

Situation of Prisons in India and Pakistan: Shared Legacy, Same Challenges

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ABSTRACT

After the partition of British India (1947), both the countries-India and Pakistan inherited the similar prison system from the British as a colonial legacy. That system was designed and constructed to suppress the political opponent as the jails served as means to detain freedom fighters and regime defiant more than criminals. This paper delineates the prison reforms introduced and various commissions constituted by India and Pakistan keeping in view paradigmatic changes in the objectives and functions of prisons throughout the world. Both the countries introduced administrative, legislative and reformatory measures to address the major problems facing the prisoners and prisons. Nevertheless, a substantive gap remained between policy decisions and implementation level. Prisons have turned into place of illegalities and fertile breeding places for offenders. This situation needs improvement in accordance with reforms introduced by the both countries and International Conventions/Regulations on Prisoners' Human Rights charted by United Nations.

KEYWORD: Prison system, prisoners, prison reforms, India and Pakistan

Introduction

“The degree of civilization in a society can be judged by entering its prison”

Fyodor Dostoyevsky (1821-1881).

Pakistan and India inherited the same Prison System from the British as a colonial legacy. This system was used by the colonial as an instrument of punitive measures adopted to suppress the political opponents and threat to the Crown. Jails served as means to detain freedom fighters and regime defiant more than criminals. While the history of Western society's use of punishment dates back to tortures and public executions at the scaffold. It was characterized by a legally approved “discrimination, violence, revenge, and penitence during Medieval and Ancient times” (Blomberg & Lucken, 2000). The appalling and shocking pain

inflicted on the “body of the damned” dates back the past punitive system. Bodily punishment dramatized around the “spectacle of the scaffold” disappeared in 19th century when prisons were constructed as place of punishment (Sargiacomo, 2009).

The presence of the church in Europe, until the early part of the eighteenth Century was important because the state did not benefit from just “naked violence.” Instead, it had to broaden the purview its power through a “stage of virtue and penitence”. It was marked by state sponsored expression of the law and order and desire to deepen the state’s power. At scaffold, it was the belief that the soul of the damned was being saved through the elicitation of truth by confession (Spierenberg, 1995). Although the scaffold was used as a theatre of punishment and deterrent for poor and lower class, they increasingly did not attend as spectators. The theater of punishment slowly assumed the form of popular celebration and public event for jeering and demeaning the justice officials rather than magistrates’ intentions to impose fear upon the masses. All this exercise became futile and useless. Thus, in reaction to public disorder, punishment became secluded and hidden from society (Spierenberg, 1995). This probably led to birth of prison as private and personalized way of punishment. Public theater became private act. Emphasis was laid to discard the public torture and executions. This was the beginning of a “new era of penal justice system where there was no more public execution, painful disfigurements or annihilation of criminal bodies. Despite all this the mechanism of oppression of previous century prisons are not completely vanished, as the new mechanism of penal justice consists of both “the deprivation of freedom” and “the technical alteration of the prisoners” (Foucault, 1975).

Prison as a place of punishment after conviction, is an 18th century invention. This is a humanitarian alternative to harsh and brutal penal methods of the dark ages. It was also believed that loneliness of the criminals in a solitary confinement would make them repentance resulting in reformation and rehabilitation. Until 19th century that the reformatory movements took practical shape when for the first time classification, segregation, individualized treatment and vocational training etc. of inmates, were given due consideration. World moved from retribution to reformation and rehabilitation. This ideology also changed the objectives and functions of prisons throughout the world. Objectives of imprisonment vary in different countries depending upon their ideological notions about the function of penal system. These penal functions are usually incapacitation, deterrence; rehabilitation and reformation (Scott CL & Gerbasi JB., 2005) Prisons are also meant to perform diverse functions irrespective of confinement and detention. Prisons transformed into institutions of learning and correction. Detention became an opportunity for self improvement. Prisons have also become the place of illegalities and corruption.

Keeping in view the changing and diverse role of prison both Pakistan and India introduced prison reforms which are discussed in details in this paper. This

paper also suggests some remedial measures to reform the jails. Now the functions of modernized prison have changed. Custody, control, correction, care, cure, community involvement and successful re-adjustment in society are objectives of prisons (Law and Justice Commission of Pakistan, 1997). Prisons are used to execute the sentence awarded by the Court. Maintenance, Care, Custody and transfer of prisoners are carried out in modern penal institutions. Jails are used for the maintenance of discipline and ensure prisoners' conformity. Prisons perform the function of imparting useful education / training to the prisoners in various trades/skills and other vocational disciplines for their successful economic rehabilitation. Organizing of recreational activities and psychological counseling of inmates are the auxiliary functions of the prisons (Law and Justice Commission of Pakistan, 1997).

Legislation on Prisons during British Rule in India

British Government either in process of implementation of its own authority or the vested authority by virtue of embracing the due maintenance of alliance with other states had through Regulation III of 1818 passed on the 7th April of the same year, for the confinement of state prisoner adopted a procedure to place any individual under personal restraint against whom there may not be sufficient ground to institute any judicial proceeding. It was the law of the time which never allowed any state prisoner to even think of his fundamental rights that he or she could not be behind the bar at one time or released from the clutches of the authority at the other on the will of the masters.

After the complete domination over sub-continent there was a requirement to amend the law relating to prisons in British India and to provide rule for the regulation of such prisons which under their control an Act No.IX of 1894 was passed by the Governor General of India in Council on the 22nd March. The said enactment came after Bombay Act II of 1874 which was applicable to civil jails in the Presidency of Bombay under the provisions of about eight sections i.e. Section 9 to 16 (both inclusive) without change. The Prisons Act was enforced on 1st July 1894 comprised of twelve chapters and sixty two sections on establishment, maintenance, duties of prison staff and admission, discipline, rights and obligations of prisoners.

Received the assent of the Governor General on the 11th March 1897 an Act VIII of 1897 was passed to amend the law relating to reformatory schools and to make further provisions for dealing with youthful offenders. After enactment of this law, the Reformatory Schools Act, 1876 was repealed. Although it was enforcement of very good law yet it was introduced much earlier in contravention of the requirement.

Act III of 1900, the Prisoners Act received the assent of the Governor General on 2nd February 1900 came into force at once. It was an act to consolidate the law relating to prisoners confined by order of a court. It extended to the whole of British India inclusive of British Balochistan, the Santal Parganas and the Pargana

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of Spiti. The Act included nine parts and fifty-three sections had the guidance on admission, removal, discharge, attendance in court and employment of prisoners etc.

The Punjab Borstal Act, 1926 received the assent of the Governor on the 22nd July 1926 and that of the Governor General on the 16th August 1926 and was first published in the Punjab Government Gazette of the 27th August 1926. It was an Act to make provision for the establishment and regulation of Borstal Institutions in the Punjab and for the detention and training of Adolescent offenders therein already received the sanction of the Governor General under sub-section (3) of section 80-A of the Government of India Act. The Act contains thirty-six sections to discuss various aspects of prisoners under twenty one years of age.

The 1932 Jail Manual received the assent of the Governor in council of Punjab on 31st December 1932. The said Manual included forty-two chapters, eleven hundred and sixty rules, twenty supplementary appendices and a comprehensive index. All the rules framed in the Manual are under the authority of section 59 of the Prisons Act 1894. The Manual consisted of special mention of the past of Factory Manager, appointment of European Warders for European prisoners, role of Senior Assistant Superintendent, documents of bails or surety bonds, duties of convict monitors, punishment like Transportation of life, accidental or unnatural deaths, details about state, Leprosy and European prisoners and their treatment etc.

Present Condition of Jails in Pakistan

The table 1 given below depicts the sanctioned capacity and actual prison population in the jails of four provinces, Gilgit Baltistan and Azad Kashmir. Jails in Pakistan are heavily over crowded. Prisons have more than 35000 additional inmates than their capacity (table 1). Approximately 50,000 to 78,000 prisoners are waiting for trials while the number of prisoners is increasing day by day due to increasing crime rate in Pakistan. Jails have become fertile place for nurturing the criminals. They come out as hardened criminals instead of reformed and refined citizen. The situation becomes worse due to sluggish criminal justice system and complicated procedural laws. There is only one prison staff training institute named as National Academy of Prison Administration (NAPA) in Pakistan. There is acute shortage of administrative staff and budget allocation is quite meager. Consequently, inefficiency and corruption linger in the jails (Crisis Group Report, 2011). Old & dilapidated 19th century physical structure of jails does not fulfill the objectives and functions of modernized prison. Prisons are plagued with administrative and financial problems. Security devices (CCTV) are non-functional or absent. Amendment in Rules is direly required (Pakistan Prison Rules being 28 years old). Training of Prison Staff at home and abroad is minimal. New medical laboratories need to be established. Water Treatment Plants are

insufficient or non-functional. HIV/Aids / Hepatitis prevention programmes should be steered. Educational/vocational Programmes need to be reformed and modernized (Human Rights Commission of Pakistan, 2011). Remission System should be made more liberal by prison authorities. Mobile phone use should be immediately stopped and replaced with installation of PCOs/Booths. Prisoners cannot meet their relatives without offering bribes to prison guards. Transport facilities are inadequate and sometimes unavailable in case of emergency. Prisoners are brought to courts in degrading way by small prison vans which carry the prisoners more than capacity. Sometimes prison guards could not find place and they travel by hanging outside the vans. Children and adolescents are detained in custody with hardened prisoners due to lack of space. They suffer from torture and sexual abuse. Due to apathy of jail staff many poor detainees cannot consult lawyer and they are denied their right to a fair trial. Protracted detention without free and fair trials is order of the day. The World Organization against Torture (OMCT) reports that it has received alarming evidences from local NGOs working in Tribal Areas in Pakistan's North Western Frontier Province (NWFP) that practices used against children in conflict with the law are in direct contradiction with the country's Juvenile Justice System Ordinance (JJSO).

Table 1 Province-wise prison population and authorized capacity

Sr. No.	Name of Province	No. of Prisons	Authorized Capacity	Prison Population
1.	Punjab	32	21527	52318
2.	Sindh	22	10285	14422
3.	Khyber Pukhtunkhwa	23	7982	7549
4.	Balochistan	11	2173	2946
5.	Azad Kashmir	06	530	663
6.	Gilgit Baltistan	05	173	430
	Total	99	42670	78328

(Source: National Academy for Prison Administration Report)

Prison Reforms in Pakistan

After independence the prisons and prison departments as a whole remained a low priority item on the Government agenda. Prisons remained exclusive provincial concern in the successive constitutions of the Republic of Pakistan. Provincial Governments could not make tangible efforts to maintain and improve the lot of the existing prisons available in the country. Quite a few numbers of new jails

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were constructed in the last fifty years, on the recommendations of various prisons reform committees.

As the world civilized, human rights of prisoners began to be recognized. The first prison reform programme was introduced in Pakistan during the 1950 under the chairmanship of Col Salamat Ullah, ex-IG Prisons (UP combined India). Later on different reform committees were constituted in the provinces and under the Federal Government auspices to redress the prisoners' grievances. The recommendations of these Committees were invariably given the Government approval for reforming the systems prevalent in prisons. However no productive work could be done mainly because of financial constraints. List of reforms/ reform committees is as follows;

- The meetings of the following Committees / Commissions / Conferences were held during the last 50 years.
- First Prison Reforms Committee under Col. Salamat Ullah, Ex-IGP of UP combined India in 1950/1955.
- East Pakistan Jail Reform Commission chaired by S. Rehmat Ullah, CSP, Commissioner in 1956.
- The West Pakistan Jail Reforms Committee headed by Mr. Justice S.A. Mahmood (S.Pk.), Retired Judge, High Court of West Pakistan in 1968-70.
- Jail Reforms Conference under Prison Division, Government of Pakistan in 1972.
- Special Committee on Prison Administration headed by Mr. Muhammad Hayatullah Khan Sumbal, Home Secretary appointed by Governor of Punjab 1981-83.
- Prison Reforms Committee headed by Mr. Mahmud Ali, Minister of State in 1985.
- Jail Reforms Committee headed by Maj Gen (Retd) Nasirullah Khan Babar, Minister for Interior & Narcotics Control in 1994.
- Jail Reforms Committee under Mr. Justice M. Rafique Tarar, Pak Law Commission headed by Mr. Justice Sajjad Ali Shah, Chief Justice of Pakistan in 1997.
- Pak Law Commission headed by Mr. Justice Sajjad Ali Shah, Chief Justice of Pakistan in 1997.
- Task Force on Prison Reforms under Mr. Justice Abdul Qadir Sheikh in 2000.
- Meetings held at the national level by M/O Interior 2005 under the Chairmanship of former Minister for Interior Mr. Aftab Ahmed Khan Sherpao.

In addition meetings were also held under the Chairmanship of Principal Secretary to the Prime Minister and in the National Reconstruction Bureau, Islamabad with the coordination of Central Jail Staff Training Institute now upgraded as National Academy for Prison Administration (NAPA), Lahore. A

copy of the final report has been provided to all the Provinces by the Chairman, National Reconstruction Bureau, Prime Minister's Secretariat, Islamabad has been provided to all the Home Secretaries and Inspectorates of Prisons for implementation (NAPA, 2011).

Major Challenges/Problems of Prisons in India

According to Constitution of India, prison administration falls under the jurisdiction of respective state governments under the Prisons Act, 1894. It is the responsibility of states to review and change already laid down prison governing rules and regulations. The history of prison reforms in India dates back to colonial rule. Indian Penal Code was enacted in 1860. After that many commissions and committees were constituted and laws were enforced to reform the prison condition. The Mulla Committee, The Krishna Iyer Committee, The Juvenile Justice (Care & Protection) Act, 2000, Model Prison Manual (2003) are few example (Mahaworker, 2006). On the recommendations of these committees and commission, new rules and regulations were enacted. There is still deficiency at implementation level. The human situation of prison in India is not satisfactory and does not reflect the implementation efforts on the ground.

India is more or less facing the same challenges in prison system. Prison conditions are very poor across India. According to New Delhi (2010, November 26) India has fifth largest prison population in the world. The situation is likely to be the same or worse as in many developing countries. Due to chronic poverty the crime rate is increasing. According to the statistics of the National Human Rights Commission (2004), there were a total of 3, 32,112 (international: 332,112) prisoners against the total capacity of 2, 38,855 prisoners in the 1315 jails in India as on 31 December 2004. Out of total prisoners, 2, 32,731 inmates were awaiting trial (70% of total prisoners). This included 12,276 women and 1,570 children. The highest overcrowding rate was reported from Jharkhand with 195.2% overcapacity Delhi with 149.7%, Chhattisgarh with 94.5% and Gujarat with 91.5 % sanctioned capacity. The Times of India (November 18, 2007) reported that the showpiece of India's prisons, Tihar Jail continues to suffer from significant overcrowding: there are 12,300 prisoners against sanctioned capacity of 6,200 prisoners in the Tihar Jail. (The Times of India; November 18, 2007).

The Asian Legal Resource Centre (ALRC) has termed the conditions of prisons in India very deplorable. Overpopulation, prolonged detention of under-trial prisoners, unhygienic living conditions are characteristics of Indian prisons. There is lack of correctional and treatment programmes. Indifferent and even inhuman approach of prison staff make the prisoners more prone to recidivism. Corruption and extortion on behalf of prison staff and prison guards have made prisons a place of opportunity for them. Jails are understaffed and those who are working there are ill motivated and lack proper poor training. Inequalities and distinctions, insufficient prison programmes, low spending on health care and welfare, lack of free legal aid, physical, emotional and psychological abuse of prisoners are rampant problems. Prisons have become centre of coercion, corruption and illegalities. Custodial torture and deaths are order of the day irrespective of United Nations declaration states that:

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“No one shall be subject to torture or cruel, inhuman or degrading treatment of punishment” (UDHR, 1948)

Also important is the United Nations Covenant on Civil and Political Rights which states in part:

“All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”. (UNICCPR, 1966)

According to NHRC's Annual Report (2003-2004), instead of reforming the offender, prisons are breeding grounds for antisocial element. Congestion in jails has been a permanent source of concern for as overcrowding not only causes health problems, it also indicates laggardness of criminal justice system (Law Commission of India, 1979). Even increasing the number of courts cannot bring about a desired difference as long as the current 'delaying culture' continues (Raghavan, 2004).

An unpublished PhD dissertation written by Malkiat (1987) on “The Functioning of Punjab Prisons: An appraisal in the context of correctional objectives” has disclosed comprehensively several instances of ill practices and poor management in prison system of India. Bribery by prison staff and prison guard corruption is common in prisons around the world (Malkiat, 1987). The researcher suggested the most common sources of corruption in the Punjab jails are food services. 95% of detainees expressed dissatisfaction and disgust with the quality of food (Malkiat, 1987). Approximately 10, 000 prisoners detained in Tihar Jail are suffering from health risks, including overcrowding, “appalling” sanitary facilities and a shortage of medical staff (Human Rights Watch, 2006).

The condition of juvenile prisoners is particularly worrisome. Despite legislation protecting juvenile prisoners, children in conflict with law in India are experiencing extreme oppression and neglect (Malkiat, 1987). Juvenile prisoners are held along with habitual hard core criminals. Adolescents are sexually and emotionally exploited and forced to do painful manual work. Hardened criminal coerce them to execute heavy workload assigned to them usually in accomplice with prison officers (Commission on Human Rights, 2005). This takes place in spite of a Supreme Court ruling stating that care is taken to ensure such practices do not occur. Juveniles are not allowed to meet their parents and prison officials take bribes from their parents who come to visit them. (Commonwealth Human Rights, 2005).

Although in prisons the conditions of confinement are the criminal history of their inmates and their behaviour in prison are supposed to be the factors that play an important role, other factors are also important in developing countries like Pakistan and India where a “class system is deeply rooted in jails” (Neier, A. and Rothman, D.J, 1991) in. According to a report, Human Rights Watch (2006) states that under the present prison system in India, special perks and privileges are offered to the well off prisoners. It is also believed that many career criminals also go to jails to avoid conflict with rival gangs. Prisons are place of detention both for criminals as well as accused. The ultimate purpose of rehabilitation and reformation is that prisons should be the place of both social skills learning and earning. To creative a better living environment, the prisons must be a miniature world for the detainees. The prisons must respond to emotional, psychological and physical needs of the inmates. European countries are searching and implementing alternative to traditional prison system to conserve resources and better rehabilitation of the offenders. Unfortunately, this has not been worked in India.

Although India claims to be a secular society, yet it seems to be apathetic to the plight of detainees. Consequently prison system administration and prison reform is low priority agenda in India (Commonwealth Human Rights Initiative, 2008).

In order to obtain meals and other facilities the low class prisoners, juveniles and women are obliged to fan the prison officers, massage them, and also provide them sexual services, The situation is particularly very disgusting and harsh for newly coming convicts or accused. (Malkiat, 1987). According to Human Rights Watch 2001, The newly inducted prisoners are made more subject harsh conditions of jails. The purpose behind this inhuman method is to break them. Use of leg irons, fetters, shackles, and chains is common. Unnecessary physical punishments are part and parcel of life in jails. The weaker section, particularly female and adolescent prisoners are more susceptible to detention moral and sexual abuse. Various committees on prison reforms in India have emphasized on these three broader areas. First, a human being in jails is not converted into inhuman; second, prisoners should be able to enjoy all human rights within the jurisdiction of prison rules; and, third, as the situation in prisons are inherently inhuman, it should be cared that the conditions do not become worse. (Ministry of Home Affairs India, 2009). However as mentioned above the authorities seem helpless and agreed to maintain minimum level of life standard for jail detainees.

Conclusion

Prisons reflect degree of civilization of a society. It is an important organ of criminal justice system. Dilapidated conditions of prisons lead to low self esteem and degradation of inmates. Poor rate of conviction, unnecessary and lengthy procedure of trial, production mechanism of prisoners in courts, creation of unnecessary hurdles in awarding jail remission to prisoners, problem of holding courts in jails, over-crowding, accommodation facilities, non-existence of medical testing laboratories, lack of market oriented jail industries and improper security arrangements are standing problems that demand comprehensive program for prison reforms. Such dismal picture of prisons hinders the reformative/rehabilitative process of prisoners. Community-based rehabilitation of offenders-probation/parole system has not got relevance in criminal justice of both the countries. Above all, there is need to enhance professional capacity of prison managers and prison administration to be trained in accordance with changing paradigms of criminal justice across the world.

Prison system is closely linked with criminal justice system. An in-depth study by the learned criminologists, sociologist, clinical psychologists, criminal justice practitioners, lawyers and all other stakeholders is required to be conducted and understand the Prison Systems in India and Pakistan. Role of the prisons and Criminal Justice system should be redefined in the light of this study.

References

- All India Committee on Jail Reforms. (1980-83). Available: http://www.humanrightsinitiative.org/publications/prisons/bhopal_98__workshop_report.doc. Accessed on 2 April 2011
- Blomberg, Thomas.G. & Lucken, K. (2000). *American Penology*. NY: Aldine De Gruyter.
- Common wealth Human Rights Initiative New Delhi (1998). Available: <http://www.humanrightsinitiative.org/advocacy/countries/india.htm>.
- Common Wealth Human Rights Initiative New Delhi (2010). Available: http://www.humanrightsinitiative.org/publications/rti/guide_to_use_rti_act_2005_revised.pdf.
- Commonwealth Human Rights Initiative New Delhi (2006). Available: http://www.humanrightsinitiative.org/publications/prisons/ap_prison_behind_closed_door.pdf.
- Crisis Group Asia Report No.212 (2011) *Reforming Pakistan's Prison System*. Available at: <http://www.crisisgroup.org/~media/Files/asia/south-asia/pakistan/212%20-%20Reforming%20Pakistans%20Prison%20System.pdf>.
- Dostoyevsky, Fyodor (1989). Respectfully Quoted: A Dictionary of Quotations. <http://www.battleby.com/people/Dostoyev.html>. Accessed on March 14, 2011.
- Foucault. (1995). *Surveiller et Punir: Naissance de la prison*. (Alan Sheridan, Trans.) Gallimard Editions: Paris. (Original work published in 1975).
- Ghosh, S. (2008). *Probation and Parole as Methods of mainstreaming Criminals: A Socio-legal analysis from Indian perspective*. Available at SSRN: <http://ssrn.com/abstract=1151026>. Accessed on 22 April 2011.
- Home Department of Punjab and National Academy of Prison Administration (2008). *Punjab Prison Reforms*. An Unpublished Document.
- Human Rights Commission of Pakistan (2011). *Jails, prisoners and disappearances*, State of Human Rights in Pakistan, 2010.
- Law & Justice Commission of Pakistan, *Jail Reforms Revised (Report 23, 1997)* Available: [www.ljcp.gov.pk/Menu Items/Publications/Reports of the LJCP/reports/73-89/80.doc](http://www.ljcp.gov.pk/Menu%20Items/Publications/Reports%20of%20the%20LJCP/reports/73-89/80.doc).
- Law Commission of India, *Seventy Ninth Reports*. (1979). *Delay and Arrear in High Courts and other Appellate Courts*. <http://lawcommissionofindia.nic.in/51100/report79.pdf>.
- Mahaworker, M. B. (2006). *Prison management: Problems and Solutions*. New Delhi: Gyan Publications.
- Malkiat S. Rahi (1987). *The functioning of Punjab prisons: An appraisal in the context of correctional objectives*, Unpublished Ph.D. Thesis of Philosophy, GNDU, Amritsar, Punjab.
- Ministry of Home Affairs India (2009) Available: <http://mha.nic.in/pdfs/Modprison.pdf>. Accessed on 5 April 2011
- National Academy for Prison Administration (2009). *Punjab Prison Report*. An unpublished document.
- National Human Rights Commission New Delhi (2001). Available at <http://nhrc.nic.in/Othercases.htm>. Accessed on 15 March 2011.
- National Human Rights Commission (2004-2005). *Prison Population Statistics of India*. Available: NHRC website, <http://www.nhrc.nic.in>. Accessed on 23 April 2011.
- Sargiacomo M. (2009, January 17) Michel Foucault, *Discipline and Punish: The Birth of the Prison*. [Review of the book *Surveiller et Punir: Naissance de la prison* by Michel Foucault] DOI 10.1007/s10997-008-9080.
- Scott, C.L., & Gerbasi, J.B. (2005). *Handbook of Correctional Mental Health*. Washington, DC. American Psychiatric Publishing.

- Spierenburg, P. (1995). The body and the state: Early modern Europe. In *The Oxford history of the prison: The practice of punishment in Western society*, eds. Norval Morris and David J. Rothman. NY: Oxford University Press.
- Sunil Batra Etc vs. Delhi Administration, AIR S.C. 1575. (1978).
- The Beijing Rules (1985). United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), Available online at http://www.unhchr.ch/html/menu3/b/h_comp48.htm Accessed on 21 Mar 2011.
- The Tokyo Rules (1990). United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules). Available online at <http://www2.ohchr.org/English/law/pdf/tokyorules.pdf> Accessed on 18 March 2011.
- UDHR 1948. Universal Declaration of human Rights, Article 5. Available online at <http://www.un.org/en/documents/udhr/>. Accessed on 12 Mar 2011.
- UNCAT (1985). Convention against Torture. Available online at http://www.unhchr.ch/html/menu3/b/h_cat39.htm and monitoring committee: <http://www.unhchr.ch/html/menu2/6/cat/index.html> Accessed on 16 March 2011.
- United Nations Medical Ethics (1982). Available online at <http://www2.ohchr.org/english/law/medicalethics.htm>. Accessed on 21 March 2011.
- UNICCPR (1966). United Nations International Covenant on Civil and Political Rights, Article 10. Available: <http://www2.ohchr.org/english/law/ccpr.htm> Accessed on 12 Mar 2011.
- Zopag News Network. New Delhi (2010, November 26). Available: <http://www.zopag.com/news/india-ranks-fifth-in-prison-population-in-the-world/10445.html>. Accessed on 13 March 2011.

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