

Beyond Containment: Restoring Constitutional Dignity in Punjab Prisons

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Problem statement: carceral collapse and constitutional blindness.

Punjab prison system is in structural inertia, colonial in construction and without undergoing any significant reform. After decades of policy debates, court observations and constitutional assurances, imprisonment in Punjab still acts more as a way of control (as opposed to correction). What has been obtained is a system that continues to act in violation of the fundamental rights and abuses are the rule not exception with overcrowding, lack of classifying those who are detained, administrative secrecy and political interference. The legislative backdrop, in the form of the Prisons Act, 1894, Prisoners Act, 1900, Borstal Act, 1926 and Probation of Offenders Ordinance, 1960 is old, piecemeal, and in every way unsuitable to modern standards of human rights, especially as set out in the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). The custodial containment and disciplinary regulation under these statutes are emphasized but no rehabilitative philosophy along with enforceable rights regime of prisoners is established. As opposed to other provinces, Punjab has never elaborated a codified Jail Manual that follows the constitutional requirements or international commitments.

Looking at the constitution, the system has gross inconsistencies. The Constitution of Pakistan is security of life, liberty, inviolability of human dignity, and the equality before the law as guaranteed by Articles 9, 14, and 25. Nonetheless, the situation within prisons in Punjab conditions includes medical neglect, mental health problems, a lack of legal assistance, and discrimination in classification of prisoners, which nullifies such assurances both in practice and theory. The fact that there is a difference in how the A-Class, B-Class and C-Class criminals are treated demonstrates an institutional prejudice regarding the socio-political privilege, and therefore the equal protection under the law principle is being violated.

In addition, there is an institutional dysfunction which runs through the parole and probation system. There is minimal use of parole release, overworked probation officers and the legislative independence of parole boards is never there or diminished. Such an administrative stasis does not only worsen overcrowding but also does not allow the rationalization of a non-custodial sentence as an alternative as well.

Although occasionally the judiciary has intervened by way of inspections or suo moto measures, a consistent structural approach to the correctional institutions has never been established by the judiciary. Article 199 is still an underutilized authority when it comes to issues of prison conditions, and bail jurisprudence does not bear any resemblance to the reality on the ground in terms of carceral problems of suffering or unaccountability. This judicial disengagement allows carceral injustices to persist in the shadows of the legal system.

The problem, therefore, is not merely one of inadequate resources or outdated laws. It is a deeper systemic failure: a collapse of legal, administrative, and constitutional responsibility in the domain of incarceration. Prisons in Punjab operate as closed-off spaces where fundamental rights are suspended and legal oversight is minimal. This research argues that unless the judiciary assumes a catalytic role and the legislative and executive branches embrace rights-based reform, the prison system will continue to function as a constitutional blind spot and a moral failure of the state.

Research Methodology: A Doctrinal and Comparative Framework

This study adopts a qualitative, multi-method research design that combines doctrinal legal analysis with comparative jurisprudential insights and institutional data review. The methodology is structured to investigate not only the normative failures of the existing legal framework but also the practical dysfunctions of prison administration in Punjab. It draws on four interlocking pillars:

1. Doctrinal Legal Analysis

The research begins with a critical examination of the primary legal instruments governing incarceration in Punjab, namely:

- Prisons Act, 1894
- Prisoners Act, 1900
- Borstal Act, 1926
- Probation of Offenders Ordinance, 1960

These statutes are analyzed for their scope, limitations, and compatibility with contemporary human rights norms, especially the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules). The absence of a province-specific Punjab Jail Manual is noted as a key legislative gap.

The analysis is further anchored in constitutional jurisprudence, particularly the interpretation of Articles 9 (right to life and liberty), 14 (human dignity), and 25 (equality before law). This doctrinal lens allows the paper to assess how far the prison system diverges from the Constitution's declared guarantees.

2. Case Law and Judicial Practice

The second methodological layer involves a close reading of judicial precedents and inspection reports. Judgments from the Lahore High Court and Supreme Court of Pakistan concerning bail, habeas corpus, prison conditions, and fundamental rights of prisoners are evaluated. Particular attention is given to judicial inspections, suo motu proceedings, and the judiciary's evolving understanding of its oversight responsibilities under Article 199.

Courtroom experiences and anonymized observations from the author's own judicial practice are occasionally integrated to highlight procedural inconsistencies, administrative inertia, and the lived realities of undertrial and convicted prisoners.

3. Empirical and Institutional Reports

To contextualize the legal findings within administrative realities, the research draws upon:

- Annual and special reports from the National Commission for Human Rights (NCHR)
- Investigations and audits by Human Rights Watch (HRW)
- Official statistics from the Punjab Prisons Department (2023–2025)
- Data on parole, probation, overcrowding, inmate mortality, and prison staffing

These sources provide quantitative support and institutional insights necessary to assess the implementation gap between law and practice.

4. Comparative Jurisprudence

Finally, the study conducts a comparative review of prison reforms and oversight models in:

- India (with emphasis on Punjab and Kerala)
- Bangladesh
- United Kingdom
- United States

The objective is to identify successful structural reforms, inmate classification systems, parole models, and judicial interventions that may inform Punjab's path forward. Comparative reference points are critically adapted to Pakistan's socio-legal context rather than transplanted wholesale.

Together these tools of methodology open the possibility of looking at prison crisis in Punjab not just through one layer of knowing, which is absolutely a legal lapse, but also through another potential layer of knowing, the situation of the crisis in the context of human rights emergency. The study continues to believe that even the doctrinal change will be inadequate without the institutional adjustment and the activation of the judicial system to conform the practices of the carceral system in Pakistan with the constitutional and international principles.

Introduction: The Unreformed Fortress

Pakistan has been silent about prisons and the silencing of prisons is not merely incidental but it is constructed there. Compared to matters of police reform or a very efficient court, the reform of prisons is never politically pushed, not prioritized in terms of finances, and not legally burning. Carceral system will always be the blind spot of the state: it is thoroughly guarded, stands within legal immunity as well as within invisibility of society. This invisibility has elicited a storm of crisis in Punjab not only on account of overcrowding and ill management, but also on account of constitutional compliance.

This paper argues that the prison system is not only not functioning well in Punjab; it has not been reformed at all. Basically originated in colonial laws and presently controlled by administrative policies that remain close to those in place at independence, the system maintains the aspect of incarceration as a containment process, but not specifications of correction. The prisons still come under the Prisons Act, 1894 which was a piece of legislation that was framed to meet the demands of imperial punishment, and not democratic responsibility. Lapse in Pakistan to replace or update this skeletal legislation has meant that there has been no single coherent piece of legislation in Punjab in checking the rights of prisoners or facilitating their rehabilitation.

The disconcerting aspect of such legal and institutional inactivity is that it goes contrary to the Constitution of Pakistan. Article 9 right to life and liberty, article 14 dignity of man, article 25 equality before law are not disabled at prison gate. Nevertheless, all over the province, one still finds inmates who are the victims of untreated diseases, humiliating conditions, being put in arbitrary categories, and an overall state of neglect. The actual experiences of the prison daily life prove the normative illusions of the Constitution.

The judiciary, too, must reflect on its role. Sporadic inspections and symbolic suo motu actions have failed to produce sustained oversight. The superior courts' expansive jurisdiction under Article 199 remains underutilized in addressing prison grievances, while bail jurisprudence often ignores the realities of carceral overcrowding, vulnerability, and systemic inequity. If justice is to be truly blind, it must learn to see behind the walls of the prison.

This research is guided by three central questions:

1. Why have repeated prison reform efforts in Punjab failed to produce structural change?
2. What institutional, political, and legal barriers sustain this carceral inertia?
3. How can the judiciary catalyze meaningful reform through its constitutional and administrative powers?

By exploring these questions, the paper seeks to map the contours of Punjab's prison crisis and propose a framework for reform grounded in constitutional principle, comparative best practices, and administrative realism.

The chapters that follow begin with a statistical and structural audit of Punjab's prisons, then move through legal analysis, gendered and health-based concerns, parole and probation failures, and judicial inaction. The paper concludes with comparative lessons from India, Bangladesh, the UK, and the US, and a multi-layered reform strategy for Pakistan.

It is time we recognize that prisons are not separate from the justice system. They are where justice ends up. And if left unreformed, they may also be where justice collapses.

4. Punjab's Prison Profile: A Statistical and Structural Audit

Punjab, Pakistan's most populous province, operates a total of 43 correctional institutions, including central prisons, district jails, sub-jails, and one women's prison located in Multan. As of 2025, these institutions collectively house over 72,000 prisoners against an official capacity of approximately 42,000, resulting in an occupancy rate exceeding 170%. In several facilities—such as those in Lahore, Gujranwala, and Sahiwal—the population has more than doubled the sanctioned limit. Incarceration here is not a sentence served with structure; it is chaos endured under pressure.

The physical condition of many jails borders on dangerous. Most of Punjab's jails are built on 19th- and early 20th-century models, originally designed for limited populations under a colonial disciplinary regime. Their radial layouts, crumbling perimeters, and open barracks are fundamentally unsuited to modern security demands. Watchtowers lack visibility. Boundaries are porous. Escape attempts are not a matter of supposition, they are facts of history.

In 2014, a jailbreak raid was thwarted in the Rawalpindi Adiala Jail when explosives had been planted against the wall but due to the internal collusion. In 2017, two undertrial prisoners cut through window grill of an infirmary and tunnelled out of Lahore district jail supposedly without raising a hue and cry. On 6 August 2022 the prisoners in Dera Ghazi Khan Jail launched a violent

protest and over-powered staff and wounded some of them and forced the opening of a secondary gate, after which the protest was quelled.

These cases are not separate. These are a sign that there is a continuous collapse of physical infrastructure, perimeter control and emergency response systems. Prisons are deprived of CCTV, electric monitoring, secure transport and high risk offender protocol. The current system is manual whereby no biometric check is done when taking attendance and this would allow proxy visits or a ghost prisoner during a headcount.

On top of these shortcomings is institutional weakness. The profile of criminality has changed and not commensurate with the jail design and especially so inciting militancy, organized crime, and fraud through the use of the Internet. High-level prisoners are kept in general barracks with non-violent criminals and this forms volatile combinations that endanger staff and the safety of the inmates too. In most cases, disadvantaged juveniles, drug addicts and the mentally ill are lumped together in a warehouse-type setting even though directives under the Borstal Act and Mental Health Ordinance makes this impossible.

Punjab has the following categories of facilities:

- Central Prisons (e.g., Lahore, Faisalabad, Rawalpindi): For long-term convicts, but often absorb undertrial overflow.
- District Jails: Intended for undertrials but structurally inadequate to accommodate current volumes.
- Sub-Jails: Auxiliary jails now functioning as permanent facilities due to systemic overload.
- Special Institutions: Grossly underutilized, including juvenile homes and psychiatric units.
- Women's Jail (Multan): The only facility in the province exclusively for female inmates.

What is conspicuously missing are:

- Purpose-built high-security prisons for militants or violent repeat offenders
- Medical and psychiatric institutions for inmates needing treatment
- Rehabilitation-oriented designs that allow vocational, spiritual, or educational programming
- Segregated units for juveniles, vulnerable groups, and mentally ill prisoners

The lack of architectural classification mirrors a deeper institutional and philosophical failure: the prison continues to be imagined as a holding tank, not a structured space of transformation. In the absence of any meaningful classification scheme that depends on risk, medical need and rehabilitation, there is no more than a residual system left over of A-, B-, and C- classes that are based on social advantage and bureaucratic clout.

Also, the lack of digitized records and central tracking of inmates and uniform consistency in risk assessments plunges the jail superintendents in darkness in terms of operations. Their actions are based on the obsolete registers, unmonitored oral briefings or their own goodwill which is inconsistent and in violation of law and an invitation to abuse.

It has to be simply stated that prisons are not only overcrowded but obsolete, insecure and institutionally unsafe in the context of Punjab. They do not have institutional strength to induce or provide the twin brother of security and rehabilitation. In addition to not being safe, prisoners are often the residuals of a system that was never redesigned to be safe around the possessions.

No rehabilitation and resettlement policies and citizen, state, or federal reform will prove sustainable as long as prison structure, separation of inmates, security systems, and emergency system do not experience significant changes. The castle-- literally so,--is breaking to pieces--and so, too, it seems, the rule of law within the prison-gate.

5. Legal Framework: A Colonial Shell Without a Soul

The statutes that guide the prisons in Punjab are legally regulated in nature and these were enacted back when Pakistan had not even formed into existence. This was followed by its ultimate instrument, the Prisons Act, 1894, which was drafted in the hope not to help criminals to live with their human dignity, but to preserve order and to obtain the obedience of the colonial population. It is not by oversight that it has retained its form and remained the law which grants carceral organization to carceral life in the present constitutional democracy, however, it is a travesty of law itself.

These Acts of Prisoners, 1900, Borstal, 1926, Probation of Offenders Ordinance, 1960 are forms of a legislative package which is anachronistic, multiple and to a large extent not especially interested in the art of human rights law. It is these laws that speak the language of punishment, segregation and work force--not human dignity, rehabilitation and recovery of the mind. Where a specification on rehabilitation exists, it comes after the mention of an afterthought having no need to be a constitutional requirement.

What is more troubling is that there is no codified Punjab Jail Manual in line with the local constitutional ideals or international declarations like the United Nations Standard Minimum Rules on the treatment of prisoners (also known as the Nelson Mandela Rules). Though there have been some efforts of reforming the jail manuals in some provinces like Sindh, Punjab is yet to generate a specific, consolidated code of the province. The outcome can be characterized by administrative discrepancy, overdependence on oral practice and unchecked discretion by prison authority.

The practical implications are severe:

- No enforceable rights are guaranteed to prisoners regarding visitation, grievance redress, medical treatment, or vocational access.
- No legal mechanism mandates the segregation of inmates based on vulnerability, mental illness, or rehabilitative needs.
- No binding timelines exist for parole processing, classification reassessment, or health evaluations.

Constitutionally, this framework fails on multiple fronts.

- Article 9, which protects the right to life and liberty, is reduced to a procedural shell when inmates die of treatable illnesses or are denied psychiatric care.
- Article 14, which guarantees the dignity of man, is violated when prisoners are subjected to overcrowding, verbal abuse, custodial torture, or arbitrary disciplinary action.
- Article 25, ensuring equality before law, is mocked when wealthier prisoners secure A-Class privileges while the poor rot in C-Class cells with no fan or bedding.

In judicial practice, I have observed that prison officials invoke the Prisons Act like a shield—citing archaic “discipline” provisions to justify blanket denials of legal counsel, withholding of

medical records, or excessive solitary confinement. In many undertrial cases, even basic remand protections under the Code of Criminal Procedure (CrPC) are ignored once the prisoner is inside the jail. The court's reach, it seems, stops at the prison gate.

There is also no statutory requirement for independent prison oversight boards, let alone those chaired by judicial officers. Accountability is internal, circular, and largely ineffective. Complaint registers are neither confidential nor regularly reviewed. Surprise inspections, where conducted, often lead to cosmetic compliance rather than systemic change.

In short, Punjab's prison law is not designed to serve constitutional governance—it is designed to avoid it. These laws were never meant to uplift the human spirit; they were meant to subdue it. And in continuing to rely on them, the province is not merely tolerating injustice—it is legislating it.

If reform is to begin, it must begin here: in the repeal, revision, and constitutional rewriting of prison law. Until then, every directive issued, every policy proposed, and every inspection conducted will be built upon a legal foundation that is rotten to the core.

6. Inmate Classification: Disguised Inequality

Let us not pretend that all prisoners are treated alike. In Punjab's jails, liberty may be suspended—but privilege is not. Inmate classification in the province operates not on objective criteria like risk, rehabilitation needs, or vulnerability—but on status, connections, and the exercise of discretion devoid of transparency.

The prevailing framework divides prisoners into A-Class, B-Class, and C-Class:

- A-Class: Reserved for “high-status” prisoners—politicians, businessmen, or former government officials—often granted superior living conditions, access to reading materials, home-cooked food, and privacy.
- B-Class: A middle tier, extended to white-collar offenders or those deemed “non-habitual.”
- C-Class: The default category. Over 80% of prisoners fall into this group—typically poor, illiterate, and without legal counsel. They are lodged in overcrowded, unsanitary cells, often denied medical treatment or legal support.

This model has no statutory origin in any modern penal theory. It is an administrative inheritance from colonial manuals, preserved by inertia and protected by bureaucratic opacity. It has no place in a system committed to Article 25 of the Constitution, which promises equality before the law and equal protection of the law to all citizens—regardless of wealth or position.

Classification is made worse by the absence of any risk-based or rehabilitative assessment model. A violent offender, a mentally ill inmate, a first-time drug user, and a minor thief may all be housed together in the same C-Class barrack—without regard for safety, correctional goals, or individual circumstance.

International best practices—particularly in the UK and USA—emphasize risk-based classification frameworks, typically involving:

- Security risk levels (minimum, medium, maximum)
- Psychological assessments
- Vulnerability scoring (age, mental health, prior victimization)
- Periodic reclassification based on behavior and rehabilitation progress

Punjab's system lacks all such safeguards. There is no independent committee for classification, no defined parameters for initial placement, and no mechanism for periodic review. Decisions are made within the prison bureaucracy and are rarely subjected to judicial scrutiny.

In practice, administrative discretion often becomes administrative abuse. Inmates with political connections may be placed in A-Class cells even before formal conviction. Meanwhile, under-trial prisoners—presumed innocent in law—are relegated to overcrowded C-Class barracks where survival becomes a daily battle. This disparity is not incidental; it is systemic.

The Lahore High Court has, in multiple cases, expressed concern over arbitrary classification practices and their impact on fundamental rights. Yet, no province-wide reform has been implemented to standardize or judicially supervise the classification process. Nor is there a binding protocol requiring classification to be aligned with rehabilitation goals, security assessments, or psychological profiling.

In my own courtroom, I have encountered cases where prisoners report being “downgraded” in class as retaliation for filing complaints, requesting bail, or seeking legal aid. Such reprisals occur in the shadows—unrecorded, unreviewed, and unchecked.

In essence, Punjab's inmate classification system functions as a proxy for power, not a tool of justice. It codifies inequality and reproduces societal hierarchies inside prison walls. It punishes poverty with squalor and rewards privilege with comfort—all under the guise of “administrative discretion.”

Unless Punjab replaces this legacy model with a transparent, risk-based, rights-oriented classification framework, no claim to prison reform can be taken seriously. The Constitution requires equal treatment before the law—not equal punishment for the powerless and leniency for the connected.

7. Gendered and Marginalised Incarceration

The Constitution of Pakistan recognizes no second-class citizens. Yet, inside the jails of Punjab, women, children, and the mentally ill are not just neglected—they are structurally erased. The prison system was built for a male, able-bodied, adult population—and it remains frozen in that image. It offers no real protection, policy, or dignity to those who fall outside it.

Punjab, with over 72,000 prisoners, operates only one women's prison—located in Multan. It is expected to serve female inmates from all 36 districts of the province. The result is isolation, delayed family contact, and an entire absence of geographic accessibility. Women arrested in Lahore, Gujranwala, Bahawalpur, or Rawalpindi are routinely transported hundreds of kilometers—often without female staff, medical accompaniment, or regard for procedural safeguards.

Inside these facilities, the situation deteriorates further. As documented in the 2023 Human Rights Watch Report, most women's barracks lack:

- Maternal care units or obstetric services
- Breastfeeding or nursery provisions
- Access to sanitary products or private hygiene facilities
- Psychological counselling or trauma services, especially for abuse survivors

Women who give birth behind bars are forced to raise infants in overcrowded, under-resourced conditions, violating both Article 14 (dignity of man) and international obligations under the

Convention on the Rights of the Child and Bangkok Rules (UN Rules for the Treatment of Women Prisoners). These mothers do not serve sentences alone; their children suffer a punishment never sentenced.

Equally disturbing is the state of juvenile incarceration. Though the Punjab Borstal Act provides for juvenile segregation and correctional education, it is rarely enforced in practice. In cities like Sialkot and Faisalabad, teenage under-trials are housed in adult jails due to the absence of functioning Borstal institutions. Where juvenile homes exist, they are plagued by poor staffing, no certified educators, and a curriculum that mimics military drill more than rehabilitation.

The mentally ill are invisible altogether. There is no statutory requirement for mental health screening at intake. No psychiatric units exist in most prisons. No protocols guide wardens on dealing with prisoners exhibiting psychosis, suicidal ideation, or trauma symptoms. Instead of treatment, such inmates are often confined to solitary cells as a disciplinary measure—punishing illness with isolation.

The 2024 NCHR inspection report confirmed what practitioners already know: mentally ill prisoners in Punjab are more likely to be beaten, ridiculed, or ignored than referred for care. Suicide attempts are dismissed as “attention-seeking,” and medical files are rarely updated or accessible. It is not uncommon for such inmates to spend years in jail without formal trial, simply because no one took the time—or the legal initiative—to assess their mental state.

In my own judicial experience, I have encountered women whose bail hearings were delayed because they could not be produced due to a lack of female escort staff. I have heard juvenile accused referred to as “experienced offenders” by jail officials, simply because they were arrested twice—before their eighteenth birthday. These are not isolated injustices. They are institutional habits.

Let it be plainly stated: structural patriarchy and carceral indifference have combined to create a system in which the vulnerable are treated as disposable. Women, juveniles, and mentally ill prisoners are not accommodated; they are absorbed—into the same overcrowded, under-regulated machinery designed for someone else. This amounts to state-sponsored marginalisation inside spaces that are already cut off from public accountability.

Unless Punjab adopts gender-sensitive infrastructure, functional juvenile homes, and mandatory psychiatric screening at entry and during custody, its prison system will continue to violate the most basic principles of justice—not by mistake, but by design.

8. Health and Mental Crisis Behind Bars

The prison cell should never become a death chamber. Yet in Punjab, the right to life—enshrined in Article 9 of the Constitution—is routinely violated not by intent, but by indifference. Prisoners die of preventable diseases. Mentally ill inmates are punished instead of treated. There are no suicide prevention protocols, no structured de-addiction programs, and no coherent medical referral systems.

As per the 2024 report of the National Commission for Human Rights (NCHR), prisons across Punjab have no permanent medical officers stationed full-time. In most jails, a single visiting doctor is expected to oversee the health needs of over 2,000 inmates. Emergency care is virtually nonexistent; prisoners often rely on untrained jail staff or fellow inmates for first aid. The concept of a prison hospital remains a fiction.

The report also documents that:

- 19 prisoners died in custody between January and December 2023 in Punjab due to delayed medical response or outright neglect.
- Over 70% of inmates tested positive for skin, respiratory, or gastrointestinal infections—a direct result of overcrowding and unhygienic conditions.
- No prison maintains isolation wards for contagious diseases, including tuberculosis and hepatitis.

During the COVID-19 pandemic, Punjab's prison response bordered on denial. Most jails lacked testing kits. Masks were rationed. Inmates with fever were quarantined in solitary cells without proper medical follow-up. No prison had a trained epidemiologist or infectious disease protocol in place. The virus merely exposed what was already true: jails are not just overcrowded—they are diseased ecosystems.

Mental health presents an even darker picture. There are no psychologists or psychiatrists posted permanently in any district jail. Mental illness is criminalized through solitary confinement, physical punishment, or administrative isolation. Prisoners suffering from schizophrenia, bipolar disorder, or trauma-related disorders are routinely labelled as “disobedient” and transferred to more restrictive blocks.

In several documented cases—including in Sahiwal, Multan, and Faisalabad—inmates with visible mental deterioration were neither evaluated nor referred for treatment. They were simply marked as violent and subjected to increased disciplinary sanctions. In extreme cases, suicide attempts were followed by disciplinary proceedings rather than psychiatric review.

There is no suicide prevention policy in place across Punjab's jails. No surveillance system, no high-risk assessment tool, and no mandatory follow-up after an attempt. In my own courtroom, I have encountered cases where families were not even informed of the inmate's death until weeks later—often with no autopsy or medical record made available.

The Constitution promises life, dignity, and humane treatment—not simply the avoidance of death. Yet, the prison regime in Punjab operates on the opposite assumption: that once a man is behind bars, his suffering is incidental, his voice irrelevant, and his body expendable.

This is not merely a failure of healthcare—it is a collapse of constitutional responsibility, administrative duty, and basic humanity. It violates not only domestic rights but also Pakistan's obligations under the Mandela Rules, which require that prisoners receive health care equivalent to that available in the community. Punjab falls far short of this standard—often providing no care at all.

To restore legality and humanity inside prisons, the following must become non-negotiable:

- Full-time doctors, nurses, and mental health professionals at every major prison
- Mandatory medical screening at entry, during custody, and prior to release
- Establishment of detox units, trauma counselling, and suicide prevention programs
- Digitized medical records accessible to courts, legal counsel, and oversight bodies

The law does not stop at the prison wall. Neither should medicine. If the state assumes lawful custody of a human being, it also assumes lawful responsibility for that person's survival—and dignity.

9. Parole and Probation: Ghost Protocols

In a system choking on overcrowding, non-custodial alternatives like parole and probation should be the first line of relief not the last thought in a policy drawer. Yet in Punjab, these mechanisms exist largely in theory. They are underutilized, underfunded, and structurally sidelined. The result is predictable: a prison population swelling beyond control while avenues for conditional liberty gather dust.

According to the Punjab Prisons Department's 2024 data, only seven parole releases were granted across the entire province during the year. In a population exceeding 72,000 inmates, this figure is not reform it is statistical irrelevance.

The framework governing parole is laid out in the Good Conduct Prisoners' Probational Release Act, 1926, and rules framed thereunder. However, this law suffers from:

- Lack of statutory autonomy for parole boards
- Absence of judicial representation in release decisions
- Opaque criteria for "good conduct" assessment, leading to arbitrary rejections

Parole boards where they exist operate under executive departments with minimal transparency and virtually no external oversight. There is no requirement for a speaking order, no mandatory timeline for review, and no effective appellate mechanism. Inmates eligible for parole often remain unaware of their status. Applications languish in files. Decisions are delayed until release becomes irrelevant.

Probation, governed by the Probation of Offenders Ordinance, 1960, fares no better. It is seldom invoked, particularly at the trial court level, where many magistrates and judges lack specialized training on its application or confidence in the monitoring mechanisms. Probation officers in Punjab are critically understaffed—with some districts having one officer for over 600 offenders. Without logistical capacity, supervision becomes a fiction.

There is also no legislative or policy mechanism for community-based reintegration, such as halfway houses, supervised release programs, or vocational rehabilitation centres. The idea of gradual, supported reentry into society—a foundational goal of parole and probation globally—is entirely absent from Punjab's carceral landscape.

In my courtroom, I have encountered cases where first-time, non-violent offenders—eligible for probation under law—were handed custodial sentences due to lack of institutional coordination and ignorance of available mechanisms. In one instance, a trial court observed that "no trained probation officer is available in the district" and sentenced a 17-year-old to two years in jail instead of applying rehabilitative relief.

This state of affairs violates not only the letter of the law but the spirit of Article 9 (liberty) and Article 10-A (fair trial and due process). When non-custodial alternatives are structurally denied, the sentencing process itself becomes disproportionate and constitutionally suspect.

Internationally, parole and probation are not afterthoughts—they are pillars of justice. The United Kingdom mandates parole review for certain classes of offenders at fixed intervals. The United States has institutionalized halfway houses and electronic monitoring for probationers. Even Bangladesh has piloted community supervision courts and skills-based release programs.

In the Punjab, it may be, however, that parole may be an object of consideration in no better aspect than of concession, not of law; of probation in no better aspect than a loophole, no bestowal of a lifeline.

This sector requires following changes:

- Statutory restructuring of parole boards, with mandatory judicial and psychological representation
- Expansion of probation eligibility, especially for juveniles, women, and non-violent drug offenders
- Recruitment and training of probation officers across all districts
- Creation of halfway houses in collaboration with local governments and NGOs
- Mandatory court-level training on parole, probation, and restorative sentencing principles

If prisons are to house only those who must be confined, then the system must give real meaning to “good conduct,” “reformation,” and “conditional liberty.” Anything less is not justice it is Expediary crime.

10. Political Interference and Administrative Paralysis

A jail can be surrounded by high walls and have metal gates, but nothing can increase the architecture of protecting an institution against collapsing internally. More than simple shortage of resources, the prison system in Punjab is afflicted with a chronic malignancy, political meddling and bureaucratic incapacitation.

The core of the issue is as follows: the prison bureaucracy in Punjab is not determined by merit but by loyalty.

The jail superintendents and other members of staff are transferred on a political basis regularly. The competitive rules of service and institutional evaluation by no means postings are taken secure by personal networking, legislative suggestions and adherence to local powers. This politicization destroys every effort to provide consistent policies, professionalizing of the staff, or answering to abuse.

It is not rare that misconduct reporting, resource demanding or refusing to be pressured by outside forces sends an officer to the sideline in a form of a routine reshuffle. It may, on the one hand, wreck itself in its dutiful roles of manipulation of categorization or assistance in unauthorized entry, or concealment of grievances complained by inmates and may be balked with desirable postings being scattered over it

The consequences of such patronage are institutional:

- Reform policies are launched but not implemented, as continuity in leadership is constantly disrupted.
- Disciplinary proceedings are rare and mostly symbolic, since peer officers hesitate to act against politically protected colleagues.
- Corruption thrives in the absence of consequence, particularly in areas like food procurement, construction contracts, inmate privileges, and visitation bribes.

In my judicial inspections, I have encountered jails where basic inventory records are incomplete, funds for prisoner welfare untraceable, and complaint registers altered. Yet no superintendent was removed, no staff reassigned. Why? Because the chain of impunity runs outside the department—and into political corridors.

Add to this the problem of underpaid and undertrained staff. Warders are often recruited through outdated service structures, trained in outdated protocols, and expected to manage modern prison challenges—such as digital security, radicalization threats, and psychiatric crises—with no

relevant tools. Most receive only basic paramilitary training and are never taught conflict de-escalation, trauma response, or legal safeguards.

The staffing gap is severe: In 2024, the Punjab Prisons Department recorded a 37% shortfall in sanctioned posts, with critical vacancies in healthcare, education, vocational training, and administrative oversight roles. Meanwhile, existing staff are stretched thin, demoralized, and exposed to systemic risk without institutional backing.

Budgetary allocation follows the same pattern. While the Punjab government formally allocates funds for prison improvement, these are frequently misallocated, delayed, or diverted. In several facilities, funds approved for sanitation upgrades or inmate health kits were never released at all. The result is a cycle of deterioration in which conditions worsen annually, yet paper compliance shows “improvement.”

There is no independent oversight body at the provincial level to monitor prison management, financial spending, or human rights compliance. The Inspector General (IG) Prisons, though technically autonomous, functions within the bureaucratic constraints of the Home Department. There is no judicially chaired accountability board, no whistleblower mechanism, and no public audit of jail operations.

This administrative dysfunction directly undermines constitutional values. Article 4 (right to be dealt with in accordance with law) and Article 25 (equality before law) are violated when internal rules are applied arbitrarily and political influence shields misconduct. The Mandela Rules, which require a professional, accountable, and rights-compliant prison administration, are rendered toothless in the face of bureaucratic complicity and political pressure.

What results is not simply inefficiency—it is illegality sustained through structure.

To correct course, Punjab must de-politicize prison administration at the root. That means:

- All senior appointments and transfers made strictly through the Punjab Public Service Commission (PPSC) or a prison-specific civil service track
- Legally banning elected officials from intervening in prison operations, staffing, or transfers
- Establishing independent Prison Oversight Commissions, chaired by retired judges, with powers to summon records, inspect facilities, and recommend disciplinary action
- Mandating publication of annual prison audits, covering staff appointments, complaint redress, and utilization of reform budgets

Unless prison management is shielded from political interference, no policy—however visionary—will survive the whims of office.

The rule of law begins with the rules inside our prisons. And if those rules are bent to favour the powerful and punish the honest, then the collapse of correctional institutions becomes not a possibility, but an inevitability.

11. Policy Deficits: Where the Gaps Are Institutionalised

Reform cannot succeed without design. Yet in Punjab, the prison system suffers not only from operational failure but from a complete absence of strategic policy coherence. There is no unified provincial prison reform policy, no cross-sectoral planning, and no institutional roadmap to align custodial practices with constitutional or international obligations. The result is not merely inertia—it is institutionalized failure by omission.

At present, Punjab lacks:

- A codified provincial prisons reform policy to standardize goals across infrastructure, rehabilitation, health, and security.
- A digitized, province-wide inmate database to track legal status, classification, health records, parole eligibility, or court production.
- A case coordination mechanism between prisons, prosecution, and judiciary to flag prolonged undertrial detentions, missed court productions, or repeat remand delays.
- Inter-departmental cooperation between prisons and allied institutions like health, social welfare, education, and skills training authorities.

In practice, this policy vacuum plays out as daily constitutional injury. Inmates remain behind bars months after bail is granted, simply because release orders are lost in transit or no automated linkage exists between courts and prison registers. Prisoners eligible for parole or probation are never considered, because no system alerts decision-makers when they cross eligibility thresholds. Trial courts remain unaware of inmates' medical crises, psychiatric symptoms, or vulnerability risks, because there is no structured channel for prison reporting.

The disconnect between courts and prisons is particularly damaging. Despite routine remand extensions and bail hearings, courts receive no systematic data on:

- Inmate population and cell occupancy
- Medical condition of long-term undertrials
- Disciplinary actions or solitary confinement cases
- Incidents of suicide attempts, self-harm, or custodial violence

What exists instead is a culture of oral updates, fragmented paperwork, and reactive crisis response. Policy, if it can be called that, exists in memos, not statutes; in press releases, not prison walls.

This policy neglect also blocks incentive structures for prisoner rehabilitation. There is no province-wide program for:

- Skills-based training with certification tied to sentence reduction
- Behavior-based rewards for low-risk, compliant prisoners
- Educational access beyond religious instruction
- Post-release reentry programs linked to local government or civil society partners

While institutions like NAVTTC (National Vocational & Technical Training Commission) and TEVTA (Technical Education and Vocational Training Authority) have mandates for technical instruction, no standing policy binds them to prison engagement, nor does the Prisons Department proactively seek such partnerships.

Punjab has also failed to enact any legislation or policy mandating annual inspections by external, independent bodies with real enforcement teeth. Nor does the province publish annual prison performance reports, depriving legislators, civil society, and courts of the evidence needed for oversight and reform planning.

As a result, prison reform in Punjab remains reactive, fragmented, and easily reversed. It is carried forward on the strength of individual officers—not institutional mandates. When leadership

changes, reforms wither. When budgets tighten, welfare evaporates. When jail manuals are silent, abuse finds space to grow.

Constitutionally, this gap contravenes Article 4 (right to treatment in accordance with law) and Article 10-A (right to fair trial and due process), both of which require an operational structure that can protect legal status, update custodial progress, and facilitate liberty where appropriate. Without a policy mechanism to actualize these principles, rights remain theoretical and justice becomes accidental.

To rectify this, Punjab must urgently:

- Draft and enact a Punjab Prisons Reform Policy 2025, with defined goals, indicators, and timelines
- Digitize all inmate records with real-time court-prison data sharing
- Create judicial liaison cells within major prisons to ensure immediate compliance with court orders
- Establish joint coordination committees between Home, Health, Education, and Labor departments for rehabilitation planning
- Introduce incentive-based correctional programs, with proper documentation, oversight, and public reporting

A prison without policy is like a courtroom without law: arbitrary, unpredictable, and unjust. Until Punjab builds a system that knows who is inside, why they are there, and how they can return to society—the prison will remain not just a place of confinement, but a black hole in the rule of law.

12. Judiciary: From Passive Arbitrator to Constitutional Sentinel

The courtroom may pronounce justice—but justice is served, or denied, in the jails. And yet, despite its central role in the architecture of liberty, the judiciary in Punjab has largely remained a distant spectator to the collapse of carceral conditions. While courts have occasionally visited prisons, issued notices, or passed symbolic orders, these efforts remain episodic, reactive, and structurally inadequate.

The Constitution vests the High Courts with vast powers under Article 199, including the ability to issue writs for habeas corpus, enforce fundamental rights, and oversee executive conduct. These powers are not limited to open trials and public offices. They extend to closed institutions—such as prisons—where the risk of abuse is highest and visibility is lowest. Yet the judicial gaze has too often stopped at the prison gate.

Suo motu actions have been rare. Inmate petitions under Article 199 are either dismissed for lack of substantiation or disposed of with non-binding directions. Court orders for improved medical care, bail reconsideration, or rehabilitation programming are routinely delayed, diluted, or ignored—with little consequence for non-compliance.

In judicial inspections I have conducted or reviewed, the pattern is clear:

- Prisoners are hurriedly cleaned up and coached prior to inspection
- Complaint registers are selectively updated or temporarily removed
- Medical wards are shown, but not the isolation cells or punishment blocks
- Women and juveniles are often hidden from view or not produced at all

Even when gross violations are identified—such as overcrowding, denial of medical treatment, or custodial torture—the judicial response is often limited to observations, not enforcement. In most cases, courts issue recommendations to the Home Department or prison authorities, without invoking their constitutional powers to compel compliance or penalize contempt.

Furthermore, bail jurisprudence remains largely disconnected from carceral realities. Courts grant or deny bail based on legal criteria—such as offence gravity or flight risk—without regard to the mental and physical toll of prolonged, unsentenced incarceration in overcrowded and unsanitary jails. This omission amounts to judicial blindness toward the full consequences of remand.

A High Court may order weekly hearings. But if the prisoner is not produced because the jail van lacks fuel—or because the jail staff is unaware—the order has no effect. In many cases, undertrials remain behind bars for longer than the maximum sentence for their alleged offence, simply because their cases are “in progress” and the judicial machinery lacks feedback from the prison system.

The constitutional obligation of the judiciary is not limited to deciding cases. It includes protecting the integrity of the justice process, including the conditions in which liberty is restricted. If a prisoner is remanded under judicial warrant, then the judiciary is responsible—morally, legally, and institutionally—for the legality and humanity of that custody.

To become constitutional sentinels, not passive arbitrators, the judiciary must:

- Institutionalize monthly prison inspections by District and Sessions Judges, with standardized reports submitted to the High Court and made publicly available
- Invoke Article 199 jurisdiction for systemic violations—overcrowding, medical neglect, solitary confinement, classification abuse—not just individual habeas cases
- Treat prison non-compliance as contempt, and hold responsible officers accountable
- Integrate prison conditions into bail considerations, especially for the elderly, chronically ill, women with children, juveniles, and non-violent undertrials
- Appoint dedicated prison liaison judges at the divisional level to monitor compliance and liaise between courts and the Prisons Department

Justice does not end at sentencing—it continues behind the bars, in the spaces the public cannot see. And where visibility ends, judicial vigilance must begin.

If the courts remain silent in the face of constitutional violations within prisons, then we must ask: who will protect the law, when the law itself is caged?

13. Comparative Lessons from India and Bangladesh

Pakistan does not suffer its prison crisis alone. Its neighbors India and Bangladesh share a similar colonial inheritance of carceral law and administration. Like Pakistan, their systems were shaped by the Prisons Act of 1894, designed not to reform, but to restrain. However, over the course of the last few decades, there have been some significant steps in the opposite directions, especially in both countries, which are both still under intense systemic limitations, trying to make the shift towards rehabilitation, rather than punishment, and the move towards releasing visibility to the constitutional review. It is all the more good that Punjab would learn not just about their successes but also about the desire to make a change.

India: Kerala and Punjab as Reform Laboratories

The prisons in India are administered by the states as the country is chiefly divided into states and territories. This has witnessed the creation of local islands of reform; most notably in Kerala and Punjab (India) with the assistance of judiciary activism and agency in the matter of administration.

Key practices worth noting include:

- **Mental Health Screening at Admission:**
At prison entry in Kerala, psychiatric examination at admission is compulsory so that early diagnosis of mentally sick or high risk prisoners is done. It has further appointed psychiatric cells that are manned by trained personnel to ascertain that treatment is substituted with punishment among the vulnerable detainees.
- **Conjugal Visit Policies:**
Regulated conjugal visits have been introduced in Punjab (India) and Tamil Nadu based on the constitutional protection of the right to dignity of prisoners, the rights to marriage and preservation of mental health. These policies are not discussed as the indulgence, but as rehabilitation measures that are associated with good behaviour and reformation.
- **Legal Aid Clinics Inside Prisons:**
A number of states have collaborated with State Legal Services Authorities (SLSAs) and nongovernmental organization (NGOs) to set up legal aid desks in prisons so that under-trials can provide real-time counsels, bail information, and court information. Such initiatives lessen time consumed and enhance the knowledge level of prisoners and judicial networking.

There has also been more powerful judicial intervention in India. In *In Re-Inhuman Conditions* in 1382 Prisons, the Supreme Court of India directed state governments to post regular statistics of prisons, increase judicial inspection and ensure grievance redressal mechanisms of the prisoners. These interventions provide a blueprint of accountability imposed by a court.

Bangladesh: Skill-Based Reintegration and Bail Courts

In addition to the common judicial pressure and the initiative of the civil society playing a role, Bangladesh has also embarked on significant carceral reforms despite resource constraints.

- **Skills Development for Reentry:**
Using donor funds, Bangladesh has completed a vocational training program within jails, especially in carpentry, textile and mechanics. Some programs also link up with employers as soon as they are released and ensure that jails are not a source of idleness.
- **Special Bail Courts:**
Understanding the stigma of undertrial prison, Bangladesh has experimented with special bail courts inside big jails in order to fast track trial, eliminate the pressure of population, and to provide judicial presence in the spaces of the carceral. It is an ambitious experiment of taking the court to the cage instead of waiting to be delivered justice by chains that have been broken in the production of justice.
- **Juvenile Detention Alternatives:**
The diversion programs and juvenile specific court systems have led to the reduction of the number of underage offenders in the jails that never end. Such measures are necessitated by the reality of the fact that child custody and adult imprisonment do not go in tandem and though Borstal laws were passed in Pakistan, little has been done to implement them.

Shared Problems, Shared Possibilities

Pakistan, India, and Bangladesh have nothing to differentiate about carceral DNA, which entails colonial matter, discrimination of classes, undertrial overload and bureaucratic darkness. Yet although India and Bangladesh have moved in some directions towards risk-based classification,

reintegration and judicial scrutiny, Punjab has remained a conglomeration of ancient manuals and pre-reformed paradigm.

There is evidence of prospective prospects as such local precedents exist. They illustrate the fact that reform does not only imply the availability of resources but rather the will, inventive thinking and ways of getting the different institutions to collaborate.

Punjab can learn these lessons by:

- Mandating intake psychiatric evaluations
- Authorizing conjugal visits under controlled frameworks
- Embedding legal aid desks in central jails
- Creating weekly bail benches for undertrial reviews
- Establishing rehabilitation-linked employment pipelines

The rationale of reform is based on humanity, legality and reintegration, and it does not require translating.

14. Global Best Practices: What USA and UK Got Right

Punjab and its prison crisis share a great deal with other postcolonial societies, though the much more developed and advanced carceral systems in other nations, such as the United Kingdom and the United States, also offer valuable comparisons, and important lessons as well. The jurisdictions have not eradicated the issues of prisons, rather they have established institutional models, monitoring systems and systems of rehabilitation that have redefined governance of prisons. To Punjab, these are not alien concepts and practices; they are effective models and they demonstrate what is possible in a rule of law, rights respecting prison regime.

United States: Community Corrections and Judicial Innovation

The U.S. criminal justice system is fundamentally broken in so many ways which have been characterized by a racial imbalance, mass incarceration and excessive prosecution. But it gives creative examples both relating to community corrections and also at judicial oversight diversion that can be borrowed by the Punjab system.

- Community Corrections & Electronic Monitoring
This trend of non-violent offenders going through diversion programs is rising through the use of probation, supervised release and ankle-monitoring programs. These arrangements make liberty with surveillance possible and cut down overcrowding, but the judicial control remains.
- Drug Courts & Mental Health Diversion
Drug user and mentally ill special courts enable the people to be treated rather than incarcerated. There are judicial judges, prosecutors, and therapists that work together on rehabilitation. Positive results are not only rewarded by means of sentence reductions; the opposite case leads to intervention, not immediate imprisonment.
- Parole Boards with Statutory Mandates
Parole is not a bureaucratic favor. The development of boards is that they will review each case within statutory time frames involving precise risk-assessment tools and the involvement of psychologists, social workers and victims. Decisions are rational, available in writing and have an appeals process.

These systems have failed to eradicate injustice- but it has institutionally cushioned against unnecessarily or arbitrarily sent people to jails. They reflect an outsourcing-unfriendly judiciary that is driving the results of custodial responsibility.

United Kingdom: Rehabilitation Begins Inside

Although the UK prison system has to contend with overcrowding and austerity measures limiting the system, it is subject to the control of a rights-based, professionalized concept of correction. It is focused on rehabilitating not at release, but entry.

- **Structured Sentence Planning**
Each inmate is put through an elaborate sentence plan which includes risks, needs, behavioural targets and skill development objectives that should be achieved. Such plans are reviewed frequently and they are used in the process of awarding parole and placement decisions.
- **Suicide Prevention Protocols**
UK ACCT system (Assessment, Care in Custody and Teamwork) manages the situation to have the inmates at risk of committing suicides marked, observed, and provided support with multidisciplinary approach. Mental is not another mainstream.
- **Independent Prison Monitoring Boards**
Every prison is statutorily mandated to have an overseeing independent board with members who are civilians and perform inspections involving unannounced visits and confidential access and communication to inmates, and reports directly to Parliament. Oversight is external, continuous, and rights-focused.
- **Prison Staff as Professionals, Not Guards**
Training is extensive—covering law, conflict de-escalation, psychology, human rights, and social work. Wardens are evaluated on prisoner outcomes—not just order maintenance.

Key Lessons for Punjab:

1. Classification must be risk-based—not class-based.
Replace outdated A/B/C privilege systems with objective tools that assess risk, vulnerability, and rehabilitation potential.
2. Rehabilitation must begin inside prison—not after release.
Sentence planning, psychological support, and vocational programs should be immediate, structured, and continuous.
3. Staff training is not optional—it is policy.
Professionalization of prison staff must be formalized through service rules, certification, and accountability mechanisms.
4. Parole must be predictable, reviewable, and legally structured.
Punjab's ad hoc, discretionary model must evolve into a statutory framework with timelines, review rights, and external input.
5. Monitoring must be external, independent, and empowered.
Civilian oversight boards—backed by law—must inspect, report, and enforce change, not merely observe.

Adaptation, Not Imitation

Punjab cannot import these models wholesale—nor should it. But what it can and must adopt is the philosophy underlying them: that prisons are not dumpsites for the unwanted, but temporary spaces where the state is bound by law to protect, reform, and reintegrate.

Modern incarceration is not about making a prisoner suffer. It is about ensuring that society does not lose its own humanity while it punishes.

15. Recommendations: A Multiplied, Layered Reform Strategy

No single reform can address the layered dysfunction of Punjab's prison system. What is required is a multi-pronged, legally anchored, and politically insulated transformation—one that reorients the prison not as a warehouse of bodies, but as a constitutional institution bound by dignity, oversight, and purpose. The following seven pillars form the foundation of such a strategy:

A. Legislative Overhaul

- Repeal the Prisons Act, 1894, and related colonial relics.
Enact a new Punjab Prisons and Corrections Act, 2025, rooted in the Constitution and the Nelson Mandela Rules.
- Codify enforceable prisoner rights—healthcare, legal aid, visitation, grievance redress, rehabilitation, classification review, and mental health services.
- Mandate creation of independent Prison Oversight Boards, chaired by retired judges, with statutory authority to inspect, investigate, and recommend disciplinary action.

B. Judicial Reinvigoration

- Direct all District & Sessions Judges to conduct monthly jail inspections, with reports submitted to High Court human rights cells and made publicly available.
- Invoke Article 199 to address systemic violations, not just individual habeas petitions—overcrowding, classification abuse, medical neglect, and denial of parole.
- Link bail jurisprudence to carceral realities, prioritizing bail for:
 - First-time and non-violent offenders
 - Women with minor children
 - Prisoners with chronic or mental illness
 - Juveniles and the elderly
- Appoint division-level liaison judges for prison oversight coordination between judiciary and prison authorities.

C. Administrative Innovations

- Introduce digitized inmate management systems province-wide:
 - Track status, sentence progress, parole eligibility, medical records, and risk classification in real-time.
- Develop and implement risk-based classification software, with mandatory input from psychologists and parole officers.
- Earmark ring-fenced budgets for prison reform, with third-party audit requirements to prevent diversion or misuse.
- Standardize prison management through a province-wide service structure, including specialized cadres for legal affairs, rehabilitation, and mental health.

D. Parole and Probation Revamp

- Restructure the Parole Board to include:
 - District & Sessions Judges
 - Clinical psychologists
 - Probation officers and civil society representatives
- Expand probation eligibility to cover:
 - Minor drug offenders
 - First-time property offenders
 - Juveniles and women with dependents
- Establish halfway houses and community-based reentry programs, in collaboration with local governments, faith-based groups, and NGOs.
- Legislate timelines for parole review, including right to be heard and duty to give reasoned decisions.

E. Women and Juvenile Protection

- Establish women's jails in all divisions, with:
 - Mother-and-child units
 - Maternal health wards
 - Female staff and trauma counsellors
- Build dedicated Borstal institutions for juveniles, equipped with:
 - Formal education
 - Vocational training
 - Psychological support and family reintegration mechanisms
- Mandate female staff presence in every women's and juvenile ward across all jails in Punjab.

F. Political Firewall

- Ban all political interference in prison transfers, classifications, and operations.
- Ensure all prison appointments—especially superintendents and senior staff—are routed through Punjab Public Service Commission (PPSC) or an independent Correctional Services Board.
- Establish a whistleblower protection mechanism within the Prisons Department, linked to the Provincial Ombudsman or High Court.

G. Inter-departmental Convergence

- Create a Provincial Joint Taskforce for prison reform, bringing together:
 - Home Department
 - Health Department
 - Education Department
 - Labour and Social Welfare Departments
 - Judiciary and Legal Aid bodies
- Institutionalize partnerships with NAVTTC, TEVTA, and accredited private institutions to offer skill-based certification and employment mapping.
- Establish integrated reentry units, tasked with:

- Coordinating pre-release planning
- Securing CNICs, job referrals, housing support
- Monitoring post-release outcomes

Bottom Line: Constitution First, Custody Second

Prison reform is not a matter of administrative improvement. It is a matter of constitutional fidelity. The state cannot lawfully incarcerate without also lawfully protecting. Dignity is not optional. Oversight is not charity. And liberty—when justly restricted—must always remain under the watch of a living, breathing system of law.

16. Conclusion: Towards a Penal Humanism for Pakistan

A prison is not simply a building. It is a statement—a cold, concrete expression of how a state understands justice, power, and human worth. In Punjab today, that statement is stark: custody over care, discipline over dignity, punishment over possibility.

This research has exposed a system built to confine, not to correct. Its laws are colonial, its classifications discriminatory, its procedures opaque. Women are invisible. Juveniles are abandoned. The mentally ill are punished, and the poor are processed without mercy. Overcrowded, underfunded, and structurally ignored—Punjab’s jails stand not just as sites of incarceration, but as monuments to institutional failure.

Yet the failure is not one of resources alone. It is a failure of legal imagination and constitutional responsibility. We have tolerated for too long the idea that the prison is an administrative afterthought, a back-end institution, a space the rule of law need not reach. But the truth is this: the legitimacy of our justice system depends not on what happens before conviction—but on what happens after.

The Constitution does not pause at the gate of the jail. Article 9 (life and liberty), Article 14 (dignity of man), Article 25 (equality before law)—these rights do not shrink in confinement; they gain urgency. The obligation to protect does not end with the sentence; it begins there.

This paper has called for a multi-layered, rights-based, and institutionally integrated reform strategy. It has shown how comparative jurisdictions—India, Bangladesh, the UK, and the USA—have attempted, however imperfectly, to transform prisons from cages into pathways. It has argued that Pakistan can do the same—if it wills it, legislates it, and judicially enforces it.

What is required is not just better management, but a shift in moral direction:

- From punishment to reintegration
- From silence to oversight
- From abandonment to accountability
- From containment to constitutional care

Let us be clear: this is not a call for leniency. It is a call for legality. It is not about turning prisons into havens. It is about making them human.

And if justice is to remain worthy of its name—blind, impartial, and fearless—then it must also be unshackled.

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