should be included in the regular proceedings of Law and Justice Commission, High Court Chief Justice headed committees and ACRs of District and Session Justices should have a specific provision to assess their performance in dealing with the prison issues in their jurisdiction.

Mr. S. M. Zafar, the Chairman of the Committee appreciated the steps taken by this office for implementing the orders of the Honourable Supreme Court of Pakistan as mentioned at paragraphs 31 & 32 of judgment dated 28-05-2015 in Suomoto Case No.1 of 2006. The chair referred to different suggestions made in the jail reports and the reports submitted by the heads of three Committees and also the participants of the meeting and made the following proposals which are practical and can be implemented immediately:

- Important data about the accused prisoners especially women and juveniles should be collected and computerized.
- Approved and committed representatives of NGOs, Social Welfare Organizations and civil society should have the authority to enter the jail building/barracks around the clock, without prior intimation.
- The Grievances Resolution Officers (GROs)) at the district level, of the Provincial Ombudsmen, be established in close proximity to each other, to address complaints of the people on predetermined dates. The federal subjects would be resolved by the officials of the Federal authorities and likewise for foreign prisoners.

- The women prisoners after their release from the jail should be provided proper security and care in collaboration with some renowned NGOs in the relevant field.
- The jail staff should be posted out of all jails every three years.

The chair added that most of other suggestions need funds for their execution. These can be taken in hand when funds are made available but the focus should be on proper utilization of funds. The Chairman appreciated that the Provincial governments are cooperative on the issue and hoped that they will continue to support the efforts of Wafaqi Mohtasib in providing proper environment to the jail mates so that when they leave the prison walls, they go out as an improved citizen. He appreciated the concept of Pakistan Sweet Homes to keep the children out of jails but desired that such Homes should be of good standard. He appreciated the role played by the office of Wafaqi Mohtasib in implementing the orders of the Supreme Court of Pakistan and desired that those recommendations need to be framed which are pragmatic and practical in nature and are implementable.

The meeting ended with a vote of thanks to the Chairman by Mr. M. Salman Faruqui, the Honourable Wafaqi Mohtasib.

PARTICIPANTS OF THE MEETING HELD ON 16-11-2015 AT 1400 HRS REGARDING JAIL REFORMS UNDER THE CHAIRMANSHIP OF MR. S. M. ZAFAR, SENIOR ADVOCATE SUPREME COURT OF PAKISTAN

Sr. No.	Name/Designation/Department	
1.	Senator S. M. Zafar, Senior Advocate, Supreme Court of Pakistan.	
2.	Mr. M. Salman Faruqui, Hon'ble Wafaqi Mohtasib	
3.	Mr. Shakil Durrani, former Chief Secretary Sind and KPK.	
4.	Prof Justice (R) Shahzado Sheikh, Senior Advisor, WMS, Islamabad	
5.	Mr. Zamurad Khan, Patron-in-Chief, Pakistan Sweet Homes, Islamabad.	
6.	Dr. Shahid Siddiqui, Vice Chancellor, Allama Iqbal Open University, Islamabad.	
7.	Hafiz Ahsaan Ahmad Khokhar, Senior Advisor (Law), WMS, Islamabad.	
8.	Maj. Gen (R) Haroon S. Pasha, Advisor, WMS, Islamabad.	
9.	Mr. Shah Mehboob Alam, Advisor, WMS, Islamabad.	
10.	Mrs. Shaheena Waqar, Head of Women Aid Trust, Islamabad	

11.	Brig (R) Muhammad Rafi Butt, COMSATS Islamabad.
12.	Mr. Iqbal Ahmad Qureshi, Honorary Consultant, (Law) WMS, Islamabad.
13.	Mrs. Zariyab Musarrat, Deputy Director, WMS, Islamabad.
14.	Mr. S. M. Tahir, Senior Advisor, WMS, Islamabad.

INTERIM SUB-COMMITTEE REPORT-I

PROPOSED MEASURES UNDER TRIAL PRISONERS



OMBUDSMAN THE PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORK PLACE

7th Floor, New Sindh Secretariat Building, Karachi.
No. POS/CO: PHWWP/1612 - 2015
Dated: 21 - 08 - 2015
Phone: 021-99222744 / 021-35168004
FAX: 021-99222947

Mr. Arshad Farooq Faheem Additional Secretary (CW/R&A)

Wafaqi Mohtasib (Ombudsman)'s Secretariat

Plot No.36, Constitution Avenue, Sector G-5/2,

ISLAMABAD

Tel.No. (051) 9217213

Fax No. (051) 9217224

Subject:

REPORT PROPOSING MEASURES RELATING TO THE UTP'S IN THE LIGHT OF NOTIFICATION NO.2/SCR/WMS/2015 DATED 11-08-2015

I have been directed to forward herewith the requisite report of the committee dated 20-08-2015 which may be placed before the Honorable Wafaqi Mohtasib for his kind perusal.



(Abdullah Shah)

Advisor HR & Planning/Director (Admin)

Provincial Ombudsman Sindh

"The Protection against Harassment of Women

At the Work Place"



OMBUDSMAN THE PROTECTION AGAINST HARASSMENT OF WOMEN AT THE WORK PLACE

7th Floor, New Sindh Secretariat Building, Karachi.

Honorable Wafaqi Mohtasib through his secretariat notification No.2/SCR/WMS/2015 dated 11th August 2015 constituted a Committee, entrusted with an assignment to propose measures relating to the UTP's and such, report may be furnished by 21.08.2015. Copy of Notification as attached (Annexure A).

IMPORTANT

We are conscious of the fact that Prisons/Jails are being inspected/visited by the learned District and Sessions Judge of the concerned District and being monitored by the Honorable High Court. Above all, such affairs relating to UTP's are overseen by the Honorable Apex Court. Therefore this committee is confined to propose the measures relating to the UTP's which are in consonance with the Directions, Orders and Observations passed by the Honorable Courts.

REPORT PROPOSING MEASURES RELATING TO THE UNDER TRIAL PRISONERS (UTPs) IN THE LIGHT OF NOTIFICATION NO. 2/SCR/WMS/2015 DATED 11.08.2015.

- A. In order to fulfill the requirements of the assignment entrusted to the committee, 1st meeting was convened on 13.08.2015, which was attended in person by the members shown at Sr. No. 1.3.5,7.9,10 and 11. While, representatives of Home Secretary (Sr. No.2), and Inspector General Prison (Sr. No.5) also attended. However, members at Serial No. 4 and 8 did not attend.
- B. After due deliberations, sharing experiences and views of each other, with consensus it was deemed fit and proper that following concerned authorities who are also members of this committee, to work out facts and figures so that, remedial measures can be formulated identifying the basic issues and living conditions of UTPs within Jail premises and outside the Jail premises when UTP's are presented before Trial Courts. So that meaningful report on the subject can be prepared.
 - (i) Home Secretary. Government of Sindh. Karachi.
 - (ii) Inspector General (Prisons), Sindh, Karachi.
 - (iii) Superintendent Central Jail, Karachi.
 - (iv) SSP, Court Production, Karachi.
- C. Participants mutually agreed that the next meeting of the committee be fixed on 20.08.2015 with understanding that in the meantime concerned authorities will hold internal meetings to work out the facts and figures and remedial measures can be sorted out to enable the committee to consolidate bottlenecks if any, which could be identified, addressed relatively and appropriately, as well.
- D. 2nd meeting of the committee again resumed on 20.08.2015 when concerned authorities filed their joint report regarding issues of UTP's identifying remedial measures / recommendations. (Copies annexed as "X", "B", "C" & "D"). This time meeting was attended by committee members at Sr. No. 1, 6, 7, 8, 9, 10 and 11. As usual, committee members at Sr. No. 2 & 5 sent their representatives. While committee members at Sr. No. 3 & 4 did not come forward to attend the meeting.

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E. The esteemed Committee after a long and point to point meticulous decision identified basic issues / problems pertaining to resolution mechanism of UTPs. unanimously decided to propose the following feasible recommendation / remedial measures relating to UTPs for prompt implementation in letter and spirit by the concerned quarters:-

Issues / Problems faced by the UTPs within and outside Jail.

1) Overcrowding in Prisons/Jails-

Reportedly over all there are 20163 prisoners in jails of the Province. Out of these, 16226 are Under Trial Prisoners (as on 18.08.2015). This shows more than 80% UTPs confined in Prison/Jail awaiting their trials.

2) Production of UTPs before trial courts-

According to SSP Court Production Police, they are able to manage production up to 70% UTPs only due to shortage of prison vans and manpower. He claims to have presently 11x22 (Hino large) plus 24x8 (Toyota) prison vans and 439 Police Force and that prison vans requires major repairs. According to SSP Court Production Police, they need 10x22 (Hino large) plus 15x8 (Toyota) prison vans more and at least 250 Police personnel to ensure 100% production of all the courts including budgetary provisions for sanitation, construction of additional wash rooms and M&R works must be enhanced.

- (i) The staff position of Court Police be improved considerably along with the increase in Prison Vans.
- (ii) The number of Courts has to be increased in order to decrease the work load on the Courts.
- (iii)Honorable Courts to priorities the burden of custody cases. The cases in which the accused are behind bar, may be given top priority.
- (iv)Special Courts may be established to concentrate on the cases involving jail custody so that the cases to proceed on priority basis within the prescribed time.
- (v) Regular Courts be held inside the jail to release inmates involved in minor offences.

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- 3) Trial courts to hear the cases regularly and ensure that whatever custody is produced, the cases of produced UTPs must proceed and witnesses attending the Courts may not be returned unexamined.
- 4) District & Sessions Judges who are also Directors of Human Rights during their monthly visits of Jails may review cases of UTPs involved in minor offences and pass necessary orders with regard to expeditious trial.
- District, Criminal Coordination to ensure that the Case Management is enforced at the level of District & Sessions Judges.
- 6) Further strengthening of existing Case Management System so that the cases of UTPs may proceed expeditiously:
 It is domain of Honorable High Court to take necessary step, to curb protracted proceedings of the cases and to enforce case management system.
- 7) Non Production / Short Production (PESHI GHUM).

 In fact, there is a communication gap between trial courts and Jail authorities which fails to update and convey / record of date of hearing. Concerned Superintendent Jail to ensure that whenever a UTP is not produced before the trial court for certain reasons, his/ her Production Warrant must be submitted before the trial court enabling it to fix next date of hearing. To achieve this object, Superintendent Jail and District & Sessions Judge may designate focal person to avoid such communication gap.
- 8) Trial courts to ensure that Production Warrants indicating next date of hearing of produced UTPs is handed over to court police which will, in turn, ensure that it is given to Jail Authorities while handing over the custody of UTPs learned. District and Sessions Judges to review Non Production and Short Production of UTPs.
- 9) Surety Bonds: A good number of UTPs are languishing in Jails for want of surety even after grant of bail by the Court.
 Philanthropist, NGOs, Legal Aid Office and Members of Bar be persuaded to come forward and provide surety.
- 10) Adequate arrangement for Legal Aid: Some of UTPs are unable to hire a Counsel for their defense. Though, Prosecutor General Office provides Pauper Advocates in some cases yet there is need for covering all deserving cases.

Some volunteers and NGOs like Legal Aid Office are providing legal assistance to the UTPs, yet there seems absence of qualitative legal aid to cover all deserving cases. So the

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members of Bar and members of civil society can be persuaded to come forward in rescue of deserving UTPs.

- 11) Improvement of Living Condition, in Jails: Abnormal increase in population of Jails in the Province has given birth to number of problems, like overcrowding, shortage of accommodation, shortage of clean drinking water and unhygienic conditions etc particularly in Central Prison Karachi and District Prison Malir Karachi where 8261 UTPs are confined out of 16226 UTPs (as on 18.08.2015), i.e. 51% of UTPs. On-going operation against terrorists and criminals is also contributing towards overcrowding in Jails, particularly in Karachi. As such, it is high time to address on the humanitarian grounds on priority basis.
 - (i) Funds required for repair of prison vans to be made available on priority basis.
 - (ii) 10 x 22 (Hino large) and 15 x 8 (Toyota) prison vans including two APCs will be required for Court Police for Karachi Division. Similarly, mobility in rest of the Province also needs to be increased to facilitate and ensure 100% production of UTPs. Three prison vans for Hyderabad, District and two vans for each prison for rest of the Districts across the Province will be.
- 12) Jails be exempted from load shedding, besides there should be alternate arrangement of power supply by way of stand-by generators.
- 13) Construction of new District Jails at least each at District Headquarter level and Sub-jails at each Taluka level with additional manpower for security, management and cleanliness have also become inevitable.
- 14) Meeting of Prisoners / Inmates with their families and friends: Abnormal increase (overcrowding) in Jails is also resulting in shortage of interview Sheds and Booths which in turn causes hardships for interview seekers.
 Improvement and enhancement be made in existing infrastructure to cater the ever increasing number of interview seekers. Government and members of civil society can address this issue by 100% increase in existing capacity particularly at Karachi Central Prison, District Jail, Malir and Central Prison, Hyderabad.
- 15) <u>Insufficient Bakhshi Khannas</u>: Existing Bakhshi Khannas particularly in premises of Karachi City Court are insufficient and the same may be expanded.



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- 16) Inadequate Health Facilities: Overcrowding in jails of the province is also affecting existing medical facilities of Jails. Though extra medical officers have been posted by Sindh Health Department, yet medical needs of Jail inmates is not fully attended.
 - (i) Medical / Para-medical staff must commensurate with population of jail inmates.

 Consultants/ specialist cadre doctors may be roated to visit jails regularly.

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- (ii) Indoor, capacity of Jail hospitals may also be expended.
- 17) Expansion of Prisons: The prisons are overcrowded and the inmates are not properly handled for which new jails / barracks may be built in sufficient numbers.

The Provincial Government may take immediate action on priority basis for construction of new jail buildings / barracks in jail premises where sufficient space / land is available.

CONCLUDING OBSERVATIONS:

- a) As a matter of recourse, Jail authorities to take responsibility of assessing the situation of UTPs in their custody for whom, they have not received production orders from concerned trial court for the past many consecutive date of hearing. It has not been disclosed before the committee that such demands of the infrastructure etc. were made earlier or the same have been made now. Concerned Authorities must take responsibility on their shoulders and to work devotedly and to contribute to serve the nation with spirit and dedication.
- b) Secretary, Home Department to oversee as to why UTPs are detained for an indefinite period and production orders are not obtained from the concerned Courts from where initially accused were remanded to Jail custody. It is irony that concerned authorities are not actively functioning which is part of their duty. By doing such an exercise of verifying the UTPs waiting for number of months for their production before the Trial Court, heavy responsibility rests upon the Concerned Authority.
- c) In the same breath S.S.P (Court Production) to take responsibility that UTPs produced from the Jail should not be returned, without his or her production before the concerned trial Court. Because, it has been experienced that UTPs do manage to hinder the proceedings of the case until and unless prosecution witnesses are won over by them. In these state of affairs UTPs are oftenly produced, soon after the, case is adjourned by the trial Court for want of Jail custody.

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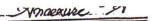
- d) All the same, we are also conscious of the fact that preventive measures are to be taken to avoid exploitation of the situation from all the four comers. It is un-denied fact that non-governmental organizations are almost un-registered and they hardly deliver the goods and do not play their role fairly, in consonance with their aims and objects. Huge funds availed by them from the donor agencies are also being utilized unaudited and there must be check and balance.
- e) Enforcement of above said measures for productive result:
 - (i) On priority, Provincial Government to provide adequate funds, finances, for expansion/construction of barracks (Building) with all basic necessitates.
 - (ii) Provincial Chief Secretary within his domain to oversee, if finances provided through public sector development plans/programs and regular budget provision/finances provided for new construction/project development plans within the Jail premises have been utilized by the concerned quarters or otherwise.
- f) In case, we are able to keep check and balance on the concerned authorities / functionaries, the issues of UTPs in Jail custody can be resolved in all spheres and there will be smooth sailing towards quality performance, all around.
- g) I must acknowledge the contribution of esteemed members of the committee for their valuable suggestions in formulating the proposed measures, on the subject.

ED PIR ALI SHAH

(Former Judge High Court of Sindh)
Chairman of the Constituted Committee

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"LEPSTITE AT BUT STORE (SERVICE SERVICE) TO COMMUNICATE AT SAME





Wafaqi mohtasib(ombudsman)'s secretariat Plot No. 36, Constitution Avenue, Sector G-5/2, Islamabad Ph: (051) 9217213, Fax: (051) 9217224

No.2/SCR/WM5/2015

Islamabad, the 11th August, 2015

NOTIFICATION

In pursuance of the Orders of Honourable Supreme Court of Pakistan vide dated 28.05.2015 issued in Suo Moto case No. 1/2006, a meeting was chaired by the Honourable Wafaqi Mohtasib on 07.08.2015 in Wafaqi Mohtasib Secretariat, Regional Office, Karachi, wherein issues regarding implementation of the Orders of Supreme Court and reports on the visits of Central Jail and Women Jail, Karachi conducted by a team of Senior Advisors of WMS, members of the civil society and Advisors and Secretary of Provincial Mohtasibs were discussed. Consequently the Honourable Federal Ombudsman has been pleased to constitute the following Committee to propose measures relating to the under trial prisoners as discussed during the said meeting. The Committee is advised to submit its report by 21.08.2015 to the Secretariat of Federal Ombudsman Islamabad:-

1 Justice (Retd) Pir Ali Shah, Provincial Ombudsman for Protection Against Harassment of Women at Work Place, Sindh, Karachi (Chairman).

2. Home Secretary, Government of Sindh, Karachi.

3. Ms. Shahnaz Wazir Ali, ex-Chairman Higher Education Commission of Pakistan, Member National Committee for Children.

2. Dr. Huma Baqai, Professor Institute of Business Administration, Karachi, Member National Committee for Children.

The Inspector General of Police (Prisons), Sindh, Karachi.

Mr. Shahfiq Paracha, ex-Commissioner, Karachi.

7. Mr. M. Ishaque Lashari, former Addl. Chief Secretury, Advisor, WMS, RO, Karachi.

8. Ms. Yasmin Saud, former Senior Member, Federal Board of Revenue, Senior Advisor, WMS, RO, Karachi.

9 SSP Court Production, Karachi.

10. Mr. Hasham Raza Zaidi, Secretary, Provincial Ombudsman, Sindh, Karachi / Member / Secretary of the Committee. (Fax: 021/9921105)

11. Superintendent Central Jail, Karachi.

(ARSHADE TOOO FAHEEM)
ADDITIONAL SEERE ARY (ICW/R&A)

CC to

1. Secretary, Law and Justice Commission, Islamabad.

2. Secretary, Home Department, Sindh, Karachi.

3. Secretaries to Provincial and Women Mohtasib.

4. Hafiz Alisan Ahmad Khokhar, Senior Advisor (Law), WMS, Islamabad.

5. All Members of the Committee.

6. PS to Federal Ombudsman.

7. PS to Secretary, WMS.

8. PS to Secretary, Ministry of Interior.

9. PS to Joint Secretary (Law), Ministry of Interior.

10. Office copy.

BASIC ISSUES INSIDE THE JAIL

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OVER CROWDING:

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This being the mother of all problems needs to be tackled seriously. Most of the prisons in Sindh are facing this problem. However overcrowding, though a problem in itself, is only an effect of so many other causes some of which are as follows:

I-a) INADEQUATE NUMBER OF PRISONS:

Ideally all administrative districts must have a district jail. However in Karachi City, there is a single district jail catering to the needs of one of the biggest cities of the world comprising at least 20 million people. Usually Central Prisons are meant to accommodate convicted prisoners. Unfortunately, in Sindh, approx 80% of the population in Central Prisons is UTPs.

Suggestions:- i) At least, one District Jail must be constructed in each Administration District, preferably adjacent to relevant District Court so that millions in unnecessary expenditures be saved incurred on their transportation.

 ii) It would be wiser to spend funds in construction of more such facilities for the prisoners as per their respective security levels.

 iii) Prisons being provincial subject, should not accommodate inmates involved in Federal Crimes. For this purpose Separate Federal Prisons need to be established.

1-b) NON PRODUCTION / SHORT PRODUCTION:

At least 20% of the UTPs fail to reach their respective trial courts because of shortage of Court Police Staff or vehicles. Lots of efforts have been made in the past to improve the situation but all to no avail. Even those who succeed reaching the Court Lockup, usually complain that they are not produced in their Trial Courts and returned without proper hearing (reasons being failure of the lawyers or witnesses turning up on the specified dates). Because of this, the disposal of cases gets affected; resultantly the population of the jails keeps increasing.

Suggestions: i) The Staff position of the Court Police be improved considerably along with the increase in Prison Vans.

 The number of Courts need to be increased in order to decrease the work load on the Courts.

iii) Honourable Courts must prioritise the burden of their cases. The cases in which the accused are behind bar, must be given top priority.

iv) The Courts must consider bail as a "right of the accused", not a concession. They must be liberal and lenient in granting this request as and when the opportunity comes forward. 1-c) DELAY IN CASES:

Due to the reasons explained above and several others, an inordinate delay occurs in the disposal of cases causing many problems especially overcrowding.

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Suggestion: i) Special Courts must be established to concentrate on the cases involving jail custody so that their cases be heard on priority basis and disposed off quickly.

Regular Courts be held inside the jail to release inmates involved in minor offences.

(-U) INVIGORATING PAROLE AND PROBATION DEPARTMENT:

This department has almost been made non functional as the approach of the Government is usually very conservative. Very few of the convicted prisoners are given the opportunity to prove themselves reformed and capable of being good citizens.

Suggestion: i) Provisions of parole should be liberal keeping in view the fact that incarceration is neither the Intention nor the purpose of a sentence. The sole purpose is to reform and rehabilitate an offender so that he may return back in the society a useful, law abiding citizen.

2) LIVING CONDITIONS:

While all out efforts are being made to make life easier for the inmates by providing them facilities like clean drinking water, rich wholesome diet, reasonable health care, medicines and several recreational, rehabilitative, vocational and art trainings etc the living condition of this prison can / need to be improved considerably. However because of the overcrowding and shortage of prison facilities, all kinds of inmates involved in cases ranging from gambling and drinking to robberies and mass murders are confined in the same jail rendering all efforts directed at reformation die down in vain.

Suggestion: Smaller and category wise prison facilities need to be established on urgent basis. Moreover budgets in medicines, sanitation and repair and maintenance etc must be increased to a rational level. cterre.011.jpg

3) SHORTAGE OF MEDICAL STAFF / EQUIPMENTS:-

Usually medical staff at different jails is quite inadequate which creates several issued relating to health and hygiene of the inmates.

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Suggestion: Not only the existing vacancies be filled by appointing more staff, more vacancies may be created in proportion to the increasing number of inmates. It is requested that present sanctioned strength of Medical Staff may also be enhanced / Increased i.e. Medical Officers, Dispensers, Technicians of X-Ray Machine & Mini-Lab and also arrangement of Mini-Lab with full equipments.

4) SHORTAGE OF DRINKING WATER:-

In Karachi, the present drinking water supplied by Karachi Water & Sewerage Board (KW&SB) to this prison for use of inmates as well as staff colony does not meet the current requirement as it is supplied on two or three days in a week instead of daily. On the other hand the population of prisoners is increasing day by day due to present law and order situation.

Suggestion: It is suggested that Karachi Water & Sewerage Board (KW&SB) authorities may be directed to look into the matter personally and direct the concerned to supply the drinking water on daily basis to Central Prison Karachi for the purpose stated above.

5) SHORTAGE OF FUNDS:-

The present annual budget grant under the proper head of account does not meet the current requirement i.e. electricity charges, water charges, telephone charges, other miscellaneous charges, other sanitation etc.

Suggestion: In this connection, it is suggested that Finance Department may be directed at Government Level to enhance / increase the annual budget grant, to avoid any untoward situation.

6) PROBLEMS RELATED TO ELECTRICITY:-

The Prisons are facing difficulties in the wake of ongoing electricity crisis. As stated earlier, the prisons are already over populated against the sanctioned strength and due to load shedding of electricity, especially in closed total hours, all the prisoners face severe troubles. Moreover, due to security threats, the prisons are difficult to run swiftly especially when most of the security measures rely on electricity.

Suggestion: In this connection, it is suggested that K-Electric authorities may kindly be directed at Government Level to exempt the prisons from load shedding of Electricity as early as possible.

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7) PROPER VERIFICATION OF PRISONERS:-

The prisoners are regularly being remanded by the concerned remanding courts into Judicial Custody. At the time of their admission, they are verified by the concerned officials of the prison verbally as there is no facility to verify the actual name of prisoners. Several letters have been issued to the Deputy Inspector General of Police of all zones of Karachi City, the Senior Superintendent of Police, Investigation / Operations of all zones of Karachi City, with the request to issue necessary directions to all Investigation Officers to deposit photo copy of CNIC of newly remanded prisoners for their proper verification. While some of the Investigation Officers are depositing copies of CNIC of newly remanded prisoners, 100% is operation is required at the end of the arresting / investigating authorities. This prison administration has already made request to Government of Sindh, Home Department, Karachi through Prisons Inspectorate to approach the Director General NADRA to install a bio-metric system along with trained staff at this prison to verify the authenticity of newly remanded prisoners at the time of their admission to this prison.

Suggestion: In this connection, it is requested that the Director General NADRA may kindly be directed to depute his qualified team on daily basis along with bio-metric system / Verisys system for proper verification of newly remanded prisoners to this prison.

8) LEGAL AID:-

Most of the accused, being poor cannot afford quality legal assistance. Moreover they usually complain that their lawyers do not behave in a professional manner and are responsible for the inordinate delay in cases.

Suggestion: Honourable Justice (Retired) Nasir Aslam Zahid's Legal Aid Office is doing a lot to mitigate this problem but there is still scope for improvement. Government needs to establish a fund to provide quality legal assistance to the needy.

9) INTERVIEW:-

The inmates' ties with their families play an important role in rehabilitating them by softening their hearts and minds. The weaker these relations, the higher gets the rich of being a hardened criminal.

Suggestion: It is essential to be liberal and provide frequent interview facilities to the UTPs. However, infrastructural changes must be carried out to accommodate large number of these interviews by constructing more interview booths.

ture 013.jpg CONJUGAL RIGHTS:-As mentioned earlier, family ties are very important determining the future of an inmate. Therefore conjugal rights which an in accordance with the religious as well as moral teachings. Separate Homes or Apartments be constructed and rules formulated to Suggestion: provide this right to the inmates.

POPULATION STATEMENT OF PRISONERS CONFINED IN CENTRAL PRISON KARACHI AS STOOD ON 20.08.2015

CATEGORY	ORDINARY	"B" CLASS	FOREIGNERS	CONDEMNED	TOTAL
UTP	4877	35	32	-	4944
CONVICTS	989	13	08	145	1.155
DETENUE	51		02		53
				GRAND TOTAL	6152

Sanction Strength

Jail Constructed Total Area of Jail Barracks Cells

2400 prisoners

Year' 1897 26 Acres 52 Nos 203 Nos

SENIOR SUPERINTENDENT CENTRAL PRISON KARACHI

PRODUCTION STATEMENT OF UTPS CONFINED IN CENTRAL PRISON KARACHI FOR (04) MONTHS OF MAY, JUNE, JULY AND AUGUST.

No of Prisoners Required to	No of Prisoners	No of Prisoners not produced	Reason for Non-
be produced	Produced		production
26364	21859	4505	Due to short supply of police escort by the court police authority

Percentage

Required	Produced	Not produced
26364	21859 (82.96%)	4505 (17.04%)

Breakup

Name of Districts	Required	Produced	Not produced
East	6379	5463	916
West	9499	7397	2102
South	4545	3925	620
Central	4829	4076	753
Malir	1107	998	109

Note

There is 100% production of prisoners related to ATCs, Narcotics, Anticorruption Courts, and Banking Court.

Daily Production

There are 500 to 550 prisoners (averagely) are produced on daily basis

Daily production at City Courts

350 TO 400 prisoners are averagely required to be produced before the Honourable Courts at City Court but this prison has receiving 7 big prison vans, 6 for normal prisoners and 1 for separate guard in which only 250 to 280 prisoners are produced and other prisoners left unproduced, hence this prison is facing shortage of prison van and police guard at the hands of court police authorities Karachi.

SUPERINTENDENT
CENTRALPRISON KARACHI

INTERIM SUB-COMMITTEE REPORT-II

SYSTEMIC STUDY AND ASSESSMENT OF CONDITIONS IN PRISONS

In view of the directions of the Honourable Supreme Court, Honourable Wafaqi Mohtasib constituted a Committee for systemic study and assessment of actual situation on ground in the country. The Committee visited some important prisons. A study group under the chairmanship of Mr. S. M. Zafar examined the reported issues.

Federal Ombudsman team identified core issues and concerns, in some detail, and noted certain serious shortcomings and failures in the system. Very miserable *life* conditions, prevailing in these prisons, have been reported. Over all, the situation is pathetic, even in the jails in provincial metropolises which remain under media watch and spotlight of camera sessions of publicity-prone politicians.

The International Crisis Group found the living conditions 'abysmal' while the Human Rights Commission of Pakistan speaks of the 'dismal' prison conditions in the country. HRCP, quoting the UN Office of Drugs and Crime, makes a damning indictment of the dire state of affairs in the following words; 'Female prisoners in Pakistani jails were facing harassment, insanitary conditions and lack of proper health care. It is widely believed that a majority of female prisoners experience sexual harassment and sexual violence at the hands of jail wardens. During the prison surveys, UNODC found prevalence of suicidal depression, sleep disorders and other mental illnesses among female prisoners'.

Overcrowding in dilapidated *infrastructures*, which were raised in colonial penal design, in 19th century, present an equally dismal picture of *institutional* deterioration and decay. Prison rules are as archaic in concept and composition, as the crumbling ancient physical structure.

The widening (untrained) *staff-inmate ratio* further adds to mismanagement and increased violence. However, for all these ills, lack of *resources* is cited as one of the important apparent explanations.

In this back drop, jails are flourishing as fertile breeding places for offenders. There is no surprise to find out a *one-time-casual* to return as an *all-time-habitual* in the same prison used for confinement of both, *convicts* and *accused*.

Incidents of deaths where allegations of coercion, torture or physical violence are made, are also increasing.

State of Human Rights:

Historically prisons have been kept in clandestine cover where human rights are violated by the shady state instrument.

Management Issues:

Training of Staff is minimal. In fact, there is only one National Academy of Prison Administration (NAPA) in Lahore. National security dimensions, in the present milieu, include the concerns for security of important jails, in the country. Security within, is essential to pursue the action taken outside, to its logical conclusion. There is dearth of security devices, e.g., CCTV, etc.,

Blind and dark spots, in the prison layout, need to be lighted up and activities captured on video cameras.

The grave injustice that should hang heavy on anybody's conscience, is the non-production of under-trial accused in offences, the maximum punishment of which, if proved guilty, could be only a fraction of what they are made to suffer.

Human Considerations:

Meetings with relatives are not easy and *free* of extortion. The situation suggests that only a few meetings take place without exploitation, which has become customary, even immoral, in one or the other form. Meetings with relatives need to be streamlined and made bribe-free. For example, Family 'Visit Card' may be issued right at the time of entry of the prisoner in the prison, with prescribed schedule and frequency of meetings with parents, spouses and children, carrying necessary identification data, etc. With the assistance of notified NGOs, on rotational basis, volunteer(s) holding NGO cards countersigned by Jail Superintendent may be present in jail premises, every day during meeting hours. Entries about the meeting should be made in the 'Visit Card', and all meetings should be recorded/monitored on CCTV.

It is also a common complaint that for getting meals from their families or getting some minor entitlements/facilities, prisoners suffer coercion, including sexual. New comers are subjected more to harsh conditions, to break them. Among the inhuman and insulting painful practices, leg irons, fetters, shackles, and chains are still applied. Unnecessary excessive physical punishments are illegally imposed.

There is lack of paid-work opportunities, and wages are not paid or only partially paid where prisoners are subjected to work, even under very *harsh* conditions.

Health and Hygiene Conditions:

Basic needs like clean water are mostly missing. There is lack of proper health care. Due to increasing numbers of HIV/Aids, Hepatitis cases, prevention programs are immediately needed. Drug users are victims of *induced* addiction, and do not belong to the prison. They need care and treatment so that they can get rid of their addiction and become useful members of the society. The same is true for the insane or psychologically unstable persons. They too need to be medically treated and kept in asylums, and not prisons.

Education:

There is inadequate provision, bordering on denial of education and skills development programmes for inmates, particularly for juvenile prisoners, women prisoners and their accompanying children.

However, key steps in the reform process may be identified as under:

Reform for prisoners, includes:
 -classification,

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-segregation,
- individualized treatment,
-vocational training,
-reducing criminal capability,
-creating deterrence, through:
--Custody,
--care,
--discipline,
--cure by:
---reformation, and
---rehabilitation.
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• *Utilize* community resources and services:

Conceptual clarity: community cooperation does not mean compromise as spectator of illegality, brutality and corruption,

• Integrate monitoring mechanism of Prison Stakeholders' Board comprising, higher level:

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-police,
-courts, &
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-community.

Entry into Jail:

At the time of entry in jail, the following needs to be ensured, strictly:

- Medical Examination/Health Condition/Personal Data,
- ➤ Board Certification whether Prisoner can perform, hard/medium/light labour
- Medical Examination of Women Prisoners by Lady Medical Officer

Prisoner Differentiation and Segregation:

Children and adolescents are detained with hardened prisoners due to lack of space. They suffer torture and sexual abuse. The prisons need to be physically partitioned into sections on the basis of different classifications. For example, following may be considered:

1. *Juvenile* and *women* prisoners should be completely segregated from all others and secured:

Juveniles and first time offenders in most cases including theft, brawls, hurt etc. be segregated from convicts, and be handed over to their families, on security, in cash, and involvement of local notables, to ensure future good conduct, on the commitment to produce the accused whenever required by the law.

- 2. Within prisons, population be *segregated* as:
 - Convicts,
 - Condemned Prisoners,

- Under Trial Prisoners:
 - Minor Offences,
 - Major Offences:
- Civil prisoners,
- Political Prisoners,
- Persons detained under detention laws,
- 3. Convicted prisoners be further segregated as:
 - casuals (chance offenders),
 - habitual (repeat offenders),
 - juvenile (under 18),
 - adolescent (over 18, under 21),
 - adults (over 21)
 - Undergoing
 - rigorous imprisonment,
 - simple imprisonment.
 - Sentenced to death.

Special prisons may be managed separately, e.g., the following:

- -women's prisons,
- -open prisons,
- -juvenile jails,
- -borstal institutions and juvenile training centres.
- -sub-jails

Private Sector Participation and Out-sourcing

Private sector participation and out-sourcing of certain *selected services* like, *health, education/training and food*, may be encouraged. For example in Florida, responsibilities include: oversight and contractual compliance for the private prison system, operation of correctional facilities, public safety, *educational, treatment, and vocational programs for reducing recidivism.*

Provincial Steering Committees

Provincial Committees, headed by Secretary, Home Department, comprising representatives of Education, Health, and Social Welfare Departments, IG Prisons, Provincial Ombudsman and three members from Civil Society (at least one lady), may work, on permanent basis, on policy matters, laws/rules, and actual operations, supported by the monitoring mechanism.

Standing Committees

At the District Prison level, a Standing Committees under Deputy Commissioner/DCO, comprising representatives of Health, Education, and Social Welfare Departments, representative of Provincial Ombudsman, Superintendent and Deputy Superintendents of Prisons, Parole and Probation Officers and six members from Civil Society, may be responsible for ensuring compliance

with law and rules. They should be provided offices outside the perimeters of the prisons so that they could be easily approached by the inmates or their relatives whenever needed, round the clock.

District and Session Judge and Higher Judiciary

The District and Session Judge should head the Prison Stakeholders' Board comprising official and non-official members. The non-official members should be strictly non-political with unblemished record.

The Board may comprise:

- -Chairman, District Council or Mayor of the city,
- -President, Chamber of Commerce,
- -President, District Bar Association,
- -Chairman of District Agriculture or Farmers Association,
- -Civil Surgeon,
- -Concerned Member, Provincial Assembly,
- -Woman Member of Provincial Assembly or District Council,
- -Minority MPA or Councilor,
- -Two prominent members of registered NGOs,
- -Two retired civil servants belonging to Police, Judiciary or District -Administration not below BS 20.

Sessions Judge must make surprise visits of each jail on prescribed intervals. No Board member should visit alone. A minimum of three private members with a serving officer (together) may be nominated by Sessions Judge for visits without prior notice at any time.

It is proposed that the District & Sessions Judge, along with members of the Prison Stakeholder's Board should visit the Prison for at least 8 hours on the first or the last Saturday of the month. The details of observations and instructions/ decisions should be documented along with the details of progress made on previous decisions and the matters still pending, for follow up and review at the time of next visit.

He should send quarterly report to the concerned Chief Justice. The Chief Justices Committee may like to make a suitable *template* on Prisons situation as part of their regular agenda.

Prison Stakeholder's Board under Sessions Judge, should coordinate functions of *official* and *non-official visitors* and look into:

- Enforcement of Prison Act, Laws, Rules, Orders, etc.
- Execution of sentences,
- Maintenance of Prisoners and Prison,
- Order and discipline,
- Financial over-sight,
- Community-assisted systems of:
 - -Education/Skill Training,
 - -Welfare,

- -pre-trial services,
- -bail scope:
- -personal bond in appropriate cases,
- -non-custodial penalties/fines, in appropriate cases,
- -probation,
- -parole,
- -remissions,
- -rehabilitation:
 - --Religion,
 - --Recreation,
 - -- Psycho-therapy.
- -review all cases where accused have already served the maximum term prescribed for the alleged offence.
- -Policy may be formulated for:
 - -not consigning, ordinarily, to judicial remand in prisons, the accused except in heinous categories of crimes,
 - -juveniles and females accused of drug offences and first time offenders, be not committed to prisons but sent to correction centres or rehabilitation homes, their families or notables who provide guarantee for their required presence and good conduct.

Prison Monitors and Boards of Visitors:

Prison Monitors and Boards of Visitors should be given clear and defined duties and responsibilities. They should follow up their own observations and recommendations. Particularly for women social workers' terms of reference should include monitoring of mental health and rehabilitative assistance,

Concepts of human rights are much wider than conceived in our criminal justice system. Following, for example, need to be recognized as *rights of prisoners:*

- 1. Food should be provided, in quality and quantity according to caloric requirement of a healthy person,
- 2. Food should be provided to Patient Prisoners according to their medical requirements,
- 3. Clean Drinking Water should be provided, which should be periodically tested,
- 4. It should be ensured that the shelter is liveable.
- 5. Free education for prisoners and children, with them, must be provided with arrangements for examination, leading the earning relevant degrees, certificates, etc.
- 6. Regular medical checkup and treatment, accordingly, should be provided within jail prisoners. Emergency and related special medical support may be available out-door also, on need basis,

- 7. There should be religious freedom, with reasonable facilities for prayers for each segment,
- 8. Clean clothing and bedding should be ensured and monitored properly,
- 9. Remissions should be available to all, without extortion by the jail administration during the process of intimation and application of such orders,
- 10. Filing of Appeal, Free Jail Appeal, and Free Legal Aid should be available for all, within jail system. There are instances where the Jail Administration takes the plea that some prisoner had not appealed and had not opted for such free service. In each of such cases, the Jail Superintendent should keep on record written evidence of the prisoner not availing such facility and should inform the concerned court and the home department about it, immediately.
- 11. Meetings with Relatives should be allowed on regular basis,
- 12. Privacy in spousal meetings must be maintained,
- 13. Physical exercise/sports/outdoor time, time must be incorporated and enforced within the daily time table of the prisoners,
- 14. Safe-keeping of personal belongings/cash, should be ensured in a secure and accountable system,
- 15. Free access to library is essential. The inmates should not be prevented from *reading* and *writing*. Access to approved newspapers, etc. should also be available. Healthy literary promotion and competitions should be encouraged.
- 16. No handcuffs and fetters should be used as instruments of humiliation and insult,
- 17. All physical punishments awarded by Jail Superintendent should be subject to confirmation, and all other punishments in general should also be reviewed, by District & Sessions Judge.
- 18. Prisoners should be allowed to keep watch, radio, and television/ radio in common rooms,
- 19. There should be no restriction on number of letters received and mailed by Prisoners.
- 20. Wash room drainage and bathing arrangements should be clean according to hygiene standards.
- 21. Adequate ventilation in barracks should be provided in hygienic conditions,
- 22. Prisoners should be trained in skills and vocations, for employment/ gainful occupations.

FEMALE PRISONERS

- 1. Separate Wards must be properly secured and monitored, for females,
- 2. In all circumstances, where body search is necessary, it should only be carried out Lady Warden, without any insult or *excess*,
- 3. No punishments like stripes/handcuffs, etc., should in any case be allowed for female prisoners,
- 4. Permission to keep personal jewellery, comb, soap etc., should be allowed for them,
- 5. Required food for Suckling Mothers, and Pregnant Women Prisoners should be ensured, and monitored,
- 6. Proper arrangements for delivery/maternity requirements should be made available within the Ward/Prison,

- 7. Proper arrangements me made for stay of children up to six years of age with their mothers,
- 8. Schools for education of Children, should be adequately arranged, in collaboration with the designated/approved NGOs,
- 9. Special Remissions and payrole may be allowed reasonably more liberally, for mothers, specially suckling mothers and pregnant women prisoners,
- 10. Suspension of Death Sentence of Pregnant and Suckling Mothers may be made through a reasonably liberal and properly laid system,
- 11. Female Prisoners should be handed over to their relatives on proper identification, on completion of sentence.
- 12. Women (literacy, education and vocational training for gainful employment), may be developed as an essential feature, in collaboration with NGOs and private sector, philanthropy.
- 13. Out-door healthy activities, as family and community participation should be organized,
- 14. Healthcare, e.g., treatment of infectious disease, etc., should be provided, along with strict observance of hygienic living conditions.
- 15. Concept of sweat homes should be expanded.

OVERCROWDING

Detention in petty offences and pre-trial detention should be avoided as far as possible, by streamlining bail and procedures/requirements of arranging sureties. Furthermore, drug edicts should not be confined in jails. Instead separate arrangements should be made for them in Rehabilitation Centres.

COMPENSATED LABOUR

Opportunities should be provided to prisoners to acquire skills and *earn*, with the broader objective of making them usefully productive member of the society after release also. They should be *paid* for their work. Prisoners should have the option to *refuse* work.

Information and Awareness

Prisoners of different, languages, social background (mostly socially backward), and economic conditions, are admitted in jails. In such a situation, it may be ideally, in fact essentially, required to keep all 'first entrants' in 'pre-confinement prison-sections', where training exposure, with necessary information pack, should be provided, including:

- -Proper listing and notification of prohibitions,
- -For awareness about rights of Prisoners, these should be displayed prominently, including:
 - -- chart of rights,
 - --disciplinary requirements,
 - --methods of making complaints/grievance redressal,
 - --special exhibits for illiterate prisoners.

Ombudsman's Constant Oversight

The Ombudsman may form:

Standing Committees to:

- i. pursue action on the above recommendations,
- ii. follow up progress on implementation of decisions,
- iii. monitor systemic issues to remain vigilant against malaadministration,
- iv. analyze individual complaints, *periodically*, for *impending* systemic issues, and

Inspection Teams to:

- inspect conditions continuously,
- ii. liaise with administration, concerned Agencies, and Provincial Ombudsmen,
- iii. sensitize concerned policy and decision makers about the issues,

Inspections and visits of prisons by executive and judicial officers and social welfare organizations, during day time are useful only to an extent but cannot cleanse the abusive practices or poor conditions *pervading* the system. The Ombudsman may provide institutional assistance to deal with the issue.

Prisons are a provincial subject, but Federal Ombudsman can ensure uniformity in monitoring, reporting, and implementation processes through coordination of Provincial Ombudsmen, who may work with Provincial jail administration through collaborations with NGOs and CBOs.

INTERIM SUB-COMMITTEE REPORT-III

PRISON REFORMS FOR THE OMBUDSMAN'S OFFICE

The Supreme Court of Pakistan vide its Order dated 28/5/2015 in suomoto Case No1 of 2006 paragraphs 31 & 32 outlined critical issues relating to the conditions in prisons in the country and the inherent obligations of the office of the Ombudsman to take cognizance and address the shortcomings. Part of the order is reproduced below:

- Paragraph 31) 'As well as addressing individual complaints as an external executive oversight body, critically, the Ombudsman offices are mandated "to diagnose, investigate, redress and rectify an injustice done to a person through mal-administration", which is defined expansively to include "a decision, process, recommendation, act of mission or commission" that:
 - a) Is contrary to law, rules or regulation....
 - b) Is perverse, arbitrary or unreasonable, unjust, biased, oppressive, or discriminatory, or
 - c) Is based on irrelevant grounds, or
 - d) Involves an exercise of powers or the failure or refusal to so, for corrupt or improper motives, such as, bribery, jobbery, favouritism, nepotism and administrative excessive; and

e) Neglect, inattention, delay, incompetence, inefficiency and ineptitude, in the administration or the discharge of duties and responsibilities.

We are therefore compelled to make the point that, 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 and which form the fundamentals of overall good governance.

• Paragraph 32) Based on the reports reviewed by us there is evidence of significant maladministration and systemic dysfunction in the criminal justice system at large and prisons in particular including regulatory frameworks, which need 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'.

Upon receipt of the Supreme Court orders the Federal Ombudsman constituted a team comprising the following from within the Ombudsman office and from outside to enquire, diagnose and evaluate the issues raised before formulating recommendations to address the institutional and framework problems:

- a) Mr Shakil Durrani former Chief Secretary KPK and Sind
- b) Mr. S.M. Tahir, Senior Advisor
- c) Hafiz Ahsan Ahmed Khokhar, Senior Advisor (Law)
- d) Mrs. Farah AyubTarin, Senior Advisor
- e) Maj. Gen. Haroon S. Pasha, Advisor.
- f) Mr. Shah MehboobAlam, Advisor (Invt.)
- g) Mr. Iqbal Ahmed Qureshi, Consultant Law.
- h) Ms. Zariyab Mussarat, Director.
- i) Miss. Rafia Bano, Director.

The team was directed to study, enquire and analyze the issues raised by the Honourable Court after visiting some prisons and through meetings with the officials responsible for administering the prisons in the four provinces. A sub-committee was also constituted under Mr. S. M.Zafar to examine the issues involved to make suitable recommendations. Thereafter the Federal Ombudsman along with his team and including Mr. S. M. Zafar, Mrs. Suriya Anwar of SOS Pakistan, the Vice Chancellor Punjab University, (you need to put his name here) Mr. Zammurad Khan of Sweet Homes, the Higher Education Commission representatives, an official from the Chambers of Commerce and Industry, journalists and others visited the Camp Jail KotLakhpat to

see and assess the prison conditions personally and hold in-depth discussions with male and female prisoners, officials of the Punjab Home Department, the IG Prisons and prison officials, Social Welfare personnel and a few journalists covering prisons.

The problems and issues raised in the Supreme Court order together with the shortcomings/failures noticed and identified by the Ombudsman team following their visits to different prisons reveal the following core matters of concern that need addressing:

- 1. There is evidence of significant mal-administration and systemic dysfunction in the criminal justice system at large and prisons in particular which includes a lax regulatory framework which almost functions in default. This has resulted in the grave abuses and instances of mal administration relating to poor living conditions, near absence of education facilities, unsatisfactory health and sanitation conditions and cases of physical violence and sexual abuse of the inmates both by the prison staff and hardened criminals. These shortcomings need to be rigorously diagnosed and effectively rectified, implemented and monitored for quality and impact by the provincial governments.
- 2. There is inadequate provision, bordering on denial, of Education and Skills Development programmes for inmates of prisons with particular reference to the Children & Women prisoners. Efforts are in hand to concentrate on this area in collaboration with HEC, COMSATS University, AllamaIqbal Open University and Pakistan Sweet Homes so that the prisoners, after completing judicial confinement or punishment, become useful citizens in the society. However it must be realized that these are basically the core responsibilities of the provincial governments who must live up to their obligations.
- 3. The living and sanitary conditions of prisoners in jails ranged from unsatisfactory to pathetic apart from a lone example or two except when high officials visit the prisons. This is exemplified by over-crowdedness, shortage of professional staff, poor sanitation and wash-room facilities, limited health care, reports of physical and sexual violence perpetrated on and by prisoners, insufficient external oversight mechanism, non-production of undertrial prisoners to courts, un-necessary/illegal detention of undertrial prisoners involved in pretty crimes like petty thefts and scuffles etc. All these issues have been discussed in the Ombudsman's reports on visits to Adiala and Haripur jails. Copies of the reports are enclosed. In addition to there is a copy of the Report on Jail Reforms prepared by the Government of KPK in 1995 by the Committee headed by Begum NasimWali Khan.

The Supreme Court order had also directed the Ombudsman's to '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.

The order further emphasized that under the Ombudsman offices' mandate it is not sufficient to just address individual complaints but that '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.

The draft report consists of two sets of recommendations which are mutually exclusive and could be implemented jointly or separately.

The first recommendation deals with a qualitative and philosophical issue. Ideally how should the State deal with an accused and whether it is always essential or prudent to incarcerate all offenders regardless of the gravity of their alleged offences before the judicial proceeding against them are initiated? Further, should all those found guilty be confined to prisons only or could there be recourse to non-custodial penalties. Could a case be made out for not consigning to judicial remand in prisons the accused persons except in five or six most heinous categories of criminal cases. These would include murder and attempted murder, robbery and dacoity, rape and sodomy, kidnapping, sedition, espionage and terror against the State? Corruption and white dollar crimes would be in addition to those listed. Could juveniles and female offenders, drug users and first time offenders regardless of their age not be sent to prisons but handed over to the custody of their families or neighbourhood notables who would stand guarantee for their required presence and for good conduct? Could the sentences of the first-time offenders not be suspended so that they may become economically useful both to pay their fines and also to support their families? This is much like the present parole system in vogue. This issue would have political implications but the social and financial benefits accruing to the individual, the family and the society could be many times greater. The highly polarized nature of our society, some perverse traditional and cultural mores of the people which are predisposed to violence and revenge-seeking and a culture steeped in 'saving face' would continue to place obstacles to such a policy shift.

The second set of recommendations in the Report consist of adopting remedial, palliative and reformative measures to address matters of prisoners' physical, sexual and psychological abuse by the prison officials or fellow prisoners, ensuring adequate food and living conditions, proper health care and sanitation system and provision of education, skill development and reformatory measures required. Interestingly all these standards and even safeguards are available in the Prison Acts and Prison Manuals already. There is however scant interest in implementation! Therefore the mechanics for monitoring of the prison administration and inmates care through executive, judicial, third party non-government agencies and the Federal and Provincial Ombudsman needs greater focus. Such material improvements required in the prisons and the need for constant monitoring are more conventional prison issues and are quantitative in nature with budgetary implications. These are as mentioned already set out in detail in the Prison Manuals and Operating Procedures but ways would need to be found to ensure effective operations which do not appear to be the case.

Before dilating on the two set of issues it may be appropriate to highlight some central 'truths' regarding the prisoners as informed by the professional prison staff or as gleaned by the Ombudsman's team after their interaction with the prison staff and the prisoners.

- There is much frustration and anger amongst the prisoners because of the delays in prosecution and adjudication of cases in courts. These delays also lead to huge costs which are incurred by the State because of such delays in the prosecution and adjudication of criminal cases in courts and this is the prime reason for the swelling numbers of prisoners in the jails.
- Perhaps only 20% of the convicts and other inmates have pathological 'criminal' intent and warped bent of mind which is predisposed towards crime. The majority of the convicts and the accused are 'on the spur offenders' not disposed to criminal conduct. They are compelled by passion, impulse or the weak administrative and judicial system into taking the law in their own hands. Where the State abdicates or delays in undertaking its responsibilities the real and imagined grievances of even law abiding citizen are settled through recourse to violence.
- Nearly 75% of the inmates in prisons are under trial prisoners which reflect poorly on the
 investigation, prosecution and adjudication of the cases. This of course does not imply that
 these inmates are all innocent of the charges against them but that human rights are affected
 when delays in court processes result in unnecessary incarcerating some of the accused who
 ultimately are acquitted.
- It was revealed that, most gratuitously in the Punjab province alone, there are 21000 prisoners on parole and similarly there would be thousands more in other provinces. These are normally juveniles or first time offenders in petty cases who are released to Parole officers after the Police investigations rather than being sent into judicial remand. As such they avoid mixing up with the hardened criminals in the prisons.
- There exists frustration amongst the Prison officials about their compensation package and their Service structure compared to other government officials and in particular the denial of risk allowance upsets them.
- There is a near absence of proper training and rehabilitation of the inmates in the prison which denies them an opportunity of doing useful labour in the prisons and later professional work on their release from the prisons. There appears to be some scope of inviting private entrepreneurs to undertake income-generating projects in the prisons. Convicts could be employed more widely in programmes of afforestation, agriculture (like the aborted Burewala agriculture scheme some years back), canal cleaning and other forms of community service etc?
- To what extent could non-custodial penalties be awarded to convicts and what is the nature
 and scope of suspended sentences widely practiced in other parts of the world is a subject
 where views of the provinces needs to be sought for any changes that could be brought
 about.

- The plight of the families of the prisoners needs to be addressed also because with the breadwinner in prison the livelihood of the family and children's education is adversely affected.
- Inspection visits of the prisons by executive and judicial officers and the social welfare organisations during day time are of very limited use only and cannot cleanse the abusive practices or poor conditions generally. Were such 'inspections' useful the prison conditions would not have been as poor as these are. The Ombudsman could provide the institutional assistance to deal with the issue.

RECOMMENDATION PART ONE: NON-CONFINEMENT OF PRISONERS IN SOME CASES

The State employs prisons to isolate and detain the convicted offenders in proportion to the gravity of their crime both as a means of retribution and as deterrence from harming the society in the future. The under-trial prisoners are kept in detention so that they do not tamper with the evidence against them and that they are restrained from causing further damage to the society. Civilized societies also make efforts, perfunctory or real, to reform and rehabilitate the prisoners so that they could become useful members of the community.

There is unfortunately a dark, morose and seamy environment in the prison. It is inhabited with people who have deliberately and consciously infringed the law to secure unlawful fulfillment of their desires. Prison officials contend that a minority of the convicts has inherently criminal mindsets and the remaining ones have broken the law either impulsively or through violence, stealth or subterfuge for one time personal or selfish reasons. While the former category of convicts are prone to recidivism and are prime candidates for repeat violation the latter are unlikely to repeat a crime having achieved their vengeful or honour-code objective once. Our paternalistic, macho and culture-bound society places a high value on revenge and forcible acquisition of ones perceived rights because where the State fails to address the grievances there is little option for the individual but to seek the remedy himself or herself. It is therefore no surprise that the prisons consist of aggressive and macho-confident inmates who display their crimes as badges of honour encouraging others to follow their examples. The fact that only about a tenth of those who commit serious crimes are eventually and effectively punished by the State provides further encouragement and incentives for the criminals not to desist from crime. Such criminals are actually looked up to as brave men of honour and ballads of their deeds are on the young prisoners' lips.

Such being the environment of the prisons it is not surprising that fresh inmates who are incarcerated with these hardened ones learn quickly from them and actually start looking up to those convicted of serious crimes like murder, robbery, kidnapping, rape and sodomy. Terror and treason crimes are of course different and so are white collar crime and corruption. The new recruits learn fast all the more so when they are convinced that the chances of being nabbed by the police are low and that of conviction in a court of law very rare. Where is the State when there are murderers who have committed dozens of different killings and in a couple of cases even a century of murders has been crossed but few have been punished?

It is therefore important for the good of the society and the safety of the people that first time offenders in all but six heinous crimes be segregated from the hardened criminals. Even in these six categories it would be prudent not to mix the under-trial prisoners with the convicted criminals till the final adjudication of their cases and maybe not even then.

It is recommended that juveniles and first time offenders in most cases including theft, brawls, hurt etc are segregated from the convicts. In most of these cases the offenders could be handed over to their families, the numberdars or the local notables with security, preferably in cash,

to ensure future good conduct and the commitment to produce the accused whenever required by the law. Those whom the police deem dangerous or those who are likely to skip bail could be confined in secure compounds where a decent living and compulsory education and skill development is provided. In the Punjab approximately 21000 such offenders have been placed on parole with the Probation Officers after the initial police investigations but without contaminating them in prisons. Their subsequent conduct is said to be satisfactory.

Two real life examples would bear out the advantages of not confining ordinary offenders in prisons. In a village outside Peshawar a quarrel over a local dispute led to firing between two economically well-off groups of young hotheads. There were injuries caused leading the police to arrest some from each side. Rather than confining them to judicial remand the administration decided to hand them to designated notables of the area on their surety. Soon afterwards the notables resolved the dispute between them and the criminal cases were quashed. A couple of them later completed their studies and one even went abroad for a degree. On return he was elected to the local council where he served the village. Were they sent to the prison rather than being provided the alternative resolution by the notables their dispute could have led to further deteriorated leading to further bloodshed and wastage of resources. These persons were well-off and influential and got a special treatment; the majority of the accused are not so lucky!

Similarly in the Malakand division two decades back there arose a dispute between some persons from Buner and Dir over the sale of a vehicle. The differences soon got out of hand resulting in seizure of more and more vehicles and detention of persons from either side. Rather than pursuing police First Information Reports the administration deemed it fit not to arrest those charged but to convene a Jirga to resolve the problems. This was soon accomplished peacefully and no one went to prison.

The system of administration of criminal justice in the English jurisprudence is marked by punishing the offender while in the Tribal Areas of Pakistan for instance the essence of the Jirga system is on assuaging the physical and 'honour' injury caused to the victim. The English system makes an effort to adduce evidence to find the accused guilty while the Pukhtun tribal system is concerned more with what the aggrieved person would accept in response. It is not unknown that an offender is forgiven merely by tendering a public apology or a 'nanawatai' seeking refuge.

It is also felt that drug users are victims of harmful substance addiction and do not belong to the prisons. They need care and treatment so that they are rid of their addiction and could become useful members of the society. The same is true of the mentally insane or psychologically unstable persons; they too need to be medically treated and kept in separate premises or asylums.

RECOMMENDATIONS PART TWO; ENSURING CONFORMITY WITH PRISON LAWS AND RULES

A number of Committees have been established in the past to improve the living food, sanitation and health conditions in the prisons. The issues of the prevention of physical and sexual

violence, elimination of drug use effectively, discouraging corruption in arranging 'mullaquat' of the inmates with their families, provision of outside food and allowing inmates the use of cell phones have variously been addressed by the Prison Manuals and SOPs. The more important matters like the interminable length of time judicial proceedings consume and the capricious manner in which under trial prisoners are taken by the police to the courts for hearing etc concern the judiciary and the provincial governments and as such do not belong to this study.

It would appear that mostly the appropriate recommendations needed for bringing about improvements in the prisons are already available in the Prisons Acts and Manuals and in the various reports. The problem lies in the actual implementation of these reports by the provincial governments and how the Ombudsman offices in the Federation and the Provinces could be involved in ensuring effective implementation. There would be additional financial outlays required but finances do not appear to be the main issue as provinces could bear these. In any case money is never the main constraint in life and in ensuring effective administration as the main constraint is always that relating to the 'mindset'. There of course would be the need for money to build new maximum security prisons to house dangerous anti- State convicts and suspects.

How best could institutional oversight be developed and sustained so that the law available on the statute books is properly implemented? There appears to be an absence of an institutional oversight arrangement of the prisons by either Government agencies or by through impartial nongovernment means which could report and possibly address routine mal-administration matters on the spot. Referral of all complaints up the hierarchy would not yield results as these are seldom acted upon vigorously. Systemic mal-administration cannot be eliminated through perfunctory short day time visits of the District Coordination Officer or the District and Sessions Judge or the other administration and district judicial functionaries. Similarly other agencies such as the social welfare officials and the civil society activists hold cursory 'inspections' or surprise visits to pinpoint the jail administration's improprieties but such visits yield little and could be counter-productive in instilling a false sense of 'sub-achha' sentiments. Where for instance were these inspecting individuals and committees when the fourteen years old under-trial boy in the Peshawar prison was being 'rented' for a price for sexual abuse by prison officials to their colleagues and other prisoners? Accountability must be constant, continuous and impartial to be meaningful. What is really required is to also appoint respectable members from the civil society, alongside the officials, to visit prisons without prior permission at any time of the day and night to monitor matters. They should be provided offices and guest rooms outside the prisons but within the outer perimeter walls so that they could monitor round the clock. In every district a few Honorary Magistrates or Justices of Peace could be appointed as happened before Partition to address matters on the spot. This arrangement should assist in keeping the prison staff on their feet and should result in improving the living conditions of the inmates.

Prisons are a provincial subject and as such no formal role is envisaged for the Federal Ombudsman office though to ensure greater uniformity in the monitoring and supervisory processes of the working of the provincial Ombudsman there could be a onetime involvement to establish the institutional framework and operating procedures.

Even in the working of the provincial Ombudsman it would best for the organization to only monitor the working of the provincial and citizen associations rather than establishing an additional hierarchy of inspecting officials. Complaints of mal administration would of course be entertained and remedial measures taken.

The following recommendations are forwarded for discussions to develop an institutional framework for ensuring effective compliance with the law and Jail manuals:

- Till additional or alternate Rules are adopted all existing agencies and fora would continue to perform their duties as mandated.
- Prisons being a provincial subject under the constitution Provincial Steering Committees under the Home Departments may be created to determine policy, evaluate amendments in the law and rules, supervise operation and monitoring mechanism, ensure uniformity in prison administration and for providing funding for efficient working. This Committee would be chaired by the Secretary-Additional Secretary Home responsible for prisons and would consist of representatives of the Education, Health, Social Welfare departments, IG Prisons, a representative of the Ombudsman and three members from the Civil Society with at least one lady.
- At the District prison level a Standing Committee under the Deputy Commissioner-DCO or his immediate subordinate be created consisting of representatives of the District Judiciary, Health, Education, Social Welfare Department, a representative of the provincial Ombudsman, the Superintendent and Deputy Superintendents of prisons and all Parole and Probation Officers and at least six members from the Civil Society. This Committee and especially its private members would be indispensible for ensuring compliance with the law and rules. They should be provided offices and rooms for overnight stay outside the perimeters of the prisons so that they could be easily approached by the inmates or their relatives whenever needed. Thought could be given to empowering some of the distinguished private members as Honorary Magistrates or Justices of Peace which is already ordained by law to file reports against malpractices and deviant conduct or lapses of prison officials.

MOU BETWEEN UNIVERSITIES AND WAFAQI MOHTASIB SECRETARIAT

Memorandum of Understanding

Taking cognizance of the need to educate and provide skills to juvenile prisoners, and pursuant to the orders of the Hon'ble Supreme Court of Pakistan, to improve conditions of prisoners, and in particular women and children (living with convicted and under trial women prisoners), and the prisoners in general, the Hon'ble Wafaqi Mohtasib (Federal Ombudsman of Pakistan) has approached the educational institutions of Pakistan, and the organization Pakistan Sweet Homes for voluntary cooperation for the aforesaid objectives.

Whereas the Chairman of the Higher Education Commission of Pakistan has offered to encourage educational institutions to cooperate and the Vice Chancellor of Allama Iqbal Open University and the Rector of the COMSATS Institute of Information Technology have offered to provide free of cost educational facilities (including technical education and skills development) and educational materials in prison premises and to upgrade literacy facilities;

Whereas the Patron-in-Chief of Pakistan Sweet Homes has offered to establish sweet homes for children in prisons to cater for their normal upbringing; and

Whereas the undersigned Inspector Generals of Prisons have appreciated the initiative of the Hon'ble Wafaqi Mohtasib and welcomed the aforesaid generous offers;

We, the undersigned undertake to affix our signatures and commit ourselves to implementation of this Memorandum of Understanding and to give effect to the offers made by Educational institutions and the Pakistan Sweet Homes institutions to be extended to prisons throughout Pakistan through a phased programme. The aforesaid offers will be

implemented in the first phase at Central Jails Adiala (Rawalpindi), Kot Lakhpat (Lahore), Haripur, Karachi and Quetta.

The Hon'ble Wafaqi Mohtasib will constitute a Committee comprising the stakeholders for determining the phased programme and, from time to time, to monitor the implementation of this Memorandum of Understanding.

Islamabad, August 21, 2015

Zamarud Khan, Patron-in-Chief, Pakistan Sweet Homes

Dr. S. M. Junaid Zaidi Rector, COMSATS Institute of Information Technology, Islamabad

Aziz Khan Khattak Inspector General of Prisons, Khyber Pakhtunkhwa

S.M. Tahir,
Senior Advisor,
Wafaqi Mohtasib
Secretariat, Islamabad

Prof. Dr. Mukhtar Ahmed, Chairman, Higher Education

Higher Education Commission of Pakistan, Islamabad

Ahsan Mehboob, Secretary, Wafaqi Mohtasib Secretariat, Islamabad

Nusrat Hussain Mangah Inspector General of Prisons, Sindh

Witnesses:

Dr. Shahid Siddiqui-

University, Islamabad

Vice Chancellor,

Allama Iqbal Open

Mian Faroog Nazir

Inspector General

of Prisons, Punjab

Zariyab Mussarat, Deputy Director, Wafaqi Mohtasib Secretariat, Islamabad.

MINUTES OF THE MEETING WITH PATRON IN-CHIEF SWEET HOMES AND VICE CHANCELLORS ETC

MINUTES OF THE MEETING HELD ON 24th AUGUST 2015 REGARDING IMPLEMENTATION OF THE ORDERS OF SUPREME COURT IN SMC NO.1 OF 2006 AND CMA NO.1313 OF 2015

A meeting was held on 24th August, 2015 at 1100 hours in the conference room of the Wafaqi Mohtasib Secretariat under the chairmanship of the Honourable Wafaqi Mohtasib (Federal Ombudsman) to discuss the actions required for implementation of the Supreme Court Orders in SMC No.1 of 2006 and CMA No.1313 of 2015 regarding Miserable Condition of Women in Jails. The meeting started with recitation from the Holy Quran. List of participants is attached.

- 2. Welcoming the participants, the HWM stated that the main objective of convening the meeting was to evaluate the measures taken so far in the context of the cases under reference by all the concerned agencies so that a consolidated reply could be submitted to the honourable Supreme Court by the due date. Thereafter, he invited the Senior Advisor (Law) of the Wafaqi Mohtasib Secretariat (WMS) to brief the meeting on the progress of the case.
- Explaining the background of the SMC No.1 of 2006, the Senior Advisor (Law), WMS informed that the detailed order passed by the honourable Supreme Court, inter alia, defined the roles and responsibilities of all the concerned agencies for improvement of the condition of prisoners in jails. He stated that the departments concerned submitted their reports to the Law & Justice Commission of Pakistan and, on the advice of the Commission, taking further action to fulfill the requirements of the court's orders. He informed that the Secretary, Home Department of the Government of the Punjab who is the focal person to lead on matters pertaining to all the Provincial Home departments has prepared, in consultation with other concerned authorities, Performance Monitoring Framework and different inspection templates for the strengthening of the existing monitoring and evaluation system for the welfare of the inmates of the prisons. The Senior Advisor (Law) further stated that the Honourable Supreme Court has assigned the responsibility to the Federal Ombudsman to consult the respective ombudsman offices and other stakeholders to lead the formulation and publication of a national strategy for curbing mal-administration and an outline of the content and timeframe for publication of the strategy is to be submitted to the court through LJCP. A report is to be submitted to the court on 26th August, 2015 and the next date of hearing is 27th August, 2015.
- 4. The National Commissioner for Children stated that it was a welcome opportunity for the federation and the federating units to take all the necessary steps for providing relief to the

prisoners especially the women and children in jails. Similarly, providing quick relief to the under trial prisoners will also go a long way in alleviating the sufferings of the prisoners. This is not only a moral duty but also an official obligation of all concerned to provide due relief to the under trial prisoners for which they need to cooperate and coordinate their efforts. He further stated that the Supreme Court had provided an ideal opportunity for this purpose by designating the HWM to sit together with the Provincial Ombudsmen and Federal and Provincial Agencies to fix priorities and suggest improvements.

- The HWM recalled the proceedings of the meeting held on 21st August, 2015 in the WMS in which the Chairman, HEC, Rector COMSATS Institute of Information Technology, Rector AIOU, MD Sweet Homes Foundation participated and signed a memorandum of understanding (MOU) for the purpose of providing educational facilities to the women and children in jails and for the welfare of the children residing with their mothers in the prisons in Pakistan. The HWM stated that under this arrangement various facilities such as free books, computerized libraries, creation of hygienic conditions and fulfilling of essential needs of the inmates will be provided. He also informed the meeting about the visits of the WMS teams to various jails such as Adiala, Haripur and Karachi prisons to monitor the conditions of the prisoners especially women and children and to suggest remedial measures. He stated that the Reports have been circulated to all concerned for immediate implementations of the recommendations thereof. He especially highlighted the need for addressing the problem of overcrowding in jails and recommended for formulation of a strategy to eliminate the overcrowding by resorting to early paroles where possible. The HWM appreciated the comprehensive templates prepared by the Home Department, Government of the Punjab in consultation with the other stakeholders for the strengthening of the existing monitoring and evaluation system for the welfare of the inmates of the prisons.
- 6. The representatives of KPK Government informed that the website of their prisons was not functional. While they are making all possible efforts aimed at improving the conditions of prisoners in jails, there is a need for expeditious processing of the cases of the under trial prisoners who are in great majority. He also highlighted the need for deleting the names of those prisoners from the lists/websites of jails who complete their terms and get released. It was also recommended that the petty cases should be decided on the spot by visiting magistrates. It was however, reported that the doctors were working full time in prisons in KPK, duty rosters are duly prepared and specialists are deputed to visit the prisons on rotation.

The names of the visiting doctors appear on the website. The District Health Officers (DHOs) are directed to keep vigilant eye and make sure that the medical staff is present. It was also indicated that screening of the prisoners against AIDS, TB and other contagious diseases is also carried out. It was, however, pointed out that some sanctioned posts of medical staff are vacant whereas some additional posts are required to be created for provision of proper medical aid to the prisoners. It was further pointed out that there was no Ombudsman in KPK since January 2015 and there was an urgent need for appointment of an Ombudsman as it would facilitate addressing the maladministration by Government Agencies thereby reducing public grievances. It was recommended that the referral cases of the patients in prisons should be computerized for the purpose of proper monitoring of their ailments and treatments.

- The Secretary Home of KPK informed that they have developed comprehensive templates for monitoring the prisoners in jail. He, however, expressed reservations on putting sensitive information about high value prisoners on the websites. He informed that even firewalls can be broken and unscrupulous elements of the society can take advantage of such information. He also stated that putting the date of release on the websites also exposes the prisoners to become easy targets at the time of their release from the jails because their opponents may come to know about this and cause security problem for them. The DIG, Prisons, KPK informed that follow up of the inspections of the prisons was not being done and implementation and monitoring was weak. He appreciated the templates prepared for monitoring purpose but pointed out that there should be separate provisions for daily and weekly reports. He also stated that due to lack of resources, construction of new prisons was difficult and, instead, the existing facilities should be up-graded to accommodate more prisoners. He also stated that Prison Information Management System was being introduced in five jails for which the requisite data is available. He stated that the information and data pertaining to the prisoners should be available to the prisoners. In the context of remissions, he stated that on the spot correction is carried out in the record. He also informed that in order to meet the energy requirement in jails, solar power is being tapped.
- 8. The Information Commissioner from Punjab informed that all the necessary information regarding the prisoners is available on the prison department website and the same is accessible to the public. Work on Prison Information Management System is in progress. The access levels are being defined for the purpose of improving the record availability. Transparency standards have been notified. However, major effort is required in data entry

which needs to be prioritized. The website should indicate what the public expects rather than only projecting what the Government Agencies are doing. It was also indicated that the UNODC has provided Prison Management Information System (PMIS) which is being functionalized in 10 jails of Punjab in the first phase. The pilot project at Lahore is expected to be operational very shortly.

- 9. The DIG of prisons, Punjab informed the meeting that they have examined the report prepared by the Advisory Committee of the WMS and have noted the observations and recommendations for compliance. In this context, they have issued necessary instructions to the superintendent jail. Similarly, the instructions regarding implementation of prisons manual, external oversight mechanism, computerization of data, health and sanitary conditions and women and child prisoners are being given due consideration. The Secretary Health and other concerned have been approached for the purpose of adequate supply of medicines and allied material. He also informed about the preparation of a monitoring framework for the purpose.
- It was pointed out in the meeting that under the Right to Information Act (RTI), the 10-Government can hardly hide anything from the public except for the classified information as prescribed in the Act. The HWM clarified that the Wafaqi Mohtasib is the appellate authority in the context of RTI. In almost 99% complaints, the WMS supported the complainants and the concerned agencies of the Government never went into appeal against the recommendations of the Wafaqi Mohtasib. With regard to the information on under trail prisoners (UTP), it was recommended that bails should be granted liberally. However, due precaution should be exercised in sensitive cases. In any case, there should be no need for repeated appearance of prisoners in the court. Instead, a system should be devised so that the prisoners could get bail after a single hearing and there should be no need for the prisoners to hire a lawyer for the purpose. It was also recommended that the extended sentences on account of non-payment of fines in petty cases should be avoided as far as possible. For this purpose the NGOs who volunteer to arrange for payment of fines should be encouraged to come forward. It was also recommended that while imposing fine the judge should keep in mind financial capacity of the prisoner.
- 11- The representatives of the Baluchistan Government dilated on the types of prisoners in Baluchistan jails and the facilities being offered to them. It was stated that the Home Department of Baluchistan is very cautious in sharing information about the prisoners for being too sensitive and having a bearing on the National security. However, the shortcomings in the

provision of facilities to the prisoners were acknowledged and it was stated that necessary improvement is being planned. It was recommended that the level of access to the prisoners should be determined and information on petty prisoners should be liberally shared. However, any information that could prove to be instrumental in the escape of sensitive prisoners must be avoided. It was agreed that there should be separate website of prisons in Baluchistan with Urdu, Pashto and Balochi version. The living conditions such as facilities for food, health and sanitation etc. should be financed by the Law and Justice Commission of Pakistan. Such facilities should not be discretionary and must be available to all the prisoners without any exception. The Baluchistan Government should take guidance from the Government of Punjab, study the models of Punjab/KPK prisons and consider giving similar powers to IG as given by those two Provincial Governments. On receiving the information about posting of medical officers in 11 jails of Baluchistan, it was recommended that appreciation letter should be sent to the Provincial Health Department. It was observed that in order to increase the powers of the jail superintendent and other staff, amendment in the governing Act will be required which would be difficult. The meeting appreciated the gesture of the Punjab Government to offer training facilities to the prison officials of Baluchistan in Sahiwal Training Center.

- 12- The members of the Committee constituted by the Wafaqi Mohtasib to visit Adiala, Haripur and Karachi jails so as to point out systemic issues and suggest remedial measures informed that overcrowding was a common problem which was due to presence of more than 70% under trial prisoners. The instructions contained in the Pakistan Prisoners Rules, 1978 were not being followed properly. While oversight mechanisms are available, implementation is lacking. Medical facilities were specially lacking to a great extent. It was also pointed out that there are hardly any promotion prospects for the jail staff which leads to frustration and lack of interest. The meeting observed that the service structure in the prisons of all the four provinces should be uniform. Prison Management reforms should be carried out and the Law & Justice Commission of Pakistan should take note of it.
- 13- The representative of the Sindh Government stated that the focus of the Supreme Court in the case under reference is the jail administration and prisoners. The poor prisoners without any social backing are the most deserving. The jail administration should not become vindictive against them in case they lodge any complaint about lack of facilities or that of their legal rights. The under trial prisoners (UTP)'s right for their proper trial in a reasonable time should not be allowed to be infringed. They should either be convicted or released on merit as

soon as possible. The meeting expressed its concern over the information that the UTPs are detained un-necessarily and subjected to repeated appearances either due to non-availability of the judge or undue demand by the prosecutor for more time for preparation. The meeting recommended that provincial law departments should enforce discipline in this context and the judge should make sure that the UTPs who are not proved guilty get released as quickly as possible.

- 14. The Honourable Wafaqi Mohtasib appreciated the participants for their briefings and advised them to ensure implementation of the recommendations pertaining to their respective departments with the sense of importance and urgency that these recommendations deserve.
- 15- The meeting observed that the next hearing of the case in the Supreme Court is scheduled for 27th August, 2015 and the Home Secretary, Punjab, a representative of the Law and Justice Commission of Pakistan as well as the Senior Advisor (Law) of the WMS should be ready to appear and submit a reply

The meeting ended with a vote of thanks to and from the chair.

MINUTES OF THE MEETING WITH PHILANTHROPISTS AND DONORS

MINUTES OF THE MEETING HELD ON 5th NOVEMBER, 2015 TO DISCUSS THE WORK OF NATIONAL COMMITTEE FOR PROVISION OF EDUCATION AND SKILL DEVELOPMENT TO INMATES OF PRISONS WITH PARTICULAR REFERENCE TO WOMEN AND CHILDREN.

A meeting was held on 5th November, 2015 at 1400 hours in the conference room of the Wafaqi Mohtasib Secretariat under the chairmanship of the Honourable Wafaqi Mohtasib to discuss the work of the National Committee for Provision of Education and Skill Development to Inmates of Prisons with Particular Reference to Women and Children. The meeting started with recitation from holy Quran. A list of participants is annexed.

- 2. Welcoming the participants, the HWM invited the Senior Advisor (Law), Wafaqi Mohtasib Secretariat to, in the first instance, apprise the participants of working of the WMS and the progress on implementation of the orders of the Supreme Court in Suo Moto Case No.1 of 2006 and Human Rights Case No.HRC.16143-P/2014. The Senior Advisor (Law) briefed the meeting on the establishment, jurisdiction, mandate and working of the Wafaqi Mohtasib Secretariat and also highlighted its achievements especially with regard to the likely disposal of 200,000 complaints by the close of the year, reducing the time for disposal of complaints within 60 days and appeals within 45 days; as also the constitution of Standing / Advisory Committees and submission of reports in the context of the systemic issues that become the cause of persistent complaints against various government agencies.
- 3- The Senior Advisor (Law) also briefed the meeting on the work of the Committee constituted by the HWM to study the plight of prisoners particularly the women and children in jails; to recommend remedial measures for protection of their rights and to address the systemic failures as also to give proposals for protecting the prisoners, especially the child prisoners from becoming hardened criminals on release; and to make the prisoners productive citizens of the society on completion of their terms in prison. He specially mentioned the signing of a MoU between the Wafaqi Mohtasib Secretariat, Higher Education Commission, AIOU, COMSATS Institute of Science and Technology and Pakistan Sweet Homes for the purpose of provision of educational and vocational training and to improve the living conditions of prisoners and children. He also stressed the importance of a well-coordinated effort for carrying out the desired reforms in prisons in Pakistan.

- 4- The HWM requested the participants to offer their views and proposals and also indicate their plans for facilitating the prisoners in Pakistani jails. The following proposals and offers came to the fore:
 - a) The COMSATS Institute of Information Technology informed the meeting about the work undertaken so far by that Institute for the welfare of the prisoners. They reiterated the offer to establish libraries, computer labs and imparting technical education and training to the prisoners especially the women and child prisoners.
 - b) The Pakistan Sweet Homes organization informed about establishment of a sweet home in Kot Lakhpat jail and reiterated its offer to establish such sweet homes in other prisons too. They also offered to provide other facilities including health and education facilities for improvement in living conditions of the prisoners. They also offered to arrange for the services of Psychologist/Psychiatrist for the prisoners.
 - c) The Islamabad Stock Exchange offered to provide help to the inmates of prisons through their listed companies in consonance with the Social Corporate Responsibilities.
 - d) The Honorary Consul General of Ghana highlighted the need for quick release of foreign prisoners in Pakistani jails and their handing over to their respective Embassies in Pakistan for sending them to their countries. He also stressed that new prisoners should be screened for contagious and other diseases and duly vaccinated so as to protect the other prisoners. He also emphasized the need for improving the medical facilities in the prisons.
 - e) The AIOU indicated that it is imparting education from matric to graduation level to 600 inmates of prisons and considering to offer such Master Degree courses to prisoners that do not involve practical in labs. The Registration, Prospectus and Examination fee has been waived for the prisoners. The AIOU undertook to continue and expand its activities aimed at prisoners' education.
 - f) The Healthcare institutions offered to provide consultant's advice on lab tests of prisoners through the use of internet/WhatsApp/cell phones. They also emphasized the need for developing a system to bring out the child prisoners from the psychological trauma after their release and for their proper education.
 - g) The representatives from the Chambers of Commerce and Industry and business community pledged financial support for the prisoners and offered to start a fund raising campaign for the purpose.

- 5- The meeting also recommended that:
 - I. The hardcore/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.
 - II. The prisoners with HIV, Hepatitis, T.B. and drug addicts should be segregated and kept apart from other prisoners.
 - III. Strict surveillance should be done in jails for protecting the prisoners from physical and sexual assaults.
 - IV. The prisoners especially the women and juvenile prisoners confined due to non-payment of petty fines should be provided immediate financial assistance for their release from jails.
 - V. Transport facilities should be provided to jail authorities for appearance of the prisoners in the courts on due dates and the prisoners must not be made to suffer on this account. In the event of non-availability of transport or for security reasons, court may be held in the prison, in exceptional cases.
 - VI. Only the genuine patients be admitted to the hospitals in prisons.
 - VII. The libraries in jails should be well stocked with books which can help reform prisoners.
 - VIII. All the prisoners should be afforded the opportunity to appear before the Session Judge on his visit to the jail.
 - IX. Adequate security arrangements should be made for the prisoners when they are taken to court from jails.
 - X. It must be ensured that the financial and other help offered to the prisoners timely reaches them without any pilferage, let or hindrance.
 - XI. Arrangements must be made to control violence and harassment in jails and to prevent the prisoners from involving in other unlawful activities
 - XII. It should be ensured that the ordinary prisoners and political and other influential prisoners are treated equally.
 - XIII. An outside supervision by independent members of civil society should also be arranged to protect the rights of prisoners in accordance with the Human Rights Charter. For this purpose eminent, neutral and well educated members of the civil society should volunteer for inclusion in the teams that officially visit the jails.

- XIV. A Prisoners Voluntary Donations Fund (preferably in kind) may be considered for deserving prisoners (including those needing legal aid) for each province, managed by a Committee headed by a Provincial Minister, preferably Education Minister. The Committee may include eminent people like Mr. Edhi, Dr. Adeeb Rizvi of SIUT and Justice (Retd) Amir Raza of LRBT.
- 6- In the end, the HWM thanked the participants for their input and offers and appreciated the efforts the Prisons Reforms Committee and that of the officers of the Wafaqi Mohtasib Secretariat in undertaking visits to the prisons, examining in detail the problems and difficulties of inmates of prisons and recommending remedial measures for protection of their rights. He also greatly appreciated the activities undertaken by CIIT, AIOU, HEC, IIUI and Pakistani Sweet Homes for the welfare of inmates of prisons. Mentioning financial constraints of the government to be the main cause for inadequate facilities for the prisoners, he highlighted the need for support of the civil society in supplementing the government efforts to protect the rights of prisoners. In this context, he also stressed the importance of according voluntary services by doctors, lawyers and philanthropic organizations including NGOs.

The meeting ended with a vote of thanks to and from the chair.

SUMMARY OF MEASURES TAKEN TO EQUIP AND PROVIDE SWEET HOMES, EDUCATION AND SKILLS IN PRISONS

SUMMARY OF RECOMMENDATIONS MADE BY VARIOUS PARTICIPANTS IN THE MEETINGS, (LIST IN THIS BOOKLET) FOR IMPROVING CONDITIONS OF INMATES IN JAILS

- Important data about the accused prisoners especially women and juveniles should be collected and computerized.
- The young accused prisoners in juvenile jails should be isolated from the lock – up/jails.
- Physical/sexual violence on prisoners particularly women and the juveniles including by the prisoners (rough heads) should be prevented.
- Approved and committed representatives of NGOs, Social Welfare Organizations and civil society should have the authority to enter the jail building/barracks around the clock, without prior intimation.
- Selected renowned activists or retired public officials can be appointed as Honorary Magistrate or Justice of the peace for addressing and resolving the problems of inmates of the jails.
- 6. Although the Prison Act and Rules lay down fair standards of prisoners' living and facilities required, it was proposed that Provincial level committees be constituted for policy and uniformity and similar district supervisory committees comprising officials, civil society members and representatives of the Ombudsman may also be considered to ensure strict compliance of prison laws, rules and standards.
- 7. It was observed that little or no attention was paid to providing education to the prisoners or developing their professional skills so that they could be gainfully employed in the prisons and later on their release. The HEC, AIO University and COMSAT have offered to upgrade the prisoners' skills in consultation with the provincial governments.
- A Prison Endowment Fund was also proposed to be set up managed by the provincial Education Ministers, Vice Chancellors and philanthropists to finance professional skill development and for paying the court ordered fine where prisoners cannot do so.

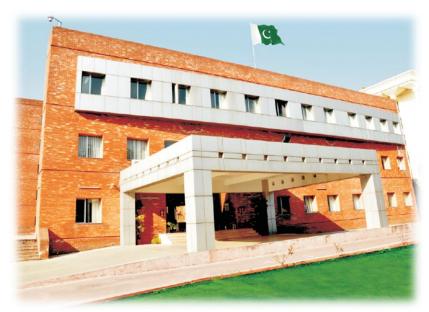
- 9. There is a need to study the benefits to the individuals and the society of non-custodial penalties for juvenile and first term offenders in all but the most heinous cases. Additionally it has been felt that convicted and under trial prisoners, juveniles and women be fully segregated in prisons and detention centers.
- 10. The Grievances Resolution Officers (GROs)) at the district level, of the Provincial Ombudsmen, be established in close proximity to each other, to address complaints of the people on predetermined dates. The federal subjects would be resolved by the officials of the Federal authorities and likewise for foreign prisoners.
- 11. There is a dire need to provide proper facilities of food, health, education and furniture for the prisoners and to facilitate visits by relatives where such visits are discouraged. The prisoners should be especially protected from viral and contagious diseases.
- 12. The women prisoners after their release from the jail should be provided proper security and care.
- 13. It was recommended that statistical data and detailed information about prisoners should be prepared, computerized and made readily available. The prisoners should be timely informed about the remission in their punishment and the date of their release. This should be the responsibility of Home Departments and IGs Prison. Necessary infrastructure should be made available to them by Home Departments.
- 14. All vacancies of the required administrative staff should be immediately filled in all jails.
- 15. The jail staff should be posted out of all jails every three years.

PRISON VISIT REPORTS



FEDERAL OMBUDSMAN OF PAKISTAN

WAFAQI MOHTASIB REPORTS ON PRISONERS WITH SPECIAL REFERENCE TO CHILDREN AND WOMEN PRISONERS



REPORT ON CENTRAL JAIL ADIALA RAWALPINDI

Composition of the Advisory Committee of Wafaqi Mohtasib on Prisoners with Special Reference to Children and Women Prisoners – Visit to Central Jail Adiala, Rawalpindi

i.	Mr. S. M. Tahir, Senior Advisor to Wafaqi Mohtasib, Former Federal Secretary	Convener
ii.	Hafiz Ahsaan Ahmed Khokhar, Senior Advisor to Wafaqi Mohtasib, Advocate Supreme Court of Pakistan, Former Chairman Customs Tribunal	Member
 111.	Mr. Shah Mahboob Alam, Advisor to Wafaqi Mohtasib Former Joint Director, Intelligence Bureau	Member
iv.	Mr. Khushdil Khan Malik, D.G. Wafaqi Mohtasib Sectt. Former Joint Secretary (Law)/D.G. NACTA Ministry of Interior	Member/Secretary
v.	Ms. Zariyab Musarrat, Director Wafaqi MohtasibSectt. Formerly Associated Press of Pakistan	Member
vi.	Ms. Rafia Bano, Dy. Director Wafaqi MohtasibSectt. Formerly Educationist	Member

Subject: Report on the Visit of Advisory Committee of Wafaqi Mohtasib Secretariat to Adiala Jail

Background of the visit

The Supreme Court of Pakistan in its order dated 28-05-2015 passed in the suomoto case No. 1 of 2006 discussed the role of the Wafaqi Mohtasib offices in addressing to the complaints of common citizens against the Federal Agencies. Having conducted a detailed review of the ombudsman offices mandate and powers, the Hon'ble Supreme Court made the point that the ombudsman offices besides addressing individual complaints must address systemic failures that are the root cause of mal-administration and formulate and enforce standards of good administration as envisaged by the law. The apex court after discussing the element of mal-administration and systemic dysfunction in the criminal justice system at large and the prisons in particular desired that the ombudsmen offices may form Standing Committees and inspection teams to examine the systemic failures in the administration of the criminal justice system and the prisons in particular and make recommendations to rectify the such failures and set good administration standards that if breached would be deemed to be mal-administration.

2. In pursuance of the direction of the Hon'ble Supreme Court the Federal Ombudsman of Pakistan (Wafaqi Mohtasib) Mr. M. Salman Faruqui constituted an Advisory Committee under the provisions of Article 18 of Establishment of the Office of Wafaqi Mohtasib Order of 1983 with the following composition:-

1. Mr. S. M. Tahir, Senior Advisor Convener

2. Hafiz Ahsaan Ahmed Khokhar, Senior Advisor Member

3. Mr. Shah MahboobAlam, Advisor Member

4. Mr. Khushdil Khan Malik, Director General Member/Secretary

The members of the committee were mandated to visit Central Jail Adiala to observe the following aspects of the jail and the prisoners:-

- a. The plight of prisoners languishing in jails.
- b. The provision of facilities in accordance with law and jail manual.
- c. The efforts of jail administration for curbing incidents of torture on prisoners.
- d. The provision of facilities for visitation of family members of prisoners.
- e. The security/transportation/proper handling of prisoners in court premises.

The Advisory Committee on the Federal Ombudsman visited Adiala Jail at 9 am on 25-06-2015 with prior intimation to Superintendent Jail. The Committee remained in the jail premises upto 11:30 am. The members of the committee were received by Mr. Mushtaq Ahmed Awan, Superintendent of Jail. He briefed the members of the committee about the history of the jail, security arrangements of the jail at different levels, health and sanitation facilities, capacity of the prison and actual number of

inmates and arrangements for the visitors who come over to jail to meet their prisoners. The superintendent jail also brief the members of the team about the facility of a 55 bed hospital with ECG, ultrasound, X-ray, clinical lab facilities and the quality of food given to the prisoners.

After briefing, the members of the advisory team took round of the following areas of the prison:-

- 1. Kitchen
- 2. Industry, which consisted of weaving of carpets, niwarpatti, stitching of clothes, electrical motor winding and steel fabrication
- 3. School / religious education
- 3. Juvenile jail
- 4. Hospital
- 5. Jail of prisoners condemned to death
- 6. Telephone booths
- 7. Staffing position of jail employees
- 9. Women jail

The members of the visiting committee observed high level of discipline and quietness in all the areas of the jail. During their movement in different areas they noted some good aspects of the jail but simultaneously received the impressions about the plight of the prisoners as most of them were laboring under high stresses.

The following areas needed immediate attention of the relevant authorities to alleviate the problems faced by inmates of the jail for ensuring better health, social educational and sanitary standards:-

1. Capacity of the Jail

The Adiala jail constructed in year 1986 over an area of 75 acres has the capacity of 2,056 prisoners but the actual numbers of prisoners in the jail was 4,748. This overcrowding is due to the following reasons:-

- i. About 1600 prisoners belong to Islamabad courts because there is no jail in Islamabad.
- ii. Large number of prisoners belonging to KPK, convicted as well as under trial is also an additional burden on this jail. It is not possible to undertake inter-provincial transfer of prisoners due to ban imposed by the government.
 - iii. Under trial prisoners confined to the prison on petty crimes.
 - iv. High number of foreign nationals convicted.
 - v. High number of under trial prisoners.

2. Important Data About Prisoners

i. Some important data about the prisoners, male and female, in Adiala Jail is given below:-

Category of Prisoners	Male	Female	Total
Condemned	409	06	415
Convicts	1233	52	1285
Under Trial	2946	102	3048
Total	4588	160	4748

The alarming figures of 3048 prisoners, male and females, the number of prisoners, under trial in the courts, need immediate attention. If the trial of these prisoners is completed speedily, their number may fell down, thus reducing the extra-burden on the jail administration.

3. Formal Education for Women

i. Some women prisoners, including teenager girls, expressed their desire to pursue formal education. Presently there is no arrangement to provide them quality education in the jail. The administration of Adiala Jail may like to discuss this matter with AIOU for putting in place and arrangement for education through Distant Education System.

2. Kitchen

- i. As the prison is overcrowded more than 10,000 breads (chapatis) are backed every day.
- ii. The prisoners serve their rigorous punishment in severely hot place. There was sheer lack of safety and protective measures to shield them from this burning heat.

3. **Jail Industry**

i. It is consisted of few trades like hand carpet weaving, stitching of clothes, nawar/patti weaving, motor winding and fabrication. These trades are considered to be insufficient in view of heaviest number of prisoners housed in this jail. The jail industry is being run by an NGO called Women Aid Trust (WAT). There is a strong need to enhance the number of traits with the cooperation of Skill Development Center (SDC) or TEVTA.

4. Juvenile Jail/Schools

i. In the juvenile jail many teenager prisoners including the afghan nationals complained that they were innocent but were kept in the jail since many months without proper trial. Many out of them were languishing in the jail because neither they have any contact with their

parents nor the legal aid in the shape of lawyers had been provided to them. In the school arrangements for basic education were made for such prisoners.

5. Health & Sanitary Conditions

- i. As the visit was pre-planned the health and sanitary condition was well maintained. It was observed that the bathrooms/toilets were not sufficient to meet the requirement of such large number of prisoners. Although a philanthropist had constructed some toilets but there was need to construct more in the hospital as well as in the juvenile jail and industry.
- ii. According to the data provided by the jail authorities, some important positions in the hospital were lying vacant. All the vacant positions in the jail including the hospital should be filled by suitable professionals as early as possible.

6. Transportation of prisoners to district courts

i. Every day hundreds of prisoners are transported to different courts in Rawalpindi and Islamabad for trial purposes. The movement of these prisoners which include high profile prisoners also is fraught with serious dangers because they are transported in prison vans. The jail authorities and the management of courts should make the best use of information technology and make arrangements of trial of the prisoners through video link/conferencing.

7. External Oversight Mechanism

i. The attention of the Superintendent Jail was invited towards External Oversight Mechanism introduced to identify systemic failures in the Criminal Justice System and the prisoners, with particular reference to the periodical visits by the Hon'ble District and Session Judges, Hon'ble Judges of the High Court to Adiala Jail. To a question posed to him, he informed that periodical visits were made by the Hon'ble Judges of High Courts and District and Session Court but could not provide details of such visits during the last 2/3 years and information about release of detainees/prisoners involved in petty crimes.

8. Implementation of Prison Manual

i. Pakistan Prison Rules 1978 (Prison Manual) is an important document which lays down procedures/functions to ensure good standards to overcome systemic failures and dysfunction in the system. This Manual regulates the visits of senior officials for corrections and remedial measures wherever acts of mal-administration are noted and systemic failures are identified. The jail administration must ensure implementation of Jail Manual in letter and spirit.

9. Computerization of Data

i. Replying to a question, Mr. Awan informed that the jail was moving towards computer regime and all the data relating to the prisoners as well as the visitors will be computerized. The importance of transparency and access to information standards was emphasized for the benefits of common citizen at large and the prisoners in particular.

10. Staffing Positing

- i. The staffing positing of jail was quite deplorable. There was no increase in manpower strength proportionate to high increase in number of prisoners over and above the authorized capacity.
- ii. Many important portions like Women Medical Officer, Nursing Assistant, Dispensers, X-Ray Machine Attendant, Lady Dispenser, in the Jail Hospital are lying vacant. According to the figures provided by the jail administration, 193 posts out of sanctioned strength of 709 are vacant, thus badly affecting the overall performance of one of the most important prison, not only in Punjab but in the country. The provincial government needs to be approached to not only fill up the vacant slots immediately through direct recruitment or on deputation basis, but also sanction additional posts in different cadres to cope with the challenges arising out of excessive number of prisoners.

11. Women Prison

i. The part of the prison housing women, and their children and teenager girls needs immediate attention of the officials at the helm of affairs, with a view to extending fair justice to such prisoners languishing in jail. Presently 150 women with 59 children are jailed. There are some teenager girls who have been imprisoned due to petty crimes of stealing small amounts or a few sets of clothes. They have neither any contact with their parents nor have any hope for justice in the absence of legal aid. This class of prisoners is most pitiable because they keep on languishing in the prison without any opportunity to vindicate their position. Some volunteers' lawyers/legal aid providers can come forward to plead the cases of such women prisoners in the jail.

12. Foreign Prisoners

i. There are 95 foreign prisoners including 69 convicted prisoners are housed in the jail. Their particulars may be provided to their respective Embassies/Consulates to enable them to apply for consulate access, so that their future is decided as per law of land.

REPORT ON KOT LAKHPAT JAIL, LAHORE

REPORT ON HONOURABLE WAFAQI MOHTASIB'S VISIT ON THE OCCASION OF INAUGURATION CEREMONY OF FIRST PAKISTAN SWEET HOME FOR CHILDREN OF WOMEN INMATES OF KOT LAKHPAT JAIL ON 5TH OCTOBER 2015

The Honourable Wafaqi Mohtasib along with former Law Minister/Senator S.M Zafar, Senior Advisors of Federal and Provincial Ombudsman, Vice Chancellor of Punjab University, Representatives of HEC, COMSATS and Allama Iqbal Open University, Special Home Secretary, Government of the Punjab, Inspector General of Prison , Punjab, senior representatives/officers of government of the Punjab and members of civil society, list is attached, visited Kot Lakhpat Jail on 5th October, 2015 from 1400 to 1700 hrs. The list of visitors is attached.

- 2. The Honourable Wafaqi Mohtasib was warmly welcomed by Special Secretary Home, IG Prison and others at the reception of Kot Lakhpat Jail. After a brief introduction of the guests with the Honourable Wafaqi Mohtasib, he was taken to a round of the jail. At the kitchen, he was briefed about the dietary plan and quality of food provided to the prisoners. He appreciated the quality of food and efforts to maintain its standard and hygiene in the kitchen.
- 3. The Honourable Wafaqi Mohtasib was then taken to female prisoners' barrack where he was presented a bouquet by the children living in jail with their mothers followed by a round of women vocational training section in the barrack. IG prison gave an introduction of the vocational activities like sewing, handmade art items and beautification training imparted to the women prisoners. He added that in female prisoners barrack no male is allowed to enter and only female staff recruited specifically for female inmates is given access. It was emphasized by the Honourable Wafaqi Mohtasib and S.M Zafar that data of female prisoners who have been trained should be maintained along with feedback mechanism and contact with those who left jail after completion of their period of imprisonment.

- 4. While replying to a query, IG prison explained that an MoU with TEVTA has been signed according to which vocational training shall be imparted to almost 6400 inmates in 15 jails. He added that Board of Technical Education has also been taken onboard to arrange for examination and awarding of certificates to successful candidates of prisons. The Honourable Wafaqi Mohtasib stressed the need for also taking NEVTEC on board in this regard.
- 5. Afterwards, the Honourable Wafaqi Mohtasib inaugurated the first Pakistan Sweet Home for children of women prisoners and also gave away gifts to the children followed by visit to class room where children presented greeting cards and sang poems which were highly appreciated by the Honourable Wafaqi Mohtasib and those present on the occasion. Appreciating these efforts, he remarked that there was need to expand such activities and he will soon visit Adiala jail to inaugurate second Pakistan Sweet Home.
- 6. The Honourable Wafaqi Mohtasib recorded his comments in the visitors' book and commended the efforts of all in taking such an important step for the welfare of children of women inmates. Later, gifts were distributed among under trial women prisoners by the Honourable Wafaqi Mohtasib and other members of the delegation. On this occasion, IG prison assured that jail authorities would continue to expand, improve such activities in future to the maximum extent. At this moment the Patron in Chief of Pakistan Sweet Homes, Mr.Zamurrud Khan assured the women prisoners that Pakistan Sweet Homes would continue to put up utmost efforts for the resolution of their problems.
- 7. During the visit the Honourable Wafaqi Mohtasib was also taken to jail library. On this occasion he observed that there was a need to expand, improve and upgrade the library. While commenting on the existing stock of books, VC Punjab University assured and promised to provide books on a variety of social topics and general knowledge.

- 8. In front of a gathering of convicted male prisoners a formal ceremony to apprise them of the efforts of different stakeholders was also held. The IG prison highlighted the importance of the ceremony and termed the visit to the prison by all concerned to be a demonstration of their solidarity to improve the living conditions of prisoners. He then gave an overview of the Punjab government efforts on this score. He stated that 12 new jails have been established to tackle the issue of overcrowding which has now been reduced from 150% to 48%. He also stated that three new jails have been approved and funds have also been allocated for their construction. Similarly, facilities for visitors have also been improved all over Punjab and Rs. 800 million have so far been expended. The quality of food has also been improved by devising and implementing standardization in supply of food items. Water filtration plants, PCO and provision of medical equipment like x rays machine, ultrasound machine, ECG and laboratory tests have also been ensured in all jails.
- 9. He also explained the incentives given to the jail employees at par with Punjab Police. In his concluding remarks, he gave some suggestions and requested representatives of universities to waive off/exempt examination and degree/certificates verification fee to facilitate the prisoners in their academic pursuit.
- 10. Hafiz Ahsan Ahmed Khokhar, Senior Advisor (Law) Wafaqi Mohtasib Secretariat gave an overview of complaints so far disposed of by WMS within the prescribed time line of 60 days for each complaint. He highlighted the systemic interventions made by Wafaqi Mohtasib Secretariat to improve the situation in different departments of federal government. He described that in the light of Supreme Court's decision a number of meetings were held to look at the ways and means to safeguard the rights of prisoners as also to address the issues like overcrowding in jails and unnecessary delay in conviction of under trial prisoners. He added that on visiting different jails it has been

assessed that almost 70% prisoners are under trial which is one of the main causes of overcrowding in jails.

- 11. He elaborated that a MoU has been signed with AIOU, HEC, COMSAT and Prison Department govt. of Punjab to bring improvements in the life of jail inmates so that they may become useful citizens after completion of their sentence, and the establishment of Sweet Home in Kot Lakhpat jail is one such step in this direction. Commenting on the education of prisoners he stated that the prisoners shall be asked to give their choice of course they want to undergo so that in the light of their response a strategy be devised for imparting education. AIOU shall provide free books while COMSAT is going to arrange for computer labs and computer courses. The Wafaqi Mohtasib Secretariat shall coordinate and ensure uniformity to give it a shape of an institutional arrangement. He further said that display of boards in jails with contact number of WMS and all stakeholders for the information of jail inmates about their rights and lodging complaints in case of any violation shall also be ensured in all jails. Similarly, Focal persons will also be got appointed by all stakeholders in this regard. He also indicated that efforts are under way to establish separate jails for women, and children.
- 12. The Patron-in-Chief of Pakistan Sweet Homes, Mr Zamurrud Khan, Hilal e Imtiaz said that the condition of jails are no more like 30 years ago and many changes have taken place in jails. He also highlighted the efforts to accommodate shelter less children in Pakistan Sweet Homes across Pakistan. He said that the second Sweet Home in Adiala jail is ready to be inaugurated by the HWM in a couple of weeks time. He called upon the prisoners present on the occasion to make a commitment to live a crime free life after their release from jail.
- 13. Vice Chancellor, Punjab University while addressing on the occasion committed to provide books and furniture to the jail library besides remission

of examination and educational testimonials verification fee. He emphasized upon the prisoners to make a self assessment and to overcome their deficiencies so that they could lead a good life by leaving behind their past.

- 14. Special Secretary Home, Dr. Shoaib Akbar in his address on the occasion said that the main purpose of the department is to ensure welfare of inmates, providing good environment in jails and to make them responsible citizens. The representative of AIOU on behalf of the Vice Chancellor of the university promised remission of examination fee for the prisoners and provision of books in the library. He also presented books to the jail authorities.
- 15. The representative of the HEC present on the occasion also assured that the commission shall put up all out efforts to take all universities on board in this regard. The representative of COMSAT said that they are ready to establish computer lab in the jail and to launch short computer courses provided space is arranged in this regard. COMSAT can also provide counseling facilities to the prisoners as experts are available with it.
- 16. Mr.Shakil Durrani, Honourary member of the Advisory Committee of WMS shared his personal experiences of visiting jails and enunciated problems encountered by the prisoners. He said that a report is being prepared and if it is approved it shall certainly bring qualitative change in the life of inmates and jail affairs. He emphasized the need of having separate jails for juvenile and women prisoners. The mentally disturbed prisoners may also be treated differently, he added. DIG prison while replying to these remarks said that juvenile and women prisoners are kept separate and cots are also provided for children in the jails.
- 17. The Honourable Wafaqi Mohtasib in his address thanked all the concerned particularly jail authorities to make such elaborate arrangements in jail. He informed the inmates that the purpose of the visit was to make better

arrangements of providing vocational/formal education to them so that on leaving jails they could become useful citizens and live a life of dignity. The Honourable Wafaqi Mohtasib emphasized the need to make additional arrangements for education of children in jail. He asked the prisoners to forget the past and hoped that they would lead a good life after their release. He added that Wafaqi Mohtasib Secretariat would continue to make efforts in collaboration with others concerned Agencies for promotion of educational activities for the inmates of jails in Pakistan. With these remarks the ceremony came to an end.

List of Participants /Visitors to Kot Lakhpat Jail on 05 October 2015

Sr. No	Name	Designation	
1.	Mr. M.Salman Faruqui (N.I)	Hon'ble Wafaqi Mohtasib Ombudsman)	
2.	Mr. S.M. Zafar	Former Law Minister/Senator	
3.	Mr. Ahsan Mehboob	Secretary Wafaqi Mohtasib (Ombudsman)	
4.	Mr. Zamurrud Khan	Life Time Patron of Sweet Home Foundation	
5.	Mr. Shakeel Durrani	Honorary Senior Advisor Wafaqi Mohtasib	
6.	Malik Asif Hayat	Honorary Senior Advisor Wafaqi Mohtasib	
7	Hafiz Ehsan Ahmad Khokhar	Senior Advisor (Law) Wafaqi Mohtasib	
8.	Sayyed Mohsin As:	Senior Advisor/ Incharge Wafaqi Mohtasib Secretariat R.O. Lahore	
9.	Malik Muhammad Iqbal	Senior Advisor Wafaqi Mohtasib	
10.	Mst. Mubashshrah Nighat Bajwa	Advisor Wafaqi Mohtasib	
11.:	Mr. Riaz Ahmad	Director General Wafaqi Mohtasib	
12.	Mr. Muhammad Ramzan	Director Admn/ Wafaqi Mohtasib ROL	
13.	Dr. Muhammad Shoaib Akbar	Special Secretary Home	
14.	Mian Farooq Nazir	I.G Prison	
15.	Malik Mubashar Ahmad Khan	D.I.G Prison	
16.	Mst. Suryya Anwar .	President S.O.S Children Village	
17.	Mr. Mujahid Kamran	Vice Chancellor Punjab University	
18.	Col.(R) Zafar	Representative of Provincial Ombudsman	
19.	Mr. Rasool Bakhsh ·	Regional Director Allam Igbal Open University	
20.	Mr. Nazir Hussain	H.E.C	
21.	Col. Sayyed Ahmad Qadri	Sweet Home Foundation	
22.	Dr. Waqar Ch.	Director APP	
23.	Mr. Manzoor- Ul-Haq Malik	FPCCI Sheikhupura .	
24.	Mr. A.M. Shakoor	Secretary General Human Rights Society	
. 25.	Mr. Adnan Saeed Ch.	Advocate High Court	
26.	Mr. Adnan Sarwar	Advocate High Court	
27.	Dr. Shahbaz	Advocate	



FEDERAL OMBUDSMAN OF PAKISTAN

WAFAQI MOHTASIB REPORTS ON PRISONERS WITH SPECIAL REFERENCE TO CHILDREN AND WOMEN PRISONERS



REPORT ONCENTRAL JAIL KARACHI

Composition of the Advisory Committee of Wafaqi Mohtasib on Prisoners with Special Reference to Children and Women Visit to Central Jail Karachi

i.	Hafiz Ahsaan Ahmad Khokhar, Senior Advisor Law, Wafaqi Mohtasib Secretariat, Advocate Supreme Court of Pakistan and Former Chairman Customs Tribunal	Convener
ii.	Mrs. Yasmeen Saud, Senior Advisor, Wafaqi Mohtasib Secretariat, Regional Office Karachi	Member
iii.	Mr. Muhammad Ishaque Lashari, Advisor , Wafaqi Mohtasib Secretariat, Regional Office Karachi	Member
iv.	Mr. Muhammad Yameen, Advisor, Wafaqi Mohtasib Secretariat, Regional Office Karachi	Member
v.	Mr. Mushtaq Ahmed Sheikh, Director General, Wafaqi Mohtasib Secretariat, Regional Office Karachi	Member
vi.	Mr. Hashim Raza Zaidi, Secretary Office of the Provincial Ombudsman Sindh, Karachi	Member
vii.	Mr. Naseer Ahmed Jamali, Advisor, Office of the Provincial Ombudsman Sindh, Karachi	Member
V111.	Mr. Shafique Ahmed Paracha, Representative of the Civil Society	Member
ix.	Ms. ShahnazWazir Ali, Member, Wafaqi Mohtasib's National Committee on Children, Former Chairperson, Higher Education Commission	Member
х.	Dr. Huma Baqai, Member, Wafaqi Mohtasib's National Committee National Committee on Children, Professor, Institute of Business Administration, Karachi.	Member

Subject: Report on the Visit of Advisory Committee of Wafaqi Mohtasib Secretariat to Central Jail Karachi

PURPOSE OF THE VISIT

The Honourble Wafaqi Mohtasib (Federal Ombudsman) showing due deference to the Order dated 28-05-2015, passed by the Honourable Chief Justice of Pakistan, in the suomoto case No. 1 of 2006, constituted an Advisory Committee under the provisions of Articles 18 and 19 of the Establishment of the Office of Wafaqi Mohtasib Order of 1983 (Presidential Order No. 1 of 1983) to undertake visit to Central Jail Karachi and to submit a report on the condition of prisoners, especially women and children. The Honorable Supreme Court of Pakistan in its Order clearly mentioned that the Ombudsman offices, besides addressing individual complaints must address systemic failures that are the root cause of mal-administration and formulate and enforce standards of good administration which if violated would be tantamount to acts of mal-administration.

- 2. The members of the Committee who visited Central Jail Karachi were given the mandate to physically observe the condition of prisoners, especially in women jail and juvenile jail and to submit a report on the following aspects:
 - a. The plight of prisoners confined in the jail.
 - b. Facilities available to the prisoners in accordance with law and jail manual.
 - c. The efforts of jail administration to check incidents of torture on prisoners.
 - d. Level of facilities for the family members of prisoners while visiting the jail.
 - e. Transportation of prisoners to different courts.
- 3. The Members of the Advisory Committee constituted by the HonourableWafaqiMohtasib visited Central Jail Karachi on 07-08-2015. They were received by the senior officials of the jail and were briefed about the history of its construction, area of the jail and capacity of the different barracks of the jail. They were also briefed on different aspects which included health, medical care, sanitation and environmental issues. Security arrangements, education and training of prisoners in different trades and skills and specially on the administrative problems faced by the management of the jail.
- 4. During the visit around the jail, the members of the committee recorded certain observations which are discussed below:-

a. Location of the Jail

Central Jail Karachi was built in 1897. At that time the city of Karachi was just like a town. The Jail was originally spread over a piece of land measuring 62.16 acres but later on land measuring 5.5 acres was cut for construction of bridge at Jail Chowrangi. With rapid growth of the city of Karachi the population has now touched the limit of almost 20 million. With the development of residential colonies the Jail is presently surrounded by dense population which is considered a serious risk to the life and property of citizens in the prevailing overall security situation in the country.

b. Capacity of the Jail

The original authorized capacity of the Jail was 990 which over a period of time increased to 2,400 prisoners after constructing more barracks inside the prison. Presently there are 52 barracks and 203 cells of various sizes to house different kinds of prisoners in the jail. According to the information provided by the Jail administration, the total number of prisoners in the jail on the day of visit i.e. 07-08-2015 was 6,039. The break-up of under trial, convicted prisoners and detained prisoners is given below:-

Category	Ordinary	"B" Class	Foreigners	Condemned	Total
UTP	4,854	35	35		4,924
Convicts	908	13	05	144	1,070
Detenue	43		02		45
				Grand Total	6,039

The under trial prisoners include 1,078 in murder cases, 341 attempt to murder, 749 dacoity and 357 held for having illegal weapons.

c. High Risk Prisoners

Most of the prisoners confined in Central Jail Karachi are facing trials in Anti Terrorist Courts (ATC) for their involvement in alleged terrorist activities or due to affiliations with different kinds of banned religious groups. The break-up of such High risk prisoners as provided by Jail administration is given below:-

1	Prisoners Whose Cases are Pending before ATC	1,447
	Courts Karachi	
2	Prisoners Whose Cases are Notified for Inside	293
	Jail Trial at Central Prison Karachi	

3.	High Profile Prisoners Affiliated with Different	221
	Banned Religious/Sectarian Groups	
4.	Prisoners Involved in Target Killing Cases	81
5.	Prisoners Detained by Pakistan Rangers	43

Number of Condemned prisoners

High Court	108
Supreme Court	32
Mercy Petitions with President	01
Mercy Petitions Rejected	03
Total	144

d. Security Threats

A large number of prisoners in the Jail have affiliations with banned Jihadi organizations/outfits and thus in view of the overall law and order situation in the country and Karachi in particular this Jail is under high security threats. Extra security measures are, therefore, recommended to combat with any untoward incident.

5. Administrative Issues

i. Staffing Position

The total strength of officials/staff in this Jail is 290, which apparently seems to be insufficient for the Jail which is housing more than 6,000 prisoners including large number of detainees facing trials in ATCs. The proper rationalization of manpower is urgently required to ensure effective and fool proof security as well as managerial arrangements inside as well as outside the Jail. Due to its sensitive location and closeness to the thickly populated areas, there is a need to beef up the security of outer premises of the Jail building.

ii. Computerization of Data

No reliable computerized data of prisoners is available. The Jail administration must concentrate on this issue and prepare complete computerized data of all the prisoners, convicted as well as under trial, women prisoners and juvenile and children prisoners under the age of 18.

iii. Medical Facilities

The Jail is facing shortage of doctors and para-medical staff. There is no dentist posted in the Jail. The supply of medicines is also in-sufficient to cater for the requirements of such a large number of prisoners in the jail. There is a need to carry out administrative/establishment review about the staff requirement of this prison where the number of prisoners is almost three times of the approved capacity.

iv. Transportation of Prisoners

About 400 prisoners are required to be presented before different courts for trial of their cases. Due to shortage of staff and non-availability of other facilities like transport and security, it is not possible to ensure the attendance of 100% prisoners in the courts. According to rough assessment only 60% prisoners are transported to different courts to pursue their trials. This being the main reason, the trial proceedings of a large number of prisoners are delayed and thus the number of under trial prisoners is increasing day by day.

v. Cleanliness & Sanitary Conditions

Central Jail Karachi, due to its location and importance is frequently visited by senior executives of the provincial government and renowned activists of the civil society. The general condition with reference to cleanliness and sanitary conditions was found more than satisfactory.

6. External Oversight Mechanism

There is a need to implement the provisions of Pakistan Prison Rules 1978 (Prison Manual) in letter and spirit. The high increase of number of under trial prisoners can be attributed to non-adherence to Jail Manual and lack of external oversight mechanism. Government of Sindh must ensure that the senior officials of the judiciary i.e. the judges of high Courts and Senior Session Courts pay regular visits to the Jail to hear the cases of prisoners confined/detained on different petty crimes or the cases of those prisoners who are not in a position to engage lawyers to plead their cases in the courts. If the requirements of the prison manual are strictly followed and external oversight mechanism is strengthened in close association with renowned philanthropist organizations/members of the civil society, the ever increasing burden on the jails due to under trial prisoners can be gradually reduced.

7. Feedback/Concerns of Prisoners in the Jail

The members of the committee during visit to different barracks and meeting with the prisoners received the following impressions about different aspects/problems in the jail:-

i. Over crowdedness.

- ii. The Karachi Prison is built to house 2,200 prisoners whereas the present population is three times of the approved capacity.
- iii. There are six districts in Karachi but only one District Jail. In order to shed the burden on Central Jail and the District Jail, there is need to construct more district jails.
- iv. Non production of prisoners in courts on regular basis.
- v. Lack of ignorance on the part of prisoners about the next date of their hearing in courts.
- vi. NADRA Desks may be established at the main entrance of jails for proper verification of prisoners and visitors.
- vii. Inconclusive trial proceedings in the courts due to one reason or the other, thus unnecessary delays.
- viii. Petitions/appeals of condemned prisoners are pending in superior courts.

8. Women Jail/Juvenile Jail

There is no women jail and juvenile jail in Central Jail Karachi as this jail is specially allocated for detainment/imprisonment of male prisoners over 18 years of age both convicted as well as under trial. However, two members of the committee Ms. Shahnaz Wazir Ali and Dr. Huma Baqai visited the women/juvenile jail to meet with such prisoners and to get first hand information about their state of living in that Jail. The condition of women and children in women jail/juvenile jail was rated as more than satisfactory.

9. **Jail Industry**

The members of the committee could not have a complete round of the barrack where the traditional industries in the Jail are located. They were briefed that in the Jail all typical kinds of industrial units existed where the prisoners awarded rigorous imprisonment were made to do laborious work for a specific number of hours every day. One unique phenomenon observed in this Jail was the role of a prisoner who is a professional painter and was conducting regular sessions with other prisoners interested to learn the art of painting. Another prisoner adept in sculptor making was engaging other prisoners by transferring his art and skill to other prisoners. Both of these prisoners while serving their punishment in the Jail were contributing towards psychological reformation of other prisoners by changing their mind-set not only within the four walls of the jail but also as a free man in the society after their release from the Jail. The members of the committee

were told that the prisoners who spent some time with them in the Jail did not even think of any crime when they were released from the Jail after completing their punishment.

10. Foreign Prisoners

There are some foreign prisoners involved in petty as well as big crimes. The foreign missions in Pakistan should be allowed access to meet with the prisoners from their country to provide them legal aid and also to pursue their cases in the courts. The foreign prisoners involved in minor offences and those who have completed their sentence should be repatriated and deported to their respective countries with a view to reducing un-necessary burden on the jail. This kind of steps should be taken in almost all the jails in the province of Sindh so that the expenditure being incurred on their detention and food can be diverted for the well being of other prisoners.

11. Remission in Sentence

There should be a uniform and just system of awarding remissions in sentence to the prisoners. There are many prisoners who during their imprisonment have improved their education even up to Master and PhD level and are providing extraordinary services of changing the behaviors of other prisoners so that they become useful citizens after completion of their punishment. They should be awarded special remissions in the period of their sentence. All the remissions granted by the government or earned by the prisoners should be recorded on the history ticket of each prisoner in duplicate.

12. Detention of Prisoners in Jail After Completion of Sentence

In almost every Jail, there are many prisoners who are compelled to stay in the Jail, even after completion of full term of sentence but are not released due to non-payment of fine/amount of penalty. This serious matter needs immediate attention of state functionaries. The Government of Sindh should prepare a comprehensive list of all such prisoners along with the amount of fine to be paid by them and circulate their particulars to major charity organizations and leading philanthropists to come forward to rescue such prisoners from their unwanted confinement.

13. Visit of Family Members of Prisoners

It is true that most of the prisoners detained in this Jail are either facing trials in ATCs or have close associations with banned jihadi organizations/groups but there are many who are in the prison only due to simple crimes. The relatives of such prisoners consider it their duty as well as responsibility who visit them with different intervals to know about their health and to cater for their needs including medical care etc. There is a need to make some improvements in the system by arranging meetings of such convicts or under trial prisoners to reduce the number of citizen complaints. The overall system needs to be revamped and made more citizens friendly.

The committee hopes that their observations and recommendations which are based on good intents to bring some positive improvement not only in the Central Jail Karachi but also in all the Jails in the province of Sindh will find a suitable place in the implementation programs of the

government. The committee will however, like to monitor the performance and working of the Jail authorities and other relevant government departments.

OUR GRATITUDE

The Members of the Advisory Committee constituted by the Wafaqi Mohtasib (Federal Ombudsman) Mr. M. Salaman Faruqui, N.I., is highly grateful to the Superintendent of Central Jail Karachi and his colleagues and staff members for extending their utmost cooperation and hospitality during their formal visit to the Jail on 07-08-2015 to comply with the Orders of the Honourable Supreme Court of Pakistan. The members of the committee are thankful to Ms. Sheeba Shah, Superintendent, Women Jail Karachi and the Jail administration for useful briefing and informative rounds to different parts of the Jail. No doubt the preparation of this report could not have been possible without their support.

REPORT ON DISTRICT JAIL, QUETTA

INSPECTION REPORT OF DISTRICT JAIL QUETTA BY ASSOCIATE ADVISORS REGIONAL OFFICE, QUETTA.

As desired the District Jail Quetta was visited on 31-08-2015. Mr. Shahid Vice Chancellor Allama Iqbal Open University, Ms. Zaryab Musarat and others. This Jail is a A-class District Jail and was established in 1939 to accommodate 101 prisoners. Presently the capacity has been increased to 472 inmates, whereas against this capacity the population of the prisoners varies between 800 to 900 prisoners. The total area of the prison which includes I.G. Prison's office and Jail colony is on 14 acres whereas the main Jail buildings is on 5 acres. This Jail is meant for under trial prisoners, whose cases are under trial in different courts. After conviction, long term prisoners are shifted to Central Jail, to complete their sentence in accordance with law. The Jail comprises of a total number of 10 barracks, 1 barrack is of B-class, 34 solitary cells. The Jail Hospital comprises of a ward, laboratory and rehabilitation ward for drug addicts. An enclosure is demarcated for Kitchen, Library, Computer Centre, Stores, Tailor Shop and Canteen. Short term convicted prisoners are kept in Jail. There is one barrack for juvenile and one for women. The sanctioned strength of prison staff of all categories is 262 personal meant for the care, custody and control of prisoners, to ensure law and order situation, inside the Jail, and provide opportunity to the prisoners to use their time positively, so that they are successfully reinstated in society, after release, as Jails are meant for reformation. The medical staff includes of a medical officer, lady medical officer, LHV compouder, laboratory technician and other Para medical staff. Presently Jail population is 780 prisoners against the authorized capacity of the 472 prisoners. Of these 609 are under trial males, 20 juvenile and 8 females, 88 are under trial foreigners (Afghan Nationals). There are 43 convicted males, two juveniles and six females whereas one condemned female.

DIET

The diet provided to prisoner was not up to the mark as provided in Jails of other provinces. Whereas beef was provided for two days a week and lintels

were provided almost daily including vegetables. Chicken and mutton were not provided at all.

SECURITY

Adequate security has been provided in Jail which includes over head protection system (HESCO Wall), APC fully equipped with sufficient arms and ammunition Dragon teeth, Barriers Joint control, watch tower 12 new and 8 pickets around the Jail have been constructed, the separate wall of Jail colony has been provided, 4 security CCTV cameras have been installed in male interview rooms and female interview room. But further improvement in security is required by providing walk through gates, walkie talkies, scanners, CCTV Cameras, metal detector. The Jail staff need training in latest arms and ammunition. Keeping in view the security of Jail a separate electric feeder and a backup installation of 100 KV generation is required.

Before going into specific issues the following may be perused.

HUMAN RIGHTS ISSUES:-

Never before in its history, prison administration was subjected to such a critical review by the higher judiciary as recently Jails have been under judicial scrutiny and intervention whenever the rights of prisoners in detention or custody were found to have been infringed upon. The various aspects of prison administration can be categorized in three broad principles laid down as under:-

- I. A person in prison does not become a non-person.
- II. A person in prison is entitled to all human rights within the limitations of imprisonment.
- III. There is no justification in aggravating the suffering already inherent in the process of incarceration.

Obviously, these principles have serious implications for prison administration. They not only call for a thorough restructuring of the prison system in terms of the humanistion of Prison conditions, minimum standards for institutional care, reorientation of prison staff, reorganization of prison program and nationalization of prison rules and regulations.

Fair procedure in dealing with the prisoners calls for another dimension of access of law-provision, within the easy reach of the law which limits liberty to persons who are prevented from moving out of prison gates. No prisoner can be personally subjected to deprivation not necessitated by the fact of incarceration and the sentence of court. All other freedoms belong to him – to read and write, exercise and recreation, creative comforts like protection from extreme cold and heat, freedom from indignities like compulsory nudity, forced sodomy and other unbearable vulgarity, movement within the prison campus subject to requirements of discipline and security, the minimum joys of self-expression, to acquire skills and techniques and all other fundamental rights tailored to the limitations of imprisonment. Inflictions may take protean forms, apart from physical assaults, pushing the prisoner into a solitary cell, denial of a necessary amenity, and, more dreadful, sometime transfer to a distant prison where visits or society of friends or relations may be snapped, allotment of degrading labor, assigning him to desperate or tough gang and the like, may be punitive in effect. Every such affliction or abridgement is an infraction of liberty or life in its wider sense.

RIGHTS AND DUTIES OF PRISONERS

It is, therefore, high time that in the light of the observations made by the Superior Courts the prisoners have the following rights and duties of prisoners which needs to be considered:-

RIGHTS OF PRISONERS:

(A) Right to Human Dignity

- Right to be treated as a human being and as a person. Prisoners shall not be treated as non-persons;
- II. Right to integrity of the body; immunity from use of repression and personal abuse, whether by custodial staff or by prisoners;
- III. Rights to integrity of the mind; immunity from aggression whether by staff or by prisoners;
- IV. Right to non-deprivation of fundamental rights, except in accordance with law prescribing conditions of confinement.
- (B) Rights to Basic Minimum Needs.

Right to fulfillment of basic minimum needs such as adequate diet, health, medical care and treatment, access to clean and adequate drinking water, access to clean and hygienic conditions of living accommodation, sanitation and personal hygiene, adequate, clothing, bedding and other equipment.

- (C) Rights to Communication
- I. Right to communication with the outside world;
- II. Right to periodic interviews;
- III. Right to receive information about the outside world through communication media.
- (D) Rights to Access to Law
- I. Right to effective access to information and all legal provisions regulating conditions of detention;
- Right to consult or to be defended by a legal practitioner of prisoner's choice:
- III. Right to access to agencies, such as State Legal Aid Boards N.G.O's providing legal aid, or similar organizations providing legal services;
- IV. Right to be informed on admission about legal rights to appeal, revision, review either in respect of conviction or sentence;
- V. Right to receive all court documents necessary for preferring an appeal or revision or review of sentence or conviction;
- VI. Right to effective presentation of individual complaints and grievances during confinement in prison to the appropriate authorities.
- VII. Right to communicate with the prison administration, appropriate Government and judicial authorities, as the case may be, for redressal of violation of any or all of prisoner's rights and for redressal of grievances.
- (E) Right against Arbitrary Prison Punishment, Right to entitlement in case of disciplinary violation.
- I. To have precise information as to the nature of violation of Prisons Act and Rules.
- II. To be heard in defense,
- III. To communicate of the decision of disciplinary proceedings, and

- IV. To appeal as provided in rules made under the Act.
- (F) Right to Meaningful and Gainful Employment
- I. Right to meaningful and gainful employment.
- II. Under trial prisoners volunteering to do work may be given suitable work wherever practicable. Such prisoners should be paid wages as per rules.
- III. No prisoner shall be put to domestic work with any official in the prison administration. Such work shall not be considered as meaningful or gainful, even if some monetary compensation s offered.
- IV. Prisoners shall, in no case, be put to any work which is under the management, control, supervision or direction of any private entrepreneur working for profit of his organization.
- (G) Right to be released on the due date.

DUTIES OF PRISONERS

It should be the duty of each prisoner

- a. To obey all lawful orders and instructions issued by the competent prison authorities.
- b. To abide by all prison rules and regulations and perform obligations imposed by these rules and regulations.
- c. To maintain the prescribed standards of cleanliness and hygiene.
- d. To respect the dignity and the right to live of every inmate, prison staff and functionary.
- e. To abstain from hurting religious feelings, beliefs and faiths of other persons.
- f. To use Government property with care and not to damage or destroy the same negligently or willfully.
- g. To help prison officials in the performance of their duties at all items and maintain discipline and order.
- h. To preserve and promote congenial correctional environment in the prison.

RECOMMENDATION AND SUGGESTION

Following are a some of the main recommendation to be considered,

INMATES LAND LINE TELEPHONE

There is no land line phone facility for prisoners available in Jail. If provided the relatives and friends will be saved from travelling to and from far flung areas. Inmates can contact their relatives and record of this contacts can be maintained. It will also alleviate the use of cell phone in prisons.

PRISONER'S DIET

The food provided to the prisoners needs to be improved by providing chickens and if possible mutton. The diet also lacks rice as a staph diet.

PRISONER'S MEETING WITH SPOUSE IN PRIVACY:-

Although permissible by law the prisoners are not allowed to spent some time in privacy, with their spouse, since there is no facility or suite available, which needs to be provided, as it would have a positive effect on the relationship and family.

LIBRARY:-

The books provided in the library need to be of varied subjects, instead of only religion and Pakistan studies.

<u>Drug use within Jail Premises</u>:-The circulation of drugs and use within Jail needs to be controlled, from outside and inside to the prisoners. Periodic checks be carried out and drug addicts be shifted to rehabilitation wards for treatment.

USE OF CELL PHONES TO BE PROHIBITED

The use of cell phones needs to be strictly prohibited. This can also be controlled by providing Jammers which are not available in the prison. Cell phones are also a security risk.

AMBULANCE:-

A proper equipped ambulance needs to be provided to the medical staff.

Job Satisfaction of Jail Management staff

It was felt that the Jail staff whether of lower category or official category are dissatisfied with their service structure. Allowances/ bonuses as provided to other uniform personnel are not provided to them. Their residential

accommodation is of poor quality and needs maintenance. Opportunities of promotion are denied to them. Non professionals are posted on higher posts, this creates frustration due to mismanagement and adversely affects their working and output.

EDUCATION FACILITY

The Vice Chancellor of Allama Iqbal Open University offered free of cost books and education to the prisoners. The inmates should be encouraged to avail this opportunity fully.

CONSTRUCTION OF JAIL COMPLEX IN PROVINCIAL CAPITAL:-

A separate Jail for women needs to be constructed in the provincial capital, which should also house a 'Borstal' for juvenile prisoners. The present law and order situation is bleak and is deteriorating day by day. Terrorism, target killing and street crime, are on the rise, therefore, if resources permit a prison complex needs to be established, where in the following separate premises, can be established, in the vicinity or suburbs of provincial capital under a single Jail management staff.

High Security Jails

In recent times, 'supermax' prisons have been created, where the custody level goes beyond maximum security for people such as terrorists or high risk prisoners, deemed a threat to National Security, and inmates from other prisons who have a history of violence or other disruptive behavior in prison or are suspected of gang affiliation. These inmates have individual cells and are kept in lockdown, often for more than 23 hours per day. Meals are served through "chuck holes" in the cell door, and each inmate is allotted one hour of outdoor exercise per day, alone. They are normally permitted no contact with other inmates and are under constant surveillance via closed-circuit television cameras.

Minimum Security Prisons

Minimum-security prisons due to cultural perceptions of wealthier more educated people as being less threatening. Lower-security prisons are often designed with less restrictive features, confining prisoners at night in smaller

locked dormitories or even cottage or cabin-like housing while permitting them freer movement around the grounds to work or activities during the day.

Youth Detention Centers

Prisons for juveniles are known by a variety of names, including "youth detention facilities", "juvenile detention centers", and "reformatories". The idea of separately treating youthful and adult offenders is a relatively modern idea. Overcrowding may also lead to the decrease in availability to provide the youth with much needed and promised programs and services while they are in the facility. Many times the administration is not prepared to handle the large number of residents and therefore the facilities can become unstable and create instability in simple logistics. In addition to overcrowding, juvenile prisons are questioned for their overall effectiveness in rehabilitating youth. Critics note high juvenile recidivism rates, and the fact that most of the youths that are incarcerated are those from lower socio-economic classes (who often suffer from broken families, lack of educational/job opportunities, and violence in their communities.

Women's Prisons

A growing awareness that female prisoners have different needs than male prisoners led to the concept of establishment of separate prison for women. The objective of the women Reformatory is to create a homelike atmosphere for its female inmates and to teach them the skills necessary to lead a decent life once their sentence expired. The training offered should be intended to instill feminine virtues such as obedience and servility. The majority of women incarcerated have experienced abuse before prison, and while they are incarcerated they may suffer from post-traumatic stress disorder. Sexual offenses against women prisoners can include rape, assault, and groping during pat frisks. Male correctional officials often violate women prisoners privacy by suggests that, "women with histories of abuse are more likely to accept sexual misconduct because they are already conditioned to respond to coercion and threats by acquiescing to protect themselves from further violence". In case of guards being male, reinforcing female inmates' powerlessness. Female guards may be increased, so that than is less interaction with males. Most inmates are women from low socioeconomic

backgrounds and therefore, suffer from both chronic diseases that are hypertension) and health problems that may result from living in poverty (such as malnutrition, etc). Incarcerated women suffer disproportionately from infectious disease, reproductive issues, and chronic diseases. Sd/-Sd/-(GhulamSarwarBrohi) (Hussain Shah Sherani) **Associate Advisor Associate Advisor**

VISIT TO DISTRICT JAIL QUETTA

I visited Quetta Jail alongwith I.G. Prisons, Baluchistan, Vice Chancellor, AIOU Mr. Shahid Siddiqui, officials of Federal Mohtasib Secretariat, Regional Office, Quetta, officials of Provincial Mohtasib, team of Bait-ul-Mal and members of HEC on 31st August, 2015.

Quetta Prison is an A-class jail where male and juvenile prisoners whether under trial or the ones with short term conviction are accommodated. However, it is a full time jail for under trial females. In his briefing,the Superintendent Quetta Jail informed that the prison has been functioning since 1939 and has the capacity of accommodating about 472 prisoners but the number of prisoners keeps on fluctuating between 800-900. There are ten barracks in total out of which one is for juvenile prisoners and one barrack exclusively for female prisoners. Quetta Jail consists of a library, water purification plant, computer center and a canteen. The prisoners barracks were visited and several prisoners were interviewed to find out their problems and to obtain firsthand knowledge of their living conditions. The jail warden and other jail officials were also interviewed to get information about prisoners cases and the facilities being provided to them in jail.

General Observations

- i. There are no education and working opportunities as male and juvenile prisoners are under trial and keep getting shifted to central jails after conviction.
- ii. The jail accommodates convicted and under trial females. These inmates waste their time by sitting idle.
- iii. The kitchen was clean and hygienic but the diet scale and diet schedule according to which prisoners are provided food has not changed since 1978. The jail barracks, corridors and rooms were neat and clean.
- iv. There were 14 female prisoners along with 06 children living with them in female barracks.
- v. The prison has a clinic, dispensary and a mini lab which operated solely by one doctor. All major cases are sent to the nearby civil hospital through Jail's ambulance.
- vi. The prisoners were not allowed to keep cash. If they receive some money from their visitors, they have to deposit it with the jail superintendent in lieu of which they get a token for the same amount. These tokens are used to buy goods from the jail canteen.
- vii. The jail lacks security measures. Network jammers do not work, no walkie-talkie sets are provided to staff, no CCTV cameras, scannersor metal detectors were found. There was lack of arms and ammunitions.
- viii. Majority of the jail staff is untrained or undertrained.
- xi. The electricity generator in usedoes not fulfill the needs of the jail.
- x. There is no mosque inside the jail where prisoners could pray and carryout religious activities.

Other Issues to be Addressed

- 1. The Jail lacks sanitation facilities, depriving them of privacy thus subjecting them to humiliation.
- 2. Women prisoners complained that they have no access to female sanitary products. The situation worsened due to lack of understanding by the administration.
- 3. 31 female inmates are housed near the male prison which accommodated more than 1600 prisoners. Hence they are at a high risk of assault crimes. The jail administration should ensure that barracks for female prisoners are not in close vicinity of hardcore criminals to preclude the possibility of any assault.
- 4. The housing facilities provided to the jail police/administration are worse than those of the inmates. Families of 10 are crammed in a single room, which are too dilapidated to hold back leakage from the roof during heavy rain.
- 5. There is a dire need to reform the prison system through amendment in the relevant rules and procedures. The Pakistan's prison rules are old and need to be updated.
- 6. The prisoners requested for a phone booth to be installed in jail to facilitate them to communicate with their families.
- 7. The government needs to take notice of the distressing conditions of the jail police and give them timely promotions and a higher scale of pay along with special bonuses and incentives for the extra duty hours they put in. Their job satisfaction would help curb corruption, ensure their dedication to the profession and create a better jail environment for the inmates. The government should also revamp their service structure as the current scenario does not hold many prospects in career advancement for an individual of the jail police.
- 8. Jail must be provided with proper security equipment including network jammers, CCTV cameras, scanners, metal detectors and walkie-talkie sets.
- 9. At least minimum comfort be provided to the prisoners by giving proper bedding to all inmates and especially for female inmates.
- 10. Use of restraints on pregnant women should be minimal.
- 11. Counselling needs to be provided to women prisoners following miscarriage, abortion and birth.
- 12. Testing, prevention and treatment of HIV and hepatitis B&C must be ensured.

- 13. The scale of diet and menu needs to be revised upward.
- 14. Jail staff mustbe trained according to jail needs.
- 15. Female jails should be separate from male and juveniles prison.
- 16. Rehabilitation units for the prisoners addicted to drug abuse should be established.
- 17. The role of social welfare officers, psychologists and psychiatrists for psychosocial counselling of the needy prisoners need to be enhanced.
- 18. There should be a hospital inside jail, as there is a lot of security risk in shifting of prisoners from jail to civil hospital.
- 19. Timely promotions, allowances, and accommodation for jail staff should be given due consideration.
- 20. Budget be provided to run the jail in accordance with the needs of the jail and must be urgently revised upward.
- 21. The jail inmates maybe given compulsory vocational and skill training in various disciplines according to the aptitude and interest of the prisoners so that they can earn decent livelihood for themselves after their release.
- 22. Free legal assistance in collaboration with NGOs and philanthropists maybe provided to prisoners who are poor or have no one to pursue their cases.
- 23. The procedure of meeting with prisoners should be reformed as relatives and friends face trouble meeting the prisoners and have to reportedly bribe policeman regularly.
- 24. Library should have tables and chairs and should be well stocked to have a variety of books on different topics. Daily newspapersshould also be made available to prisoners so that they are aware of the current affairs of their country.



FEDERAL OMBUDSMAN OF PAKISTAN

WAFAQI MOHTASIB REPORTS ON PRISONERS WITH SPECIAL REFERENCE TO WOMEN AND CHILDREN



REPORT ON VISIT TO CENTRAL JAIL HARIPUR

Composition of the Advisory Committee of Wafaqi Mohtasib on Prisoners with Special Reference to Women and Children

Visit to Central Jail Haripur

- i. Mr. S. M. Tahir, Senior Advisor, Wafaqi Mohtasib Convener Secretariat, Former Federal Secretary
- ii. Ms. Farah Ayub Tarin, Senior Advisor, Wafaqi Mohtasib Member Secretariat, Former Controller General of Accounts
- iii. Mr. Iqbal Ahmed Qureshi, Consultant Law Member Wafaqi Mohtasib Secretariat
- iv. Ms. Zariyab Musarrat, Director, Wafaqi Mohtasib Member/Secretary Secretariat, Formerly Associated Press of Pakistan
- v. Ms. Rafia Bano, Dy. Director, Wafaqi Mohtasib Member Secretariat, Formerly Educationist

2. Purpose of the Visit to Central Jail Haripur

Taking cognizance of the condition of prisoners in jails with special reference to women and children, the HonourbleSupreme Court of Pakistan vide Order dated 28-05-2015, passed in the suomoto case No. 1 of 2006 directed the WafaqiMohtasib (Federal Ombudsman of Pakistan) to identify systemic failures in the Criminal Justice System and the prisons. Having conducted a detailed review of the Ombudsman Offices' mandate and powers, the Hon'ble Supreme Court made the point that "the Ombudsman offices besides addressing individual complaints must address systemic failures that are the root cause of mal-administration and formulate and enforce standards of good administration". The apex court, therefore directed that the Ombudsmen offices may form Standing Committees and Inspection Teams to examine the systemic failures in the system and make recommendations to rectify such failures and set good administration standards that if breached would be deemed to be mal-administration.

In pursuance of the direction of the Honourable Supreme Court of Pakistan, Mr. M. Salman Faruqui, Wafaqi Mohtasib (Federal Ombudsman of Pakistan) constituted an Advisory Committee under the provisions of Article 18 of Establishment of the Office of Wafaqi Mohtasib Order of 1983.

The members of the Advisory Committee therefore, visited Central Jail Haripur on 31-07-2015 to observe the living conditions of the prisoners particularly women and children and also to identify systemic failures if any, which may lead to hampering good governance in the overall administration and management of the jail. During the visit the members of the committee concentrated on the following aspects:-

- **a.** Plight of prisoners languishing in jails with special reference to women and children.
- **b.** Provision of facilities in accordance with law i.e. jail manual.
- **c.** Condition of different barracks of the jail to ensure healthy and safe environment to the prisoners.
- **d.** Security arrangements of the external as well as internal premises of the jail which housed high risk/ATC prisoners.
- **e.** Provision of facilities for visitation of family members of prisoners.
- **f.** Security, transportation and proper handling of prisoners in court premises.

The Members of the Advisory Committee of the Federal Ombudsman visited Central Jail Haripur on 31-07-2015. A formal intimation about the visit of the members of the committee had already been conveyed to the jail administration as well as the Federal Ministry of Interior and the Home Secretary KPK. On arrival in the jail, they were received by SardarZaman Babar, Deputy Superintendent and his team. Mr. Khalid Abbas, Superintendent Jail had gone to Peshawar for an important meeting with Secretary Home Department. He had informed the convener of the Advisory Committee about his pre-scheduled meeting in Peshawar. However, during visit to the jail he remained in contact with the visiting team on telephone.

The members of the Advisory Committee were briefed by the Deputy Superintendent Jail about the construction of the building, its capacity, number of prisoners and nature of prisoners in the jail, living conditions, quality of food, facilities of medical treatment and arrangements for schooling of imprisoned children interested in improving their education. The members of the team were apprised of the non-availability of certain basic facilities which are essential for smooth and efficient functioning of the jail. They also discussed the matters relating to administration as well as service structure of police employees posted in the jail.

3. About Central Jail Haripur

3.1. Location of Jail

The Central Jail which contains high risk/ATC prisoners is located close to the main road in the thickly populated part of the city. Although the external security has been beefed up by deploying army personnel and Frontier Constabulary but there is a need to further augment the first line/external security to combat with any untoward incident in the present security situation prevailing in the country.

3.2. Condition of Jail Building

The building of the jail was constructed in 1932. It is now in a dilapidated condition due to neglect over a long period of time. The roofs of the barracks have developed leakage and water trickles down during rains. The budget allocated for the maintenance work is too meager and insufficient to ensure even petty maintenance works.

The accommodation for the officers/staff in the premises of the jail is also in a very bad condition. As no maintenance work has been carried out during the last many years, the buildings are now in a shabby condition. The officers and staff of the jail are constrained to live in such residences to meet the requirement of their job. The warders of the jail are living in a miserable condition. They have to perform duties around the clock and thus they are compelled to live in small rooms along with their families. They complained that with petty salary in BPS-5 or 7 they hardly manage to meet their house hold expenses but the government is now going to deprive them of their conveyance allowance which will be a big axe on their salary.

The new accommodation was built in the prison but it has not been completed due to poor quality of work. As a result the building has not been taken over and no further steps have been taken by the authorities concerned.

3.3. Capacity of Jail

The jail constructed on an area of 1,000 kanals (about 120 acres) has a capacity of 1,597 prisoners but on the day of visit there were 1,772 prisoners which included 31 women. The male prisoners included 112 condemned prisoners and 292 under trial prisoners. The number of convicted prisoners serving rigorous imprisonment was 1,248.

The jail has five sectors having six barracks in each sector. Most of the area in the jail has been fortified for keeping high risk and hardened prisoners. Access to such prisoners is not allowed. As the building of the jail is very old, it presents a shabby look. There is an urgent need to construct more barracks for prisoners, especially for women and juvenile prisoners with a view to ensuring better environment and to keep them in a stable state of mind. The jail has sufficient open space where the new buildings can be constructed.

The construction of additional barracks is also important due to the reasons that about 800 prisoners from KPK are presently confined in Central Jail Adiala, due restrictions imposed by the government on inter-provincial transfer of prisoners. If these prisoners are transferred to jails near their homes, there may be shortage of accommodation in jails in KPK.

According to the information provided by jail administration, the number of convicted prisoners as on 31-07-2015 is as under:-

Female Convicted Prisoners 27

Juvenile Convicted Prisoners 10

Convicted Prisoners (Who completed - 16

sentence but detained due to non-payment of fines)

Their particulars are available in Annexures I, II & III.

3.4. Kitchen

More than 5,000 breads (chapatis) are baked for the prisoners daily. The quality of breads was acceptable. The food was also prepared in big copper utensils inside the kitchen. The quality of food and the bread checked by the members of the committee was not bad. Menu for the breakfast, lunch and dinner is issued on weekly basis and the same menu is followed in all the jails throughout the province. The system of distributing meal is the same which is being followed since decades. No improvements to ensure provision of hygienic and clean food to the prisoners have so far been introduced in our jails. Food should be served in such a manner that it does not hurt self respect of the prisoners.

3.5. Hospital

A 40 bed hospital has been established in the jail. It is managed by two medical officers. The hospital is facing acute shortage of medicines which are usually considered essential and life saving. There is an acute shortage of medicines even for treatment of patients suffering from routine or spasmodic ailments. The medical officer of the jail has already submitted a long list of different kinds of medicines, injections, and apparatus/equipment needed for the financial year 2015-16 to the jail administration and also to the District & Session Judge and the Deputy Commissioner but according to the picture painted by some relevant officials, the chances to get such medical support are very bleak. The hospital does not have the equipment like ECG machine, sucction machine, X-Ray films, sugar kits, uric acid kits, oxygen cylinders and kits to diagnose hepatitis and test to diagnose enteric fever/typhoid. The list of such equipments and medicines needed by this hospital is attached at Annexure-IV. The list of machines/gadgets needed for the hospital is at Annexure-V.

During visit to the hospital ward it was observed that most of the prisoners were suffering from diseases like rheumatism, fever and diarrhea. Even the basic medicines like ORS/hydrating salts were not available in sufficient quantity to cope with the emergency situations. An orthopedic surgeon from the district hospital was on the visit and was examining the prisoners most of whom were suffering from the disease of osteoporosis. This was mainly due to prolonged confinement in the barracks and lack of opportunities for physical exercise.

3.6. School and Library

There is no proper school building within the four walls of the jail although many prisoners are keen to improve their academic qualification. The jail administration provided a statement showing the educational record of prisoners from the year 2001 onward. It showed an encouraging and positive rising trend. In the year 2001 there were only 8 students who passed the matriculation/intermediate examination whereas in the year 2014, a record number of 1,047 prisoners passed different examinations either from the Abbottablad Board, Haripur University or from AIOU. According to the statistics provided by the jail authorities 357 prisoners were enrolled with the AIOU for different examinations. The detailed information is attached at Annexure-VI.

Although there is a library in a small room of about 100 sq feet but the books placed in it are very old, some 100 years old, which do not meet the needs of the present time education system. Most of the books are on religious subjects. The team could not find any book on scientific subjects or social sciences. There were no text books at all which could be used for prisoners preparing themselves for matriculation/intermediate, graduation or masters classes. There is no proper arrangement of light in the library.

The representative of the CIIT was surprised to see the kinds of books stuffed in the bookshelves in the library. On seeing that there was no book on modern education system or teaching of computer in the library, he expressed his interest in upgrading the library by providing the books which could be useful for the prisoners to add value to their practical life after completion of sentence.

3.7. Sports Facilities

There is no facility for indoor games like table tennis or badminton for the prisoners. This may be due to the reason that this jail is categorized as high risk jail housing high profile hardened prisoners. But sports facilities, may be at a small level will definitely go a long way in improving the physical and mental condition of the prisoner through friendly interaction with one another, may be for a short duration in 24 hours.

3.8. Jail Industry

It consists of very few traits like patti/nawar weaving, dari making and carpet/towel weaving. The members of the committee during visit to the said barrack observed that it was highly suffocated and it was difficult even to breathe smoothly. The products like towels, daris, carpets and other items of handicrafts made by the prisoners were of good quality. If these trades are developed through skilled instructors, the prisoners can earn some money for the well being of their family members if allowed under the law. The industrial units can be expanded with the help of Small and Medium Enterprises Development Authority (SMEDA) or Technical Education & Vocational Training Authority (TEVTA) because such operations by any NGO may not be allowed in the jail which is categorized as high risk jail.

4. Condition of Women and Children

4.1. Female Prisoners

There were 31 women in this jail out of which 27 were convicted under different crimes including 302 PPC and 9-C CNSA. Most of them were serving sentence of more than 20 years. One female prisoner awarded sentence of 25 years rigorous imprisonment was having the qualification of M.A. and the other was a graduate. All female prisoners complained that they were living in small rooms. They were not allowed to use cots (charpai) which they said were needed by them because of existence of poisonous insects like snakes and scorpions. One female prisoner complained that she was not getting milk for her child according to her requirement. Most of the women prisoners complained that they had been involved in fake cases by the police.

The women jail has a senior lady assistant who looks after their needs and with whom they seem to be content. Two prisoners have been confined in each cell with children if living with them. In the vicinity of the female prison a small garden like area has been developed to provide respite and diversions to the children. Although this facility is not sufficient but is considered better than the facilities provided by some other jail, visited by the committee.

As most of the female prisoners were rewarded long term imprisonments it was necessary to introduce some plans for their normal education and skilled development so that they should have positive diversions for constructive use of their time otherwise it is feared that most of them being demoralized and erratic may undergo some psychological pressures. In such situations the prisoners become harmful even for their colleague prisoners and usually it becomes difficult to bring them back to the normal state of mind. The members of the team noted with a sense of satisfaction that two educated female prisoners were a source of hope and inspiration for other female prisoners. The representative of CIIT offered to present a useful program for such female prisoners undergoing long term imprisonment to keep them involved in constructive activities through skill developments/trades so that after completion of their sentence they do not feel themselves burden on their relatives but are in a position to earn a respectable and lucrative livelihood for themselves.

A vocational school for females was established in the jail in the year 2001 but it was shut down three years ago. Presently there is no arrangement in place to provide vocational education/training to women prisoners. Such kind of activity is necessary to keep them engaged during the day time.

The members of the committee strongly recommend for construction of a separate jail for women, with spacious and airy rooms with all facilities for their natural requirements. There should be a separate hall where food should be served in a respectable manner.

4.2. Juvenile Prisoners

There were 31 prisoners, convicted as well as under-trial in the juvenile jail. Out of them 10 convicted prisoners were imprisoned on different charges including crimes under PPC, FCR and CNSA. Some under-trial prisoners did not have any contact with their parents and thus they were languishing in the jail due to non-prosecution. Most of them stated that they were involved by the police in fake cases but there was no one to plead their case in the courts.

Most of the young prisoners in this jail were keen to improve their educational qualification. Some had passed matriculation or intermediate examination and were planning to get themselves enrolled for next examination either with Abbottabad Board or AllamaIqbal Open University (AIOU). The representative of COMSATS Institute of Information Technology (CIIT) who accompanied the advisory team to the jail expressed deep interest in working out a practicable plan to help the young prisoners for improvement of their educational qualification, either by establishing some setup within the premises of the jail or making some arrangements outside the jail where their security and protection would be guaranteed. CIIT according to its representative had the capacity of imparting traditional as well as technical/vocational education to such prisoners.

During the visit it came to knowledge that about two years ago the Technical Training Board had provided some costly computers and other equipment for imparting technical skills to the prisoners but unfortunately due to absence of funds and instructors these costly equipments could not be brought under use and had become rustic. The representative of CIIT offered to take initiative for deputing some skilled person for operating the computers and other equipment/gadgets for the educational benefit of the prisoners. The Government of KPK must take notice of this serious lapse and provide budgetary support for making this costly equipment usable otherwise if more time passes, these items will become rustic and unusable.

5. Administration Issues

5.1. Administration Block

The administration branch of the jail is housed in a small portion next to the entrance gate of the jail building. This is in a dilapidated condition and needs massive maintenance work. The electrical appliances, fixtures and furniture need to be changed. There is no proper arrangement for maintaining the important record of this branch. It would be advisable if admin branch is reconstructed at some appropriate place keeping in view the administrative as well as operational requirements of the jail. There is no proper office accommodation for the staff which is a pre-requisite for efficient working of the office.

5.2. Staffing Position and Establishment Matters

The staffing position of the jail is not satisfactory. The sanctioned strength of the watch & ward staff including temporary guards is 271. At present 37 posts of warders in different categories are lying vacant. The breakup of the vacant positions is given below:-

Positions	Chief Warder	Female Chief Warder	Head Warder	Female Head Warder	Warder	Gate Keeper	Female warder	Total
Sanctioned	04	01	23	01	202	02	06	239
Strength								
Temporary	02		04	01	24		01	32
Guard								
Total Guard	06	01	27	02	226	02	07	271
Shortage	02	01	03	01	26	02	02	37
Present	04		24	01	200		05	234
Strength								

In addition to above a number of posts of medical and para-medical staff/technicians are lying vacant. These posts are required to be filled on urgent basis to ensure immediate treatment and care to the sick prisoners. The details of such posts are as under:-

i.	Pharmacy Technician	04
ii.	Dental Technician	01
iii.	X-ray Technician	01
iv.	Lab Technician	01
v.	ECG Technician	01
vi.	Optometer Technician	01
vii.	Lady Health Visitor (Female Sec)	01

The medical officer of the jail has submitted a proposal for appointment of some medical specialists for specialized treatment of the prisoners inside the jail:-

- i. Principal Medical Officer
- ii. Cardiologist
- iii. Medical Specialist
- iv. Dental Surgeon
- v. General Surgeon

5.3. Service Matters

During discussions with the senior officers of the jail, the members of the committee found most of them dissatisfied with their service structure because most of them are stuck up at the same position during the last two decades and do not see any ray of hope that they will be promoted to the next higher position before their retirement. The condition of warders is really pitiable. They are appointed in BPS-5/7 and remain in the same grade till their retirement, despite the fact that they have to work around the clock and seven days in a week. They complained that the government has not taken any steps for up-gradation of their post. Similar was the condition of Deputy Superintendent of jail who despite spending whole life in the same position had no hope of promotion as Superintendent Jail because his retirement was quite imminent. Some of the problems faced by the prison staff are mentioned below:-

- i. Less salary, allowances and 24 hours duty. The prison staff of KPK gets lesser salaries as compared with their compatriots/colleagues in other provinces.
- ii. Government ordered "up-graduation" of AsstSuperintendants but only 34 out of 68 were granted the same. This is discrimination which must be resolved by KPK Govt.
- **iii.** KPK government sanctioned "Prison Allowance" like other provinces but withdrew the Adhoc Relief given to all employees by the federal government in year 2010.
- iv. In accordance with the Service Rules, prison staff is entitled to free accommodation within or close to jail but they are being charged "House Rent" at the prescribed rates. This is not only a violation of rules but also causing hardship to the prison staff.
- v. Due to shortage of staff, employees have long duty hours, both during day and night. They don't avail even normal holidays as availed by every other government employee, because of the nature of their job.
- vi. No accommodation for medical staff appointed for prisoners is available for the employees of Haripur Jail.
- vii. Only one ambulance is available for sick prisoners and there is no other transport for the jail staff to perform their functions/duties more efficiently.

5.4. Transportation of Prisoners to District Courts for Trial

The number of prisoners transported to district courts for trials on daily basis is not very high because most of the prisoners in this jail are in the high risk category. Their frequent movements outside the jail premises is fraught with hazards. Moreover the jail authorities do not have well equipped operational vehicles to ensure fool proof security measures in such situations. In the jail there is only one ambulance which is being used for all purposes. Even there is no staff car available for the Jail Superintendent.

In such a situation the jail authorities and the management of the courts should make use of information technology and make arrangements for the trial of prisoners through video link in cases of hardened and high risk prisoners. The Home Department and the Law Department of KPK should look into this very important aspect.

6. External Oversight Mechanism

6.1. Visits of the Honourable Judges of Superior Courts

Pakistan Prison Rules 1978 (Prison Manual) is an important document which lays down procedures/functions to ensure good standards to overcome systemic failures and dysfunction in the jails. This Manual stresses on the visits of senior government officials for corrective and remedial measures wherever acts of mal-administration are noted and systemic failures identified. The jail administration must ensure implementation of Jail Manual in its' letter and spirit. During the visit to different parts of the jail, the prisoners requested the members of the committee to approach the judiciary to visit the jail to attend to their problems. The attention of the jail administration was invited to the external oversight mechanism introduced to identify systemic failures in the criminal justice system with special reference to the periodical visits by the Honourable District and Session Judges and Honourable Judges of the High Court to the jail. Although the Deputy Superintendent Jail stated that judges of the senior courts were visiting the jail regularly but it was not difficult to deduce from the discussion with the prisoners that visits of such high level members of the judiciary had become few and far between.

6.2. Visits of the Political Leaders/Executive Heads

A cursory look on the visitor's book revealed that there was a time when senior political figures i.e. Chief Ministers, Home Ministers, Chief Secretary, Home Secretary, used to visit the jail but according to the information gathered from the inmates of the jail no such personality visited the jail during the last many years. Even the visits by the Commissioner and Deputy Commissioner were not made on periodical basis.

7. Offer Made by the Comsats Institute of Information Technology

Motivated by the offers made by the AllamaIqbal Open University to impart general as well as technical educations to the prisoners in Adyala Jail, the Rector CIIT also came forward and offered to explore possibilities and areas where the CIIT could collaborate with jail administration for providing free of cost education facilities to the prisoners in Haripur Jail. The idea was to provide them such general as well as technical education which will have due certification from some university or Educational Board, so that the beneficiary prisoners after completion of their sentence are in a better position to earn

their respectable livelihood themselves and do not become burden on the society. The CIIT management will work on this proposal and prepare comprehensive program for the prisoners of different age groups.

REPORT BY MR. IQBAL AHMED QURESHI CONSULTANT LAW

Problems / Difficulties Being Faced by Prison Staff

- Less Salary, Allowances and 24 Hours Duty. The prison staff of KPK get lesser salaries as compared with their compatriots / colleagues in other provinces.
- Government ordered "up-gradation" of Asst Superintendents but only 34 out of 68 were granted the same. This is discrimination which must be resolved by KPK Govt.
- KPK govt sanctioned "Prison Allowance" like other provinces but withdrew the Adhoc Relief given to all employees by the Federal Govt, in year 2010.
- In accordance with Service Rules, prison staff is entitled to free accommodation within or close to the jail but they are being charged "House Rent" at the prescribed rates. This is a violation of rules beside causing hardship to the prison staff.
- Due to shortage of staff, employees have long duty hours, both during day and night. They also don't get to avail normal holidays availed by every other govt employee, because of the nature of their job.
- No accommodation for medical staff appointed for prisoners is available for the employees of Haripur jail.
- Only one ambulance is available for sick prisoners and there is no other transport for the jail staff to perform their functions / duties more efficiently.

Problems/Difficulties of Prisoners

Following among others are the difficulties being faced by the prisoners:-

- In-adequate transport facility for taking prisoners to the courts for hearings.
- Books and other reading / writing material is not being provided by the Govt. Previously an NGO was providing this material to the children and prisoners ever since the attack on APS, these NGOs have been prevented from functioning in the prisons, therefore, Text books and writing material is not available for them. KPK govt must make arrangements to provide this essential material so that prisoners can continue their studies.

- There is no PCO in the Haripur jail, like other jails where this facility is available to the prisoners for contacting their family members etc.
- TV being the only recreation available to the prisoners it must be ensured that it is available in every Ward. However, certain wards of the jail were found lacking this facility and the prisoners requested the visiting Committee to arrange for provision of the same by the prison staff.
- The jail has an x-ray machine and other medical equipment for conducting simple tests within the jail but NO technician has been employed to perform these tests.
- There is shortage of para-medical staff.

General Observations

- The jail has no water storage facility though water is available in abundance. This causes severe difficulties in ensuring regular supply of water.
- The number of appointed staff is less than the "sanctioned strength", therefore there is a need to fill up all vacant posts on urgent basis to provide better security to prisoners and some relief to the prison staff from their onerous tasks.
- There is no ward for women. Women are presently being housed in the "quarantine ward" which is meant for the sick persons. This accommodation is not only inadequate but it is also in dilapidated condition too.
- New accommodation was built in the prison which however has not been fully completed due to poor quality of work. As a result the building has not been taken over and NOTHING is being done in this regard by the authorities concerned.

REPORT ON DISTRICT JAIL MACH

INSPECTION REPORT OF CENTRAL PRISON, MACH BY ASSOCIATE ADVISORS REGIONAL OFFICE, QUETTA.

As desired the Central Prison, Mach was visited on 01-09-2015 in the company of Ms. Zariab Mussarat, Director, Wafaqi Mohtasib Islamabad. The Central Prison Mach was established in 1929, on a total area of 168 acres. The jail area within boundary wall is on 13 acres. There are 19 barracks and 193 cells. The authorized capacity of this jail was increased from 550 to 850 with the additional work carried out under, "Access to Justice Programm" in 2007, in which 60 cells for condemned prisoners and 10 barracks for convicted prisoners were constructed.

The prison population is as under:-

0	Convicted Prisoner	705
0	Under Trial Male	20
0	Condemned Prisoners	97
0	Women	00
0	Juvenile	01
	Total	823

The cases of condemned prisoners are pending before the Courts of law, in Honorable Supreme Court 36, Honorable High Court of Baluchistan 52, Honorable FSC of Pakistan 36 and pending compromises 6.

SUGGESTIONS AND RECOMMENDATIONS

Industrial Zone and Vocational Center:-

The Central Prison, Mach basically being a convicted prisoners Jail was built with insight of reforming prisoners to provide skills during the incarceration to them. For the purpose of reformation an industrial zone was established in the prison wherein inmates used to learn skills in the trade of carpentry, Dari/Carpet making and weaving Khaddar cloth. During the prison riots of 2007 and 2009 the shed of working zone were burnt. Since than the industrial zone of Mach is non-functional. To re establish this facility again an amount of Rs 6.00 million is required, which needs to be provided so that this essential facility may be re-established. Apart from imparting skills which can be beneficial in future, when the convict is released, it can also help in readjusting in society and his future economic well-being. The products can

generate revenue for the prison. A building for Vocational Training has been constructed by Labour Department of Government of Baluchistan but is incomplete. Steps needs to be taken to complete the facility as soon as possible, so that it can impart skills.

EDUCATIONAL FACILITY

Prisons provide educational programs for inmates that can include basic

literacy, secondary education, or even college education. Prisoners seek education for a variety of reason, including the development of skills for after release, personal enrichment and curiosity, finding something to fill their time, or trying to please prison staff (which can often secure early release for good behavior). However, the educational needs of prisoners often come into conflict with the security concerns for prison staff. The prison populations tend to have very low literacy rates and lack of basic mathematical skills. Although educational facility exists but it needs to be enhanced and improved. The Allama Iqbal Open University has in this regard offered free education books as well as other educational material. This offer needs to be availed. The lack of basic education severely limits their reemployment opportunities outside of prison, leading to high rates of recidivism, and research has shown that prison education can play a significant role in helping prisoners reorient their lives and become successful after re-entry in to the society.

LIBRARY FACILITY

In the riots of 2007 and 2009 the library was also burnt down. Prisons provide a library where prisoners can check out books, and the literate do legal research for their cases. Often these libraries are very small, consisting of few shelves of books. Which are mostly on religion and Pakistan Studies. Prison libraries can dramatically improve the quality of life for prisoners, who have large amounts of empty time on their hands, that can be occupied with reading. This time spent reading, has a variety of benefits including improved literacy, ability to understand rules and regulations (leading to improved behavior), ability to read books that encourage self-reflection and analysis of one's emotional state, consciousness of important real-world events, and education that can lead to successful re-entry into society after release.

HEALTH FACILITIES

A Hospital comprising of 18 beds is available in Center Prison, Mach with Rs 1 million budget allocated per annum only. Prisoners suffering from

communicable diseases are segregated. Mini laboratory in which (Malaria, typhoid, BHS, Blood CP, MP Vidal, Urine DR, Cholesterol, Uric Acid, Lipid profiles). Test can be performed.

HEALTH CHALLENGES AND REQUIREMENTS

- Vaccination for HBS and HCV is not being carried out because of nonprovision of vaccines/funds, since July 2006.
- Blood screening is not being carried out due to non-availability of screening kits since July 2010.
- Enhancement in medicine budget which is inadequate in from Rs. 1 million to Rs.1.5 million.
- Funds for a Dental Unit have been allocated in the budget of 2015-16 which would be procured and established soon.
- An Equipped Ambulance for the prison is direly needed.

PSYSHIATRIC FACILITIES

As crime is the outcome of diseased mind and Jail must have an environment of hospital for treatment and mental health care. Special emphasis needs to be

paid to psychiatric related disorders. Some psychiatric facilities have characteristics of prisons, particularly when confining patients who have committed a crime and are considered dangerous. In addition, many prisons have psychiatric units dedicated to housing offenders diagnosed with a variety of mental disorders. Rehabilitation of prisoners of drug use needs to be established within the Jail premises. This will also provide psycho society through psychologist and psychiatrist.

RECREATION FACILITIES

Presently in door games like badminton / carom board, volley ball, ludoo and play card are allowed to the prisoners. Prisons provide limited recreational and fitness facilities for prisoners. The provision of these services is controversial with certain elements of society claiming that prisons are being "soft on inmates, and others claiming that it is cruel and dehumanizing to confine people for years without any recreational opportunities. The tension between these two opinions, coupled with lack of funding leads to a large variety of different recreational procedures at different prisons. Opportunities to be useful at maintaining order in the prisons because it keeps prisoners occupied and provides leverage to gain compliance (by depriving prisoners of recreation as punishment). Gyms and weightlifting rooms, arts and crafts, games (such as cards chess, or bingo), television sets,

and sports teams. Additionally many prisons have an outdoor recreation area, commonly referred to as an "exercise yard" is required

TELEPHONE FACILITY FOR THE PRISONERS

Since Mach Jail is located in a small town about 50 KMS from Quetta. The inmates are mostly convicted prisoners from far flung areas, therefore, travelling to and from the facility is quite cumbersome for the relatives and friends of the inmates. Therefore, an inmate telephone system will greatly help the family and friends of the prisoners to contact him. This will also help in restricting the use of cell phone. Cell Phones jammers also need to be installed. Inmate telephone systems have been designed to provide a monitored method for inmates and detainees to safely maintain contact with their family and friends, while at the same time providing tools to the Jail management staff that permit recording, monitoring and alerts of inmate telephone activities. This consistent communication prevents the detachment of the inmate from their family during a medium-term to long-term incarceration. Inmates have to register to be able to use the service and need to provide a list with names and numbers of people they will be allowed to call.

INTERNAL PRISON INTELLIGENCE

The Prison management staff may develop an internal intelligence setup in prison, so that they are well aware of the happenings and scheming inside the barracks. By help of this system, they can apprehend the culprits before the actual incident of Jail break or prison riots takes place. This way the escape of high risk prisoners and terrorists can be prevented.

PRISONERS MEETING WITH SPOUSE IN PRIVACY

Due to non availability of a proper suite/room for a meeting of prisoners with the spouse in privacy is not possible. As convicted prisoners are separated from their spouses for a long period, therefore, an arrangement need to be made for conjugal visits.

EXTERNAL SECURITY

Presently 3 platoons of Baluchistan Constabulary and one platoon of RRG are deployed for the outer security of the prison which according to Jail management are not enough. One more platoon needs to be deployed.

MISCELLOUNES

There is a need for security gadgets like scanning machines, walk through gates, explosive detectors and protection gate. The boundary walls around colony are required to be constructed for the security of Jail employees. The prison needs to be excluded from night load shedding of electricity due to security concerns. Sd/-Sd/-(Hussain Shah Sherani) (Ghulam Sarwar Brohi) Associate Advisor **Associate Advisor**

VISIT TO CENTRAL JAIL MACH

I visited Machh Jail along with I.G. Prisons, Baluchistan, officials of Federal & Provincial Mohtasib Secretariat, team of officials of Pakistan Bait-ul-Maal and HEC on 1stSeptember, 2015.

- 2. In his briefing the Deputy Superintendent MachhJail informed that the prison has been functioning since 1929 and there are 823 prisoners whereas the said Jail has the capacity of accommodating about 850 prisoners. There are 193 barracks in total out of which only one is for juvenile prisoners. There are many convicted high profile prisoners in Mach jail due to which the jail has been subject to many terrorist attacks. Mach jail's library was burnt down. The jail consists of water purification plant, computer center and a hospital.
- 3. There are no education and working opportunities for male and juvenile prisoners after the textile factory was burnt down twice. Our team visited the prisoner barracks, talked to several prisoners and tried to find out their problems and obtained firsthand knowledge of their living conditions. The team interviewed the jail wardens and other jail officials to get information about prisoners' cases and the facilities provided to them in jail.
- 4. The kitchen condition was clean and hygienic but the diet scale and diet schedule according to which prisoners are provided food has not been improved since 1978. The prisoners were not allowed to keep cash. If they receive some money from their visitors, they have to deposit it with the jail superintendent in lieu of which they get a token for the same amount which is used by them to buy goods from the jail canteen.
- 5. The prison has an 18 bed hospital which is operated by a single doctor to treat prisoners suffering from different diseases as well as psychological problems.
- 6. The jail lacks security measures. Networks jammers do not work and no walkie-talkie sets are provided to staff. Similarly, no CCTV cameras were found installed and, no scanners and metal detectors were available. Besides necessary arms and ammunitions for security purposes were also lacking.
- 7. Majority of the jail staff is untrained or undertrained. There is no mosque inside jail where prisoners could pray and carry out other religious activities.
- 8. Pakistan lacks a systematic program for the capacity building of prison staff, while existing regulations on postings, transfers and promotions are frequently breached because of nepotism and political interference. Given weak accountability mechanisms for warders and prison superintendents, torture and other brutal treatments are rampant and rarely checked. Moreover, with outdated laws and procedures, bad practices and poor oversight, the criminal justice system is characterized by long detentions without trial. As a result, prisons remain massively overcrowded.

Suggestions and Recommendations

- 1. Sending culprits involved in minor offences to prison as a place of punishment after conviction is an obsolete approach. In fact, jails should be reformed as rehabilitation /reformation and correction centers where such prisoners should be counseled and educated to become better human beings.
- 2. During the visit, the juvenile prisoners showed interest in education. Therefore, proper education programs should be launched to educate these juveniles as well as other prisoners so that they could prove to be productive citizen upon their release from jail.
- 3. Comparatively less salary and allowances and protracted duty hours have a demoralizing effect on the prison staff of Baluchistan jails. Due to shortage of staff, employees have long duty hours, both during day and night. They also don't get opportunity to avail normal holidays availed by other govt employees. The government needs to take notice of the distressing conditions of the Balochistanjail staff and police and give them incentives in the form of timely promotions, higher pay scales and special bonuses for the extra duty hours they put in. Their job satisfaction would help curb corruption, ensure their dedication to the profession and create a better jail environment for the inmates. The government should also revamp their service structure as the current scenario does not hold many prospects in career advancement for the personnel of the jail police.
- 4. There was only one doctor to take care of 823 prisoners. Due to immense pressure of work, he was unable to have proper treatment for his brain tumor.
- 5. Vaccination for HBS and HCV is not being carried out because of non provisions of funds since 2006. Similarly, blood screening has also not been carried out due to non availability of screening kits since July, 2010. Budget for pharmacy is inadequate and should be enhanced. Mach jail also needs an equipped ambulance for emergency cases.
- 6. Prisoners in Mach jail have nothing to do after the library and factory were burnt down. Because of which they keep planning to escape and have tried to implement their plans on numerous times.
- 7. There is no PCO in the Machh Jail unlike other jails where this facility is available to the prisoners to communicate with their family members etc.
- 8. TV being a good source of entertainment must be made available to the prisoners in every Ward.
- 9. The diet scale of the prisoners should be raised and the menu be improved.

- 10. Rehabilitation units for the prisoners addicted to drug abuse should be established.
- 11. The role of social welfare officers, psychologists and psychiatrists for psychosocial counseling of the needy prisoners should be enhanced.
- 12. The jail's infrastructure is outdated. It should be repaired/renovated on an urgent basis.
- 13. A huge number of posts of different categories of staff in jail are vacant which should be filled expeditiously.
- 14. An important step to reform the prison system in to amend the rules and procedures. The Pakistan Prison Rules are outdated and need to be updated to conform to the modern needs.
- 15. As Mach jail has many high profile prisoners and is located in a remote area, it should be provided with proper security equipment including network jammers, CCTV cameras, scanners, metal detectors and walkie-talkie sets. A boundary wall around the colony should also be constructed for the security of the jail employees.
- 16. Jail staff must be trained according to jail needs.
- 17. The existing budgetary provision for jail is inadequate and should be revised upward.
- 18. The jail inmates may be given compulsory vocational and skill training in various disciplines according to their aptitude and interest so that they can earn decent livelihood for themselves after release.
- 19. Free legal assistance in collaboration with NGOs and philanthropists may be provided to prisoners who lack any source to pursue their cases.
- 20. The procedure of meeting with prisoners should be reformed as relatives and friends face trouble in meeting the prisoners.

(Ms. Zariyab Mussarat) Director (Inv)