

**JUDGMENT SHEET**  
**IN THE LAHORE HIGH COURT LAHORE**  
**JUDICIAL DEPARTMENT**

**Writ Petition No.16322/2010**

**Rida Qazi etc.      Vs.    Government of Punjab etc.**

Date of hearing	18-12-2024
Petitioners by	M/s Syed Moazzam Ali Shah, Khadija Amjad Wazir, Rana Muhammad Akram, Shahram Anwar, Syed Ahmed Hasnain Rizvi, Muhammad Haseeb Rana, Sikandar Rehman Khan Niazi, Amna Hassan and Tamara Murat, Advocates.
Respondents by	Mr. Omer Farooq Khan, Assistant Advocate-General, Punjab along with Dr. Qadeer Alam AIG (Judicial), Rana Irfan Abdullah, Senior Law officer O/o IG (Prisons), Punjab.

**ABID AZIZ SHEIKH, J.** This Constitutional Petition was filed in the public interest litigation, *inter-alia* seeking directions against the respondents to treat the prisoners of 'District Jail' and 'Kot Lakhpat Jail, Lahore' (**Jails**) according to Pakistan Prisoners Code (Jail Manual) and shift the inmates to other Jail(s), who have been detained therein beyond the capacity of the Jails. The direction was also sought to shift the mental patient/prisoners from the Jails to Mental Hospital, Lahore where they may be treated properly and comfortably. The respondents were also required to shift the addict prisoners to the Drug Centers established in the private sectors.

2.      This Court treated the instant public interest Petition as a rolling review and continuing *mandamus*, and while adopting an inquisitorial approach, summoned the concerned public functionaries along with their focal persons to render full assistance for addressing the highlighted chronic issues. In this regard, two Committees were constituted; one to oversee the constructions of new Jails, and the other to revamp and modernize

the Prison Industries, ensuring the effective implementation and sustainable outcomes.

3. Heard the learned counsel for parties and representatives of the respondents-departments.

4. '**Nelson Rolihlahla Mandela**' — an anti-apartheid activist, politician, first Black president of South Africa; ideologically an African nationalist and socialist — in his famous saying observed:

*“No one truly knows a Nation until one has been inside the jails. The Nation should not be judged by how it treats its highest citizens, but its lowest ones.”*

Meticulous perusal of the replies/reports and orders passed by this Court from time to time in this Petition demonstrates that this Petition was filed in 2010 and thereafter, various orders were passed and steps were taken addressing the critical issues being faced in Punjab Prisons, including the overcrowding, poor-infrastructure and prisoners' inadequate rehabilitation programs etc. The record transpires that at the time of filing of this Writ Petition, there were thirty-two (32) Jails housed 52,803 prisoners against an authorized capacity of 21,527, resulting in overcrowding of 146%; however, over the last fourteen-years, sustained reforms have significantly improved the conditions of Prisons across the Punjab.

5. During pendency of this Petition, 13 new Prisons were constructed across the Punjab, bringing the total number of jails to 43 by 2024; these include District Jail in Okara, Pakpattan, Layyah, Bhakkar and Rajanpur as well as two High-Security Prisons in District Sahiwal and Mianwali. This infrastructural development increased the authorized capacity to 37,563 inmates, which is a significant improvement from year 2010 baseline. Notably, new facilities were strategically planned to serve those Districts where no Prisons previously existed, ensuring equitable distribution of the resources. Additionally, the steps have been

taken to address future needs with plans to construct Jails in District Nankana Sahib, Chiniot & Khushab.

6. To further alleviate the overcrowding, substantial strides were made in construction of barracks and death-cells in Punjab Prisons. Between 2010 & 2024, 140 new barracks and 928 additional death cells were constructed, providing accommodation for over Four Thousand inmates. These developments align with the constitutional protection and the international standards, ensuring that the basic rights of inmates particularly those awaiting trial or execution are safeguarded. The comprehensive reforms in infrastructure of the Punjab Prisons led to complete reconstruction of Borstal Jail, Faisalabad. For the facility, which had suffered from serious structural deficiencies, a detailed renovation plan was approved in 2020 which included rebuilding of the main-walls, construction of double-story barracks, and adding a kitchen block. These improvements were completed and the facilities became fully operational on January 30, 2024. Similarly, new women barracks at District Jail, Sargodha were completed and became functional on February 12, 2023; these barracks designed with complete isolation and a double-lock system, ensuring the safety and dignity of female prisoners. The security-wall was constructed in Gujrat which further enhanced the safety and modernization of the Prisons.

7. The reforms directed in this Petition resulted into total 45 judicial lockups across the Punjab and 17 lockups are now fully operational, and significantly upgraded. One lockup in Shujabad has already been converted into a sub-jail and the projects in Sumandari and Pindi Bhattian are close to completion. The reforms strengthened the security measures across the Punjab Prisons System including procurement of arms and ammunition to enhance safety in various district Jails both for the inmates and for Prisons Staff. The reforms stemming from the instant Petition

have significantly advanced the protection of prisoners' rights particularly regarding their family relationships.

8. In progressive move to uphold conjugal rights, 54 family rooms across the Central Jails in Lahore, Faisalabad, Rawalpindi & Multan have been constructed with kitchen and washroom facilities, providing long-term prisoners with the opportunity to spend time with their families promoting the family bonds and respecting human rights of the inmates. The substantial improvements made in care and treatment of mentally ill prisoners, ensuring compliance with the relevant legal frameworks including Mental Health Ordinance, 2001 and the law settled by the Supreme Court in "Safia Bano Vs. Home Department, Government of Punjab" (PLD 2021 SC 488). To streamline the management of jail hospitals, control has been transferred from Punjab Prisons to the Primary and Secondary Healthcare Department (P&SHD) as of December, 2023. To address the staff shortage and improve their morales, significant efforts have been made to upgrade Prisons Staff in Punjab. In alignment with the Standard Minimum Rules for treatment of the prisoners, personnel within the Prison System were granted enhanced salaries and allowances to attract and retain qualified staff.

9. Noteworthy strides have been made in modernizing Prison Management in Punjab through implementation of automation and digitalization systems. Biometrics verification have also been introduced across all Prisons and the records have been fully digitalized under the Prison Management Information System (PMIS) ensuring the enhanced transparency and streamlined operations. In addition to these upgrades, video trial system has been installed in nine Central Jails and nine divisional Anti-Terrorism Courts (ATCs) across the province. This initiative aims to reduce transportation costs and delays by enabling the prisoners to attend the Court hearing remotely, thus expediting the judicial

process. The project is set to expand with plans to install video trial systems in all remaining jails in coming years. In alignment with the Court's directives issued in the instant Petition, important steps have also been taken to reduce the energy costs and the environmental impact of Prison System by installing solar panels in three Central Jails; Faisalabad, Mianwali and DG Khan. The solar penal system at Central Jail Faisalabad became operational on 01.04.2023 and similarly the solar penal systems at Central Jails Mianwali & DG Khan were activated in years 2023 & 2024, respectively. Encouraged by the success of these initiatives, there is a development plan to solarize ten additional jails as part of Annual Development Programme 2024-25. The focus is also made on balanced diets, clean drinking water and hygienic living conditions of the prisoners.

10. To ensure protection of vulnerable groups including women, children and transgender, separate facilities were created for these groups, providing with specialized care, vocational training, healthcare and legal assistance. The reforms of Jail Industries in Punjab have been introduced, which played a crucial role in the economic stability of the Prison System while also providing inmates with valuable vocational trainings and financial initiatives. This will also ensure the prisoners with skills and earnings that contribute to their rehabilitation and reintegration into the society. A Memorandum of Understanding (MOU) has been signed between the Technical Education and Vocational Training Authority (TEVTA) and the Prisons Department to provide technical education and vocational training to male, female and juvenile prisoners across the Punjab. This initiative aims to equip the inmates with essential skills to aid their rehabilitation and reintegration into the society.

11. The final comprehensive report from the office of Inspector General of Prisons, Lahore on actions taken regarding the Reforms

in Prison administration and redressal of grievances of the prisoners, has been filed in this Constitutional Petition. The relevant part of the said report is reproduced as under:

“4. When the instant case filed in Hon’ble Lahore High Court in 2010, 52803 prisoners were confined in 32 Jails of Punjab Province against the authorized accommodation 21527 (overcrowding was around 146%). Punjab Prisons was conscious of the fact and took unprecedented steps to improve the plight of prisoners in the province. Since 2010, 928 additional death cells (48 in Central Jail, Lahore) and 140 Barracks have been constructed in Punjab Prisons. Similarly, construction work of 13 new jails in the districts where previously no jail existed has been completed.

A. **PROGRESS MADE REGARDING CONSTRUCTION OF THE JAILS IN THE PROVINCE OF PUNJAB**

That, the Government of the Punjab has taken a number of measures at various levels to improve the living conditions of inmates confined in Punjab Prisons besides carrying out their rehabilitation. Currently, 43 Jails are functional in Punjab Province including 9 Central Jails, 01 High Security Prison, Sahiwal, 27 District Jails, 02 Borstal Jails, 02 Sub Jails and 01 Women Jail. The following chart shows comparison between the status of work of different jails at time of filing of instant case in 2010 and 2024.

**CONSTRUCTION OF NEW JAILS BETWEEN 2010 AND 2024**

Sr. No	NAME OF JAIL	Cost, 2009-2024	Work progress report submitted in Lahore High Court in 2010	LATEST POSITION 2024	CAPACITY
1	Construction of District Jail, Okara	561.213	Work in progress (46%) completed	Jail is functional	990
2	Construction of District Jail, Pakpattan	439.797	Work in progress (73%) completed	Jail is functional	750
3	Construction of District Jail, Layyah	1150.110	Work in progress (20%) completed	Jail is functional	750
4	Construction of District Jail, Bhakkar	423.365	Work in progress (68%) completed	Jail is functional	750
5	Construction of District Jail, Hafizabad.	1220.537	Work in progress (17%) completed	Jail is functional	632
6	Construction of High Security Prison in Northern Punjab Sahiwal	930.206	Work in progress (56%) completed	Jail is functional	528
7	Construction of District Jail, Khanewal.	12.12	Work in progress (22%) completed	Jail is functional	1000
8	Construction of District Jail, Lodhran	670.875	Work in progress (30%) completed	Jail is functional	1000
9	Construction of High Security Prison in Northern Punjab Mianwali	1191.906	Work in progress (14%) completed	Jail is functional	750
10	Construction of District Jail, Rajanpur	1225.214	Work in progress (10%) completed	Jail is functional	1000

Sr. No	NAME OF JAIL	Cost, 2009-2024	Work progress report submitted in Lahore High Court in 2010	LATEST POSITION 2024	CAPACITY
11	Construction of District Jail, Narowal.	1055.191	Work in progress (8%) completed	Jail is functional	1000

*In addition to aforementioned jails, the construction work of High Security Barracks and death cells has been completed due to cognizance of the Lahore High Court under Rida Qazi Vs. the State. The detail is given below:*

**CONSTRUCTION OF HIGH SECURITY BARRACKS & CELLS BETWEEN 2010 AND 2024**

Sr. No	Name of Jail	Cost, 2009-2024	Work progress report submitted in Lahore High Court in 2010	LATEST POSITION 2024	Capacity
1	Establishment of High Security Barracks/Prisons in Central Jail, Lahore	68.712	Construction work completed Security equipment are being installed.	Functional	6616
2	Establishment of High Security Barracks/Prisons in Central Jail, Rawalpindi	61.528	Work in progress (85% completed)	Functional	
3.	Establishment of High Security Barracks / Prisons in Central Jail, Faisalabad	57.856	Work completed (100%)	Functional	
4.	Establishment of High Security Barracks / Prisons in Central Jail, Multan		Work completed (100%)	Functional	
5.	Establishment of High Security Barracks Central Jail, Mianwali	61.528	--	Functional	

**CONSTRUCTION OF DEATH CELLS FROM 2010 TO 2024**

Sr. No	Name of Jail	Number of Cells	Year	Capacity
1	Construction of Central Jail, Lahore	312	2013-14	312
2	Construction of High Security Prisons, Sahiwal	224	2013-14	224
3	Central Jail, Rawalpindi	32	2013-14	32
4	District Jail, Jhelum	32	2016-17	32
5	Central Jail, Faisalabad	32	2015-16	32
6	District Jail, Bhakkar	32	2010-2015	32
7	District Jail, Hafizabad	80	2017	80
8	District Jail, Rajanpur	48	2017	48
9	District Jail, Layyah	32	2012-13	32
	Total	824		

Owing to the directions of the Hon'ble Lahore High Court passed in the instant writ petition, Punjab Prisons has addressed the issue of overcrowding by construction of new jails. In 2008, Punjab Prisons had 32 Jails with 179% of overcrowding. After the construction of 10 new jails, the percentage of the overcrowding has been reduced. Currently, 67607 prisoners have been confined in 43 Jails against the authorized accommodation of 37563. Moreover, the following chart shows the significant decreased in overcrowding in Punjab Prisons:

<b>PRISONS POPULATION STATISTICS (2010)</b>	<b>PRISONS POPULATION STATISTICS (05.11.2024)</b>
Authorized accommodation = 21527 At present population of 32 Jails = 52803 %age of overcrowding = 146%	Authorized accommodation = 37563 At present population of 43 Jails = 67607 %age of overcrowding = 80%

**B. POSITIVE STEPS TAKEN BY THE GOVERNMENT IN THIS REGARD**

During the course of hearing of the Writ Petition, CMs were filed to address various challenges / issues facing by the Punjab Prisons. Consequently, the following improvements have been made as result of cognizance of Honourable court.

<b>CM NO.</b>	<b>SUBJECT/POINTS</b>	<b>STATUS OF IMPLEMENTATION OF THE RECOMMENDATIONS</b>
2886 of 2010	<b>Facilities of drug addicts prisoner</b>	<ul style="list-style-type: none"><li>Under Annual Development Program (ADP), a scheme for construction of 20 Bedded Unit for the treatment of drug addicts, who have high dependency on different drugs, has been initiated. In this context, construction work of 20 bedded unit at 13 Nos. jails i.e. Central Jails, Lahore, Sahiwal, Faisalabad, Bahawalpur, D.G Khan, Rawalpindi, Mianwali and District Jail, Attock, District Jail, Multan, District Jail, Lahore, District Jail, Layyah, District Jail, Okara and District Jail, Jhang has been completed. Moreover, construction work at 04 Nos. Jail is in progress. These hospitals shall be used for the treatment of prisoners who have high dependence on any drug.</li><li>Drug addicts, peddlers and mentally insane prisoners are properly segregated in all jails of the Punjab.</li></ul>
3 of 2011	<b>Facilities to mentally ill prisoners</b>	<p><b><u>TREATMENT OF MENTALLY ILL PRISONERS</u></b></p> <ul style="list-style-type: none"><li>Punjab Prisons is cognizant of the safe custody of mentally ill prisoners. On the subject, the prison authorities have been implementing the safeguards and protections enshrined in the related prison rules and provisions of Mental Health Ordinance, 2001 for the treatment and confinement of the mentally ill prisoners.</li></ul>

CM NO.	SUBJECT/POINTS	STATUS OF IMPLEMENTATION OF THE RECOMMENDATIONS
4 of 2018	<b>Interrogatories regarding mentally ill prisoners</b>	<ul style="list-style-type: none"><li>• Upon the admission of the prisoners, the Prison Psychologist conducts initial screening of major mental health issues by using Diagnostic and Statistical Manual-V checklist and standardized tools. Moreover, periodic assessments, brief counseling sessions and follow ups are also being conducted. Superintendent Jail takes into account the evaluation and assessment conducted by the psychologist for the classification of the prisoner.</li><li>• The prisoners who are diagnosed with severe mental illness are shifted to Punjab Institute of Mental Health (PIMH) in conformity with the procedure stipulated in Rule 444 of Pakistan Prison Rules, 1978.</li><li>• Currently, 35 prisoners suffering from mental illness have been shifted to the (PIMH) for their treatment, by order of the Government of the Punjab, Home Department.</li><li>• Moreover, this Inspectorate has issued instructions from time to time for proper segregation and the humane treatment of the prisoners suffering from mental illness.</li></ul>
3415 of 2012	<b>Facilities of psychiatrist and psychologist for the patient of mental disorder</b>	<b>HEALTH CARE FACILITIES IN PUNJAB PRISONS</b> <ul style="list-style-type: none"><li>• 93 posts of psychologist have been sanctioned and the recruitment process against newly created posts has been completed. Currently, 28 psychologist are working in different jails of the Punjab for rehabilitation of the prisoners.</li></ul>
3416 of 2012	<b>Health facilities Prisoners</b>	<ul style="list-style-type: none"><li>• In order to streamline the existing health care management system in line with the fundamental rights enshrined in the Constitution of Islamic Republic of Pakistan, 1973 international best practices and United Nation Guidelines for the treatment of prisoners, the Government of the Punjab has taken initiative to hand over management and budgetary control of jail hospitals to Primary and Secondary Health Care Department. District Prison Health Council under the chair of respective Deputy Commissioners look after the health care facilities of the prisons. On the subject, a new Chapter 44-A has been incorporated in Pakistan Prison Rules, 1978 which defines role and responsibilities of District</li></ul>



CM NO.	SUBJECT/POINTS	STATUS OF IMPLEMENTATION OF THE RECOMMENDATIONS
		<p>tests of the prisoners have been conducted at random in Punjab Jails. A total 7939 is recorded positive and 11743 negative.</p> <ul style="list-style-type: none"> <li>Under Annual Development Program (ADP), a scheme for construction of 20 Bedded Unit for the treatment of drug addicts, who have high dependency on different drugs, has been initiated. In this context, construction work of 20 bedded unit at 13 Nos. jails i.e. Central Jails, Lahore, Sahiwal, Faisalabad, Bahawalpur, D.G Khan, Rawalpindi, Mianwali and District Jail, Attock, District Jail, Multan, District Jail, Lahore, District Jail, Layyah, District Jail, Okara and District Jail, Jhang has been completed. Moreover, construction work at 04 Nos. Jail is in progress. These hospitals shall be used for the treatment of prisoners who have high dependence on any drug.</li> </ul>
590/2017	<b>Construction work of main wall of B.I &amp; J. Jail, Faisalabad</b>	Construction work of B.I & J. Jail, Faisalabad was completed on 08.01.2001. Since its functioning the standard of construction remained objectionable. The land of jail is severely affected with water logging and salinity. In fact, the building was constructed without taking any preventing measures against the affected land which resulted in the damage of whole jail building from its plinth level. Owing to the reasons, the enclosure walls and main wall of the jail have been collapsed twice within few years of its construction. In compliance with the court order dated the B.I&J. Jail, Faisalabad is operational after completion of construction works of main wall, double storied barracks and construction of kitchen block since 30.01.2024.
591/2017	<b>Isolation of women barrack from other barracks</b>	The Superintendent of District Jail, Sargodha reported that in compliance of the directions of Learned District & Sessions Judge, Sargodha, the female prisoners of the jail were transferred back from District Jail, Shahpur to newly constructed Juvenile Ward on 07.11.2020. However, the newly constructed Women Barrack has been inaugurated by the Worthy Inspector General of Prisons Punjab, Lahore on 17.10.2022. After that female prisoners have been shifted from newly constructed juvenile ward to newly constructed Women Barrack. Moreover, Women Barrack is totally isolated from other barracks. Double lock system is applied to ensure safe confinement.
1 of 2019	<b>BS-18 – Assistant Superintendents service structure.</b>	That, in compliance with the order dated 06.04.2018 passed by the Hon'able Court a meeting of the Service Rules Committee (SRC)

CM NO.	SUBJECT/POINTS	STATUS OF IMPLEMENTATION OF THE RECOMMENDATIONS												
		<p>was held on 07.12.2018 under the chairmanship of Secretary, (Regulations), S&amp;GAD. Pursuant to the recommendations made by the sub-committee of the SRC in its meeting held on 05.12.2018, the matter regarding amendments in the Punjab Prisons, Department Service Rules, 2010 in compliance of the order dated 06.04.2018 passed by the Hon’able Lahore High Court, Lahore in Writ Petition No.16322/2010 titled as Rida Qazi &amp; Sardar Usman V/S Government of the Punjab etc, was again placed before the Service Rules Committee (SRC) for consideration. That, the service rules for the promotion of Warder,(Bs-5) Head Warders (Bs-7), Chief Warder (Bs-9), Assistant Supernt. Jail (Bs-16) and Deputy Superintendent Jail (Bs-17) has been notified by the Government of the Punjab, Services &amp; General Administration Department Lahore bearing No. SOR-III (S&amp;GAD)3-24/2018 dated 07.03.2019.</p> <p>The Honourable Lahore High Court, order dated 06.04.2018 passed in the instant case has been complied with accordingly. The issue of promotion and qualifications of Superintendent Jail was not discussed in the said order.</p>												
1 of 2013	15 of Pakistan (Exchange of Prisoners) Ordinance, 1948.	It is submitted that Government of the Punjab Home Department, Lahore has never exercised the powers u/s 15 of the Pakistan (Exchange of Prisoners) Ordinance, 1948 and never/ever suspended remitted and commuted sentences of prisoners awarded by the courts in Pakistan in respect of repatriation etc. As such, the report in the subject matter may be treated as Nil.												
748/2013	Conversion of Judicial Lock-up	<p>A Judicial Lock-up at Shujabad has been converted into Sub Jail and operationalized. Two schemes for the conversion of Judicial Lock-ups into Sub Jails at Summandri and Pindi Bhattian are under construction and detail is as under:</p> <table><tr><th>Sr. No</th><th>Name of Scheme</th><th>Total Cost</th><th>Cumulative Expenditure</th></tr><tr><td>1.</td><td>Conversion of 45 Judicial Lock Ups into Jail, Sub Jail, Summandari</td><td>283.009</td><td>184.547 65%</td></tr><tr><td>2.</td><td>Conversion of 45 Judicial Lock ups into Jail. Sub Jail, Pindi Bhattian</td><td>219.661</td><td>145.671 66%</td></tr></table>	Sr. No	Name of Scheme	Total Cost	Cumulative Expenditure	1.	Conversion of 45 Judicial Lock Ups into Jail, Sub Jail, Summandari	283.009	184.547 65%	2.	Conversion of 45 Judicial Lock ups into Jail. Sub Jail, Pindi Bhattian	219.661	145.671 66%
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6 of 2018	Ammunition and Arms	Necessary budget was sanctioned for the said purpose. The procurement of arms &												

CM NO.	SUBJECT/POINTS	STATUS OF IMPLEMENTATION OF THE RECOMMENDATIONS
		<p>ammunitions for District Jails, Layyah, Bhakkar, Okara &amp; Pakpattan has been completed.</p> <p>For remaining 07 newly constructed jails (District Jails, Hafizabad, Narowal, Rajanpur, Khanewal, Lodhran, Sub Jail, Shujabad &amp; H.S.P, Mianwali, the payment for the purchase of the below noted items has been made to POF, Wah Cantt vide Government cheque No.3393945 dated 30.05.2019 and No.3452068 dated 14.06.2019 issued by the Central Jail, Lahore &amp; District Jail, Lahore respectively.</p>
3/2021	Revamping of Prisons Industries	<p>Punjab Prisons have taken many initiative to revamp old and traditional prisons industry established during the colonial era. In this regard, Inspectorate of Prisons with the co-ordination of Industry Department, Chamber of Commerce introduced marketable skills, financial incentives to the prisoners, and intervention of Punjab Industry Department and Local Chamber of Commerce. Detail of Industrial Units installed in different jails of Punjab is given below:</p> <ul style="list-style-type: none"> <li>• Manufacturing of Tuff Tiles at 32 Jails of the Punjab.</li> <li>• Stitching of Football and Working Gloves at District Jail, Sialkot.</li> <li>• Installation of Printing Press Machinery at Central Jail, Faisalabad.</li> <li>• Soap Making Unit at District Jail, Shahpur.</li> <li>• Phenyl making unit at Central Jail, Rawalpindi.</li> <li>• LED manufacturing and repairing unit at District Jail, Sheikhpura.</li> </ul>
CM No. 01/2022	Solar Panel in the Punjab Jail.	<p>The agreement was signed on 02.11.2021 at Lahore between Punjab Energy Efficiency and Conversation Agency, Energy Department, Government of the Punjab and Inspectorate of Prisons, Home Department.</p> <p>The Punjab Prisons provided site to the Energy Department for installation of Solar System at three Jails i.e. Central Jails of Mianwali, Faisalabad &amp; D.G. Khan which has been completed and functional. Moreover, Punjab Prisons had chalked out a plan for polarization of 10 more jails along-with Inspectorate of Prisons' office building in next financial year. In this regard, a scheme "Solarization of 10 jails along-with Inspectorate of Prisons" already been proposed for inclusion in next Annual Development Program (ADP) 2024-25.</p>

**USE OF TECHNOLOGY IN PUNJAB PRISONS**

- i. Punjab Prison has initiated automation of major functions of prison administration under prison management information system with the co-ordination of Punjab Information Technology Board. So far, 21 prisons have been automated and the same is being replicated in other jails of Punjab.
- ii. Video Trial System has been installed in 9 Central Jails of Punjab & 9 Divisional ATCs of Punjab and same will also be installed in all remaining jails of Punjab in coming years. The project will not only decrease the expenditure spent on the fuel for transporting the prisoner to the respective courts but also help to complete the trial in reasonable time.

**REFORMATION AND REHABILITATION**

An MOU has been signed with TEVTA and Prisons Department for providing technical education and vocational training courses inculcating different skills for male, female prisoners and juveniles confined in the jails of the Punjab. TEVTA Training Centers have been established at following 15 jails of the Punjab in 1<sup>st</sup> and 2<sup>nd</sup> Phase:

Sr. No.	Name of Jail	Sr. No.	Name of Jail
1.	Central Jail, Lahore	9.	Central Jail, D.G Khan
2.	Central Jail, Faisalabad	10.	B.I. & J. Jail, Faisalabad
3.	Central Jail, Bahawalpur	11.	B.I. & J. Jail, Bahawalpur
4.	Central Jail, Gujranwala	12.	District Jail, Faisalabad
5.	Central Jail, Sahiwal	13.	District Jail, Gujrat
6.	Central Jail, Rawalpindi	14.	District Jail, Sialkot
7.	Central Jail, Multan	15.	Women Jail, Multan
8.	Central Jail, Mianwalai		

**Passing Detail of Prisoners**

- i. Male =15831
- ii. Female =3572
- iii. Juvenile =2755
- Total =22158

**C. RIGHTS OF THE PRISONERS PROTECTED BY THE AUTHORITIES**

In his speech at the official launch of the re-training and human rights project of the South African Department of Correctional Services, the former President of South Africa, Nelson Mandela, stressed the importance of both security and justice in the administrating of prisons in these words:

*The full contribution which our prisons can make towards a permanent reduction in the country's crime-rate lies also in the way in which they treat prisoners. We cannot emphasize enough the importance of both professionalism and respect for human rights."*

*With the rise of the subject of human rights after the World War-II, protection of the rights of the prisoners is key to safe and secure prisons. Incarceration does not curtail the fundamental rights especially right to life and right to fair trial provided to the prisoners under the Constitution of Islamic Republic of Pakistan and International Covenant on Civil and Political Rights.*

*In the instant Writ Petition the Hon’ble High Court ensured the protection of the following rights of the prisoners:*

**RIGHT TO LIFE (FOOD)**

*To provide, healthy and balanced diet to the inmates under rule 260 of Pakistan Prison Rules, 1978, menu for inmates was revised on 30 May 2014 in consultations with nutritionists and food technology experts from University of Agriculture, Faisalabad. The Government further enhanced the dietary expenditures to Rs.59.61 per prisoner per day on 30.05.2014. Moreover, milk is provided to the suckling babies under rule 489 of Pakistan Prison Rules, 1978. Further, special diet is provided to the inmates on Eid-ul-Fitr and Eid-ul-Azha. Moreover, all essential dietary ingredients including cooking oil, packed milk, tea leaves etc. have been standardized in consultation with nutrition experts and those ingredients are purchased from renowned firms having trusted brands.*

*Special diet menu was devised through the consultation and recommendation of Nutritionists of Faisalabad, Agriculture University.*

Days of Week	Break Fast	Lunch	Dinner
Monday	Tea + Paratha	Chicken + White Gram + Roti	Vegetable + Roti
Tuesday	Tea + Paratha	Vegetable + Roti	Chicken + Roti
Wednesday	Tea + Paratha	Daal Mash + Roti	Chicken + Potato + Roti
Thursday	Tea + Paratha	Chicken + split bengal gram + Roti	Split bengal gram + Roti
Friday	Tea + Paratha	White gram + Roti	Chicken + Roti
Saturday	Tea + Paratha	Vegetable + Roti	Chicken + Roti
Sunday	Tea + Paratha	Daal Mix Masoor + Moong + Roti	White bean + Roti

**RESPECT FOR DIGNITY**

*Overcrowded prisons damage the self-respect and ego of the prisoners as a human being. At the same time, congested incarceration conditions lead to physical and mental torture. To ensure the dignity of the prisoners, the Government has enhanced the capacity by building 12 new jails. The relevant part of the Nelson Mandela Rules in his famous saying is reproduced here:*

*“It is said that no one truly knows a Nation until one has been inside the jails. Nation should not be judged by how it treats its highest citizen, but its lowest one”.*

**ZERO TOLERANCE POLICY AGAINST TORTURE**

*Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 10:*

*Each State – Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.*

*Code of Conduct for Law Enforcement Officials, Article 3:*

*Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.*

*European Union Charter of Fundamental Rights, Article 4:*

*No one shall be subjected to torture or to inhuman or degrading treatment or punishment.*

*As a state party to convention against torture, Pakistan has taken several measures to discourage custodial torture. Simultaneously, Inspectorate of Prisons Punjab has taken concrete steps to ensure a good control of prisoners by strengthening the dynamic component of the security. All the Superintendent Jails in Punjab have already been directed to adopt zero tolerance policy against the torture and maltreatment. The Superintendent of jails have been sensitized that all types of torture both mental and physical have been recognized as a cognizable offence under the Torture and Custodial Death (Prevention and Punishment) Act, 2022.*

### ***MEDICAL TREATMENT AT STATE's EXPENSE***

*Those who are imprisoned retain their fundamental rights to enjoy good health, both physical and mental, and they retain their entitlement to the standard of medical care which is, at-least, the equivalent of that provided in the wider community. The International Covenant on Economic, Social and Culture Rights (Article 12) establishes:*

*The right of every one to the enjoyment of the highest attainable standard of physical and mental health.*

*When a state deprived the people of their liberty, it takes on responsibility to look after their health. In terms of both of the conditions under which it detains them and of the individual, which may be necessary as results of those conditions.*

*In order to streamline the existing health care management system in line with the fundamental rights enshrined in the Constitution of Islamic Republic of Pakistan, 1973 international best practices and United Nation Guidelines for the treatment of prisoners, the Government of the Punjab has taken initiative to hand over management and budgetary control of jail hospitals to Primary and Secondary Health Care Department. District Prison Health Council under the chair of respective Deputy*

*Commissioners look after the health care facilities of the prisons. On the subject, a new Chapter 44-A has been incorporated in Pakistan Prison Rules, 1978 which defines role and responsibilities of District Prison Health Council vide notification No.SO(Prs)2-Gen/2021 dated 20.12.2023.*

*In the light of the judgment of the Supreme Court of Pakistan reported PLD 2021 SC 488, Government of the Punjab Specialized Healthcare and Medical Education Department constituted a medical board to examine and assess the under-trial and convicts prisoners referred by Central Jails across the province. The composition of the medical board is given below:*

- |  |                 |
|--|-----------------|
| <i>1. Professor of Psychiatry,<br/>Head of Psychiatry Department of<br/>the concerned Institution</i>        | <b>Convener</b> |
| <i>2. Associate Professor of Psychiatry,<br/>Psychiatry Department (to be<br/>nominated by the Convener)</i> | <b>Member</b>   |
| <i>3. Senior Psychologist (to be<br/>nominated by the Convener)</i>  | <b>Member</b>   |

#### **SUPPLY OF CLEAN DRINKING WATER**

- *Rule 22 of the United Nation Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) says:*
  - 2. *Drinking water shall be available to every prisoner whenever he or she needs it.*

*To safeguard the right to life enshrined in the Constitution of Islamic Republic of Pakistan and the United Nation Standard Minimum Rules for the treatment of prisoners, the following steps have been taken for the supply of clean drinking water to the prisoners:*

- *Total Eighty-six (86) water filtration plants have been installed at different jails in the Punjab with the co-operation of different NGOs and under ADP Schemes.*
- *35 water filtration plants have been installed under Annual Development Program (ADP) Schemes.*
- *51 water filtration plants have been installed with the collaboration of NGOs and philanthropists.*
- *For the provision of cold drinking water, 300 Electric Water Coolers have been provided to all Jails with the cooperation of Qarshi Foundation*
- *100 Electric Water Chillers with the cost of Rs.88,00,000/- have been provided to the Punjab Jails.*

#### **CONJUGAL RIGHTS**

- *Rule 58 of the United Nation Standard Minimum Rules for the treatment of prisoners (Nelson Mandela Rules) says:*
  - 2. *Where conjugal visits are allowed, this right shall be applied without discrimination, and women prisoners shall be able to exercise this right on an equal basis with men. Procedures shall be in place and premises shall be made available to ensure fair and equal access with due regard to safety and dignity.*

- *Thus, the Government of Punjab has constructed family rooms along-with attached kitchen and washrooms at four jails i.e. Central Jails at Lahore, Multan, Faisalabad and Rawalpindi. To facilitate conjugal visits, amendment in Pakistan Prisons Rules, 1978 has been incorporated in rule 545-A. The aforementioned rule permits the convicts sentenced to long-term imprisonment (exceeding five years) may exercise this right three times in a year for three consecutive days. The family visits have been permitted to ensure rights of prisoners in accordance with opinion of Council of Islamic Ideology.*

### **COMMUNICATION WITH FAMILY, FRIENDS AND LEGAL COUNSEL**

*Rule 58 of Nelson Mandela Rules says:*

- 1. Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals:*
  - (a) By corresponding in writing and using, where available, telecommunication, electronic, digital and other means; and*
  - (b) By receiving visits.*
- *To facilitate relatives, friends and the legal counsels of the prisoners, waiting shed has been constructed, equipped with all the sitting facilities, bathrooms and drinking water in all jails of the Punjab.*
- *PCO facility has been provided to prisoners in all Jails of Punjab. Under this facility a prisoner is allowed to make a phone call once a week to his / her family member, friend and legal counsel.*

### **PROTECTION OF THE RIGHTS OF VULNERABLE GROUPS (WOMEN, CHILDREN, TRANSGENDER)**

#### **WOMEN**

*Women and the juveniles fall under the category of vulnerable group of prisoners due to their gender and age. Article 25(3) of the Constitution of Islamic Republic of Pakistan empowers state to make special provisions to protect the rights of women and children. Rule 11 of Nelson Mandela Rule says:*

*The different categories of prisoners shall be kept in separate institutions or parts of institutions, taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment; thus: (a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women, the whole of the premises allocated to women shall be entirely separate.*

*The women due to their gender face discrimination and hardship in special settings of prisons. At present, 1167 female prisoners in different categories are confined in Punjab Jails which constitute 2% of the Punjab Prisons population. One of the first areas of discrimination is*

*that of accommodation. Punjab Prison have one women prison used exclusively for women prisoners. In these circumstances, many imprisoned women are held on accommodation which is far away from their families, making family contact much more difficult. In other Jails, one special portion is set-apart for keeping female prisoners and after conviction, these prisoners are shifted to Women Jail Multan, Central Jail Sahiwal, Central Jail Lahore, Central Jail Rawalpindi, Central Jail Gujranwala, District Jail Faisalabad and District Jail Sialkot where they are imparted technical training in various trades. The living condition of women prisoner have been improved by providing them double decker iron cots, foam mattresses, air coolers, water chillers and vocational trainings etc. However, the confinement of the females in male facilities entails discrimination and restriction. It may pose an increased risk to the safety of the women and may also result in the facilities available to them being determined by the needs of the larger number of male prisoners. Besides, access to those facilities and time out of cell may be further restricted on security grounds.*

### **JUVENILES**

*United Nation Convention on Right of Child, (UNCRC) Article 37(1)(c) says:*

- *Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances.*

*When juvenile is admitted in prison, the prison administration has an obligation to care in a manner which takes account of age and special needs. There are two folds reasons for a special treatment. Firstly, children and young persons are more vulnerable than adults and need to be protected from violence or abuse by older prisoners or even by staff. Secondly, young persons are generally more likely to respond to positive influences, to training and to educational opportunities. That is why, prison administration must make special arrangements to ensure that the corrosive elements of prison life are kept to minimum and that maximum use is made of the possibilities for training and personal development.*

*At present, 932 juvenile prisoners are confined in Punjab Jails. 02 special Jails for keeping juvenile prisoners are functioning at Bahawalpur and Faisalabad. In other Jails, one special portion is set apart for keeping juvenile under-trial prisoners. After conviction, these prisoners are shifted to B.I. & J. Jails located*

*at Bahawalpur and Faisalabad where they are imparted technical training in different trades. The Government of the Punjab vide its letter No.SO(MP)15-17/2024 dated 16.05.2024 issued SOPs, for ensuring that juvenile prisoners confined in Borstal Institutions of Punjab are treated in a way that is in consonance with the spirit of the Borstal Act, 1926, Juvenile Justice System Act, 2018 and United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules").*

### **TRANSGENDERS**

*In line with section 6 (b) of the Transgender Persons (Protection of Rights) Act, 2018. Transgender are kept separate from both male and female prisoners and properly looked-after with due regard to human dignity in Punjab Prisons. As regards, convict labour, the transgender convicted prisoners may be assigned suitable work considering their physiognomy and sex assignment at the time of birth. Labour allotted to transgender convicts may specially be focused to make them skillful in some trade to earn their livelihood respectably after release.*

### **HUMAN TREATMENT TO DEATH ROW PRISONERS**

*As per the case law developed by the European Court for Human Rights, hard physical conditions in jail has a deleterious impact on the prisoners incarcerated in death cells. Isolation due to security restrictions and condition of congested cells tantamount to torture. The European court for Human Rights in Soaring Vs. United Kingdom (UK) declared that confinement of prisoner under sentence of death in isolation and overcrowded cells constitute inhuman and degrading treatment. In this case law, European court of Human Rights coined the term "death row phenomenon".*

*Moreover, the Supreme Court of Pakistan in its Judgment dated 05.06.2024 passed in case Criminal Review Petition No.103 of 2017 in Criminal Appeal No. 643 of 2009 titled as Ghulam Shabbir Vs. the State reflected the miseries of the death row prisoners confined in different jails in Punjab. The relevant part of the judgment is reproduced as under:*

*The living conditions in death cell are miserable and altogether different from the living conditions of other prisoners, including lifers. In death cell, the convict is under a strict supervision, surveillance and is isolated. The space of a cell provided for each condemned prisoner is about 9 x 12 feet, with a single toilet to be used jointly by all the prisoners confined in their respective cells, which compromises their privacy.*

*To ameliorate the sufferings of prisoner under sentence of death in Punjab Prisons, the Government of the Punjab has constructed 564 additional death cells in Punjab Prisons since 2010. At present, 2194 unconfirmed condemned prisoners are confined in Punjab Jails. As per amendment made in rule 330 of Pakistan Prisons Rules, 1978 vide notification No.SO(MP)9-1-G/2005(P) dated 10.09.2009, only those condemned prisoners*

*are kept in death cells whose death sentences have been confirmed by the Hon'able High Court. Moreover, they have been permitted to occupy the courtyard for (strolling) an hour, each morning and evening in the light of rule 340(i) of Pakistan Prisons Rules, 1978. They are being kept in Security Barracks and all facilities are being provided to them under the prisons rules which are available to the under-trial / convicted prisoners.*

***BALANCE BETWEEN THE RIGHTS OF THE PRISONERS AND THE STAFF***

*One of the most important findings of the report produced by Lord Justice Woolf after a number of very serious riots in English prisons in 1990 was that the maintenance of a correct balance between security, control and justice is the key to an effectively managed prison.*

*“There are three requirements which must be met if the prison system is to be stable: they are security, control and justice.*

*For present purposes, “security” refers to the obligation of the Prison Service to prevent prisoners escaping. “Control” deals with the obligation of the Prison Service to prevent prisoners being disruptive. “Justice” refers to the obligations of the Prison Service to treat prisoners with humanity and fairness and to prepare them for their return to the community”.*

*[Lord Justice Woolf, Prison Disturbances, April 1990 (The Woolf Report), 1991].*

*Prisons cannot select their prisoners. They have to accept whoever is sent to them by the learned courts or the legal authority. They can, however, choose their staff, it is essential that the staff should be carefully selected, properly trained, supervised and supported. To protect the rights of the prisoners, it is essential to impart due importance to the prisons staff in terms of their recruitment, training and salary. In compliance with this Court Orders dated 06.04.2018, the Punjab Prisons has taken the following steps for the welfare of the staff:*

- i. Up-gradation of Chief Warder, Head Warder and Warder*
- ii. Prison Security Allowance to all the officers / officials of the Prisons Department.*

*Punjab Prisons Staff Training College has been established at Sahiwal district to impart training to prisons staff upto Deputy Superintendent Jail. The Government of the Punjab has conferred a status of attached department to ensure administrative and financial autonomy of the institution.*

12. From the above comprehensive report, it is evident that since filing of this Petition in 2010, significant improvements have been introduced in Prison administration and to alleviate the plight of the prisoners. Indeed, this is not enough and there is much more

to be done for further improvements in Prisons Management System including the difficulties and challenges faced by the prisoner population. Learned Law Officer, in this regard, informed this Court that recently *vide* Notification dated 14.11.2024, in pursuance of the decision made during the meeting held at Lahore on 2<sup>nd</sup> November, 2024, a Sub-Committee on Jail Reforms for the Province of Punjab has been constituted under the Chair of Mr. Justice Shams Mehmood Mirza, J. The Terms of Reference (**TORs**) thereof include:

- i) Alignment with International Standards for Human Treatment.
- ii) Reduction of UTP overcrowding and Expedited Trial Processing.
- iii) Assessment and Enhancement of Jail Infrastructure and Conditions.
- iv) Review and Reform of Legal and Policy Frameworks.
- v) Adoption of Best Practices and Innovations
- vi) Engagement with Key Stakeholders and Expert Consultation.
- vii) Development of Comprehensive Recommendations for Systemic Reforms.

13. The above Jail Reforms Committee shall submit its recommendations as *per* the TORs within a period of two months to the Hon'ble Chief Justice of Pakistan/Chairman, Law and Justice Commission of Pakistan through the Secretariat, Law & Justice Commission of Pakistan. When Jail Reforms Committee under the supervision of the Hon'ble Supreme Court and of this Court with specific TORs has already been constituted, there is no need to proceed with parallel proceedings in this Petition by way of public interest litigation.

14. In view of the above discussion, this Writ Petition is **disposed of** with the following recommendations (framed in

consultation with the respective parties) to be looked into and considered by the concerned Authorities for making further future improvements in Prisons Management System:

- i)** Keeping in view the number of female prisoners, establishment of Women Jails at Lahore, Faisalabad and Rawalpindi is necessary to protect the rights of female prisoners confined in male Prisons.
- ii)** To help long-term prisoners to re-integrate into the society, Prisons Authority may establish Open Prison with “minimum security” for confinement of the convicted prisoners in last year of the sentence.
- iii)** In line with Rule 6 of the Standard Minimum Rules for the treatment of prisoners, Punjab Prisons may introduce Electronic Prisoner File Management System to impart transparency and efficiency in Prisons Management and digitalize all the prisoners record with NADRA.
- iv)** To streamline the legal process and reduce delays, digitalization of Courts records, Prisons and the Prosecution and their integration. At the same time, option of the trial through video link may be exercised, if possible, to reduce delay.
- v)** Currently, 3200 prisoners belonging to territorial jurisdiction of ICT are incarcerated in Central Jail, Rawalpindi. The construction of Prison facility at Islamabad may reduce congestion in Central Jail, Rawalpindi.
- vi)** In line with Rule 83 of the United Nation Standard Minimum Rules for treatment of the prisoners (Nelson Mandela Rules), Punjab Prisons should establish external inspection mechanism to ensure the accountability and transparency in Prisons System.

- vii)** Revisions of relevant Rules in conformity with the United Nation Standard Minimum Rules (Nelson Mandela Rules) and the directions of the High Courts and the Supreme Court of Pakistan passed in different cases to protect the rights of prisoners enshrined in the constitution of the Islamic Republic of Pakistan, 1973.
- viii)** The Prisons Staff must be trained to deal with dangerous, psychological disturbed, drug addicts, death-row prisoners and the prisoners have tendency to inflict self-harm or injury.
- ix)** Currently, all the mentally ill prisoners are transferred from different Jails to the Punjab Institute of Mental Health for their treatment. In this regard, it is proposed that Psychiatric Ward or independent hospital on the analogy of Punjab Institute of Mental Health may be established at regional level, especially at Rawalpindi and Multan to ensure the treatment and confinement of mentally ill prisoners in conformity with the guidelines stipulated by Supreme Court in case titled “Safia Bano Vs. The State” (**PLD 2021 SC 488**).
- x)** Revamping of the Jail Industries to equip the inmates with essential skills to aid their rehabilitation and reintegration into the society.
- xi)** Educational Syllabus may be matched with the public or private institutions.
- xii)** It is argued by the petitioners that the law of release of prisoners on parole, with good conduct and behavior, is misused by jail authorities and almost all such prisoners are kept as domestic workers at the residence of officers. This may hurt the self-esteem and ego of prisoners. In the circumstances, the procedure of release on parole may be simplified and such parole prisoners

should be engaged in community service, in industry and commercial institutions. This will make the prisoners, a productive member of the society and facilitate him/her in rehabilitation.

- xiii)** The recommendations of the Parole Board, established under Section 10 of the Punjab Probation and Parole Service Act, 2019, may also include nature of work and employment of the prisoner assessed on the basis of qualification, skill and age, to be released on parole. Parolees may preferably be employed by an organization, institution, or industrial unit.
- xiv)** In conformity with the best practices, the Punjab Probation Service may develop the quantifiable mechanism to conduct need assessment and risk assessment of the prisoners to be released on parole as enunciated under Section 12 of the Punjab Probation and Parole Service Act, 2019.
- xv)** Keeping in view the role of Probation Officer, defined in District Criminal Justice Coordination Committee under Police Order, 2002, and Juvenile Justice Committee under Juvenile Justice System Act, 2018, the Government of Punjab may expedite the process of revamping Probation and Parole Service including training of the probation officers, up-gradation and infrastructure.

15. It is further directed that on future improvements in Prison Management System including on aforesaid recommendations, a quarterly progress report shall be submitted to this Court's Monitoring/Administrative Judge of the Prisons/ Jails in Punjab.

16. Before parting with this judgment, I would like to pay tribute and acknowledge the industrious work rendered by the learned counsel for the petitioners (M/s Syed Moazzam Ali Shah,

Khadija Amjad Wazir, Rana Muhammad Akram, Shahram Anwar, Syed Ahmed Hasnain Rizvi, Muhammad Haseeb Rana, Sikandar Rehman Khan Niazi, Amna Hassan and Tamara Murat, Advocates and Amicus Curiae), who worked in *pro-bono* to address the highlighted critical issues for improvements in Punjab Prisons. Similarly, this Court also appreciates the efforts and dedications of the respondents, especially Dr. Qadeer Alam, AIG (Judicial), who cooperated to make substantial improvements in Punjab Prisons as discussed in this judgment.

**(ABID AZIZ SHEIKH)**  
**JUDGE**

**Approved for Reporting**

**JUDGE**

*Arsalan\**