

Jail reforms - the other side

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A pathetic report emanating from one international human rights monitoring body from Rawalpindi highlighted the inhuman conditions prevalent in the Adiala jail makes interesting reading for the public and the government. While the report painted a very bleak picture of the improper health-care, worst hygienic conditions, pathetic food and audacious attitude of the jail authorities, it failed to pinpoint the causes and suggest any remedial measures to enlighten the public as well as the government. The malady is not confined only to Adiala, the rest of the prisons all over the country are suffering from the same degradation. It was a statement about the kind of miseries the inmates were facing but it is equally essential to think critically about the nature of the malady, how it occurs, who it affects and what could be done to prevent it.

It is good to first assess where we stand in relation to the gigantic human problem we are facing and then to plan a strategy to fight it. Mere criticism, which has become a fashion with most of the NGOs to play to the gallery, is not the answer. The utopian system, which the international human rights monitors or other NGOs envisage, suits only the angels and for that matter both the prisoners and the jail staff are not angels. Expect what is humanly possible and first ask the question what have they done other than press statements to lessen the miseries of the prison inmates?

Prisons are regarded as places of incarceration and punishment and not reform. They are miserable, neglected places that perform only the most basic custodial functions, are invariably old and badly maintained with inadequate basic amenities. The basic problem that the prisons are facing is the overcrowding which somehow has escaped the attention of the NGOs. The unsanitary conditions and pathetic food are natural corollaries of overcrowding. The prisoners receive a largely inadequate subsistence allowance that needs to be supplemented for survival. To this extent the NGO programmes are poorly thought out and not well coordinated. The Adiala jail with a total capacity of 1,800 inmates has been dumped with 5,621, which includes 227 female and 810 juvenile prisoners. In a situation like this it is not possible to crime-wise segregate the prisoners. The paucity of funds coupled with overcrowding forces the weak and vulnerable (juveniles, the old and the sick) simply to look after themselves.

An inside study of the situation in Punjab reveals that against the authorised accommodation of 17,637 prisoners in the 30 jails, there were 49,796 prisoners on December 31, 2002. The biggest chunk of the population was the under-trial prisoners whose number stood at 33,751. This constant burden on the prison authorities is not because of their failure but because of the faulty penal system. What else could it be than the failure of our criminal justice system where 80 percent of the inmates in the prisons are under-trials who legally cannot be brack-

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They are Victor Hugo's savages of our criminal justice system, which is inefficient and unjust, as crime is not an entity in fact, but an entity in law. According to Carrava and Beccaria, the object of criminal law and criminal justice is to prevent abuses on the part of the authorities. The prolonged trials on one pretext or the other, is something vile and loathsome as its venom kills everything. It is a leech preying on the soul and it neither contains nor combats crime but exacerbates and expands it, and condemns the under-trials for the rest of their life.

This amounts to breaking human beings and converting them into specimens in a zoo ready to attack the social set-up that had made them outcasts. Have the NGOs worked for the improvement in the criminal justice system that has increased the population of non-convicts to 80 percent of the total jail inmates? Have they calculated the loss of time and money in transporting them to and back

from the courts for years before their cases are decided? Sometimes before a decision is made the victim has already completed his term for a crime which he might not have committed. Who is responsible for this injustice and what remedy do the champions of human rights propose? Isn't it baffling that over 5,000 condemned prisoners are in the charge of the prison authorities in Punjab? For every condemned prisoner a separate cell has to be provided by the authorities while on the ground the reality is frightening when five or more than five such desperados are put together in one cell because the jail authorities are helpless in the face of overcrowding, paucity of space and funds. A prisoner who stands condemned has a natural tendency to become reckless and violent because of lurking death.

The final disposal of their cases keeps on hanging for over five years (in some cases 10 years) because of the snail-paced criminal justice system. The jails in the provinces fall under the purview of the Home Departments and it is binding on them to fight for the rights of the condemned lot. In the words of Oscar Wilde, the inmates know not whether the laws be right or wrong; all that they know is that the wall is strong and that each day is like a year, a year whose days are long.

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