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Jostling for Rehabilitation: The Plight of Prisons and Prisoners in Pakistan

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Abstract

This paper delineates the inhuman practices and the incongruous conditions of prisons in Pakistan. Furthermore, it critically analyzes the present-day prisons, its environment and the treatment of prisoners. This study is conducted in four selected prisons of Khyber Pakhtunkhwa using qualitative research methods i.e. observation, interviews and key informant interviews. Purposive sampling was carried out for the selection of respondents. Thematic analysis was preferred for the illustration of empirical data. The pragmatic data divulges that prisoners are not treated in the way to rehabilitate them. The factors responsible for their plight are unhygienic food and water, filthy environment of barracks, poor sanitation, toilets, bathrooms and deteriorated condition of barracks, kitchens and accommodation portrayed the predicament of prisons. The obstacles in the way of rehabilitation are hard punishment, non-availability of educational, technical and vocational training and joint detention of first offenders with hardcore criminals. Young adults were assaulted physically, morally and sometimes sexually.

Keywords: Rehabilitation, incarceration, solitary confinement, hardcore criminal, offenders, prison.

Introduction

Prison institution exists in Pakistan since its inception. Though, the prison system in Pakistan is a colonial legacy as Pakistan remained under colonial rule for years but the system is currently regulated by the country's own legislation. Following the trend of rehabilitation of offenders, Pakistan's prison system also focuses on rehabilitation of inmates instead of punishment. The government and concerned authorities of the criminal justice system understand the fact that the prison layout, function of prison administration, condition of prisoners has close relation with recidivism. Therefore, the government is striving for reformation of

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prison system. The Prison Rules 1978 illustrates the prison condition and the way of dealing prisoners. Nowadays, other countries of the world, the aim of imprisonment in Pakistan also tilted from incapacitation to rehabilitation. The purpose is to rehabilitate offenders and decrease recidivism in the country. To carry out this purpose, the prison condition and its administration has a great role. Unfortunately, the prisons in the country did not function in the way to rehabilitate the inmates as reflected in law. The dysfunction of prison system is responsible for the increasing crime rate in the country. Other problems like mismanagement of prisons, poor performance of the administration, dilemma of prisons, scarcity of facilities and improper dealing of inmates in prisons fourfold. These problems in turn increase crime in the country rate and hinder the way of rehabilitation of offenders (Jeelani, 1999).

Prisons in historical perspective

Prisons and the plight of prisoners are not new in criminological discourses. Before 19th century, the criminals were hanged to death, branded and subjected to severe torture which may cause death. These punishments are evident from Hammurabi Code which is unearthed in Susa in 1902 (Durant, 1975). However, Norman Johnston, in his famous book "The Human Cage" states that the earliest prisons cannot be accurately traced and dated. However, it is clear that the concept of captivity existed throughout human history. The early prisons aimed to captive inmates rather to improve them for the wellbeing of society. The early captivities consist of abandoned structures and strong cages. Mostly prisons were located in fortress or castle enclosures. These structures are existed in Rome. These prisons were stone made and known as Mamertime Prisons (Carter, Glaser and Wilkins, 1977).

Most of the reformation processes were initiated by philanthropists. Likewise, John Howard name is closely associated with the reformation process of penitentiary system. He was an Englishman and worked as Sheriff. He was assigned the task of inspecting prisons in the country. He viewed that inmates were abused in different ways. He highlighted the problems of prisons and thus was considered as the first philanthropist to highlight these problems. Afterward, the transformation of the prisons started (Foucault, 1977: Bailey, 1966). Foucault and Ignatieff (as cited in Hagan, 1987), suggest that the shift of inhuman tortures to imprisonment takes place after 1776 and 1789 in America and France respectively.

Origin of Modern Prisons

The prisons and reformatories we know today, and the way of dealing with prisoners in the current era, originated from United States (Anderson and Newman, 1993). During the last two decades of 17th century in Philadelphia, a religious reformer William Penn made creative amendments in prison system. He limited death penalty for murder and few other heinous crimes. He imposed fines and imprisonment for minor as well as some heinous offenses. Flogging remained for arson, adultery and rape. Penn contributed a lot to transform prisons and added the idea of jail as workhouse for offenders. Hence, the first jail was established in Philadelphia in 1682 known as High Street Jail (Inciardi, 2005). Later on, during the 19th century, treatment philosophy developed. The prisons were considered as centers for rehabilitation of offenders. The purpose and prisons changed from incapacitation or captivity to rehabilitation (Siegel, 2009). Rehabilitation is the act of restoring something or someone to its/his original state (Samaha, 1978).

Prisons in Pakistan

Like other systems, the prison system of Pakistan is a colonial legacy. After partition, Pakistan was facing multiple problems. Among these problems, the law governing the state was pivotal. The only option in that critical time was adaptation therefore, the colonial laws were enacted for the time being. In this regard the prison system was regulated under the Prison Act 1894. For reformation of the prison system different reforms were carried out. The reformation process passed through several reform committees (Akbar and Bhutta, 2009). In 1978, the Prison Rules were enacted known as Prison Rules 1978 (GoP, 1978). The aim behind all these struggles was to strengthen the prison system in order to minimize the crime rate in the country through rehabilitation of offenders. However, the crime rate in the country is increasing day by day (Jeelani, 1999). This paper illustrates the jostling of the system for rehabilitation and the factors responsible for predicament of prisons and prisoners in Pakistan.

Extent and Significance of the Problem

The plight of prisons and prisoners is a matter of considerable concern for policy makers, society and researchers because it has direct effect on the rehabilitation of offenders. Criminologists assume rehabilitation as alternative to punishment and incarceration. We know that the crime rate in society is increasing day by day and emerge as a fatal social problem. The maximization of prisons and severity of punishment cannot reduce the problem rather rehabilitation does. Rehabilitation of offenders guarantee the minimization of crime rate in society. The current prison system aims to rehabilitate the offenders and make them law abiding citizen in the long run but failed due to certain factors. There are some

pre-discussed factors and most of them are hidden which hinders the way of rehabilitation. These factors are responsible for the plight of prisoners and prisons which in turn contribute to the improper rehabilitation of offenders. This paper is significant in its kind to highlight the hidden factors responsible for the dilemma of prisoners and prisons. It can help the policy makers to develop the prison system so that the prisoners can get rehabilitated and reduce crime rate in the country.

Methodology

This study is case study in nature and conducted through qualitative research methods which allow the researcher to present findings in description. Statistics were only used as supporting data in order to highlight the numbers of prisoners in each prison. The tools for data collection include rapport building, observation, interview and key informant interviews. Due to sensitivity of the research, rapport building was foremost important tool. Observation was helpful in observing the prison layout, prisoners and the way they are dealt by the administration. Through observation the researcher became eve witness. The respondents were interviewed thoroughly using semi structured interview. Semi structured interview was used because it is flexible and versatile in nature (Bailey, 1990). Ten (10) respondents were selected from prisoners and three from prison administration in each prison through purposive sampling procedure. During selection of respondents from prisoners, those prisoners were selected who spent more than one year in prison because they were assumed to better respond regarding the plight of prisoners and prisons. Among prison administration, those officials were selected who spent more than 6 months in the prisons under study. They were interviewed in order to highlight their role in rehabilitation of inmates and to investigate the problems they are facing in rehabilitation of offenders. There were situations when the researcher was restricted to observe the prison and prisoners on specific days. Amid this situation, key informants played a vigorous role in collection of data and saving of time and resources. One key respondent was selected form each stratum in every prison. A total of 52 respondents were selected for this research. The empirical data was presented in description.

Factors Responsible for the plight of Prisons and Prisoners

Multiple reforms in the laws regulating the prison system of Pakistan was made to strengthen the system in order to rehabilitate the offenders. A strengthen and effective system guarantee the decrease of crime rate in the country. The increasing crime rates reported in media on daily basis is a matter of extensive apprehension for the policy makers, rulers and law enforcement agencies. Beside them, it's a matter of concern for every citizen of the country to play their role in minimizing the crime rate. The first offenders who have been through the prison process can become hardcore criminals and law-abiding citizens as respectively. Their future depends upon the prison system and the way they are dealt with. Prison should provide such environment and training to offenders that the released prisoners became assets of the state rather a nursery of crime in the long run. He must be trained in the way that he easily earns livelihood and live a peaceful life. Unfortunately, there are factors responsible for the plight of prisons and prisoners which are obstacle in the way to contribute in rehabilitation of offenders. On the other hand, the problems of the prison administration maximize the cynicism. The empirical data reflects the following factors;

Unhygienic condition of Barracks

Accommodation play a vital role in the life of prisoners. Regrettably, the accommodation facility for prisoners i.e. barracks were observed unsatisfactory. The cleanliness situation was a bit satisfactory in one among the studied prisons. While carrying out interviews with the prison superintendents of prisons, they draw an ideal sketch of the prison regarding cleanliness and their role in rehabilitation of offenders. After visiting the barracks in person, the situation was observed otherwise. The rectangle shaped barracks were full of inmates beyond capacity. The toilets and bathrooms were located in the corner of barracks inside the prison where filthy smell was observed. According to the prisoners they were used to with the smell so they didn't feel it the way it was felt by outsiders. In some areas of the prisons, the toilets and bathrooms were lacking doors and imitating the ablution places inside mosques. In other areas, there were half sized doors on toilets and bathrooms where a person bathing or attending the washroom can easily be seen by other one standing near the door. While interviewing a respondent the researcher came to know that there is lack of warm water in winters. The cold water often makes the inmates ill. Due to fear of illness the inmates bath once in a month. Attached to the toilets, there was a place for cooking. The inmates only use coal or small pieces of wood for cooking because gas and electric heaters were prohibited. The walls of the barracks were turned black and yellow due to the smoke of coal. The walls of barracks were full of hanging clothes. There were no proper hangers for clothes of prisoners.

The walls seem that they were rarely white washed in a year. A key informant added that the barracks were white washed two years ago. The barracks were lacking windows andiron grills were placed in the longer walls of the barracks. The prisoners suggested that the winds in winter don't let them sleep at night. Once in a year plastic was placed to hinder the cold breeze but they were

damaged. The prisoners used to sleep on ground. The quilts were too dirty and stuck with the ground. The prisoner's plaint to the researcher for the betterment of the barracks as they assume that the researcher is a visitor to strengthen the condition of prisons. They further added that the hotness of barracks during summer have changed their body colors. The prisons were lacking air conditioner or air cooler facility or fan. The prisoners wash utensils inside the prison with a poor sanitation system. The standing water was favorite zone for mosquitoes due to which the barracks were full of mosquitoes at night. The scarcity of antimosquito and insecticides spray let the prisoners to fall prey of mosquito and other insects.

Capacity of Prisoners in Prisons

Among the studied prisons, one has the capacity of five thousand prisoners and a total of nineteen hundred and seventy-six prisoners were incapacitated. In another, there is capacity of two hundred prisoners and four hundred and sixty-four were incarcerated. The third one has three hundred and twenty-one prisoners where the capacity in one hundred and seventy. Above three hundred prisoners were imprisoned in the fourth where two hundred prisoners can hardly be adjusted. The imprisonment beyond capacity two-fold the problems of prison administration and leads to improper treatment of prisoners.

Sexual Abuses

There was a common observation regarding prisons that the young adults and handsome offenders were subject to sexual assaults. Though, it looks like a stereotype but, the researcher came to know through interview with several respondents and a key informant that the young and handsome offenders are subject to sexual assault. Due to fear, the prison administration house them in juvenile barrack which is another threat to the juveniles. After having rapport building with respondents, they regurgitate each and every practice committed in the prison. They added that not only prisoners but people in the prison administration are rarely involved in sex practices with inmates. During interview with an inmate, he added that he spent one year in prison and was involved in sexual intercourse with another inmate more than one hundred times. The prison is haunt for those people having sex habits.

Drug Abuse

Like sexual intercourses, the use of drug was also looking like a typecast but in fact drug is abused in prisons. Multiple respondents viewed that they abuse drugs like hashish and heroine. The researcher observed the heroine abusers in two prisons. This case study unearths the drug abuse and supply in prisons.

Case Study

Salman (camouflaged name) was an inmate in the one of the prisons under study. He was sentenced for three years. He was the relative of one of the key informants as well. On key informant's behalf, the researcher was able to establish a good rapport with him. Salman was working in that shop where inmates buy necessary items for daily use i.e. fruits, confectionaries, sweets, shaving blades, razors etc. The owner of the shop was a prison official. Though, he was not permanent employee of the shop nor having any shares but the owner trust him and he assist the owner. After some time, he gains complete control of the shop. He was a driver (camouflaged profession) by profession before imprisonment and hashish user. His masters were very influential people. According to him he never quit using hashish during the time spent in prison. The son of his master use to meet him every week. He supplies hashish to him on his demand. Though, it was looking very difficult to bring hashish to prison in such a tight security. On inquiring the way of supply, he added that every week the son of his master came to visit him. He brings hashish with himself. In the meeting room, specified for meeting of prisoners and family members, there is a small whole where the relatives can give money to prisoners. Albeit, there is steel net to bifurcate the prisoners and visitors. It imitates a wall between the prisoners and the visitors. His master's son wraps hashish in currency notes and give him in the whole made for give and take of money. Though, there are police standing either sides of the meeting room but they have alleged collusion with the prisoners. Salman added that the police knew that he receives hashish from his visitor but he pays them for keeping the secret and allowing him to do so. He further added, that hashish has a great value in prison. When his master's son brings hashish of rupees five hundred, beside his own use all the week, he sells some of it for more than rupees one thousand. This practice continues for six months. Salman added that there are many hashish users in the prison and they use it on daily basis. Some of them fall prey of the watchmen and constables on duty where they are subject to severe punishment and solitary confinement. It is noteworthy to mention here that the researchers observed a university student in the solitary confinement. The researcher came to know that he was caught red handed by the watchmen while using hashish. Salman added that the influential people who use money in prison can do everything they want. Their demands are been fulfilled in one way or another. He disclosed several officials who were alleged colluded with him while abusing and selling hashish. The severe punishment for hashish users cannot be appraised rather it is a matter of immense concern that how the drugs are supplied to such a security place.

The case study unveils many things. Firstly, it reflects that the administration of the prison or prison officials are involved in every malpractice in prison. Secondly, it reflects that if such a high security place cannot be cleared from drugs how can the law enforcement agencies clear the rest of the country. The dream of rehabilitation cannot be fulfilled in the presence of such people who sold their inner self and duties for some coins.

Alongside hashish users, a number of heroin users were also observed in the prison. They were in very depreciated condition having ugly hairs, sparse beard and wearing dirty clothes. Some of them were observed abusing drugs in the presence of prison officials. The researcher was shocked to see this scene. They were in need of rehabilitation rather they were allowed to abuse drugs. When a layman sees this situation inside the prison the question will arise in his mind that what was the need of their incarceration if they are allowed for drugs. Indeed, the question is valid. They were arrested in the charges of drug abuse. An official was observed in search of heroine for them. He added that if they did not provide drugs for them, there are chances that they may die or harm himself or his mates. These inmates were in need of rehabilitation instead of providing them drugs as prison is a place for reducing crimes not to provide safe zone for criminals to repeat their offenses. According to the prison administration, there is no facility for their detoxification nor the government has facilitated them in this regard. They added that they are well aware that such people need detoxification to relinquish these drugs and live a better life but the scarcity of facilities hinders their way.

Social Learning

The prisons were observed as learning ground for first offender to learn about crime and create association with hardcore criminals. During visits to prisons, the respondents were found telling stories of criminal acts and projecting themselves like heroes. They were surrounded by multiple number of inmates including first offenders. They were from different areas but have established close association. Every released inmate was fare welled and was promised of meeting outside prison. This differential association among inmates strengthens Sutherland's theory. There was no bifurcation between the offenders of heinous and minor offences. Drug dealers, murderers, dacoits, moral criminals, psychopathic, drug abusers, thieves and traffic rules violators were incarcerated jointly where they became good friends. Having no source of engagement, they spent most of their times is tales and life stories. They came out of prisons in the same condition where they were imprisoned. Most of them were in the making of hardcore criminals. There is no aura of rehabilitation in the outgoing prisoners. The prisoners who came to prison twice and thrice were witnessing improper rehabilitation. According to seven respondents, they were here for second time. It is noteworthy to mention here that these prisoners were first time imprisoned in minor offence and this time they have committed unbailable offence.

Lack of Education and other Necessary Trainings

The prisons were lacking education facility, technical and industrial training and physical fitness opportunities. Only religious education was imparted to the inmates. The lack of psychological counseling has increased their pessimism. They assume themselves as the neglected lot of society. Their plight imitates the flock of animals in the dairy farm. The inmates were in the making of lethargic and lazy humans. They only took interest in recitation of Quran and learning it. The reason behind this was not their immense love with religion but they were rewarded in terms of minimizing their prison sentence. A respondent viewed that his sentence was reduced for two months because he has memorized one para of the Holy Quran. None of other creative work was offered nor rewarded therefore the inmates have no interest in other works.

Punishments

Punishment is used as a tool to suppress the inmates and imprisonment imitates slavery. The prisoners are treated as slaves in prisons. They are punished severely on pity mistakes. The researchers observed that the prisoners were beaten on visit to other barracks without permission. A university student was housed in solitary confinement made for hard core criminals i.e. terrorists. He was caught red handed smoking hashish. Beside punishing the suppliers of drugs and hindering their way, the drug abusers are treated worst. Once the researcher observed that all prisoners were paying salutes to a planned clothed person. Every prisoner stood silent and whispering in one another ears. The key informant added that the person is deputy superintendent of the prison. During his visit there is complete silence. The prisoners withheld all activities and stand is his honor. They often use abusive language for prisoners. This attitude creates a sense of hate in the hearts and minds of the prisoners. It hardens their ego and they come in conflict with the law and administration. They think of revenge from the law and its implementing bodies.

Lack of Medical and Psychological Counseling

There was lack of psychological training and counseling of prisoners. According to the prison administration, the government has not provided a single psychological counselor. For medical check-up, though there was a doctor but there was no concept of daily medical checkup of the inmates. The inmates added

that they were only provided with a single or two tablets in a day in case of illness. The psychologist rarely visits the prison. One of the key informants seconded that the doctor rarely checkup the inmates.

Check and Balance

The prison rules direct the administration for strict checking of the barrack for forbidden things like drugs, knife or other harmful things. The presence of snuff rounds, cigarette filters, and drug users in prison was witnessing the poor performance of the prison administration. Yet, they opined that they maintain strictness but the observation was otherwise.

Food

The provision of food to the prisoners is the responsibility of the prison administration. They are bound to provide hygienic food to the inmates. In discussion with a deputy superintendent, he viewed that they provide hygienic food to the inmates. The schedule of food exhibited by him was good as it includes rice, meat, chicken, vegetables and pulses but the researchers has their own observations. Firstly, the food is supplied by a contractor. It is crystal clear that he provides a little low-quality item for income and it was observed as thought. The vegetable provided for cooking were not fresh. The food items were checked but approved. A key informant unveiled that the contract is awarded on alleged collusion that's why no one hinder the contractor's way. Beside this, there was no specialized cook for cooking. The food is cooked by the inmates who know about cooking. The place where food is prepared is known as Langar. Amid visit to langar, the researchers observed filthy smell emerging from the sanitation water. The caldrons were not properly cleaned up. The quality of the meal was looking low hence the deputy superintendent added that we use 10 grams of tomato for one prisoner. According to this statistic, one kilogram of tomato is used in meal for one hundred prisoners which is very low quantity. The respondent, indentures towards the weight of bread. It's a fact that the weight of bread was quite good. Such bread is even not prepared in the market but there was a problem as well. During visit to Langar the researcher observed an inmate preparing flour for bread with feet. He was sentenced for three years with labor. He told that it's very difficult to prepare forty to fifty kilograms of flour with hands. It was hot summer and the sweat was springing from his body which destroys the hygiene of the flour and then bread. The water used for cleaning of utensils and cleaning food items was not filtered. The people involved in the overall process of cooking was in adverse condition with reference to cleanliness. Beside food, the barracks were lacking purified water for drinking. The prisoners use to drink the water from the

same pipes which go through the washrooms and toilets. Contaminated water is one of the main causes of hepatitis in Pakistan. Hence, the hygiene in the studied prisons was observed not satisfactory.

Problems faced by Prison Administration

Beside all other issues in prisons, the problems faced by the prison administration are also responsible factors for the plight of prisons and prisoners. These problems are obstacles in the way of proper rehabilitation of offenders. According to the prison administration, the prison staff i.e. police and wardens are not trained in the way to deal with prisoners. Most of them are unaware of the prison rules. The lack of knowledge regarding handling offenders worsens the plight of prisoners. In the studies prisons, most of them were congested and the inmates were beyond the capacity of the prison. The government need to build new prisons on emergency basis. These prisons were built in the mid of 20th century and most of them were built by the British. Though, these prisons were enough at that time but with the heavy increase in population it needs expansion. The prison administration viewed that they have reported this issue to the government several times but the practical work is still awaited. The prisons department of the province has not that much budget to build new prisons in every district. However, the light of hope can be seen as the government has initiated the construction of new prisons in the province. Furthermore, the inmates need to be provided with facilities for their rehabilitation and training so that they can earn livelihood after their release. These facilities include technical, industrial and educational training. In Khyber Pakhtunkhwa province, only three prisons provide these facilities i.e. Central prison Dera Ismail Khan, Bannu and Haripur. The remaining prisons in the province are lacking these facilities due to which the inmates became lethargic and busy in making associations.

Psychological counseling is very necessary for inmates to rehabilitate their mind. It includes anger management and mental therapy. Anger management can reduce a number of offenses (Jeelani, 1999). The researchers did not observe such type of counseling in the prisons. The prison administration added that there is lack of psychological counseling because the government is unable to provide a resident psychologist for the counseling of inmates. In the province, such counseling is only provided in central prison Peshawar. A social welfare organization i.e. Dost welfare organization provide counseling to the inmates in Peshawar. Most of the remaining prisons are lacking this facility which hamper the way of rehabilitation.

Physical training of the inmates in necessary for their fitness (GoP, 1978). Physical training includes games, drill and gymnastic. There is dire need of

physical training instructor in the prison for the physical training of inmates. The researchers have never observed any sort of physical training of inmates during their visits. The inmates also added that they have never provided with such training. The prison administration viewed that physical training of inmates in utmost necessary but the prisons are not provided with such facilities. The government has not provided the prisons with physical trainer or drill instructor. There is lack of sports goods and funds to provide the opportunity of games to the inmates. Apart from all the aforementioned deficiencies, the prisons have no space for providing these facilities. They added that they hardly adjust the inmates in the available place. The officials further added that the prisons need staff to strengthen the prison administration while the government is unable to provide them trained staff. Police constable are transferred from frontier reserve police or district police who are unable to deal with the inmates in the prisons and prisoner which leads to improper rehabilitation.

Conclusion

Prisons are built in order to confine offenders and rehabilitate them. However, the conducted study reflects that prisoners are not treated in the way so that they can be rehabilitated. The plight of prisons reflects that there was scarcity of basic facilities. Accommodation provided to the prisoners was not satisfactory. The environment of barracks was unhygienic for residence. The lack of industrial, technical, vocational and educational training made the prisoners lethargic and provide them an opportunity of making associations. Lack of sports, games, drill and gymnastic physically affect them. The unhygienic food provided to the prisoners from communal kitchen increase their health issues. Lack of professional cooks contribute to the poor quality of food. Dearth of proper check and balance and alleged collusion of officials with inmates allow the inmates for sexual abuses, keeping prohibited items and use of drugs. Severe punishments to the inmates on pity issues create a sense of hate in their minds and hearts against the law which force them towards future recidivism. Inmates were put to labor which imitates slavery and affect inmates. Drought of proper health care deteriorates the health of prisoners. The prison administration termed the government responsible for the plight of prisoners. The governments don't look interested in the rehabilitation of prisoners that's why they are reluctant to provide trained staff and other facilities to the prisons. Hence, it was clinched in the available facilities, the prison system can only jostle for rehabilitation of inmates and dream for a crime free society.

Based on the finding of this study, the following suggestions are extracted for a better system which can rehabilitate the prisoners

- 1. The government need to build new prisons having at least a capacity of one thousand prisoners in each district and provide trained staff.
- 2. There should be proper check and balance on prisoners using digital monitoring inside barracks.
- 3. Deterrence should be given to the officials having alleged collusion with inmates.
- 4. For reducing health issues, hygienic environment and food should be provided.
- 5. Improvement of accommodation facilities.
- 6. Provision of technical, vocational, industrials and educational facilities to all prisons.
- 7. Delivery of psychological counseling to the inmates.
- 8. Separate housing of first offenders from other inmates
- 9. Separation of offenders with minor offenses from that of heinous offenses.

This study suggests that with providing the aforementioned facilities, an aura of hope can be created that the prisoners will be rehabilitated and they will become contributing and law-abiding citizens.

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