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BEYOND THE PRISON WALL

Reducing overcrowding in Pakistan's prisons



Policy paper

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Human Rights Commission of Pakistan

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Introduction

Prison overcrowding denotes a situation where the number of prison inmates exceeds the facility's designated capacity or official prison capacity (over 100 percent occupancy rate). Official capacity or designated capacity refers to the total number of prisoners a prison can accommodate while respecting minimum requirements specified in advance in terms of floor space per prisoner or group of prisoners. The main problem with this measure is that it depends heavily on standards adopted by the prison authorities.

Overcrowding leads to human rights violations including poor health and living conditions, and a compromised ability to provide rehabilitation ([Fatima et al., 2024](#)). The phenomenon has been linked to 'negative health outcomes including infectious diseases and mental health illnesses.... There is consensus that overcrowding worsens sanitation, violence, and overall wellbeing' ([Aon et al., 2025](#); see also [Council of Europe, 2025](#)).

According to the [Prison Data Report 2024](#) published by the National Commission for Human Rights (NCHR et al., 2025), overcrowding in prisons across Pakistan is a matter of critical concern as most prisons are housing inmates far beyond their stated capacity. The data provided in the report demonstrates that average population across various provinces and regions under Pakistan's administration stands at 152.2 percent of the officially stated capacity at the relevant time in July-August 2024 (pp. 10–11).

The standard official position regarding overcrowding is that the conditions in prisons have been improving. However, while some improvements have indeed taken place (where the emphasis has remained on building new jails to accommodate the existing prison population), the reality is far more complex. In fact, a glance through the disaggregated figures for high number of prisoners lodged in Pakistan's prisons points to underlying systemic issues in its criminal justice system such as ineffective bail, probation and parole systems and protracted court proceedings at the trial stage.

Prison overcrowding is thus a matter of critical concern considering its human rights implications. The Human Rights Commission of Pakistan (HRCPP) deemed it important to look at the systemic challenges that aggravate overcrowding in prisons in the form of a policy paper. This paper takes a critical look at the limitations in or limited application of provisions in the criminal justice system, with a view to reduce the prison population, both before entering the prison and by reducing the prison terms.

This policy paper, essentially a desk study, is divided into four broad chapters, that examine local laws and their application and benchmark these against international standards. Each chapter ends with recommendations for policymakers, addressing the specific issues dealt in that chapter. The second chapter looks at the broad issue of overcrowding and under-trial prisoners, the third chapter describes the bail framework, the fourth chapter deals with other factors within the criminal justice system that contribute to the large prison population, and the fifth chapter examines probation and parole as alternatives to incarceration.

Overcrowding: The situation of under-trial prisoners

According to the data made available in the NCHR report, under-trial prisoners constitute 73.41 percent of the prison population for the year 2024. The report highlights that there is an ‘overreliance’ on pretrial detention while noting that there is a troubling increase since 2017 when under-trial or unsentenced prisoners¹ made up 66 percent of the prison population. This increase of about 8 percent over eight years could be due to the persistence of the systemic and structural issues afflicting the criminal justice system such as ineffective bail mechanisms, prolonged judicial process, and an overreliance on custodial measures.²

It is further noted in the NCHR report that measures to address overcrowding include, for instance in Punjab, the introduction of new legislation on parole and probation service [2019], new Offender Management System, and the construction of additional jails. The report mentions that in Punjab, four new jails with a combined capacity of 2,268 inmates were reported to have been commissioned to partially alleviate the burden.

In December 2024, during the court proceedings in a public interest litigation which was instituted before the Lahore High Court³ in 2010, it was submitted by the provincial government that infrastructural development increased the capacity to 37,563 inmates showing improvement from the 2010 baseline during which period 13 new prisons had been built bringing the total number to 43 in 2024. This included 140 new barracks and 928 additional death cells (for the death convicts) that had been built since 2010.⁴ Yet, the challenge of overcrowding could not be resolved: the court’s final order notes that at the time of filing of the petition in 2010, there were 32 prison facilities where 52,803 prisoners were lodged against the designated capacity of 21,527 i.e. overcrowding stood at 146 percent while the NCHR report puts the overcrowding in Punjab jails at 173.6 percent of their capacity in 2024.

It is worth stating here that there is no legal requirement for prisons to carry out independent audit and oversight of the prison facilities. Further, the provincial prison authorities do not proactively make the most recent data relating to prisons available and are too slow in their response.

In July 2025, it was [reported](#) that Punjab government had allocated PKR 28 billion to upgrade prison facilities including building new prisons to reduce overcrowding. The data made available

¹ The term ‘unsentenced prisoners’ is used in the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, to mean ‘[p]ersons held in prisons, penal institutions or correctional institutions who are untried, pre-trial or awaiting a first instance decision on their case from a competent authority regarding their conviction or acquittal.’ The authors of this study use the term ‘under-trial’ to denote the same for the sake of ease in the Pakistani context.

² Ibid., p. 12.

³ Data referred to in the case being referred to is specific to the province of Punjab.

⁴ See: <https://www.dawn.com/news/1881059>; <https://www.dawn.com/news/1106993>; *Rida Qazi vs. Government of Punjab etc.* [2024LHC6036]; <https://www.brecorder.com/news/40157576>

in the NCHR report shows that the Punjab province at the time held 61,813 prisoners in the available facilities designed for only 37,217. It can safely be assumed that the imbalance could not have changed for the better in a year's time since the data was gathered. The news report stated that a major initiative was the Lahore Prison Complex which was being built at an estimated cost of PKR 6 billion, with a capacity to accommodate 10,000 inmates. A new district jail in Sialkot is also being constructed at a cost of PKR 4.8 billion, with a capacity of 2,000 prisoners.⁵

The official figures demonstrate that despite several new facilities having been built since 2010, overcrowding remains a problem, with an 8 percent rise over eight years between 2017 and 2024.⁶ According to the [World Prison Population List](#) (2024), Pakistan's prison population in August 2022 stood at 87,712. The data available with the Institute for Crime and Justice Policy Research shows the following figures for the prison population:

<i>Year</i>	<i>No. of prisoners</i>
2000	78,938
2010	75,586
2015	80,169
2019	80,145
2022 (Aug.)	87,712

It may therefore be argued that the challenge of eliminating overcrowding in prisons cannot be met until and unless the underlying issues driving Pakistan's rising prison populations are addressed. Common sense dictates that resolving the problem lies in three approaches: release the majority of under-trial inmates on bail, or on probation and parole; make criminal processes more efficient and effective, and simpler and fairer for expedited trials; and rationalise the sentencing approach or policies. Such a course is warranted to give effect to the fundamental rights guaranteed in the constitution—the right to life and liberty, fair trial and due process, health and dignity—to all citizens including the incarcerated population.

Explaining under-trial prisoners

One of the main features of prison overcrowding in Pakistan is the permanent presence of under-trial prisoners in overwhelming numbers (73.41 percent of the prison population for the year 2024 as per the NCHR report). The report highlights that there is an 'overreliance' on pretrial detention. The apparent 8 percent rise of under-trial prisoners over a period of eight years could be due to the persistence of systemic and structural issues afflicting the criminal justice system such as ineffective bail laws and an overreliance on custodial measures, and prolonged judicial processes, among others.⁷

In legal-technical terms, the term 'under-trial prisoner' refers to those prison inmates who have been indicted or charged in a court of law. The period of incarceration prior to the framing of charge and commencement of prosecution or recording evidence before the court is technically speaking not the period spent as an under-trial prisoner. The data provided or maintained by prisons authorities across Pakistan is not disaggregated along this technical distinction.⁸ Therefore,

⁵ Ibid.

⁶ According to the NCHR publication released in January 2025 the under-trial prisoners constituted 73.41 percent of the prison population at the time data gathering in July-August 2024; whereas under-trial prisoners made up 66 percent of the prison population in 2017. See *supra* note 4.

⁷ Ibid., p. 12.

⁸ Detained suspects under investigation who are found 'guilty' during investigation by the police or any other agency, are informed of the allegation for which they'd be prosecuted in a hearing specially meant for the purpose

the term ‘under-trial prisoners’ used in this report denotes both the inmates (a) who have been indicted in a court of law subsequent to the submission of investigation report by the police, or any other investigation agency under a special law; as well as the ones (b) who are being investigated even though the period granted for investigation has well past beyond 14 days’ legal limit under the Code of Criminal Procedure (CrPC).

Similarly, the latest figures available for the province of Punjab as in September 2026 further illustrate the persistent problem of under-trial prisoners. The data shows that out of the total prison population of 74,773 in Punjab in September 2026 compared to 70,069; there were 54,932 under-trial inmates in September 2026 compared to 51,428 under-trial prisoners in September 2025 while the officially designated capacity for holding prisoners in all the 45 prisons in the province was put at 38,214 in 2025 and 39,204 for 2026.

Official prison data for September 2025

<i>Category</i>	<i>Male</i>	<i>Female</i>	<i>Juveniles</i>	<i>Total</i>
Under trial	49,554	1,064	810	51,428
Convicts	15,921	279	103	16,303
Unconfirmed condemned prisoners	2,103	11	0	2,114
Civil prisoners	224	0	0	224
Total	67,802	1,354	913	70,069

Number of prisons	45
Designated capacity	38,214
Total prisoners	70,069
Overcrowding (total no. of prisoners ÷ designated capacity)	183.35 percent

Official prison [data](#) for September 2026

<i>Category</i>	<i>Male</i>	<i>Female</i>	<i>Juveniles</i>	<i>Total</i>
Under trial	52,847	1316	769	54932
Convicts	17,089	323	127	17,539
Unconfirmed condemned prisoners	2,043	11	0	2,054
Civil prisoners	248	0	0	248
Total	72,227	1,650	896	74,773

Number of prisons (Punjab)	45
Designated capacity	39,204

under section 221 (Ch. XIX) of the CrPC. It is after the suspects are informed of the evidence against them that they’re declared to be charged. It is this framing of the charge against the accused in a court which is the first step in a criminal trial. All detention prior to this hearing is pre-trial detention.

Total no. of prisoners	74,773
Overcrowding (total no. of prisoners ÷ designated capacity)	190.73 percent

The following reasons have been documented in various studies that account for the permanent presence of more than 70 percent under trial prisoners in our prisons.

Unreliable and slow investigations

The most significant reason for prison population being dominated by under-trial inmates is arbitrary arrests, slow investigation and prosecution. It would be relevant to state here that investigation and prosecution are [far slower](#) than what is reasonably acceptable and legally permissible.

The pre-trial incarceration spans over months and even years. In post-conviction incarceration, especially in grave offences carrying higher punishments, the inmates may have to spend several years behind bars before they are either acquitted or their punishment is commuted. It may also be useful to recall that more than 70 percent of all appeals against death penalty are either overturned or set aside as acquittals or commuted to lesser punishment by the Supreme Court of Pakistan.

A Reprieve [study in 2019](#) found that in a random sample of 310 capital punishment verdicts mentioned in the law reports and journals between 2010 and 2018, the Supreme Court of Pakistan had overturned death sentence in 78 percent cases, by either acquitting, or commuting the sentence or ordering a review. In 2018, the last year observed in the report, the Supreme Court had upheld the death penalty in [only 3 percent](#) of the total capital punishment cases heard in the final appeal by the apex court.⁹ By a rough estimate, those who are arrested and not released on bail are likely to have spent 10 years or more behind bars before their case is heard by the Supreme Court. In 65 percent of the acquittals, the Supreme Court had serious doubts about the reliability of police investigation: one common issue with such investigations was regarding evidence that appeared to the court to have been planted, manipulated, or doubtful.

In a 2024 verdict rendered in a criminal review petition, the Supreme Court of Pakistan described the living conditions in death cells as ‘miserable’.¹⁰

Box: *Ghulam Shabbir vs the State*

In 2024, in the verdict rendered in a review petition of a death row prisoner Ghulam Shabbir’s case, the Supreme Court described the living conditions in death cells as ‘miserable’. The court highlighted that 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... The death row prisoner is not permitted to participate in any extracurricular activities... The convict is forced to live in such an inhuman condition. The date and time of execution of his sentence is uncertain, which in the given circumstance results in horrible feelings and creates anxiety. It is not just the prisoner who suffers, it’s the family too...’

Ghulam Shabbir was arrested in 1990 and his death sentence was confirmed in his appeal against conviction by the Supreme Court in 2015. At the time of hearing of the review (the final remedy), in 2024, he had served 34 years behind bars without remissions. He remained in the death cell for about 24 years. When his appeal was heard in 2015, he had already spent 25 years

⁹ See also: <https://www.dawn.com/news/1894972>

¹⁰ Criminal Review Petition No. 103 of 2017 in Criminal Appeal No. 643 of 2009 dd. 05.06.2024 cited as Ghulam Shabbir vs the State: PLD 2024 SC 951 also see Sikandar Hayat vs the State PLD 2020 SC 559; Ahmed vs State PLD 2015 SC 50; Muhammad Arshad vs State PLD 2013 SC 793; Muhammad Raheel alias Shafique vs. State PLD 2015 SC 145; Ghulam Mohyuddin alias Haji Babu vs. the State 2014 SCMR 1034

behind bars which is more than life imprisonment under the Pakistani penal law. The five-member judges' bench while deciding the appeal did not consider the jurisprudence that once life imprisonment had been completed by a death convict, he could not be executed as it would be sentencing her twice for the same offence. Shabbir Hussain's death sentence was thus commuted to life imprisonment in 2024 by the review bench of the Supreme Court.

Key dates in Ghulam Shabbir's 35 years of imprisonment

FIR No. 243 dated 15.07.1990 for committing murder of two persons and causing injuries to two others

Date of arrest 15.07.1990

Trial concluded on 07.12.1994 (4 years)

Appeal decided by the high court on 07.02.2000 (6 years)

Appeal decided by Supreme Court on 28.10.2015 (15 years)

Review decided by Supreme Court on 05.06.2024 (10 years)

Ghulam Shabbir's case was never considered fit for bail during trial or at post-conviction stage, or for probation or parole before or after he had been convicted. In short, he was never provided an opportunity to rehabilitate.

International standards

Article 9(3) of ICCPR envisages that the entire process of prosecution from arrest to the final judgement is completed without delay. In reviewing the legislation of a country way back in 1990, the Human Rights Committee implied that a six-month limit on pre-trial detention was too long to be compatible with article 9(3).¹¹

Article 9(3) ICCPR

Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

It is against this background of circumstances around imprisonment in Pakistan's facilities that alternatives to incarceration ought to be seriously considered and practically implemented. Since an overwhelming segment of the prison population is under-trial, therefore, the law of bail and how it is applied may play a critical role in reducing the prison population.

Overcrowding as inhuman or degrading treatment

Prison overcrowding severely undermines the functioning of prisons and potentially exposes individuals to inhuman and degrading treatment which is prohibited under article 16 of the UN Convention against Torture ratified by Pakistan in 2010. Overcrowding has been established to constitute a severe form of ill-treatment, inhuman or degrading treatment and even torture.¹²

A considerable amount of jurisprudence at the international and regional level has found that conditions of detention amount to inhuman and degrading treatment. Such conditions include

¹¹ United Nations document A/45/40, the 45th session supplement number 40, 1990 annual report of the Human Rights Committee

¹² See Human rights implications of overincarceration and overcrowding at <https://docs.un.org/en/A/HRC/30/19>

overcrowding, lack of ventilation, poor sanitary conditions, prolonged isolation, the holding of suspects incommunicado, frequent transfers from one prison to another, the non-separation of different categories of prisoners, the holding of persons with disabilities in environments that include areas inaccessible to them and the holding of persons without means of communication could constitute or lead to cruel, inhuman or degrading treatment or torture.¹³

It is important to understand how overcrowding in prisons and over-incarceration are ‘inherently intertwined’. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has [stated](#) that ‘[t]he negative impact of the overuse of incarceration on human rights is manifold. The overuse of imprisonment constitutes one of the major underlying causes of overcrowding, which results in conditions that amount to ill-treatment or even torture’.

An important UN HRC report in 2015 notes that the [main causes](#) of the problem include deficiencies in the criminal justice system, excessive recourse to pretrial detention, the absence and/or improper administration of alternatives to detention, sentencing policies, and a lack of oversight in places of detention (supra note 22).

The Council of Europe’s Committee for the Prevention of Torture in its latest [report](#) has warned the European governments that overcrowding causes poorer living conditions potentially increasing the risk of tensions and violence, fewer purposeful activities and less preparation for prisoners to return to the community. It notes, ‘Resolving prison overcrowding is key to the effective functioning of prisons and to ensuring that prisoners are not exposed to inhuman and degrading treatment.’

Limitation: This study is being prepared with some serious limitations. At the time of writing this report, it is unknown whether the prison authorities were following the domestic standards prescribed in rules for accommodation, health and sanitation, or not. Section 4 of the Prisons Act 1894, Rules 745 to 752 and Chapter 31 of the Pakistan Prison Rules 1978 deal with accommodation of prison inmates as well as sanitary conditions in prison. But no independent information is available regarding the implementation of prescribed standards.¹⁴ There is no way to determine whether the designated capacity is calculated in accordance with the prescribed standards. It may be mentioned that the Council of Europe’s Committee for the Prevention of Torture (CPT) [recommends](#) a minimum of 6 m² for single-occupancy cells and 4 m² of living space per prisoner for multiple-occupancy cells, excluding sanitary facilities. The Nelson Mandela Rules (Rules 12–17) emphasize that all accommodation must meet health requirements, including minimum floor space, lighting, heating, and ventilation, though they do not specify exact dimensions for cell size.

Further, the data maintained by prison authorities is not disaggregated and is not available in such detail as to become a basis for deeper analysis. The details for the under-trial and pre-trial prison inmates are not shared. For instance, it is not known as to how many of the under-/ pre-trial prisoners have spent 3, 6, 9, 12 months; how many filed applications for bail but were denied bail; how many had access to a defence counsel since their arrest; how many continue to remain behind bars despite the lapse of statutory delay.

¹³ A/68/295 (2013) Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment at Para. 45

¹⁴ Sections 4 and 7 of the Prisons Act 1894, Rules 745 to 752 and Chapter 31 of the Pakistan Prisons Rules 1978 deal with the accommodation as well as sanitary conditions in prison. But no information is available as to how the prescribed standards are followed while designating capacity of the number of prisoners to be accommodated in a prison. Sections 35-36 of the Sindh Prisons and Corrections Services Act, 2019 are identical and sections 37 & 52 deal in some greater detail with the aspects of accommodation and health.

Recommendations

1. The data relating to prisons should be made available proactively by the provincial prison authorities.
2. The data should be gathered and maintained so as to make it more useful and in particular to enable scholars and researchers to carry out beneficial studies on the use and application of laws.
3. An independent accountability forum with special expertise in prisons and correctional facilities should be established.

The bail framework and its impact on overcrowding

It can safely be argued that the bail framework violates the constitutional framework of rights. The legal framework for bail, as encapsulated in the CrPC 1898 and other laws and how these are applied, is in conflict with the right to liberty guaranteed in article 9 of the Constitution as well as the right to presumption of innocence unless proven guilty as may be inferred from articles 10 and 10A. The classification between bailable and non-bailable offences itself is in conflict with article 25 of the Constitution which is an unreasonable classification as the distinction is based on maximum punishment for each offence provided in the law. It may also be argued these articles of the constitution require that the state in order to breach the right to life and personal liberty, must first ensure a fair, just and reasonable legal procedure to incarcerate any person.¹⁵ It would be pertinent to recall that in 2015 the Supreme Court of Pakistan called for a review of compatibility of provisions of CrPC with the constitution especially with the fundamental rights guaranteed.¹⁶

497. When bail may be taken in case of nonbailable offence.— (1) When any person accused of any nonbailable offence is arrested or detained without warrant by an officer in charge of a police station, or appears or is brought before a Court, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life or imprisonment for ten years:

Legal framework

Article 9 of the Constitution of Pakistan guarantees the right to liberty which may be curtailed only in accordance with law. Once commission of an offence is alleged, the right to remain free becomes susceptible to arrest on ‘reasonable suspicion’, or ‘reasonable ground’. The requirement of ‘reasonable ground’ is a higher legal standard for searches and arrests than ‘reasonable suspicion’, requiring a greater degree of probability that a crime has been committed and evidence of a crime found during investigation from the alleged perpetrator. It is these grounds which may lead to the curtailment of the right to liberty. However, it may be taken into account that the right to presumption of innocence is inherent in the right to liberty and other fundamental rights

¹⁵ If the law makes a classification, it must be shown that the classification has a rational nexus with the object sought to be achieved. Article 25 prohibits an unreasonable classification; hence, if two offenders are treated differently from the perspective of the presumption of innocence by two different statutes or provisions of the same law, the test of Article 25 would need to be satisfied: a rational nexus will have to be demonstrated for the classification of different categories of bailable and non-bailable. The codified laws do not pass muster under article 25.

¹⁶ *Haider Ali vs DPO Chakwal* 2015 SCMR 1724

including the right to be treated in accordance with law and the right to a fair trial and due process. It is this convergence of various rights that makes bail in the context of criminal law a right.¹⁷

Bail may be categorized as (a) bail before arrest and (b) bail after arrest.¹⁸ The latter category is relevant here for obvious reasons; it is dealt with in two provisions of the CrPC i.e. sections 496-497.

The basic scheme provided in the CrPC is that all offences have been divided into three categories: (i) strictly bailable (S 496); (ii) generally bailable (S 497); and (iii) generally non-bailable (prohibitory clause of S 497).

The 2nd Schedule annexed to the CrPC in its column 5 specifies the offences prescribed in the Pakistan Penal Code, 1860 as (i) bailable or (ii) non-bailable. Whereas special laws, for example, the Anti-Terrorism Act, 1997, the Control of Narcotic Substances Act, 1997, or the National Accountability Bureau Ordinance, 1999, may have self-contained provisions relating to bails. Special laws often contain special provisions for procedural aspects that override the provisions in the CrPC. Out of about 350 offences contained in the Pakistan Penal Code, about 200 offences are non-bailable. Special laws often make the process of obtaining bail very difficult if not impossible, judgments of the Supreme Court expressing strong disapproval notwithstanding.¹⁹

Section 496 of CrPC deals with post-arrest bail in bailable offences. It empowers both the arresting agency (the police etc.) as well as the court before which the person detained for a bailable offence is presented, to grant bail.²⁰

Further, in appropriate cases, such officer or Court may instead of taking bail from such a person, discharge him on his executing a bond without sureties for his appearance for investigation and later on at the trial, if prosecuted.²¹

Section 497 of CrPC further stipulates that a person accused of committing a non-bailable offence may not be released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life or imprisonment for ten years. In criminal law jurisprudence, this is often referred to as the 'prohibitory clause'. Prior to 1974, it was only cases punishable with death and transportation for life, which would be non-bailable in this category.²²

¹⁷ Section 54 of CrPC. 'Reasonable grounds' is a higher legal standard for searches and arrests than 'reasonable suspicion', requiring a greater degree of probability that a crime has been committed and that evidence of a crime will be found which leads to curtailment of the right to liberty for the specific purpose of investigation.

¹⁸ There are two kinds of bails. One, pre-arrest bail or bail in anticipation/anticipatory bail before arrest which is dealt under section 498 of the CrPC. The other is the post-arrest bail dealt under sections 497-98 of the CrPC. Bail prior to arrest and detention is not relevant for the purpose of this report.

¹⁹ For instance, section 21 of the Anti-Terrorism Act 1997 stipulates all offences under the Act punishable with death or imprisonment exceeding three years shall be non-bailable. Section 51 of the Control of Narcotic Substances Act 1997 stipulates that not granting bail is the 'normal' course for special courts established under the Act.

²⁰ The Constitution of Pakistan and the CrPC requires the police and every agency empowered to arrest to present the arrested person to be necessarily brought before a magistrate.

²¹ When any person other than a person accused of a nonbailable offence is arrested or detained without warrant by an officer in-charge of a police station, or appears or is brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceedings before such Court to give bail, such person shall be released on bail : Provided that such officer or Court, if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided :

²² The Criminal Procedure (Amdt.) Act 1974 (25 of 1974), the words 'transportation for life' were substituted with 'imprisonment for life or imprisonment for ten years'.

Further, section 497 also provides that the court may direct that any woman or any sick or infirm person accused of an offence punishable with death or imprisonment for life or imprisonment for ten years be released on bail at any stage once she has spent six months behind bars.

Denial of access to evidence against the accused at pre-trial stage

The category of generally non-bail offences falling within the scope of prohibitory clause is not confined to the most serious offences such as murder or rape. Several dozen offences fall in this category. In addition to the burden imposed on accused persons who must demonstrate their prima facie innocence at the bail stage, they are also not legally entitled to have access to the police investigation files which contain the evidence against the accused.

Bail as a right on the ground of statutory delay

Apart from the aforementioned categories of bail, there is another category which grants the court power to grant bail in cases when prosecution is not completed within the specified time duration. Consider the following.

- A person accused of an offence for which s/he could be sentenced to death (as maximum punishment), the person would be entitled to be released on bail on the ground of statutory delay if trial is not completed while s/he has been behind bars (i) for a continuous period of two years in case of a man; and (ii) for a continuous period of one year in case of a woman.
- A person accused of an offence for which s/he could be sentenced to life imprisonment (as maximum punishment), such a person would be entitled to be released on bail on the ground of statutory delay if trial is not completed while s/he has been behind bars (i) for a continuous period of one year in case of a man; and (ii) for a continuous period of six months in case of a woman.

Apart from the aforementioned, the Juvenile Justice System Act 2018 provide special mechanism for granting bail or diverting children in conflict with law (without resorting to formal judicial proceedings or formal trials) from the traditional criminal justice mechanisms.

Framework of bail for convicted prisoners

Apart from provisions of bail for under-trial prisoners, convicts may also qualify for bail under section 426 of CrPC where the sentence is suspended in cases where there is a prima facie case that the conviction is not likely to be sustainable and the final hearing and decision by the appellate court may take time.²³ Further, an appellate court shall, except where the delay in the decision of appeal is occasioned by an act or omission of the appellant or any other person acting on his behalf, order a convicted person to be released on bail who has been sentenced

- To imprisonment for a period not exceeding three years and whose appeal has not been decided within a period of six months of his conviction.
- To imprisonment for a period exceeding three years but not exceeding seven years and whose appeal has not been decided within a period of one year of his conviction; or
- To imprisonment for life or imprisonment exceeding seven years and whose appeal has not been decided within a period of two years of his conviction.²⁴

²³ Sec. 426(1) CrPC

²⁴ This is subject to the condition that the convict for the purpose of bail (a) may not be a previously convicted offender for an offence punishable with death or imprisonment for life who, in the opinion of the appellate court, is

Further, the CrPC also provides that in cases where convicts are sentenced to imprisonment in a bailable offence, the trial court may release the convict on bail if they demonstrate their intention to appeal against the verdict at trial and obtain the orders of the appellate court.²⁵

The law also stipulates that where a High Court is satisfied that a convict has been granted special leave to appeal to the Supreme Court against any sentence which it has imposed or maintained, it may if it so thinks fit order that, pending the appeal the sentence or order appealed against be suspended, and also, if the said person is in confinement, that he be released on bail.

All three of the foregoing provisions of law and the high court's powers under article 199 of the constitution usually remain unutilized, especially where the accused are convicted under one special law or the other including the Control of Narcotics Substances Act 1997 and the Anti-Terrorism Act 1997.

Apart from the aforementioned laws of bail, the Juvenile Justice System Act 2018 provide special provisions for granting bail or diverting children in conflict with law from the criminal justice. It is discussed in a separate section.

International standards and the limitations of the bail regime

International human rights law (IHRL), for instance, as contained in the International Covenant on Civil and Political Rights (ICCPR), also requires states to ensure presumption of innocence at trial. The right to a fair trial is protected in articles 14 and 16 of the ICCPR which is binding on Pakistan, which ratified it in 2010. Article 14(1) establishes the basic right to a fair trial, while Article 14(2) provides for the presumption of innocence.

Presumption of innocence in criminal proceedings

Article 14 of the ICCPR states:

14 (1). All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. ...

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

There are only three exceptions to the rule of presumption of innocence: (i) if the accused is likely to abscond in order to evade investigation; (ii) if the accused is likely to obstruct the course of investigation and/or prosecution by harassing or winning over witnesses, or by causing destruction of other evidence; or, (iii) if the accused is a habitual offender and is likely to re-offend and/or is reasonably believed to be dangerous for the society.

The United Nations Standard Minimum Rules for Non-custodial Measures, also known as the Tokyo Rules, prescribe that pre-trial detention may be resorted to only as a measure of last resort.

6.1 Pre-trial detention shall be used as a means of last resort in criminal proceedings, with due regard for the investigation of the alleged offence and for the protection of society and the victim.

(a) a hardened or dangerous criminal or (b) may not be accused of an act of terrorism punishable with death or imprisonment for life.

²⁵ Section 426-A read with 426(1) CrPC

6.2 Alternatives to pre-trial detention shall be employed at as early a stage as possible. Pre-trial detention shall last no longer than necessary to achieve the objectives stated under rule 5.1 and shall be administered humanely and with respect for the inherent dignity of human beings.

6.3 The offender shall have the right to appeal to a judicial or other competent independent authority in cases where pre-trial detention is employed.

The United Nations Human Rights Committee (HRC) functioning under the ICCPR established in 1990 that detention before trial should be used only where it is lawful, reasonable and necessary.²⁶

These exceptions are not part of the codified law but have been enumerated in the jurisprudence and are considered part of settled law. But for these exceptions to be relied upon, the state must convincingly demonstrate that one or more of the likely scenarios may result to cause breach of the fundamental right to liberty. This is a high threshold which the state must cross to deny the constitutionally guaranteed right to liberty. Too often, the state fails to cross the threshold and bail is denied for the simple reason that the case falls within the scope of the so-called ‘prohibitory clause’. Trials linger on for long periods of times. In most cases, bail is not granted even after the lapse of minimum statutory period of continuous incarceration of years.

If a person is accused of an offence falling in the prohibitory clause, s/he must demonstrate that there are no ‘reasonable grounds for believing that he has been guilty’, or that the case against him is one which requires further inquiry. For offences in this category, the burden of proof, even though technically it is a burden on the balance of probabilities, is shifted in a significant way on the accused. This is so at the bail stage which might well be the situation in a majority of cases pending at the stage of pre-trial detention. The law requires that the accused must establish *prima facie* their innocence; otherwise, they will stay in jail unless acquitted at trial which may not come to an end for years.

Recommendations

1. Revisit the framework of the law of bails to bring it in conformity with the constitutionally guaranteed fundamental rights to life and liberty and internationally accepted principles including the right to presumption of innocence.
2. Remove the obligation for pre-trial detention for all offences, while ensuring that pre-trial detention decisions are not based on the offence committed, but on an objective evaluation of factors, which may justify pre-trial detention.
3. The categorization of offences into bailable and non-bailable be omitted to ensure presumption of innocence.
4. Ensure smooth investigation and prosecution in all cases during which time the accused remains at liberty unless integrity of the trial and/or societal peace and public interest requires otherwise.
5. The burden to demonstrate the necessity for keeping the accused behind bars ought to be discharged by the police and prosecution rather than burdening the accused with the obligation to establish *prima facie* innocence.

²⁶ Detention, according to the HRC, may be necessary in the following circumstances: to prevent flight; to prevent interference with evidence; to prevent the recurrence of crime; where the person concerned constitutes a clear and serious threat to society which cannot be contained in any other manner. See *Human Rights and Pre-Trial Detention: A Handbook of International Standards Relating to Pre-Trial Detention*, Professional Training Series 3 (United Nations, 1994, pp. 14–15).

6. Prohibit the use of pre-trial detention for certain offences especially for offences which carry short prison sentences.
7. Introduce other alternatives to pre-trial detention, such as release on personal recognizance,²⁷ supervision, house arrest or other restrictions instead of incarceration, while simultaneously increasing possibilities for bail and set fairer bail amounts with the alternative of sureties.
8. Statutory delay is a mandatory ground for grant of bail under the Code, strict adherence to the principle needs to be ensured.
9. The accused persons should have a right to examine evidence and obtain copies of evidence, documentary or otherwise, against them in the possession of the police at the bail stage and all pre-trial proceedings to be able to rebut it.

²⁷ While the Code does provide such an option in sec. 513 but it is generally not resorted to. In fact, detainees must first win the right to be released on bail and in the case their inability to render the required bail amount with surety then they can file an application for release on personal recognizance. This itself prolongs the duration of the bail proceedings.

Other factors contributing to bulging prison populations

Remand and continued custody

Section 167 of the CrPC empowers a magistrate to ‘authorize the detention of the accused in such custody as such magistrate thinks fit, for a term not exceeding fifteen days in the whole’, also known as physical remand. At the end of the remand in police custody for investigation, the magistrates as a matter of practice send the person in custody to judicial custody, i.e., prison, also known as judicial remand. Often, the remand is unthinkingly extended and the process goes on, until a lawyer is engaged for instituting bail proceedings.

In principle, a magistrate ought not to remand the accused person to any form of custody even for one day, except after recording detailed reasons in writing about why it is necessary. So, for instance, they may mention evidence presented to them showing that the person in question has been defying, for instance, call up notices, or destroying or attempting to destroy evidence, harassing witnesses etc. In reality, this requirement is mostly honoured in the breach. The law does not specifically provide appellate forum where one may appeal the undue and unreasoned extension of remand nor does it provide for penalty for a judge who mechanically sends accused persons to police custody or to the prisons, leaving it upon the accused persons to engage counsel to get released on bail. Thus, even in cases of the most inconsequential nature, an accused person may have to spend weeks and even months behind bars without being indicted.

Discharge before indictment or framing of charge

Section 265-D of CrPC provides that the court before whom a criminal case is brought may proceed to frame a charge when it is of the opinion that there is enough incriminating evidence, for which it must form a reasoned opinion. This power vested in the court is also rarely exercised.

Prosecution’s discretion to withdraw prosecution

The CrPC vests in the prosecution service the power to withdraw the case against any one at any stage. This power of the prosecution is subject to obtaining the ‘consent’ or permission of the court (S. 494). In practice, this provision is rarely exercised by the prosecution despite the fact that a number of cases are not worth prosecution due to poor investigation, or false accusation etc.

The prosecution service under various laws²⁸ enjoys the power to delete or add an offence, according to the facts and evidence collected by the police before approving investigation report under Section 173 CrPC to the Court. Prosecutors are obliged to scrutinize the police investigation reports, forward it to the court if it is fit for prosecution or return to the police for removal of defects including the applicability of proper offences or collection of any particular evidence.

²⁸ Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act 2006.

Prosecutors often fail to exercise these powers, leading to offences carrying harsh sentences falling in the prohibitory clause remaining on the file against the accused and hence longer incarceration.

Acquittal in case of poor evidence

More often than not, trial reaches a stage where after recording some evidence it becomes apparent that the prosecution won't succeed. For such a situation the law envisages acquittal of the accused in two provisions that are observed more in breach.²⁹

Recommendations

1. Judges should sparingly exercise the power to send the accused persons on remand to police custody or prisons; as a rule, bail should be granted unless the alleged offence is of serious nature. Importantly, the law must expressly require the judicial authority to give reasons for their decisions regarding detention.
2. The magisterial and trial courts that operate at the district and sub-district level under the supervision of the high courts should be allowed to function independently and exercise their powers without fear of retaliation and as allowed in law with reasoning.
3. Trial courts should be encouraged to discharge or acquit the accused at first examination of case file if there isn't adequate evidence against the accused.
4. Prosecution should be turned into a truly independent institution, free from the pressures of the executive as well as judiciary, acting only in public interest.
5. Prosecution should not be expected to oppose every plea of bail; take position on merits; exercise its powers to withdraw prosecution at any stage when there is no likelihood of successful prosecution.
6. Alternatives to prosecution for minor offences already established in law be put to optimal use and their scope expanded to minimize incarceration.
7. Prosecution service should be held accountable for their performance. For this purpose, an appropriate forum should be established by law.
8. the law should be amended to allow the accused persons to have a right to sue the prosecution and investigation agencies to be compensated for the time spent behind bars.
9. The prosecution along with the police should be held responsible for identifying mental illness and drug addiction and divert those affected to appropriate medical or other care.

²⁹ Section 249A and 265K CrPC

Probation and parole

Release of convicts through an active use of probation and parole laws would lead to a reduction in prison population and address overcrowding. Importantly, it would open the possibility of rehabilitation of offenders. While both federal and provincial laws permit probation of offenders and parole of prisoners, these laws remain severely under-enforced.

Legal framework

The Probation of Offenders Ordinance 1960 (Probation Ordinance 1960) provides that, for a broad category of offences the court may ‘instead of sentencing that person at once, make a probation order, that is to say, an order requiring him or her to be under the supervision of a probation officer’ for not less than one year and not more than three years (Section 5). The probation order can only be passed where the offender ‘enters into a bond ... to commit no offence and to keep the peace and good behaviour during the period of the bond’ (Section 5).

The West Pakistan Probation of Offenders Rules (Probation Rules) provides for the appointment of probation officers in each district who are to monitor offenders placed under probation. The duties of the probation officers include meeting the probationers on a regular basis and to ‘endeavour to find suitable employment for him’ and encourage the probationer to ‘take advantage of the social, recreational and educational facilities’ offered by any statutory or voluntary agency (Rule 10). The Probation Rules also provide for the creation of ‘Case Committees’ (Rule 16) comprising district magistrate, first class magistrates and the Chief Probation Officer, who are required to meet at least once every three months to receive and monitor reports of the probation officers.

Release of prison inmates in Pakistan is covered under the Good Conduct Prisoners’ Probational Release Act 1926. The law provides for the ‘conditional release from prison of good conduct prisoners in certain cases before the completion of the term of imprisonment to which they have been sentenced ...’ (preamble). The law empowers the provincial government to permit an imprisoned person to be released if it appears from ‘his antecedents or his conduct in the prison that he is likely to abstain from crime and lead a useful and industrial life’ (Section 2). The imprisoned person may be released on condition that he be placed under the supervision or authority of a servant of the State.

The Punjab Probation and Parole Service Act (PPPSA) 2019 provides for a Board of Management chaired by the Additional Chief Secretary (Home). It is responsible for managing the Punjab Probation and Parole Service, established under Section 8 of the PPPSA. Responsibilities of the Service include assessing the ‘risks and needs of offenders’ and ‘facilitating rehabilitation of offenders’ (Section 8). The Service shall comprise the Probation and Parole officers as specified by the Government. A ‘probation officer’ has the powers specified for probation officers under the West Pakistan Probation of Offenders Ordinance, and a ‘parole officer’ has powers specified under the Good Conduct Prisoners’ Probational Release Act 1926.

The Act also provides for the establishment of a Parole Board that shall ‘consider offenders for parole’, recommend the release of offenders and recommend conditions of parole (Section 10).

The Act also provides for the certification and training of probation and parole officers (Section 13).

Rules under the 2019 Punjab Act set forth additional functions of the Probation and Parole Service. The Service is to carry out a ‘step-by-step case management process.’ It is to ‘adopt a structured strategy to address offenders’ criminogenic needs effectively by developing comprehensive risk and needs assessment tools to assess and manage criminal behaviour.’ ‘Criminogenic Needs’ is defined as ‘factors contributing to criminal behaviour such as substance abuse, anti-social attitudes, mental health issues, unstable family relationships, lack of skills and negative peer influence’ (Rule 2a). The Rules also provide for the establishment of ‘Offender Rehabilitation Centres’ that are to include counselling and therapy rooms, skill development cells and transit camps for parolees (Rule 6).

The Khyber Pakhtunkhwa Probation and Parole Act was passed in 2021 (2021 Khyber Pakhtunkhwa Act) to ‘regulate the probation of convicts, their conditional release from prison before the completion of the term of their imprisonment ... their rehabilitation and reintegration in order to make their lives purposeful and peaceful.’ The 2021 Khyber Pakhtunkhwa Act replaces the 1960 Ordinance and the 1926 Act to the extent of Khyber Pakhtunkhwa. The Khyber Pakhtunkhwa Act gives the jurisdiction to any court to pass a sentence of probation (Section 3). The duration of the probation is a minimum of six months and up to three years. The probationer is to be placed under the supervision of a probation officer.

The court may compel the probationer to undergo community service, vocational training or drug rehabilitation where needed. The court has the power to revoke probation where the probationer violates conditions.

The Khyber Pakhtunkhwa Act provides for the establishment of a parole committee, chaired by the Additional Secretary, Home and Tribal Affairs Department and parole sub-committees. The parole sub-committee is constituted at each prison and includes the prison Superintendent. The parole subcommittee makes recommendations to the parole committee that a prisoner be released on probation where it appears that the prisoner ‘is likely to abstain from crime and lead a useful and industrious life’ (Section 16).

Section 17 of the Act provides that a ‘prisoner shall be entitled to parole on his undergoing the minimum period of imprisonment’ prescribed under the Pakistan Penal Code. The Act requires the probation officer to ‘formulate a pre-sentencing report’ for the court. The pre-sentencing report is to provide the Court ‘with a complete profile of the probationer, including psychological, sociological, family, employment and other relevant information.’

The Rules under the Khyber Pakhtunkhwa Act specify the procedure to be followed by probation officers and the parole sub-committee to release offenders conditionally. They also prescribe the minimum and maximum hours of service for offenders ordered to undergo community service. The Rules also require the Directorate of Reclamation and Probation to ‘track and keep a record of all the potential drug rehabilitation facilities’ in the province (Rule 7). Rule 13 specifies the minimum imprisonment required before a convict is released on parole as below:

<i>Terms of sentence</i>	<i>Minimum period of imprisonment already undergone read with Section 17(1)</i>
Substantive sentence not exceeding three years.	One-third of substantive sentence incl. remission.
Exceeding three years but not exceeding 14 years incl. life imprisonment commuted to 14 years.	One-half of substantive sentence incl. remission.
Life imprisonment exceeding 14 years.	Two thirds of the substantive sentence incl. remission.

Probation under the Juvenile Justice System Act 2018

The Juvenile Justice System Act 2018 (JJSA) envisages release of juvenile offenders on probation for good conduct. Under Section 14 of the JJSA the concerned probation officer is required to submit a report on the direction of the Juvenile Court regarding the possibility of releasing the juvenile on probation.

International standards

International human rights instruments call on states to adopt non-custodial measures, including probation and parole. The United Nations Standard Minimum Rules for Non-Custodial Measures, known as the 'Tokyo Rules', call on states to 'avoid unnecessary use of imprisonment' and to 'provide a wide range of noncustodial measures, from pre-trial to post-sentencing dispositions' (Rule 2.3). The Tokyo Rules further provide that any 'release from an institution to a non-custodial programme shall be considered at the earliest possible stage (Rule 9.4). Psychological support services should be made available under the non-custodial programme. The United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the Mandela Rules, adopted in 2015, also call on states to implement a pre-release regime to ensure that prisoners are gradually returned to society (Rule 87).

Implementation gaps

Despite the laws discussed above, the number of offenders placed on probation and parole is critically low. According to the 2024 prison report prepared by the National Commission on Human Rights and Justice Project Pakistan, Sindh has 19 probation officers who oversee 590 probationers. In 2024, no prisoners were released on parole in Sindh. Punjab has 53 probation officers who manage 36015 probationers. Punjab has also appointed 17 parole officers. Khyber Pakhtunkhwa has 37 probation officers who oversee 7183 probationers. In 2024, 1605 prisoners were released on parole in Khyber Pakhtunkhwa.

The low number of probationers and parolees indicates that the laws discussed above are under-utilised. It is rare for courts to grant probation, in spite of the authority granted to them under the Probation Ordinance 1960 and under provincial laws. Even though courts are empowered to assess 'the circumstances including the nature of the offence and the character of the offender,' courts rarely inquire and determine whether probation is appropriate upon conviction. Even where probation is granted, the Probation Ordinance 1960 limits the period of probation to a maximum of three years. The law also disallows the grant of probation for a range of offences, including all offences under Chapter VI (Offences against the State) and Chapter VII (Offences relating to army, navy and air force) in the Pakistan Penal Code 1860. Several other offences, including dacoity and house-trespass are outside the scope of the Probation Ordinance 1960.

Powers of the provincial government to release a prisoner on parole are also under-utilised. A significant weakness of the 1926 Act lies in the fact that it sets forth vague grounds for granting parole and gives wide discretion without guidance to parole authorities. A law that clearly sets forth the factors parole authorities must consider with respect to every prisoner is likely to lead to more parole licenses. Another limitation of the 1926 Act is that it does not set forth any mechanism for a prisoner to apply for parole. In leaving it entirely to the discretion of parole authorities to consider a prisoner for parole, the 1926 Act limits the ability of the prisoner to make a claim for his or her release.

Sindh and Balochistan continue to rely entirely on the Good Conduct Prisoners' Probation Release Act 1926 and do not have a special law regarding parole that sets forth detailed duties and responsibilities of parole officers. As a result of this crucial gap in the legal framework, Sindh compares very poorly to Punjab and Khyber Pakhtunkhwa with respect to parolee numbers. While Punjab has retained the Probation Ordinance 1960 as well as the 1926 Act, the 2019 Punjab Act

provides for mechanisms to implement parole, including a Parole Board and Probation and Services Board. The low number of parolees in the province, however, suggests that the implementation of these mechanisms must be improved. The 2019 Act does not provide a mechanism for prisoners to request parole, leaving it entirely to the Parole Board to recommend the release of prisoners at their discretion.

Khyber Pakhtunkhwa now relies entirely on the 2021 Khyber Pakhtunkhwa Act, which has expanded the grounds for probation and probation. This is likely one explanation for the better performance of Khyber Pakhtunkhwa when it comes to the number of probationers and parolees. The 2021 Khyber Pakhtunkhwa Act permits the court to grant probation to an offender convicted under any law. It limits the period of probation, however, to three years. Another significant improvement is that it sets forth a list of criteria for the court to consider when granting probation, including a pre-sentencing report to be submitted by the probation officer.

Section 17 of the 2021 Khyber Pakhtunkhwa Act grants parole as a right to any prisoner who has undergone the minimum period of imprisonment prescribed under the Pakistan Penal Code. The 2023 Khyber Pakhtunkhwa Rules require that specified minimum periods of a sentence be served before a prisoner is eligible for release on parole. This restriction limits the number of parolees.

The implementation of probation and parole is undermined by a 2022 amendment to the Control of Narcotic Substances Act 1997 (CNS Act) that eliminates parole and probation for offences under the law. This has led to a sharp increase in the prison population for offences under the CNS Act (NCHR et al., 2025, p. 12).

Trained staff must be recruited to ensure the implementation of parole and probation laws. However, the number of officers appointed under the laws discussed above remain inadequate. Punjab has 1 probation officer for every 680 probationers; Khyber Pakhtunkhwa has 1 for every 194 probationers, while Sindh has 1 for every 680 probationers (NCHR et al., 2025, p. 13). While the 2019 Punjab Act and 2021 Khyber Pakhtunkhwa Act provide for rehabilitation services, the number of facilities and trained personnel required to provide rehabilitation to prisoners remains inadequate.

Recommendations

1. Federal and provincial laws should specify clearly that all offenders have a legal right to be considered for probation and parole. The relevant laws should provide a mechanism for each offender to apply for probation or parole to the competent authority and must mandate that the authority consider the application for parole or probation.
2. The 1960 Ordinance should be amended to allow probation for all criminal offences. The maximum period for probation should also be extended.
3. The 1926 Act and 1960 Ordinance should set forth clear duties of probation and parole officers to ensure rehabilitative services to probationers and parolees. These must include psychosocial services, drug rehabilitation and vocational training where needed.
4. Prisoners should be eligible for parole at the earliest stage. No law or rule should specify a minimum period of sentence that must be served for a prisoner to be eligible for parole.
5. Federal and provincial governments must establish rehabilitation centres staffed with trained personnel to provide psychosocial services, drug rehabilitation and vocational training. Community service should be made part of the rehabilitation process.
6. Federal and provincial governments must recruit an adequate number of probation and parole officers, providing them with the budget and facilities they require to carry out supervision and counselling of probationers and parolees.

7. Judges must be trained regularly on the significance of probation. Judicial academies, high courts and the Supreme Court should encourage judges to apply probation upon conviction as often as possible.
8. Federal and provincial governments should issue pre-sentencing guidelines for the judiciary. These should specify the circumstances under which judges should grant probation in lieu of imprisonment.
9. All probation and parole officers should be trained to provide counselling. Training of officers must instil a therapeutic rather than punitive mindset.
10. Special measures as provided in the law need to be taken meaningfully and effectively to eliminate the presence of children behind bars by ensuring that alternatives to sentencing are adopted in particular juveniles between ages 16 and 18 also benefit from the law.