

# A Comparative Study Of: Pakistan Prison Rules 1978 (Jail Manual) And The Existing Factual Realities In Prisons Of Punjab

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## INTRODUCTION

The Punjab is a province of 205,344 Square km with the population of 110 million.

([https://pwd.punjab.gov.pk/population\\_profile](https://pwd.punjab.gov.pk/population_profile) )

accessed on 10.04.2023 at 08.56 pm. In 1947 the Province of Punjab had the infrastructure of 19 penitentiaries. The most important of these were as follows:-

Sr. No	Jails in Punjab
1	Central jail, lahore
2	Central Jail,Multan
3	Central Jail, Montgomery
4	Central Jail, Rawalpindi
5	District Jail, Sialkot
6	Gujranwala Central Jail
7	District Jail, Kasur
8	Central Jail, Mianwali
9	District jail, Rajanpur

Now we have the following Reformatories in the Province of Punjab Pakistan

Sr.	Name of Jails
1	Lahore Central Jail
2	Multan Central Jail
3	Faisalabad Central Jail
4	Rawalpindi Central Jail
5	District jail, Sargodha
6	Central Jail, Gujranwala
7	Central Jail, Bahawalpur
8	Sahiwal Central Jail

9	Mianwali Central Jail
10	Attock Central Jail
11	Jhelum Central Jail
12	Kasur Central Jail
13	Sheikhupura Central Jail
14	Narowal Central Jail
15	Vehari Central Jail
16	Toba Tek Singh Central Jail
17	Dera Ghazi Khan Central Jail
18	Muzaffargarh Central Jail
19	Rajanpur Central Jail
20	Layyah Central Jail
21	Bahawalnagar Central Jail
22	Pakpattan Central Jail
23	Lodhran Central Jail
24	Chakwal Central Jail
25	Okara Central Jail

The High Security Prisons are:-

Sr.	Name of Jails
1	Sahiwal Central Jail
2	Faisalabad (High Security Barracks)
3	Lahore (High Security Barracks)
4	Multan (High Security Barracks)

There are only two Borstal and Juvenile Prisons in the Province of Punjab Pakista.

Sr.	Name of Jails
1	Faisalabad
2	Bahawalpur

In Punjab only one exclusive Jail for Women is :-

Sr.	Name of Jails
1	Multan

The empirical evidence shows that crime rate increases with the increase of Population. Clinard (1963). The correlation between the crime and residential mobility has also been observed by

Shaw and Mekay (1969) and Eaton. and Polk (1961). This much population has led to various social problems including poverty, inequality, and high crime rates. In Pakistan the criminal

legal system is responsible for addressing these issues, and the prison system is one of the key pillars. However, the prisons in Pakistan are not functioning as effective rehabilitation centers. The rationale of this empirical study is to conduct a comparative analysis of Pakistan Prison Rules and the current conditions in Punjab's prisons, exploring different aspects of prison life, including the role of penitentiary gangs and the rights of the detainee. The study aims to provide insights for prison administrators and other organizations to improve the reformatory process and reduce recidivism. The research questions focus on discrepancies between the prison rules and existing conditions, minimum standards for prisoner treatment, and suggestions for improving the prison code.

### **PAKISTAN PRISONS RULES 1978**

The Study of Pakistan Prisons Rules 1978 provides a complete procedure about the admission of prisoners, prisoners' property, release of prisoners, remission system, juvenile and youthful offenders, women and children, prisoners under sentence of death, under trial prisoners, mental patients, convict prisoners, dietary, offence and punishment, fetters and safe custody, discipline and daily routine, sanitation, medical administration, minimum space to a single inmate, treatment with tact and humanity, use of force, use of improper language and powers of the superintendent, Deputy Superintendent and the Assistant Superintendents. working as a Magistrate, I observed that the laws like Punjab Borstal Act, 1926, which stipulates the detention and training of adolescent offenders, Good Conduct Prisoners Probational Release Act, 1926, which speaks about the setting at liberty subject to conditions from prison of good conduct prisoners in certain cases prior to the term of detention is complete, Probation of Offenders ordinance, 1960, which stipulates for the setting at liberty on probation of inmates in certain cases, have not been liberally applied, the factor for engendering appalling imbalance and disequilibrium in the capacity and population of prisons in Punjab. Islamic Sharia also lays premium on health, hygiene, food and drink family visits, psychological well being and hiring a defense lawyer. (Shirazi, 2015) Nelson Mandela emphasized upon respect of security of prisoners, religious freedom and indiscriminatio

to caste, creed and sex, separation of categories, accommodation, right of light, air and health services, cleanness, personal hygiene, medical emergency, contact with the outside world, professional training of the prisoners, educational and recreational facilities. Mandela (1955).

### **EXISTING CONDITIONS IN THE PRISONS OF PUNJAB**

I have been inspecting the penitentiaries in the Districts Faisalabad, Jehlum, Jhang, Sahiwal, Dera Ghazi Khan, and Hafizabad. I observed and caught cases of institutionalized corruption, incompetence, callousness and inhuman living conditions in there. The prisons are severely overcrowded, with inmates often having to share beds and lacking basic sanitation facilities. The hygiene is inadequate, which only exacerbates the problem, with the potential for infectious diseases to spread rapidly. The situation is further complicated by the lack of medical care, with many sick inmates not receiving timely medical attention at all. Extremely substandard meals are served: the flour, the pulses are, most often, found stale. Curry is cooked without any oil and spices and the prisoners are asked to add spices and oil subsequently when the meal is delivered to them. The baked loaves are under scaled. Out of 150 respondents, hundred percent of them told that they were charged for getting the barracks white washed and, electric appliances repaired. The prisoners run private canteens in the barrack in connivance with the jail authorities. They sell utensils of daily use on prices much higher than the approved ones. Change of place in the barrack is one of the most lucrative means of generating black economy in the prison. The abode of a certain category of prisoners is changed every night under the guise of obviating the chances of grouping of likeminded prisoners, which obviously expose them to undesirable distress. The prisoners, who pay rupees 10,000 to 15,000 per month, are not disturbed. Illegal deduction is made from the money the visitors give to the prisoners to purchase the basic needs of life. Drugs and mobile phones are transported in the prison against heavy bribe to the superintendent or to his tout. The prisoners experience vicious infringement of human rights by the administration of the Jail. Sexual harassment and assault are unfortunately common occurrences in the barracks where the prisoners have a mix of juveniles and adolescent. Such a sordid state of

affairs undermined the minimum standards prescribed under international instruments and fundamental rights. It goes without saying that the inadequate legal system in Pakistan contributes to the problem, with scores of men and women being incarcerated without a fair trial. As a result, they become trapped in a prison system that subjects them to inhumane and degrading conditions, which violates international human rights standards. Moreover, women prisoners are disproportionately affected by these conditions, making it even more critical for the government to take immediate action to improve the situation.

### **DEFICIENCIES IN THE INFRASTRUCTURE**

- Pakistani jails are currently experiencing significant overcrowding.
- Many of the facilities within the jails are old and dilapidated, some dating back to the 19th century.
- There is a critical shortage of manpower.
- The budget allocated to prisons is insufficient.
- Security devices are scarce within the jails.
- The Pakistan Prison Rules have not been updated for 28 years and require amendment.
- Training programs for prison staff, both domestically and abroad, are necessary.
- The establishment of medical laboratories is essential.
- Water treatment plants need to be added to provide clean water.
- The issues of HIV/AIDS and Hepatitis must be addressed as a priority.
- Introduction of education programs for prisoners is essential.
- The remission systems need to be liberalized by prison authorities.
- The use of mobile phones should be prohibited and replaced with PCOs/Booths.
- Transport facilities need to be extended to prisons to ensure adequate access to essential services.

### **RECIDIVISM**

The term "crime" applies to a wide range of behaviors, some of which most of us have likely engaged in at some point in our lives (Walsh & Ellis, 2006; Walsh & Hemmens, 2010). Recidivism refers to the recurrence of criminal behavior in an individual who has been rearrested for committing new offenses, ultimately leading to incarceration. (Awilly, 2015). It was specifically learned in a study piloted in 2002 by the Bureau of Justice, on criminal recidivism that the released prisoners with the highest rates were the burglars 74 %, the motor vehicle thieves 78.08% , the robbers 70.02%, and the ones possessing, using or selling illegal weapons 70.02%, (Langan & Levin, 2002). In a more recent research on recidivism identical results were found. Poverty crimes were the highest with more vehicle thieves 84.01%, robbers 77.0 %, burglars 81.08 % and the prisoners with fraud and forgery 77.0 % (Durose et al., 2014).

According to Masoglia and Pridemore (2015), incarceration in a prison is linked to a startling array of detrimental health effects, such as hypertension, stress-related disorders, infectious infections, and mental health problems. (Wilper et al., 2009; Dumont, Brockmann, Dickman, Alexander, & Rich; Binswanger, Krueger, & Steiner, 2009). Extreme tension is brought on by the abominably awful conditions inside the prisons. Prison can be a long-term nuisance (Fahmy & Wallace, 2019), leading to additional aggravations with complex effects, according to the stress process theory (Pearlin, 1989). The primary stressors create secondary stressors like finding difficulties to get a job after release from the prisons, social isolation, housing, reestablishing familial relationships etc.(Uggen & Staff, 2001) (Clark, 2016). This may lead one to relapse in the world of crime. The empirical evidence shows that the current emphasis on punishment and incarceration is not effective in reducing recidivism, and that a more comprehensive approach to rehabilitation is needed. This would entail giving the prisoners access to education and job training, as well as addressing the socioeconomic factors that contribute to criminal conduct, such as deprivation of opportunities and poverty. It can be suggested that alternative sanctions, including performing community service, be used to lower recidivism. This would entail changing public

perceptions of criminals and punishment while putting more of an emphasis on a transformative approach of rehabilitation.

It is also emphasized that the need for a more holistic and restorative approach to rehabilitation is the clarion call of the time. This would involve ventilating the underlying foundations of criminal behavior, rather than merely punishing criminals. It is argued that a more comprehensive model of rehabilitation would prioritize reducing the likelihood of inmates returning to prison. It is asserted that a fundamental shift in societal attitudes towards criminals and punishment is necessary to achieve these goals.

### **WHY ARE PRISON REFORMS NECESSARY**

The discussion that just took place underlines the necessity of advocating for jail reforms. It makes clear that incarceration has a negative effect on people, families, communities, and society as a whole. It looks at how imprisonment undermines human rights, particularly in underdeveloped nations where the government does not help the poor financially. Prisoners are likely to already have health issues when they enter prison, and their health conditions worsen in overcrowded prisons, therefore imprisonment also has a negative impact on public health. Additionally, incarceration shatters bonds and impairs social cohesiveness, resulting in profound social change in families and communities. There is also discussion of the immediate and indirect costs of incarceration. The mission of UNODC is to assist Member States in implementing the over time developed Examples of standards and norms for criminal justice and crime prevention established by the United Nations include the Basic Principles for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention and Imprisonment, and the United Nations Standard Minimum Rules for the Treatment of Prisoners. These guidelines are essential in promoting humane treatment of prisoners and ensuring their protection during detention and imprisonment.

Currently functioning under antiquated regulations including The Prisons Act of 1894, The

Punjab Borstal Act of 1926, The Good Conduct Prisoners Probation Release Act of 1926, and

Pakistan jail Rules of 1978, Pakistan's jail system is in a poor and obsolete state. The system is still elitist and discriminatory, having been used by the British to stifle political dissent and manage local populations. Pakistani prisons sometimes encourage criminal behaviour instead of acting as places for rehabilitation.

Overcrowding is the worst problem plaguing Pakistan's jail system out of a number of others. Although the country's official prison capacity was only 64,099, the Law and Justice Commission of Pakistan reports that there were 87,712 people incarcerated nationwide in August 2022.

(<https://www.prisonstudies.org/country/pakistan>) Despite the requirement in Prison Rule No. 745 that each prisoner receive at least 18 square meters in a barracks, in reality, inmates cannot even turn over if they are lying next to one another. Increased violence, communicable diseases, poor sanitation, food scarcity, and administrative challenges are all caused by overcrowding.

Under-trial inmates, terrorists, serious criminals, petty wrongdoers, political convicts, habitual offenders, and first-time criminals should all be kept apart, according to the Prison Act of 1900. However, in practice, these groups are regularly mingled together in barracks. Prisons become breeding grounds for crime, irresponsibility, and immorality since over 69% of the total jail population consists of offenders who are awaiting trial. As a result, under-trial prisoners who are set at liberty or convicted of petty offenses are often recurrently arrested for more heinous offences.

Prison staff frequently lacks the necessary professional skills and knowledge of contemporary concepts in the fields of crime sociology, skill development, and rehabilitation programs as well as prisoner psychology. There is currently no provincially run institute in Pakistan where training is imparted to groom the penitentiary staff, despite the fact that the prison system is a provincial subject. The National Academy of Prison Administration (NAPA) is the only institute, and it functions under the national government.

Prisoners frequently endure unjustified physical punishments, which can sometimes take the form of brutal beatings. Rehabilitation should be the goal of incarceration, but acts of torture, cruel

treatment, and mental abuse undercut this goal. Deplorable medical facilities and a significant lack of competent physicians and dependable medical facilities can be found in Pakistani prisons. Prison guidelines also neglect to address the subject of providing consultation to an independent psychiatrist in case a prisoner suffers from a mental disorder. The medical office in a prison or a physician from a public hospital typically examines the prisoner and frequently rules out any psychological problems. I conducted an inquiry in December 2017 into the death of the prisoner Mumtaz – confined in district jail Jhelum, which is available in the archives of health department of Punjab, Pakistan. The inquiry discovered the systematic misfortune leading to the boorish and excruciatingly painful erosion of the life of the deceased. He had been wrestling with death for more than two months, but neither the medical officer appointed in the prison, nor the consultants in the district hospital attended him. He remained at the mercy of male nurses and breathed his last because of sheer inhuman, callous and negligent attitude of the doctors.

In Pakistan, prisons have their own economies, and the level of luxury is directly correlated with one's wealth and political ties. Prison employees will obediently arrange all amenities, including drugs, alcohol, high-quality meals, gambling, hospital stays, home visits, and cell phones, if a person has the required finances. Cell phone use behind prison walls is a critical issue because of the potential for abuse by criminals, particularly those connected to militant groups and gangs. Only the indigent and weak prisoners who are unable to bribe the jail officials are housed in barracks with cell phone jammers.

Prison officials take advantage of inmates who want to visit their loved ones. Wardens are frequently bought off to organize gatherings like this. Another problem that is generally disregarded and occasionally leads to psychological strain and some sort of frustration in woman is the inadequate system for conjugal visits by convicts' husbands. Availing myself this opportunity I would like to mention that sexual harassment or sexual abuse of women in the prisons of the Punjab is very negligible because male staff does not have access to the vicinity of female prisoners. Many disadvantaged prisoners are denied legal assistance and the chance to contact a lawyer due to the inattentive attitude of

prison wardens, which flagrantly violates their right to a fair trial, granted by Article 10-A of the Constitution.

## **CONCLUSION AND DISCUSSION**

Any initiative to restructure Pakistan's criminal justice system should priorities prison reform. A broken legal system as well as the failure of the state, to deter and prosecute crime and defend the rights of the convict, is reflected in overcrowded prisons, notably the high percentage of remand detainees. It is important for policymakers to recognize that what occurs within prisons affects what occurs outside of them. A crucial test of a state's commitment to upholding the rule of law, enhancing public access to justice, and protecting its inhabitants is how they handle and treat their inmates. Pakistan has so far failed this test.

However, long-term solutions cannot hinge on the creation of additional detention facilities; rather, a fundamental revision to the state's policy on incarceration is required. Prisons, like the police, function under colonial-era mandates to keep the peace by detaining both potential and actual threats to the public's safety for indeterminate lengths of time before releasing them in a similarly disorganized fashion. According to current policies and procedures, convicts are more likely to commit crimes, particularly violent extremism, after they are released from prison than they were before they entered. A wide range of criminals, including drug dealers, kidnappers, and terrorists, have begun to breed in prisons. Therefore, it is essential to improve their conditions and distinguish remand detainees from minor and first-time offenders, adolescents, and hardened criminals and militants. The provincial government should also make investments in the construction of high-security institutions, a crackdown on inmates using cell phones, the installation of CCTVs and the devices to jam the mobile phones in every prison, and stern action against members of administration of jail who are discovered to be encouraging inmate criminality.

The government must also accept the likelihood of failure of programs focusing solely on the rehabilitation of apprehended offenders in isolation from more comprehensive jail changes. Instead, it should work immediately to develop and execute a more efficient and all-encompassing approach to probation and rehabilitation, as well as overhaul the current bail system. In the end,

enhancing prison management, policies, settings, environment, circumstances and conditions, must be a part of a bigger and higher change to lend support to civilian law enforcement and broaden the government-writ, which has progressively withered as the military has taken on more control over policing, through both unofficial and official means. Arbitrary arrests, disappearances, and extrajudicial executions do little to quell militancy; rather, they feed it. President Zardari's decision to provide the military retroactive legal protection for violating constitutional rights and to give them nearly unrestricted arrest and detention powers in June 2011 created a dangerous precedent and should be quickly repealed.

Pledging the looked-for political and financial resources by the central and provincial government, to establish an efficient criminal legal system with complete jurisdiction qua the entire nation, is a must, as opposed to ceding greater control. The civilian leadership can only be considered an effective defender of national security, the rule of law, and Pakistani citizens in this fashion. Another threat in prisons is sexual assault and sexual harassment, which is also addressed in the material that is readily available. In an effort to maintain control and put pressure on the inmates to join a gang in order to find sanctuary, newcomers are occasionally the target of sexual assault and harassment. I feel obligated to allude to the fact here, with certainty, that this vice is almost zero in female prisoners in the prisons of Punjab, Pakistan. According to various study texts, prisoners exhibit an insensitive attitude towards others and possess certain traits that give rise to particular cultures and groups. According to sociological study, high levels of social integration have positive impacts on society's general population and help them become mentally healthy social beings, but they also have negative effects and lead to an increase in animosity towards the society of prisoners.

## **DISCUSSION**

The order that is noticed in the prisons is not maintained by the legitimate machinery with the legitimate norms of the prison every time; most of the times it is being produced by the private governance designed by the incarcerated men. Legitimate Prison norms by the administration may work if the prison population is manageable

but when it increases, the legitimate norms does not work to protect inmates, inmates maintain order by forming gangs. When a gang, with its gang members, becomes successful to defend itself from other perpetrator gang, it starts to victimize other gangs or other non-gang members to maintain its pressure and supremacy.

A previous research explored that during meaningful social interactions inmates learn the illicit ways, techniques for doing social wrongs and they learn to polish their criminal arts. It has found that some inmates even bound their selves in ties with their co -inmates in the prison that after release they exercise gang activity, and some of them, after release, again commit crime to rejoin their companions in prison. Previous researches also shows that in prisons powerful inmates do physical assault to the comparatively weak prisoners and the weak don't find any option except to join a gang for safety and shelter.

It has also found that the social interactions among inmates are very significant in Prison culture; inmates social life influence is even far more important than rules, or sermons and these may be more important than anybody have expected. Past research describes Prison social climate is governed by the jungle rule where might is right, aggressive one and strong one shall exploit and dominate the weak and the one who is weak knows this reality badly. Prison culture is very different and inmates are always being socialized and internalized by this culture. The prison culture internalize the inmates irrespective of they are willing or not, prisoners compel the newly arrived to follow their self-created rules their self-created norms by force. Inmates demand newcomer to remain faithful with their inmate code. According to some of the researchers the prison environment affect the prisoners in a way that when they interact each other (deviant people) they learn deviance and hence Prisons proves as the schools of teaching criminality.

A research on prison gangs explores that the gangs also perform productive activities but their predatory activities are much higher than their productive activities. Prison gangs are responsible to run contraband markets, they provide protection to some of the inmates but at the same time they steal, assault and pressurize other non-gang inmates by intimidating to join their gang. A empirical research explored that all

prisons are serving for the same purpose but even within the same jurisdiction some prisons are more survivable than others depending on the prison social climate, interpersonal relationship and use of authority.

This article discusses the reasons why prison reforms are necessary. One of the primary arguments for promoting prison reforms is based on the concept of human rights. Prison reforms are required to make sure that the basic rights of inmates are respected in accordance with the international standards and norms that have been established. This justification, however, might not be sufficient to promote prison changes in nations with few resources. The damaging and disadvantageous effects of incarceration on not only communities and families but also on individuals should be taken into account. Imprisonment disproportionately affects those living in poverty, as it often results in the loss of income for families. In countries where there is little to no financial assistance available to the indigent, the impact can be particularly devastating. Moreover, former prisoners often face significant challenges in finding employment upon release, which perpetuates a cycle of poverty, marginalization, criminality, and imprisonment.

Apart from economic impact there is significant public-health consequences associated with imprisonment. Prisoners frequently already have health issues before they enter the facility, and because of the overcrowding, bad diet, messy and filthy sanitation, and limited access to exercise and fresh air, their health typically gets worse while they are there. As a result, compared to the general population, the prevalence of diseases like hepatitis B and C, malaria, malnutrition, tuberculosis, skin disorders, self-mutilation and HIV, is substantially greater in jails. The exposure of the members of the staff of prisons to these ailments jeopardizes their health.

Imprisonment also has a detrimental social impact. The disruption of family structures due to imprisonment affects relationships between the two spouses, children and their parents, remodeling and reformatting the family and community through generations. Mass imprisonment produces a deep social transformation in families and communities.

Finally, it's critical to take into account the expense of jail. The amount of money actually spent on each prisoner is usually substantially more than the amount spent on people who get noncustodial punishments. The indirect costs, which include those connected to social, economic, and healthcare, can also be significant and protracted. Therefore, it is crucial to evaluate each of these aspects while evaluating the necessity of prison reform.

### **THE BENCHMARKS FOR ACTION IN PRISON REFORM: THE UNITED NATIONS STANDARDS AND NORMS**

The United Nations Office on Drug and Crime's mandate as the keeper of international standards and norms in crime prevention and criminal justice is to support Member States in putting these standards and norms into practice by helping States create just and efficient criminal justice systems. A sizable corpus of United Nations rules and norms, pertaining to criminal justice and crime prevention, has developed throughout the years.

Key among standards and norms that relate directly to prison reform are:

- United Nations Standard Minimum Rules for the Treatment of Prisoners
- Body of Principles for the Protection of All Persons under Any Form of Detention and Imprisonment
- Basic Principles for the Treatment of Prisoners
- United Nations Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules)
- United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules)

Other UN instruments relevant to the prison system:

- Universal Declaration of Human Rights
- International Covenant on Economic, Social and Cultural Rights
- International Covenant on Civil and Political Rights



- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Basic Principles for the Treatment of Prisoners
- UN Declaration on the Protection of All Persons from Enforced Disappearance
- Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination Against Women
- Code of Conduct for Law Enforcement Officials
- Basic Principles on the use of Force and Firearms by Law Enforcement Officials
- Safeguards guaranteeing protection of the rights of those facing the death penalty
- UN Recommendations on Life Imprisonment
- Basic principles on the use of restorative justice programs in criminal matters
- Kampala Declaration on Prison Conditions in Africa
- Arusha Declaration on Good Prison Practice

For further info: see "Compendium of United Nations standards and norms in crime prevention and criminal justice"

According to the United Nations Office on Drug and Crime, sentencing and crime prevention strategies are both important components of broader criminal justice reform. An integrated, multidisciplinary approach and consideration of the needs of the criminal legal system as a whole are essential components of an effective and long-lasting prison reform strategy. This approach should not only focus on the prison service but also encompass other relevant criminal justice institutions, such as the judiciary, prosecution, and police services. Beyond the criminal legal system, the areas such as psycho-social counselling program in the community and the development of substance dependence treatment, which may help divert certain offenders from being imprisoned, should also be considered in addition. The UNODC also emphasizes the importance of partnerships and collaboration with

other United Nations agencies and national and international organizations involved in complementary programs to achieve success in implementing the integrated prison reform strategy.

## **AREAS OF REFORMS**

### **PRE-TRIAL DETENTION**

Pre-trial incarceration is a complex issue that requires careful consideration. Firstly, it is often overused, particularly in developing countries, where scores of pre-trial prisoners can exceed that of convicted prisoners. This is in violation of international standards, which stipulate that pretrial detention should only be used in limited circumstances. Secondly, pre-trial detention is a period that is particularly vulnerable to abuse, and detainees require specific safeguards to ensure their rights are protected. Thirdly, conditions in pre-trial custody are often worse than those in penitentiaries for convicted inmates, which can lead to further problems in the criminal justice system. Therefore, supporting legal aid programs, refining access to justice, and developing safeguards for pre-trial prisoners are all important aspects of reforming the penal system.

### **PRISON MANAGEMENT:**

To ensure fair and humane prison management, international standards protecting the human rights of prisoners should guide national legislation, policies, and practices. However, outdated legislation and inadequate training and leadership often hinder this. UNODC can assist by revolutionizing national legislation, providing training programs for the Superintendents, the Deputy Superintendents, the Assistant Superintendents and other personnel of administration, and contributing to capacity building of prison administrations. Management systems and information collection are also crucial for developing sound strategies and comprehensive policies founded on reliable data. The responsibility of prison authorities is to prepare jailed detainees for life after they would be set at liberty while respecting the rule of law and their human rights.

### **ALTERNATIVE MEASURES AND SANCTIONS**

The issue of overpopulation is a concern in most penitentiary and reformatory systems worldwide. Lack of social protection and punitive criminal

policies contribute to the growth of penitentiary populations. Overcrowding leads to human rights violations and constructing new penitentiaries is not a viable solution. International provisions, commitments and documents recommend rationalization in sentencing policy and the broader and varied use of possibilities to prison. Non-custodial sanctions and measures promote restorative justice and reintegration, better protecting society. UNODC supports the implementation of measures and non-custodial sanctions as a significant element of penitentiary reform.

### **SOCIAL REINTEGRATION**

The United Nations aims to help prisoners reintegrate into society after they are set at liberty. Starting social rehabilitation and recuperation initiatives as early as possible in the criminal justice process can have the far-reaching impact. This includes diverting susceptible groups to suitable treatment programs, imposing non-custodial sanctions, focused activities and programs in reformatories. Effective involvements and intercessions for former detainees require close coordination between health services, criminal justice institutions, social protection and probation services. UNODC can assist in developing social rehabilitation programs in penitentiaries and in planning and implementing continuum of support and care in the community.

### **HEALTHCARE**

The right to healthcare is a fundamental value that applies to all inmates in reformatories, but it is rarely realized due to inadequate funding and staffing of prison health services. UNODC provides technical assistance to improve conditions and prison management to develop a maintainable health strategy in penitentiaries, particularly to address AIDS/HIV and other contagious diseases such as tuberculosis. The right to health embraces access to curative, supportive, reproductive, preventive health care, as well as underlying determinants of health such as food, safe water, housing, health-related education and optimal working conditions, information, and gender equality.

### **REDUCING OVERCROWDING**

Building more jails and barracks is one of Pakistan's initiatives to lessen prison

overcrowding and enhance the living circumstances of convicts awaiting trial; however more penitentiaries are not always the solution to a broken system of criminal justice. The government should make sure that remand inmates' rights are upheld, that they receive legal representation, and that they are transported to court-houses on the day their cases are being heard. The judiciary should make sure that cases are handled in accordance with the constitution's guidelines, and bail should increasingly be granted. A reform package was passed in 1972, but it was gradually undermined and several non-bailable offences were introduced by military rulers. The present national and provincial assemblies have enacted some legislation to help the juvenile, adolescent and women prisoners by making their offences, which they are alleged to have committed, bailable in nature. In an effort to ease the pressure on the courts, some police stations have experimented with alternate dispute resolution methods for less serious crimes. In order to lessen overcrowding, open jails are also suggested.

### **PROBATION AND REHABILITATION**

The Article discusses the state of probation and rehabilitation programs in Pakistan, outlining the legal framework and policies in place for the release of prisoners on probation. The probation process involves a prisoner being set at liberty subject to the fact that they remain under the observation and regulation of a probation officer or institution, and the probationer must meet with their officer regularly. However, due to an acute scarcity of skilled, proficient, competent and experienced probation officers, these duties are rarely performed, and provincial governments show little interest in noncustodial measures, which has led to the failure of probation and reclamation departments to rehabilitate and reintegrate offenders into society.

However, there have been some recent efforts to improve the effectiveness of these departments, with some provinces allocating more resources and creating new positions for probation officers. Yet, even with these additional posts, the departments remain understaffed, under-equipped, and under-resourced, hindering their ability to provide adequate support for probationers. The article suggests that better policy and targeting, as well as an all-inclusive program of probation and community-based

recuperation and convalescence, are needed to reintegrate and rehabilitate offenders effectively. Furthermore, the empirical study suggests that there are currently no programs in place to assist recently set-to-liberty prisoners in rehabilitating into society and finding jobs, which is indispensable for precluding recidivism. In order to ensure that probation and rehabilitation processes can effectively reintegrate and rehabilitate offenders, provincial governments and legislatures must take administrative and legal steps.

### **LEGAL ASSISTANCE**

Let's discuss another factor contributing to the problem of overcrowding in Pakistani jails, which is usually the result of insufficient legal representation for detainees who are unaware of their legal rights and are unable to pay fines or legal expenses. There are, studies show, very small number of paralegals and professional lawyers to represent those charged with even minor offences throughout the criminal court system, especially in isolated rural areas; thus, they are frequently held imprisoned until their trial has taken its full procedural stride or the convict has served the whole term of imprisonment. A human rights activist noted that indigent persons, deprived and underprivileged groups, and other minority communities, quite often do not have access to efficient legal representation and finish up remaining in prison unnecessarily.

In response to this problem, the National Assembly enacted Legal Aid Office Act (PDLAOA) in 2010 and the Public Defender Act, with the goal of providing excellent and free legal service to guarantee equal protection of law and to promote justice for all individuals in Pakistan. The law calls for the establishment of a chief public defender's office, along with additional chief public defenders, district public defenders, and public defenders, all accountable to the federal government. These officials are authorized to provide representation, free legal service and guidance to needy individuals in court or outside, as directed by the government.

The chief public defender, chosen for a definite three-year term, is in charge of assigning duties to assistants, keeping track of and grading their output, and informing the government of all activities and results. Each district is assigned a

district public defender, a lawyer with at least ten years of High Court experience who has the authority to visit and identify needy inmates, including those housed in districts without jails. The same is true for each tehsil (sub-district), where a public defender is selected and given authority with the duty of supporting the district public defender.

Anyone in need of free legal counsel or assistance in court should contact any of the abovementioned officials or the government. If the applicant is imprisoned, the petition must go through the superintendent. A third party may submit a petition on behalf of the accused persons if they are incapable, insane, or younger than eighteen. Affidavit detailing all sources of income and attesting to the applicant's indigence must be included with the application. Despite the PDLAOA being passed nearly two years ago, no nominations to any of the newly formed positions have been made, and the law has not yet been put into effect. The Punjab Public Defender Service Act, 2007, a provincial equivalent to the PDLAOA, has also not been implemented. Private role-players have risen to fill the vacuum left by the lack of a productive state legal aid system. Asma Gulrukh Hina Shahla (AGHS) and Attorneys for Human Rights and Legal Aid (LHRLA), for example, offer prisoners free legal counsel and aim to raise their understanding of their fundamental rights. The primary objective of AGHS is providing support to minorities, women, and children who have experienced unjust persecution as a result of discriminatory laws, prison abuse of due process, or other human rights breaches. In addition to distributing leaflets on criminal procedure laws and a condensed form of the Jail Manual, LHRLA also provides prisoners with information on how to draft their bails, appeals and petitions without the assistance of an attorney.

While some regional governments have proactively answered back to NGO-initiated initiatives, such as the Sindh government's partnership with the Women Prisoners Welfare Society run by Nasir Aslam Zahid, a former judge of the Supreme Court and former chief justice of the Sindh High Court, to provide legal assistance to female prisoners. More must be done by the federal and provincial governments to swiftly establish and fully resource public defender offices to entice qualified people who would

otherwise choose private practice. This would need paying competitive salaries.

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