



Serving Time: Pakistan's Prisons Through the Ages

JUSTICE PROJECT PAKISTAN

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Introduction: Prisons as Microcosms of Provincial and Federal Realities

This book tells the story of 20 former under-trial and convicted prisoners across Pakistan's prison system in the four provinces of Punjab, Sindh, Khyber Pakhtunkhwa, and Balochistan.¹ Experiences with arrest and incarceration among men, women, and juvenile ex-prisoners provide a historic and contemporary lens through which readers can comprehend the country's penal system as part of the legacy of colonial governance in the Indian subcontinent, the creation of Pakistan, and current day political debates that preoccupy the country under the umbrella of insecurity. How and why both ordinary and politically outspoken individuals are arrested, and the disciplinary measures enacted on their bodies, minds, and conscience, provides a view from behind bars to understand topics such as militancy, violence and discrimination against women, ethnic, religious, and sectarian minorities, and grievances against the state.

1 The territories of Azad Kashmir and Gilgit Baltistan are not included as their prison administration falls outside of Pakistan's federal jurisdiction – they are independently administered territories. For an overview of prison conditions in these regions, see the 2018 National Counter Terrorism Authority (NACTA) report on prison reform, called *Addressing Overcrowding in Prisons by Reducing Preconviction Detention in Pakistan*.

Modern jails and practices of incarceration for the deterrence, punishment, and reform of criminals were introduced to British India in the late 1700s with the dissolution of the Mughal Empire. Their construction and institutionalisation in criminal law, as Mira Waits, David Arnold, Satadru Sen, and other historians and anthropologists of colonial-era jails and imperial carceral practices, write, was reflective of a wider project of classifying, categorising, and ordering people according to powerfully entrenched ways of thinking along cultural, religious, ethnic, and racially hierarchical lines. It was through governance, law, and imprisonment that such conceptualisations of difference were criminalised.² Though this history has been forgotten in thinking and writing on prison reform today, it left a discursive imprint on Pakistan in the making of its identity as an independent, Muslim, nation-state following its creation in 1947.

Absent from discussions on prison rules reform and prison reform, however, is the impetus behind the arrests being made and what sort of individuals are actually ending up as incarcerated.

Most discussions about Pakistani prison reform begin by recalling that both the penal code and prison management manuals are colonial-era documents that have seen little revision since their formulation in the late 1800s. Their continued use is lamented and lauded in equal measure, on the one hand, seen as outdated and reflective of a prior brutal regime's denigration of its subjects, and on the other, as a failure of Pakistan to further develop a modern system of prison management.³ Prison reform in Pakistan, a joint government and human rights initiative, is characterised by an effort to address several

2 Metcalf, T. (2010). *Ideologies of the Raj*, 67. Cambridge University Press.

3 Anwar and Shah, "A History of Prison Reforms in Pakistan,"; Bhutta and Akbar, "Situation of Prisons in India and Pakistan: Shared Legacy, Same Challenges,"; Gul, "Our Prisons Punitive or Rehabilitative? An Analysis of Theory and Practice."

obstacles understood to prevent humane living conditions among remand and convicted prisoners: overcrowding, staff abuse, insufficient rehabilitation programming, and under-resourcing in women's facilities. Each of these issues is seen as a result or cause of wider systemic inefficiencies, from sentencing backlogs to the spread of disease from living in close and, therefore, unhygienic quarters, lack of professional training for prison guards, recidivism, and innocent children spending their formative years in jail. Prison reform investigations and reports are, therefore, concerned with monitoring and evaluating incarceration facilities in order to bring them in line with international human rights standards. This book attempts to present and unwrap a different historical understanding of the problems in the country's penal justice system and provides a framework with which to approach much-needed reform.

The overhaul of provincial prison manuals has been forwarded as a key starting point by prisoner advocacy groups and prison management teams alike. These extensive documents lay out various regulations for the secure management of prison premises, facilities, and prisoners. The idea is that their updating, including the removal of colonial-era allowance of corporal punishment, and a clear mandate on how prisons should oversee the daily life of prisoners, will provide a written basis for regulating staff and prisoner interactions in alignment with international human rights measures. The 2019 and 2018 provincial prison rules reforms in Sindh and Khyber Pakhtunkhwa respectively, as well as those ongoing in Punjab under the Draft Proposed Punjab Prison Rules 2020, are drawn from the 1978 prison rules, a 474-page document that has remained largely unchanged since its writing in the late colonial era. The 1978 prison rules cover a wide array of custodial matters such as prisoner classification, expected behaviour and disciplinary consequences, labour and vocational training, visitation rights, nutrition, health and safety standards, staff roles and responsibilities, and the separate housing of women and juveniles. The impetus for prison rules reform is based on the idea that if regulations in the aforementioned categories are updated, improved procedures can be systematised, therefore resulting in fewer human rights violations.

Absent from discussions on prison rules reform and prison reform, however, is the impetus behind the arrests being made and what sort of individuals are actually ending up as incarcerated. This question is intrinsically connected to a historical understanding of the troubling living conditions in the country's prison system, starting with a look at Mughal-era criminal justice and penal practices that the British inherited and transformed to serve imperial rule.

As Michel Foucault revealed, in the 1800s the institutionalisation of prisons as systems of surveillance became the means for Europe to escape its own past of spectacle executions, and saw the introduction of penal codes and procedures, the redefinition of jail as a place of correction.

It is not true, as they would argue in numerous records documenting their administrative transformation of the subcontinent, that the British were met with an abject lack of modern governance and rampant criminality as they seized power from the Mughal rule in 1757. As Satya Sangar has shown, drawing heavily on Company-era travelogues – it should be noted – Mughal governance was based on textual Islamic civil and criminal law, including a royal system of dispute adjudication and sentencing, which, at times extended to the use of imprisonment.⁴ According to Sangar, British explorers observed emperors such as Aurangzaib regularly keeping court, where they heard and ruled on cases from all of their subjects. They also called for additional investigation, when required, drawing on support from courtly legal thinkers. Concomitantly, Sangar describes a magistrate system in which regional governors similarly kept court, and law enforcement officers, in charge of maintaining peace and order in their jurisdiction, brought

⁴ Sangar, S. (1967). *Crime and punishment in Mughal India*. Sterling Publishers (P) Ltd. <https://archive.org/details/in.ernet.dli.2015.111228/page/n1/mode/2up>

forward violators such as robbers. They helped to produce witnesses as well as guard suspected culprits in jail while they awaited judgement. Compiling adventurer writings with (translated) Persianate and Urdu Mughal sources, Sangar also notes the widespread use of methods such as trial by ordeal, whipping, eye-for-an-eye, blood money, and mutilation as common forms of punishment. Among these, were more gruesome customs such as death by feeding to crocodiles, dogs, or poisonous snakes, which were punishments for violating laws banning theft, murder, consumption of alcohol, and adultery.

These practices were reflective of forms of punishment around the world, and not representative of a Mughal 'despotism' unique to its conquest of the subcontinent, as the British would assert to position their rule as the first coming of rational, modern governance to India. As Michel Foucault revealed, in the 1800s the institutionalisation of prisons as systems of surveillance became the means for Europe to escape its own past of spectacle executions and saw the introduction of penal codes and procedures, the redefinition of jail as a place of correction.⁵ Rather, it was an organised system of Mughal law and justice that the British would "conform to a British sense of justice" from the mid-18th century onward, as Alan Guenther has argued and later with the advent of the Indian Penal Code under Babbington Macaulay in 1837.⁶ Denigrating Mughal rule as crude and tyrannical, British lawmakers wished to quickly dispense with their reliance on Islamic legal scholars who they had turned into court officers to help British judges make sentencing decisions. Court officers were gradually supplanted with reduced and simplified translations of Islamic law, from which tapered codes and regulations were extracted, and precedent fixed from their previous rulings, now solely in the hands of

5 Foucault, M. (1995). *Discipline and punish: The birth of the prison*. Vintage Books.

6 Munir, B. (2020). The Mughal administration of justice: An appraisal. *Global Security and Strategic Studies Review*, 5(3), 43-50. [https://doi.org/10.31703/gssr.2020\(V-III\).05](https://doi.org/10.31703/gssr.2020(V-III).05); Guenther, A. (2009). A colonial court defines a Muslim. In B. Metcalf (Ed.), *Islam in South Asia in practice* (pp. 293-304). Princeton University Press; Skuy, D. (1998). Macaulay and the Indian penal code of 1862: The myth of the inherent superiority and modernity of the English legal system compared to India's legal system in the nineteenth century. *Modern Asian Studies*, 32, 513-557.

British judges. Despite the new authority to carry out criminal justice, logistically the British opted for semi-autonomous forms of rule. Here too, they piggybacked on Mughal court practices, conferring upon emperors titles and gifts as payment for trade rights in exchange for loyalty, reducing traditional and holistic customs of fealty between kingdoms, to bribery.⁷ David Arnold also points to ample evidence that the colonial administration continued to use violent and public methods of punishment and deterrence for maintaining order across the mid-1800s and early 1900s.⁸ This included increased capital punishment through executions and the guillotine, and the public displays of corpses, as compared with Mughal Bengal, while they one day hoped to see the complete abolishment of “these barbarous appliances” for a full integration of reformative means of correction.⁹ The cultural edifice the British built to govern the population they would take over and rule, is found in vast ethnological tracts, including administrative, prison management, tourism and travelogues, and census documents of the population they were to take over and rule. These archives form the historical analysis of this book, and show how colonial discourses of criminality produced the ideological underpinnings of the portions of the subcontinent that would come to comprise Pakistan.

It seems prison was not a favoured form of punishment linked to the wider criminal justice system and Mughal rulers instead preferred to adjudicate swiftly, pronouncing sentences of corporal or retributive punishment that would reinstitute community balance among peasants.

⁷ Cohn, B. (2004). Representing authority in Victorian India. In E. Hobsbawm & T. Ranger (Eds.), *The invention of tradition*. (pp. 165-210). Cambridge University Press.

⁸ Arnold, D. (1993). *Colonizing the body: State medicine and epidemic disease in nineteenth-century India*. University of California Press.

⁹ Arnold, D. (2011). *The colonial prison: Power, knowledge and penology in nineteenth-century India*. In D. Arnold and D. Hardiman (Eds.), *Subaltern studies VIII: Essays in honour of Ranajit Guha*. (pp. 148-187). Oxford University Press.

Imprisonment, Sangar explains, was also common, but not like the systematised aspect of sentencing during the Mughal period.¹⁰ Again drawing on colonial travelogues, he documents the existence of three dungeons including the Rohtas Fort, Gwalior and Ranthambor, the latter two in present-day India. Here, it was largely members of the nobility who were imprisoned but it was unclear what kind of crimes they might have committed. It seems prison was not a favoured form of punishment linked to the wider criminal justice system and Mughal rulers instead preferred to adjudicate swiftly, pronouncing sentences of corporal or retributive punishment that would reinstitute community balance among peasants. Sangar cites a number of instances where judges were remiss in fulfilling their duty to check on prison conditions, and instead, rulers such as Shah Jahan upon visiting prisons would arbitrarily order the release of inmates. Yet, the introduction of modern prisons to India is far more reflective of the growth of penal reform in the metropole and the use of India as a scientific experimental ground in population management.¹¹ They were launched based on the idea that prisons would for the first time enable the control and reform of India's many 'criminals classes,' – in reality a diverse array of religious, cultural, occupational, and semi-nomadic groups that did not fit into the British sense of middle-class respectability.¹² But Company jail building and administration were no more organised than that of the Mughals before them, writes Mira Waits, in her article on colonial-era prison architecture and design.¹³ In one example of a newly constructed jail, Waits describes how one early 19th-century facility in Mymensingh, now a city in Bangladesh, was constructed along the lines of a Mughal

10 Sangar, S. (1967). *Crime and punishment in Mughal India*. Sterling Publishers (P) Ltd. <https://archive.org/details/in.ernet.dli.2015.111228/page/n1/mode/2up>

11 Yang, A. (1987). Disciplining 'natives': Prisons and prisoners in early nineteenth century India. *South Asia: Journal of South Asian Studies*, 10(2), 29-45. <https://doi.org/10.1080/00856408708723100>

12 Clark, J. (2015). Prison reform in nineteenth century British India. [Master's dissertation]. University of Canterbury;
Prakash, G. (1999). *Another Reason: Science and the imagination of modern India*. Princeton University Press.

13 Waits, M. R. (2018). Imperial vision, colonial prisons: British jails in Bengal, 1823-73. *Journal of the Society of Architectural Historians*, 77(2). <https://doi.org/10.1525/jshah.2018.77.2.146>

debtors jail known as a *diwani*, and later expanded to house more inmates, pointing to the way Company jail construction leaned on a discernibly Mughal edifice.

JAIL DESIGN AND PRISON MANAGEMENT

Jails that were not modelled on earlier architectural styles were converted into incarceration facilities from abandoned colonial administrative or military buildings, including army barracks and canteens. By studying their layouts, Waits finds few structural changes were made, and therefore these spaces were hardly run like modern prisons. They included many wide shared spaces, and as convict labour was often used for public works, prisoners also freely saw their families who they lived with off jail premises. Fewer facilities had perimeter walls, and along with jailbreaks, colonial administrators started to see that the lack of planned jail construction was failing to meet punitive objectives. It was their own haphazard planning, rather than a desire to rid India of Mughal tyranny that eventually saw the introduction of a modern "spacial logic" to jail construction, administration, and correctional discipline.¹⁴

Each chapter of this book begins with a history of interrelated colonial forms of criminalisation, prison management, and inmate treatment that continue to inform prisoner experiences with arrest and incarceration in provincial, post-Partition contexts.

It is to this history that we now turn to understand how jail construction and prison management were inextricably linked to a colonial discourse of criminality that itself took on various assemblages to meet the needs of imperial expansion and governance that were far from uniform from

14 Ibid, 150.

region to region.

Each chapter of this book begins with a history of interrelated colonial forms of criminalisation, prison management, and inmate treatment that continue to inform prisoner experiences with arrest and incarceration in provincial, post-Partition contexts. In **Punjab**, the forms of discrimination and criminalisation that sectarian and religious minority groups face can be traced back to colonial anthropological practices of topographically identifying people of the region by religion. Carried out excessively across undivided Punjab, this lays the groundwork for an understanding of the western portion of the province as, separately, cartographically Muslim. Following Partition, the influx of Muslim refugees and the departure of Hindus and Sikhs for India resulted in demographic changes that saw Sunnis become the vast majority, and a majoritarian Sunni identity was also fomented. Today, while socioeconomic disenfranchisement is a major reason for high incarceration rates across the country,¹⁵ in the province, the back story of much criminal activity that defence lawyers sift through, such as murder and robbery, takes place as a result of community-based tussles over limited resources.¹⁶ For those members of the working class who belong to minority backgrounds, the situation is even worse, as they are vulnerable to the scapegoating of their identities as being in violation of the majority faith, which becomes the platform on which to dispute rights to employment, property, and political participation.

In the **former Balochistan Agency**,¹⁷ under the British Crown rule, a set of administrative documents called agency reports show how governance in the region was focused almost entirely on usurping power from tribal leadership for territorial and economic expansion, to the neglect of forms of social infrastructural development, such

15 Khan, N., Ahmed, J., Nawaz, M. & Zaman, K. (2015). The socioeconomic determinants of crime in Pakistan: New evidence on an old debate. *Arab Economics and Business Journal*, 10 (2), 73-81. <https://doi.org/10.1016/j.aebj.2015.01.001>

16 H. Ali, Personal Communication, July 28, 2020

17 Under colonial occupation, present day Balochistan was divided into two regions, British Balochistan and the "Balochistan".

as school and hospital building. Balochistan was largely seen as a financial expense to the imperial government – each and every expenditure was tallied in appended balance sheets – and the tribal groups it encountered, a hindrance to establishing centralised rule. While indigenous tribes were criminalised as despotic warlords driven by blood-lust obstinately opposed to the rule of law, it does not seem prisons were widely used to discipline and reform violators through regularised labour, or vocational training as they were in jails in other parts of the subcontinent, particularly Bengal and Uttar Pradesh.¹⁸ Through the examination of the administrative reports of the Balochistan Agency in the late 1800s, it is possible to see how British governors institutionalised the tribunal jirgas to mete out retributive and communal forms of justice, such as the payment of blood money, or the stripping of resources from the assailant's household that was distinct from its criminal reform mandate in Punjab and Sindh, and even dissimilar from the federally administered tribal regions with which it shares a border. Today, Balochistan's prisons remain the most under-resourced in the country, while activists agitating for enfranchisement say they are criminalised as seditious and subject to extrajudicial violence.

Fearful of the frontier's anticolonial activism and ability to build links with the central Quit India movement, British forces set aside specific jails for the housing of political prisoners, who were exempt from receiving superior treatment normally provided by the recently devised socioeconomic prisoner classification system.

¹⁸ Prisons in these provinces have received the most academic attention, in part due to the location at the centre of both colonial and anticolonial activity, but this is due to the neglect of analysis of prisons that fall in modern day Pakistan.

Colonial forms of prison management and criminalisation in the former FATA and the frontier regions, newly amalgamated with **Khyber Pakhtunkhwa**, offer a comparison with both provinces discussed above. This part of the subcontinent became a separate site of anticolonial agitation from UP, which saw the growth of an anticolonial Muslim modernist movement in which a two-nation theory and the formation of Pakistan were first imagined.¹⁹ The growth of a regional nationalist movement in the former NWFP sought to dismantle exceptionalist forms of governance under the Frontier Crimes Regulation (FCR) laws codified by the colonial administration in order to instrumentalise tribal people as battle forces in a bid to control the border with Afghanistan and prevent encroachment from Russian forces. Fearful of the frontier's anticolonial activism and ability to build links with the central Quit India movement, British forces set aside specific jails for the housing of political prisoners, who were exempt from receiving superior treatment normally provided by the recently devised socioeconomic prisoner classification system.²⁰ Following independence, however, the FCR was not dismantled, and the colonial practice of using the local Pashtuns to fight geostrategic battles continued, this time as trained militants, in the second, US-backed, Russian-Afghan war of 1979.²¹ After 9/11, state policy took an abrupt shift, this time to align with the US 'war on terror',²² turning former state-aligned fighters into global terrorists²³ who became the target of internal military campaigns throughout the region. Residents of the region say their homes and communities were destroyed and that they were made indiscriminate ethnicized scapegoats, and

19 Jalal, A. (2007). *Self and sovereignty: Individual and community in south Asian Islam since 1850*. Sang-e-Meel Publications.

20 Singh, U.K. (1996). *Political prisoners in India, 1920-1977*. (Publication No. 10731591). [Doctoral dissertation, University of London]. ProQuest.

21 Ali, I. (2018). Mainstreaming Pakistan's federally administered tribal areas: Reform initiatives and roadblocks. *Special Report*, 421, 1-18. United States Institute of Peace. <https://www.usip.org/publications/2018/03/mainstreaming-pakistans-federally-administered-tribal-areas>

22 Mamdani, M. (2005). *Good Muslim, bad Muslim*. Three Leaves Press.

23 Yusuf, M. & Jawaid, A. (2015). Radicalism among youth in Pakistan: Human development gone wrong? National Human Development Report. UNDP.

criminalised as 'enemies of the state',²⁴ they have given rise to a new wave of civil rights agitation called the Pashtun Tahaffuz Movement (PTM). In keeping with the region's history, their leaders and party members opposing discrimination and the continued use of the FCR, find themselves in jail.

Sindh symbolised the final and complete unseating of Mughal rule in the subcontinent.

Sindh, for colonial administrators, held an altogether different geographic significance than British India's outlying regions of Balochistan and Khyber Pakhtunkhwa. Unlike the former, whose borderlines were under constant negotiation and defence, Sindh to them symbolised the final and complete unseating of Mughal rule in the subcontinent. They saw Sindh as the first entryway for 'Muslim invaders' in 712 CE,²⁵ and their arrival in 1843 as a change in the course of history in which they would map the province, and in doing so, repurpose its western ports for imperial expansion. This project saw the growth of the railway system, the establishment of Karachi as a commercial port, and the growth of travel for leisure. Visits by rail to Karachi, and all the newly mapped districts of the interior, meant colonial administrators and Western travellers could witness the technological success of the modern empire and its takeover of history. Old Mughal relics of tombs and shrines were now nestled amidst roads, bridges, clock towers, courthouses – and, jails. But the fear of invasion would not abate, and they were two-fold, as connectivity to the subcontinent opened up lines of defence, as well as internal pathways of vulnerability to the "war-like ... trans-Indine nations"²⁶

24 Sayeed, S. & Shah, R. (2017). Displacement, repatriation, and rehabilitation: Stories of dispossession from Pakistan's frontier. Working Paper FG8. German Institute for Peace and Security Studies. https://www.swp-berlin.org/publications/products/arbeitspapiere/Sayeed_and_Shah_2017_Internal_Displacement_Pakistan.pdf

25 Ahmed, M. A. (2017). Quarantined histories: Sindh and the question of historiography in colonial India - part 1. *History Compass*, 15 Article e12403. <https://doi.org/10.1111/hic3.12403>

26 Burton, R. F. (1851). *Sindh, and the races that inhabit the valley of the Indus; with*

of the frontier. Then, there was the fear of destruction from the inside out, of the 'untrustworthy natives,' – both Hindu and Muslim – living in the numerous villages that dotted the rural landscape, who with their divergent 'strange' customs and practices, also refused to conform to the rule of law. The colonial preoccupation with the threat of invasion and internal discord that could implode, due to geographic permeability can be traced in the way multiple ethnic, sectarian, and religious groups from inside and outside the province move through Karachi Central Jail, one pit stop among many in the formal and informal justice system.

INCARCERATION OF WOMEN IN COLONIAL TIMES

Under colonial systems of prisoner classification, **women** comprise a separate and special category of criminal and inmate. As Satadru Sen²⁷ has pinpointed, the jailing of women convicts presented unique problems to prison administration as the need to control their sexuality always trumped gendered housing and reform requirements. The class-based prisoner classification system and worry that hardened criminals would morally corrupt one-time offenders, therefore applied to women convicts in different ways. It was believed there were two kinds of women convicts: prostitutes and the deserving poor, and that the latter faced risk of contamination from the former. Of utmost importance was ensuring that women convicts were completely segregated from male convicts, in order to protect them from any risk of sexual exposure. At the same time, colonial prison committees did not want to spend money on building cells though they debated that separate confinement was a superior form of deterrence. Where women's sections were not built in district jails, they were transported to central jails, even though this separated them from their families, which colonial jail committees admitted they believed caused additional harm. Nor did the colonial jail committees want to create expenditure

notices of the topography and history of the province. WM. H Allen & Co. <https://archive.org/details/dli.csl.6773/page/n1/mode/2up>

²⁷ Sen, S. (2002). The female jails of colonial India. *The Indian Economic and Social History Review*, 39(4), 417-438. <https://doi.org/10.1177/001946460203900405>.

for women prisoners reform, believing them to be largely illiterate and unskilled.²⁸ The problem of 'what to do' with women convicts in contemporary prison reform persists in insufficient rehabilitation programming, and no clear direction on how to provide specialised reproductive healthcare.²⁹ Concomitantly, drawing on the colonial trope of the 'fallen woman' as prostitute, today the presence of women in prisons is fetishized as a rising security threat that does not befit their sex.

The imperial history of criminalisation and prison management, then, is intertwined with the formation of Pakistan and continues to inform the way law, order, and governance is carried out in the postcolonial state. Each province's inclusion in the federation has been based on the criminalisation of an identity that was once seen as anathema to the colonial state's civilizing mission, and today, Pakistan's national, Islamic identity. Prison reform is currently concentrated on the improvement of inmate living conditions so that they meet fundamental international human rights standards and provide rehabilitation programming that will hopefully result in the reintegration of prisoners in a free society. While these goals should not be abandoned, in this framing, the inhumane quality of inmate life is seen strictly as a consequence of substandard prison conditions. But this is not the full picture. The reasons for imprisoning colonial subjects, which had little to do with controlling deviance, and were far more representative of a dual technique of imperial rule and economic expansion, did not disappear with the creation of independent Pakistan. Instead, these were reappropriated and refitted to serve the objectives of defining Pakistan as a religiously homogeneous nation in 1947.

A grand narrative of a security crisis has meant the country must always

28 Indian Jail Committee. (1920). *Report of the Indian jails committee 1919-20: Volume 1. Reports and appendices*. Superintendent Government Central Press. <http://jail.mp.gov.in/sites/default/files/Report%20of%20the%20%20Indian%20Jail%20Committee,%201919-1920.pdf>

29 Ministry of Human Rights. (2020). *Plight of women in Pakistan's prisons*. Government of Pakistan. http://www.mohr.gov.pk/SitelImage/Misc/files/Prison%20Report_1pbleed_pq.pdf

be protected from external threats and perceived internal filtration, first in the form of India, from which it was split, and second following the formation of Bangladesh in 1971 which saw a part of the nation breakaway.³⁰ Successive military regimes, backed by the religious right, which have together worked to define the country as a geographically and ideologically Islamic nation, plus a weak democracy, civil unrest, and the rise of Taliban-inspired militant groups, have fostered discrimination against large segments of the citizenry, including the working class ethnic and religious minorities, and women. The state has favoured a monolithic nationalist Islamic narrative creating a cultural vacuum for valuing diversity; it has also meant that attempts to draw attention to and change these realities are criminalised.³¹ The role of prisons in Pakistan's criminal justice system and its reform are therefore also shaped by the securitisation discourse that has defined the country in the post-9/11 era. Those who have challenged these realities – whose stories comprise this book – and the way they are deprived of equally shared rights and resources have seen their complaints go unheard and in numerous cases found themselves criminalised as anti-state elements.

The imperial history of criminalisation and prison management, then, is intertwined with the formation of Pakistan, and continues to inform the way law, order, and governance is carried out in the postcolonial state.

This need to protect Pakistan's invented ideological historical and geographical borders³² has seen the arrest and incarceration of both

30 Jafferlot, C. (2005). Introduction: Nationalism without a nation, Pakistan searching for its identity. In C. Jafferlot (Ed.), *Pakistan: Nation, nationalism and the state*. (pp.7-51). Vanguard Books.

31 Toor, Sadia. (2011). *The state of Islam: Culture and cold war politics in Pakistan*. Pluto Press.

32 Hobsbawm, E. (2004). Introduction: Inventing Traditions. In E. Hobsbawm & T. Ranger (Eds.), *The Invention of tradition*. (pp. 1-14). Cambridge University Press.

politically active and ordinary working-class people of different religious and ethnic backgrounds. Each province has a story of criminalisation to maintain national security. In Punjab, this is the criminalisation of religious diversity for Islamic conformity; in Sindh, the criminalisation of ethnic diversity as subnationalisms; in FATA, the criminalisation of dissent as militancy; and in Balochistan, the criminalisation of disenfranchisement as separatism. The historic and contemporary trajectories described above, therefore, inform prisoner experiences of arrest and imprisonment, while reinforcing the continued value of prison within the criminal justice system in ensuring national security. What the stories of this book show is that different aspects of prison regulations, procedures, and access to facilities are experienced through identity and that this combination is felt and applied as a punitive method. In prison, the forms of securitisation that cannot be fully accomplished in a free society to silence grievances, quash dissent, and eliminate identities, can be carried out through symbolic uses of space and procedure to separate, segregate, and silence the vulnerable and those advocating for change into submission. Across the country's prisons, this has involved *using rules that govern the use of prison space and procedure* to punish individuals who have been arrested for threatening national security. This brings us to the second central argument of this book which outlines an economy of extortion created within the country's jails.

ECONOMY OF EXTORTION

*"From being an art of unbearable sensations, punishment has become an economy of suspended rights. If it is still necessary for the law to reach and manipulate the body of the convict, it will be at a distance, in the proper way, according to strict rules, and with a much 'higher' aim."*³³

Prison life is a commonly shared experience through an economy of extortion, in which labour, goods, and favours are all traded in order to purchase a liveable existence. This book will show how prisoner abuse

33 Foucault, M. (1995). *Discipline and punish: The birth of the prison*. Vintage Books.

takes place, not through the violation of prison rules, but through their violent application regulating the use of space and facilities, and disciplinary procedures. The appointment of prisoners to convict officer posts, to supervise their fellow inmate population is one area where the violent application of prison rules takes place. Men and women across provinces described how bribery was the path not only to privileges in prison, but also to escape routine violence. Prisoners said they had no choice but to be inaugurated into the system, and were made to perform menial labour to instil in them the need and desire to buy their way out. Not having money to do so meant they were vulnerable to additional forms of punishment and emotional torment. Rules allowing for phone calls and family visitation rights also become traded goods: access to one's life outside prison walls is withheld unless one succumbs to complying with the terms of the prison trade agreement. It is the provisions within the prison rules, then, that are perversely modified within an economy of extortion, and the price of rights raised with the threat of senseless punishment or deprivation. Bribery in prison, therefore, needs to be understood as more than a symptom of a morally corrupt penal system. It is but one form of trade in an (un)regulated system of commodity exchange that prisoners were haplessly tied to through coercion either by senior prisoners or wardens, all the way up to senior supervisory roles. It is in this way that prison violence in Pakistan moves through the commoditisation of the prison rules and prisoner rights within an everyday extortionary market.

Prison life is a commonly shared experience through an economy of extortion, in which labour, goods, and favours are all traded in order to purchase a liveable existence.

In the **third argument** of this book, we will look at another major effort in prison rights advocacy: the creation of onsite rehabilitation opportunities through education, vocational training, and recreation. Today, in addition to compromised health, safety, and nutritional

standards, prisons are also reported to be sites of violent corporal punishment and mental torment that produce hardened criminals instead of reformed citizens.³⁴ As part of an endeavour to integrate the penal system into a more holistic system of criminal justice, prison reform also includes a call for the development of prison industries through vocational training opportunities. This is seen as a three-stage socioeconomic solution, in which prisons will be transformed from redundant spaces of violence and recidivism into purposeful sites of learning and employment opportunities for prisoners who will earn revenues for the prison, and then carry on the skills learned during their term following release for their own livelihood. As part of countrywide prison reform, former Prime Minister Imran Khan said he had hoped to integrate prison-based commodities production and scale it to national economic development.³⁵

Today, in addition to compromised health, safety, and nutritional standards, prisons are also reported to be sites of violent corporal punishment and mental torment that instead produce hardened criminals instead of reformed citizens.

Throughout the history of colonial prison management, debates abound over whether labour and rehabilitation should replace punishment as the purpose of incarceration. Arnold writes of the labour forces in Bengal that were initially drawn from jail populations to build public use facilities such as roads, bridges, and irrigation canals – and even prisons themselves. Bands of construction worker prisoners, however, became difficult to control due to escape incidents. The extramural use of convicts also contravened a competing idea that

34 Hasan, S. (2014, September 7). Bursting at the seams. *Dawn*. <https://www.dawn.com/news/1130026>

35 PPAC. (2019). *First report of the Prime Minister's prisoners' aid committee*. Prime Minister's Office.

prisons should inculcate the endurance of boredom, leading to the development of onsite prison workshops of finished goods production. Even when these proved to be lucrative revenue generation activities that made jails economically self-sufficient, jail discipline and reform committees remained concerned that such activities depreciated their value as sites of deterrence from deviance. In 1835, Babbington Macaulay came to head the writing of the Indian Penal Code, with which he was determined to fully integrate prison development, strictly for the purpose of punishment, "where the criminal, without being subject to any cruel severities, is strictly restrained, regularly employed in labour, not of an attractive kind, and deprived of every indulgence not necessary to his health."³⁶

Thus, British Indian jails were the site of new social experiments in what Anand Yang has termed the "science of punishment,"³⁷ in which the mind and not the body became the new target of punitive discipline.

While there are lofty ideals of transforming Pakistan's prisons into sites of rehabilitation that release reformed ex-convicts, prisoners tell stories of few educational, vocational, and recreational opportunities, and when they exist, being forced to participate under threat of punishment. These realities echo colonial-era indecision and an unresolved debate on prison operation that becomes apparent when examining government ministry, prisoner advocacy, and development efforts to assess prison conditions. My fieldwork experiences in Karachi and Peshawar central jails, including interviews with jail management personnel, along with JPP's legal investigative team in women's jails in Punjab, show how prison management and operations teams undertake control of what assessors see. Through curated tour and display procedures they attempt to compel evaluation teams to report beyond-a-doubt proof of met compliance standards. Fear of exposure to public scrutiny has jail administrations deeply discomfited and scrambling

36 Yang, A. (1987). Disciplining 'natives': Prisons and prisoners in early nineteenth century India. *South Asia: Journal of South Asian Studies*, 10(2), 29-45. <https://doi.org/10.1080/00856408708723100>

37 Ibid.

to co-opt the monitoring and evaluations process into meeting compliance regulations. This is achieved through the preparation and staging of jail premises, operations, spaces, procedures, facilities, meetings, and prisoners themselves.

British Indian jails were the site of new social experiments in what Anand Yang has termed the “science of punishment,” in which the mind and not the body became the new target of punitive discipline.

BOOK LAYOUT

Each province presents a different story about the culture of criminalisation across colonial history informing its post-Partition relationship with the federal state. In the stories of ex-prisoners outlined below, historic and current state discourses of criminalisation shape their everyday lives and culminate in their encounter with law enforcement during arrest. Then, in jail prisoners find themselves subjected to carceral modalities of securitisation that are created and implemented through the application of regulations, procedures for prisoner classification, segregation, and access to facilities and resources. This analysis pushes the boundaries of a simplistic understanding of prison as a space of confining deviance to protect free society. In **Punjab**, this means separately housing members of the religious minority communities, who are often accused of blasphemy. This decision is made at the discretion of the jail superintendent to ostensibly prevent mob violence and protect minority prisoners, though there are no specific rules on the containment of those accused of blasphemy. In this way, the problem of blasphemy and blasphemers is removed from the general prison space, while it continues to persist in society. Prisoners from **FATA** experience kinds of segregation that remind them they are being separated from other prisoners in order to prevent their ability to spread dissent. Through this, the silencing

of their politicisation is achieved in jail in a way that security forces are unable to ensure in wider society. In **Sindh**, paramilitary clean-up operations in its largest city, Karachi, and interior have seen ethnic violence clash with an urban police state. As they complete their sentences, prisoners find themselves moving through different incarceration facilities to-and-fro, within the city, across the interior, and the detention system. The use of varying jail locations overlays the use of their individual spaces for the segregation of prisoners by ethnic identity and this becomes a spatial map for the securitisation of Sindh itself. Then in **Balochistan**, prisons are as underdeveloped as infrastructure in the province, and inmates must find a way to survive in jail with no facilities or provisions while never questioning the state's role in their marginalisation. Here, the stories of activists who protest the province's socioeconomic disenfranchisement and are abducted and disappeared into secret detention centres, also shed light on the under-resourcing of the penal justice system in Balochistan. Lastly, **women prisoners** are second-class citizens in jail, as they are in a free society, shunned and manhandled for involvement in activity considered unsuitable for 'respectable' women, they are then victims to fewer facilities and resources dedicated to their rehabilitation, and reproductive healthcare inaccessible.

In the stories of ex-prisoners, historic and current state discourses of criminalisation shape their everyday lives and culminate in their encounter with law enforcement during arrest. Then, in jail prisoners find themselves subjected to carceral modalities of securitisation that are created and implemented through the application of regulations, procedures to prisoner classification, segregation, and access to facilities and resources.

In the chapter on **Punjab**, we'll hear from four ex-prisoners of religious minority backgrounds, two members each of different faiths, whose paths crossed in jail. While one faced false blasphemy allegations, the other was charged with aiding and abetting murder as part of their experience with religious discrimination under the legal system. Their experiences across entrapment in criminal activity, arrest, police custody, and in jail, are reflective of wider sociopolitical dynamics that have historically characterised everyday working and middle-class lives in the province of Punjab and the treatment of those who form the fringes outside the demographic Sunni-Muslim majority. The difference in their experiences and why these are worth showcasing has to do with different sets of constitutional rights. Ahmadis were given few provisions and remained relatively safe from the economy of extortion because of how segregated they were from other prisoners. But in this process they suffered more without access to basic items – the rationale offered was that it was for their own protection. Christians were penalized for attempting to exert their rights to religious freedom as provided by the jail manual. As Punjab became the centre of the federation, unlike the other provinces, its demographic ethnic majority became a privileged recipient of power and resources. This identity was further cemented following the events of 1971 and the formation of Bangladesh when ethnic differences were seen as actually leading to the breakup of the nation. Punjab, jointly the seat of demographic and Sunni-Muslim majoritarian power,³⁸ has seen disproportionate forms of religious minorities discrimination.

In the chapter on **FATA** and **Khyber Pakhtunkhwa**, we will hear from three ex-prisoners of Pashtun background, including a prisoner incarcerated in Peshawar Central Jail in 2019 for one and a half months on being accused of violating the country's cybercrime laws. The story of his arrest shows how these laws are being used as tools to further securitise ordinary life and instil a culture of surveillance and censorship. Such laws are introduced as a supportive infrastructure for the hard

38 Talbot, I. (2005). The Punjabization of Pakistan: Myth or reality? In C. Jaffrelot (Ed.), *Pakistan: Nation, nationalism and the state*. (pp.51-62). Vanguard Books.

investigative work of 'catching terrorists,' but they are instead used to suppress dissent. We hear from prisoners who stayed in a barrack and observed how socioeconomically vulnerable prisoners were treated on a daily basis, and from an ordinary student, who was jailed for being critical online of security operative activities and contradicting reports that terrorist activity in his hometown was nullified. As punishment, he was kept in a ward for heroin addicts. Finally, we will hear from a senior member of PTM, jailed for his involvement in a demonstration to remember Naqeebullah Mehsud, whose killing at the hands of Karachi police sparked nationwide protests and set the stage for its campaign to end Pashtun disenfranchisement. He was jailed in Karachi Central Jail, making his story symbolic of what it means to be a tribal Pashtun in identity and perceived as a national security threat. Another prisoner was kept in the *bund* ward, a solitary confinement area typically reserved for prisoners who commit infractions in jail. Together their stories of arrest and incarceration show how the securitisation of Pashtuns in Khyber Pakhtunkhwa, former FATA, and around Pakistan is both materially and symbolically enacted on their bodies and their beings through manipulation of jail spatial design and purpose.

Across Pakistan's frontier regions, including the then federally administered tribal areas and its bordering administrative centres in the province of Khyber Pakhtunkhwa, General Zia's military government in the 1980s found a use for Pashtun peoples to form shared Islamic ties with neighbouring Afghanistan and help defend the latter's borders against 'godless communism' from the encroaching Soviet Union. A neoliberal at heart, Zia did this in exchange for development and military aid from the US. His regime began a state-sponsored Islamic radicalisation program for the training of both Pashtun soldiers alongside young male Afghans who were pouring in as refugees.^{39 40} Following 9/11, however, under new military dictator Pervez Musharraf, Pakistan turned on the very people it had trained as militants. Aligning with the US, once again in exchange for development and military

39 Mamdani, M. (2005). *Good Muslim, bad Muslim*. Three Leaves Press.

40 Toor, S. (2011). *The state of Islam: Culture and cold war politics in Pakistan*. Pluto Press.

aid, Pakistan facilitated and waged military operations against Afghan Taliban fighters as part of the war on terror. This resulted in the creation of a Pakistani Taliban that felt betrayed by their own state and now had to defend Islam on their own.⁴¹

Starting in 2005, the Tehreek-e-Taliban Pakistan (TTP) and affiliated groups began militarised attempts to take over large swathes of FATA and later Swat in 2009. The Pakistani military responded with offensive operations to regain control of these regions – with considerable civilian casualties – that hinged on a wider state narrative that the people of FATA were themselves harbouring terrorists and were sympathetic to Islamist militancy that undermined the power of central governance. While the operations were hailed a success toward their culmination in 2016, including the return of displaced people that same year, the region has seen increased politicisation and criticism of the state by its residents who are disgruntled following a long history of victimisation by state-created militancy and being subsequently blamed for it, while their homes and communities have been destroyed. This history has brought forth the Pashtun Tahaffuz Movement (PTM) civil rights group who have rallied mass support by breaking the silence on the state's exploitation of tribal communities in the region and a state policy of ethnic discrimination. The PTM's widespread appeal has seen the group and its supporters targeted by paramilitary law enforcement agencies to silence those who speak out, including extrajudicial disappearances and detentions, as well as jailing.⁴²

Sindh, Pakistan's most culturally diverse province, is the site of national political struggles while being host to a milieu of ethnic tensions, many of which coalesce in the urban centre of Karachi. The ex-prisoners

41 Hussain, Z. (2007). *Frontline Pakistan: The struggle with militant Islam*. Penguin.

42 Hashim, A. (2020, January 28). Why is Pakistan's Pashtun movement under attack? *Al-Jazeera*.

<https://www.aljazeera.com/news/2020/1/28/why-is-pakistans-pashtun-movement-under-attack>

Sayeed, S. (2018, May 17). Founded to protest Pakistan "disappearances", group now see supporters go missing. *Reuters*.

<https://www.reuters.com/article/uk-pakistan-pashtuns-idUKKCN1I1075>

interviewed for this chapter include Muttahida Qaumi Movement (MQM) political party workers and sector in-charges; an ex-police officer stationed in Lyari who was part of the operations to quell organised crime in the neighbourhood; and an ordinary ex-prisoner, a drug addict, confined in Malir District Jail. While the city has seen competing ethnic nationalisms drive its politics since the mid-1980s and the rise of the MQM, the wider province has also been conceptualised as an incoming and outgoing waterway for an array of federal state destabilisers.

In this securitisation narrative, there is a concern that religious militant groups hiding out in or moving through the province's rural areas will find an urban organisational hub in Karachi. Therefore, both the federal government and the policy sector have tried to link these issues and bring them under the purview of regulation of national security.⁴³ Due to this, forms of urban violence and organised crime in MQM strongholds as well as Baloch Lyari have been part of wider Sindh police and paramilitary 'clean-up operations'. MQM members who went to jail following law enforcement raids of their premises and political activities interpreted their experiences of incarceration in relation to ideological views of long unaddressed ethnic political disempowerment. At the same time, due to notoriety and influence, they received better treatment in some cases and in others faced targeted forms of punishment meant to exacerbate notions of difference into humiliation. Lyari's experiences with incarceration show how organised crime gets disorganised very quickly and confusion sets in between who are the victims of violence, perpetrators of violence, and those who are supposed to be the custodians of society's safety.

Until 1959, the city of Karachi had been the capital of the country, chosen originally because it was the economic capital and where the country's founder was born. Then, because of security concerns

43 Yusuf, H. & Hasan, S. (2015). Conflict dynamics in Sindh. *Peaceworks*, No. 104, 1-27. United States Institute for Peace. <https://www.usip.org/sites/default/files/PW104-Conflict-Dynamics-in-Sindh-Final.pdf>

about Karachi's vulnerability as a port city, the capital was moved to Rawalpindi in Punjab until Islamabad was built in 1966. This re-privileging of Punjab was to see the rise of extreme and volatile ethnic tensions in the already culturally diverse city of Karachi, which until then had existed in relative peace. By the mid-80s, tensions between the MQM-led Mohajir population and the Sindhi demographic majority in the province flared as the new Prime Minister Zulfikar Ali Bhutto looked to consolidate his power among his ethnic kin. Bhutto institutionalised a quota system in the civil service and made Sindhi an equal language in the provincial education system alongside Urdu. These moves were viewed by Mohajirs as encroaching on their rights and destabilising a migratory identity which they had once wished to connect with the nation as people whose sacrifices were central to building the state.⁴⁴ Under the leadership of the MQM, middle-income Mohajirs attempted to take over the city of Karachi and reconsolidate their power and status. Joint police and paramilitary forces across the 80s and 90s managed to put a stop to this violence in a series of clean-up operations, but the clampdown also empowered provincial law enforcement authorities to use brutal methods and misunderstood ethnic tensions went undiagnosed.⁴⁵ The process ushered in a wider understanding of Sindh as a pathway of insecurity leading in and out of the city, including ethnic separatism, dacoity and religious militancy, that challenged the supremacy of the state.⁴⁶ In this way, the very ethnic diversity that had defined the province and the city based on a national narrative of migration came to be criminalised as subnationalism.

In the chapter on **Balochistan**, Pakistan's most socioeconomically marginalised province, we shall hear the stories of two different kinds of prisoners: one who went to jail in two of Balochistan's 11 official prisons, and another, who was abducted and detained in a

44 Samad, Y. (2005). In and out of power but not down and out: Mohajir identity politics. In C. Jaffrelot (Ed.), *Pakistan: Nation, nationalism and the state*. (pp. 63-84). Vanguard Books.

45 Journalist, personal communication, September 2020

46 Yusuf, H. & Hasan, S. (2015). Conflict dynamics in Sindh. *Peaceworks*, No. 104, 1-27. United States Institute for Peace. <https://www.usip.org/sites/default/files/PW104-Conflict-Dynamics-in-Sindh-Final.pdf>

secret detention centre in Quetta. Their different experiences seen together show what it means to go to jail through the country's most underdeveloped penal system and the consequences of agitating for equal access to resources and rights. We also hear from a prisoner whose family's livelihood was so dire, joining a group of acquaintances to steal motorcycles and mobile phones seemed the only viable option for survival. Their stories offer insight into Balochistan's prison conditions and how inmates experience emotional emptiness in a jail system that symbolically reflects how extreme underdevelopment shapes both everyday life and jail administration in the province. Alongside the story of provincial disenfranchisement is one of a civil rights struggle, represented in a student's activity, that is systematically penalized by the state. For his involvement, he was detained on two separate occasions – he was never given a reason for his detention nor formally charged. These stories provide a snapshot into Balochistan's joint jailing and detention landscape where underdevelopment and extrajudicial violence coalesce.

Balochistan's grievances date back to the formation of the country, like Khyber Pakhtunkhwa, when the province's people experienced a transfer of power that maintained imperial systems of territorial and economic expansion. Like the political agents of the frontier, Balochistan's sardars were given political power and financial returns in exchange for federal use of the region's natural resources and keeping local grievances in check. Over successive civilian and military governments, resource extraction was not reimbursed, and when the people protested over unfair deals and sardars selling out for power, the state resorted to force. This included full-fledged military operations in the 1950s, 1970s, and 2000s. In addition to political instability, this has meant the province has fared lowest on national indices for education at all levels.⁴⁷ In addition to such low human

47 Faiz, J. (2015). Politics of education, conflict and conflict resolution in Balochistan, Pakistan. [Doctoral dissertation]. University of Westminster.

Noraiee, H. (2015). The modern roots of the social and political fragmentations in Baluchistan in Pakistan. *Journal of Asian Studies*, 3(1), 15-27;

Shah, K. M. (2019). The Baloch and Pashtun nationalists movements in Pakistan: Colonial

development rates, a lack of infrastructure for medical care means overall healthcare and nutrition are also lacking. These realities of systemic underdevelopment and disenfranchisement are reflected in felt experiences of despondency in prisons so decrepit, the shoddy scaffolding and paucity of basic facilities serve as metaphors for the province's crumbling infrastructure. For those who refuse to accept these circumstances, the consequences are a target on your back, as one prisoner puts it. Criticism of such encroachment by federal security forces and demands for rights by politicised groups are perceived as separatist and presenting a challenge to the writ of the state.⁴⁸

In the final chapter, we will look at the story of a group of Punjabi women travelling from Lahore to Karachi to visit their sick sister, and another woman prisoner (unrelated), caught in transit by Sindh police in a drug bust and accused of smuggling hashish through the interior of both provinces and into the city. Denying their guilt on the one hand and lamenting the loss of years of freedom, they also spoke of Karachi's Women Jail as a morally reformatory space. Their story provides an example of how vulnerable, working-class women are gendered targets in the securitisation of mobility in Sindh. The experiences and stories shared of women convicts in Lahore and Multan are drawn from surveys JPP conducted for the Ministry of Human Rights⁴⁹. While most interviewees adhered to the survey format, one prisoner, Saira Saeed spoke out. She told a story of being embroiled in personal rivalries with other inmates and wardens, who in retaliation worked to prevent her from providing for her daughter – who had special childhood developmental needs – making her vulnerable to an economy of extortion much like male prisoners. We will look at these sets of stories

legacy and the failure of state policy. *Occasional Paper*, 205, 1-36. Observer Research Foundation. <https://www.orfonline.org/research/the-baloch-and-pashtun-nationalist-movements-in-pakistan-colonial-legacy-and-the-failure-of-state-policy-53691/>

48 Ellis-Petersen, H. (2020, December 14). Kidnap, torture, murder: The plight of Pakistanis thousands of disappeared. *The Guardian*. <https://www.theguardian.com/global-development/2020/dec/14/kidnap-torture-the-plight-of-pakistans-thousands-of-disappeared>

49 Ministry of Human Rights. (2020). *Plight of women in Pakistan's prisons*. Government of Pakistan. http://www.mohr.gov.pk/SitelImage/Misc/files/Prison%20Report_1pbleed_pq.pdf

through the eyes of another ex-prisoner, part of the MQM women's wing, who was also imprisoned in Karachi's Women Jail.

In a position of political leadership, she saw herself as responsible for improving the lives of women who she thought were less fortunate than her – women prisoners who had knowingly or unknowingly fallen into a life of crime or due to the corrupting influence of society. Rabia's words echo late 19th and early 20th century women's anticolonial movements, where women who were jailed for their involvement in public activities such as picketing, and there developed even stronger convictions about their participation in historic change. At the same time, her words are also couched in patriarchal debates of that era over whether or not it was appropriate for upper-class Muslim women to circulate in public spaces, among men and working-class women who were assumed to be sexually deviant. It was decided by religious and modernist scholars alike that home was where upper-class women would uphold national cultural honour, as mothers and daughters. Though Rabia's intentions were well-meaning, and she held women's jail administration responsible for the lack of facilities and rehabilitation opportunities – she ideationally distinguished herself as a morally upstanding woman from working-class women convicts to be pitied and too weak to protect themselves from pernicious associations. The lives and experiences of women prisoners are a historical composite of unequal gender relations, a fetishization of women's deviance, and ultimately self-empowerment for survival.

A BRIEF HISTORY OF RECENT PRISON RULES REFORMS

Over the past two decades, national and international reports have cited ongoing problems in prison reform.⁵⁰ Topical media coverage

50 International Crisis Group. (2011). Reforming Pakistan's prison system. *Asia Program Report*, No. 212, 1-31. <https://d2071andvip0wj.cloudfront.net/212-reforming-pakistan-s-prison-system.pdf>

Jail Commission. (2020). *Reforms in prisons of Pakistan*. Ministry of Human Rights. <http://www.mohr.gov.pk/SiteImage/Misc/files/PrisonsReforminPakistan.pdf>

PPAC. (2019). *First report of the Prime Minister's prisoners' aid committee*. Prime Minister's Office.

and sparse academic work note that prison rules saw formal reform in 1978 for the first time since the colonial era⁵¹ and their development alongside the 1894 Prisons Act.⁵² The next available document on prison reform is a 2004 study from the **Law and Justice Commission of Pakistan**⁵³ that begins citing suggestions it made in a 1997 report that were never implemented. The report specifies the need for proper oversight and application of rules across areas such as labour assignments, dietary standards, personal care items provision, access to basic education, and visitation, among others. Then, wider issues are discussed such as overcrowding, the housing of mentally ill inmates, prisoners with drug abuse problems, incidents of abuse at the hand of guards, and the problem of appropriately housing women. At the end of the report, provincial agreements to recommendations made are listed in an Excel chart, following documentation of the state of overcrowding at jails visited for the study. Fourteen years later, a 2018 **National Counter Terrorism Authority (NACTA)** study called *Addressing Overcrowding in Prisons by Reducing Preconviction Detention in Pakistan*, specifically addressed the continued issue of swelling prison populations.⁵⁴ During that period, organisations such the Karachi-based **Legal Aid Society** have conducted province-specific studies examining prisoners' substandard living conditions. Their findings and recommendations do not differ widely from those outlined in the 2004 report, with each expressing alarm at the intensification of problems such as overcrowding and the urgent need for reform. Such reports begin and end with the reminder that prisons need to be sites of rehabilitation for reintroduction into civil society, not sites of punishment that breed recidivism.

51 Asif, R. (2020, November 7). Punjab to make prisons more humane. *The Express Tribune*. <https://tribune.com.pk/story/2271330/punjab-to-make-prisons-more-humane>

52 Shah, M.Q. & Iqbal, A. (2018). Pakistan prison rules vis-a-vis international standards for the treatment of prisoners: A critical analysis. *Journal of Law and Society*, 49(72), 89-102. <http://journals.uop.edu.pk/papers/6.%20Pakistan%20Prison%20Rules.....pdf>

53 Law and Justice Commission. (2004). *Jail reform*. Secretariat of the Law and Justice Commission of Pakistan.

54 NACTA. (2018). *Addressing Overcrowding in Prisons by Reducing Preconviction Detention in Pakistan*. National Counter Terrorism Authority. <http://codepak.org/wp-content/uploads/2018/05/Addressing-overcrowding-in-prisons-by-reducing-pre-conviction-detention-in-Pakistan.pdf>

These investigations take place alongside government-officiated reform initiatives. In the fall of 2019, prison reform in Pakistan courted political attention with the recently elected Pakistan Tehreek-e-Insaf (PTI) party moving into its second year of governance. The PTI came to power on a platform to widely reform governance through the eradication of corruption, including within the criminal justice system. The party manifesto, entitled *The Road to Naya Pakistan*, specifically identified law enforcement as a target area, and aimed to 'depoliticize and strengthen' police, starting in Khyber Pakhtunkhwa, a province it had ruled since the 2013 polls. As then-Prime Minister Imran Khan's stronghold, Khyber Pakhtunkhwa, was to serve as a national model to eradicate systemic problems in governance, including, as he saw it, the instrumentalisation of law enforcement by previous political leadership, including nepotistic hiring.⁵⁵ At the same time, such reforms would be geared toward enhancing training opportunities and creating employment incentives for women in law enforcement.

Following the list of police reforms in the manifesto is another on improving 'speedy access to justice,' including addressing the backlog in judicial procedure. Court backlog is seen as one of the primary causes of prison-related human rights violations as lengthy prosecutions contribute to a growing number of under-trial prisoners, causing overcrowding, in which jails are then unable to spout the bottleneck in the legal process. In October 2019, Khan formally called for nationwide prison reform in a document called the *First Report of the Prime Minister's Prisoners' Aid Committee*. Under the chairmanship of Barrister Ali Zafar and comprising MNA Maleeka Bokhari, the report included a complete investigation of prison conditions in partnership with the country's human rights commission and legal rights organisations, promising to institutionalise wide-scale improvements that met global human rights standards.⁵⁶

55 PTI Manifesto. (2018). *The road to naya Pakistan*. <https://pmo.gov.pk/documents/manifesto-pti.pdf>

56 PPAC. (2019). *First report of the Prime Minister's prisoners' aid committee*. Prime Minister's Office.

In 2018, Khyber Pakhtunkhwa instituted prison rules reforms, and Sindh's were completed the following year. Reforms in Punjab were also set to begin in 2019 at the behest of the federal government but would remain under the auspices of its own home department as has been the case with the other provinces. Despite the PPAC's⁵⁷ promise to bring "all provinces on one platform for effective prison reform... [to] ensure greater public safety and rehabilitation of prisoners," missed opportunities in 2020 meant a rocky start to reform implementation, including the emergency response to the COVID-19 pandemic. The Supreme Court initially ruled against the release of prisoners to curb the virus' spread in jails across the country at the end of March 2020.⁵⁸ This was despite a report produced in January 2020 by a commission formed on order from the Islamabad High Court that found already existing gross human rights violations taking place under current prison administrations in each province's correctional facilities, including overcrowding and the spread of infectious disease.⁵⁹ Justice Athar Minallah had ordered the investigation, after hearing the case of prisoner Khadim Hussain in which he had become visually impaired at Adiala Jail due to medical negligence. Held to account by prison reforms investigations Khan had himself called for, in September 2020 he finally allowed for the release of hundreds of under-trial women prisoners with non-serious allegations and those who had nearly completed their sentences.⁶⁰ This move came in the wake of an August 2020 Ministry of Human Rights investigation and report on women's prison reform under a committee he established that found women's correctional facilities in need of significant improvement, including meeting reproductive health rights. The government's slow response to the national healthcare emergency meant 1,890 of the country's 77,000 prisoners had tested positive for the disease by September 2020.⁶¹

57 Ibid

58 Mohyidin, R. (2020, December 14). Pandemic prisoners. *Dawn*. <https://www.dawn.com/news/1595668>

59 Jail Commision. (2020). *Reforms in prisons of Pakistan*. Ministry of Human Rights. <http://www.mohr.gov.pk/SitelImage/Misc/files/PrisonsReforminPakistan.pdf>

60 AFP. (2020, September 2). Pakistan's PM orders release of sick, older female prisoners. *Arab News*. <https://www.arabnews.com/node/1728631/world>

61 TRT. (2020, September 3). Pakistan's Imran Khan announces release of hundreds of female prisoners. *TRT World*. <https://www.trtworld.com/magazine/pakistan-s-imran-khan-announces-release-of-hundreds-of-female-prisoners-39451>

By July 2021, this figure stood at 3,316 infected prisoners with three deaths.⁶²

The possible rapid spread of COVID-19 could spell disaster in prisons, especially as the country passed through the third wave of infection, but there has been little local reporting on the topic since the spring of 2020. In a report entitled *Prisoners of the Pandemic: The Right to Health and Covid-19 in Pakistan's detention facilities*, Amnesty International highlights how Pakistan's prisons are notoriously overcrowded, making physical distancing and other public health recommendations impossible to implement. It also notes how they lack adequate healthcare facilities and have unsanitary conditions, accelerating the spread of infectious diseases.⁶³ Among a few exceptions is a November 2020 piece in *The Nation*, which notes that other than Khyber Pakhtunkhwa, no provinces have released prisoners under guidelines set out by the Supreme Court. These included the release of prisoners who have committed non-serious crimes, those with mental illnesses, women, juveniles, and those under trial. This cross-section of data of potential decarcerates was also shared with JPP, but as Michelle Shahid writes, an Implementation Commission found in October 2020 that release had not been carried out. This is despite the fact that both national and international laws require countries, including Pakistan, to protect prisoner rights as part of a basic and agreed-upon commitment to protecting all people's right to life. During the first wave of the pandemic, countries around the world including Pakistan failed to follow up on proposed prisoner release from incarceration facilities.⁶⁴ Pakistan has remained mum on a needed humanitarian response to the spread of infection in disease-prone environments such as prisons.

62 Justice Project Pakistan. "COVID-19." JPP, www.jpp.org.pk/covid19-prisoners/.

63 Amnesty International. (2020). *Pakistan: Prisoners of the Pandemic: The right to health and COVID19 in Pakistan's detention facilities*. <https://www.amnesty.org/en/documents/asa33/3422/2020/en/>

64 UNODC. (2020). Prisons and pandemic: Inaction is not an option. *Advocacy Brief*, 1. Government of Balochistan. https://www.unodc.org/documents/pakistan/SP2_Advocacy_Brief_1_Prisons_COVID-19-Balochistan.pdf

Pakistani jails are widely understood to be inhumane, with severe overcrowding, physical abuse, inadequate medical facilities, and the spread of contagious diseases such as tuberculosis and HIV among the major problems. Despite considerable documentation about such longstanding fundamental rights violations, and the need for resources and capacities-based reforms by news, aid, prison advocacy, and human rights organisations alike, little change has come from provincial home departments and Islamabad. This absence of direction and action is not only part of a wider abysmal human rights record, that has seen extensive violence against religious and ethnic minorities and widespread socioeconomic underdevelopment across the country, it is also in line with an earlier history of spotty prison reform.⁶⁵

Aside from media reporting on prisoner testimonies, and the communications drives of human rights organisations to amplify their experiences with injustice, little is understood about life behind bars by the general public. There is some knowledge that in prisons physical atrocities such as beatings and torture take place at the hand of law enforcement officials and that it is egregious that those entrusted with the enforcement of law are the very same who violate it. Other than this, the prison system remains mystified and jails a hidden underworld of whose realities the general public knows very little. There is a lament for the lack of compassion for vulnerable people caught up in a life of crime due to limited options, alongside limited faith in a state unable to apprehend and prosecute actual violators of the law, such as perpetrators of militancy, and violent crimes of a sexual nature against women and children. However, among criminal lawyers, crime reporters, police, jail officials, and prisoners themselves, there is acute knowledge of how the penal system operates. They say that these are spaces that inflict corporal and disciplinary violence on prisoners minds and bodies; that this is part of a much larger social ecosystem of punitive relations.

65 Amnesty International. (n.d.). *Pakistan 2020*. Amnesty International. Retrieved August 2, 2021, from <https://www.amnesty.org/en/countries/asia-and-the-pacific/pakistan/report-pakistan/>

LITERATURE REVIEW AND CONCLUSION

This book brings together the work of historians and anthropologists of British Indian prisons, and the historiographic scholarship of Pakistan that pushes back on a discourse of the nation as a land of crisis and insecurity.⁶⁶ This includes the work of authors such as Saadia Toor, Ayesha Jalal, Asad Ahmad, Ian Talbot, as well as political journalists such as Asad Hashim, who help readers to see what is needed in public understanding of sociopolitical issues to support the needs and welfare of a vast underprivileged majority. Foucault's⁶⁷ theorisation of carceral modalities that underpins the former body of work, also informs this one. Together, these analytical frameworks can be applied to understand prisoner experiences, who, hidden behind bars, represent some of society's most vulnerable and forgotten targets of political vengeance. At the same time, looking at the continuity in prison reform across colonial rule and independence, this book attempts to show how governing powers in the country have made the carceral system part of a form of criminal justice in service of maintaining an Islamically homogenous nation, in which any kind of difference and its combination – religious, political, ethnic, gendered or socioeconomic – are seen as a security threat. These are then reflected in Pakistani prison administrative practices, which aim to discipline incarcerates into political and bodily docility to ensure they do not threaten the country's national security.

This book involves a critique of international and local development and policy sector 'roadmaps for rule of law' discourse which sees religious militancy as the biggest threat to Pakistani sovereignty. This is not tangential. Such work calls for law enforcement clampdowns as the most important solution, on the one hand, and socioeconomic development for the urban and rural vulnerable on the other. This belies the directives of organisations that wish to hold the idea of

66 Khan, N. (2010). Introduction. In N. Khan (Ed.), *Beyond crisis: Re-evaluating Pakistan*. (pp. 1-31). Routledge.

67 Foucault, M. (1995). *Discipline and punish: The birth of the prison*. Vintage Books.

centre-periphery governance, the constitution, and the need for security sacrosanct and impervious to critique. This, however, creates a slippage, in which the most marginalised and disenfranchised in society become the target of law enforcement and face incarceration, as we shall see in prisoner accounts. I locate the impetus for prison reform within this larger production of knowledge about Pakistan's underdevelopment and insecurity, as prisons continue to be seen as instrumental in executing criminal justice to maintain national security through improved law enforcement. While there is an acknowledgement that prisoners are treated like second-class citizens in need of significant human rights interventions, the focus of reform is improved prison administration, infrastructure, facilities, and training of staff – for the improved management of carceral bodies – not their humanity and belonging in Pakistan.

Understanding the communities where ex-prisoners come from and the way they have been securitised allows for an interconnected understanding of their oral accounts of being behind bars.

An analysis of the security state, intellectual production, a critical history of Pakistan, and colonial histories of incarceration, all inform this ethnography of jail life in Pakistan. It finds that contemporary jails in Pakistan are a site of symbolic social and geopolitical segregation, based on a spatial logic⁶⁸ that reflects the state's criminalisation imperatives for the purpose of maintaining national security, and which contains an adjacent violent economy of extortion inflicted on the bodies and conscience of prisoners. This analysis is drawn from a series of in-person and telephonic interviews with ex-prisoners, visits

68 Waits, M. R. (2018). Imperial vision, colonial prisons: British jails in Bengal, 1823-73. *Journal of the Society of Architectural Historians*, 77(2). <https://doi.org/10.1525/jah.2018.77.2.146>

to their communities and areas where daily lived experiences take place, including the MQM head offices in Karachi, the neighbourhood of Lyari, and the cities of Peshawar and Islamabad. Understanding the communities where ex-prisoners come from and the way they have been securitised allows for an interconnected understanding of their oral accounts of being behind bars. This information is then aligned with available crime-wise and prisoner population data to show how prisons disproportionately incarcerate socioeconomically underprivileged groups in targeted communities.

The book also includes observational fieldwork at central prisons in Karachi, Peshawar, Lahore, and Multan, which has provided valuable insights into how they are prepared for compliance visits for prison reform investigators. Jail officials, including the ranks of inspector generals and superintendents, were interviewed to understand their roles in prison administration and reform, and they were provided with the right of response to comment on ex-prisoner accounts of violence and brutality. This set of interlocutors largely denied the culture of violence in prison and warden involvement in systems of bribery and brutality. At best, they said violence used to exist in their prisons until recently, but with ongoing prison reform, it had been completely eradicated. Crime reporters, journalists, politicians, and criminal lawyers were also consulted to understand the wider context of criminal prosecution, and for lining up interlocutors, including ex-prisoners, and police. Together, both sets of research informants helped to understand the empowerment of the state for securitisation through the expansion of anti-terrorism laws and legislation curbing dissent, and the ambivalent way in which it seems these have restored peace in post-9/11 Pakistan, but also introduced terror to ordinary lives. All of these political realities can be seen in the stories told in the following chapters, showing how prisons are self-contained worlds with their own extortionate microeconomies that reflect the wider provincial and federal histories from which they emerge.



Punjab: Privileged Majoritarianism, Disenfranchised Minorities

Abbreviations used in this chapter

PPP: Pakistan People's Party

PML (Q): Pakistan Muslim League (Quaid-e-Azam)

PTI: Pakistan Tehreek-e-Insaf

“When the judge came, he asked if I was having any difficulties. This was the sessions judge — during my first month [in jail]. I said I could see the sunlight in the hallway, but it didn't reach my cell. I asked to be moved, so I could get some sun, but this was denied.”

(A prisoner from a minority faith)

ANNALS OF INCARCERATION: DETENTION THROUGH COLONIAL AND POSTCOLONIAL TIMES

In undivided Punjab, Sir Denzil Ibbetson, a member of the Bengal Civil Service under the Crown rule of India, compiled a document that drew heavily from the 1881 census report. Called the *Outlines of Panjab Ethnography*, it included categorised lists and detailed descriptions – of all the occupational groups, races, castes, tribes, religions, and languages – that he believed comprised empirical knowledge of the region. For future administrators to be able to make real sense of the numbers, he wanted to annotate the “voluminous table of naked figures” that would “furnish a sketch of the salient features of native societies in the Panjab.”⁶⁹ Ibbetson mapped the province into distinct, enumerated religio-ethnic portions, as if its very topography was cartography for the racial, cultural, linguistic, and tribal myriad he hoped to classify.

In the section “Ethnography of the Eastern Plains”, Ibbetson wrote: “Immediately below the hills Sikhism has obtained but little hold, and the Hindu element, strong in Hushyapur, gradually gives way to the Mussalman.”⁷⁰ From such classifications, which he saw as fundamental, stemmed numerous more, particularly for Hindus. The section categorised and subdivided them and other religious groups according to their sects, devotional beliefs and practices, dialects spoken, interrelations, treatment of women, and much more.

Ibbetson saw the Muslims of the Punjab in stark contrast, however, as a “much less elastic” group with far fewer culturally revealing divisions, and the only ones worth recording in the census were Sunni, Shia, Wahabi, and Farazi, and “new doctrines being generally confined to

69 Ibbetson, D. C. J. (1883). *Outlines of Panjab ethnography: Being extracts from the Panjab census report of 1881, treating of religion, language, and caste*. The Superintendent of Government Printing India. <https://babel.hathitrust.org/cgi/pt?id=ucbk.ark:/28722/h2qm8w&view=1up&seq=13>

70 Ibid, 4.

minor points of technical dogma.”⁷¹ In this way, Ibbetson archived Punjab’s future ethnology as a province in which its Muslims were, according to him, mainly Sunni – 98 per cent in his estimation – against which all other sects were seen as spurious.

The colonial fascination with difference, hence extended to a deep phobia of such semi-nomadic, unpropertied groups, saw the creation of yet another set of ‘ethnic’ groups known as “criminal tribes”.

Then, other than a keenness to ensure ‘native’ Christians were enumerated separately from European colonial and settler Protestants, no such ethnologically thick description was afforded to this group. Instead, they are dealt with subsequently, in the following section on “The Impure and Outcast Tribes”, where Ibbetson wrote:

“The scavenger caste are regarded by all religions as utterly polluted because they remove night soil and eat carrion and vermin and the leavings of other people. Those who have not been converted from the faith of their fathers have a curious religion which in its doctrine resembles Christianity more nearly than anything else we have in India.”⁷²

Here, Ibbetson transformed a loose association between devotional practice akin to Christianity and occupation into a bounded category of Punjabi Christians as belonging to a group which does the work of ‘untouchables’, as a matter of identity. The colonial fascination with difference, hence extended to a deep phobia of such semi-nomadic, unpropertied groups, saw the creation of yet another set of ‘ethnic’ groups known as “criminal tribes”. For Ibbetson, ‘scavengers’ were also

71 Ibid, 144.

72 Ibid, 154.

part of "the lowest strata of Punjabi society, vagrant, menial, and artisan castes" including "wandering and criminal tribes," with "customs... not only exceedingly peculiar" but who all performed a variety of odd jobs, as "leather-workers and weavers, the water carriers, fishermen, and boatmen, the carpenters, blacksmiths, stonemasons and potters, the goldsmiths and saltmakers... [and] the menials peculiar to the hills."⁷³

Colonial empirical knowledge was never based on 'true,' observation of forms of existence, but always constructed in relation to an "internal consistency of and ideas about the Orient".⁷⁴ As Johanna Clark has shown, it was these groups that disproportionately faced criminalisation and jailing; they were made subjects of reform in British-run Indian prisons and made to labour on public works projects.⁷⁵ Not only did such writings, and the impetus to order and classify India's 'difference' in accordance with scientific systems of 'knowing', as Thomas Metcalf has argued along with other theorists such as Arjun Appadurai and David Ludden, lay the groundwork for forms of oppositional identification,⁷⁶ but years later, these became violently reified truths, as witnessed through the Partition and in the institutionalised discrimination of religious, sectarian, and ethnic minorities in independent Pakistan and India.

POPULATED PROVINCE, OVERPOPULATED PRISONS

According to Federal Ombudsman's 2021 Report, across Punjab there are 43 incarceration facilities, with a total capacity of 36,806 individuals, but they actually house 52,376 prisoners.⁷⁷ In Pakistan's second largest

73 Ibbetson, D. C. J. (1883). *Outlines of Panjab Ethnography: Being Extracts from the Panjab Census Report of 1881, Treating of Religion, Language, and Caste*, 305-307.

74 Said, E. (1978). *Orientalism*, 5. Vintage Books.

75 Clark, J. (2015). *Prison reform in nineteenth century British India*. [Master's dissertation]. University of Canterbury.

76 Metcalf, T. (2010). *Ideologies of the Raj*, 67. Cambridge University Press; Ludden, D. (1993). *Orientalist empiricism: transformations of colonial knowledge*. In C. Breckenridge & P. van der Veer (Eds.), *Orientalism and the postcolonial predicament: Perspectives on South Asia*. University Pennsylvania Press.

77 Federal Ombudsman Secretariat. (2021). *10th Quarterly Report on the Progress of Implementation in Improving Jail Conditions of Pakistan*.

and most populous province, these figures comprise the highest number of prisons and prisoners in the country. Of these, the 2020 prison reform Commission report (PPAC) identified 29 prisons as overcrowded. The PPAC report also notes that the highest number of individuals on petty charges, 97, can be found stuck in the Punjab prison system due to their financial inability to pay fines.

The PPAC report notes through its own research that the highest number of individuals on petty charges, 97, can be found stuck in the Punjab prison system due to their financial inability to pay fines.

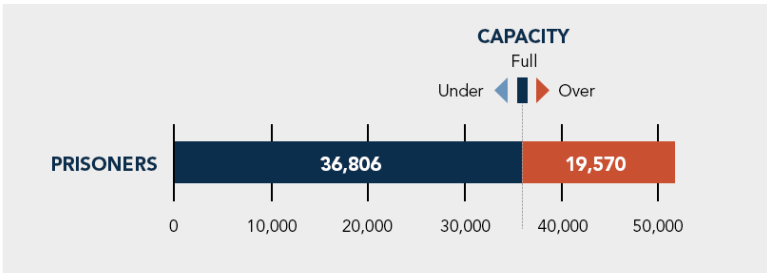
At the same time, the report attributes the overall lack of quality prison conditions and management to a shortage of properly trained guard and warder staff, citing a total of 4,299 unfilled vacancies. Additionally, the report also documents the lack of specialised staff contributing to poor prison population management. In the area of medical health provision, it notes that Punjab prisons do not have any medical specialists on staff, and only 44 general medical officers, including nine women. Later, the Commission report found that in Punjab prisons 2,905 male and female prisoners were ill with various diseases including HIV, hepatitis, and tuberculosis. Its assessment team also discovered that only 10 per cent of prisons across the province were equipped with ambulances, pointing to an inability to respond to emergency medical needs on jail premises by medical officers. The PPAC report specifically points out that psychiatric posts remain vacant and the needs of prisoners with mental health problems, therefore, remain unaddressed.



Only 10% prisons across Punjab are equipped with ambulances

ACCORDING TO 2019 PPAC REPORT

With respect to education-based rehabilitation opportunities, the report cites good results in Punjab: over the past five years, 400 prisoners completed undergraduate exams. Seeing narcotics sale and possession as part of a joint social and criminal problem, the earlier 2018 NACTA report cites drug recidivism as one of the biggest causes of re-offence nationwide. These recent reports provide an overview of prison reform needs in Punjab from a governmental and judicial perspective, including a human rights directive, with most of the problems rooted in overcrowding of prisons and insufficient human and material resources.



Prison occupancy in Punjab, according to 2021 Federal Ombudsman Report

EFFORTS TO UPGRADE THE PRISON RULES

In December 2019, a working group was formed under the leadership of former Punjab Chief Minister Usman Buzdar to upgrade the Pakistan Prison Rules 1978 for Punjab, and align them with international and domestic laws. The working group's focus was to modernise the rules to make prisons more humane. The new amendments attempt to bridge the gaps in the rules that have historically led to inadequate protections for vulnerable groups like mentally ill persons in prison. The most important updates include a proposed chapter on psychologists and welfare officers, a revamped chapter on the care of female, juvenile, and mentally ill prisoners, and new chapters on staff training and complaint redressals. The new additions are crucial to ensuring the protection of prisoners in prison.

The working group has proposed a detailed screening process upon a prisoner's admission to prison, to help identify any prisoners that may be at risk of physical or mental illness. Prior to the proposed amendments, this screening was conducted by a medical officer who is not a trained mental health professional. The working group recommended that a holistic screening be completed by a prison health team that shall comprise a psychologist, a medical officer and a social welfare officer. Both the psychologist and social welfare officer posts are new innovations for the prison rules and are essential additions for the ongoing monitoring of mental healthcare of prisoners and to ensure the meaningful reintegration of prisoners into society.

A working group was formed under the leadership of former Punjab Chief Minister Usman Buzdar to upgrade the archaic Pakistan Prison Rules 1978 for Punjab, and align them with international and domestic laws.

The working group also proposed an imperative chapter on staff training to include issues of gender, diversity, and mental health in the training curriculum. At present, prison officials and other stakeholders are not trained to understand sensitivity issues. It is hence difficult for them to address and identify prisoners that may be suffering in this regard. The chapter on mercy petitions was also reviewed in full. This chapter is particularly important as it highlights the protections afforded to condemned prisoners: their lives depend on the protections afforded to them in prison. This chapter has been aligned with the standard operating procedures ("SOPs") notified by the Ministry of Interior in 2019. The chapter now includes the constitution of a Special Committee that is to consist of representatives nominated by the Ministry of Human Rights and the Prison Department. The Special Committee is to submit its report with recommendations after affording a personal hearing to the condemned prisoner and/or their legal representative and an

opportunity to present any supporting evidence.

Other recommendations include menstrual health and hygiene products for women upon their admission to prison and proper education programs for prisoners, especially juveniles. With regard to the use of language, the group recommended that insensitive terms like “lunatic” and vague terms such as “unsoundness of mind” that do not shed any light on a prisoner’s mental state be removed from the rules. The group suggested that these terms be replaced with more inclusive language that can encompass a broader range of illnesses, such as mental disorders, in line with terms used by the World Health Organization and in line with edicts from the Supreme Court.⁷⁸

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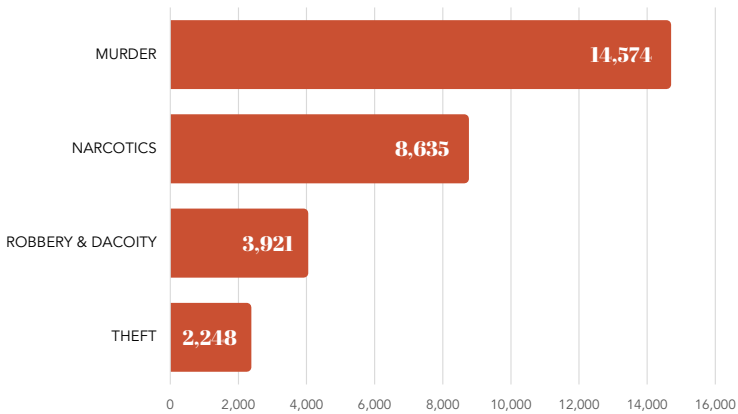
WHO GOES TO PRISONS AND WHY

For a more complex understanding of human rights abuses in Punjab prisons, we must take a step back to look at who goes to prison and why. Crime-wise statistics from March 2022 show that some of the largest crime categories of prisoners in Punjab include murder (14,574), narcotics control (8,635), and robbery and dacoity (3,921), and theft (2,248).⁷⁹ Criminal lawyers interviewed for this report cite

⁷⁸ *Mst. Safia Bano v. Home Department*, Govt. of Punjab (2021). PLD 2021, SC 488. (C.R.P. No. 420/2016)

⁷⁹ Punjab Prisons Department. (2022). *Crime Wise/Section Wise Monthly Population Statement As On 15.03.2022*. Retrieved from: <https://prisons.punjab.gov.pk/system/files/Crime%20Wise%20Population%20File.pdf>

Largest Crime Categories of Prisoners in Punjab



Source: Punjab Prisons Department (2022)

socioeconomic disenfranchisement as the primary cause of these forms of deviance, specifying that these are often the scene of familial and communitarian enmities then played out in a courtroom drama. In its report, NACTA also cited evidence through conversations with lawyers that judges in the province attempt to collect surety in the form of property, but as disenfranchised clients often do not own property, nor do they have savings, they remain in prison unable to pay bail.⁸⁰

This suggests the judicial fraternity is itself enmeshed in perpetuating communitarian strife around limited resources. Such career-long observations can also be understood through numerous global studies showing a direct correlation between reduced social and economic opportunities, including education and employment, and increased propensity for criminal activity.⁸¹

80 NACTA. (2018). *Addressing Overcrowding in Prisons by Reducing Preconviction Detention in Pakistan*. National Counter Terrorism Authority. <http://codepak.org/wp-content/uploads/2018/05/Addressing-overcrowding-in-prisons-by-reducing-pre-conviction-detention-in-Pakistan.pdf>

81 Plotnikov, D. (2020, February 24). Higher growth. Lower crime? IMFBlog. <https://blogs.imf.org/2020/02/24/higher-growth-lower-crime/>

Authors of an article tracking rising crimes rates in Pakistan over a 60-year period starting in the post-Partition era correlate increases and fluctuations in deviant behaviour among working-class demographics to higher unemployment, the increasing cost of food, and spikes in raw material prices among other factors, and an attempt to survive in a world in which access to resources is unequal.⁸² In the case of Punjab, as this chapter will show, religious communitarian identity further complicates rural and working-class experiences with law enforcement, criminal legal procedure, the courts, and imprisonment, that point to a long history of the construction of privileged Sunni Muslim demographic majority, pushing minority groups to the fringes of a sense of belonging in the province.

Today, working-class minority groups face some of the sharpest forms of religious discrimination in the country, including criminalisation under Bhutto and Zia era modifications to the constitution and colonial blasphemy laws, respectively. Yet it is important to note that while blasphemy laws, including 295-C where the penalty is death, are strict and reflective of a juncture of Islamisation in the country's postcolonial history, no individuals have actually been executed. Crime-wise statistics from June 2020 provided by the Punjab Prisons Department show that from a total of 45,782 prisoners (approximately 2,400 less than the total number of prisoners the PPAC documents), only 126 are in jail on blasphemy charges, shown as an aggregate of 295-A, B, and C, and of these only three are sentenced to death and 11 are unconfirmed. However, a report titled "*The Untold Truth of Pakistan's Blasphemy Laws*" by Arafat Mazhar shows how the laws are "applied disproportionately to non-Muslims," and that 50 per cent of those accused since 1986 have been non-Muslims despite accounting for only three per cent of the population.⁸³ In addition, the report states that those accused are at "serious risk of being extrajudicially murdered" including wholesale cases of mob justice targeting minority

82 Khan, N., Ahmed, J., Nawaz, M. & Zaman, K. (2015). The socioeconomic determinants of crime in Pakistan: New evidence on an old debate. *Arab Economics and Business Journal*, 10 (2), 73-81. <https://doi.org/10.1016/j.aebj.2015.01.001>

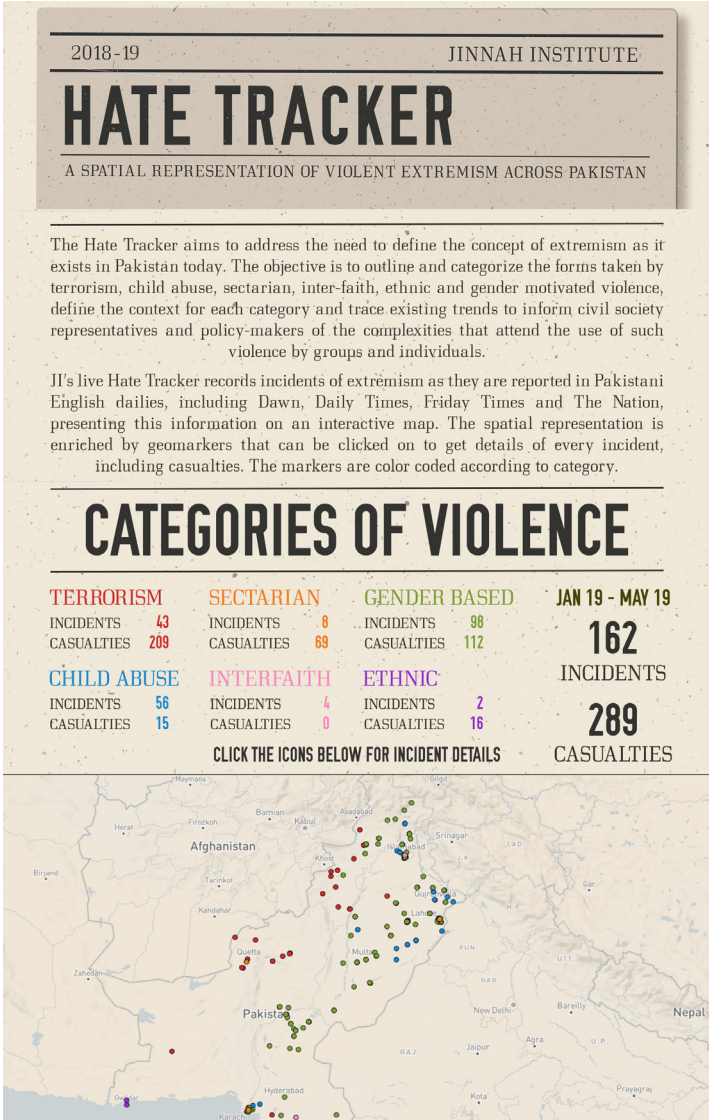
83 Mazhar, A. (2018). *The Untold Truth of Pakistan's Blasphemy Laws*. Engage Pakistan.

neighbourhoods and places of worship. Minorities from working-class backgrounds are therefore doubly criminalised: while the platform of disenfranchisement and struggle for resources is the same, their identity is the idiom through which communitarian battles are fought. In looking at the circumstances of their arrests, this chapter will show how blasphemy, murder, and the anti-terrorism sections of the criminal code are deployed to resolve communitarian political and property disputes around resource sharing through the medium of ethnic and religious hatred.⁸⁴

No available numerical data showing a crime-wise breakdown of the religious and ethnic minority prison population was found, but qualitative research reports show that minorities receive disproportionately poor treatment in substandard prison facilities. A 2019 study by the British Home Office on how to assess whether to grant asylum to prisoner complainants, found that prisoners from minority communities and those accused of blasphemy suffered worse among the majority population in already poor conditions characterized by overcrowding and insufficient access to healthcare and nutritious food. This Pakistan-wide assessment included firsthand accounts from minority prisoners attesting to abusive and violent treatment, even poorer facilities, and lengthy solitary confinement (violating national and international guidelines). The latter was justified by the government as a safety measure to protect minority prisoners.

The report also noted that while the law stipulated religious minority prisoners should be provided with accommodations to pray in accordance with their faith, this was not the case. The lack of supportive numerical data to show how serious the problem of the treatment of minorities is in Pakistan is a hindrance to effective human rights work both outside and inside jail. This gap in data collection makes

84 "In the 25 cases reviewed by the ICJ where high courts have heard appeals challenging conviction by trials courts for section 295-C, in 15 cases (60 per cent) they have acquitted the appellants on the grounds that the complaints against them had been either fabricated or made maliciously for personal or political reasons." Ibid, 5.



Screenshot of Jinnah Institute's Hate Tracker. Accessed July 7, 2022.

it impossible to assess the true extent of a problem that is known to exist, not only in terms of how many incidents of anti-religious and anti-ethnic-minority hate take place but also, how many victims are in jail framed as criminal perpetrators. One effort from the Jinnah Institute addressing the former problem shows a small part of the problem in an infographic titled *Hate Tracker*, which collates incidents of hate-based violence around the country drawn from mainstream reporting.⁸⁵ Over a nine-month period in 2019, the *Hate Tracker* reports 19 recorded incidents of sectarian, interfaith, and ethnic violence, which resulted in 111 casualties. NACTA cites a view among criminal justice prosecutors in Punjab about the need for discretionary powers to dismiss cases that are flawed, as was seen in the case of Sindh, and is part of judicial procedure in Khyber Pakhtunkhwa.⁸⁶ According to NACTA, as of 2006, similar requests to allow for case-by-case review were not approved.

Christians and Hindus comprise the largest religious minority groups in Pakistan.⁸⁷ At the same time, there are several minority Islamic sects living in Sunni-majority Pakistan. These communities face direct violence and marginalisation from the state's socioeconomic resources. Residing across urban and rural areas of Sindh, Punjab, and in smaller numbers in Khyber Pakhtunkhwa and Balochistan, their existence has historically been criminalised under the country's blasphemy laws. While these laws are colonial in origin, under the rule of military dictator Zia Ul Haq, they became the instrument to Islamically homogenise the nation both legally and culturally. Under Zia, puritanical clerics were given prominent positions in government and a free hand to Islamise the heartland, while madrassah and mosque-building campaigns proliferated with government funding and money from Saudi Arabia

85 Jinnah Institute. (2019). *Hate tracker*. Retrieved August 2, 2021, from <https://jinnah-institute.org/features/extremism-tracker/>

86 "NACTA. (2018). *Addressing Overcrowding in Prisons by Reducing Preconviction Detention in Pakistan*. National Counter Terrorism Authority. <http://codepak.org/wp-content/uploads/2018/05/Addressing-overcrowding-in-prisons-by-reducing-pre-conviction-detention-in-Pakistan.pdf>

87 "Bureau of Statistics. (n.d.) Population by religion. Retrieved August 2, 2021, from <https://www.pbs.gov.pk/sites/default/files//tables/POPULATION%20BY%20RELIGION.pdf>

and the Gulf nations.⁸⁸

At the same time, the public education curriculum was modified to glorify Islam, while culturally otherising the beliefs and practices of minority groups.⁸⁹ Today, the existence of minority groups has been further criminalised through the joint use of the Anti-Terrorism Act (1997), meaning an offence considered against religion can also be seen to threaten the security of the country.⁹⁰ Taken together, this backdrop informs how non-majority Muslim groups and religious minority groups have experienced an ideationally institutionalised criminalisation of their existence and identities.

While such discrimination takes place nationwide – highlighted by numerous stories of forced conversion of Hindus and the relegation of Christians to menial employment – in the province of Punjab, discrimination and criminalisation of minorities can be understood through an additional layer of demographic power held by the Sunni Muslim majority in the post-partition era. The concentration of wealth and power within the Punjabi demographic majority has intersected with the majority Sunni faith, through belonging to and identification with this group, foreclosing what it means to belong outside of it. In all areas of socioeconomic development, as Ian Talbot argues, the ‘Punjabisation’ of the country has laid the groundwork for ongoing tense centre-periphery relations not only between provincial regions and Islamabad, but it is also the source of conflict between ethnic, religious minorities, and sectarian groups within the province.⁹¹

Unlike the rest of the country, the ethnic majority in the province is not

88 Toor, S. (2011). *The state of Islam: Culture and cold war politics in Pakistan*. Pluto Press; Abbas, A. (2018). *Madrassa mirage: A contemporary history of Islamic schools in Pakistan*. Emel Books.

89 Mamdani, M. (2005). *Good Muslim, bad Muslim*. Three Leaves Press.

90 Sayeed, S. (2017, November 16). Pakistan's long persecuted minority fear becoming election scapegoat. *Reuters*. <https://www.reuters.com/article/uk-pakistan-election-ahmadis-idUKKBN1DG04N>

91 Talbot, I. (2005). The Punjabization of Pakistan: Myth or reality? In C. Jaffrelot (Ed.), *Pakistan: Nation, nationalism and the state*. (pp.51-62). Vanguard Books.

marginalised from federal resources; instead, it has historically held disproportionate political dominance through its religio-cultural identity and accumulation of power. At the same time, as Talbot has identified, pro-Islamisation groups have ideologically drawn normative support from the homogenizing ideology of Zia to spread hate.

JAILS THAT MIRROR THE MINORITIES' REALITY

In this chapter, we hear from four ex-prisoners of religious minority backgrounds from Punjab. Sixty-five-year-old Farooq Amjad,⁹² a security in-charge at a Jhelum area rubbish disposal factory, was accused of deliberately burning the Quran by a driver who also worked at the facility. He was taken into police custody with 295-B allegations against him for desecration of the Quran. As a result, Farooq spent the duration of his trial – one year and nine months, starting in November 2015 – imprisoned in three different jails in Punjab: Jhelum District Jail for two weeks, Gujrat District Jail for two months, and finally, Central Jail Rawalpindi where he was acquitted. In each prison, he was housed separately and kept with other prisoners of religious minority backgrounds.

In his role as a Bible teacher, he [Rashid] also attempted to improve the prison's church, which instead turned into a dispute with prison officials that resulted in a transfer to Sahiwal Central Jail in 2010. While he was told that his transfer had been ordered for administrative purposes, he was kept in solitary confinement for approximately 23 days.

92 Name changed to protect identity

Hassan Ali,⁹³ 60, also from the same minority faith as Farooq faced different allegations under 295-C of the criminal code in the summer of 2018: he was accused of blasphemy by a neighbourhood mob which claimed he attempted to convert a gravedigger from the majority Sunni faith – employed for his uncle's burial – to his own. Hassan spent 14 months in Layyah District Jail fighting his case, including facing the death penalty. Condemned, he was in a cell, completely alone, for the duration of his imprisonment, until he was found not guilty in the fall of 2019.

Both ex-prisoners, segregated from the wider prison population, provide an account of their experiences with enduring solitude in individual confinement, reflecting their lived realities as members of a persecuted minority. While Punjab prison rules do not specify the classification and segregation of prisoners with blasphemy allegations or conviction, their separated confinement is permissible at the discretion of the superintendent, "as under the circumstances practicable shall be made," following rule 241 of the 1978 Pakistan Prison Rules.⁹⁴ There are parallels between the way the two prisoners, Farooq and Hassan, from a minority faith were segregated from other prisoners in jail to ensure and maintain the smooth functioning of day-to-day jail operations and to carry out arrests and prosecutions to appease mob violence. An exploration of how Farooq's and Hassan's minority identities shaped their felt experiences with imprisonment offers an understanding of wider lived experiences with – and notably resistance to – discrimination in a free society.

Born in 1973, Rashid Masih would become an advocate for the Christian community in his home town of Sialkot. In 2003, at the age of 30, his life took an unexpected turn when he found himself in jail convicted of aiding a kidnapping for ransom and facing a life sentence. In 2010, his case was presented in the Supreme Court on appeal and

⁹³ Name changed to protect identity

⁹⁴ Pakistan Prison Rules. (1978). Pakistan prison rules, 1978: Rules for the superintendence and management of prisons in Pakistan. <https://prisons.punjab.gov.pk/system/files/Pakistan%20Prison%20Rules%201978%20%28Final%29.pdf>

his life sentence was reduced to 14 years. Due to his work in the jail as a Bible teacher, he accumulated remissions, completed his sentence within a decade's time and was released in 2012. Over this period, Rashid spent time in various jails in Punjab: under trial he was confined in Sialkot District Jail, while his case was heard in the anti-terrorism court and lasted for approximately 18 months. When he received a guilty conviction, he was transferred to Lahore Central Jail, where he served most of his term. Here, in his role as a Bible teacher, he also attempted to improve the prison's church, which instead turned into a dispute with prison officials that resulted in a transfer to Sahiwal Central Jail in 2010. While he was told that his transfer had been ordered for administrative purposes, he was kept in solitary confinement for approximately 23 days. He believes that this was discriminatory punishment for attempting to improve jail living conditions for his fellow Christians. He later returned to Lahore Central jail where he served two more years before a final shift back to Sialkot and an eventual release in 2012.

Rashid maintains he was not involved in criminal activity, saying he was caught up in a local political rivalry. He was contesting local elections in Sialkot as a member of the Pakistan People's Party when he received an offer to join the Pakistan Muslim League (Quaid-e-Azam) to which he did not respond. According to Rashid, some adversaries, attempting to get back at him for his indecision, falsely implicated him in a murder case. Another ex-prisoner, Sohail Yafat, similarly went to prison for 10 years with a murder conviction, a crime he also maintains he did not commit. Today, he works for JPP as a legal investigator advocating for prisoner rights and jail reform, a career idea that took hold as he served out his prison sentence and considered the need to reform prisons from punitive into rehabilitative spaces. Sohail was imprisoned in Lahore Central Jail, where he also met Rashid; then in Sahiwal Central Jail for nine years, from where he returned to Kot Lakhpat to complete his sentence. Sohail similarly observed discriminatory treatment of Christians in Sahiwal Central Jail and when he began to advocate equal rights for his community members on the basis of equal constitutional rights for all Pakistani citizens, he faced pushback from

the jail administration. This chapter shows how the experiences of ex-prisoners from two different minority faiths reflect their wider everyday lived realities of religious discrimination, making members of such faiths vulnerable to the country's Constitution and legal system, instead of being protected by it. Their experiences across entrapment in criminal activity, arrest, police custody, and jail time are reflective of wider sociopolitical dynamics that have historically characterized ordinary working and middle-class lives in the province of Punjab, and the treatment of those living on the fringes of the Sunni Muslim majority.

MINORITIES' EXPERIENCE OF ARREST

Farooq is measured about the purpose of the rubbish disposal factory in Jhelum where he was the security in-charge. The factory was closed on 19 November 2015, due to local elections held in Punjab that year. On 20 November, he turned up at the job and burned a variety of discarded items including sticks, papers, and dust. He said there were religious papers in there and in keeping with his faith, he burned them too because "religious papers are burnt, so they are not used for any other purpose, such as for packing and selling snacks like *samosas*." Soon, he first heard rumours started by a staffer – a private driver hired by the factory – that he had burnt pages from the Quran. He didn't pay much heed but then the police arrived with a factory staffer who identified him as the person in charge of that day's burning. The police beat him up in the street, on the main road. His two sons, who were playing in the street and came running, were also beaten. The police verbally abused them for being part of a community that did not respect the majority faith.

“ The driver brought two people from his village to the police station as witnesses, who identified me as the person who ordered the burning of the pages from the Quran – and they said I had thrown the pages in myself.”

The district police officer transferred him to a jail in the cantonment area for fear that a mob gathering outside would attack the police

station. When he was brought to the police station in the cantonment, people had gathered there and they took pictures of him to post on the web.

“When the superintendent police came before the judge during my case hearings, my lawyer asked him if he knew I was innocent, and if so, why didn’t he refuse to file the case against me. He said he was scared of the *maulvis* – that they would not have left him alone if he had refused.”

That evening Farooq was confined in Jhelum jail with 295-B allegations – desecrating the Quran – as he learned the road to the factory had been blocked by a mob and the building set on fire, along with nearby homes of workers. His home was also burnt to the ground and all his family’s belongings were destroyed in the fire. His immediate family got out alive. Following the incident, over the coming days, families from his community fled the town, as mobs set fire to their worship place, threatened further arson, and attempted to burn members of the community alive in their homes. The armed forces were called in to prevent escalating violence. Farooq said:

“ I was in Jhelum jail for two weeks, during which time members of the mob who had set fire to the factory were arrested and jailed, but then let out on bail two weeks later. Those people then returned to Jhelum, and for this reason – for my safety, it was said – I was transferred to Gujrat jail where I spent two months. After the dates for my trial became fixed, I was sent to Adiala.”

Just as he was transferred from one police station to another at the time of his arrest, Farooq spent the duration of his trial imprisoned in three different jails in Punjab. He was transferred from one facility to the next, as police and jail authorities feared losing control of rising

mob violence. Finally imprisoned in Rawalpindi Central Jail, the prison with the most sophisticated security system of the three, Farooq was acquitted approximately 18 months later.

Hassan spent 14 months in Layyah jail, also on allegations that he had committed blasphemy. He told a different story of entrapment in being accused of this. For Hassan, he was falsely accused of attempting to convert a gravedigger from the majority faith and propagating his sect's faith over the former. Originally a colonial-era law, 295 was meant to protect against the defiling of religious places of worship, including for example, the trespass of burial grounds and the desecration of graves. Under Zia, it was expanded with the addition of 295-C to punish any form of insult to the Prophet Mohammad by death.⁹⁵

“ My uncle died on the ninth day of Ramzan. The gravedigger was a Sunni, but a mob stopped him saying the deceased is of a different sect and this was not allowed. We explained that over 70 graves were ours and that our family and ancestors are buried here. But they wouldn't listen and gathered a mob together to fight. The police and the DSP (deputy superintendent police) were called to resolve the issue, and we cooperated with his decision to not bury the body there. The gravedigger said he did not like the way the mob had behaved, and that he was going to change his sect. The mob then accused us of trying to convert him to our religion, saying that I made him join our faith. Then they beat up my children. They accused me of blasphemy. I was charged with 295-C.

When the superintendent police came before the judge during my case hearings, my lawyer asked him if he knew I was innocent, and if so, why didn't he refuse to file the case

⁹⁵ Web Desk. (2016, October 14). 10 things you need to know about Pakistan's blasphemy laws. *The Nation*. <https://nation.com.pk/14-Oct-2016/10-things-you-need-to-know-about-pakistan-s-blasphemy-law>

against me. He said he was scared of the *maulvis* – that they would not have left him alone if he had refused.”

FRAMED AND DETAINED

Rashid explained that political rivals framed him in a murder case and he spent 10 years trying to clear his name:

“ I was in jail for almost a decade from 2003 to 2012. I was a speaker for my Christian community in Sialkot and president of the Christian Youth Force. I contested the provincial assembly elections from Punjab as part of the PPP, and I was the senior vice-president for the party in Sialkot. Later, I got an offer to join the PML (Q) party, which I didn't directly refuse, but I didn't actively accept either. And then, a couple of years later, some political rivals implicated me in a false case.

Their goal was to send me to prison for a while, because otherwise if I got out quickly, then their plan [to entrap me] would be discovered. So, they called lawyers, witnesses, and police to corroborate their story.

I was charged with abetment, and my rivals used my co-accused against me, and got a statement from him about how I asked him to kidnap and kill someone, with the guarantee that nothing would happen to him [by way of legal action] and that I would see to it. They recorded a statement saying that I had ordered a kidnapping for ransom, and if they did not pay money, kill them and I would take care of everything.

They had no evidence for this, but the word of the co-accused as evidence. The co-accused had only been calling me in relation to getting a driver's license! But in the long run, I succeeded in proving I was innocent.

But... things are terrible [here]. Those in positions of power can do whatever they want. They can buy justice, they can crush justice. Nobody can stop them. The judges are with them."

CONDITIONS IN CAPTIVITY

One of the first things that Farooq noticed in jail is that as a member of a religious minority, he would not be allowed to use any shared or open spaces:

“ We get confined to a small room, and this space is to be our entire existence in jail. When can we leave? Only for meetings with family – other than this, we are in this room, day until night. If they think you are emotional [and therefore unstable] or that you might be harmed by others, they put you in a room by yourself. If they think you're even-tempered and there are others from your sect, they'll house you together.”

Describing the sections for religious minority prisoners in each jail, Farooq said:

“ In Jhelum, there were four rooms in a section for religious minority prisoners: one had two Christians, the other had two Shias, one room had two mentally ill prisoners, and one was for me. In Gujrat jail, there were four rooms in total, and they were in an area called the *kasuri* (guilty). Of these, three were for regular prisoners, and one was marked for prisoners from minority faiths. This room could hold any number of prisoners depending on how many there were – three to four, sometimes five to seven. In Adiala there were seven rooms – four for Pakistani religious minorities, and three for Indians and Bangladeshis. I was there for almost a year, in a cell alone, and then later shifted to a room with other prisoners, to make room for new arrivals.

When there is space, people from our faith are kept separately. When there isn't, you're grouped with another minority with whom conflicts won't take place. You're put with other religious minorities who've been charged with 295-A, B, and C, and there is no relationship with the rest of the jail. We are not allowed out of our cells. The rest of the prisoners are let out in the morning, and shut back in their cells in the evening."

INVISIBILISING IDENTITY

“ Upon entry to jail, prisoners are asked how they identified according to caste, and if [a person from a minority faith] provided association such as *jat* or *malik*, which is a common way of identification in Pakistan, they would be told, 'no, you are [from the minority faith.]' [Our faith] becomes our caste... for us religion is noted in place of caste.”

Farooq's account shows how in jail, a person from a minority faith cannot 'hide' behind an identity or have the right to other forms of identification that conceal their 'real' identity as a member of a minority sect. Entry to jail is marked with the reinforcement of this idea, and in that moment visibility is forced on a member of a minority sect. Ironically, this visibility then leads to stages of invisibilisation that regulate the use of prison space and facilities.

“ In Jhelum, our only association was with the other minority prisoners, so there were no clashes between us. Similarly, in Gujrat [District Jail], we were those trapped under blasphemy allegations – so when you're all put together like this, there's little discrimination that takes place between you.

We were required to remain in the portion of the jail where a few cells were set aside for religious minority prisoners.

So this was the biggest problem for religious prisoners – we

couldn't go to the canteen, not the hospital, not openly – this was the form of discrimination we all experienced. For a medical problem, the doctors would come to the cell. Any movement through the jail was accompanied by guards – for example when I needed to go for my jail trial – and then they'd lock you back in your cell.

The discrimination that took place was with regular prisoners. For example, whenever we were moving through the prison and the regular prisoners heard that a 'blasphemer' was on the move, they would try to beat us. They hated us because they believed we had defiled religion. This was despite the fact that they were at fault for various heinous crimes such as murder and kidnapping; they would forget this, but not our crime, which would remain fresh in their mind.

They believed we had defiled the faith, and they would become its guardians. Therefore, whenever moving through the prison, for example for my jail trial, a path was cleared for us, so that the regular prisoners couldn't get near us – they were told to get to one side."

DISPOSSESSED IN DETENTION

“ [In Adiala] after about a month and a half, we asked to have leisure time out of the cell – because the other prisoners were allowed out for an hour in the morning and evening. Blasphemy prisoners only receive leisure time once every month, or a month and a half, sometimes two months or three, but I wasn't getting this provision and wanted it too.

Permission for this and for everything else in the jail comes from the superintendent police – and this was especially the case of those who were said to have committed blasphemy.

The area that we would have liked to walk around in

would have been [ideally] contained within the section for blasphemy prisoners [so we could still have leisure time in our own section given that we were not allowed out due to threat from other prisoners], including a veranda-like area in front of the few cells.

Every prisoner has to make their own schedule. I woke up, began my day with prayers, and after that everyone can do what they want. Breakfast was in the morning, an hour before sunrise – one cup of *chai* and one dry *roti*. The next meal was at 8:00 a.m. and the last meal was at 3:00 p.m. It's important to find something to do if you're a prisoner who's kept alone because without that your mind wanders: those who have nothing to do get lost in their own thoughts.

At Adiala, the superintendent police referred to me as Ahmadi [as a man from my faith would like to be addressed, not using the derogatory term Mirzai], and allowed me to have books, based on my graduate education including an M.A. in economics. He allowed these items and facilities so I could exercise my brain. These things, such as reading materials, and pencils and papers, had to be obtained with permission, but only the superintendent police could provide it.

They don't want these things to be misused: they say these items should not be used for something they're not meant for. Say I have a pen and paper, and something is running through my mind, and I write it down to pass on to my family. The concern is that I might use these items for different reasons. This is the reason they gave them to you with the expectation that you stay calm and do what you want.

To drink water, you are given one glass and one bottle. You take water from the tap in the bathroom for everything – that's where you drink from, that's where you wash your

dishes, where you wash your clothes. At Adiala, I managed to secure permission for a water cooler after a while, and with these basic provisions, such as clean water, the days go by easier. Otherwise, you're just waking every day, praying, eating, and then looking around for something to do, because you can't go outside."

Reflecting on the oddity of his existence as a member from a minority faith in the jail, Farooq said:

“ The food we received was better, and the reason for this was the other prisoners had to prepare their own food, but we were not allowed a single item or utensil. The other prisoners had *chullas* (stoves) for cooking, but we were not allowed matches – no mirrors, no nail cutters, no *nalas* (string belts for *shalwar* or pants). We had to use elastic bands instead – everything was banned for us. I think at the very least the jail administration made sure that we had good food – I'm being honest – since we could have nothing else.”

Hassan said this about his confined experience in Layyah:

“ The jail was very big. My room was around five acres away from the superintendent's office. There was a line of rooms. Other rooms had 25-30 people. They could make tea or food in their rooms. I had no such facilities. I just had a washroom inside my room.

It was an eight to ten foot long room, in the middle of which was a bathroom, but no other facilities. This room was separate from the rest where the other prisoners were, where they could make tea, and their food, but I had nothing, other than a glass and a plate.

Here I did everything from going to the washroom to *wazoo* (ablutions for prayers). I didn't even have towels: I purchased

them, but the superintendent took them away. I also wanted to get a blanket from home saying I wanted to keep my cell clean, to live hygienically, but he would not give me permission for this.

When the judge came, he asked me if I was having any difficulties – during my first month, this was the sessions judge – I said I could see the sunlight in the hallway, but it didn't reach my cell. I asked to be moved, so I could get some sun, but this was denied.

The reasoning given for not providing me with any facilities was to prevent any damage I might do to myself, or kill myself. But, this doesn't make sense – I wouldn't want to kill myself if I had some facilities and things to do. This kind of treatment is what makes you want to take your own life.

This was done because I am [from a minority faith]. I asked for the Quran, and they said no. I asked for books of faith, but they said no. I asked for my blanket from home, they said no. They provided nothing other than food twice per day, and my clothes set was just one *jora* (a pair of clothes). Jail was so cold in winter, but they would take away my things deliberately – my towel, my shoes. The superintendent came and saw my towel lying on the floor and asked the guards to take it away. The same thing happened with my shoes.

The other prisoners got better treatment because we are seen as different and we are treated badly everywhere, not just in jail.”

NOWHERE IS SAFE, NOT EVEN JAILS

Farooq explained how blasphemy prisoners were exempt from the routine forms of punishment others faced but were also segregated from the rest of the jail:

“ If a religious prisoner complains about a guard’s bad treatment, a report will be written up, they will be replaced, and they will not be on duty the following day. But this does not happen in the rest of the jail, among the common prisoners. The jail administration wants to ensure that no incidents take place that could tarnish its reputation. At Adiala, cameras monitored all our moves at all times; they were installed in our cells and outside. The superintendent can turn on any of the cameras at any time he wants. At Adiala, cameras prevented daily violence, but not at the district jails.

I was beaten in Jhelum on my first day. There’s no reason given for this, it’s part of the process of entry [a rite of passage into jail]. The guards would come and say, ‘it’s time to go meet.’ On the first day, prisoners meet with officials. I wasn’t sure where to go exactly. Two officials took me outside and roughed me up. When I came back, the other prisoners asked me where I’d been, and when I told them they told me to report it. When I did, I was given another room and learned the guard was reprimanded.

In Gujrat jail, our section was such that no one else could enter it, except for guards assigned to this section after undergoing a security check [even the guards had to be checked in view of the rampant threat to blasphemy-related prisoners that could come from anywhere]. It was considered a no-go area. Earlier, a guard had shot a prisoner accused of blasphemy, and after this, the security procedures were strengthened and more strictly enforced. The threat from guards and other prisoners remains.”

In addition to seeing the jail administration take special safety precautions, Hassan believed that one of the reasons he was spared violent treatment was due to the personal relationship he had with guards who viewed him as a good person:

“ The jail officials were not violent. They said the prisoners will mistreat me so we have to protect you at all times.

They told me about a Sunni who slit the throat of a Shia: they lived in the same room, he gave him drugs and when he fainted he slit his throat. Later when asked why he did it he said it was because he was Shia. This is why the police were scared and they kept me separately. They said that the prisoner was a Shia, and ‘people treat [those from my faith] even worse and that’s why we have to protect you.’

When I went to court there were lots of policemen around me and I was taken in a separate car. Even when I was presented before the judge, there were lots of police officers present. There were lots of *maulvis* (Muslim religious scholars) in the court and the judge would want them sent out but they would not listen, so there were many policemen there to protect me. I will not forget how the police treated me, I don’t want to lie. The police and the judge treated me very well. So did the jail staff. The *maulvis* were against me: there were lots of them present in the court and my life was in danger.

I heard of beatings and torture in jail and I was scared of it; the guards said they did treat people badly. They said they’d see prisoners and didn’t know what came over them, and sometimes they’d just feel like hitting them. But, they said when they saw me they didn’t want to treat me badly and their hearts would soften.

I did see beatings happen: they happened when prisoners fought with each other. The jail staff said they did not treat other prisoners the way they treated me.

I used to hear that jail guards treat prisoners badly, but with God’s grace I was spared – they would say, themselves: ‘We

do beat prisoners, especially blasphemy convicts.' They stood in front of my cell and spoke to me from behind the bars; they said that prisoners would make them very angry, but they didn't know why they were different with me."

"MAKING THINGS STRAIGHT" IN PRISONS

One senior-level district jail official's response to questions about minorities receiving discriminatory treatment reflects Farooq's and Hassan's experiences, in which he also explained that jails as part of the criminal justice system had to manage the possibility of violence:

“ This is wrong. You know our society's tolerance is low. If you are speaking about Mirzais⁹⁶ and Christians, Christians have no problems. The bigger problem is Shia-Sunni conflict, not Christian and Muslim. The [Ahmadis] do have a problem if they come under 295-C. We can't let them roam freely. You need to understand the fabric of society. Even on the outside if people are charged with this [blasphemy], no one waits for a trial [to deliver a verdict]. Our biggest social problem is education and whether they are Qadris, Moulvis, or [Ahmadis], they are uneducated. So we need to take this into consideration. We have to separate them but for their safety because someone else will harm them or kill them.

When you come to jail, you need to keep in mind it is a controlled environment. The biggest fear of a jail administration is someone creating a fuss. I cannot afford this. The consequences are great. We had two prisoners in one of our jails. We didn't know one was [Ahmadi] and one was Ahl-e-Sunnat. They had a fight. I had to put them in solitary confinement. The next day I found out the *maulvi* in a local mosque had said things against me and people took out a protest against me saying the jail admin protects

96 This is a derogatory term used to refer to members of the Ahmadi community.

[Ahmadis]. When my superior inquired, I said I didn't know one of the prisoners belonged to that faith. So our society is tricky and we cannot afford violence happening in jail. Even Shias are minorities. We cannot afford that religious violence takes place in jail.

It's possible that there are personal biases in jail. There are two Muslim sects – Barelvis and Deobandis. So an officer came and he was Barelvi and he removed the Deobandi mosque head and replaced him with a Barelvi. He would also tell me about the superiority of Barelvi belief and proselytize in jail.

There are beatings in every jail. If I say it does not happen, I would be lying. It happens everywhere, even in America if rules are violated. Our problem is resources. We ensure greater fundamental rights than elsewhere...The majority of criminals are under Matric [not even high-school graduates], and most of the cases are drug-related and robbery. The boys finish their school and then to make a living they get into robberies... stop a bike and snatch a mobile. Since the Pakistan Tehreek-e-Insaf government has taken office, crime has risen. We used to have 1,300-1,400 prisoners before and now it's touching 2,000. There are more robberies. When the economy stops working then crime will rise. People are losing jobs. When I ask a prisoner why he committed robbery, he says he had nothing. Most crime that happens here is dependent on what is happening in society.

There is torture. We call it 'making things straight', we don't have another solution. A prison officer needs really good communication skills. Our officers themselves are only high-school graduates. They work under tension and depression. The prisoner is also under stress. These two people cannot communicate. So the solution that comes easy is to lock prisoners separately. It's not easy to implement all the written

rules in a working environment. Some things look really good in books, but they have no relation to reality [are not practical] when you try to implement them. The prisoner is a secondary concern [when it comes to a prison system]. The primary concern is the jail administrators: what education do they have? What are their living conditions? You can only get back what you are investing in them. How can you expect them not to torture under these circumstances? If it does not happen, all the prisoners will be on the roofs [running amuck] and we will be getting beaten. That is the reality.”

The prison official said jails didn't have resources to help rehabilitate prisoners:

“ It's not like I am being dishonest in what I'm saying. And you can verify this with other officials.

There is water, ceiling fans, electricity, medicines. But how many resources do we have? We use whatever we have to provide the best facilities we can. What we can't do is rehabilitate the prisoners. That is something we are not doing. We are caring for prisoners in terms of medicine, bedding, but the main issue is rehabilitation... that is not happening.”

The official said the financial condition of jails was such that no budget could be made available for training of staff, including guards:

“ What are economic conditions, what are the earnings? There needs to be a budget to do all this. The first thing is that there is no budget. To initiate (rehabilitative) activities, you need better training, better salaries for guards, courses, short and long term.

The most neglected department is the prison department. If you see the pictures, you will wonder how it can be a police

force. They don't have proper shoes, clothes or homes. How will these people rehabilitate prisoners when they themselves are not trained? They don't know how to deal with the prisoners; what instructions to give them.

They have to come for four hours and they think they need to keep the prisoners inside. The prisoner should not get sick and be fed. That's all they know.

There is no prisoner classification. Those who commit heinous crimes and the ones who commit lesser ones are not separated.

The official said the judicial system was also a problem. Someone caught with a few bottles of alcohol stayed in prison for two months. How was it a big crime, he asked. If a child had stolen something, he said, he should be made to work or go to school. But they end up in jail for four months.

Jail is the third stage. There is the police, then the judiciary, and finally the jails. Our job is to keep them [prisoners] and that's all we know.

When the prisoner comes in, there is a form with specific questions we need to ask. How many times has he been in? What is the crime? How much time has he already spent here? What was his conduct? Based on this, he would be marked and that would determine what kind of prison he should go to. The higher the marks, the more security-based the prison. If it's a minor prison then it is more open. This is supposed to be the system. But our system is that a prisoner arrives in jail only to be stigmatised.

We do two things – care and custody – but we do not rehabilitate.”

The official also explained that one could find drugs inside prisons. They weren't "dropped from a helicopter," he said sarcastically but were brought through the only gate to the prison.

“ The visitors bring them in. There are four or five people who are bad; who compromise on duty and allow them to come in, or otherwise there are visitors who bring them in. But it's not a matter of all officers being corrupt.”

On the experience of solitude in jail, Farooq and Hassan said this, respectively:

“ Initially, you really feel worried about being in jail, and then you explain your existence to yourself: This world will go on without you and you have to learn to live in isolation from it. This idea keeps you going, that the world will go on without you and you don't need to keep worrying.”

To this, Hassan added:

“ The guards used to tell me you'd go crazy in *chakhi* (jail), and so I tried to remain connected to God, so that my mind wouldn't wander to places that would make me crazy. You know those sentenced to hanging? I could see the gallows from my cell. My heart would be fearful – I don't even have the language to express how I felt. While being alive in there, I could see death.”

Both Farooq and Hassan now live among their community. Other than wondering if those imprisoned unfairly with him were ever granted freedom, Farooq said:

“ You shouldn't think about jail. What's the point in thinking about jail now, you're in a room, you come out of it, you go back into it.

The effect of jail is that if someone wants to live with dignity, he will listen to what people say, shutting his eyes and ears. Someone who has not seen jail, retaliates. But as someone who has survived jail I don't want pressure on myself or my family, or – especially – my [community], who reminds me it was difficult to get me out. So I will say everything is okay and stay quiet.”

Hassan was acquitted but had to flee his home:

“ The judge asked me where I wanted to go, but home was not safe. I went home for a few days and hid there, but when they found out that Hassan was here people started making noise, so we snuck away at night – my wife and I. My kids are still there, living in danger. Our land is there, so we can't leave it. The mob won't leave us alone, even people who work with us are not left alone.

My life has changed, it is very different from before. I always feel like there is danger. And after this coronavirus is finished [my community] says they will send me to another country.”

IDENTITY AND PUNISHMENT

Rashid spent time in various jails in Punjab:

“ Under trial in 2003, I remained in Sialkot prison, while my case was tried at the Anti-Terrorism Court in Gujranwala. The trial lasted 17 to 18 months, after which I was convicted and sentenced to jail in Kot Lakhpat in 2004. I remained there until 2010, and then I was sent to Central Jail Sahiwal for 22 to 23 days of solitary confinement due to my attempts to improve the jail's church. After this time, I was returned back to Kot Lakhpat, and then two years later, I was shifted back to Sialkot.

When I arrived at Kot Lakhpat for the first time, I met a friend there, and he told me, this is not Kot Lakhpat, it's *Kot Lakh Lanat* – the jail of a hundred thousand curses.

I was sent to Sahiwal for 'administrative purposes' they said. I was the Bible teacher and the church in-charge at Kot Lakhpat. The church was just a room – it had no proper walls. I had collected some funds from my Muslim friends and outside church authorities. We wanted it to be more secure, and I added marble tiles. I thought, this is a house of God, it needs to look like one, so that the prisoners can pray in a proper space.

It was because of this that they threw me into Sahiwal jail.

But what the jail authorities will do is make up excuses based on the prison rules, such as 'the prisoner made loud noises in the middle of the night, or they have a phone, or they were protesting, or they were subverting other prisoners and spoiling their minds'. So using such excuses they sent me to Sahiwal, which is one of the most dangerous and dirtiest jails. They call it Black Water [after the notorious private US military company that conducted covert operations in Iraq and Afghanistan], with the worst sentences. But there were no clear charges against me, so they made up this 'administrative' excuse, and here they kept me in solitude – for 22 days completely in solitude.

About half of the Christian people in Kot Lakhpat attended church and then more. When I was shifted from Kot Lakhpat to Sahiwal, I was just trying to build a better atmosphere in prison for my fellow Christians, and help train them in religion so that they can understand why they have been sent here – why God has sent to this life, maybe they had gone against God's calling, maybe they had gone against their fellow beings, or committed a wrong. I wanted them to understand

that now, for their families, was the time to learn to improve in what is a very short life, only 60 to 70 years.

The response [from members of Christian faith] was considerable, and while the prison authorities respected the work I was doing, there were some prisoners – of a militant mindset, as you would also find in the society outside – who tried to undermine the work I was doing, because they didn't like the position of authority it afforded me [among prisoners of my faith].

You know how Christians are called *chura* in society – untouchables – but here they were seeing what a *chura* could accomplish.

After my release, I learnt that the trends I had put in place and the work I had done as a Bible teacher, those liberties were taken away because there was no one to carry on my work.

In Sahiwal, I was kept in solitary confinement. After attempting the church renovations in Kot Lakhpat, I was sent there as punishment. [While in Kot Lakhpat] I spoke to some parliamentarians I knew, who knew the Inspector General Jails, but instead received a punishment including transfer to Sahiwal and solitary confinement there. I didn't know the difference between day and night [due to the dark cell where he was kept] and the jail officials that served me food didn't talk to me. I tried to talk to them, ask them about the weather outside, but they would tell me to keep quiet, putting a finger to their mouths, indicating they weren't allowed to speak to me.

My connections helped me return to Kot Lakhpat, but I was sent back to Sialkot after three to four months. I had used my connections with jail authorities in Sahiwal, but in Kot Lakhpat

they were not as good, and I was returned to Sialkot jail.

At the beginning of 2010, my case went to the Supreme Court, and my sentence was changed. I was given 14 years instead of a life sentence. As a Bible teacher in jail, I would work eight to nine days per month; other prisoners were gardeners or cleaners or carpet-weavers who also were allowed a set number of days in a month. We were allowed to complete such tasks, or attend classes and activities with permission. With these accumulated [work] days, I completed my sentence in 10 years.

I was able to do this work at the time, and take advantage of some of the liberties that are supposed to be provided to prisoners because I am educated, and because I have a background in law – but normally, these liberties which are mandatory, are not provided to all prisoners. Instead, regular prisoners' rights are infringed upon.

The purpose of jail should not be to treat a prisoner savagely because he has committed a crime. He should be rehabilitated, but there was zero per cent rehabilitation taking place. Any prisoner who speaks up about their rights receives bad treatment; the administration does not tolerate it. The ward in-charge follows the order of the SP – that's the only thing that will fly in jail, the SP's orders. If the SP orders a particular punishment, such as solitary confinement, no force in the world can reverse that order. This is his dominion, and his authority."

REHABILITATION COMES TO THE MAJORITY FAITH

Sohail went to prison for 10 years on charges of murder, a crime he maintains he did not commit. Today, he works for JPP as a legal investigator advocating for prisoner rights and jail reform. He served time in Kot Lakhpat, where he met Rashid, then Sahiwal central for nine

years, and was once again returned to Kot Lakhpat to complete his sentence.

Here, Sohail describes how his Christian identity made him disproportionately vulnerable to the economy of labour extraction in Kot Lakhpat:

“ When I first went to jail, my religion became a big problem – I was tortured, and called a *chura* in jail – no one ever called me by my name. My co-accuseds were Muslim, and so I was blamed for corrupting and involving them in my crime.

The day I entered prison, I was told ‘you’re a *chura*, go clean the gutter.’ In jail, Christian prisoners were separated from one another. It was understood that each Christian in each area or barrack was responsible for looking after the cleaning, the gutter and toilets, and if you don’t do this work, you’ll be skinned. So I had to do the sweeping.

If someone is from a minority group, in jail their dignity disappears. They have to do [menial] work that others are not asked to do. The jail administration is extremely incompetent: their actual job is to detain you, but they treat you badly and they make you do the work of running the jail, including physical labour, such as sweeping the floor. Fatigue takes over prisoners, or they use money to get out of performing these tasks, otherwise, you have to do this work.

The prison staff are supposed to be doing this work on their own, but instead they become the supervisors of violence that other prisoners carry out. In Punjab they are known as *nigran* (inviolators). This was called a *numberdar* culture, and these prisoners were made to wear red hats. They would help and work with the jail administration and had a stake in the system.”

These were some of the day-to-day discriminatory treatments that Sohail underwent. Like, Rashid, he also became conscious of his rights not only as a prisoner but as member of a non-Muslim minority religion.

“ There are other specific forms of anti-Christian discrimination. For example, Muslim organisations that teach Islamic history and the Quran were allowed into the jail, but Christian and other minority religious groups were not. The *Taleem-ul-Quran* teachers were allowed in, but the Bible teachers were not, and the former were allowed free rein, but for the rest of the religious minorities including Christians, there were no such facilities. Prisoners who could memorize the Quran would get a six-month reduction in their sentence, but no such incentives existed for Christians and other minorities.

In Sahiwal jail, there were 26 mosques – a small mosque is attached to each barrack, and then there was a large mosque complex too. For the 75 Christians or so, there was no such space for prayer. They could pray under a tree once a week on Sundays. While I was there, I advocated for the building of a church, and this was achieved in 2008.

When I was in Kot Lakhpat, Tariq was there too and like me, he taught the Bible. The jail rules allowed Christian counsellors but in the past 15 years, no preacher has visited [the jail].

From among the prisoners, one became a prison chaplain, and received permission to work. When prisoners talk about rights, the jail officials don't like it. I had gotten released by this time, but what they do is, they get someone to make a false statement against you [about proselytizing] that brings you more punishment. This is what happened to Tariq.

I observed a lot of torture taking place in jail, and there's nothing you can do to stop it, you can't make the torturers

stop and you can't save the person being beaten. Having to watch things like this... stress and anxiety grows within you. I saw people start to fall prey to psychological problems, including self-harm. They become crazy. For me, however, I have a purpose in life: to fight for the rights of prisoners.

There was a time before this though that I was so depressed; I thought I just had to accept that this is how life is. But I chose a different path. I wanted to become strong for myself and for others, and to provide them with hope. So I started to counsel them, as well as preaching to Christian prisoners. I had a vision in jail to build a church in 2001. Muslims have *masjids* (mosques), and a system is in place for them to practice their religion. Aren't Christians Pakistanis? We are told we have equal rights.

I started going to the jail library, and studying there, I found support and refuge in the books. I learned and understood that the law is for every person, organisation, and public servant – if they obstruct a religious assembly, it is punishable according to the law and principles of Pakistan. I learned about my rights in prison, and it was important for me to understand what duties I was required to perform [and not others].

I told other prisoners that we have to obey and respect the law, but we also have to demand our fundamental rights. And therefore I was treading a thin line. God helped me succeed with my cause and I was able to bring people together, while I was still very afraid of obstructions to my cause.

As a prisoner, I met the Deputy Inspector General of the jail and explained that I was a Christian prisoner and wanted for our community a place of worship. Do you know what he said to me? He said, 'what – you expect me to build a church for you?' My response was, 'even if you do, it's not as though

you will be doing us a favour. It is your duty. You are the head of a department. It's your job to make sure that everyone here is treated equally. There are 26 mosques here, so explain that to me. Why isn't there a church for us?' He was very angry, and tried to impose a *kasuri chalan*, but as I had formed connections with the Christian community outside the jail, members of the community showed up and there was pressure on him [not to mistreat me].

Most people who end up in jail are struggling to feed themselves daily, and they are lost. I was lucky. I found a purpose in jail, and received an opportunity at JPP to advocate for prisoner rights. Here, there is no post-jail reintegration system, and people languish for 15 years or more. After this time, the superior courts come around to releasing someone, but how will they get their wasted decades back? Emotionally they're dead and their social links with the community are also severed.

As an ex-prisoner, you're marked by society and you are ostracized – your family isn't prepared to support you. What bank will give an ex-prisoner a loan so they can start all over? When you're about to get released, the people outside have high hopes for your re-entry into society. But they don't understand what you've gone through inside jail – the 10 or 15 years of frustration you've lived through. The thing you need most is healing – and there's no system for that."

The Punjab prison rules do not contain content pertaining to the housing and protection of religious minorities, nor any related to the freedom of non-Muslim minority prisoners to practice religion. Rule 681 (Pakistan Prison Rules, 1978) on "Matters affecting caste or religion," is largely focused on allowance of religious practice. The rules stipulate that "no undue interference with the religion of prisoners shall be permitted," and "every prisoner shall be allowed to offer his devotions

in a quiet and orderly manner."⁹⁷

Rashid's and Sohail's stories show these rules do not apply equally to prisoners of all faiths. Indeed, not only does discrimination based on religious minority status take place, demands for rights are denied in punitive ways. As Sohail explained, while Christians were allowed to practice their religion, they were not afforded equal space or access to Bible teachers.

Part five of rule 681 says "when a Superintendent is in doubt about the validity of any plea advanced by a prisoner on grounds of religion, he shall refer the matter for the orders of the Inspector General, whose decision shall be final." When he complained, this rule was followed, but it was not addressed in a professional manner, instead, Sohail faced further discrimination, demonstrative of abuse of power. He also noted that as per rule 912 "Appointment of teachers on religious and moral subjects," Christians were not receiving formal Bible training, as stipulated by the rule, which broadly states "honorary teachers in religious and moral subjects... may be permitted to lecture in the prison once a week." While specific rules exist for earning remissions by learning the Quran, no similar provisions are provided in writing for minorities. Formally, it is then only Islam through which a prisoner can reap the benefits of one of the few rehabilitative options.⁹⁸

POLICING THE PEOPLE

In Hassan's case, it was possible for law enforcement agencies to interpret the mob's fabrication as contravening laws that protect against charges of blasphemy. The language of the second amendment to the Constitution, made in 1974, shows how the inclusion of minorities is predicated on their exclusion from Islam. The wording defines a Muslim

97 Pakistan Prison Rules. (1978). Pakistan prison rules, 1978: Rules for the superintendence and management of prisons in Pakistan. (p. 232). <https://prisons.punjab.gov.pk/system/files/Pakistan%20Prison%20Rules%201978%20%28Final%29.pdf>

98 Law and Justice Commission. (2004). *Jail reform*. Secretariat of the Law and Justice Commission of Pakistan.

as only someone who believes in the finality of the prophethood, transforming the definition of what it means to be Muslim *into what it means to be not Muslim*.

It is the combination of constitutional deprivation of the right to a religious identity that creates cracks beside the blasphemy laws, allowing for the criminalisation of religious identity and sociopolitical weaponization of the law that in turn allows it to persecute instead of protect.

In legislating the terms of inclusion and exclusion of minorities, constitutional laws not only normalized their disenfranchisement but also set the religio-cultural backdrop for targeted acts of hate-filled violence against vulnerable groups. In this way, the carceral system acquires a minority-specific fabric and symbolic purpose of removal from society, creating a long-term space of confinement to live out life as if one does not exist. The taking away of the constitutional right to hold a Muslim identity has engendered a fight for the right to exist in Punjab where Islamic identity is integral. In the context of a minority faith member's fight for the right to exist – which is a constitutional battle for identity itself – jail as the last point along the criminal justice system is where the final extinguishing takes place. "Their existence is *the blasphemy*," Saqib, a minority rights activist, explained.

Saqib spoke at length about how the treatment of minority groups helps understand they are particularly discriminated against in Punjab:

“ Punjab is a political hotbed and there's a lot to be gained from scapegoating. We talk about things on a macro level, but on a micro level, for example, in smaller councils, when you're fighting elections at the local level, one way to run your campaign is to say 'Qadianis⁹⁹ have been running this village for too long, they have too much power here.' The minority issue is an easy one to mobilise on, as there is

99 Another derogatory term for the Ahmadi community.

existing anti-India sentiment, or anti-US sentiment, but those are far away, distant, abstract enemies, but at a grassroots level, for a local cleric or politician, faith minorities are a visible target. That the blasphemy laws exist, and then create anti-minority sentiment, this then creates a hostile atmosphere which is exploited, especially in Punjab, because Punjab is where things need to be exploited. You need to exploit things to make your name, for your own politics, for your own vested interests, and one of the easiest things to exploit are religious minority issues.”

This is the rationale that needs to be understood by readers, not only to follow the decisions and actions of Farooq’s and Hassan’s accusers, but also their ability as civilians to create a scenario, and populate it with anachronistic events and false testimonies, emboldened with the confidence that the police would pursue their ‘suspicions’. It is not incorrect that mob violence threatens the police, the accused, and social order, and it is therefore impossible for the police not to investigate blasphemy allegations. However, this argument has also filtered into conversations on policy and legislative reform, therefore preventing meaningful change to the blasphemy law. Similar fears around instigating the religious right have also held back legislative changes that would improve living conditions for minorities. The police, therefore, remain in a bind to maintain and retain the balance of the existing order, with the resources they are allocated. Similarly, lawyers say the district courts will routinely convict a person accused of blasphemy with the knowledge that the case will go to appeal at the high court.¹⁰⁰ The district courts, also tied to small communities with clergy leadership, fear for the lives of judges and prosecutors.¹⁰¹ Under this relationship between the lower and higher courts, not a single person in Pakistan accused of blasphemy has been executed after

100 Hashim, A. (2014, May 17). Living in fear under Pakistan’s blasphemy law. *Al-Jazeera*. <https://www.aljazeera.com/features/2014/5/17/living-in-fear-under-pakistans-blasphemy-law>

101 Kermani, S. (2019, December 9). Acquitted of blasphemy and living in fear in Pakistan. *BBC*. <https://www.bbc.com/news/world-asia-46465247>

receiving the death sentence.¹⁰² Instead, they languish in jail waiting for decades, often facing death sentences, while their appeals are fought if they are lucky, or otherwise forgotten altogether.¹⁰³ A similar rationale is applied for maintaining order within the prison space, and in this, we can see how the bodily, and emotional experience for prisoners of a particular minority, say Ahmadis, has particularities distinguishable from those of other prisoners such as those from the Christian or the Hindu faith.

Farooq and Hassan did not seem to live in fear of violence in jail. They understood how their lives were protected by the maintenance of a wider order that rested on curbing their freedoms through increased and specialised forms of securitisation. At the same time, they acutely felt that the opportunity to be a member of their faith was being taken away from them. This experience occurred in a space whose historic scientific purpose, outside of its purported social purpose of reform, is to control and preserve the life of a body.¹⁰⁴ Recall that colonial jail reform came about due to the fact that too many deaths due to disease were taking place and this was embarrassing for imperial prison administrations.¹⁰⁵ It was before and after jail that Farooq and Hassan feared for their lives, but inside their lives were about endurance: both men described how order is maintained through the removal of the few freedoms one might have, such as daily fresh air and sunlight otherwise available to all. In this removal, a prisoner from a minority faith cannot advocate for a normalized existence, just as they cannot make claims to a religious identity similar to that of the majority outside prison.¹⁰⁶ Here

102 Aziz, A., B. Riaz, D. Yousaf, and U. Muhammad, eds. *The Death Penalty in Pakistan: A Critical Review*. Justice Project Pakistan, 2019.

103 Hashim, A. (2020a, February 21). Sentenced to death for blasphemy: surviving Pakistan's death row. *Al-Jazeera*. <https://www.aljazeera.com/features/2020/2/21/sentenced-to-death-for-blasphemy-surviving-pakistans-death-row>

104 Agamben, G. (1998). *Homo sacer: Sovereign power and bare life*. Stanford University Press; Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. 2nd Vintage Books ed. New York: Vintage Books, 1995.

105 Arnold, D. (2011). *The colonial prison: Power, knowledge and penology in nineteenth-century India*. In D. Arnold and D. Hardiman (Eds.), *Subaltern studies VIII: Essays in honour of Ranajit Guha*. (pp. 148-187). Oxford University Press.

106 Ahmad, A. (2010). The Paradoxes of Ahmadiyya Identity: Legal appropriation of Muslim-ness and the construction of Ahmadiyya difference. In N. Khan (Ed.), *Beyond Crisis:*

the jail space is organised to follow a *procedure* created to manage this set of bodies, while the prison administration itself is attempting to protect against violence and mob justice, as the district level jail official interviewed for this chapter explains. However, what is produced through this kind of protection for minority rights is a jail space where, unlike free society, the management of bodies provides a material solution for anti-minority violence: their invisibilisation. Feared to be hiding in plain sight in popular discourse, they are 'caught in the act' of defiling Islam and 'revealed' before the law, after which they are hidden in jail, but this time without the ability to make themselves visible through claims to a Muslim identity.

Farooq, like Hassan, also remembered the proscription of specific daily use items, and the details of their use for bodily care. With access completely stripped in jail, such specific details mark the memory and record keeping each prisoner makes as they are reminded that an independent relationship to things that mediates their relationship with their body has changed. In this way, jail is meant to be minutiae by minutiae removal of what it means to live freely and independently in society. But for minority prisoners, this has a doubly material and symbolic experience. Both men felt and conceptualized their bodily jail experience through their minority identities, as the jail administration carried out procedures that prioritized the smooth operation of the prison. This involved privileging the majority Muslim prisoners in order to maintain order just as it is in an open society. Under the expansion of the blasphemy laws, the deliberate wounding of religious sentiments came to include any act involving the 'impersonation' of Muslim identity. Saqib explained that this means, for example, that a minority faith prisoner greeting another person by saying *assalamu alaikum*, or keeping a beard, are ostensibly illegal acts. In jail, such exclusion is mirrored through the removal of access to items for daily tasks and hygiene in the name of one's 'protection'. Rule 240 of the Pakistan Prison Rules (1978), and part of chapter 9 on the classification and separation of prisoners explicates: "If in the opinion of the

Superintendent, the presence of any prisoner in association with others is detrimental to good order and discipline, and is likely to encourage or lead to the commission of any offence, such prisoner may be kept separate in a cell."¹⁰⁷ The Punjab prison rules, however, do not specify how blasphemy prisoners are to be treated. It is instead this space within the rules and the power of the superintendent that allows for discretionary kinds of treatment to maintain the overall order of the jail. The fight for their right to exist can no longer be fought; only the capacity for one's body to exist in confinement is given by the jail. For this reason, minority *bodies* are safely preserved – but not their personhood – while they must endure the provision of fewer rights and privileges.

For all prisoners interviewed for this book, there is a reduction to a bodily existence, through the removal of an autonomous relationship with one's body and a social relationship with commodities that facilitate the former – but in this they do not lose their Muslim identity as part of the punishment process. Significantly, for a member of a minority faith not being allowed participation in open routines, free movement in jail, and access to basic items is not meant to be a punishment, it is meant to be protection. The prisoners interviewed were sure in their explanations that discrimination was largely not a direct purposeful experience of hatred, but part of operations. In fact, they said they received kinder treatment when conversing with jail staff and officials about their identities. But in their 'protection', which is really the maintenance of a wider prison order, their identity is not to be allowed. In this way, a minority specific management of bodies in jail actualizes a removal that is not feasible in society, through the disappearance of their bodies into separate portions of the jail. In jail, the removal of minority faith prisoners from the wider prison population through the use of additional rules such as 240 means the societal problem of 'inciting mobs' they are said to cause is also removed. Yet,

107 Pakistan Prison Rules. (1978). Pakistan prison rules, 1978: Rules for the superintendence and management of prisons in Pakistan. (p.240). <https://prisons.punjab.gov.pk/system/files/Pakistan%20Prison%20Rules%201978%20%28Final%29.pdf>

the application of this rule must always be managed through the use of discretionary decisions around segregation and access to facilities, ensuring minority prisoners do not come into contact with the wider prison population. The removal of the minority's assertion to their identity is then enacted on their bodies through the withholding of basic amenities, symbolic of a removal that cannot take place in society, due to a kind of activism that is borne out in everyday expressions of the will to live within a claim to an equal treatment or identity.

Whereas the gradual and repeated narrowing of Muslim identity and the specific identification of Ahmadis as non-Muslim was set in motion by then Prime Minister Zulfikar Ali Bhutto in 1974, the historic inclusion of Christians and Hindus in the constitution, was undone by dictator Zia Ul Haq's expansion of the blasphemy laws in the mid-1980s.¹⁰⁸ Jointly, these legalities inform comparative claims to identity and belonging in Pakistan, the forms of discrimination each group faces, and their strategies for demanding and advocating for equal rights. Both Christian ex-prisoners interviewed for this book vocally campaigned for their rights and those of other Christian prisoners while in jail, making the argument that members of the faith are supposed to be equal rights holders in Pakistan, but in reality are not.

In the jail space, hidden yet adjacent to neoliberal securitised society, as the main thrust of this book shows, the experiences of minority faith prisoners play out in ways that mirror lived experiences outside jails as disenfranchised minorities.

CODIFIED HATE

Unlike the unquestioning involvement of the clergy in the codification of the Zia-era expansion of the blasphemy laws, the history of the growth of Muslim law in undivided India shows a nuanced and detailed examination of the power of criminal law to rule in matters of religious

¹⁰⁸ Toor, S. (2011). *The state of Islam: Culture and cold war politics in Pakistan*. Pluto Press.

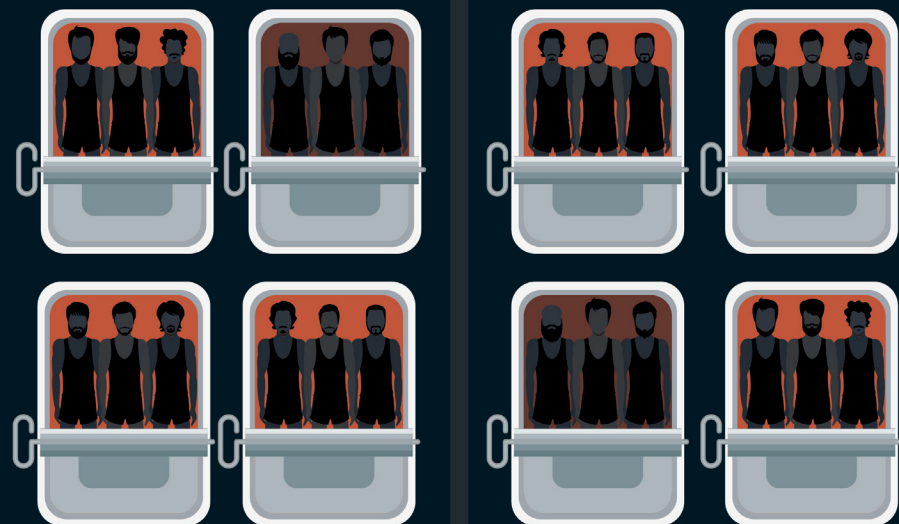
practice.¹⁰⁹ The contemporary propensity to target non-majority Muslim groups and minorities using the criminal code has colonial precedent, in which what is and is not considered Islamic was codified through the court system. In a case notably adjudicated by Syed Mahmood, son of Muslim modernist Syed Ahmed Khan, about the volume at which '*amin*' could be uttered in a Sunni masjid, he decided that the accused's volume levels did not indicate they were not part of the mainstream sect, while also observing that this charge was created to find judicial favours in a property dispute.¹¹⁰ While the grievance appeared in court as a criminal matter, he decided that the former concerns were strictly a civil matter and part of the Muslim ecclesiastical tradition. He believed that bringing this into the purview of religious legislation would set a dangerous precedent for the persecution of minorities. He objected to seemingly straightforward decision-making on the part of his colleagues and contemporaries that religious practice didn't matter as the intent to disturb worship was the purpose of the accused's louder utterance. In this distinction, Mahmood was calling for a different separation of criminal and civil Muslim law than his British contemporaries, and in this way demonstrated a capacity for legal debate little seen before or after his time.

Culturally speaking, today, across the country it is such minutiae upon which minority groups such as Shias, Christians, Hindus, and Ahmadis are accused of defiling Islam. This is the fodder that hateful violent majoritarian groups use to feed their identities and gain the upper hand in disputes over limited resources, as we have seen in Farooq's and Hassan's cases. The stories in this chapter show how the constitutional erasure of minority faith groups and its actualization in free society contributes to their invisibilisation in jail. Today, the stakes of the debate are alarmingly high; the subcontinent's rich, anticolonial engagement with legal discourse long forgotten, and the very dangers Syed Mahmood was trying to avoid festering in the weaponisation

109 Mazhar, A. (2018). *The Untold Truth of Pakistan's Blasphemy Laws*. Engage Pakistan.

110 Guenther, A. (2009). A colonial court defines a Muslim. In B. Metcalf (Ed.), *Islam in South Asia in practice* (pp. 293-304). Princeton University Press.

of the blasphemy law. Following Partition, Punjab has become the country's political centre, meaning that the attainment, maintenance, and unseating of power has trickled down to inform relations between the majority and religious minority and sectarian groups, as Saqib explained. In this way, Muslim majority groups use their religious affiliation to contain minorities by instrumentalising the blasphemy law and more recently the Anti-Terrorism Act, as we saw in the case of Rashid, to exert power over identities, control political relationships, and dominate access to resources. The response from the criminal justice system is to remove victims from society while adhering to the legal cultural milieu and a process that criminalises them.



Former FATA and Khyber Pakhtunkhwa: Criminalising Dissent as Militancy

Abbreviations used in this chapter

ATA: Anti-Terrorism Act

TTP: Tehreek-e-Taliban Pakistan (also known as Pakistani Taliban)

PTM: Pashtun Tahaffuz Movement

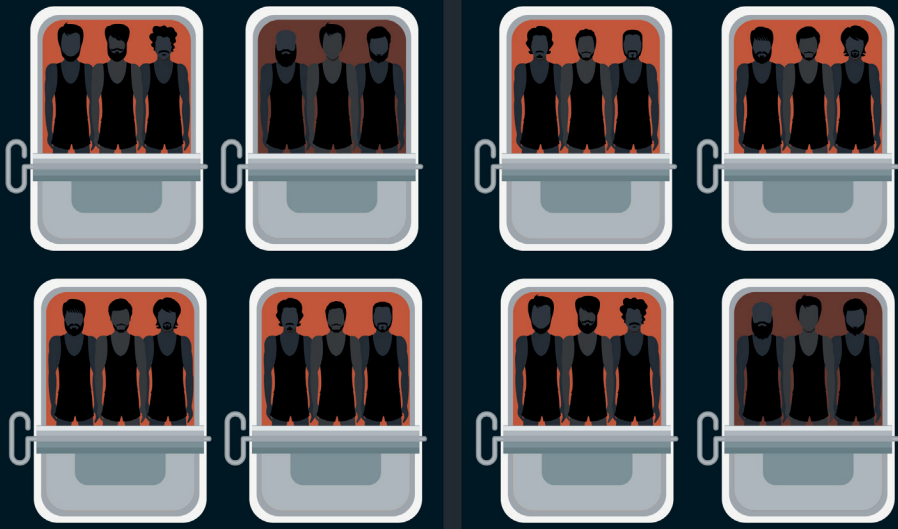
IDPs: Internally Displaced Persons

SP: Superintendent Police, a senior police official

DSP: Deputy Superintendent of Police

DIK: Dera Ismail Khan, a southern district in Khyber Pakhtunkhwa

NWFP: Northwest Frontier Province (renamed Khyber Pakhtunkhwa)



ANNALS OF INCARCERATION: DETENTION THROUGH COLONIAL AND POSTCOLONIAL TIMES

Built in 1854, the Central Prison Peshawar had a housing capacity of 450 prisoners. By late 2021, the occupancy rate had reached almost 500 per cent higher.¹¹¹ In the third quarter of 2019, following a five-year construction project, a new structure was erected and added to the historic jail, which is now capable of accommodating up to 2,356 prisoners.¹¹²

This expansion, worth 1.5 billion rupees, is part of wider criminal justice reforms in the province, starting with prison rules reforms that prioritise the issue of overcrowding, among other targets.¹¹³ As the first province to formally update its prison rules since 1978, in 2018 Khyber Pakhtunkhwa became a national reference point, along with

111 Federal Ombudsman Secretariat. (2021). *10th Quarterly Report on the Progress of Implementation in Improving Jail Conditions of Pakistan*.

112 Dawn Bureau Report. (2019, October 24). New Peshawar jail building inaugurated. *Dawn*. <https://www.dawn.com/news/1512584#:~:text=5%20billion%20has%20the%20capacity,could%20accommodate%20450%20prisoners%20only.&text=The%20chief%20minister%20said%20the,health%20of%20prisoners%20to%20deteriorate>

113 Ibid

Sindh's 2019 jail manual reforms, for how to draft Punjab's revised rules. Today, the entryway to Peshawar jail remains imposing: its gate, at the foot of a looming sky-high structure, is painted a garish green, with an enormous wrought iron bolt, medieval in appearance; the clang of it locking shut or retracted transports a first-time visitor to a bygone era. One enters an archway and is immediately jolted back to the present: it is full of police officers, in uniforms of varied hues indicating their rank – some milling about, some unpacking goods, others crowded around the visitor book atop a raised desk, and yet others yelling orders. But even louder are the calls from the media and courts for Khyber Pakhtunkhwa leadership to extend the nation-wide jail reforms to the newly merged tribal districts of former FATA, for which the province is now the official administrative centre.

By late 2021, the occupancy rate [at Central Prison Peshawar] had reached almost 500 per cent higher.

There are a total of 38 prison facilities in Khyber Pakhtunkhwa, including six central prisons, eight district prisons, and nine sub-jails.¹¹⁴ According to one study, over half of these were built under the colonial administration, including the central prisons of Peshawar, Haripur, and Mardan, among others.¹¹⁵ These figures exclude the internment centres that can be found across Khyber Pakhtunkhwa and erstwhile FATA, totalling 47,¹¹⁶ about which little is known, as they were controlled by the armed forces until 2019.¹¹⁷ Until that time, they were used to

114 Jamil ur Rehman, Q. (2021). Rethinking De-Radicalization and Rehabilitation through the Lens of Prisons: A Case of Khyber Pakhtunkhwa Prisons Department. *NUST Journal of International Peace & Stability*. 4(1). pp.81-88

115 Gul, R. (2018). Overcrowding and its Impacts on the reintegration of prisoners in selected jails of Khyber Pakhtunkhwa, Pakistan. *The Dialogue*, 8(1), 41-52. https://www.qurtuba.edu.pk/thedialogue/The%20Dialogue/1_1_2018/04%2041-52%20Rais%20Gul.pdf

116 Jamil ur Rehman, Q. (2021). Rethinking De-Radicalization and Rehabilitation through the Lens of Prisons: A Case of Khyber Pakhtunkhwa Prisons Department. *NUST Journal of International Peace & Stability*. 4(1). pp.81-88

117 Naya Daur Report. (2019, November 14). SC directs govt to submit list of ex-FATA internment camp detainees. *Naya Daur*. <https://nayadaur.tv/2019/11/sc-directs-govt-to->

detain suspected terrorists – linked to the TTP – captured in military operations dating to 2005. Despite the existence of two separate systems of incarceration – for terrorists and criminals – across the region that has seen much turmoil post-9/11, the province and the frontier have been bound together in an ongoing struggle defending the tribal belt against an unstable Afghanistan, a throwback to the times when Khyber Pakhtunkhwa – then the Northwest Frontier Province – served as the administrative centre of British imperial expeditions into that country. Colonial narratives of Pashtun people as noble, but savage, tribal warriors, brutishly ready to defend the Empire, have been internalised in today's Pakistan in the post-9/11 era, informing a perception of former FATA as lawless and its people a militant threat to national security. In attempting to understand the prison system and the corresponding conditions in jails as they obtain today, it is this historical landscape that needs to be understood, starting with the colonial administration's historical armament of its northwest frontier region. From this militaristic design and outlook stemmed their approach to the construction of jails.

There are a total of 38 prison facilities in Khyber Pakhtunkhwa, including six central prisons, eight district prisons, and nine sub-jails.

Today, one can see the continuity of Peshawar's past alongside its evolving contemporary sociopolitical present, with the 7th century Bala Hisar Fort on the Grand Trunk Road standing regally at its heart. Captured and rebuilt over the centuries by various conquering empires – from the Mughals, to the Afghans, Sikhs, and British – it houses today the headquarters of the Frontier Corps, a paramilitary force created by the British to oversee the frontier's security in Khyber Pakhtunkhwa and Balochistan. Around

[submit-list-of-ex-fata-internment-camp-detainees/](#)

the corner from Fort Bala Hisar is the Central Prison Peshawar, where, according to Rais Gul, a sociologist at the Islamia University Peshawar, the cells and barracks remain sites of malnutrition, disease, and torment for inmates due to severe overcrowding.

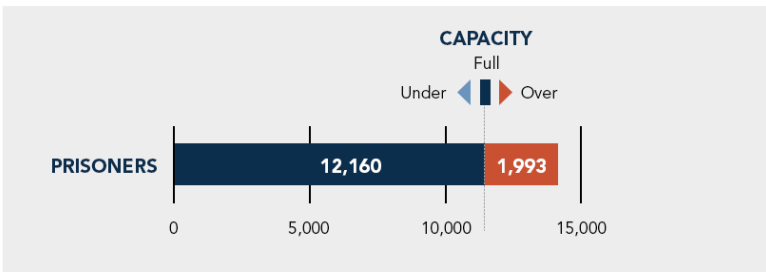
Today, one can see the continuity of Peshawar's past alongside its evolving contemporary sociopolitical present, with the 7th century Bala Hisar Fort on the Grand Trunk Road standing regally at its heart.

According to 2021 Federal Ombudsman report, there were a total of 14,153 prisoners in jails across central, district, and judicial lockups in Khyber Pakhtunkhwa.¹¹⁸ Of these facilities, the Central Prison Peshawar houses the largest number of prisoners in the province at nearly 2,500, as NACTA's 2018 report on prison overcrowding notes. Gul's research into conditions prevailing in jails reveals that as of 2018, prior to the recent expansion, there were almost 2,000 more prisoners at Central Prison Peshawar than it could accommodate. At the time, NACTA also noted that over 72 per cent of prisoners province-wide remained under trial without convictions. The report found that the second highest concentration of prisoners was found in the central prisons of Haripur and Mardan, followed by Bannu – similar to Gul's findings. While Mardan – the province's largest prison – did not report overcrowding, the former two facilities were overcrowded by 10 per cent and 75 per cent above their capacity, respectively. Gul conducted field research across these jails, and Dera Ismail Khan, Timergara, and Kohat, interviewing a wide range of male, convicted, undertrial and juvenile prisoners, selecting respondents at random. He found that over 82 per cent of respondents reported problems of unhygienic conditions, the spread of disease, uneven access to vocational activities, and

118 Federal Ombudsman Secretariat. (2021). *10th Quarterly Report on the Progress of Implementation in Improving Jail Conditions of Pakistan*.

overcrowding. In an earlier study, he documents prisoner testimonies of bribery and extortion by jail officials, sexual abuse, cruel forms of punishment in response to complaints, and beatings. Gul identifies these occurrences as “deeply seated within the Khyber Pakhtunkhwa prisons.”¹¹⁹

JPP was unable to acquire a crime-wise breakdown of the prison population, with the Inspector General Prisons, Khyber Pakhtunkhwa, Masud-Ur-Rehman, citing security concerns around the sharing of such highly classified information.¹²⁰ From 2016 provincial police data, now deleted from the website, it is possible to broadly discern the crime landscape that characterizes Khyber Pakhtunkhwa, with “crimes against persons” and “crimes against property,” comprising the bulk of serious offences. Undefined “miscellaneous” offences, however, account for the largest category of criminal activity. Interestingly, the provincial police distinguish actual acts of terrorism from crimes charged under the ATA, which totalled 99 and 59 respectively. Though crimes of terrorism do not account for the bulk of criminal activity in the province, a separate chart highlights the year-to-year occurrence of terrorism since 2013 – with a significant drop following 2015 – making terrorism the focus of available statistical data. Pointing to a link



Prison occupancy in Khyber Pakhtunkhwa, according to 2021 Federal Ombudsman Report

119 Gul, R. (2017). An analysis of prisons’ staff role in the reintegration of prisoners: A case study of the selected prisons of Khyber-Pakhtunkhwa Pakistan. *Al-Idah*, 35, 42-52. http://religion.asianindexing.com/images_religion/7/77/Al-Idah_35_2_16.pdf

120 Meeting with Inspector General Prisons, Khyber Pakhtunkhwa Masud-Ur-Rehman. JPP Memo. Interview by W. Aziz, September 18, 2020.

between provincial and state authorities, a 2012 Amnesty International report documents how the coercion and cooperation from police and jail authorities resulted in searches and extra-judicial killing during operations by security forces. It highlights the 'Adiala 11' case in which jail authorities collaborated with the security forces for the transfer and detainment of suspected terrorists to an internment facility in the Khurram tribal district, despite an ATC order for their release.¹²¹

Interestingly, the provincial police distinguishes actual acts of terrorism from crimes charged under the ATA, which totalled 99 and 59 respectively.

It was not until the FATA-Khyber Pakhtunkhwa merger that the courts were finally able to secure minimal information about the number of legal internment centres in the province and tribal areas. Under the merger in 2018, internment centres in FATA under the security forces were turned into jails and now come under the constitutional jurisdiction of the province of Khyber Pakhtunkhwa. **The Action in Aid of Civil Power** laws of 2011, an extension of previous similar laws allowed for the security agencies' indiscriminate detention of any individual suspected of terrorism in the regions' internment centres. Under the merger, however, the Supreme Court declared the law unconstitutional in 2019, on the grounds that "residents of FATA... cannot be discriminated against," and that to distinguish residents of an amalgamated region "will be arbitrary and against the recognised principles of natural justice and the rule of law."¹²² As a result, internment centres were then converted to sub-jails administered by the provincial home department. Waseem Ahmed Shah, a veteran court reporter with the *Dawn*, has written in-depth about how the Action in

121 Amnesty International. (2012). *The hands of cruelty: Abuses by armed forces and Taliban in Pakistan's tribal areas*. <https://www.amnesty.org/download/Documents/20000/asa330192012en.pdf>

122 Shah, W. A. (2019, September 18). Ordinance extends actions in aid of civil power to entire KP. *Dawn*. <https://www.dawn.com/news/1505809>

Aid of Civil Power laws have helped keep internment centres in former FATA functioning until 2019, when the Peshawar High Court – upon hearing the petitions of internees and their family members – began to question their legal standing. Prior to this, the provincial government attempted to push for the continuation of the Action in Aid of Civil Power in FATA as part of an interim regulation for the administration of the merger in 2018.¹²³ Following the operations in Swat against the TTP, Shah writes that hundreds of cases against illegal detention were pending in courts, families were unable to visit the detained and the internment centres they were housed in across Khyber Pakhtunkhwa and FATA, while they were legally legitimate under federal regulations. Now, converted to sub-jails, the inclusion of these facilities in prison reform initiatives remains to be seen. Over a year later, in July 2020, *The Express Tribune* reported that the provincial government called for the construction of new jails in former FATA, and the improvement of facilities in Khyber Pakhtunkhwa, including vocational training, sports facilities, and increased health screenings.¹²⁴ Construction of these new facilities was in progress according to the Khyber Pakhtunkhwa Police website at the time of writing in 2020. Apart from this announcement, there was little reporting on what the conversion of federal internees to provincial prisoners means for their living conditions and access to rights as residents of Khyber Pakhtunkhwa.

The differential treatment of residents from the newly merged areas of former FATA, and as a consequence those incarcerated, can be understood through the history of the NWFP anti-colonial movement and the imprisonment of its political agitators. The 1920s and 1930s saw the growth and divergence of a unified anti-colonial nationalist movement with the introduction of parliamentary democracy, and with the Indian National Congress and the All India Muslim League discovering they had opposing representational agendas. Far away

123 Ibid.

124 Correspondent. (2020, July 24). K-P plans new jails for erstwhile tribal areas. *The Express Tribune*. <https://tribune.com.pk/story/2256433/k-p-plans-new-jails-for-erstwhile-tribal-areas>

from Uttar Pradesh, the heart of Muslim anti-colonial agitation,¹²⁵ resistance against British imperialism took on its own regional face. The red-shirted Khudai Khidmatgar (God's Servants), followers of the Pashtun leader and reformer Ghaffar Khan, organised against the exceptionalist rationale the British had used to historically rule the region, by dividing shared tribal land culturally and geographically from Afghanistan.¹²⁶ Thomas Metcalf has written about the way British officers, in keeping with this policy, used Pashtun tribal land to defend frontier borders from Russian expansion.¹²⁷ Their use in this way was also accompanied by a discourse of ontological oppositions¹²⁸ from noble to savage, which on the one hand saw Pashtuns as 'bloodthirsty, cruel, and vindictive', and on the other as one with the mountainous landscape "woven into the souls and bodies of the men who move before it."¹²⁹ In retaliation to agitation from the Red Shirts, the British clamped down even harder to portray Pashtuns as a treacherous criminally tribal group incapable of being governed. In doing so, it introduced the language and discourse of terrorism to typify Pashtun leadership as opposed to the rule of law, and the region as culturally and geographically different from the subcontinent, wanting to ensure it could not build links with the Congress Party and Muslim League, and become part of a larger anti-colonial platform.¹³⁰

Ujjwal Singh has documented how the Khyber Pakhtunkhwa central jails, such as the one in Haripur, were used to jail anti-colonial political prisoners.¹³¹ Part of a wider debate within the colonial jail administration about how to house the influx of individuals arrested on charges of

125 Jalal, A. (2007). *Self and sovereignty: Individual and community in south Asian Islam since 1850*. Sang-e-Meel Publications.

126 Harris, S. (2020). The mischaracterization of the Pakhtun-Islamic peace culture created by Abdul Ghaffar Khan and the Khudai Khidmatgars. *The Journal of Social Encounters*. 4(2), 61-77. https://digitalcommons.csbsju.edu/social_encounters/vol4/iss2/6

127 Metcalf, T. (2010). *Ideologies of the Raj*. Cambridge University Press.

128 Ahmed, A. S. (1978). An aspect of the colonial encounter in the North West Frontier Province. *Asian Affairs*, 9(3), 319-327. <https://doi.org/10.1080/03068377808729910>

129 Metcalf, T. (2010). *Ideologies of the Raj*. Cambridge University Press.

130 Marsh, B. (2015). *Ramparts of empire: Britain and the world*. Palgrave Macmillan.

131 Singh, U.K. (1996). *Political prisoners in India, 1920-1977*. (Publication No. 10731591). [Doctoral dissertation, University of London]. ProQuest.

civil disobedience against the socioeconomic classification system, Singh cites a 1932 report on jails for NWFP, noting that the latter was designated for holding the Khudai Khidmatgars. While the governing bodies in some provinces opted for differential treatment of political prisoners based on class standing, others, including NWFP, did not. Singh writes:

"In NWFP all persons convicted of offences connected with political movements were sentenced to rigorous imprisonment. The official justification for a 'strongly deterrent' policy towards political prisoners rested on the twin principles of 'strategic location' of the province and the 'nature of the inhabitants'. The government suggested that frontier districts were full of 'excitable' people and a lenient policy towards the political offenders might be viewed as 'weakening of authority', which might result in a further spread of trouble among the transborder tribes."¹³²

FROM RED SHIRTS TO PTM, PERSECUTION HOUNDS PRISONERS OF CONSCIENCE

While the question of prison reform in former FATA today remains a subject of debate about its constitutional governance and the future of its provincial administration, the state's security imperatives vis-a-vis the border regions continue to define its policies towards Khyber Pakhtunkhwa, much like the province of Balochistan. Fighting for ethnic civil rights, the Pashtun Tahaffuz Movement (PTM) arose in 2018 after the police killing of Naezeebullah Mehsud in Karachi. But Pashtun grievances with the government and state date back to the post-9/11 military operations in Pakistan's frontier regions including Khyber Pakhtunkhwa and the newly merged FATA.¹³³ Following 9/11, Pashtuns

¹³² Ibid.

¹³³ Hashim, A. (2020, January 28). Why is Pakistan's Pashtun movement under attack? *Al-Jazeera*.

<https://www.aljazeera.com/news/2020/1/28/why-is-pakistans-pashtun-movement-under-attack>;

Sayeed, S. (2018, May 17). Founded to protest Pakistan "disappearances", group now see supporters go missing. *Reuters*.

feel they were unfairly targeted by the law enforcement agencies as militants affiliated with the TTP from the lawless tribal areas of former FATA where the state had no writ.

The TTP had taken hold of large swathes of the FATA region following 9/11, when the state moved against militants that had been in the region for decades, since its support for the Afghan war in the 1980s. The offensives by security agencies, while aimed at quelling the insurgency, resulted in the displacement and migration of hundreds of thousands of working-class families from the frontier's unsettled areas. Their lives and livelihoods upended by war,¹³⁴ they fled the region in search of safety. During the operations, internally displaced people sought refuge in camps set up in the bordering regions in Khyber Pakhtunkhwa, later resettling in the districts adjacent to the tribal areas and other areas of Pakistan. Over this period, the people from former FATA report being apprehended, charged, and incarcerated under the ATA, and say that when they speak up about how militancy and security operations in their villages and towns affect them, they are charged with sedition or under the cybercrime laws, and in a number of cases, have been disappeared altogether. Contemporary concerns around internal militancy and the open writ of the state to use arbitrary solutions to quash it keep the communities vulnerable to harm.

Focusing on this post-9/11 history, in this chapter we hear from three ex-prisoners affiliated with the PTM, including Wasim Mehsud, an activist who was incarcerated in Central Prison Peshawar in 2019 for one and a half month. He was accused of violating the country's recently implemented cybercrime laws – that have come under intense criticism for instilling a culture of surveillance and censorship. Human rights advocates and media say such laws are introduced as a supportive infrastructure for the hard investigative work to

<https://www.reuters.com/article/uk-pakistan-pashtuns-idUKKCN11I075>

134 Sayeed, S. & Shah, R. (2017). *Displacement, repatriation, and rehabilitation: Stories of dispossession from Pakistan's frontier*. Working Paper FG8. German Institute for Peace and Security Studies. https://www.swp-berlin.org/publications/products/arbeitspapiere/Sayeed_and_Shah_2017_Internal_Displacement_Pakistan.pdf

catch terrorists, but are allegedly also used to suppress dissent. This process of arrest and jailing, backed up with the physical force of law enforcement agencies, has resulted in physical disappearance of individuals like Wasim Mehsud who was kept in a barrack, and observed how socioeconomically vulnerable prisoners were treated on a daily basis.

Next, we will hear from Ibrahim Khan, an ordinary student, jailed for online criticism of security operations in South Waziristan. As punishment, Ibrahim says he was purposely kept in a ward for heroin addicts. Finally, we will hear from Akram Mehsud, a senior member of the PTM, who was jailed for his involvement in a demonstration held to honour Naqebullah Mehsud that also called for an end to disenfranchisement of the people of former FATA. Akram was jailed in Karachi Central Jail; his story is symbolic of what it means to be a resident of tribal areas and to be portrayed as a national security threat. Akram was kept in the *bund* ward, a section of jail typically reserved for prisoners who commit infractions in jail. Together, these stories of arrest and incarceration show how the Pashtuns in Khyber Pakhtunkhwa, the merged areas of former FATA, and around Pakistan feel they are persecuted – materially and symbolically – as the state continues to pursue its security designs in the region. FATA MNA Ali Wazir from the Pashtun Tahaffuz Movement has also been arrested on multiple occasions. In December 2020, he was taken into custody by the Sindh Police in Peshawar on charges of sedition, while attending a memorial service for the Peshawar school massacre. He remains in custody to this date.¹³⁵

WASIM'S STORY: "CRIMINALISING DISSENT"

In 2019, Wasim was picked up from his home in Islamabad, after unidentified security personnel broke into his house. He was accused of violating Pakistan's cybercrime laws:

135 As of 6 August, 2022

“ They came around 10:30 in the morning, forcing their way into my home, and I woke up to the commotion. Plain-clothed, they cloaked my face so I could not see, and handcuffed me. For 24 hours, my hands remained cuffed and I couldn't see anything. They didn't identify themselves as police or any other organisation, but they came with weapons, and all they said was 'you're wanted' – they came like dacoits.

The next morning, I found myself in Peshawar, and only realised where I was when I opened my eyes to see a sign board saying 'F.I.A. Cyber Crime'.

An FIR was not filed to specify how I had broken the law, nor was there any information from the FIA saying I had broken the law. So they arrested me first, without an FIR and then charged me. In the report to police, they indicated that I had been arrested in Nowshera. They said they'd found a mobile chip on me from Nowshera saying that's what I used to post 'anti-state' messages on the internet. Then they sent me to Peshawar Central Jail where I was confined for 43 days. One of my posts read, 'If you can't control dengue mosquitoes, how can you control the Kashmir situation?' Basically, I had made a satirical statement. This was the evidence presented in court, and the second was in relation to me criticising the hypocrisy of Pakistani politicians' statements against the Indian judicial system, given the state of the same in Pakistan. These and other posts were brought up in court, to suggest that I was working against the country; that I'm an enemy of the country, that I wish to break it, and that I am a traitor.

During my hearing, the FIA did not provide any evidence, and the case was dropped. When I was released on bail, after two to three months there were new accusations that I was posting anti-state content on the internet. The sessions court

rejected my bail, and my case went to the high court, where a conditional bail was granted.

If I think about it historically, when we protested against the British occupation, no one was speaking against the state, we only wanted the British out. It's comparable: we're not calling for breaking Pakistan; we are saying that it's the common people of Pakistan who have the right to govern it. It is for this reason that I was in jail for 43 days."

The DSP at Peshawar Central, Bait Ullah Khan, also referred to colonial history as a factor influencing the jail's treatment of its inmates. A central narrative in the push to jail reform has been anti-colonial modernisation, but it is divorced from this history's original revolutionary spirit and is used paternalistically. Jails, he said, were made for the natives by the British, and there needs to be a difference in how we and the former imperial rulers treated our people. The past twenty years of reform in the province's prison department had, said the DSP, led to the moral credo of loving the criminal but hating the crime, and that today, there was no more torture, and no more looting. Prior to this, he added, standards were low – intolerable, inhumane. But since then, improvements had been made, including the hiring of fairly paid educated officers.

"We are the custodians of the prisons – let me tell you about the five Cs – care, control, connection," said DSP Khan.

Wasim explained how his case was part of the criminalisation of dissent:

“ The cases we're booked under, we think of this as a sacrifice for our cause – we don't worry that jail will change us – but it does increase our hatred for injustice. We have always been against the things that are happening in the country, and in jail that feeling increases. It's not like after going to jail, we abandon who we are. Because life in jail is like life outside for us.

If you're a political worker put in jail, and all you have to look at is the sky, and you're surrounded by addicts, dacoits, murderers, TTP, and Daish, then when you come out, all you will do is speak out more against your oppressors – you become even more motivated.

You can raise slogans in favour of the country in jail, such as *Kashmir banega Pakistan* (Kashmir will become Pakistan)– I saw this in Peshawar jail – there were demonstrations, and they [the administration] gave the prisoners flags.”

Jails, he said, were made for the natives by the British, and there needs to be a difference in how we and the former imperial rulers treated our people. The past twenty years of reform in the province's prison department had, said the DSP, led to the moral credo of loving the criminal but hating the crime.

Like Wasim, Ibrahim was also arrested for dissent, going from a politicised student to a political criminal overnight. In November 2019, the 24-year-old university student from Dera Ismail Khan (DIK) was arrested on four different charges for political activism. He was charged under 16 MPO (dissemination of rumours under maintenance of public order), 123-A (abolition of the sovereignty of Pakistan), as well as additional FIRs. Ibrahim had moved to DIK, leaving his home in South Waziristan due to the 2009 Rah-e-Nijat military operation at the age of 14. Politicised by the PTM at Gomal University, he posted a story on social media, contradicting the security forces' account that they had found and killed terrorists in Shawal, a town in South Waziristan. Ibrahim said his story covered how the law enforcement forces persecuted ordinary people in South Waziristan even when they had nothing to do with terrorism.

“ I am from Waziristan. I had to leave after Rah-e-Nijat – they made us leave. I settled in DIK. We moved here so I could get an education because there were operations in SW.

They arrested me because I wanted to bring attention to offences taking place in the name of security in Waziristan. During the arrest, I had no idea what was happening. I didn't know if the people were police or dacoits. I was arrested in DIK and then taken to Tank jail. I was supposed to be presented before the court within 24 hours but it took them four days to make this happen. I was in jail for two months, declared an anti-state agent.

The FIR against me was for Shawal in South Waziristan but then I was arrested in DIK and taken to Tank. When I was taken to court, I was never presented before a judge, they took my file... and then I was taken to jail directly. Finally, I was presented at the high court and received bail.

I was declared anti-state – that I am against the state and its institutions. Whenever we raise our voice about human rights we are termed anti-state and linked to other countries. We are just trying to tell the world about our story and what is happening to our people.”

His is one of many stories of displacement and resettlement that people in the region have faced as a result of the operations against terrorists, hailed a success by the state. However, residents of Waziristan and media reports state the TTP continues to be active in the region, terrorizing locals, and the security forces are unable to fully control the problem. Average citizens report being the targets of their activities, while official reports continue to say militancy is being dealt with swiftly and appropriately.¹³⁶ Ibrahim said:

136 Farooq, U. (2020, September 18). Attacks surge in northwest Pakistan as Afghan peace effort brings shifting sands. *Reuters*. <https://www.reuters.com/article/us-pakistan->

“ We are raising our voices for our human rights, but they are stamped out and arrested. There are very few people like this [militants] in jails. The actual terrorists are roaming free. Our voice is being suppressed because they do not want the truth to be revealed. The rest of the Pashtuns are being profiled and they are being presented as terrorists in front of the world. It’s happening in films and dramas – to Pashtuns and Baloch, both.”

Finally, Akram was arrested for his role in organising PTM rallies in Karachi and DIK. His case started in December 2018 when he participated in a protest to remember Naqeebullah Mehsud and continue the demand for justice. He was charged with sedition (PPC 121 and 123) and terrorism, and arrested in 2019. Confined in Karachi Central Jail for eight months, he was denied bail by the provincial Sindh High Court and the Supreme Court initially. The reason given was that bail was not granted earlier due to fears of absconding.

“ Now out on bail, I have been waiting for over a year, and my trial is stuck. The prosecution had nothing on me. All they said was that I was trying to turn people against the state, by inciting them. I want to point out that I was before the very court and judge that granted bail to [the police officer] Rao Anwar, someone who had occupied land, against whom there were corruption allegations [and was named in the fake police encounter that killed Naqeebullah Mehsud]. FIRs are issued whenever the PTM meets – there is one against me in Tank as well. I have 16 FIRs against me. After I was released in Karachi, five months later I spent another month in jail in DIK, on sedition charges, and then I was released on bail after a month.”

militancy-idUSKBN26911Y;

Sayeed, S. & Shah, R. (2017). *Displacement, repatriation, and rehabilitation: Stories of dispossession from Pakistan's frontier*. Working Paper FG8. German Institute for Peace and Security Studies. https://www.swp-berlin.org/publications/products/arbeitspapiere/Sayeed_and_Shah_2017_Internal_Displacement_Pakistan.pdf

CONDITIONS IN CAPTIVITY

At Peshawar jail is a newly built medical ward, approximately the size of a barrack. It was painted clinical white, with several beds lined on either side. At the front of the room was a reception area. This was in contrast to the sections with cells where a few prisoners stood staring as one walks by. In the older colonial structure, there were rusty bars, and prisoners were languishing alone, lying on the floor.

Wasim provided a snapshot of life in Peshawar's crowded barracks:

“ In Peshawar jail, you're stuck together – shoulder to shoulder – in a shared barrack with 180-190 other prisoners and two to three people on one bed. The barrack space has room for 30-40 people, but they fill them beyond capacity. It's two prisoners to a bed, each one is numbered. When a new prisoner arrives, they must sleep in the middle of these two. There's nothing on the bed, under you – no *chatai* (mattress) – and they are full of bedbugs that don't let you sleep.

If you have money you can earn privileges, like move to a B-class section, or get your own quarters, or you speak to an older prisoner and share a bed with them.

The old jail looked like a factory, with many warehouses. The new jail is better constructed, they say, [though I have not seen it], housing 11 prisoners in each room.

The jail's environment is open: you can roam around as you please, until night. Your schedule is aligned with the break of day. When the sun rises, your barrack is opened, and you can roam in a common area, and then there are mandatory classes, reciting the *kalima* (declaration of faith), and reading the Quran. If you want anything from the store, you have to ask for it, like in a classroom, like a child. Then, after *maghrib* (sunset) you have to go back to your barrack, and spend the

whole evening and night there.

A society forms in the barrack. Entertainment is provided – there are games, and opportunities to make things, like purses from pearls, and other handicrafts. These are mandatory activities. If you don't do them, you are beaten. You are afraid that if you do something else you'll be beaten. Or you wonder, what if I do something that will land me in the solitary section? You are constantly afraid of the consequences of falling out of line.

To live life in jail is a bad experience – you must do these things, you must sleep at this time, you must wake at a certain time, you must spend time outside.

If you're just there for 43 days, you feel this, and as a political worker, I have an organisation behind me, so eventually, I know I'll get out. The rest of the prisoners who are there for much longer, they become mentally disturbed, and they accept that this is how they will live, waking, going to bed, doing the same things, day in day out."

The DSP explained that the jail administration was supposed to produce 200-300 prisoners daily for court appearances and release. Alongside this, it looked after their daily care from food to sleep, to visits and calls. They also ensured prisoners stayed active with games, sports, galas, and inter-jail sports tournaments. But Wasim's statement shows how rehabilitation has been subsumed within the already existing disciplinary apparatus of jail, and the cost for not agreeing to participate in provided activities is corporal punishment. He explained one must accept the disciplinary environment, keep his head down, and make his body do what the jail administration requires.

“ But worse than that were the missing persons I met in jail. They were shut in a facility for a few years, received food twice a day and each day had only five minutes to use the

bathroom. They said the only noise was the call of the *azaan* (call to prayer), or the sound of torture.

There were people like this who had disappeared for seven to eight years; their parents and siblings didn't know if they were dead or alive. Then when they arrived in Peshawar jail, they were very happy. They said, 'at least I can see life.'

Jail is a kind of world, right? You can stay in touch with your family, you meet with your lawyers. While I'm complaining about the bedbugs, close sleeping quarters, regulated life, these [missing] people haven't seen a face in years.

Compared to the secret detention centres, legal jail is heaven, and they can imagine spending life here, if they have to, as they have access to lawyers, their family, and other people.

I had enough faith that the case against me wasn't strong, and I had a team behind me. With me in jail was someone from Orakzai, whose family didn't know of his whereabouts for a month, and he worried day and night about how to get his news to them.

I saw him sitting in a corner day and night, as if darkness had engulfed him, as if he just couldn't understand how he was here, and they were outside, how he was in Peshawar and they're in Orakzai. He was completely alone, and lonely, and lost.

The greatest worry living in a barrack is for your family. I think if you are inside the solitary [section], you feel this less. But if you're in the barracks you worry more, because you have the opportunity to remain in touch with family. This is because there are queues waiting for the phone, and the issue of needing money to use the phones, to pay for minutes.

If you have connections, it's easier to meet family. Otherwise, there will be 100-150 prisoners crowded at a screen to meet their families, and meeting them means screaming to hear one another. This is what I've seen in Karachi and Peshawar, and heard it also happens in Adiala."

The DSP described jails as an organised orderly system, where each prisoner was able to speak to their families. There were plenty of phones. They were able to wait patiently for their turn without experiencing distress, and had plenty of time to speak with their families – something that appears in contrast to the chaos Ismail recalled. The message here was that the jail administration understood prisoners as human beings, not criminals, with psychosocial needs that the administration also met, and that it did not use this as a system of torment. He said there were 33 phone terminals for 2,200 prisoners. He also cited the provision of phones as a form of prisoner-led surveillance/accountability: prisoners telling their families what happened inside jails encouraged transparency.

When asked about the jail administration's attitude toward prisoners, he had a story to tell: "You need to work in jail to understand this." He then proceeded to give an account of a theft that had taken place in the jail. After investigating the matter, the DSP said he discovered that the prisoner who was the culprit was very poor and unable to meet his family's expenses such as his children's tuition and uniforms. So he made an arrangement for 5,000 rupees to be sent home to the man's wife on a monthly basis. "He's poor, he doesn't sleep, he's dying each night inside," the DSP empathised. "He has no money for a lawyer, no source of income."

In addition to special forms of attention, the DSP said meeting with inmates was part of daily jail operations and a particular responsibility he fulfilled and in which he took pride.

The 1978 Pakistan Prison Rules refer to a colonial era practice, where inmates are paraded in front of jail officials, including the SP, for

inspection and approval. The regulation in Khyber Pakhtunkhwa's updated rules (2018) remains the same. Rule 673, in the chapter Discipline and Daily Routine says:

"At the Superintendent's weekly inspection, the prisoners shall sit in single file. Before each prisoner shall be spread out his *munjmat* (cotton mat) and *durrie* (thin mattress) on which shall be arranged in order his blankets, sheet, spare suit, towel and *jangia* (shorts). His mug, cup and plate shall be placed at the end in front of him. The history ticket shall be placed over his kit. On the arrival of the Superintendent the prisoners may make requests, if any, on their turn. The Superintendent shall give a patient hearing to every such request and dispose of it according to the merit of the case."¹³⁷

Rule 955 further elaborates what the SP should be checking for weight gain or loss, medical health, ownership of daily living items. In such parades it is the requirement of the prisoner to present themselves in an orderly way: "Neatly arrange bedding, spare clothing, history ticket, cup and plate on the front end of his *munjmat*. On the arrival of the Superintendent he shall sit at the other end of the mat."¹³⁸

Prisoner accounts show how parading morphs into ritualized violence including being stripped naked as well as beating to usher them through the entry procedures. These also accompany stories of complete disorder when barracks are raided to find cell phones on prisoners, which have been provided by guards through an economy of extortion.

As seen in the other chapters, surviving prison life in all of Pakistan's provinces means being subject to an internal economy of violence,

137 Khyber Pakhtunkhwa Prison Rules. (2018). Government of the Khyber Pakhtunkhwa Home and Tribal Affairs Department. https://kp.gov.pk/uploads/2021/02/Prisons_Rules_2018.pdf

138 Khyber Pakhtunkhwa Prison Rules. (2018). Government of the Khyber Pakhtunkhwa Home and Tribal Affairs Department. https://kp.gov.pk/uploads/2021/02/Prisons_Rules_2018.pdf

drugs, and crime:

“ If you don't have money and connections when you enter prison, you'll be made to work, even before you've received a sentence. You're a captive.

Without money and connections, jail is hell for those who are poor. If you are rich or have connections, you can live at ease a little bit.

There were no provisions for personal health and hygiene, such as shaving and cutting your hair, or facilities for housekeeping such as cleaning the bathroom, and it's the worst for the poor.

You have to have money to buy all these things. You need money to have your clothes washed, but then, there is no space to hang them. On top of all this, you are worried about your family.

Here's how cleaning happens in prisons. New prisoners are made to do it, to initiate them into the *lena-dena* system (give and take – the transactional nature of prison extortion), or this work is given to the heroin addicts. The actual cleaners will use the addicts for cleaning tasks, who will agree to complete these in exchange for drugs. I saw this take place morning till night. This happens openly, I saw it, and I have heard from others that it happens in jails across Khyber Pakhtunkhwa.

Heroin addicts from the street are arrested, and tossed in jail, and are released again after a month by the judge because their crimes are petty, and they are brought in like this over and over again, and in this way, the addicts meet their fix.

If they don't get the drugs, they cut their wrists with blades,

and if they are given the cigarette, they clean from morning to evening, including the bathrooms. This happens openly. In turn the heroin addicts will make new prisoners give them money to do the cleaning, so they have money to buy heroin – the permanent work of cleaning is done by the addicts. I haven't seen the jail workers do the cleaning.

If someone is selling heroin outside jail then they're selling it in jail, and if they're buying it outside, they are selling it inside. If someone is involved with extortion on the outside, then they build links with the superintendent and this continues inside. Then the superintendent uses the old prisoners – who wear red hats – to gather money together and to do the work of continued drug selling and extortion. There's a system of drug use and supply in jail."

While the DSP was specific that such problems no longer existed in jail, he also described a system in which certain prisoners, marked by green-coloured clothing, and known as '*shinposh*', were once in charge of beating other prisoners and did this for the jail administration. This was a problem, however, that had taken place before 2000; by 2018 the jail reforms included the complete ban of this practice. He added that the practice still persisted in Sindh and Punjab. Here, he was referring to a colonial-era system of labour classification that is also found in the 1978 prison rules. In Khyber Pakhtunkhwa's revised prison rules, the 1978 chapter called Convict Officers is now called Numberdars (see chapter 19 of Khyber Pakhtunkhwa Prison Rules). Previously there were three kinds of officers drawn from the prison population and put in charge of managing their fellow inmates in exchange for monthly remissions.¹³⁹ These were hierarchical appointments made by the prison superintendent, including *numberdar*, *muqaddam*, and *shinposh*, the last being the most senior with prior service as a *numberdar* and *muqaddam* required. In Khyber Pakhtunkhwa, this system has been

139 Law and Justice Commission. (2004). *Jail reform*. Secretariat of the Law and Justice Commission of Pakistan.

collapsed into one role, that of the numberdar, who is in charge of ensuring prisoners are accounted for and living in barracks in an orderly manner. Previously, the *shinposh*, in charge of overseeing the other convicts, could be given a small group of prisoners to manage their discipline as well as their supervision in work areas. The *numberdar* and *muqadam* were only in charge of overall order inside wards, such as reporting medical illnesses, preventing loitering, ensuring prisoners kept their possessions clean and neat, and similar tasks.¹⁴⁰ Ex-prisoners for this chapter, however, continue to report abuses of power, are unclear about whether this is a formal or informal system and see such assignments as favours. This is an example of how change in written rules only takes place on paper and is powerless against pervading prison cultures.

Access to healthcare was another major problem Wasim and other prisoners identified:

“ A friend in jail had a kidney problem, and we tried to connect with the doctor in jail, and asked if he could be taken to the hospital outside the jail so that he didn't develop additional problems. The hospital in jail has nothing: it's a small space with seven or eight beds, and they are dirty; there are no medicines. The hospital is there only in name.

To access a hospital outside the jail for proper treatment, you need connections.

But it didn't happen. They just kept giving him pills for pain. There were two to three incidents where he had terrible pain. But the doctor would say it's not that big a problem, and really what they're looking for was some form of payment

140 Pakistan Prison Rules. (1978). Pakistan prison rules, 1978: Rules for the superintendence and management of prisons in Pakistan. <https://prisons.punjab.gov.pk/system/files/Pakistan%20Prison%20Rules%201978%20%28Final%29.pdf>

So you'll have to tell your family, then, that you have a medical problem, and they will have to make larger arrangements and provide something [to the jail staff] in exchange for your care.

It's only now that he's out that he's able to find treatment."

[The DSP] also described a system in which certain prisoners, marked by green-coloured clothing, and known as 'shinposh', were in charge of beating other prisoners and did this for the jail administration. This was a problem, however, that had taken place before 2000; by 2018 the jail reforms included the complete ban of this practice.

Despite such stories, prison officials continue to mention the number of medical officers and facilities on-site as if the existence of a medical infrastructure means it runs like a hospital, while denying that such stories are true. In Central Prison Peshawar, the DSP said there were one or two doctors for 2,200 prisoners and one technician on-site 24 hours daily.

Wasim, however, spoke of the rampant torture in jail:

“ Torture is common. People in jail die from it. Then the jail administration attempts to make a deal with the family so they don't talk and get the media involved. Older prisoners are also involved. I've seen this with my own eyes – people being tortured, and the guards torturing. I saw a prisoner who'd made the smallest of infractions, was slightly disobedient, and he was tortured. This is how you turn someone into a slave, and you have to go along with this, and to get out of it, you have to pay. This is the system.

It's not as though passing through jail turns you into an innocent person, it's not as though they become a model citizen. If they're criminals, it's their trade to be in and out of jail. If you send a poor person to jail he will come out a criminal. An innocent person will come out as a criminal, as he's been sitting with criminals all day, and everything has been taken away from you, your job, your livelihood. When you're out, you'll take a criminal path.

If you put someone in jail for raising their voice about an issue, then it will increase their hatred [against the system]."

Describing his experience in Tank Jail, Ibrahim repeatedly mentioned being locked up with heroin addicts and treated like an animal:

“ Tank jail was not for humans. It has a barrack, and *chakhis* (small rooms). The rooms are for five people but they have 16-18 people stuffed in there, in the terrible heat. It is inhumane. The roof leaked. When it rained the drops would fall on us. There was nothing to stop this from happening.

The provisions that are supposed to be there in a jail were not there – there is no oversight, such as food delivery on time, or quality of food.

If I hadn't gone to jail, I might not have believed the stories, but I saw the most inhumane things take place. The way the administration made money from prisoners and took money from them – that's how they were running a business. People were kept like animals and there were no facilities.

There was no system. I tried to raise my voice but a person becomes weak in jail and no one is there to hear you.

I was kept in a tiny room with *podries* (the heroin addicts) not in a barrack. There were 16 of us in the room. I'm a political science student, and that's why they put me there.

With 16 to 17 people in a room meant for five people, it's not even fit for a dog. The toilet was in the room – think about it, how clean could it be?

The water was not clean – but as it is, the water in Tank isn't clean.

To pass the time, I read my textbooks, as I was in the middle of my term when I was arrested, and was trying to stay on top of my coursework. But with so many people in the room, and no space to sit or lie down, it was very hard. I had to really ask for books and convince the jail administration I was not reading things that were against the state. I'm a political science student.

I was stuck with the addicts, so they were just high all day. Sometimes I'd meet with the other inmates at the jail from the other barracks, when the guards opened our cell. The other prisoners were mainly there on drug charges as well [PPC 102-103].

One was a taxi driver who said a passenger had left hash in his car. When he was stopped and searched, the officials noted, 20 kilogrammes were found.

My case was political, but I was confined to a cell with drug addicts, so this was a kind of psychological torment. I lost a semester. I didn't get to sit for my papers. I lost a year."

Ibrahim's sense of injustice at his circumstances came across most when he repeated he was held in a barrack with heroin addicts. Not only did he witness their suffering, it was a kind of contrast to the full life he wanted to live as a student and activist.

“ There aren't strict rules in the jail. The guards came around with cell phones and charged for calls by the minute: 5-10

rupees per minute, and made up to 100,000 to 150,000 rupees per month in total. I saw the jail administration also sell heroin at a premium.

I think of the attitude of the jail administration and the way they treated prisoners and gave addicts more drugs and how they profited from it. This should not have been happening. Otherwise even the idea of jail is horrible and no one deserves to go there. Jail life is a ruined life without peace. But the way the administration treated average prisoners, that was the main issue. Those who oversee the prisons need to look into the kind of things that are being done to prisoners.”

Reflecting on having to serve time for being politically active, he added:

“ When I got there, I was not taken in for any real crime, I was arrested for telling the truth, so I did not feel any shame for being in jail. I was content with myself for telling the truth. So I thought this was part of the struggle that I am part of.”

Unlike Wasim and Ibrahim, detained in Karachi Central Jail, Akram was kept in solitary confinement in a section referred to as the *bund* ward:

“ In Malir lockup, it was really bad – I was blindfolded, my hands were tied, and I was tied to the floor at night. So I was glad initially I was getting out of police custody, and I even thought the *bund* ward would be a good place to stay in, but later I figured out that it was the worst in jail.

My time spent in Karachi jail was some of the worst experiences I've had in life. There are barracks there with capacity of 20 to 30 people, but there are more like 90 to 120 in each one.

But I wasn't kept here for fear I'd incite the other prisoners and spoil their minds. I was instead put in a place called a *bund* ward in which there are 10 *kotris* (rooms), for people who've committed offences within prison. As punishment they are kept here for four to five days at a time. I was alone for eight months, in the *kotris*, and beside me, at one point, were Baloch prisoners who were later sent to the barracks, but I was not. This was despite me receiving a better class due to my education and by order of the court.

You're supposed to be put in jail sections based on your sentence. Where I was, was for people who'd committed offences in jail. Why was I in the *bund* ward?

This *bund* ward is designed for two people, with a bathroom, with a single light, with a *jali* (wire mesh) at the front, for presentation or for meeting people. We were not allowed to leave here, and stayed for 24 hours a day, and were not allowed to use any open space. It wasn't until four months later that I received my better class privileges. Then for 30 minutes a day, I was allowed to roam in an open space.

I didn't experience verbal abuse or beatings as such, being in the *bund* ward was punishment enough, it seemed then.

What they did instead was bring other prisoners who'd committed an infraction in the jail to torture outside my cell. They did this in front of me, on purpose, to threaten me, because I was in here as a human rights defender. This had a bad impact on me; I had never imagined that someone would be tortured in front of me and all I would do is watch. This was deliberate psychological torture. All the new prisoners were brought, and they were tortured in front of the prisoners daily.

Poucha lagana (mopping) became a game to not let new

prisoners go to the barracks until they extorted money from them, anywhere from 50,000 to a lakh [100,000] rupees. They were beaten to a pulp, like you've seen in a boxing ring, blood dripping from their eyes and faces."

Earlier, Akram had romanticised jail, thinking he'd probably go there as a political worker:

“ I thought I'd think about my political work, that I'd read books, I'd write a book – that I'd think about all the things I didn't get an opportunity to think about outside. While I did get time to think, I didn't get any writing materials. I thought about the sacrifices I was making for my community, that it will make changes in people's lives, the state, and for people's rights.

I thought I would get to read, learn things, even music. But they didn't even give me anything to read. I asked for the paper, as others in jail had TV sets, and radios. Only when I got into a better class in jail, my guests would bring me the paper. But I was only allowed to read it after a day – after they checked to see what political news was in it.”

POLICING THE PEOPLE: SYSTEMIC DISENFRANCHISEMENT OF PASHTUNS

The arrest and imprisonment of Pashtuns for political activism is part of a recent history that begins with the Afghan Jihad, and has its origins in ideas and views that shaped perceptions of the ethnic group and its governance during the colonial era. Deemed at once barbaric and romanticised as part of an ancient martial, tribal race, the colonial administration used frontier land to defend the Afghan borders of its territory.¹⁴¹ At the same time, a separate set of laws known as the Frontier Crimes Regulation (FCR) were ratified to govern the region,

141 Metcalf, T. (2010). *Ideologies of the Raj*. Cambridge University Press.

codifying an orientalist framework for understanding Pashtuns as a culturally and geographically separate set of people.¹⁴²

In exchange for their use as warriors, tribal leaders were allowed to govern the region through the FCR in a semi-autonomous manner.¹⁴³ But, the regulations also gave colonial administrators and later Pakistan arbitrary power to decide if infractions against the state had taken place and enforce forms of punishment against entire villages and tribes. Throughout the postcolonial era, particularly in the 1980s during the Soviet-Afghan war, these ideas have become further reified, buttressed by a state disseminated ideology of support for militancy, using the region to train Afghan mujahideen, and through madrassahs based there finding fodder for 'jihad' in the students.

Later, outraged by Pakistan's post-9-11 alliance with US forces and emboldened by state-backed hardline ideology, militant groups in the region turned against the government and attempted to take control of the frontier.¹⁴⁴ For the majority of people not involved in the war, their everyday lives were engulfed by fear of extremist violence, alongside corrupt tribal governance via the FCR that has left the region grossly underdeveloped and under-resourced in terms of infrastructure and education. Growing militancy has also led to the indiscriminate policing of everyday life, regardless of individual involvement in 'terrorism', and the securitisation of the whole region.

The militarisation of the region after 2001 has seen the displacement and migration of Pashtuns from former FATA to Khyber Pakhtunkhwa and urban centres such as Karachi in search of peace, safety, and

142 Alimia, S. (2015, August). On discrimination against Pashtuns: Reflections from Peshawar. *Tanqeed*. <https://www.tanqeed.org/2015/08/on-discrimination-against-pashtuns-reflections-from-peshawar/>

143 Ali, I. (2018). Mainstreaming Pakistan's federally administered tribal areas: Reform initiatives and roadblocks. *Special Report*, 421, 1-18. United States Institute of Peace. <https://www.usip.org/publications/2018/03/mainstreaming-pakistans-federally-administered-tribal-areas>

144 Yusuf, M. & Jawaid, A. (2015). *Radicalism among youth in Pakistan: Human development gone wrong?* National Human Development Report. UNDP.

stability.¹⁴⁵ Unfortunately, their demonisation as terrorists in popular state and government narratives has seen discrimination follow them across Pakistan: FATA Pashtuns in particular have been accused of spreading militancy and remain ghettoized in cities.

While the spread of militant networks in the country is certainly a problem, exceedingly large numbers of innocent people are caught in the dragnet as law enforcement agencies attempt to demonstrate competence, and hide their historic role in creating rogue groups. Joint police and paramilitary operations in Karachi, therefore, led to the extrajudicial killing of Naqeebullah Mehsud who was framed as a militant, in a fake police operation.

Wasim's arrest for a satirical post has the elements of such extrajudicial disappearances that highlight the systemic disenfranchisement of FATA Pashtuns – something the general public, government, state, and development organisations are unwilling to recognise. He explained Pashtun modern history and experience as one marked by xenophobic discrimination simply:

“ The Pashtun fate – *kismet* – is such that they are scattered all over the country. Where they are from, there is no peace; there are no steady daily wages, there are no factories, the border with Afghanistan was closed following the military operations, shutting down opportunities for daily work. And even before the operations, there was no development work, so it's not as though residents had employment opportunities. Because of this, there was migration, to Punjab, to Karachi. After the [1979] Afghan war began, the drug trade took roots, and with no other employment opportunities, this is what people did for daily work, because this is how they could earn a living. After this, terrorism

145 Sayeed, S. & Shah, R. (2017). *Displacement, repatriation, and rehabilitation: Stories of dispossession from Pakistan's frontier*. Working Paper FG8. German Institute for Peace and Security Studies. https://www.swp-berlin.org/publications/products/arbeitspapiere/Sayeed_and_Shah_2017_Internal_Displacement_Pakistan.pdf

began, and then people had to migrate, and that's when the rest of the Pakistani people formed their opinion, that Pashtuns are terrorists or drug users, or smugglers."

The PTM has since drawn nationwide attention to not only the unfair targeting of the people of former FATA by security forces, but also the history of disenfranchisement of the region. The response, however, has been to criminalise their mobilisation and demands under the ATC, with sedition, and the cybercrime laws, labelling them anti-state elements. Pashtun experiences of arrest and in jail not only reflect the forms of disenfranchisement they experience living in Khyber Pakhtunkhwa and FATA, but shed light on the use of imprisonment for securitisation. The individuals interviewed for this chapter speak not only about the injustices they faced as an ethnically targeted group, but also on how the injustices of society are enacted in prison in case of the most vulnerable.

The stories collected in this chapter highlight the everyday criminalisation of Pashtun identities and their ability to express political dissent. Ibrahim's arrest is the most telling example of this: declared anti-state, he was denied the right to have a university experience where, as a young person reaching adulthood, he could be politicised in a way that could contribute to the development of greater social progressive thought, a process of growth he was engaged in at the time of his arrest. Ibrahim found a movement that spoke to and represented his sense of injustice.

But the use of the law and violent arrest is meant to set in circulation a unidirectional national narrative. Anything that sits outside of it can be seen as anti-state, even by the public, working to create a national culture in which healthy criticism is impossible, as the space for public engagement with governance shrinks. People such as Ibrahim end up in prison because they are vocal, while others such as IDPs live in terror and their stories remain unheard amidst the spread of a larger narrative that the state is defeating terrorism.

In this continuum, dissent is intolerable and the space for political engagement is narrowed. Sending a student to jail for two months on false charges and a case that is quickly thrown out of court creates a culture of fear and silence under a larger liberal narrative of security and safety provisions.

Akram's experience is an example of the way Pashtuns are disciplined nationally across provincial boundaries by creating an ethnicized example of an internal terrorist. His incarceration in Karachi and the specific forms of extrajudicial punishment he faced in jail, which took place outside of court orders, are part of this national narrative and reflective of the way Pashtuns are seen as foreign and unwanted influx into the city and a security threat moving through Sindh. In a second wave of migration from FATA, in 2014, a Sindh minister called for the closing of provincial borders to keep Pashtuns from seeking asylum from violence and instability in their region.¹⁴⁶ It was both a symbolic and bodily form of violence that he was kept isolated in a portion of the prison reserved for those who had committed infractions inside jail. This was to be his regular, ongoing detention, not a special punishment as it was for other prisoners. For this, he was further segregated in jail.

Through his involvement with PTM and conversations with colleagues, Wasim learnt this detail:

“ In Adiala, 70 per cent of the prisoners are Pashtuns. For the rest of jails in Pindi, Islamabad, Attock, and in Karachi in Landhi, it's 50 per cent, due to the outward Pashtun migration. But in Peshawar you won't find people from other places in the country [because of little inward migration]. The biggest problem is language, we are made fun for speaking it, and thought to be stupid. This is what happens to Pashtuns in Pindi and Sindh and Punjab. Stamped with a bad reputation, as drug addicts, as terrorists, police have an easy time locking them up due to the prevailing stereotypes.

146 Ibid

This stereotyping persists in jail, and the jail staff also look at Pashtuns in the same way, or as anti-Pakistan, as traitors – this is the behaviour they encounter from prison officials.”

Akram was therefore labelled as an outsider. He was kept separate from the multicultural milieu of the barracks, and having committed a crime as a Pashtun in Karachi, he was kept in the *bund* ward. The words of the Peshawar DSP are important to recall. He said the security forces were important for deterring threats from ‘outside’, while the jail administration was responsible for the custody of those threats. The symbolism of Akram’s punishment across provincial lines takes place within blurred boundaries where the jail administration carries out the security forces’ securitisation of his body and mind inside its walls, through segregation in the *bund* ward, and in violation of its own rules by torturing others in front of him.

RECONSTRUCTING ‘SOCIETY’ SANS VOICES

Today, it is the international development sector that is working closely with the state institutions, administering FATA’s merger with Khyber Pakhtunkhwa and its socioeconomic affairs. The problem of lack of peace and security in the region is framed as a kind of miscommunication between tribesmen and modern law enforcement. For an internal report, field researchers from a prominent international development organisation document large, joint jirga meetings with merger implementation teams, across FATA’s administrative zones. They describe community members lining up, proceeding to a microphone and airing their views in the presence of law enforcement officials. Called “consultative sessions” in the lingo of development, these processes are framed as inclusive interactions, directed by the people of FATA, but there is no transparent documentation of discussion – what community members said, how they articulated what they want, nor responses from authorities. Instead, the report notes a repeated general complaint among residents that there is a lack of transparency about how funding is allocated alongside calls for reconciling the security forces with local tribal leadership. To this end, rule of law

development programs, much like those in Balochistan, elide the key issue that this region and its people are themselves security targets. Their implementation requires residents of the border regions to accept what the state provides, and in a traceable neocolonial iteration, what was once the bringing of rule of law to NWFP as a guise for clearing the way for British imperial operations, is now reframed as development saving tribal people from their 'backward' tribal 'culture'.

Akbar Ahmad instead laments the vacuum of civil infrastructure in the former NWFP, attributing it to the legacy of colonial military rule: "The institutions the British left behind were instruments of repression and subversion: the Frontier Scouts and Constabulary, block-houses and barbed wire, political allowances and titles."¹⁴⁷

When the people from former FATA speak up outside of a provided system for making socioeconomic development requests, what they say is not well received or believed, because they are starting to – vocally – hold the state accountable.

An endless catalogue of items is the addendum to the internal report, as though society is to be constructed for the first time in the history of former FATA – from what to plant and harvest to how to irrigate crops with dams or tube wells; to erecting police stations, courthouses, and post and NADRA offices; to laying electric lines, and mining for gas and minerals; to developing a primary healthcare centre to a tertiary school system.

But when the people from former FATA speak up outside of a provided system for making socioeconomic development requests, what they

147 Ahmed, A. S. (1978). An aspect of the colonial encounter in the North West Frontier Province. *Asian Affairs*, 9(3), 319-327. <https://doi.org/10.1080/03068377808729910>

say is not well received or believed, because they are starting to – vocally – hold the state accountable. Unofficial reporting shows they are killed in securitised responses to militant incidents. These reports are discredited, or do not often make it into mainstream media. The stories told in this chapter of bewildering arrests, and directed and unusual forms of punishment symbolise the fear of violence ordinary Pashtuns in the border regions endure in every day.



Living with Nothing: Emotional Emptiness in Balochistan's Prisons

ANNALS OF INCARCERATION: DETENTION THROUGH COLONIAL AND POSTCOLONIAL TIMES

A set of colonial documents known as the “Balochistan Agency Reports” dating back to the late 1800s and mid-1900s archive a vast array of data spanning the administrative accounting, governance, and management of the province under the British Raj.¹⁴⁸

From laying out roads and railway tracks to the number of schools established, including enrolment numbers denoting tribe and identity, these documents comprise an extensive record of administrative undertakings such as newly acquired tracts of land and fees paid to political agents, the establishment of medical dispensaries, the training of a native police guard, the number of prisoners held in Agency jails, and the daily cost of food per head.

Descriptive in their details, the Agency Reports furnish exhaustive

¹⁴⁸ During this time, Balochistan was divided into Baluchistan Agency and British Balochistan, which were further divided into different administrative districts.

accounts of disputes and altercations between different tribal groups and corresponding culturally retributive resolutions, agricultural output alongside attempts to set up wineries, the location of European versus local liquor stores by district, the number of livestock such as camels and donkeys used for the transport of goods to and from Afghanistan.

Across prosaic official descriptions unfolds such data, with supplementary charts and appendices tabulating the amount of human and material resources expended and results gained in item-by-item spreadsheets – such as the number of telegraph offices opened and the length of telegraph wires laid, the kinds and amounts of raw materials transported in and out of the region via rail, the closing of Levies posts and the reduction of staff and the costs saved, the expense of opening of bazaars in town centres in various districts including the use of local labour “coolies”, and compensation paid to local inhabitants for land reclaimed for military works.¹⁴⁹

In essence, the Balochistan Agency Reports are a detailed balance sheet of the year-to-year comparative costs of running the province, as incurred by the Crown Rule of India. In providing a separate outlay of financial management of the province before the Partition, the Balochistan Agency Reports presage the economically opportunistic management of the region since and the many related anxieties following its inclusion in the Federation of Pakistan.

Two areas of concern around imperial expenditure in Balochistan stand out: the transformation of the province into a territory for expanding British military presence to control the borders with Afghanistan and Iran; and the maintenance of ‘law and order’ under the British as the new self-proclaimed rulers of various tribal groups.

The *Administration Report of the Baluchistan Agency 1887-88*, for example, opens with a section called the “Movement of Troops”, in

149 Government of India Records (1890). *Administration Report of the Baluchistan Agency, for 1887-88*. <https://archive.org/details/dli.granth.109821/page/n3/mode/2up>

which progress statements on the building of railways and roads note how such public works allow for the growth, dispersal, and expansion of garrisons, including the deployment of additional troops to protect construction bands. But fortifying the borders was not the only concern, the colonial agents – commissioners, officers, generals, and assistants responsible for the administration of the various districts and agencies – grappled with in a region they had portioned for reasons strategic and administrative.¹⁵⁰

Two areas of concern around imperial expenditure in Balochistan stand out: the transformation of the province into a territory for expanding British military presence to control the borders with Afghanistan and Iran; and the maintenance of ‘law and order’ under the British as the new self-proclaimed rulers of various tribal groups.

As outsiders venturing into the rugged landscape of ‘Baluch tribes’ – a tribal society living in harmony and discord as many others in the world at that time – the British attempted to introduce and apply ‘rational’ and ‘superior’ forms of law, order, and governance as part of the effort to centralise power, in a society they perceived as an ancestral people of common ethnicity, devoid of any form of social organisation.

What this meant was that the colonial agents had to create, categorise, and classify myriad groupings of tribal affiliations, just as they had done across the subcontinent, with one key difference: unlike Punjab, where Ibbetson, a colonial census analyst, classified and ordered all people according to class, caste, religious, occupational, and ethnic belonging, they felt no need for it in Balochistan.¹⁵¹ For here, the

¹⁵⁰ Ibid.

¹⁵¹ Ibbetson, D. C. J. (1883). *Outlines of Panjab ethnography: Being extracts from the*

population existed simply primordially – warring tribal ethnic groups, to paraphrase Hoshang Noraiee, living only for plunder and power.¹⁵² The *Administration Report of the Baluchistan Agency 1887-88* describes tribal groups as a constant obstacle to imperial objectives, either foolishly squabbling amongst themselves, or deliberately laying waste to colonial urbanisation:

“The old dissensions between the Jogizais, the ruling section of the Zhob Kakars, broke out again, and Dost Muhammad, a cousin of the titular chief, Shahbaz, set himself up at Mina Bazar, in opposition to the recognised authorities. From this point, he raided the country round, and soon collected about himself a band of fanatics and bad characters. Thefts and outrages on the new Frontier road and its neighbourhood became of common occurrence, and were directed particularly against British subjects, whom Dost Muhammad regarded as his natural enemies. Eventually, he was turned out of Mina Bazar by Umar Khan, Chief of the AbduUzais, and fled to the hills to the north of Zhob; but his partner, Sultan Muhammad, a discontented Pakbezai Malik, retrained at Mina Bazar, and continued the system of depredation which he had inaugurated.”¹⁵³

Similar conflicts and disturbances appear in additional passages as epic stories of tribal uprisings that “smouldered throughout the winter of 1886-87, and broke out, with the return of the mild weather, into an open flame,” and colourful narrative vignettes of murderous escape, village shootouts, crimes of passion, highway robbery, and mutinous soldiers throughout the agency reports.¹⁵⁴

Panjab census report of 1881, treating of religion, language, and caste. The Superintendent of Government Printing India. <https://babel.hathitrust.org/cgi/pt?id=ucbk.ark:/28722/h2qm8w&view=1up&seq=13>

152 Hoshang, N. (2015) The modern roots of social and political fragmentations in Baluchistan in Pakistan. *Journal of South Asian Studies*, 3(1), 15-27.

153 Administration Report of the Baluchistan Agency for 1887-88. Office of the Superintendent of Government Printing, India, 1890. <https://archive.org/details/dli.granth.109821/page/n3/mode/2up>.

154 Ibid.

As outsiders venturing into the rugged landscape of ‘Baluch tribes’ — a tribal society living in harmony and discord as many others in the world at that time — the British attempted to introduce and apply ‘rational’ and ‘superior’ forms of law, order, and governance as part of the effort to centralise power, in a society they perceived was of an ancestral people of common ethnicity, devoid of any form of social organisation.

In the Agency Reports from the Raj, crimes seemingly unrelated to politics such as theft and murder are, predominantly, added to charts of “political crimes”. Significantly, this was the category used to classify intra-tribal criminal incidents as well as those committed against the colonial state including crimes against persons and crimes against property, while all other crimes were categorised as civil infractions. The political crimes surpassed all others where, from 1899 to 1900 in the Sibbi, Harnai, Shahrig, Duki, Sinjawi, Barkhan and Kohlu subsidiary jails of the Thal-Chotiali district, there were over 500 political prisoners compared to only five civil prisoners.¹⁵⁵

Charts of “political cases” mention the specific tribe an aggrieved party belongs to, and the retributive resolution colonial authorities enforced. These include the return of stolen or equally valued property, subjecting the assailant’s entire village to punishment, transportation to a penal colony, or payment of fines and blood money.¹⁵⁶

Enmeshed in the introduction of modern forms of legal procedure and

155 Selections from the records of the Government of India. (1900). Administration report of the Baluchistan Agency for 1899-1900. Office of the Superintendent of Government Printing, India. <https://archive.org/details/dli.granth.109826>

156 Administration Report of the Baluchistan Agency for 1887-88. Office of the Superintendent of Government Printing, India, 1890. <https://archive.org/details/dli.granth.109821/page/n3/mode/2up>.

law enforcement, rather messily, were the unevenly institutionalised jirga councils as a parallel cultural system of dispute resolution. It appears that sometimes a jirga was used to resolve a dispute, independent of formal court rulings, and sometimes the jirga sentence included a prison sentence. For example, in 1899 in a murder case in Loralai, a jirga sentenced the accused to seven years of harsh jail time, and if he did not maintain good behaviour following release, would require two guarantors to pay a surety fee.¹⁵⁷

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In order to control the individuals and groups they had criminalised, the British introduced sites and authorities of dispute resolution, which they called courts. These included the offices of authorities such as political agents, magistrates, and native assistants, who would decide on and hand out rulings. Yet elsewhere are charts showing an effort to categorise crimes according to penal code violations, and while convictions are noted, the form of punishment enforced is not.¹⁵⁸ The 1900 report notes a much higher use of jirga tribunals to resolve

157 Selections from the records of the Government of India. (1900). Administration report of the Baluchistan Agency for 1899-1900. Office of the Superintendent of Government Printing, India. <https://archive.org/details/dli.granth.109826>

158 Administration Report of the Baluchistan Agency for 1887-88. " Office of the Superintendent of Government Printing, India, 1890. <https://archive.org/details/dli.granth.109821/page/n3/mode/2up>.

disputes: "Zhob is not a litigious district... The number of criminal cases tried by our Courts was also very small — only 110 — or, including 7 appeals, 117. On the other hand, the number of cases settled by Jirgas amounted to 1,117."¹⁵⁹

The British also developed local police and paramilitary levies forces who they aimed to mould into law enforcement personnel loyal to the Crown. Routinely challenged by insubordination and desertion, and unable to 'break-in' local recruits, one administrator of the Quetta-Pishin district wrote:

*"Notwithstanding these obstructions to progress, I can say that progress has been made. The men have been smartened up. There is a great improvement in their dress. They have been taught the use of their arms and the simple movements on parade. They have been taught to follow the procedure laid down in codes, to prepare their reports in a manner that affords information. The knife has been freely employed, and men who have proved themselves to be incapable of being a credit to the force have been removed."*¹⁶⁰

It was in this way that colonial administrators profiled the whole of Balochistan and its people as culturally and ethnically predisposed to violence, who could only understand justice as an exchange of retributive violence. In doing so, the British introduced and enshrined a culture of lawlessness in Balochistan that continues to characterise the province, creating a vacuum for understanding its people in any other way than the former, and subsuming demands for change, development, and enfranchisement as criminal and seditious.

Language such as "fanatical" and "murderous outrage" was used to describe the tribal unrest that the British failed to recognise was rampant due to their interference and institutionalisation of jirga

159 Ibid.

160 Administration Report of the Baluchistan Agency for 1887-88." Office of the Superintendent of Government Printing, India, 1890. <https://archive.org/details/dli-granth.109821/page/n3/mode/2up>.

tribunals. Such terms themselves became penal categories. The 1899-1900¹⁶¹ Agency Report describes the murder of a British railway guard at Mach Railway station in 1899, when he was shot and killed by a member of the Marri tribe: the offender, who “turned fanatic through grief for the sudden death from fever of his only son,” was subsequently tried and hanged. However, despite the offence falling outside the framework of a political crime, the court also ordered his family to be punished:

“In accordance with the general practice in this Agency, tribal responsibility was strictly enforced notwithstanding that the murderer himself had paid the extreme penalty of the law. All the fanatic’s male relatives and the Mulla of his village were arrested and kept in confinement for some months until the tribal section to which he belonged (a very small and poor section) had paid up the fine of R1,000 imposed by the Sibi Jirga. Of this fine, R500 was paid in cash, the rest in kind by the confiscation and sale of all the sheep and goats belonging to the fanatic and his relatives.”¹⁶²

It is not clear from the Agency Reports how prisons were used to manage the criminal activity that colonial administrators claimed thwarted their ability to establish law and governance in the region, and their centrality as rightful self-proclaimed rulers. The 1887-88 Agency Report¹⁶³ makes mention of two jails in the Quetta-Pishin district, and the reports only record general details such as how many men (predominantly) and women were imprisoned every year in each jail and in total, the average number of prisoners housed daily, and the daily cost of food. Of those who went to jail, for what crimes, or of the prison conditions in the province, there is no mention. They note broadly that overall prisoner health is good, while prisoners

161 Selections from the records of the Government of India. (1900). Administration report of the Baluchistan Agency for 1899-1900. Office of the Superintendent of Government Printing, India. <https://archive.org/details/dli.granth.109826>

162 Ibid.

163 Administration Report of the Baluchistan Agency for 1887-88. Office of the Superintendent of Government Printing, India, 1890. <https://archive.org/details/dli.granth.109821/page/n3/mode/2up>.

mostly engage in “extramural” educational activities. Concerns about overcrowding, spread of disease, and the preoccupation with how best to reform prisoners – that authors writing on urban and politically contentious areas such as KP¹⁶⁴ and Bengal¹⁶⁵ often voice – are absent. The 1887-88 report recorded that, on average 62 male individuals went to jail daily in Quetta and 15 in Pishin, that year. Already too small to accommodate such intake, it was at that time that enlargement of the Quetta jail was planned, “but nothing has, however, been done so far in this direction.”¹⁶⁶

The construction of Quetta prison was completed in 1886 at a cost of 23,111 pounds, but without the capacity to take in prisoners with mental health problems, then described as lunatics. Such individuals were sent to an asylum in Jacobabad. In Loralai, there were no incarceration facilities built and, instead, prisoners were housed in police lockups. Around that time, in Fort Sandeman – the present city of Zhob – prisoners were also kept in tents and assigned two guards to prevent escape.¹⁶⁷

By 1900, the daily number of prisoners in Quetta jail had risen to 103, and the total entrants to jail that year were 551. Despite a steady increase in prisoner entrants in previous years, the reports mention savings under the head of prisoner maintenance costs.¹⁶⁸ Data from subsequent reports similarly documents jail locations, the cost of daily food for each prisoner, and the total yearly expenditure for running

164 Singh, U.K. (1996). *Political prisoners in India, 1920-1977*. (Publication No. 10731591). [Doctoral dissertation, University of London]. ProQuest.

165 Arnold, D. (1993). *Colonizing the body: State medicine and epidemic disease in nineteenth-century India*. University of California Press; Arnold, D. (2011). The colonial prison: Power, knowledge and penology in nineteenth-century India. In D. Arnold and D. Hardiman (Eds.), *Subaltern studies VIII: Essays in honour of Ranajit Guha*. (pp. 148-187). Oxford University Press.

166 Administration Report of the Baluchistan Agency for 1887-88. " Office of the Superintendent of Government Printing, India, 1890. <https://archive.org/details/dli.granth.109821/page/n3/mode/2up>.

167 Ibid.

168 Selections from the records of the Government of India. (1900). Administration report of the Baluchistan Agency for 1899-1900. Office of the Superintendent of Government Printing, India. <https://archive.org/details/dli.granth.109826>

each prison. For example, for all of Baluchistan Agency, a total of 2,638 prisoners were admitted between 1902-03, with an expenditure outlay of approximately 21,641 rupees, which amounted to just over eight rupees per prisoner per year.¹⁶⁹ This suggests that prison management was treated much like that of other institutions such as schools: as a matter of balancing revenue and expenditures, and in stark contrast to the elaborate accounts and depictions of rampant tribal criminality, disrupting imperial expansion.

Other than law enforcement and criminal justice, and military and public infrastructure, imperial reports, and recorded data point to apathy toward human development, unique to the treatment of Baloch people. The way they were excluded from discourses of civilisational advancement along the lines Lord Macaulay hoped to inculcate¹⁷⁰ is exemplified in the few passages that report on education in the province. These focus on the cost of running schools and the recovery of expenses through tuition fees, with charts that record enrolment numbers and examination dates. Of two schools in the Sibbi district with an enrolment of 74 students, the total yearly cost was 1,100 rupees, amounting to 15 rupees per student per year, "which seems economical," the report notes.¹⁷¹ Schools built were noted to be lacking resources, as well as trained staff, but no concrete effort was made to address these circumstances.

The Headmaster of the Quetta School, Sheikh Ziaulla, was allowed to take leave in January 1888, as his health had failed, and he

169 Selections from the records of the Government of India. (1903). Administration report of the Baluchistan Agency for 1902-1903. Office of the Superintendent of Government Printing, India. <https://archive.org/details/dli.granth.109826/page/n333/mode/2up?q=1903>

170 Babbington Macaulay, well known for his work introducing Western education in British India, also brought forward menial labour in penal practices, which was part of a wider endeavour to replace public spectacles of punishment, such as mutilation, now considered barbaric, that had characterised early days of Company rule. Such reforms were unevenly institutionalised, however, and executions, floggings, seizing of land, and community fines, continued alongside jailing (Arnold, 2011).

171 Administration Report of the Baluchistan Agency for 1887-88. " Office of the Superintendent of Government Printing, India, 1890. <https://archive.org/details/dli.granth.109821/page/n3/mode/2up>.

subsequently resigned. The second master was temporarily placed in charge of the school, "and efforts are being made, though hitherto without success, to secure the services of a really competent man from the Punjab."¹⁷²

It is also in the Agency Reports that we find evidence of, as Noraiee has argued, a general disinterest in the socioeconomic improvement of the region – a parallel that echoes the state of affairs as they now obtain in relation to Balochistan.¹⁷³ Concomitantly, the law enforcement needs of Balochistan, then, were seen as completely separate from those that were felt appropriate in the rest of British India. To an extent that Baloch people were not made subjects of reform, they were only subjects of control to be confined within their own presumed systems of tribunal procedure.

Today, geographically, Balochistan is the largest yet most sparsely populated province of Pakistan. Following the discovery of natural gas in 1953, the province entered a new era of economic significance, becoming the hub of natural resource extraction in the country, centred around its rich natural mineral and fuel reserves.¹⁷⁴ This has been the source of a long-standing dispute at the heart of tense centre-periphery relations as successive governments have attempted to mine and monetise Balochistan to meet the energy needs of the rest of the country.¹⁷⁵ And yet, the province remains Pakistan's most socioeconomically disenfranchised. In policy and media reports alike, uneven distribution of resources and human underdevelopment feature as the most prominent problems alongside ongoing insecurity and political instability.¹⁷⁶

172 Ibid.

173 Hoshang, N. (2015). The modern roots of social and political fragmentations in Baluchistan in Pakistan. *Journal of South Asian Studies*, 3(1), 15-27.

174 Jalal, F. (2015). "Politics of Education, Conflict and Conflict Resolution in Balochistan, Pakistan." Doctoral Dissertation, University of Westminster.

175 Siddiq, A. (2017). *Military Inc. Inside Pakistan's military economy*. Oxford University Press.

176 Hassan, M. & Malik, U. A. (2018). Balochistan: Challenges and opportunities. Development Advocate Pakistan. UNDP Pakistan. https://www.pk.undp.org/content/pakistan/en/home/library/development_policy/dap-sp-issue-balochistan.html

NACTA's 2018 study on overcrowding in jails reports a total housing capacity of 2,585 prisoners, making Balochistan the only province whose correctional facilities do not suffer from overcrowding.

A series of security operations have punctuated Balochistan's amalgamation as Pakistan's fourth province, with the first in 1948, then across the 1960s and 1970s, and the last in 2002, to suppress insurgencies against state control of territory and resources.¹⁷⁷ Bar the occasional lull over the years, such troubles have surfaced without fail, triggering a harsh response from the state to crush insurgencies and activism. Consequently, the province's relationship with the centre is a complicated one, marked by a deep sense of disaffection flowing from the state's cavalier attitude to its grievances and concerns over the years.

Given this context, not very unlike the Raj itself, it comes as a surprise that the province's jails are not crowded, when compared with the conditions in the rest of the country. NACTA's 2018 study on overcrowding in jails reports a total housing capacity of 2,585 prisoners, making Balochistan the only province whose correctional facilities do not suffer from overcrowding.¹⁷⁸ According to the 2021 Federal Ombudsman Report, this figure stood at 2,526 prisoners spread across 11 prisons.¹⁷⁹

177 Jalal, F. (2015). "Politics of Education, Conflict and Conflict Resolution in Balochistan, Pakistan." Doctoral Dissertation, University of Westminster.

178 Specific prisons, however, do house prisoners beyond their capacity, and overall over 53 per cent are under trial (NACTA, 2018).

179 Federal Ombudsman Secretariat. (2021). *10th Quarterly Report on the Progress of Implementation in Improving Jail Conditions of Pakistan*.

UNLIVEABLE PRISONS MIRRORING BALOCHISTAN'S DEPRIVATIONS

If anything illustrates and puts into sharp relief Balochistan's deprivations, both historical and current, it is the state of its prisons.

Crowding aside, other problems persist, speaking volumes of the levels of under-resourcing and disenfranchisement in the province. The PPAC report notes that Central Prison Loralai, District Prison Killa Saifullah, District Prison Gwadar and District Prison Harnai, are all in such dire need of reconstructive improvement that they "are currently simply not liveable."¹⁸⁰

In comparison with Punjab in which 10 per cent of prisons do not have ambulances, the PPAC Commission reported that Balochistan only has four prison ambulances for the whole province.¹⁸¹ Such under-resourcing extends to prisoners being unable to avail legal aid, and most jails do not provide vocational training opportunities. While there are over 100 identified mental health patients in prisons in the province, there are no specialists to attend to their needs. Underscoring this lack of material resources is a lack of opportunities for professional development of prison officials. Reportedly, the least developed of all sectors in the province, PPAC tabulated that 70 per cent of the prison staff were untrained. Training centres do not exist in the province, and instead, prison officials must be sent to the National Academy for Prisons Administration in Lahore.¹⁸²



There are only 4 prison ambulances in Balochistan

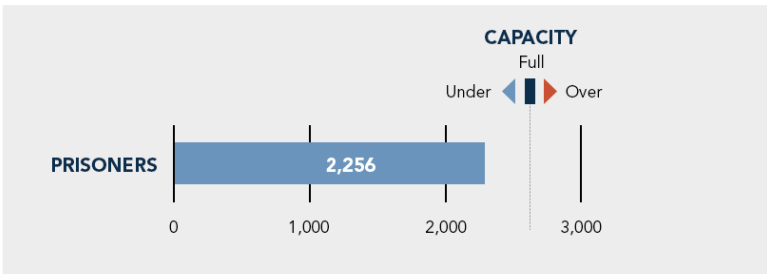
ACCORDING TO 2019 PPAC REPORT

180 PPAC. (2019). *First report of the Prime Minister's prisoners' aid committee*. Prime Minister's Office.

181 Ibid.

182 Ibid.

Though Balochistan’s prisons are known not to suffer from overcrowding as compared with the bulk of correctional facilities in the rest of the country, they are far less developed with respect to physical infrastructure, management systems, and needed resources for daily life including food and medication. The conditions evoke Balochistan’s pre- and postcolonial exclusion from economic and human development, and a sustained administrative impulse that views the enforcement of law and order as a matter culturally separate from prison administration and the related expense.



Prison occupancy in Balochistan, according to 2021 Federal Ombudsman Report

These conditions, and attitudes on part of the state and the system that perpetuate them, are reflected in the accounts of two kinds of ex-prisoners from Balochistan: one who was jailed in the province’s official prisons that come under the mandate of Balochistan’s Prisons Department,¹⁸³ and another who was detained in a secret internment centre run by the federal paramilitary forces. Feroze Bugti went to jail in two of Balochistan’s 11 official prisons – Dera Murad Jamali District Jail and Mach Central Jail – in 2012 on murder charges for two and a half years. Nadeem Baloch, a medical student and activist, was abducted on two occasions in 2005 and 2010 and detained in an unknown detention centre in Quetta for around two months, each time. His story

¹⁸³ Criminal justice in the province comes under the purview of the Balochistan Home and Tribal Affairs Department but unlike the other provinces, jails fall under the jurisdiction of a separate Prisons Department (NACTA 2018).

helps juxtapose two parallel systems of law-enforcement in Balochistan, where in one, speaking up against disenfranchisement could lead to extrajudicial violence, and in the province's official prisons, conditions that reduce existence to living with nothing. The third account details the impressions of Qadir Marri about the conditions in jails. He was imprisoned for dacoity in Turbat Central Jail, for approximately a year and four months in 2019. Their stories are very different but together they show what it means to go to jail through the country's most underdeveloped penal system and the consequences of agitating for equal access to resources and rights. Feroze maintains he was framed for murder in a personal dispute. Under trial in the district jail of his hometown of Dera Murad Jamali, he began to serve his sentence at Mach Central Jail after he was convicted. Eventually, he was found not guilty and released.

Though Balochistan's prisons are known not to suffer from overcrowding as compared with the bulk of correctional facilities in the rest of the country, they are far less developed with respect to physical infrastructure, management systems, and needed resources for daily life including food and medication.

Feroze was able to offer insight into Balochistan's prison conditions across its most underdeveloped areas, and the few urban ones that receive limited socioeconomic resources. Most telling are his words on emotional emptiness in jail, which are symbolically representative of the lack of facilities in Balochistan prisons and in turn point to the way disenfranchisement shapes carceral experiences in the province. At the same time, Feroze was conscious of his relative economic privilege in jail, as someone who had had opportunities for higher education, and talked about the poorest of the poor he met while serving time.

Qadir, who is from a village a few kilometres from Turbat, and the sole

income earner for his family living in a wooden shack, fits this profile of an impoverished prisoner. He told a story where no education or employment opportunities in Turbat were precisely what drove him to a life of crime. It is in Qadir's story and the words of his lawyer Saleem Zafar, who translated his responses from Balochi to Urdu, that we hear of hopelessness from both outside and behind bars, and another framework for understanding the causes of crime in Balochistan. Saleem Zafar has been a practising criminal lawyer in Turbat for nearly 20 years. "Balochistan is poor and people are desperate because of unemployment," he repeatedly added, as a factor key to understanding the challenges to law and governance across the province. Feroze's and Qadir's emotive responses to the paucity of resources in the province's prison mirror the depletion of, and bitter strife over, economic and human development in Balochistan.

In his written responses provided for this book, Balochistan Prisons' IG Malik Yousaf said that despite underdeveloped prison management, incarceration was central to criminal reform. While prison reforms in Punjab and Sindh have been framed as a successful appendage to wider modern development within each province's penal system as discussed throughout this paper, Balochistan prison conditions and management continue to be seen as the most in need of improvement. This reality is also reflected in the IG's responses, where he said that despite a significant need for upgrades, Balochistan's prisons were still rehabilitative spaces:

“ In my opinion and experience the prisons in Balochistan rehabilitate prisoners. The prisons and prison system in Balochistan are primitive, lacking facilities, and neglected as far as much-needed resources are concerned, yet they rehabilitate a prisoner in many ways. Firstly, there are the rigours of confinement in a difficult jail environment. Secondly, it's the sense of justice which at least psychologically teaches them to respect the law and the rights of others. And thirdly, we have been teaching trade-learning systems in some of our prisons.”

INTO THE VOID: LOSS OF TIME, VACUUM OF THOUGHT

Feroze isn't sure about his age. He may be 33 or 36 or somewhere in between. He owns a private business and is a landlord. In the fall of 2012, he was arrested on murder charges (PPC 302) and spent approximately two years in Dera Murad Jamali District Prison under trial. When convicted, he was shifted to Mach Central Prison where he spent six months, until his release in the spring of 2015 when found not guilty upon appeal.

Feroze agreed to be interviewed and offer his perspective on Balochistan's jail conditions, saying, "prisoners are also human." First, he explained some of the details of his case and the circumstances of arrest. Like many other working-class individuals interviewed for this report, Feroze's story involves being implicated in a serious crime due to a personal dispute and being entangled in a cumbersome legal justice system that robs them of years of their life. Despite such accounts from prisoners, Yousaf, like other prison officials, upheld the idea that fundamentally speaking, the country's criminal justice system works:

“ Yes, prisons are the important pillar of CJS (criminal justice system) not only in Pakistan but everywhere. It is here the actual sentence is executed finally and materially once the police and judiciary, the two other important pillars finalise their judgement on an offender.”

Feroze did not expect to end up in jail when he was first charged:

“ There was a murder in my area, and the accusers put down my name, saying I was also involved. I agreed to the arrest as I was innocent. And then as you know cases go on for a long time in court. What happens is that whenever there's a crime like a murder or a robbery, someone's name has to be mentioned on the basis of doubt.

I was under trial in Dera Murad Jamali, then received a death sentence and was transferred to Mach, where I stayed in *tanhai* (solitary confinement), separately from two other prisoners also kept in their death cells. Prisoners sentenced to death are kept separately. The prisoners with stricter sentences are in one barrack and those with lesser sentences in a separate one.

Later, according to Baloch customs, I convinced my accusers of my innocence, and at the same time the court also agreed that I was innocent, and so I was released.

A person gets wrongly blamed for crime and is taken to jail. And then for one or two years stays imprisoned. Besides myself, I have seen [innocent] people jailed for four to five years. They appear in court and present their cases, and then go to jail for five or six years, even 10 years. Later, when they are found not guilty due to lack of evidence, they are released.

And consider this, they've now spent their lives – 10 years – behind bars, some young, some old. What life can they have next, having spent a decade in jail? Think about how damaging this is, for example, for a young person who loses schooling opportunities.

I was studying for an engineering diploma in Karachi, but I lost a complete year when jailed. One can understand, when one has started something, whether it's work or education, that one's success is up to the will of God, and so one keeps building dreams, but imagine if one's progress is hindered when one has the goal in sight, it breaks your heart. The effort I had put in that far to study went to waste.

And then on getting out of jail, after being there for two to three years without having committed a crime, you hope

you'll still have a shot at a better life, but what if you don't... there are people who spend 10 or more years in jail, and they are 10 years older on getting out... all that time is wasted. It's unfair to have to spend years of your life in jail [even when you are innocent]."

A STUDENT ACTIVIST DISAPPEARS

To understand how the conditions of under-resourcing in prison are part of a longstanding history of underdevelopment in the province, we now turn to Nadeem's story of abduction and detention by security forces. Nadeem was abducted and detained in secret internment on two occasions. Never provided a reason for his detainment and never formally arrested and charged under the provincial or federal legal system, his story is an example of how the deep state operates underneath a stunted civilian infrastructure to prevent the latter's improvement and strengthening.

It was in Karachi, during a break from his term, when security forces barged into an apartment he was sharing with friends and other activists, claiming it wasn't clear if the people in the apartment were those in whose name it was rented. This was a sign of a suspicious gathering, they said. Nadeem was taken away blindfolded and transported to an unknown detention centre in Karachi where he was tortured. From there, he was flown to another secret location in Quetta, tortured again, and finally released in rural Punjab two months later. Now living in exile since the time he was first abducted and released, Nadeem did not give up his cause, choosing to remain wedded to it. He explained that being an activist was a part of student life in Balochistan, a coming-of-age experience where young people first developed an intellectual consciousness around the history of socioeconomic deprivation their province and its people had faced since Pakistan's creation. He was picked up again outside the hospital – where he was pursuing a postgraduate specialisation through a residency. This time the security forces said his car was not properly insured. They refuted his explanation that it was not so,

and abducted him to an unknown location where he was once again subjected to torturous interrogation, detained for two months, and then unexpectedly released.

When asked whether he encountered prisoners who had been jailed for activism and dissent under the pretence of having been involved in other forms of criminal activity, Feroze was reticent and took the conversation back to under-resourcing:

“ People do get arrested, with and without rights, but I can't say that it's because they are separatists. When people speak of the rights of Balochistan, it is coloured differently, suggesting they are separatists. The Baloch are part of Pakistan and the Pakistani nation. The people of Balochistan are not asking for separation, but the ones that do, then yes they are going to get arrested. But I haven't seen such problems in jail. The problems in jail had to do with the availability of food and drink, and timings. For example, we might ask for a few minutes more to finish our *namaz* (prayers).”

In response to the same question, lawyer Saleem Zafar, who arranged my interview with Qadir, the prisoner from Turbat, explained that there were a few causes behind the lack of law and order in the region, starting with poverty, drug addiction, and physical fights:

“ This kind of society then drives people to crime. In Balochistan, poverty preys upon the people, and if you're trying to understand crime in this region, then poverty is the reason. But, according to him, this problem is part of a larger one, namely 'Balochistan's relationship with the federal state.’”

Speaking carefully, he continued:

“ Security in the region depends on the state and whether it provides for people’s needs. If people have belief, and trust in the law and government, then these security problems would automatically come to an end.

Political dissent affects the region’s criminal culture, but not all the cases go through the civil court system. It depends on which cases are brought before the law by the authorities. Cases brought before the court receive justice; the rest can only be solved by parliament.”

In contrast to Feroze’s and Saleem Zafar’s responses, when I asked Nadeem, the medical student, about what he, his comrades, and groups like the Baloch Students Organisation (BSO) were agitating for, he provided a complex answer encompassing the disillusionment of the province and its people with the state and the wish to revive an indigenous cultural, linguistic, and literary tradition. He described protests for fundamental rights and resources such as water and electricity which the state reacted to harshly. Therefore, he explained, it was for these views and beliefs that he and others were abducted, tortured, detained, and finally, unexpectedly released due to political pressure from his allies and the medical community. At the same time, the way his capture and detainment took place is an example of everyday oppression of voices raised for fundamental rights and for change.

This is how Nadeem was abducted:

“ I was in Karachi the first time I was picked up, along with two other colleagues of the BSO, Dr. Zaman and another comrade, Dr. Rauf. Our rooms were raided at midnight.

I was visiting Karachi... my university was closed... We used to travel for vacations to visit our Baloch friends in Karachi.

They asked me what my friends were doing in my flat. I said

my friends were staying with me for the night and they would be staying somewhere else another night. And this is how we stay in Quetta too as students in hostels and friends' homes. This is a normal thing to do as students. But they insisted this was suspicious.

The thing is there are many activists, but the security agents randomly choose some to pick up. From their questions during interrogation, you can tell that they don't know why they've picked you up specifically and that it's a random selection. They are not working from [the standpoint of a specific allegation or suspicion,] and are just apprehending you for speaking on behalf of the province.

I was not arrested for a particular crime. They asked random questions: about me, about Balochistan, about the organisation I belong to.

Having been picked up and released, I sometimes think that the questions are so general they could be asked of any Baloch.

The second time I was picked up, I was on duty at the hospital and completing my specialisation course at the time. Around 2:00 or 2:30 a.m. I was heading home, and I had stopped at the medical store to pick up some items. The security forces entered the store and one demanded I present my NIC (National Identity) card, while the other said 'no don't bother – this is the guy'.

They took me outside and said that I haven't paid customs duty on my car. I said I have documents proving that I have, but I knew what was about to happen. They made me sit in their car and then we drove along and then I was handed over to another vehicle, and then taken somewhere for interrogation.

In 2005, at the age of 25, I was in the BSO. As a student, my medical education was ongoing at Bolan Medical College [Quetta], and the activism we were involved in was through the BSO, including politics, and various other activities, such as study circles. As a doctor in Quetta, my involvement with BSO took place there, during my free time, such as rights activism, writing, teaching, protesting [and organising protests] – normal things that students do.

Firstly, there are basic problems in Balochistan universities: high fees, shortage of professors. As Baloch, we are treated as third-class citizens. This is injustice, and it is against this situation that our people have joined parliament and raised a voice for our cause there, and through other forms of political organising.

In university, students become active about these issues, as they slowly come to learn and know them – about their literature, about their traditions, about their culture – and to study and research these.”

FROM JHOPRI¹⁸⁴ TO JAIL: COURTING CRIME OUT OF DESPERATION

Qadir only speaks Balochi. He is about 27 or 28 years old. He was sent to the Turbat Central Jail in 2019 for about 14 months, on charges of dacoity and theft. Like many young people with no options for survival, he chose a life of crime over living in poverty. Alongside Feroze and Nadeem’s accounts, his story shows how gross underdevelopment, disenfranchisement, and violent treatment by law enforcement create experiences of hopelessness within and outside the province’s prisons.

“Qadir was caught in connection with a robbery in the city of Turbat 2019,” lawyer Saleem Zafar translates for Qadir, filling in the details of

184 A little hut made of wood, often found in impoverished villages

his offence and how he was arrested.

“ We stole a motorcycle, 10,000 rupees, and two mobile phones. The man who was my accomplice in the robbery had my mobile phone. We committed the dacoity together, but he was apprehended by the police and when they found my phone on him, they used it to trace me. They came to my house at night to arrest me. They kept me with them for 14 days and all that time they kept beating and torturing me. The motorcycle we had stolen was hidden in a house. We told them where it was and returned the mobile phones and the money. We were beaten for 14 days, and after that, we were sent to Central Jail Turbat.

I was poor and took up a life of crime out of desperation. And that is how I got caught. I was in jail for one year and four months.”

CONDITIONS IN CAPTIVITY

Feroze spoke about the lack of physical and administrative infrastructure at Dera Murad Jamali District Jail, and what it meant to live without basic facilities and provisions. Compared to other ex-prisoners interviewed for this book, Feroze's position in jail was of relative privilege. And yet, Feroze noted how this experience was even worse than prisons meant for the underprivileged.

Judging from his description, jails in Balochistan are places where prisoners are taken to be abandoned, leaving them disoriented, as they are uprooted from society and transported to a barren space, where prisoners have nothing. Behind bars, prisoners have to make something out of nothing in order to survive a daily life reduced to bare existence.

“ In Balochistan, jails don't have any facilities; there are no special provisions. I don't know much about Punjab and Sindh, maybe in Punjab there are facilities, but in Sindh there

probably aren't.

In Dera Murad Jamali District Jail there was no roof, and water would leak through when it rained. The walls had no paint. There were frequent electricity outages. We would have to purchase every item or facility for daily life. We would have to pay for firewood to stay warm in winter.

With God's grace I was okay, but there were poor entrants to jail, and they had nothing. They had no idea how their families would survive, and looking around they wondered how they would get by themselves in jail.

Forget general facilities, there are no basic facilities. I'm talking about basics such as food and drink.

You eat out of necessity. The meals that come from the jail administration, such as *salan* (curry) and *roti* (bread), are inedible. What is provided in terms of food and drink is not possible to consume.

There weren't any provisions for hygiene. Prisoners would have to look after this themselves. There were no facilities from outside to keep the premises clean. Each prisoner would have to keep his own room clean.

Everyone had to provide for themselves, and they were themselves underprivileged, either poor or labourers.

Prisoners had to live off their own means out of necessity. Some knew how to make *daal* (pulses), meat, or vegetables, for example. That's how their daily expenses incurred, to purchase milk to make tea – you had to buy your own tea leaves, your own sugar. If you couldn't, you went without tea.

The jail administration provided precious little.”

Like the province itself, prisons in Balochistan lag far behind by way of development. Like much else in a province whose resources are stripped away, there is nothing left for prison infrastructure development, leaving the prisoner's body to bear the experience of the province's deprivation. As Giorgio Agamben explains, the violence within the construction of political sovereignty is about "life's subjection to a power over death and life's irreparable exposure in the relation of abandonment."¹⁸⁵ With such reduction to minimal forms of physical subsistence, taking away what it means to nourish oneself and to maintain hygiene – Feroze's emotional relationship with himself also changed in confinement:

“ What's the point of thinking in jail?

You didn't really think about much, you just wondered if you would get out today or tomorrow, and then when tomorrow came you'd think maybe I'll get out the next day.

Court appearances were ongoing, and you'd hope to God you'd be set free at your hearing, and then you'd hope for the same at the next hearing. When it didn't happen, you'd hope for it again.

This is what you kept in sight, I'll get out today or tomorrow – as this is how you survive the jail. This is how two years of my life were lost, percolating this single thought.

The way you spend life outside [planning for the days ahead], it's the same way in jail, whether you're poor or rich. Say you're going on a 10-day trip, and how will you get there?

The jail in Dera Jamali was smaller, a district jail, where there were no vocational training opportunities. In the jail in

185 Agamben, G. (1998). *Homo sacer: Sovereign power and bare life*. Stanford University Press.

Mach, there were some large and small tasks you could do. Prisoners could make stuff for themselves, based on their own interests, the poor could sell the things they made. But in Jamali, there was nothing; you woke and prayed. In summer, you napped in the afternoon, then you prayed again, and then after the last call to prayer, you rested again.”

For Feroze, prayer was reduced to a matter of routine, a marker of the passage of time, emptied of meaning, and subsumed within prison’s daily schedule. Other prisoners also described devotion and prayer as the lens through which to process and bear the conditions of confinement. For some, like Majid and Nadeem, whose accounts are produced below, reading the Quran was the only permissible activity one could independently pursue in detention. Others such as Farzana, described turning to religion out of sheer terror, and having to look inwards to anchor themselves, lest they be lost to jail indeterminably. At the same time, echoing the disciplinary rhetoric of jail, it was here that she was astonished to meet people for the first time who did not seem to know how to prepare themselves properly for prayer. In this way, through the emotive honesty of her previous statement, Farzana betrays the way in which religion is appropriated to reproduce moral order among prisoners and in daily prison life. But this could change according to the jail administration’s objectives, as the chapter detailing the accounts of Muslim minority ex-prisoners show. They were not always allowed to read the Quran, should that incite the other prisoners to revolt and disrupt the order of prison. In what is perhaps a coincidental similarity, Feroze would also end his interview with the call to prayer.

For Feroze, the vacuum of jail conditions that was only filled by the listless passage of time, encompassed the experience of not only the jailed. In response to a question about violent treatment from wardens, Feroze said:

“ The guards were alright, there was nothing wrong with their behaviour, *bichare* (poor things), they were themselves impoverished. They were there to perform duties, and when it was over the next shift came on. They didn't share a relationship with us as such. Mostly they were inside, doing their duty, sitting around. They were themselves poor, and their *ikhlaq* (behaviour) was to get up and sit down as their duty required. Like the prisoners, the guards in district jails in Balochistan seem to be languishing, just lifers at their jobs.”

Continuing to explain himself, in Feroze's opinion about violence at the hands of wardens, while routine and even necessary, was far from one of the central problems with the province's prison system:

“ If a prisoner makes noise, or behaves badly, or gets into a fight, then there will, of course, be consequences.

When they first arrive, those prisoners who have connections are not bothered by wardens, but if they don't then they could be slapped, or hit with a baton. But there weren't beatings and torture as such in Dera Murad Jamali – I didn't see it.

In the bigger jails there are 100 to 200 prisoners in a barrack, and there it happens. Based on the behaviour of the entrants, the guards will scare them into shape, so they don't raise their voices, or fight, or behave badly with others. For this reason, there is strictness to start with. These are the stories I heard from friends in prison, though it did not happen to me – they said violence took place to scare them.

A jail is still a jail, whether there are beatings or not. The main thing is there are no proper arrangements for sleeping, food and drink, or washrooms, or cleaning. With these improvements alone, jail could be a better place for prisoners.

It's true, jail is the strictest of spaces, but I was not afraid, because I held onto my belief in my innocence. For the poor, however, it's an even tougher place, because they have nothing. If you have nothing in society, it's a whole lot worse in prison where you can't earn any money, and you can't afford to purchase anything – so where do you get anything from? For them, it's much worse. And they are more worried and anxious about what to do while in jail and how they'll do it."

Feroze's words, while different from other prisoners interviewed who both experienced and condemned the use of violence, show how prisoners are immediately treated as people who can be brought into line through the fear of punishment. The routine use of violence – a part of the introduction to jail and as consequence for any misstep – indicates it is considered an appropriate form of discipline. And as Inspector General Police Yousaf insisted: "The Pakistan Prison Rules allow a controlled quantum of corporal punishments which is legal if not morally appreciable." But for Feroze, violence in jail were inconsequential. His most felt experience was the deprivation of basic day-to-day life, and this was the message he wanted to get across to reform the prison system in Balochistan.

Describing some of the systems in place for purchasing items and meeting visitors, Feroze also attested to an underlying (in)formal economy in jail, once again centring his responses in Balochistan's overall under development:

“ It's not like outside of jail, where if you go on your own to the market and the prices are more or less the same in different shops. In jail, if you send someone to get something for you, it would cost two rupees extra. Only God knows what money the middle person pockets or if the product actually costs more [than what you, the prisoner, think it does]. In jail, money cannot come inside, so a person can deposit an amount at the gate and receive a receipt for the total [sum

in his or her name], such as 1,000, 5,000, 200 or 300 rupees. When you buy and collect your items, you show this receipt, which says how much money you have as balance. They'll deduct an amount for the price of goods bought and give you a new receipt for the remaining amount. This is where the skimming off the top takes place, though it did not come to my special attention that this was happening. Only God knows.

I haven't heard of bribery to see a doctor [to access healthcare in jail]. There are resident doctors, regular ones and more experienced ones, but [since] the quality of healthcare outside of jail isn't great so it's not any better inside.

To meet visitors, one had to bribe [the jail officials], as the common or poor prisoners [were only allowed to] meet at the *jali* (a metal wire mesh separating visitors from prisoners), but the wealthier ones would pay and meet at the gate, and for a longer time."

When asked to comment critically on prison conditions, Inspector General Police Yousaf, like police and prison officials in other provinces, stuck to the idea that prisons remain fundamental to criminal justice, whatever their drawbacks might be. In response to questions about structural violence and bribery, he said: "Yes there are such issues but they are everywhere... overcrowding is not an issue at least in Balochistan prisons. However, it is worse in Punjab and Sindh prisons."

In evading questions about secret formal economic systems in prisons that ex-prisoners say the administration itself is involved in, prison officials chose, again and again, to provide only official statements in an attempt to conceal a view into jail and downplay the reports that expose it. But Yousaf, expatiating on the larger problems of insurgency and militancy, continued to insist that prison remains a key component of rule of law in the province: "Prison is an essential part of the criminal

justice system since without this facility, the maintenance of law and order in the society and the supremacy of the judiciary cannot be maintained. It is actually a complementary component of the entire criminal investigation system and helps implement the legal and justice systems together.”

While in jail, their relationship with their own selves depleted, Feroze’s and Qadir’s stories were the only ones of prisoners with camaraderie due to a shared experience of hardship. And it is important to note that these relationships form outside of the disciplinary confinement of imprisonment, including its schedule, the separation of space, and the segregation from each other while incarcerated. It is despite being reduced to a bare material and emotional existence and in spaces where the dehumanisation of people is visible that prisoners continue to find a way to recognise each other’s humanity:

“ At Jamali, there were prisoners in different cases – some had been involved in robbery, some dacoity, some murder, some in other crimes. I saw all these different kinds of people in jail – we all lived together – even if you’re in the *tanhai* (solitary confinement) or in a barrack, the jail is together as one. So we’d meet with each other, we would help each other at work. There was a *handi* system [people pooling money to buy and cook meals for a group], so the poor could afford facilities [which they couldn’t if they were on their own].

There were also other prisoners who were just lost in their own thoughts, those who didn’t speak to each other, they didn’t get up or sit up, they just stayed in their beds. It’s not a big space – just some two to three feet, and that’s where they’d stay, sleep and wake up, and sit there. So there were people who when they arrived were lost in their own worries, so they did not make friends with others, nor did they speak to anyone, and they didn’t take their meals and drink with anyone either.

It was at 4:00 p.m. or 5:00 p.m. that the prisoner count would take place and the barracks would close, and those in the *tanhai* would return there and those from the barracks would go back there. At night we were separated, but during the day, following morning prayers, we were all together.

Qaidi bhai hain (prisoners are brothers) and they respect each other very much. So the prisoners were friends who loved each other very much.

Everyone has his own thoughts upon going to jail, depending on whether one is guilty or innocent. I was not afraid. I decided to think of myself as someone who is a guest. I didn't think I'd be spending a long time there, even when I had no idea how long I'd be spending there, given that I was innocent. I thought, God is watching over me, as I am innocent, and I should be able to get out soon. But it seems that it was my fate to spend two years there.

The time I spent there, I never believed I'd be there for that long. I suppose God knows best. But I was not afraid about how I would pass the day, how I would get out – these fears were not in my heart. I held on to the fact that I was innocent, and hoped to get out that day or the next, and that's how each day would pass."

While Feroze said he wasn't afraid to be in jail, it is as if he also felt nothing of life because there was no life to be had in jail. He held onto the desperate hope of getting out, but also described this thought as relentless because there was nothing else to think about. Comparing his experience to those who have so little to look forward to in confinement, his thoughts show how worry filled the vacuum of time. Even if Feroze was able to maintain some presence of mind in jail, aware he was being subsumed in monotony and unafraid because he felt there was nothing to be afraid of, he did not know that the real thing to fear was the loss of time itself.

EXPERIENCES IN THE EXTRAJUDICIAL

The experience of extrajudicial detention is one of sharp contrast to the open environment of jail that other prisoners described. Nadeem's observations, experiences, and thoughts show how the purpose of secret detention is different from the punitive disciplinary objectives of the civilian state. Secret detention centres exist to disappear people, to write them out of existence. Hopelessness as a felt experience for ex-prisoners was connected to feeling lost within and abandoned by a criminal justice system they could not access, but a connection to outside society remains in the shape of fellow prisoners, visitors, lawyers and jail officials; even when it is felt that the world itself is out of reach. Recall the words of Ibrahim Khan (from the chapter on Khyber Pakhtunkhwa) who described how he encountered individuals in jail who had 'reappeared' after secret detention, and brought back into the legal criminal justice system. They were far happier in prison because of the systems and procedures that meant they interacted with members of a free society – their visitors and their lawyers – and that this is part of what it means to belong to a society in jail.

In contrast to Majid who was detained in a safe house in Karachi before being shifted to Karachi Central Jail (see the Sindh chapter), Nadeem recalled the bodily indignities inflicted on him. Majid, however, was not tortured beyond a tormenting interrogation process. He was left alone in confusion, to which fear was added when he found himself in jail completely unaware of what he had been charged with. Bewildered, he recalled having to quickly adapt to excessive overcrowding whereas, in comparison, in solitary detention, his body and its needs and functions were something he could attend to in privacy. Through accounts of jail and those about detention, one can see how taking away independent control over one's body – whether at the hands of jail wardens or paramilitary security officers – symbolises a captive no longer having an independent relationship with oneself. This causes prisoners to see their body as a site of violence from which they have been split apart.

The state of being disappeared is most acutely experienced through

wondering how one's family is managing without the knowledge of your whereabouts. For those in government prisons, part of the punitive experience is the confiscation of freedom and the inability to materially support your family. The free world sits adjacent, just out of reach, a constant reminder that due to your transgressions you have been removed. For the *la pata* or the disappeared, violence takes place in an emotive imaginative vacuum. Majid's most poignant memory of being disappeared was realising that though he had written about this very experience himself as a journalist, it was only when he spoke to his family of the torment they had been through – not knowing whether he was dead or alive – that he came to understand how heinous disappearances in Pakistan really are. This is how Nadeem described the experience of being in the detention facility:

“ You know you're in a secret detention centre because of the way it is enclosed, and the way the door and grills are made. There is no lighting, though sometimes natural light comes through.

The other rooms that are there are in one line, so you cannot see them or any other prisoners in front of you. But you would hear voices and sounds from time to time, like when detainees needed to be taken out for some reason.

The room is small – just the size of the length of your body when you're lying down.

You could only leave your cell to go to the toilet. You would knock and the guard would come and take you there. For this there were specific timings, two to three times a day, you could not go as you needed. You needed to obtain permission, you had to knock, and then you were escorted.”

Nadeem described the steps of abduction, interrogation and torture like they were familiar processes, explaining that the second time was much like the first:

“ You are blindfolded and put in their vehicle when you are picked up. Then they put you in a room and hang you down with a rope. You spend two to three days like this, blindfolded, and then when you need water or to pee, they take you out or you are provided a bottle, for either need.

You figure out that you're in a small room and there's a big bright light, sometimes on, sometimes off, it's like a searchlight. This is the room for torture, or the kind of torture where they deprive you of sleep. There are these black and white tiles, and you spend two to three days like this.

And an interrogator comes, maybe there were more, but you couldn't tell due to being blindfolded. Separately they would call other people into the room, and maybe they would sit at a table or on a chair in front of you, and they would talk. This part would end in about a week.

And then when they don't need you for interrogation anymore, they throw you into a different small room.

In 2005, there was one set of feelings and thoughts and in 2010 another. In 2005 in the beginning, the feelings came slowly, as I didn't know what was going on at first. It was only later that I came to understand what was happening because we were separated [from his comrades]. Initially, I thought maybe there was a misunderstanding and this isn't what I think it is, that I'm locked up like this. It was the start of disappearances. But once a month or two had gone by, they told us we would lie there forever and rot, there would be no way for me to leave. That's when thoughts start to circulate in your head about your family and you think no one knows I am here, no one outside knows what's going on inside, there is no one protesting against your disappearance, and what if I am forgotten about. The second time, in 2010, I was more familiar, and also during that time disappearances had

increased, and the process of killing and dumping had also begun. So I felt very hopeless as this was the second time I had been detained and disappeared.

I also came to know upon returning the second time that the people I had been held with before were still there, and had been for the past two to four years, and so I thought that is what would happen to me. But after nearly two months they let me out, and then I learnt that the Pakistan Medical Association in Balochistan and all the hospitals had been closed in protest for my recovery and to put pressure on them [authorities].

Otherwise, my feelings in detention were of hopelessness. There was no hope left in my mind. I thought about my kids, my mother. I am the only child of my parents, and I had left behind my wife and my only son. Because of this maybe I had more worries; as a doctor and due to my family in Balochistan, and wondering what were they doing to trace my whereabouts, what were they thinking, what plans did they have for you – you remember all of these things.

This is what you think about all day: that my medical specialisation will all just disappear, all that effort, and hard work, and as a middle-class family to have earned all these things only to lose them; that's the kind of hopelessness that assails you in detention.

There is nothing to do while in detention, the day is spent in thought, different *soch* (thoughts), different *khyal* (feelings) that enter your heart. That's how the day passes. You wonder what day it must be; is today Sunday, is it January, maybe it is the 4th of the month and tomorrow will be the 5th? This is how the days go by, because there is no activity.

There is no other way to bear this. This is what you think

about, wish for a miracle and hope to get out somehow. You think maybe tomorrow is the day when a miracle takes place and you get out. It is not a matter of bearing the circumstances; these are how the days go by, one after the other, hoping for a miracle.

You also think about the other people, friends you know have been missing for years – who disappeared before you and are still missing. After the second time I was detained, all hope left me.”

QADIR'S JAIL EXPERIENCE

When Saleem Zafar took over Qadir's case toward the end, he was able to secure his release from jail. Like other ex-prisoners interviewed for this book, he recalled what Turbat Central Jail looked like through how it made him feel, and reminded him that he was – at all times – confined:

“ The jail is contained within four large walls and there are four to five long barracks. There is a large main gate and then you pass through two additional gates. Between the first two sets of gates, there are rooms where the jailers sit. After these three gates, the prisoners' barracks begin.

The jail was very painful. There were no facilities for *roti* (bread) and food provision. It was very difficult and you worry a lot. When it is hot there are no fans. It gets very hot, up to 50 degrees Celsius, and so it is really hard to bear. There is no cold water in the summer months. There is a lot of load-shedding (frequent power cuts). So spending time there is very painful.

We did not have the money to pay for facilities like a fan or cold water.

There are no medical facilities; there is one doctor who only comes sporadically. I was a prisoner. I had to endure it. We lived in the area so we were somewhat used to the heat; you had to bear it. There is nothing you can do. You are a prisoner.”

When prisoners were asked to recall the architectural space they were confined in, they remembered emptiness, suggesting not only an absence of everyday basic items, but due to the absence of freedom, also the loss of ability to change one’s circumstances, turning survival itself into an emptied experience of endurance every day.

Prison officials and staff discussed how labour in prison had an educational value, simultaneously providing opportunities for character development as prisoners engage with useful activities. When taken on prison tours in Karachi and Peshawar, I was reminded that prisoners did everything from food preparation, groundskeeping, to painting murals on prison walls as if it was an environment that they had ownership of and could take pride in, all the while practising to become law-abiding citizens.

Balochistan’s prisons are known to be well behind other provinces when it comes to instituting reforms. This much IG Malik Yousaf conceded when he said, “prison reforms are essential since most of the prisons are still in colonial mode of operation and physical infrastructure. Our department is working on it continuously within our limited resources. But I assure you that our prisons are much more humane and soft as far as the execution and treatment of sentences are concerned, when compared to many countries including the UK and USA which I have personally visited. Western prisons might be good in physical infrastructure but their treatment of prisoners is harsh as far as execution of sentences is concerned.”

From the prisoners’ perspectives of daily life and labour arrangements one may contend, however, that physically demanding work is exacted as a form of ongoing punishment:

“ They would let us out of the barracks during the day – I would be outside for three to four hours – and then they put us to work for several hours. We had to do the cleaning. We had to cook the food in the canteen and wash the dishes.

They left us alone during prayer and we also got the chance to read the Quran.

It was the prison guards who were the ones who used to make us do the work. If we did not do the work, they would hit us. They would punish us.

When I saw how the others were punished, I never said no to work.

They would tie up prisoners with hands above their heads and keep them in a separate room. And they would have to stay like this for two to three days.

There is no training or in-prison learning. That's why they just make us do prison work.”¹⁸⁶

Qadir described the threat of violence, used to create a culture of fear, and its abject use as a consequence for challenging the authority of guards. This threat was underlined by routine and unyielding strict treatment of prisoners. And it was the fear of threat that guards exploited when they denied prisoners needs for supplies that were not provided by the jail administration:

“ They were not too harsh but also not nice. Their attitude was somewhere in between. At the start when we entered the prison, we were beaten and tortured into submission. After that, if you did not question anything you would not get

¹⁸⁶ Sections 34-46 of the Prisons Act 1984 permit the employment of civil and criminal prisoners.

beaten. People who would not obey the guards would get beaten and tortured. I would see this and stay in line.

This created fear in us and we knew not to defy them. So I did whatever they asked to not get beaten or tortured. The beating on the first day was to create fear.

With the VIP culture [intact in prisons], businessmen or people with political connections to local ministers had their own rooms with two to three people in them. They even had a TV and other facilities. Other prisoners would be assigned to them to cook and clean for them.

The barracks meant for the poor had 30 to 40 people in them, with the rooms only 20 to 30 feet wide. We had to clean the barracks ourselves but were not provided any items for cleaning. The bathrooms were not clean. We just had to use them. There were too many prisoners to keep them clean. We had to manage our belongings in this space as well. It was necessary. We had to endure this."

In the Turbat Central Jail, Qadir described a similar culture of extortion and bribery to purchase basic and discretionary items as found in other jails, where prisoners were at the mercy of guards:

“ There was no place to buy supplies. You got supplies through the jailer. He would help you contact people who got you things. They would charge us for these favours and whatever rations we got they took half of that as well. If you wanted soap or anything like that, you had to pool and give money to someone, or get your family to bring you supplies.”

Other than being subjected to routine menial labour, Qadir explained there was little else to do in jail:

“ Most of the time we were locked up and we played cards. This is how we passed our time. After 5:00 p.m. we had nothing to do. At night we would go to sleep.

I had it in my head that eventually I would have my appeal heard. I just had to spend my time there and tell myself that one day I will get out. You hang on to this idea in your mind: you just have to endure and serve your time.

I was scared at the start but that fear went away. I was afraid of being tortured or getting sick and not being able to access healthcare in time. These were the kinds of things I was afraid of.

I spoke to other prisoners and they told me their stories about how long they had been in there. I felt like I would be able to get out quickly because my crime was not as grave as theirs and then my fear decreased.

When I went to jail and reflected on my offence, I was contrite and thought I would no longer commit a crime. But you also look at the treatment of the jailers and think no, I will do more of this [crime]. This kind of treatment hardens your mind and the fear also goes away.”

Visits from family were one of the few things which provided him with solace:

“ I used to be worried there about my family. I would think of family and when they would come to visit, you would be content for a while.

We had to speak to the family through a wire mesh. You stood behind one and spoke to them through the holes in the mesh.

I got to see my family two or three times a month. My mother, father and siblings came to meet me. Sometimes my friends also came. The meetings were 15 to 20 minutes long. I asked them about how things were at home and we talked about my case and how it was progressing. The time would go by very fast when they were around.

They were worried about me. They told me that when I get out, I should not repeat these mistakes again.”

When asked why he turned to crime, Qadir described a life of poverty, devoid of opportunity:

“ I lived in a hut made of wood. A *jhopri*. A little far from the city, in a village two to three kilometres away.

I was poor; I had no money or job. I kept trying to find work. Conditions were bad. I got into robberies and dacoity out of necessity. My family is also poor. I am the only son of my parents. They needed my support.

The people I used to hang out with, they said that there was no future here and we should steal motorcycles and that we will have money that way. It was out of necessity.

There are some opportunities for education but it is expensive. And there is no work. The people who become ministers, they give work to their own people. There are really no proper government education facilities and those who are poor cannot get private education.

I still do not have work but I am trying to find a job.”

Like Feroze, he was able to form relationships inside prison:

“ I formed friendships with other prisoners. They were like me. We are from the same community; we spoke the same language and we knew where everyone came from.

There should be better treatment [of prisoners in jail] and people should be respected. There should be facilities for education so we can at least feel human and consider taking a different path. We can't think of ourselves as human in jail. Jail makes you want to be a criminal instead.

I remember my friend who is still in jail. I want to do something to help him and get him out. This is what I think of. He was also like me. He had no other options. He also needed money and did this out of necessity.”

When asked if there was anything specific he wanted to say for this book, Qadir added:

“ There are a lot of other prisoners who needed help and had no money, facilities, or representation. They need to be helped and they need to find a way out. Their years should not have just gone to waste. They should not be treated like animals. They need humanity and love.”

POLICING THE PEOPLE: THE STATE AND OTHER GRIEVANCES

International policy and development reports identify Balochistan's grievances with the centre, and the way the province has not received adequate monetary compensation for its provision of natural resources to the wider country. But these arguments fall short of holding successive military and civilian governments accountable for stripping the region's natural resources and its securitisation. As Saadia Toor shows, repeated security-related interventions have destabilised the region, and based on this analysis, we can see how the criminalisation

of its people is central to maintaining a neoliberal security state.¹⁸⁷ Baloch grievances in policy analysis are framed not in terms of indigenous rights, but as contributing to growing instability and the innocuous language of a “fragility trap” in which the federal state is unable to govern effectively, compromising the vulnerable.¹⁸⁸ In the same way that state infrastructure for the provision of material resources such as electricity and clean water is lacking in the province – while natural resources such as gas and precious metals are extracted and the proceeds not reinvested fairly in the underdeveloped province – there is a severe shortage of criminal justice infrastructure, which instead of being developed has been replaced by security forces.

One of the key ways that Pakistani citizens end up in jail is the forms of securitisation that rest on the criminalisation of identities that challenge the state's narratives. In each province, jail becomes a mirror image or map of its society. In Balochistan, this means ordinary people must uncomplainingly live in circumstances of severe under-resourcing of economic and human development. The reflection of this sociopolitical reality can be seen in the province's jails, exemplified by how Feroze had to simply languish and make do with what was available.

In Balochistan, the disciplinary arm of the state in the shape of security forces exists to a greater degree than it does in other provinces and can be understood through a comparison of government-run prisons and unacknowledged detention centres. While members of the MQM in Karachi and Pashtuns in the merged districts of former FATA also report being abducted and tortured, these groups have a greater amount of socioeconomic power in comparison to Baloch dissidents. While Akram was threatened symbolically, Nadeem was actually disappeared, and while Majid reappeared into the official legal system, Nadeem was suddenly freed. In another contrast, Asad

187 Toor, S. (2011). *The state of Islam: Culture and cold war politics in Pakistan*. Pluto Press.

188 Hasan, A. D. (2016). Balochistan: Caught in the fragility trap. *Peacebrief*. 207, 1-7. United States Institute for Peace. <https://www.usip.org/publications/2016/06/balochistan-caught-fragility-trap>

Hussain, part of a party that actively took control of Karachi has, due to its power, enjoyed preferential treatment due to the governmental legitimacy extended to his party when forming coalitions with the centre.¹⁸⁹ He remained conscious of his class privilege and protection throughout his imprisonment. But as Nadeem noted, given how the parliamentary leaders from the province have been betrayed, again and again, Balochistan cannot trust the federal government.¹⁹⁰ Both Feroze and Nadeem's experiences are representative of their province's beleaguered relationship with the centre and its enforcement of might. This chapter has also shown that in Balochistan, extrajudicial detainment has become a significant disciplinary tactic that operates with limited checks and balances across large swathes of the province. Any discussion of prison reform must therefore consider this parallel world of extralegal confinement. In policy reports, however, the international and national discourse on Balochistan around violence against minorities and the proliferation of terrorist outfits overshadow the legitimate demand for rights in the province.¹⁹¹ One Government of Balochistan report, compiled with the support of various UN agencies cites the forces "supporting maintenance of law and order" in Balochistan despite reports from media and Human Rights Watch¹⁹² confirming extrajudicial kidnapping and killings.¹⁹³

While there is an acknowledgement of the federal government stripping the region of its natural resources without monetary repayment, the problem is not approached from a position that

189 Gayer, L. (2014). *Karachi: Ordered disorder and the struggle for the city*. Harper Collins.

190 Shah, K. M. (2019). The Baloch and Pashtun nationalist movements in Pakistan: Colonial legacy and the failure of state policy. *Occasional Paper*, 205, 1-36. Observer Research Foundation. <https://www.orfonline.org/research/the-baloch-and-pashtun-nationalist-movements-in-pakistan-colonial-legacy-and-the-failure-of-state-policy-53691/>

191 Hasan, A. D. (2016). Balochistan: Caught in the fragility trap. *Peacebrief*, 207, 1-7. United States Institute for Peace. <https://www.usip.org/publications/2016/06/balochistan-caught-fragility-trap>

192 Human Rights Watch. (2011). *We can torture, kill, or keep you for years: Enforced disappearances by Pakistan security forces in Balochistan*. <https://www.hrw.org/sites/default/files/reports/pakistan0711WebInside.pdf>

193 Government of Balochistan. (2018). The rule of law roadmap. http://rol.org.pk/wp-content/uploads/2019/09/RoL_Roadmap_Balochistan.pdf

recognises local grievances and demands. Instead, studies zoom in on insecurity that destabilises the power of the state – again not the violence inflicted on people in the region. The focus then remains on the need for law enforcement being the primary solution. Similarly, while there is a condemnation of state-organised disappearances and extrajudicial killings, the details of legitimate demands behind the ‘conflict trends’ are not discussed.

In a more nuanced analytical report by policy expert Arif Rafiq, the author outlines the general demands of the province leadership and people in relation to economic development projects such as CPEC which could prove an opportunity to decisively overcome Balochistan’s deprivations.¹⁹⁴ “Doing so, however, means protecting the political rights of the locals and granting economic privileges over migrant labor.”¹⁹⁵

Another reason for examining extrajudicial detention is the centrality of security forces in upholding law and order in Balochistan. They are named by activists for carrying out extrajudicial punishment both in Balochistan, and in the rest of the country as recorded in the other chapters. The experiences of detainees such as Nadeem, therefore, provide a valuable juxtaposition to what prisoners moving through the country’s acknowledged punitive system feel. Ex-prisoners, across the provinces, described the use of fear as a disciplinary tactic to ensure adherence to prison rules, activities, and the jail’s internal economy. For Nadeem, while torture took place for a bracketed period at the beginning of his detention, he lived in fear of it happening again, a permanent feeling that did not go away after he was freed. This felt experience is representative of the kind of fear the deep state has instilled within actual and potential dissidents as punishment for trying to speak out and expose political realities.

194 Rafiq, A. (2017). *The China-Pakistan Economic Corridor: Barriers and impact. Peaceworks*, No. 35, 1-64. United States Institute for Peace. <https://www.usip.org/publications/2017/10/china-pakistan-economic-corridor>

195 Ibid.

Nadeem described the idea that dissidents live in fear forever and how this had long-lasting effects in the form of PTSD following his release and permanent departure from Pakistan:

“ There was a professor at my college, who writes on history and medicine. When I rejoined after my release, I went specifically to meet him. He said this to me: ‘In bullfighting, there is a red rag, and whosoever has it in hand, the bull knows that’s their target to kill. Right now, there is a red rag tied around your neck. You should not remain here, nor can you remain here... But despite this, I remained with my comrades.

Whenever, a guard turned up without you asking for help with anything, unlocking and opening the door, that’s when you knew you were being taken for torture. Or when the security guards were patrolling the jail premises, with keys in their hands and you heard them jingle, you were afraid that they were coming to open your door and take you away to torture cell. They might come and take you at any time, and you lived in fear of this 24 hours a day.

It’s very difficult to recall that time now. I’m a little more relaxed now, because I’m under treatment here by psychologists, and I’ve been under treatment for almost four years. Because of this, I’m a little more at peace. But I’m in a situation where I remember what happened in flashbacks, and I also have nightmares. But with treatment, it has gotten better.

The secret detention centres I and my comrades have seen, they are like graves, and you live in those graves. There is no light, there is nothing you can have of your choice — not fresh air, nor light, nor to sleep when you want or to wake when you want, nor to sit when you want, nor to use the toilet when you want. You are alive in a dark grave.”



Karachi and Sindh: Securitising Movement, Migration, and Difference



ANNALS OF INCARCERATION: DETENTION THROUGH PRE-COLONIAL, COLONIAL, AND POSTCOLONIAL TIMES

Two contrasting images of Sindh appear in the colonial histories of the annexation of this province: the first being the cartographic aims of the British Empire, and the second of a corrupted simpleton villager found there. As Manan Ahmed has identified, the conquest of its geography was especially important to the East India Company, as Sindh was seen as the first region of the subcontinent to have been invaded by Muslims and therefore the territory to have hosted their rule for the longest.¹⁹⁶ A variety of cartographic data was produced about Sindh, overlaying its complete mapping, rendering it traversable for the modern colonial explorer to view the feats of imperial cultural, scientific, and technological expansion, to be distinguished from its former ‘plundering’ predecessors. Nearly a decade after military commander Charles Napier’s 1843 victory over the Talpur dynasty and the annexure of the

196 Ahmed, M. A. (2017). Quarantined histories: Sindh and the question of historiography in colonial India - part 1. *History Compass*, 15 Article e12403. <https://doi.org/10.1111/hic3.12403>

province, orientalist explorer Richard F. Burton took cue in his writings about Sindh from the assistant political agent to the province, Thomas Postans, according to whom the animosity between the Muslims and Hindus operated in a genealogical logic, where the Hindus of Sindh were unable to “[fling] off the yoke of Islam,” and had become “a helpless servant to his Muslim tyrant.”¹⁹⁷

For Burton, Islam always threatened the religious and cultural syncretism he found in Sindh.¹⁹⁸ While he identified Christianity as the birth of modern European science, due to “palpably [partaking] of the Pantheistic character of the old religion,” Islam in contrast “went forth conquering.”¹⁹⁹ Citing examples of Muslims adopting and demonstrating respect for Hindu belief practices, he concluded instead that there were “abominations in the eyes of the old stock of the faithful,”²⁰⁰ despite being “at the same time... acceptable acts of religion here.” In the concluding remarks of *Sindh and the Races that Inhabit the Valley of the Indus with Notices of the Topography and History of the Province*,²⁰¹ he wrote:

*“Sindh, still a new country to us, is and will be an important portion of our Eastern empire, for two reasons. In the first place, it may be made the common commercial depot of Central Asia; and secondly, it is an advanced line of posts thrown out to protect India from her natural enemies, the turbulent, war-like and powerful trans-Indine nations.”*²⁰²

Differences of religion were a squabble its people had to resolve, while colonial rulers focused on the bigger picture, he continued:

197 Postans, T. (1843). *Personal observations on Sindh; the manners and customs of its inhabitants; and its productive capabilities; a narrative of recent events; and an account of the connection of the British government with that country to the present period.* Longman, Brown, Green, and Longmans. <https://archive.org/details/in.gov.ignca.9455>

198 Burton, R. F. (1851). *Sindh, and the races that inhabit the valley of the Indus; with notices of the topography and history of the province.* WM. H Allen & Co. <https://archive.org/details/dli.csl.6773/page/n1/mode/2up>

199 Ibid.

200 Ibid.

201 Ibid.

202 Ibid.

*“With respect to the people, one main difficulty appears to be that of adjusting the balance between two rival races. Under a rule of foreigners, the Moslem and Hindoo will ever be antagonists; and to judge from experience, the former must succumb to the superior craftiness and stricter combination of the latter. To maintain as much as possible the equality of these great divisions, is to serve our own interests.”*²⁰³

Concealed in the coastline of ports along the Arabian Gulf were the penetrable inlets of Karachi and Thatta, and up the River Indus to its flat, desert plains that uncovered for any colonial explorer, its darkest interior: village upon village of strange customs and peculiar habits, “semi-barbarous” country bumpkins – mystical, driven by belief in the occult, intoxicants, and drug users – each one to be described and attributed separately to each community. For example, “The peculiar prevalence of intoxication” was split: while “the Hindus of Sindh are remarkably fond of [darun]” that made a variety of toddy, “the Moslems are extraordinarily addicted to the use of Indian Hemp.”²⁰⁴ When unsure, Burton passes genealogical comments on which group may have drawn which practice from the other. Ironically, after describing an organised system of law, justice and sentencing: ultimately, in criminality, there was no difference between Hindus and Muslims, and Burton likened them to “perjurers”, both culturally and legally. “When a native makes an assertion, he is to be doubted; when he asservates, to be disbelieved; and when he swears, to be suspected of a black and exaggerated lie.”²⁰⁵ The idea of diversity as something requiring protection and oversight while also being a surreptitious threat that could unseat the Empire, dates to colonial era discourses on Sindh that wished to demarcate the province as solely Company domain.

Following the expansion of passenger rail in the mid-1800s, the trope of the conquest of Sindh through travel extended to understanding the

203 Ibid.

204 Ibid.

205 Ibid.

province as providing connectivity across colonial presidencies and its buffer regions of Balochistan and Afghanistan. In *The Land of the Five Rivers and Sindh: Sketches Historical and Descriptive*, penned over 30 years later by travel writer, David Ross, the railway is centred in the port city of Karachi stretching over three systems, and more than 1,700 miles of track.

*"These lines of railways, besides being of vast commercial and political importance, as connecting the fertile districts of the Punjab and the north-western provinces with the sea-board at Karachi, also form the chain of communication between the great garrisons and cantonments which guard the north-western frontiers of India, and are the main artery for military transport during times of peace or war."*²⁰⁶

Alongside these, a series of tourism guides known as *Murray's Handbooks For Travellers* were published in India for the first time,²⁰⁷ aimed at the refined Western traveller, with a keen interest in not only new cultural encounters but also the world's modern transformation. *The Handbook of the Punjab, Western Rajpunta, Kashmir, and Upper Sindh*²⁰⁸ and the *Handbook of the Bombay Presidency with an Account of Bombay City*,²⁰⁹ are organised by rail, mapping out travel routes from station to station covering the entitled areas. Before they begin their country-wide excursions, travellers are provided with a set of guidelines on how to ensure an optimal visitor experience. These include what to wear to protect against the "hot plains to the piercing cold"; a history of the region dating to antiquity; and a prolonged vocabulary and list of phrases in Punjabi and Sindhi for conversing with 'natives', particularly servants, and for identifying agricultural produce,

206 Ross, D. (1883). *The land of the five rivers and Sindh. Sketches historical and descriptive*. Chapman and Hall Limited. <https://archive.org/details/dli.csl.7321>

207 John Murray Archive. (n.d.). *Murray's handbooks for travellers*. Retrieved August 2, 2020, from <https://digital.nls.uk/jma/topics/publishing/handbooks.html>

208 Eastwick, E. (1883). *Handbook of the Punjab, Western Rajpunta, Kashmir, and Upper Sindh*. John Murray. <https://archive.org/details/handbookpanjw01eastgoog/page/n5/mode/2up>

209 Eastwick, E. (1881). *Handbook of the Bombay Presidency with an account of Bombay City*. John Murray. <https://archive.org/details/handbookbombayp00eastgoog/page/n5/mode/2up?q=jail>

legal terms, provided for combined utility and linguistic interest; and much more. Then follows an extensive list of archaeological sites such as temples, mosques, shrines, and tombs, noting their exact distance from urban centres, with details such as age, architectural styles, and building materials used. The former are found among a cartographic history: localities along routes are described for their longitudinal and latitudinal coordinates, incoming and outgoing railway timetables, climatic patterns, geological topography, population counts, telegraphic wiring, agricultural produce, and irrigation technology. This is to be a final and lasting infrastructural triumph grounded in science and technology,²¹⁰ over the previous 'tyrannical' Mughal empire, and to be viewed as an exhibition of modern transformation.

In these descriptive travel routes, jails receive mention as notable visitation points. One such site of carceral utilitarian transformation under colonial governance can be observed as a traveller passes from Bahawalpur into Sukkur, unlike the previous rulers who harboured fond, but meaningless sentiment for it:

*"The Fort is a picturesque object from the river, and appears strong, though in reality it is not. The Amirs attached much importance to this fort. But on our advance to Edbul, in 1838, it was placed at the disposal of our Government, and was used for some time, first as an arsenal, and then as a prison for Baliichi [Baloch] robbers; until 1876, it continued to be used as a jail, subsidiary to that of Shikarpur."*²¹¹

Ross, similarly, described the conversion of the Bakkar Fort to a prison:

"In 1865, Bukkur Fort was used as a jail, which was abolished in 1876; it had accommodation for 320 convicts, and the position was found to be very healthy. The prisoners manufactured tablecloths, towellings, winter

210 Prakash, G. (1999). *Another Reason: Science and the imagination of modern India*. Princeton University Press.

211 Eastwick, E. (1883). *Handbook of the Punjab, Western Rajputna, Kashmir, and Upper Sindh*. John Murray. <https://archive.org/details/handbookpanjbwe01eastgoog/page/n5/mode/2up>

coats, carpets, reed chairs, sofas, and other articles."²¹²

In the Punjab handbook, Shikarpur, in turn, is described as a town that was not clean until the adoption of the Municipal Act, which also saw the production of multiple goods in jail:

*"In the Government Jail... sheepskin coats, baskets, reed chairs covered with leather, carpets, tents, [and] shoes... are made by the prisoners. Some excellent pile carpets were shown some years ago at the Karachi Exhibition."*²¹³

Jails came to represent the industrious transformation of people. Prisons were marked as centrepieces in urban city planning and considered structures to be viewed as monuments to colonial infrastructural development and population management.

A similar confluence of Ross' writings on the transformation of goods production in jail and the wider economy – as distinct from Mughal rule – can be found in the Bombay handbook in his description of Hyderabad jail industry:

*"Firearms, sabres, daggers, and spears were made under native rulers, but the manufacture has greatly decayed since the conquest of the province by the British. Pile carpets, sheetings, and rugs are made at the Haidarabad jail."*²¹⁴

212 Ross, D. (1883). *The land of the five rivers and Sindh. Sketches historical and descriptive*. Chapman and Hall Limited. <https://archive.org/details/dli.csl.7321>

213 Eastwick, E. (1883). *Handbook of the Punjab, Western Rajpunta, Kashmir, and Upper Sindh*. John Murray. <https://archive.org/details/handbookpanjbe01eastgoog/page/n5/mode/2up>

214 Eastwick, E. (1881). *Handbook of the Bombay Presidency with an account of Bombay City*. John Murray. <https://archive.org/details/handbookbombayp00eastgoog/page/n5/mode/2up?q=jail>

The Bombay handbook itself, when mentioning the Hyderabad prison, states:

*"The Jail is worth a visit to those who are curious about prison discipline. It can contain about 400 prisoners. The Persian carpets and rugs made by the convicts are very handsome and good. Mats, also, capital tablecloths, towels, napkins, and a great variety of cotton cloths are manufactured in the prison, the discipline of which is much to be commended."*²¹⁵

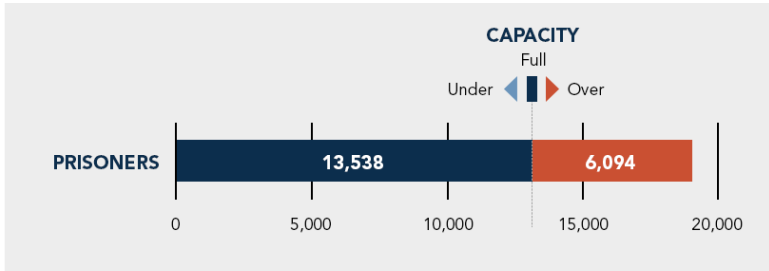
It was in this way that jails came to represent the industrious transformation of people. Prisons were marked as centrepieces in urban city planning and considered structures to be viewed as monuments to colonial infrastructural development and population management.

The Crown rule in India was keen to develop the port city of Karachi and the province as an artery that linked the entire subcontinent. It is this permeability that is today a source of fear in Karachi and Sindh as gateways for incoming and outgoing insecurity. Since Punjab's increasing dominance within federal governance since the 1960s, a topic covered in the chapter on Punjab, Sindh has been gradually sidelined in terms of access to shared resources. Against this backdrop, demands from ordinary people for enfranchisement and socioeconomic resources such as education, agricultural development, and a proportional share of the federal divisible pool have been conceptualised as acts of subnational separatism and threats to national security. In addition, Karachi as an urban, cosmopolitan megacity is seen as the location where such challenges to state governance not only emerge, but also congregate, and spread out across the province's interior rural regions and the wider country.²¹⁶ Together, the country's former capital city of Karachi, and the province of Sindh, have become places where difference and mobility are viewed with suspicion. This

215 Ibid

216 Yamin, S. & Malik, S. (2014). Mapping conflict trends in Pakistan. *Peaceworks*, 93, 3-30. United States Institute for Peace. https://www.usip.org/sites/default/files/PW93-Mapping_Conflict_Trends_in_Pakistan.pdf

complex history linking the city with the province in a way that has been understood to threaten state supremacy coalesces in the stories of a cross-section of prisoners with different, competing identity politics interviewed for this chapter. The history of Karachi presented in this chapter, and its relationship with the wider Sindh, is drawn from conversations with journalists who have extensively reported and analysed the city's sociopolitical violence.



Prison occupancy in Sindh, according to 2021 Federal Ombudsman Report

CRIME AND PUNISHMENT – COMPOSITION OF PROVINCIAL JAILS

In the following pages, we will hear from a variety of ex-prisoners who went to jails in the city, including its central prison, Malir District Jail, an unknown detention centre, as well as Khairpur District Jail in interior Sindh. Their accounts of arrest and imprisonment are reflective of ethnonationalist tensions that have bound the urban metropolis, including communities such as Mohajirs, Sindhis, Pashtuns, and Balochis, the wider province, and the federal state in an uneasy relationship around competition for power, resources, and identity recognition since the country's formation. From the mid-1980s to the mid-2010s, these unresolved issues have simmered and bubbled over, and Karachi was, at one point, deemed the most unsafe megacity city in the world.²¹⁷ During this period the city saw no-go areas cordoned off

217 Khan, Taimur. (2013, September 3). Cooking in Karachi. *Foreign Policy*. <https://>

as street and organised crime spread and turf wars reigned. Karachiites remember a time, not too long ago, when the police and paramilitary forces carried out crackdowns and curfews were imposed on the general populace.²¹⁸ In the provincial narrative, these were framed as part of larger clean-up operations to crack down on law and order issues in Sindh's interior including dacoity and militancy.²¹⁹

The people interviewed for this chapter are a cross-section of political ex-prisoners starting with Sharjeel Muhammad, a prominent party leader and former MQM sector in-charge, and long-time party worker, Malik Qureshi. Sharjeel was arrested in 2004, several years after paramilitary operations had temporarily ended the MQM's reign of control in Karachi. One of the party's earliest members, he had a falling out and joined its splinter faction, the Haqiqi party in the early 2000s. Accused of murdering members of the founding party, Sharjeel began his sentence at Malir District Jail in his early 30s and would remain in prison for eight years until all charges were finally cleared. Despite his fall from grace, Sharjeel tells a story of relatively privileged treatment in prison due to his status as an important political party member, sharing observations of how the prison system is a far worse experience for the criminalised poor. His colleague, Malik, a veteran MQM political worker went to jail on several occasions throughout the 1990s at the height of the party's fight for control over Karachi. He spent time in Karachi Central Jail as well as the interior district of Khairpur, in the province's northwest, following his arrest in a paramilitary crackdown. Through the story of his work in the party, his accusation and arrest, the chaos of clampdowns on the MQM's struggle to take over Karachi across the 80s and 90s comes across vividly, as does the role of prisons in managing the situation.

I met Faisal Sabzwari, Sharjeel and Malik at the new MQM offices

foreignpolicy.com/2013/09/03/cooking-in-karachi/

218 Personal communication, September 2020

219 Yusuf, H. & Hasan, S. (2015). Conflict dynamics in Sindh. *Peaceworks*, No. 104, 1-27. United States Institute for Peace. <https://www.usip.org/sites/default/files/PW104-Conflict-Dynamics-in-Sindh-Final.pdf>

in Bahadurabad. I would also meet Zahra Hameed, an in-charge of the party's women's wing, who was jailed for 'raising slogans against Pakistan' – her story is told in the final chapter on women's prison experiences. It was quiet when I entered, with only a receptionist seated at the far end, and a few middle-aged men chatting in the corner. The ceiling was towering, the space not yet lit by tubelights, and at the back were individual offices, shuttered by grimy glass doors, as if newly installed, the plastic wrap unremoved. The interviews did not take place here. When Faisal arrived, we climbed a couple of flights of stairs behind doors adjacent to these offices. These led to a wide-open cream-coloured office space with a boardroom-like meeting area, and behind this a large seating space filled with stiff cream-coloured couches. In front of these was a table flanked by two flags, one Pakistani and one MQM. I first spoke with Faisal for a background on the party and Mohajir history, discussed at the end of this chapter, after which I interviewed Zahra, Sharjeel, and Malik.

This is how Malik narrates the story of the crackdowns and imprisonment:

“ I am a political worker in the party. I've been working since 1985-86. I was accused of murder, civil disturbance, burning, fighting. There were 4-5 cases against me. I have been arrested thrice: in '93 for 10-11 months, then in '94 for 1.5 years, and then four years in '97. On two occasions I was in Karachi jail and once in Khairpur jail.

There were two or three types of operations in the 90s. In '95 the operation was to catch and kill us. There are 2,000 of our people from MQM in jail. Those who had small cases would get bail quickly. The hard-core ones would get caught like me, and they would also arrest a few others, like my neighbours, who were arrested with me.

But I stayed in and the other four got out in 15-20 days. And it kept happening like this. This is how the arrests happened

but it wasn't all of us who stayed in jail. Otherwise there would have been 10,000 MQM-linked people in jail."

Sharjeel and Malik viewed their experiences in prison through different lenses of ethnopolitical identities. Malik believes violence was directed at him due to his Mohajir identity and political affiliation and that he was deliberately transferred to Khairpur for additional punishment. Here his own sense of ethnic superiority comes out against a sense of injustice he felt within a Sindhi milieu. His felt experience can be understood within a geography of incarceration, where prisoner relocation out of his home city becomes for him part of the system of punishment. Sharjeel was in-charge of all the sectors, a topic he was reluctant to divulge, and instead shifted conversation to overall prison conditions.

According to Sharjeel, he was falsely accused of and charged with murder. His case was heard before the Anti-Terrorism Court following the 2002 general elections. Found guilty by the lower court and denied bail, he commenced his 10-year sentence at Malir Jail in 2004, remaining there for approximately nine months, after which he was transferred to Karachi Central Jail, to a cell he shared with two other B-class individuals.²²⁰ Released after eight years on good conduct, Sharjeel was cleared of all charges in 2020 by the Sindh High Court. Before this, however, he had another experience with imprisonment in 2015, arrested during the raid of the old Nine-Zero MQM offices. This time, he spent three months at a Rangers internment facility, after which he was released on bail. While behind bars, Sharjeel observed similarities and differences across these facilities, and between his treatment and those of other prisoners who came from more vulnerable socioeconomic backgrounds.

220 Prisoners who by social status, education or habit of life have been accustomed to a superior mode of living. Habitual prisoners can be included in this class by order of the government. Rule 225 of the Prison Rules deals with the classification of convicted prisoners, whereas Section 51 of the Sindh Prisons and Correction Services Act further amends it.

Together, Malik's and Sharjeel's experiences in jail show how an economy of extortion and punitive violence along segregated spatial lines are the legend to an urban and provincial map of securitisation in Sindh. In their stories, they also reveal the use of particular words – unique to jail environments – referring to a vocabulary of items, spaces, and procedures for inflicting violence.

As MQM violence in Karachi ebbed and waned, a fresh era of organised crime was to grip Karachi in 2003, this time in the neighbourhood of Lyari which would become the new target of paramilitary operations. A split in the main Lyari gang led to factionalism, warfare, and power struggle where rival factions vied for connections with an influence over the provincially ruling PPP, the right to forge independent political credentials, and control of the area's lucrative drug trade.²²¹ When paramilitary forces were deployed to quell the violence, not only did gang leaders go to jail, so did law enforcement officials accused of playing dirty, as well as ordinary residents. From within this conflict, we will hear from Omer Bugti, a Lyari police officer jailed under allegations of involvement in organised crime and relieved of his duties; and Yasir Magsi, a young, working-class man from the same neighbourhood caught on drug charges. Their stories encumber the words of jail officials who insist on the need for and effectiveness of prison as a deterrent and reformatory space for habitual criminal behaviour.

THE FRAGILE SOCIAL MOSAIC OF LYARI

Through the mid-80s and 90s, Lyari, a neighbourhood in Karachi, fell out of MQM's control. Led by Rehman Dacoit, the neighbourhood was controlled by a local gang that enjoyed the backing of the MQM's main political rival, the Pakistan People's Party (PPP), with a large following among the Sindhis. Then, in the early 2000s, as arrested police officer Omer described, rival factions formed, introducing a power struggle

221 Gayer, L. (2014). *Karachi: Ordered disorder and the struggle for the city*. Harper Collins.

and everyday violence to Lyari. The gang wars were both about control over Lyari's criminal economy including the influx of drugs from the nearby port area to the neighbourhood and competing ties to the ruling PPP in Sindh, which has historically required the backing of the gangs to win one of its few seats in Karachi. Gang control in Lyari meant that while the MQM was fighting a violent power struggle in neighbourhoods near and far such as Saddar, Nazimabad, Gulshan-e-Iqbal, and more, it could not enter Lyari, and neither could paramilitary forces.²²² Violence in Lyari took root in the community in the early 2000s, when Uzair Baloch became the leader of the gang known as the People's Aman Committee to avenge his father, Faiz Mohammed, a transport worker who was killed in 2003.²²³ Since then, waves of violence have come to define what it means to live in the community, underscoring socioeconomic disenfranchisement of its predominantly working-class makeup. At the same time, the neighbourhood has been hailed as a development site of 'resilience', with a rich and diverse subculture.²²⁴ Fetishized into a story of a community saved and now worthy of elite liberal attention, those who live here have moved through encounters with law enforcement and the justice system, and tell a different story. They do not believe the violence is over, and nor do they like Lyari's external portrayal. Omer's and Yasir's stories from Lyari show what it means to live in the midst of violence, and how jail and imprisonment become a central part of clean-up operations and the securitisation of space, a key component in the violence that frames life outside bars. Everyday life in the area encapsulates what it means to live around and navigate violence, as also seen from Mariam Yunus' story below.

Mariam was born in Lyari and she has lived there her whole life. She works as a housekeeper in Karachi's posh Defense Housing Authority, an area of the city formed in the 1950s by retired military servicemen,

222 Personal Communication, September 2020.

223 Baloch, S. (2014, December 30). Uzair Jan Baloch - a profile. *Dawn*. <https://www.dawn.com/news/1153918>

224 Stout, D. (2019, August 2019). Straight outta Karachi: Pakistan's surprise hip hop hub. *Arab News*. <https://www.arabnews.com/node/1546846/pakistan>

and still governed by the military-affiliated housing society. Mariam takes four separate buses to travel to work every day. Her son drives a rickshaw but she cannot afford this kind of transportation on a daily basis. Most people in Lyari live a hand-to-mouth existence. Says Mariam: "What they earn in a day puts food on the table that night." Women are housekeepers, men, like her son, drive rickshaws or work as mechanics; he drove me around the neighbourhood, mother and son deciding together what areas of the central portion of their vast neighbourhood to show me. I also met Mariam's other son, who works as a mechanic; we passed him on the side of the road, with a group of other mechanics, attending to a broken rickshaw.

Entering Lyari through Saddar, Mariam's son sternly told me to keep my purse in the middle of the seat, between myself and his mother, because just the other day, while taxi-ing two women, one had her purse snatched. A thief had come out of nowhere, rushed the rickshaw and grabbed it. This was the only thing he said to me during his tour, scowling and tight-lipped. Later I learned he used to be part of a breakdancing team in the neighbourhood. On the road into the sprawling neighbourhood, we first passed through an area with one wood and metal working shop after another, full of rods, sheets and panels; men rolling, stacking, and cutting these items. Like this, that late afternoon, as the day turned to dusk, we bumped along from one neighbourhood to the next, along rickety, traffic-filled, potholed, uneven roads and narrow alleys.

Later we would pass through different hubs, one lined with fruit and vegetable sellers, another with carts selling various fried snacks from samosas to spring rolls, stacked in plastic display cases upon portable carts, bubbling fryers adjacent, and animated young girls scampering from one to the other. At a nearby bus terminal, the massive vehicles, wide enough to fill the whole road, blared deafeningly explosive musical horns. Another area was flanked by shops selling various consumer goods from shoes to clothing to household items. Each portion of the town was defined by a specific business, all lively with activity. Some of the shops were small gaming halls, with pool

and foosball tables on narrow sidewalks, with boys and young men engrossed in play, or seated in doorways animatedly chatting and staring out at their surroundings. One even had individual carnival rides with kids running from one ride to another excitedly. "Now there's *ronak* (hubbub); earlier, it used to be silence in the streets," Mariam said, gesturing at the liveliness of the evening. "All of these businesses were shut for fear of extortionist rents [from mafias]."

A large group of women were gathered in one area: Mariam explained they were lined up outside the ration centre. Her daughters had been there earlier but were unable to get their rations. The centres had been set up by the Pakistan Tehreek-e-Insaf (PTI) government but supplies were not coming through in an orderly manner. Some had gotten them, some had not. Since the PTI came to power, she said, a lot of the PPP offices that previously served the community had been shut down. She said that Lyari residents had faith in Benazir Bhutto, because she had done a lot for those who didn't have much. "What development?" Over tea, Mariam's daughter questioned my opinion when I voiced NGO narratives about Lyari.

Since the completion of paramilitary operations, Lyari has become the subject of an inner city development success narrative. Media articles abound with reporting on youth sports programming such as boxing and football, and bicycling girls that have transformed the crime-riddled neighbourhood into a bustling hub of cultural activity. "You saw the *keechar* (muck) in the alley from the overflowing sewer." They were worried about not having bottled water to serve me but assured me they had just boiled a fresh batch.

We travelled from one portion of the neighbourhood to another, each demarcated by criminal gang territory. Mariam told me whose turf we were on – Rehman Dacoit and Baba Ladla – and pointed out their homes, on their own unassuming to an outsider albeit slightly larger than the rest of the homes, tagged with signatures and the names of beloved footballers. This was either the map of violence I had asked for, or the map of violence that people from Lyari used to move through

the community. Mariam told me about a time when all of Lyari was controlled by different gang factions:

“ While trying to get from point A to B, you would be stopped and asked where you were going, and why, and even be escorted. We lived inside the Uzair-controlled area, right behind his house. We knew people from across the various territories, but you could not go to see them. We would instead meet people, going from the top, as you couldn't use the streets, jumping from roof to roof. I told my sons to speak to no one, lest they get involved in gangs.

It's gotten much better since the operations. It was the worst during the time of Uzair Baloch and Chaudhry Aslam (the famous police officer). You saw them right – the police mobiles and rangers posted at the street corners?”

The gangs are lurking. You don't know when they'll resurface. We still hear firing at night.”

CAUGHT IN THE CRIME NET: OMER'S STORY

“ Iftikhar Chaudhry was the Chief Justice and he liked taking up suo moto cases... *Express TV* ran a show saying a police mobile was in use by gangsters and was picking up people. In the footage they showed a white-coloured mobile and they put all the focus on Lyari police stations saying these were Lyari people and Lyari SHOs and they were involved with gangsters. So they didn't [investigate properly] and I became a scapegoat.

I think that even as police officers we make mistakes. I really feel now that those who go to jail should be charged properly and no one should face jail time if not guilty. But this is not a country of angels, and police officials have not sent only guilty people to jail.

There will also be many innocent people sent away, and I am a witness to this. People who had left my station and I had said they were innocent, even after a year they were in jail. So when these kinds of mistakes cause harm to others you feel it more – that we as police officers need to manage these kinds of situations better.

Why should innocent people be jailed?”

Omer is a former police officer and station house officer (SHO), suspended from the force after 23 years, for involvement with a murder case connected to the gang rivalry between prominent gang leader Uzair Baloch and his opponents in Lyari. He was accused of kidnapping a gangster for Uzair, who was later killed, making Omer an accomplice to murder.

“ The charges against me are that I picked up some people and handed them over to the gangs who later killed them.”

He was imprisoned between 2013 and 2017 in the Karachi Central Jail. Out on bail at the time of his interview, he described the waves of violence he has seen as he patrolled his community, monitoring rival gang members revolve in and out of the justice system, leaving behind a trail of violence, and a neighbourhood engulfed by fear.

“ Things in Lyari are much better after the operation, many criminals were killed in encounters, and people are able to move with freedom... businesses are running.

Before the operation, in 2002 [2003] after the murder of Uzair's father, two Baloch-speaking groups emerged and they began fighting, creating a gang war. Arshad Pappu [Uzair's rival] and his brother were arrested and then released on bail; Uzair was arrested and then bailed out, [and his right hand] Rehman [Dacoit] slipped out of court after being arrested and was killed in a [police] encounter.

But they weren't just killing each other, they were also killing ordinary people. So in a war principally over money, weapons came in – the real thing was drugs – so with drug money they would buy weapons and kill each other.

But this was also a political issue and the people of Lyari suffered these issues later on in the form of this war.

For ordinary people Lyari used to be the most different area of Karachi. When the 1990 operations happened, people were scared to go anywhere in Karachi. Lyari was the one area where people were safe and they would come here from other areas knowing their lives would be safe.”

Omer's arrest and imprisonment show how the nexus of political urban violence and state clean up-operations spared no one.

MILITANCY, SECTARIANISM, AND SECURITISATION

MQM and Lyari residents' accounts of their experiences with arrest show how the securitisation of urban violence within Karachi is political in orientation, and can turn on itself, and swallow the innocent along the way. This paradox will be covered in Yasir's story of getting caught up in the mire of drugs, crime, and policing in Lyari toward the end of this chapter. Next we hear from Majid Saeed, a journalist who lives in Karachi but is from Azad Kashmir. He was disappeared, and was kept in a paramilitary detention centre for writing pieces critical of the state's extrajudicial approach to dealing with political dissent. He was later transferred to the Karachi Central jail and accused of being a Shia militant who had travelled through interior Sindh with the intention of infiltrating Karachi with his assailants. The story of his arrest and jailing encapsulates the way the securitisation of Karachi and Sindh involves the criminalisation of difference and dissent along geographic and sectarian lines. Like Wasim Mehsud (see the chapter on Khyber Pakhtunkhwa), Majid described being manhandled by unidentified law enforcement personnel, blindfolded and being detained in an

unknown location before being transferred to jail. For Wasim, it was a 24-hour period, but for Majid it was 30 days. Abducted in the middle of the night, and deposited hours later in what he figured was a secret detention centre somewhere in Karachi, he did not know where he was, or what was to become of him. Majid is one of many such cases in Pakistan where national Urdu and vernacular language journalists have been apprehended and detained in extra-judicial encounters by unidentified officers for writing about the methods used by the security state to suppress dissent. A minority Muslim hailing from Azad Kashmir, his story tells us about the state's phobia that sectarian uprisings are entering urban hubs through rural networks that manage to escape surveillance and threaten to destabilise central governance. In its narrative, someone like Majid is seen to embody a disguised existential threat to national unity.

MQM and Lyari residents' accounts of their experiences with arrest show how the securitisation of urban violence within Karachi is political in orientation, and can turn on itself, and swallow the innocent along the way.

Following a few days of verbally violent and repeated interrogation, "the kind where they keep yelling at you to tell them what you know," Majid was left alone in his cell for 30 days, with no information about why he had been detained or when he would be released. His blindfold was removed while he was in his cell, but those who came to deliver his food did so with their faces covered. When being taken to use the bathroom, he was blindfolded. The cell he was kept in was small and rectangular, only a few feet wide. There wasn't much light, but Majid could make out that there were a few similar cells adjacent to his, and a small corridor ran along the wall outside – but this is all he could decipher. It was summer, and there was a fan placed outside his cell. Other than food, he was provided with a Quran.

One day, to his surprise, with no forewarning he was removed from his cell and taken to a police station. From police custody, he was presented in court where it was said that he'd been found with a concealed weapon. He was then remanded to jail. Majid described two contrasting experiences in each of the two prison facilities, one of the mind and the other of the body:

“Initially, in the detention centre, I wondered if I had done something to deserve such misfortune. Maybe I had hurt someone in the past, or done them wrong – maybe this was a punishment I had to serve out to right the balance. You become superstitious – there must have been someone I had wronged – maybe my father, my mother?”

Being disappeared was not a sentence against me. It was a sentence against my parents, my wife, my siblings – my family. They didn't know where I had been taken and whether I was dead or alive, and had to live with that doubt, day in day out, with no respite. I came to understand the depth of this pain only when I met them again, when I was released, and they would tell me about living in fear and worry. Prior to this, I had worked on stories of enforced disappearances myself, so I thought I understood, and certainly, I had sympathy. But I really came to understand the anguish that the loved ones of missing persons go through when I learned what my family had experienced in my absence, and what they tell me now about that time.”

CONDITIONS IN CAPTIVITY

Sharjeel said:

“When I was first arrested, I was taken to Landhi jail. As the police were transporting me there, they spoke to me with respect. They said the jail I was going to had a really bad reputation and that God might forgive them as regular police

officers for their sins but the jail officials would never be forgiven, they were so blighted.

I was at Landhi jail for eight to nine months and then I was shifted here [Karachi Central Jail].

There was not much difference between the two. Landhi jail had a slightly smaller population and fewer barracks. We could spend money and get better facilities. But for an ordinary prisoner there was no difference.

There are two types of jails in Pakistan: one is for the rich, and then there is the ordinary person for whom jail is no less than hell. Difficulties are faced by even politically connected people and by criminals, but the ordinary person has problems with no end.

I was not in a barrack: I was a B-class prisoner [who by social status, education or habit of life have been accustomed to a superior mode of living], so I got a room with two people in it. And you can build a bathroom there or get your own bed. Ordinary prisoners sleep on the floor on a 1.5 feet space, and they have to buy their own bed. Otherwise a prisoner has to sleep on the floor with everyone else – this is called *thappi*."

As an educated political prisoner with relatively influential social standing, Sharjeel received a B-classification and the privileges that come with that category. But this did not quite exempt him from punishment, and in his responses he moved from pointing this out that while he could acquire privileges to make his prison experience better, even these are tempered by security directives. Sharjeel could avail himself of amenities and facilities without experiencing direct violence as C-class prisoners did when in jail. And while his influence protected him to a great degree, it remained part of an ongoing negotiation and a reminder of the power of jail to control lived experience.

Sharjeel distinguished his privileged experiences from C-class prisoners:

“ I think in jail, given the conditions that exist there, no human will improve inside. They will get worse. Some people have the strength and family background to endure this but when you look at the overall picture, people get worse and all the jails in Pakistan are like this. Instead of improving the life of an ordinary person, after seeing all this, a person will have no value for life.”

The Superintendent Prisons, Shah Nawaz Sand, explained these conditions in the following way: “After 2008 government, jail conditions improved; before, there were 100 prisoners to a barrack and only one bathroom, but now there are over 10, with floor tiles, and there are ceiling fans. Here, there are no power cuts; we have a generator to ensure that there’s no electricity interruption for prisoners.”

And of his relationship with the mass of people contained in the prison he said:

“ As an SP, my responsibility is security. I am a custodian. I look after the health of prisoners, the distribution of food and drink, and the maintenance of discipline. My relationship with prisoners is that of a father and child. Daily, I go inside the jail and visit the prisoner and hear their requests and provide solutions – whether they are medical, whether they have to go to court, if a prisoner wants to shift barracks, or if they are annoyed about something. So my connection with them is as a father.

I don’t want to look at the 4,000 or so prisoners here as criminals, whether they are murderers sentenced to death... I don’t want to look at them from the lens of criminality. My responsibility is I want to make them good members of society and then return them to it. This is what I owe – to the

country, to their families – that I maintain their wellbeing, so they can become participating members of society.”

Shah Nawaz presented an orderly image of Karachi Central Jail, flowing from his benevolence. And if there was one jail official ex-prisoners singled out, it was the SP who reigned supreme in a jail, with absolute power to bestow or deny.

Sharjeel explained how spatial punishment was always around the corner:

“ I was put in the *bund* ward a few times, and I could not meet anyone... it was because of political pressure, for no specific reason. In eight years, I was sent to the *bund* ward four to six times. So without any reason for three months at a time I was taken there. Your humanity is stripped in jail, you are not thought of as a human.

But even for eight years, I had a room and an open space and for security reasons I was alone there. Because of B-class categorisation you can either get food from outside or cook it yourself. There are other prisoners who are made to cook the food at the jail.

The person with money becomes a cash machine. When he tries to reduce the price [for something or pays less] there is greater punishment, so he has to give money.”

According to Sharjeel, the initiation into this economy takes place upon entry into the jail system, where one learns that space is a scarce commodity, and that one needs to ‘buy up’:

“ When a person steps into jail, his introduction takes place with slaps, for no reason – he gets two to four slaps. Then he is locked up in *karantin* (quarantine during the COVID-19 pandemic) and he spends his first night there. And the

condition of that barrack is such that people are squished together. At the edge of the room, an officer pushes the prisoners to make room for the new arrivals (he gestures with his leg to show how it's done). There were 150-200 people [in *karantin*] and the space was from this wall till here (gestures again). They fit as many as they can in there, whether they have to sit or lie down. If you get up to go to the bathroom at night, you will not be able to find your spot again.

The next day when they are officially entered into the prison, they are beaten before being questioned. I have seen a lot of prisoners have their eardrums burst. After that they send them to different barracks.

If there is a rich person then a deal can be made about where he can stay. If he tries to negotiate the rate then he is made to do rigorous work. He is given a *jharoo* (broom) and told to squat down and clean the barrack. And after going from one end of the barrack to the other, he is made to do it all over again in the other direction. And after that he is unable to stand.

Where he stops, he is kicked and punched. From that pressure and torture they demand more money, and they get it. The ordinary prisoner is made to endure this every day: he is made to work, and is beaten for no reason."

In response to questions about a *lena-dena* (give and take — the transactional nature of prison extortion) system driving prison operations, Sindh IG Prisons, Qazi Nazeer said:

“ Yes, corruption has not ended completely, give and take has not finished, this will indeed take time. We are not living on an island... I can matter as an IG, I can have an influence and minimise bad things but to completely eradicate them is a societal problem. Prisoners themselves also have corrupting

influences.”

Following his entry into jail, Sharjeel described how the economy of extortion worked to inform every aspect of prisoner life, reminding prisoners and their families of their separation from each other, and that to have any of the social freedoms one must participate in it:

“ For ordinary prisoners, when their family comes visiting, they have to sit behind a wire-mesh separator, and the guard will tell them to pay them money and if they don't have any they will ask for jewellery [the women are wearing]. If they refuse, they beat the prisoner in front of the family till they agree. I have seen this with my own eyes. If I am willing to spend money, I can get anything and if not, I will face difficulties.”

In response Shah Nawaz said:

“ Even if these things were true, I couldn't tell you... That's why I sent you inside to meet with the prisoners. Our prisoners go to court regularly, the judges also come here. If this kind of thing happened, then they would complain, and we would be summoned. Bad things happen in society, so they also happen here. In the three years I have been here, I have disciplined and suspended sepoy who have committed infractions. If I see this happen under my watch, then the official will be punished.”

Malik described his brutal initiation into the violence in prison:

“ They want to strip a person of all respect — to humiliate him and take away his self-respect.

I was beaten with sticks on entering the jail; the rest happened on remand at the police stations. They beat you there when they bring you in. They put your legs against the

wall and do *cheera*.²²⁵ This happened to me as well. They didn't do the full *cheera* which makes a person like that [impotent]. They also tied you upside down and beat you with a whip. But this was in police custody. We were also kept blindfolded so we didn't find out who was doing it."

Here, Malik was referring to a specific kind of punishment in which men were beaten into doing the splits, making them impotent for life.

Describing his introduction to Karachi Central jail, Malik said:

“ When we enter the jail, there is a line of officers waiting, and they beat us from that gate till our ward with sticks, and we are running, hoping that somehow we can get to a place where we are no longer being beaten. When we get to the barracks, they stop.”

When I asked IG Qazi Nazeer about violence, he said the stories prisoners told about being slapped upon entrance were not true, gesturing dismissively.

“ People have this concept that prisoners were slapped when they entered jail for no reason. When I joined the department it was like this, but over time it has stopped. Now it is not like this at all. I can guarantee that when a prisoner is detained they cannot be beaten because they will complain when they go to court, and when their relatives visit them.”

But more than one prisoner described how violence is ritualized as a constant reminder of one's inhumanity, where different grades of beatings are the medium of communication, from regular slaps without warning to the form of inauguration into violence just described, and to

225 *Cheera* – A stretching technique. Perpetrators make a victim sit and then stretch the victim's legs apart, either suddenly or gradually. Often, a perpetrator is behind the victim with a knee on his back and pulling the victim's head back by the hair. <https://jpp.org.pk/report/criminalising-torture-in-pakistan-the-need-for-an-effective-legal-framework/>

specialised torment and torture.

For Shah Nawaz, discipline is used to teach prisoners to live within boundaries, much like children. In his response, he denied there was outright violence, but did describe jail as a space where corporal forms of punishment were necessary:

“ It used to happen, we have heard about it, we’ve even seen it, but today, there isn’t a complaint like this in any jail. See, in our jails, the majority of prisoners who are locked up are those who did not listen outside, who did not have any barriers – when they broke barriers, no one told them otherwise – so for these people, here they have to stay disciplined. There’s a sepoy who keeps 1,200 prisoners in discipline, and slowly they fall in line. On the first day, it is difficult because they have never listened to anyone before, and they have not learned to stop. Here, they have to learn to stop. For example, kids fight each other for no reason [and so], while we speak of reform, we must also speak of punishment. If someone commits a murder, there is a punishment, they are going to jail. It’s in the law, it’s in Islam, and so on this basis, punishment also takes place in jail.

But there is no torture. Weekly, all the district and sessions judges visit, and they go inside and listen to the prisoners, and in my three years here, I have never heard a complaint of torture, such as sepoy hitting a prisoner. Here there is no torture, and in all of Sindh there is no torture.”

Specific kinds of violence by the police have been visited upon MQM workers that Sharjeel remembers in detail:

“ I have seen people taken from the room next to mine and return four hours later screaming. They were beaten and salt was put on their wounds for the pain to intensify. At one time there was a term used in Karachi, *cheera lagana*, in 1992 this

had started; they would catch an MQM worker and to get him to confess they would make him do the *cheera* on him. You make a person lean against the wall like this (gestures) and one police officer hits one leg and the other goes after the other. If you make someone tear apart his legs like this, then what will be the effect? There was the effect of that moment and then it would stay with him for his entire life.”

SLEEPING, WAKING, LIVING: SCATOLOGICAL ASSIGNMENTS

Malik described his initiation into jail thus:

“ I had never seen jail before, and I was made to lie between a lot of people, and they were very dangerous people. It was the first time I was seeing jail and I was sleeping next to them. If I was to get up and move, and they turned in their sleep, then my spot would be gone and I could not get it back.

When you wake up on the first day at dawn you see all sorts of dangerous people, they are bathing, washing their clothes. You are allowed only a couple of hours and you have to go to the washroom. Then we are locked up again. The new people are given an area to clean and you do this all day and the ones who can give money are allowed to rest. But on the first day everyone is put through the grinder so they can get more money. If they don't do it then they won't know what it is they must pay to get away from.”

Two kinds of initiation take place, in which your body's relationship with freedom changes, and you are told that you are trapped in a system. If you don't want to participate in it, or be left alone, you have to be able to pay to get out of it. This is what happened to Malik when he decided he did not want to participate:

“ I didn’t want to give money. I am a political person, so I have to face these issues as they come. So I had to work till evening, and I was exhausted by the evening. I slept really well in that jail, I enjoyed sleeping.

Then in the morning when I woke up I had to go to the washroom. The washroom is a block (gestures) and there is no cover, so you will see if anyone is there and if they are, you will move to the next stall and you will sit only when you find an empty spot. After this I was given a new assignment: this assignment I will never forget in my entire life. When these people did potty, it used to flow out [of the toilet]. There was no sewage system, it had to be picked up. In that potty,²²⁶ the bread we used to eat, what was left over [undigested] and had gone dry, it used to be mixed in there and I had to separate it. I had to take the *roti* (bread) out of the potty and put it in a separate place.”

While jail officials said prisons were places that helped to build moral character, those who had been through the system said it was a place engineered to break strength of character:

“ There is work to be done, there is cleaning, do it. An assignment has to be given to you, the worst kind of assignment; because you are a strong person not willing to give money.

But I spent my time there without giving money and faced everything. I proved the idea that you cannot make it through this system without paying someone wrong. I didn’t give anyone bribe money.”

226 Malik used the word potty to be polite.

As is with the accounts of other ex-prisoners, Sharjeel said medical treatment was withheld:

“If you get seriously ill in jail, you are doomed, nothing can be done for you. In 2015, in my neighbouring room there was an MQM worker who got very sick. To get the doctor we had to scream for 30-45 minutes ‘*sepoy sahib, sepoy sahib*’. They then decide if a doctor is really needed. There is nothing in the jail. They give you paracetamol or Panadol pills and think that will solve the issue. There was a JUI-F worker Tariq Mehboob who died in jail: he got ill at night and tried to call out but no one heard him; he was holding the doors of his cell when he died and that’s how he was found.”

Malik described his jail experience from the 1990s in Karachi similarly:

“If you are sick, a doctor will come to you, but only if you make a lot of noise to get attention, because there is only one guard and you don’t know where he might be. We had tin plates, and there were 12-14 rooms [in the section] who would call out and scream for assistance together. All of us used to knock on the doors with the plates. So when the 12-14 rooms are knocking with the plates, it makes a lot of noise and then they come.

The doctor comes to see you – he is not really a doctor but a prisoner who has some medical training or if we are really lucky a doctor is in jail, and he is given the duty to see ill prisoners.”

When I told Shah Nawaz that these were the kind of stories I heard from ex-prisoners, he responded in two ways. One to indicate that compliance standards were met and were adequate; and another, with real-life stories, that only came across as outlandish:

“ We have weekly visits from medical specialists, ordered by the Sindh High Court. There are six routine medical officers, who are doctors, and also have separate staff, and they are there on a rotation cycle, with two in the morning, two during the day, and two at night.

After 2008, I can tell you that the medicine and treatment prisoners receive are better than those common people receive. For example, I have two former prisoners who required dialysis, and cancelled their bail hearings for it, and returned to jail to receive treatment because they couldn't get it on the outside.

There are aged prisoners – 90-year-olds, whose relatives can't care for them, and here we change their diapers, we clean them, and house them.

We now have a Qarshi clinic, started at the behest of the IG *sahib*, which sees 70 to 80 patients a day, addressing stomach issues, knee pain. One month ago, a prisoner came to me, with the help of two others, because he could not walk. Two days later, the same prisoner came to my office, walking on his own two feet, and he said, 'Sir, see how I've been cured?'

So, with two doctors at a time and this company [Qarshi], it's possible to manage the medical care of the prison.”

VOCATIONAL TRAINING: THE FACADE OF EDUCATION

Sharjeel also talked about the facilities and opportunities for rehabilitation at Karachi Central Jail:

“ I learnt to paint. They have a system for keeping up appearances, where some work is done. There was a small computer room to learn. Like this there was a small area

for painting and an instructor would come. There are some NGOs who provide training and education. I think the computer-related courses benefit the prisoners; if you learn painting and continue outside it can become a career; for the prisoners who [took up painting], the jail administration would hold an exhibit and you could have a chance to sell the painting. So I asked them to allow me to paint but they said they can't let me do it with the others; they agreed to let the teacher come to my ward, so I started to learn. I was able to draw someone seated in front of me with a pencil by the end of it. I enjoyed gardening before.

The people who are learning are a tiny percentage, maybe 25 out of 6,000. They are those who have some education from before. And then they [the jail administration] also benefit from this: if they are given 10 computers the administration keeps five. And if a prisoner learns to use a computer, then they get the credit. This also happens because there are many visitors such as the Chief Justice or a minister, so you need something to show them. That's why there are such [vocational training] rooms in such a large jail."

Shah Nawaz attempted to bolster the reputation of Karachi Central Jail's rehabilitative programming. He regretted lack of government funding and fewer facilities at rural prisons:

“ You see a person go to jail; he goes with a crisp white *shalwar kameez* and years later, that outfit will be tattered and dirty. Funding provides for food, but nothing else, not clothing. The day a man enters jail, his earning for this family stops, he can't even afford his lawyer's fees. This *bichaara* (poor soul), he is destroyed. That's why there needs to be a system for prisoners to earn and be part of an industry through public-private partnerships – like there is in this jail that you would

have seen.²²⁷

In my jail of 4,000 prisoners, 500 are learning. The rest should too, but there aren't enough classes. There are remission opportunities available through learning and activities too. Right now the prisoners make the items from their own materials and then sell them. In addition, there are vacancies in my jail which need to be filled, to teach computers and general teachers, and when the government can do something about this, then these roles can be filled. The teachers you met today are themselves prisoners, but in the rural areas such opportunities can't be provided. Skills need to be taught in the rural areas – this change needs to come about.

In Karachi Central, the prisoners are earning. When they work in the kitchen they are earning; those that are working in fine arts, they sell their pieces and make money. But why does this only happen in Karachi Central Jail? This should be in all jails in Sindh. There, kids who should be going to school are ill at home, because the person who should be earning can't afford to pay for their child's medicine. At Hyderabad and Sukkur central jails, you'll find facilities for learning but not in Larkana and other remote areas. This is because more educated prisoners are sent to Karachi Central Jail."

During my visit to Karachi Central Jail, I was taken for a tour of the barracks. Prisoners' clothing and belongings were strung from wall to wall, blocking most of the natural light. The men were seated on their beds, sometimes two to a bed, as if ready for inspection, but this could not hide the disarray of their surroundings. Then, I was taken to an arts room, a crafts room, a reading room, a computer room,

227 Tihar Jail in India is a great example and one that is recognised as a pioneer in the economic rehabilitation programs in prisons. Tihar Jail has nearly 12,000 prisoners and manufactures products which are sold and worth 10-15 crores rupees annually through public-private partnerships.

and a medical ward. In the classroom, adult men were sitting at desks like students, with books open in front of them, studiously reading Urdu language texts. No one turned any pages, while the instructor provided me with a rote description of subjects taught, the class timetable, and the benefits of educating prisoners. When I asked the warden accompanying me on my tour why everyone was so quiet, he explained as though it was rather obvious, that this was part of the discipline. Next I was taken to an arts room, and told that the works on the walls were by prisoners who had learned to paint in prison, and that these were eventually sold. Oil on canvas pieces; among them conventional street scenes and, other, noticeable, were of half-clothed women in sultry poses. My attention was directed to one of a white woman straddling a cello, another of South Asian women in a domestic setting, and finally another of a silhouette of a woman's bare back. In another craft room, some prisoners were hunched over needlepoint and weaving easels. Prisoners rarely looked up when I entered, and continued their work as though there was no interruption. In yet another crafts room, an instructor handed me a pearl purse, explaining it was made by an inmate. When I nodded affirmatively, I was directed to look at it closely and hold it. As I held the item, I was told that prisoners sold their goods in stores, and in this way were able to make a living and afford items in prison. In the final crafts room, as I entered, a *qawali* began, as if on cue. A TV crew was filming. A full band played *dum mast kalandar*; the treble screeched across hoarse voices. One prisoner danced maniacally, as though attached to puppet strings.

Shah Nawaz pointed out the importance of providing vocational opportunities to all prisoners:

“ Now, in jail, there are those who are connected with organised crime, people who don't listen to [jail] authorities inside. If there are 300-400 people like this – violators of law — out of the 3,000 who are disciplined, the former get swallowed by the latter. They see the demeanour of the majority and fall in line. There was a sector in-charge [of the MQM] who took part in music and painting; so a big criminal

like him became a part of this [reformative] environment. But people like this have also orchestrated the killing of jail officials in the past, when jail officials were out on the street or on their way home. But now with the grace of God everything is fine.”

IG Qazi Nazeer had a different opinion, but like Shah Nawaz, came around to the view that violence in Karachi Central jail was a thing of the past and reforms institutionalised there were better than in other jails.

“ Our system does not [rehabilitate prisoners]. I am telling the truth here, it does not rehabilitate and send people back [reformed] into the world. Incidentally, if someone learns their lesson and does not want to come back, or is made worse [by the jail experience], it is up to who they met [in jail] and were influenced by.

In my opinion, we are ahead of other provinces. As I said, when I started, there used to be jailbirds and officers who maintained the status quo and would not deviate from the rules at all, because of which prison was so harsh for prisoners, it became inhumane. It was not a law for humans, and it became a part of our culture. So there needed to be a change in the rules and we, the Sindh government, made legislation to repeal the 1894 Prisons Act and 1900 Prisoners Act and implemented a 2019 Prisons and Corrections Act.”

AN UNEXPECTED TRANSFER: THE STORY OF MALIK

One day, Malik was suddenly transferred to Khairpur jail in the middle of the night:

“ We heard this loud noise, and woke up. We were taken to a big field and we saw everyone was being beaten in a big courtyard.

There, prisoners were being punished with *danda beri*. *Danda beri* is like this [gestures]: they take a rod and beat the prisoners who've been made to stand in a triangle formation. We then also got the *danda beri* (iron shackles put on both hands and feet connected with an iron rod. The movement of a prisoner is thus restricted).

Some 60 of us were then locked in a vehicle and we were taken from Karachi to Khairpur jail. All day we travelled. Someone had to go potty, someone passed urine. Somehow we made it there.

By this stage I had become a B-class prisoner, and when we got off they put the B-class people on the side and took the C-class prisoners away.

When you first go in, they ask you to take off your clothes, but as B-class prisoners we did not have to take our clothes off. But we were on the side and they told the rest to undress and they made them lie down and started beating them. They beat them at the gate and then till the barrack they made them run naked.

All the Sindhi prisoners were watching from their barracks. It was really insulting."

Statements such as these punctuated Malik's interview, at once expressing a sense of deeply felt injustice as his underlying xenophobia bubbled up. It is through this duality that he interpreted his transport to Khaipur as targeted discrimination, including his removal from the city he tied his ethnic identity to, and the shame of experiencing humiliation in front of an ethnic group the MQM sees as a political rival and feels is unfairly privileged.

“ Then they called us. We said some of us were older and we were all B-class prisoners but they made the elderly

prisoners take their shirts off but not their trousers – maybe they were scared they might die. Then the rest of us got the same treatment as the C-class prisoners. The next day in the morning they didn't give us clothes. The skin on our hips had been cut open and we were bleeding.

For three to four days we laid there alone. Food would come, but there were no fans. It is really hot in Khairpur. At night there were mosquitoes and we would slap at them all night and in the day there were flies and they would not let us sleep; that's how we passed the time.

I remembered a couplet: mosquitoes, flies, and ants. Ants took flesh from our wounds because they also did not have food. So we used to say flies, mosquitoes, and ants, may the curse of God be upon them especially in the *bund* ward of Khairpur jail.

We suffered there for a year.”

Malik went on to describe how he tried to make the best of his time in jail through higher studies and steel himself against the physically and emotionally brutalising environment that characterises jail life, while remaining grounded in his political beliefs. He remained unconvinced that his and other MQM prisoners' transfer to regional prisons was tied to general prison management procedures.

“ I was taken there for punishment. They said if I ended my political activities, they would send me back. This was their demand. If you really wanted to punish a prisoner, you sent him to a jail outside his city so he was also cut off from family.

There was no more space in the jail here [Karachi Central Jail] so they had to send us there because of that as well.

There were four brothers from New Karachi in jail: one was

sent to Sukkur, one to Khairpur, one to Nawabshah, and one to Larkana. Now tell me how would their family meet them? Visits would take place once a month – so in four months the sister would meet each brother once. One was married, so his wife would visit him.

My father used to come visit me. It was so bad, I used to faint [on seeing him] so how could I meet him in that state.

So when you get out of jail, you hold your ears [to seek forgiveness] and say you don't want this anymore. If you live in Pakistan do not raise your voice or speak of justice. I get angry and sad because what did I do to be treated like a third-class citizen? What should I do now? I am not against Pakistan, I am for the country.

I learnt from jail. I tolerated it. I have control. I will not fight if you call me names. Because in jail others were humiliated so badly that if someone now fought me, I only laugh. I know what happens after. This person hits me and if I turn around and hit him, I will have to go to jail and suffer again. I will therefore ignore it.

Every person has his nature. Another person may remember two police officers who treated him badly and vow to kill them when he gets out, and if he fails his children will inherit the vendetta. So you perpetuate violence by doing this.

Older prisoners told me to study. When I went to prison I did not know how to read the Quran, I finished it from start to finish. I was a B.Com. graduate, and in jail I studied for a masters in International Relations. So while still in Karachi jail, I received my masters degree and read the Quran in Khairpur. Others did not do this. Others started smoking, or doing drugs.

I made an application to the court saying I wanted to take the [master's] exam. I had been told that due to murder charges, I could not leave jail.

So these are the positive things... you are afraid of the bullet because you have been shot.”

Malik says that while Karachi jail officials were not specifically trained to be anti-MQM, their mindset was already against jailed members of the party due to political affiliations:

“ In all of Pakistan, Karachi Central jail is the worst jail in terms of corruption and brutality. In Karachi, the police appointments are political and the officials are working for the party that is against us. They were politically affiliated as well so they were ordered to be bad to us. At Karachi Central Jail their mindset was against us and we were treated worse than ordinary prisoners.

The second and third time in jail was easier than the first. The third time I went to jail, the attitude of guards was better. They knew we were not criminals, we were political people and one day they may need to work with us. If they were told to be tough on a prisoner they were, but if you stayed in line they were a bit better, and we knew how to speak to them over time. We learnt what kind of attitude to have inside.

There were a lot of MQM people in jail [during the operations]. But they were not all in one place. We were distributed among different jails. There were other prisoners who are against MQM but they did not fight with us. Even now in Karachi jail the population is not Urdu speaking, mostly. There are Pashtuns and Punjabis; out-of-city people who came here and got involved in crime. They would taunt us about the clothes we wore. But by 1998, they were also wearing pants. ‘These people’ were always there. The jails

were full even then. And even now these people are the majority, they are the ones who have ruined Karachi's image.

In Khairpur, they were told the 'Karachi terrorists' were coming. In the jails in [interior] Sindh, they [jail administration] were bad because they were ordered to be that way. The guards had terrible perceptions of us. They thought of us as terrorists. In Khairpur, the superintendent's family came to see 'the Karachi terrorists'. They thought we would be big and mean looking but when they saw us they laughed. The charges against us were 15 murders, that we had killed army officers and police officials. Every Sunday there were people who would come to see what we looked like."

Relaying this account, Malik also tried to convey a sense of political triumph. He interspersed descriptions of feeling targeted in jail due to his ethnicity and political affiliation with stories of late-night conversations with wardens, themselves trapped in jail, becoming convinced of the MQM cause.

A POLICE OFFICER'S EXPERIENCE IN JAIL

Like Sharjeel, Omer occupied a relatively privileged position in jail as a 'dirty' cop. His observations about his experience in prison show how there is one economic system with different tiers based on privilege. His view of violence in jail is more closely aligned with that of jail officials, on the necessity to maintain order and discipline among hardened criminals. At the same time, Omer also spoke of the listlessness and ennui he experienced, though he did not suffer the inhumanity of overcrowding. As a former police officer and B-class prisoner he received special privileges.

“ Because they knew I was a police officer and they knew me, I did get better treatment in jail.

Due to the category I was placed in, their attitude with me

was better. As the prison category gets lower, the attitude of jail staff gets harsher. But for me it was better. Though overall the situation was not that good. There were 200 people in a barrack and the way they lived together and slept together, diseases spread. The facilities to treat prisoners were not there.

In Karachi Central Jail, there are eight divisions and they all have names. For example, one was called the new jail division, one was the *subhanallah* (God be praised) ward, one was the *taleem ul Quran* (Quranic studies) division, and so on. They were all spread out and there were specific places within these for police officials.

[In reality] there is only B-class there, no A or C-class. B-class allocation is made by the court on the basis of education or profession – say you are a businessman, or some other reason. The court assigns your classification and then the jail officials provide the facilities. With a better class, it means prisoners get some freedom when going and coming from the court. For example, they aren't taken in the big van but in the police mobile, so there is a system of respect.

And then the living space is a bit better due to the B-class category. The B-class prisoners are given rooms. There were four to five people in my room. The ordinary prisoners are put in barracks.

Sometimes prisoners from a higher level were in the barracks as well; the jail staff used to see and decide. Sometimes those who helped them financially were given better facilities, but mostly politicians and businessmen were in good barracks or in rooms.

It was fine living in a room. When I was there, we had television as well. The room I was in also had a fridge. At that

time we also made our own food. But since I was released, the situation has changed. Later, the food was all made by the jail."

Omer said there was no doubt his time in jail was normal. "I am telling you what is true," he said, adding that in the years since his release, friends who had been to Karachi Central Jail told him conditions had gotten worse, becoming like "death" itself.

IG Prisons, Qazi Nazeer suggested a change was needed in the way prisons were organised to bring about any real change:

“ Over there [in Europe] the good thing is that prisoners are categorised by security level into medium security prisons with different rules, maximum security prisons are separate, and minimum security prisons are fantastic. But here the problem is, for example in Karachi Central prison, a person who has spilt the blood of 250 people and a person who is a pickpocket or caught in some small theft, are together. Who influences whom in this equation is obvious.”

On prison's internal economy, Omer said:

“ Either you have really good connections or you have money, these are the things that get you better facilities and treatment.

People keep giving money to get new facilities. Often there will be a political prisoner, or someone arrested under a National Accountability Bureau (national anti-graft agency) case, or a successful drug dealer, and they are very concerned about going to jail, so they pay to get comforts. If you want to get something inside jail, you have to give money, and the same goes for sending something out.

For someone who lives in Karachi or even in Pakistan this

should not be alarming. The society we live in is one where you have to give money in court and everywhere else. Jail is not a different place, it is part of this society, and this system.

This is how the system of corruption operates. Otherwise you would need political or other connections. People there want more facilities, so you need to give money or use connections.

I was not involved in the give and take but I am a police officer so I had my own connection.

Drugs, too, were part of this economy: you can get drugs easily. This was surprising but it wasn't just the officials, the prisoners also had connections when it came to getting drugs in. They [prisoners] had methods to get the drugs in and you could get some for 50 rupees and others for 500. Now how did the prisoners get 500 rupees? The system was that if they provided services for the more influential prisoners, they would get money, and they used that money to buy drugs.

The same people who sell drugs in jail are the ones who sold them on the outside. It's not on a large scale like it is outside. They don't sell them openly. I'll give you an example: when I went to court, I had to go with the regular prisoners a few times in the big car. [Later when I was moved to B-class, I used to go in a police mobile]. When I went two to three times in the big car, I saw they would put the drugs in a balloon, and put them in their mouth, and then drink water, or swallow ice, to get them in their stomach. And then back at the prison they would go to the toilet and the drugs would eventually pass and they would sell them."

Despite his relative privilege, the passage of time, however, was still a painful process for Omer:

“ The system in jail is that after *fajr* (dawn) prayers, as the first light comes in, the doors of our rooms are opened and when the sun sets in the evening the doors are locked. After dark we were then confined to our rooms.

A day in jail is very hard. I didn't want to wake up at sunrise. I used to pray at *fajr* and go to sleep around 12:00 to 12:30 p.m. Everything revolved around prayers and meals. I used to sit with some people or read the newspaper. In the evening we would watch football played in the jail yard. I couldn't play because of the injury to my leg, so I would just watch in the evening. After that our rooms were shut in the evening and I would just sit in front of the TV. The TV was our saviour by way of helping pass the time.

For the sake of discipline, beating happens. Prisoners fight with each other... When it comes to the behaviour of the jail police and their actions, the prisoners before them also have this nature. If they are not strict then the prisoners will be violent with officers. So to keep them in line, they have to be harsh.

But they also do not bother those who exhibit good behaviour. They used to look at the attitude of prisoners there as well.

During my time there, as you enter the jail there is a tower on the left side with an in-charge – during my time Rafiq Channa was the tower in-charge. Wherever he put his chair out there, it would be complete silence – such was the terror he exuded. They keep this terror in place so that the prisoners do not break the order.

The ones who brought in drugs or fought with each other, they got detained. When they were detained they were kept separately for two to four days. They were given food at

mealtime, and they were only given a bottle to drink water from – and they got nothing else.

They can't get out. This is a kind of punishment on the inside and it's called the *bund* ward.

I spent one day there myself. They normally treated me with respect but once I had something to eat that was not allowed – I accidentally took it. It was prohibited inside and when they found out I had eaten it, they punished me and sent me to the *bund* ward. It was against their rules. It was some *mawa* (chewing tobacco). It is not allowed. A packet worth 10 rupees is sold for 100 rupees – so they took me to the *bund* ward.

“It was Ramazan, when they took me it was *asr* (afternoon) prayer time – I went there, I had *iftar* (a meal taken by Muslims at sundown to break the daily fast) there, but after nearly two and a half hours, the in-charge sent an official to bring me out. He called me to his office and said I was a responsible person and I should not have done it and that they didn't like punishing me. So around 8:30 p.m. I was let go. From 5:00 p.m. to 8:00 p.m. I was at the *bund* ward. Over there they give you a water bottle, you can use that as a pillow under your head to sleep on and you also drink from that. They will bring you food. To make sure a prisoner will not harm himself in there, the *nara* (drawstring) in your *shalwar* (pants) or your belt is also confiscated. Everyone is treated like this over there.

Your connection to the world ends. You cannot get up and go out, it is not in your control. It is up to the court when they release prisoners. So you sit in this anticipation of when you will be released.

Two kinds of people can go into a grave, the dead and the

living. For the dead a grave is at the graveyard, for the living it is at a jail."

YASIR'S STORY: RAID AT A DRUG DEN

Yasir was imprisoned in Karachi's Malir District Jail on drug-related charges. His story provides insight into the experience of living amidst the spillover of violence and organised crime in Lyari. His arrest shows how increasing clampdowns from law enforcement work on a micro-level to make neighbourhoods and their inhabitants even more vulnerable to socioeconomic disenfranchisement, and in turn what micro-level jail experiences look like for those without money and connections to buy their way out.

Yasir had a broad face, and unkempt, thick wavy hair that framed his forehead. He wore three-quarter length, blue shorts made of fleece that reached below his knees and a tattered, dirty, checkered scarf was loosely slung across his t-shirt. He was very thin, and sat slightly hunched in the police station, with his arms, covered in jagged marks, tucked into his torso. Everything about him was worn and ragged. "It was my uncle who introduced me to drugs," he said, with bitterness and regret, averting his eyes as if he knew no way out of this life. He listed the alleyways in Lyari where one could score drugs, with increasing exasperation at the free-flowing ease of availability. Yasir was charged under section 9-B of the Control of Narcotics Substance Act. He had gone to a drug den in Lyari, was surprised by a police raid, arrested and sent to jail. He was 29 years old when he went to Malir District Jail in 2017. Two years later he was released, having pleaded guilty. Others who were there paid the police a bribe and were let go.

“As you enter the jail, in front of you is *mari* (a meeting area). The jail is just beyond the meeting area. In front of the *mari*, there are two jails. You can walk through the circular area and there are different numbered rooms. There's a children's ward, and one for adults.

I stayed in a barrack, some had 50 people, some had 200. I was ward number 14 which had 300 to 350 people. This was the *podrie* (drug addicts) ward. You're piled in, one person on top of the other. You're always touching/bumping into one person or another, and everyone is arguing and fighting. This barrack was the worst, and the filthiest. There is nowhere to use the bathroom – men would be pissing in there, and that's also the same place they shat.

I later went to barrack number 15, that was still okay. You could take a bath and wash up. The number of people was also less – there were about 180-200 people. I was also in ward 16, which had about 400-450 people but it was a bigger section."

Sindh IG Prisons, Qazi Nazeer, also identified Malir prison as disproportionately housing drug addicts without the resources to rehabilitate them. He said the solution was to build prisons according to appropriate security levels:

“ I have the idea to do this. We have a district prison in Malir and we are building a jail behind it that is 60 per cent complete. I will declare that as a minimum security prison. There we will provide the greatest possible facilities, and house first-time offenders who do not have a criminal record... [Currently] there is no rehabilitation centre for drug addicts: they are caught and sent to Malir Central Jail for possession of drugs. I think such offenders can be kept there [in the new facility] and rehabilitated.”

Describing the ease of drug availability and circulation in jail, Yasir said:

“ You get drugs in jail. People would bring them in their stomachs to sell. When they used to go to court for their bail hearings at the trial court, that's when they would bring it back in with them. They'd meet a friend there, who'd pass on

various stock, and that's how it would get into the barracks. But when jail guards found out that drugs were being smuggled in, you'd get thrown into the *bund* ward.

I was thrown in there three times – once I was kept for 10 days. First they beat you – five *dandas* (batons) at a time – for a few days, and then you are made to do work, such as sweeping and mopping the floor. In the morning you're woken up, and then in the afternoon you eat, around noon, and then at 2:00 p.m. you're locked back in with five others, who are also drug addicts. I was thrown in there because I fought with another prisoner. He was insulting my mother and sister, so I hit him, and then both of us were put in the *bund* ward, and separated into different barracks.

Those in the other barracks get better treatment. They are able to sit, to get up, they can get out – we couldn't. My mother used to visit, and I used to beg her to get me out of there. But how could she? I have no father, no brothers. Two years passed and I pleaded guilty to trafficking.

I thought of home and prayed that God would grant me release. I thought of my mother and sisters. I prayed and made items from *motis* (beads). I missed my mother the most when I was in jail."

For the two years that Yasir was in Malir jail, in the drug ward, the only time prisoners got to go outside was for bail hearings, doctor's visits, and family visits.

“ My addiction started because of life at home. I was beaten, and thrown out of the house. I am angry now when I think about jail. I'm angry at everyone – at the jail sepoy, the other prisoners, the government. But this is the conundrum – I was locked up in the same place whereas others who had committed the same crime were set free.”

FROM DETENTION CENTRE TO JAIL

Following his move to Karachi Central Jail, Majid found that prison impinged an indignity on him that he did not experience in detention: "In detention, I was at least alone in my cell."

In detention, Majid could still manage his own body:

“ In jail you are squished together, and then there are the dirty bathrooms. To look after yourself, amenities and facilities require payment – to get a bed, to do your laundry, to meet your family. In a situation like this how can one even ask for respect?

The trauma of this is, I can't speak up now. I have to think twice, every time, about what I want to say.”

Majid went on to describe how he observed that all procedures in prison, such as cleaning, took place through the exchange of money, including varying price points. He described a system in which inmate assistants managed 100 prisoners at a time. It is the head *munshi* who is sent the money collected from prisoners. These older prisoners run the prison. In Chapter 19 on "The Responsibilities of Convict Officers", the 1978 Prison Rules include labour classifications for assigned prisoners to maintain jail premises and discipline inmates. The Karachi Jail SP described this as a system of organised labour that keeps inmates busy with responsibility and prevents violence:

“ There are 1,200 prisoners in a ward, with 100 prisoners in each barrack, for whom there are two police officers. The job of the prison guards is to remain vigilant, that's it. They don't beat them with batons, it's not even possible. How can two guards take on 1,200 prisoners? As the jail administration, we want to keep a good environment, and as you would have seen, there are prisoners who are helping the guards with their work, and at night, the prison guards are on the outside,

the barrack is locked, and one prisoner is supervising from the inside doing rounds.”

Commenting on the way a regulated official system has been subverted in an economy of extortion, Majid said:

“ This is not a matter of official or unofficial, this is the system. For bail hearings, the guards charge money to loosen your handcuffs. They charge different prices for adjusting the tightness.”

It was in prison that Majid came to fully comprehend why he was in jail. One day, reading the paper, he came across his case. The prosecution had filed charges saying he and four other Shia men were apprehended travelling from interior Sindh to Karachi, and due to suspicious behaviour, the police stopped them and found that Majid was carrying a weapon. Upon further investigation, it was discovered that he and this group were connected to a Shia militant group in Iran. He then requested that his barrack be changed and to be transferred to one in which only Shia prisoners were housed. He was fearful for his life, should the Sunni majority prisoners around him discover his religion and the case against him.

POLICING THE PEOPLE

A primarily urban movement, while the MQM has historically placed Mohajir grievances at its core, the party has successfully woven electoral politics and street agitation together in its quest to gain power over Karachi and Hyderabad, Sindh's largest cities. For this reason, Oskar Verkaaik has termed the party's version of ethno-nationalist politics “street nationalist”²²⁸ as it cannot be neatly contained by class or ethnicity-based definitions. The party and its members, therefore, cannot be portrayed as victims fighting for civil rights. They are

228 Verkaaik, O. (2004). *Migrants and militants: Fun and urban violence in Pakistan*. Princeton University Press.

actively engaged in a battle for power and the right to govern Karachi. However, the Mohajir nationalist and sometimes separatist problem has not been examined fairly. While the party's tactics have been violent and become a cannibalistic entity of its proposed political ideology, it is important to understand the group's origins and subsequent sidelining, in relation to Karachi's growth as the country's financial capital alongside the city's marginalisation from the national political landscape.²²⁹

"We started as a student movement... the greatest strength and issue of the human race is identity... we did not have a particular identity... [But] when Mr Bhutto came into power he showed his real colours: he introduced a provincial quota, a very unique phenomenon in Pakistan and it only existed in Sindh," said Senator Faisal Sabzwari, senior MQM leader, describing Karachi in the aftermath of partition-era history including its demotion from national capital in 1959 to a financial hub, the adoption of Sindhi as the provincial language and an ethnicity-based quota system for government jobs, moves that officially entrenched differences between Sindhis and Mohajirs²³⁰ and gave rise to the party. Growing out of a Karachi University student movement in the 1980s, the MQM mobilised to fight for and establish political representation for a group that did not have a clear ethnic identity. Instead it drew on a diverse set of signifiers that comprised Mohajir belonging in the port city as uniquely Pakistani, yet drawing from their history of migration, including language, places of Indian origin, and professional trades, among others. At the same time, the party's identity-building politics have involved distinguishing them, culturally and ethnically, from other groups that comprise the city. For example, MQM-affiliated Mohajirs will refer to themselves as "Urdu speaking", a point of linguistic pride that defines them as culturally separate from those who speak regional vernaculars such as Sindhis or Punjabis.

229 Personal Communication, September 2020.

230 Verkaaik, O. (2004). *Migrants and militants: Fun and urban violence in Pakistan*. Princeton University Press;

Samad, Y. (2005). In and out of power but not down and out: Mohajir identity politics. In C. Jaffrelot (Ed.), *Pakistan: Nation, nationalism and the state*. (pp. 63-84). Vanguard Books.

Faisal's account of Mohajir history and its culmination in the forming of the MQM shows how these cultural proclivities came to be markers of a forceful identity politics and are echoed in the work of Yunus Samad who writes: "The shift away from Pakistani nationalism towards imagining Mohajir identity politics takes place through a process of relative deprivation and increasing competition for limited resources at both the national and local levels."²³¹

In national and international policy work, this period of violence and competing political relationships is little understood from a historical perspective, and largely framed as an ongoing security issue that is a threat to stable, centralised, federal governance. Writing by Pakistani analysts for publications such as by the United States Institute for Peace,²³² for example, see such urban violence as part of a general landscape of unrest that defines the province and threatens centre-periphery control and relations. In their analyses, urban violence is a facet of the flow of militancy and sectarianism spreading inward from rural 'hotbeds' infiltrating the city, and outward again to the rural districts. The concern in such writing is that it is Karachi and Sindh's unique multicultural diversity that is particularly compromised by militancy which introduces lawlessness, further victimising minority groups who are already vulnerable to socioeconomic disparities. For solutions, such writings call for greater, more efficient, and properly corruption-free law-enforcement and prosecution as key recommendations, alongside opening up access to legal rights for the underprivileged.

In this oft-repeated pattern of political analysis, these authors and organisations fail to examine how increased law enforcement operations have seen spikes in violence, and are also part of a national

231 Ibid.

232 Yamin, S. & Malik, S. (2014). Mapping conflict trends in Pakistan. *Peaceworks*, 93, 3-30. United States Institute for Peace. https://www.usip.org/sites/default/files/PW93-Mapping_Conflict_Trends_in_Pakistan.pdf;

Yusuf, H. & Hasan, S. (2015). Conflict dynamics in Sindh. *Peaceworks*, No. 104, 1-27. United States Institute for Peace. <https://www.usip.org/sites/default/files/PW104-Conflict-Dynamics-in-Sindh-Final.pdf>

securitisation drive in the post-9/11 era that has further compromised the very diversity they wish to protect. This lack of recognition elides how valuing diversity is reversed to criminalise often innocent people on the basis of their religious affiliation, ethnicity, poverty, gender, and political outspokenness. In this narrative, individuals can be scapegoated as a security threat underscored by longstanding xenophobic narratives. Law enforcement agencies are building up the security threat discourse to prevent dissent and to keep their own neoliberal security state running. In the case of Majid, he was picked up for his political outspokenness and said to be a Shia militant, travelling through Sindh. His minority belonging is turned against him and used to criminalise him on grounds of speaking out against the state.

Critics of the forms of corruption across the legal system will point to the misuse of law enforcement and court procedures that prevent carrying out justice. But at the root of the problem is the creation of a security state, a culture of fear, and the subversion of the legal system that this enables. In this way, any form of dissent can always be interpreted and subsumed as a militant threat, and innocent individuals such as Majid can be targeted.²³³ While some journalists have returned, others have fled, as well as writers, who have become fearful for their lives, following milder threats such as meetings with security agencies, in which they are told that if they do not keep silent, they will be out of options to protect themselves and stay safe. In other cases, such as Majid's, investigation and legal procedure are used together to bring individuals who have disappeared back into the legal system and under legal visibility, in order to demonstrate how the security apparatus is not only working effectively, but also actively catching perpetrators. Both Wasim and Majid described the practice as if it is unspoken common knowledge. "They disappear you for a certain amount of time," said Wasim. "Then they suddenly produce you at a police station, present you with a falsely drawn up FIR indicating the reasons for arrest. Then you are brought before the court, and transferred immediately to jail.

233 Well-known cases include Mariam Haider, Waqass Goraya, Gul Bukhari, Matiullah Jan, and Idris Khattak.

The time that you were disappeared is framed as the time you were in hiding, plotting criminal or anti-state activity, which law enforcement authorities investigated and discovered – catching you in the act – and having cracked the case, are now presenting you before the court for your trial and the execution of justice.”

Critics of the forms of corruption across the legal system will point to the misuse of law enforcement and court procedures that prevent carrying out justice. But at the root of the problem is the creation of a security state, a culture of fear, and the subversion of the legal system that this enables.

Jail officials were not prepared to respond to questions about the relationship between prisons, imprisonment, and the political history of the city and province’s securitisation, expecting and preferring to discuss compliance with reform directives. Questions about ethnic divisions were subsumed into paternalistic narratives about the ways in which vocational training opportunities brought individuals back along a disciplinary path, as if they were common criminals and not political dissenters with opinions about governance. Karachi Central Jail SP, Shah Nawaz was particularly wedded to a paternalistic framework and his role as a caretaker for men who had fallen on a wayward path. Questions about violent occurrences were explained as disciplinary action, needed, and therefore permissible for a special environment such as jail, alongside some effort to assure me that this took place within reason.

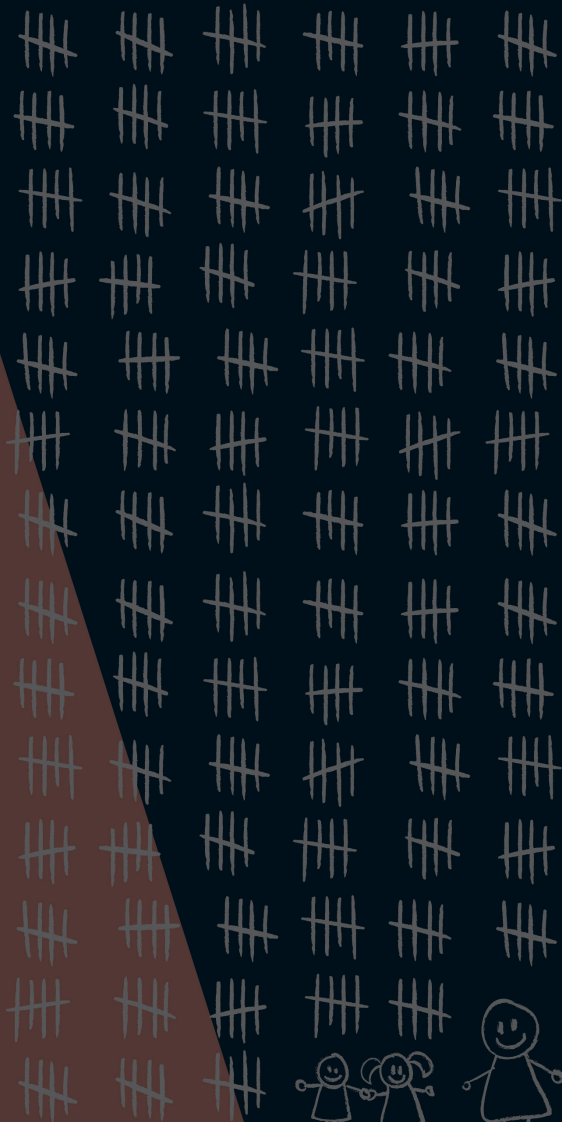
Views that Sindh Prisons IG Qazi Nazeer provided were more forthright about prison inadequacy in providing rehabilitation and preventing recidivism. For him, the solution largely lay in creation of lower and higher security facilities for separations of the habitual from petty criminals. Together, Karachi’s position as a financial capital in relation

to the under-resourcing of interior Sindh prisons is reflective of the province's history of socioeconomic underdevelopment.

The political and religious minority prisoners interviewed for this book saw themselves as social leaders and recounted some of their experiences through the lens of those less fortunate than themselves. Journalists reporting on crime and some lawyers spoken to for this book, in contrast, said jail was a space where people received more than they would in their daily lives. Ex-prisoner testimonies, however, note that jail conditions were even worse for the underprivileged. The former conceptualisation was also a paternal narrative the jail administrations would like to forward to dispute public suspicion that jails were spaces of brutality, instead representing them as hostel spaces where inmates received room and board. In this system, as stated above, the SP was like a father or custodian to those who had lost their way and needed guidance to get back on the right path.

Ex-prisoners like Farooq Amjad (see the chapter on Punjab), wished jails could truly be a space for the rehabilitation of those who were poor and turned to crime. Similarly, Wasim saw jail as a space where the vulnerable were forced into an adjacent economy of illegal products built around a trapped customer base. Christian ex-prisoners, Rashid Masih and Sohail Yafat, wanted to provide opportunities for reform through religion which were unavailable through the existing system, and found they were punished for their attempts. For Akram Mehsud, active in the PTM, his empathy for those mistreated by society only grew in terms of a shared justice for all.

Here, we have relatively privileged prisoners, encountering poverty up close for the first time, and seeing the way that one's position in a free society also determines what class one belongs to in jail. For the privileged, jail can be endured, but for the poor it is unbearable. To survive with any dignity, one needs access to privilege to stay above the economy of extortion in which they have no choice but to participate.



Gendered Jailing: “A Choice of Evils” to Protect Women

ANNALS OF INCARCERATION: DETENTION THROUGH COLONIAL AND POSTCOLONIAL TIMES

The threat of imprisonment has long been used to quell dissent in the subcontinent, and women have been no exception to politically motivated arrests across colonial and postcolonial periods. Former Prime Minister Imran Khan’s accountability drive sent a number of opposition politicians to jail including former prime minister Nawaz Sharif and his daughter Maryam Nawaz,²³⁴ who is widely believed to be the heir apparent to the PML-N.²³⁵ Arrested during the government’s anti-corruption drive, Maryam Nawaz’s arrest was condemned by Khan’s critics as targeting an opposition leader for refusing to back down on pre-poll rigging allegations and her potential future leadership within the PML-N.²³⁶ Before her, former Prime Minister

234 Sayeed, S. (2018, December 24). Ousted Pakistani PM Sharif gets seven years’ jail for graft. *Reuters*. <https://www.reuters.com/article/us-pakistan-politics-sharif-idUSKCN1ON0H7>

235 Bukhari, M. & Shahzad, A. (2019, August 8). Pakistan opposition leader Maryam Nawaz arrested in graft probe. *Reuters*. <https://www.reuters.com/article/us-pakistan-politics-idUSKCN1UY0Z4>

236 Ibid.

Benazir Bhutto was also arrested by military dictator General Zia Ul Haq for her attempts to restore democracy in the 1980s.²³⁷

Political targeting of women outside the parliamentary sphere in Pakistan includes the imprisonment of human rights lawyer Asma Jehangir for protesting Zia's authoritarian regime and its dismantling of women's rights,²³⁸ and her house arrest in 2007 by General Musharraf during the imposition of a state of emergency and wider crackdown on dissent. In this chapter, we hear from Zahra Hameed, an MQM party member arrested for allegedly participating in a political rally in 2016 where inflammatory slogans were raised against the government. She maintains that she was not present and MQM Senator Faisal Sabzwari explained that Zahra was arrested due to her leadership role in the women's branch, suggesting she was singled out as an example of women's roles in party violence.

Zahra's arrest came at the time when the party had to denounce its affiliation with founder and leader Altaf Hussain, who made inflammatory statements asking members to attack a television station, condemning Pakistan as a hotbed of terrorism – a 'cancer for the entire world' – and claiming Mohajirs, the Urdu-speaking community that MQM represents, would have been better off choosing to remain in India.²³⁹ Zahra was accused of being at a women's rally where his speech was broadcast. The involvement of women in the MQM dates back to the 1990s when large numbers of male MQM activists were jailed in connection with Karachi's rising violence, setting the stage for women to get involved in political organising and activism.²⁴⁰ Some, such as senator Nasreen Jalil rose to the party's top leadership, who

237 Renfrew, B. (1986, August 15). Benazir Bhutto arrested, 4 killed in rioting. *Associated Press*. <https://apnews.com/article/90e33b0e53dc07d2e7b0695b0ef1cc16>

238 Ijaz, S. (2018, February 15). The woman who served as Pakistan's conscience is no more. *TRT World*. <https://www.trtworld.com/opinion/the-woman-who-served-as-pakistan-s-conscience-is-no-more-15206>

239 Sayeed, S. (2016, August 31). MQM and the battle for Karachi. *The Wire*. <https://thewire.in/south-asia/mqm-the-battle-for-karachi>

240 Verkaaik, O. (2004). *Migrants and militants: Fun and urban violence in Pakistan*. Princeton University Press.

Zahra said visited her in jail in a show of support along with the top party leadership, improving her experience there. Zahra's account of her imprisonment reflects MQM women's empowerment work that was born of necessity in the 1990s and became central to the continuity of the party at the height of clean-up operations. She was held for approximately two weeks, including one in judicial lockup, and another in Karachi's Women Prison (adjacent to the city's Karachi Central Jail) before being released on bail. Her short experience is valuable in two ways: one, in terms of how she was made a gendered political example told in the story of her arrest, and two, due to her observations of ethnically diverse working-class incarcerated women's experiences as an upwardly mobile 'Urdu speaking' woman. Her interview shows how she saw herself as a woman of repute and therefore an upstanding rights advocate for incarcerated women, who were unfortunate victims of society's moral corruption of women.

Zahra's account of her experiences in jail can be understood through three historical processes dating to the colonial era which shaped women's participation in the public sphere. The jailing of Hindu anti-imperial women activists in Uttar Pradesh (UP) across the 1920s, '30s, and '40s civil disobedience movements, as Suruchi Thapar-Bjorkert has shown, opened up an individual and collective sense of empowerment, while still retaining ties to traditional understandings of women's roles in society.²⁴¹ She describes the variety of public activities women were arrested for, including "leading processions, holding meetings and making provocative speeches against colonial rule... picketing, staging boycotts, distributing proscribed literature or planting nationalist flags on government buildings."²⁴² Jails, she contends, became gendered spaces of shared anti-colonial commitment and nationalism in which women "emerged as determined individuals in their own right."²⁴³ Having engaged in activities usually reserved for male participation, UP

241 Thapar-Bjorkert, S. (1998). Gender, nationalism and the colonial jail: a study of women activists in Uttar Pradesh. *Women's History Review*, 7(4), 583-615. <https://doi.org/10.1080/09612029800200182>

242 Ibid.

243 Ibid.

Hindu women incarcerated evoked the symbolism of goddesses such as Sita, who were seen as figures of chastity, as a point of strength and protecting their honour, in response to the physically violent tactics of British police. Karen A. Deutsch's research outlines how upper-class Muslim women became significantly involved in anti-colonial, Islamic modernist movements focused on women's social reform in areas such as education, divorce and inheritance rights, child marriage, and polygamy. This involved concurrently debating how to interpret religious law for women's upliftment, equality and freedom.²⁴⁴ It is within this historical memory that Zahra held onto her association with the MQM to create a sovereign space for herself within jail to advocate for other incarcerated women, while repudiating identification with them.

In addition to her Mohajir identity, Zahra's simultaneous pity and aversion for her fellow inmates is tied to patriarchal narratives of Muslim women's reform emerging from debates between the *ulema* (religious scholars) and *ashrafia* (aristocratic nobility) modernist leadership that characterised Muslim anti-colonialism from the late 1800s. As Ayesha Jalal asserts, in an effort to protect upper-class Muslim women from "the 'evil' influences of colonial modernity," to varying degrees, both agreed that women's free use of public space was inappropriate.²⁴⁵ In an attempt to eschew the figure of the Mughal courtesan, now considered a blight upon Islam, the home was to be a morally protected and glorified private sphere for mothers and wives, and therefore the site of national honour and religious cultural identity. Working-class women who circulated in the public sphere, 'mixed' with men and used the railway, however, were contrasted as disgraced prostitutes.²⁴⁶ Building national honour on the backs of women means that a patriarchal discourse can always control, reverse, and move the goalposts for what is considered honourable and dishonourable

244 Deutsch, A.K. (1998). *Muslim women in colonial north India circa 1920-1947: Politics, law, and community identity*. [Doctoral dissertation]. University of Cambridge.

245 Jalal, A. (2007). *Self and sovereignty: Individual and community in south Asian Islam since 1850*. Sang-e-Meel Publications.

246 Ibid

behaviour. Its current cultural iteration can be seen in the portrayal of Maryam Nawaz leading up to, and after, her arrest, in which her criminality could be read on her body and interpreted through her clothing and accessories which were used as evidence of her elitism and corruption.²⁴⁷ This chapter will show how the demarcation of morally appropriate roles for women in the public sphere and the empowerment of society to punish them for 'misbehaving', informs how women's incarceration facilities are run. This includes their disciplinary and reform objectives, observed during fieldwork and underscored by the views of women wardens, and, as we will see through Zahra's story, competing ideas of womanhood for female incarcerates of lower and upper socioeconomic strata.

In this way, Zahra's understanding of womanhood aligns with and allows us to view historic and contemporary paternal discourses on the modest utility of women in the public sphere. For Zahra, different kinds of women could be found in jail across different categories of pity: one, the innocent, but falsely implicated in criminal activity by menfolk; two, the lone and badly behaved who smoked and yelled, and thereby possibly criminal; and three the mentally disturbed – but all deserving of better treatment, facilities, and reform opportunities from the jail administration.

Others interviewed for this chapter include a group of women from the rural outskirts of Lahore who were intercepted in Karachi under suspicion of transporting hashish. Their case evokes the fear of working-class women's potential to be in disguise and conceal items not befitting their sex, highlighting the securitisation of mobility across the country. Travelling by train, they were apprehended at Malir Cantonment station due to a drug-smuggling tip-off. The nature of their arrest straddles the fear of anti-state infiltration secretly moving through Punjab's 'hotbeds' of militancy, bringing them to Sindh and finally Karachi, while it also touches on recent fears of an increase in

247 Rafiq, Y. (2020). Maryam Nawaz's designer shoes become the talk of the town. *Lens*. <https://propakistani.pk/lens/maryam-nawazs-designer-shoes-become-the-talk-of-the-town/>

women's drug smuggling activity, expressed in news media²⁴⁸ and criminal justice reform.²⁴⁹

When I asked wardens what kinds of crimes women commit, the response was fetishistic – 'all kinds – murder, drug possession, theft' – as if to suggest I should not underestimate women's capacities based on their sex. We will also hear from Saira Saeed, a mother with her child in Lahore Central Jail for six years at the time of interview on murder charges, among testimonials of women imprisoned here and in Multan Women's Jail. In her case, it is her motherhood – a nationally valued identity – that makes her most vulnerable to the economy of extortion discussed throughout this book.

To understand the experiences of women prisoners from different economic strata, we need to look further back in the history of colonial women's jails, before they were subverted into spaces of anti-colonial resistance in the 1930s, when, as Satadru Sen has shown, a white saviour narrative underlay colonial objectives of women's criminal reform in the 1860s.²⁵⁰ Since then the jailing of women has presented a vexing problem that persists today: what is to be done with women who are seen as defying societal gender norms, whether members of the working class who become drug smugglers or political prisoners involved in protests and rioting? For the latter group, Thapar-Björkert explains that the colonial administration was unsure of what to do with women agitators as they were the 'weaker,' 'fairer' sex, and was reluctant to arrest them, but fearful that such hesitation would enable further empowerment of their movement.²⁵¹ For the former group, Sen's

248 Javed, A. (2019, June 17). Half of women in Punjab jails held for drug offences. *The Nation*. <https://nation.com.pk/17-Jun-2019/half-of-women-in-punjab-jails-held-for-drug-offences>

249 NACTA. (2018). *Addressing Overcrowding in Prisons by Reducing Preconviction Detention in Pakistan*. National Counter Terrorism Authority. <http://codepak.org/wp-content/uploads/2018/05/Addressing-overcrowding-in-prisons-by-reducing-pre-conviction-detention-in-Pakistan.pdf>

250 Sen, S. (2002). The female jails of colonial India. *The Indian Economic and Social History Review*, 39(4), 417-438. <https://doi.org/10.1177/001946460203900405>.

251 Thapar-Björkert, S. (1998). Gender, nationalism and the colonial jail: a study of women activists in Uttar Pradesh. *Women's History Review*, 7(4), 583-615. <https://doi.org/>

examination of prison documents uncovers an anxious preoccupation among reform administrators to ensure the complete segregation of men and women in jail, as the pivotal solution.²⁵² The 1919-1920 Report of the Indian Jail Committee, released 80 years later, which among wider discussions around improving prison management such as staff roles and inspection procedures, reveals the same concerns and approach Sen describes.²⁵³ In the "Female Prisoners" section, while one of the punishments of prison involved separating people from society, the question was how to apply this to women. Jailing women required resources to ideally build separate facilities, which the comparatively small numbers of female prisoners simply did not justify. It was deemed impossible, "owing to the cost involved, to provide a separate prison – for the small number of female habituals to be dealt with, especially in view of the wide area over which they are scattered."²⁵⁴ For jailing women, cost-saving and segregation of the sexes remained priorities that had to be met together, and the committee left the decision up to individual jurisdictions, writing, "if in any Province a special prison can be arranged, we hope that that will be done... Where it is not found possible to provide a separate jail for female habituals, the most complete amount of separation which can be arranged in ordinary jails should be carried out."²⁵⁵ By the 1920s, little had changed: reluctant spending policies that held back desired outcomes of segregation chafed uncomfortably with the colonial state's women's criminal reform objectives.

Later, it was decided that instead of building separate additional women's wards at jails across the country, a "concentration" policy would be adopted even though this would involve separating women

org/10.1080/09612029800200182

252 Sen, S. (2002). The female jails of colonial India. *The Indian Economic and Social History Review*, 39(4), 417-438. <https://doi.org/10.1177/001946460203900405>.

253 Indian Jail Committee. (1920). *Report of the Indian jails committee 1919-20: Volume 1. Reports and appendices*. Superintendent Government Central Press. <http://jail.mp.gov.in/sites/default/files/Report%20of%20the%20%20Indian%20Jail%20Committee,%201919-1920.pdf>

254 Ibid.

255 Ibid.

Women's prisons were correspondingly imagined as annexed spaces that would prevent and provide correctives for what were seen as particular forms of female criminality which were signs of their fall from womanhood. But reform initiatives and the problems of institutionalizing them always circled back to the need for segregation from men.

from their families across great distances. It was called "a choice of evils; but we think that it is preferable to protect women, and especially the young, from the almost certain contamination involved in prolonged association, with prostitutes and thieves, rather than to secure the advantage connected with proximity to their homes."²⁵⁶ This indecision around women's prison construction can be seen today in Pakistan in the use of both separate jails and mixed wards across the country. The NACTA's 2018 report explains that in Pakistan only some provinces such as Punjab and Sindh have separate prisons for women, one in Multan, and four in Karachi, Hyderabad, Sukkur and Larkana respectively.²⁵⁷ At the same time, in 28 prisons across Punjab, there are separate women's quarters. In Khyber Pakhtunkhwa, there are 13 jails which also accommodate women in separate portions, and in Balochistan four of the 11 jails have segregated women's wards. This sparsity is also responsible for the imprisonment of women far from their homes, lack of straightforward access to legal representation – primary human rights and legal issues highlighted in women's prison

256 Indian Jail Committee. (1920). *Report of the Indian jails committee 1919-20: Volume 1. Reports and appendices*. Superintendent Government Central Press. <http://jail.mp.gov.in/sites/default/files/Report%20of%20the%20%20Indian%20Jail%20Committee,%201919-1920.pdf>

257 NACTA. (2018). *Addressing Overcrowding in Prisons by Reducing Preconviction Detention in Pakistan*. National Counter Terrorism Authority. <http://codepak.org/wp-content/uploads/2018/05/Addressing-overcrowding-in-prisons-by-reducing-pre-conviction-detention-in-Pakistan.pdf>

reform – and therefore in part, for their abandonment in jail.

Women's prisons were correspondingly imagined as annexed spaces that would prevent and provide correctives for what were seen as particular forms of female criminality which were signs of their fall from womanhood. But reform initiatives and the problems of institutionalising them always circled back to the need for segregation from men. The section on "lady visitors", role models hired to impart 'wholesome' inspiration, highlights the need to ensure they are never seen by male prisoners and that prison architecture ensures their secluded entry and exit. While a functioning, regularised programme had not been established and "many of our witnesses pressed upon us the desirability of the appointment of lady visitors, and though at first some difficulty may be met with in selecting suitable persons, this will doubtless be gradually overcome," it was stipulated that "they should have nothing to do with the male portion of the prison. The presence of women within male prisons is from every point of view undesirable and lady visitors should not enter the male portion unless it is necessary to pass through it in order to reach the female yard."²⁵⁸ Statements like this are indicative of what Sen has called "an obsessive concern for all women on jail premises" among colonial jail administrators "that they be insulated from all sexual experience."²⁵⁹ Chapter 13, "Women Prisoners and Innocent Children" in the 1978 Pakistan Prison Rules, the document on which current provincial prison reforms are modelled, is enmeshed in the same debate around protecting female morality, codifying these ideas into a series of regulations that maintain the segregation of women from men. But needs for the adequate management and humane treatment of women prisoners, unaddressed in the written rules, overwhelm the gender binary of their annexed inclusion. While women's prison reform committees urgently call for more educational and health-based changes among others, they

258 Ibid.

259 NACTA. (2018). *Addressing Overcrowding in Prisons by Reducing Preconviction Detention in Pakistan*. National Counter Terrorism Authority. <http://codepak.org/wp-content/uploads/2018/05/Addressing-overcrowding-in-prisons-by-reducing-pre-conviction-detention-in-Pakistan.pdf>

do not even have a fundamental document from which to work as a starting point.

Ideological underpinnings about women needing protection due to a child-like impressionability to bad influence allowed jail administrators to view them as a unique imperial opportunity for gendered civilisational reform. Sen discusses how mid-19th century women's prisons had gender-specific correction goals in mind, including teaching women to apply themselves to vocational tasks so they would become "orderly and modest members of the working class."²⁶⁰ Focusing on the Female Penitentiary in Lahore, which housed up to 200 women across the 1860s and 1870s, he describes the variety of prison labour women performed, from cleaning to carpet weaving, and even as guards. The hope was that such activity would generate revenue for the jail, make women law-abiding subjects of the colonial state, and having learned a trade, provide them with income after the completion of their terms. Sen writes that other than the Lahore penitentiary, Multan, Rawalpindi, and Sialkot women's jails were unable to make progress on these stated goals due to provincial funding reservations around spending money on separate facilities for women's education and training. Anywhere between 246 and 501 women were incarcerated across British India from 1911-1917, yet the conflict between segregation as the only needed solution and the utility of reforming women subjects of the colonial state remained unresolved in the 1919-1920 Report of the Indian Jail Committee. Perceived problems of institutionalising reform initiatives for women reveal a willful disinterest based on a belief in lack of capacity and utility due to gender and culture. Normally, the committee explains, women were assigned medium to hard prison labour such as "preparation of some of the articles of food such as pounding, husking or sifting grain."²⁶¹ It

260 Sen, S. (2002). The female jails of colonial India. *The Indian Economic and Social History Review*, 39(4), 417-438. <https://doi.org/10.1177/001946460203900405>.

261 Indian Jail Committee. (1920). *Report of the Indian jails committee 1919-20: Volume 1. Reports and appendices*. Superintendent Government Central Press. <http://jail.mp.gov.in/sites/default/files/Report%20of%20the%20%20Indian%20Jail%20Committee,%201919-1920.pdf>

was felt, however, that this did not have industrious value, and it was suggested instead that Indian women learn needlepoint, but objections were raised because "Indian dress, both of males and females, is to a great extent unsewn, so that in many parts of India knowledge of how to use a needle would not be of great use to a woman, while in all parts it is much less essential than in European countries."²⁶² In the area of education it was decided that for men "encouragement should be given to any prisoner who shows an inclination to spend his spare time in reading, and in special cases, if a man gives evidence of a desire to pursue a particular line of study, he should be provided with any books reasonably required for the purpose,"²⁶³ but for women, "it will hardly, we fear, be possible to arrange for regular instruction in the case of female convicts, except where special female prisons are provided."²⁶⁴

Ideological underpinnings about women needing protection due to a child-like impressionability to bad influence allowed jail administrators to view them as a unique imperial opportunity for gendered civilizational reform.

In order to understand the inability to hold practical solutions for moral upliftment in sight despite the magnanimity of the colonial jail committee's claims, it is useful to examine the use of different penal approaches for what were seen as separate problems of female and male criminality. The latter is discussed in conclusion of this chapter. The fear of 'morally degraded' women corrupting other 'innocent' women, however, is laid out around a belief that the former require protection from 'cross contamination', from mingling with women of disrepute:

262 Ibid.

263 Ibid.

264 Ibid.

“Witnesses have told us of cases in which a young woman committed to prison for some breach of the excise law has found that her only companion in jail was a procuress... It is clearly a scandal that a young woman who, out of a sense of shame, has abandoned her child and is sent to prison for this offence should be exposed to such contaminating influences, and the necessity for the proper classification and segregation of female prisoners is thus a very urgent matter.”

Here, in a rather vague example from an inspection report, an unidentified woman who presumably had a child out of wedlock is distinguished from a ‘madam’. She is not vilified for using her body for natural biological purposes outside of proscribed sexual relations, while the latter is treated with scorn and identified as a dangerous influence. Unlike male prisoners for whom it was decided that physically tiring them out with strenuous labour would prevent further criminality, the remedy to women’s criminality was tied to the protection of reputational categories. The value of educating and training women remained ever in doubt.

Today, the contradictions separating stated and met ideals of institutionalising Technical, Vocation and Educational Training (TVET) programs can be observed in the discrepancies between government and NGO writing on women’s jail reform, and accounts from former and current prisoners. In addition to meeting fundamental general and reproductive healthcare standards, evaluations such as the Ministry of Human Rights 2020 report on women’s prison reform revolve around the need for TVET and the building of onsite facilities for childcare and development, including schooling. Vocational training and motherhood are linked in one neoliberal feminized discourse, in which learning activities with monetising potential can prevent crossing the gateway into criminal activity, and once disciplined as such women can properly carry out their biological and social purpose in a free society of producing and raising children. Jail administrations claim such programming is successful while reform evaluation reports say much more is needed to meet adequate standards. While ex-prisoners such as Zahra point out the existence of facilities like the beauty parlour in

Karachi's women's prison, they are not able to provide accounts of its regular use, and instead explain the lack of basic facilities such as clean bathrooms and cooking utensils. Fauzia Shah and Sania Majeed also attested to the existence of TVET programming, but in their responses, which mimicked the success narratives of criminal rehabilitation touted by jail officials, it was possible to detect an ongoing fear of jail officials. Out on bail but as yet on trial, the possibility of return to jail remained. It was instead through their comments on helplessness around the loss of time, that we learn jail is not the humane place of rehabilitation officials want reform committees to believe it is. Saira vehemently claimed jail staff did not allow her to provide adequate medical care for her child who had developmental needs. Furthermore, she described the way her needs as a caregiver to a child became an exploitable vulnerability with the jail economy. Through her story we see how her determination to provide for her child is her own – sitting outside the neoliberal framing of women's TVET in jail.

JPP's team spoke to several women incarcerates in Lahore Central Jail and in Multan Women's Jail for the compilation of the *Plight of Women in Pakistan's Prisons* report.²⁶⁵ All were ordinary, working-class women who responded to a series of questions about general living conditions in jail. Around 66 per cent of women prisoners are under trial, while the remainder have received convictions and are serving prison sentences. Of these, 134 are mothers with their children also housed in prison, totalling 194 children residing in the country's prison system. Forty-six are senior citizens, over the age of 60, and 10 are juveniles under the age of 18. According to the report's overall findings, there are 1,121 women in prison in Pakistan, stating that "their gender specific struggles are ignored or overlooked in terms of policy and discourse pertaining to the rights of prisoners."²⁶⁶

The earlier PPAC report, released in October 2019, similarly stated that

265 Ministry of Human Rights. (2020). *Plight of women in Pakistan's prisons. Government of Pakistan*. http://www.mohr.gov.pk/SitelImage/Misc/files/Prison%20Report_1pbleed_pq.pdf

266 Ibid.

jail medical facilities across the country were inadequate at addressing women prisoners' reproductive health needs. This assessment is part of a larger estimate that 50 per cent of prisons do not have medical supplies and equipment, and are not staffed with specialists, indicating there are even fewer doctors for women and children. Together, these reports show that women in prison are a further marginalised group, and while conditions are less violent compared to men's, women's jails do not provide the resources needed to rebuild lives. While these concerns and corresponding statistics illustrating the paucity of facilities for women are important to record, it is equally important to hear from incarcerated women and ex-prisoners to know how they conceptualise their experiences. In this way, prison reform for women can start to attend to their needs as people and not as female bodies with limited social roles in free society. The details of Saira's story were not included in the Ministry of Human Rights' women's prison report. Instead it was summed up as:

*"A prisoner at Central Jail [Lahore], reported that her child who has developmental delays was not offered any specialised medical care/early interventions despite the prisoner's insistence over the last six years of incarceration."*²⁶⁷

In this chapter, we shall see how these are not random acts of cruelty or simple underfunding issues, but much like men's prisons, the few available resources are scooped up into an economy of extortion – with motherhood as the target, this time.

CRIME AND PUNISHMENT: WHO GOES TO JAIL AND WHY

Zahra began her story on the night her home was raided and she was arrested along with her daughter. She knew my interview was going to be about prison conditions for women, but wanted to make sure that

²⁶⁷ Ministry of Human Rights. (2020). *Plight of women in Pakistan's prisons*. Government of Pakistan. http://www.mohr.gov.pk/SitelImage/Misc/files/Prison%20Report_1pbleed_pq.pdf



Jail medical facilities in Pakistan are inadequate at addressing women prisoners' reproductive health needs

ACCORDING TO 2019 PPAC REPORT

I learned about what happened during raids and the effect it had on her family and children, including their emotional and mental health. Even before I began my questions, she felt this needed to be the starting point for understanding the experience of going to jail. This was the first instance in the interview where she provided a gendered explanation for her experience, unprompted, specifically wanting to convey how treatment at the hands of law enforcement had a disruptive effect on the family, the domain of women.

"They knocked on the door with immense force, and my granddaughter was startled awake in panic to see weapons in their hands. Us, they just took away," she said matter-of-factly, emphasizing the way rough handling by police creates more fear and trauma for family members than those being arrested. "For one year, she woke up in the middle of the night screaming, she couldn't go to school, and had to forgo a year."

Zahra and her daughter were arrested and sent to jail because it was said they had been part of an event in which Altaf Hussain spoke against the country, but she claimed that she was not there. "These women, following Altaf Hussain's speech, rioted at Karachi media offices, pelting them with sticks and stones," explained Subzwari, "but Zahra had not been there." Zahra was charged by an Anti-Terrorism Court (ATC), and while she maintained her innocence, media reports said that there was a CCTV footage of her presence at the rally.

A TRAIN RIDE TO INTERNMENT

According to the prosecution, in mid-summer 2018, a group of six people including five women and one man were found transporting large amounts of hash from Punjab to Karachi by train. Anticipating the group's arrival by a "spy informer", they were apprehended by a group of officers posted at Landhi train station after they disembarked from the train in the evening. Ready to receive the small narcotics ring, officials only knew the group would be getting off at Landhi station, but could be on any of the trains passing through and onward to Karachi cantonment station. The women were found sitting near their luggage, stowed under a tree. An officer approached them, and upon finding their behaviour suspicious while requesting identification, a female officer proceeded to search them and found a 'weighted article wrapped around the bodies of all these women.' Twelve packets of hash were found on each person, wrapped in plastic, tied to their waists, and labelled – each packet weighing one kilogramme. They were accused of violating Section 9(c) of the Narcotics Act, 34 PPC. Arrested, they were kept in judicial custody. Denied bail, first by the trial court, and then by the Sindh High Court, four of the accused – two sisters, another woman and her uncle — spent two and a half years in jail, under trial. Out on bail at the time of interview, as the statements of one of the complainants do not fit those in the police First Information Report (FIR), and their case was now being tried in the narcotics court.

I spoke to the three women after they had been out on bail for 15 days. Cramped together in a tiny room in the adjacent Anti-Terrorism Court, Fauzia spoke first:

"We were tossed in jail on the basis of doubt," she said with regret, as though it had all happened so fast, and had drastically changed her life.

“ We were travelling from Lahore to Karachi to see our sister. Enroute, this person was with us [referring to the other woman with the kids]. There was a problem with our ticket. We bought it in an emergency. When we arrived in Landhi,

we were told that our identity cards... or tickets showed a shorter trip, and that we'd have to go to the police station for a bit to resolve this. We said, look, whatever money you want to take – *lena dena* (give and take) – take it here. They said no – you've come on a "black ticket" [ticket bought on black market]. We had to sit and wait there for four hours, and after that we were accused of drug trafficking. We didn't know what was going on, but since then we've been sitting in jail for two and a half years, without a crime."

When Fauzia explained what happened, she said there was some discrepancy between their ID cards and the tickets; the station was bustling with people and activity and the hash was planted on them. She claimed they'd never seen such goods, wouldn't have known what they were, wouldn't even be able to recognise them. And for this two and a half years of their lives were wasted.

CONDITIONS IN CAPTIVITY

Judicial Lockup: The First Stage of Confinement

Before being sent to prison, Zahra and her daughter spent a week in the women's judicial lockup:

“ When we received the instruction from the court that we'd been assigned jail custody, I was with my party workers and leaders. For the transfer, I was seated in a sealed van with my daughter. Beside us were other cars trailing, and it felt like the longest duration of my life, from the *thana* (police station) to the jail. The car horn noises were so loud, it was as if they were screaming 'there are terrorists passing through.'

There is no respect for women in either of these spaces. The SHO did nothing, and the other women in lockup used dirty language routinely, directed at us. They would ask us things like why we worked for the MQM [implied not in a respectful

way, but as an insult]. Our treatment only got better after Amir Khan and Nasreen Jaleel [MQM politicians] visited us.”

The bathrooms were extremely disgusting, Zahra recalled.

“ A tiny space with a squatting toilet and a bathing area in the same space, a piece of tape used to demarcate each section. She described those few days as *aziyat* – torturously oppressive.

The bathrooms in the barrack were much cleaner. There were four in mine. I also spent some time in Barrack 2 where there were Baloch and Sindhi-speaking prisoners; it was congested. There was only one toilet, and the women were openly smoking.”

Barrack Number One

“ When I entered [the prison] I was told to wear my *dupatta* (shawl) in a particular way and told, ‘you are a criminal.’ I didn’t know about the different ways to wear a *dupatta* in jail. I wondered for a moment if I was a criminal. You are made to feel like one.

I was in Barrack one: it’s a long hall along the length of which are beds made of iron. There were only two fans in this space, attached to the wall. There were lots of women with children, including convicted criminals and those with allegations against them. In my barrack there must have been about 50 women, and about five kids.

It was a strange environment... there were women smoking inside the barrack, women who used dirty words, others were completely silent. Some had been there a very long time, 10 or 15 years. Because we were MQM political workers, they hoped we would speak on their behalf when we were

released. There were women there from around Pakistan, including Punjab and Balochistan, and many of them had not committed crimes, but had somehow got entrapped in a domestic dispute of some kind, or scapegoated into one, in which men had committed murders and rapes, and dragged a woman down as the responsible party.

Look, you have to understand, women are not strong, they are delicate, whether they are criminals in prison or not."

Describing the sleeping arrangements, she said there were iron beds, but no bedding was provided. Due to the empathy of two Urdu-speaking women, they shared a *chaddar* with Zahra and her daughter. Zahra said the only way women had bedding was if they had brought it themselves, but that she had not brought anything expecting jail to be a formality, and to be released within a day or two.

She described the bed like it was each individual prisoner's portion of earth where they kept all their worldly possessions:

“ In the morning, you would roll up your bedding and stow it beneath the bed frame, and here was where you kept all your other belongings too.”

Again, in this description, we hear Zahra pointing out that it was only her own people who looked after her immediate needs in jail. Her bed being beside someone from her own community was a lifeboat. But in this moment, she is also part of the jail environment, assimilated into its routine, and one of many people who only live within a small space. Her observations show how she finds it difficult to feel at home around other ethnicities, in a place where difference is always visible, and responds with xenophobia in kind.

“ An older prisoner had been turned into a *numberdar* [an in-charge], while the actual constable did nothing... When she asked about it, the lady constable explained that this is how

it is done in jail.

My *charpai* (bed) was also close to her's [the woman *numberdar*], and she was the supervisor. She had designed a schedule for different prisoners, including tasks like washing clothes and dishwashing. Different days and tasks were assigned to each prisoner involved.

But the older women had a lot of freedom and did whatever they liked. There was one I remember who got ready/dressed up, and then all day applied new makeup, took it off, got redressed, and then put on a new outfit and makeup again."

Zahra said the woman's husband was also in central jail and they would be allowed to meet.

Zahra witnessed a woman prisoner being beaten during her imprisonment. She first encountered this woman in lockup, describing her as someone who was smoking, and swearing at everyone. Later, she came across her in the women's facility: on the day of her arrival, the woman was beaten, and on the second day she was made to fast. After that, she remained silent, and Zahra only ever saw her off to the side and sometimes sweeping, though not with the regularity and degree to which men ex-prisoners observed in their stories.

Zahra asked the warden why they were beating a woman, and they explained she was a thief and drug addict and was being beaten and deprived of food for refusing to sweep the floors and behaving badly. Here, Zahra positioned herself as a political representative who could politely inquire about such occurrences and question the warden's decision as an interested observer.

In contrast, when other women ex-prisoners and wardens were asked about violence in jail, they provided two different responses: one that feminized and downplayed their capacity for criminal behaviour and another that fetishized it. Wardens denied they used corporal

punishment to discipline women inmates, and explained instead that women prisoners fought amongst themselves in the way that 'women do,' bickering over small unimportant issues.

Similarly, Fauzia, who we will hear from below, echoed these views, explaining that women inmates were made to understand that no matter what disputes occurred, they should not hit one another. At the same time, however, wardens mentioned the serious and violent criminals who were also housed in the facility in separate barracks for convicts, which they did not take me to see, describing them as murderers, drug smugglers, and dacoits. A lawyer in Sargodha, Punjab, explained that 'even women committed heinous crimes' – such as murder and drug trafficking – and openly admitted it without shame – judgement coming through in her voice, suggesting such women falsely claimed they engaged in criminal activity out of socioeconomic necessity. Other than the one incident Zahra described, she did not observe the kind of routinized violence men ex-prisoners said they endured and witnessed, and the findings of this book indicate that the feminization of women's jails means that physical brutality is not a part of their disciplinary method to the same degree.

While Zahra agreed it was possible that she and her daughter received better treatment as political prisoners and not criminals, she believed everyone received a standardised low-quality daily living experience:

“ For me and my daughter there wasn't anything special provided. For example, we ate the same food as everyone else. But, I was able to meet with my political party members daily, and I believe this provided other women with hope as well, that the party might advocate on their behalf.”

It was at this point that Zahra switched from describing observations of violence to offering political advocacy solutions. She distinguished women who had fallen into criminality in society, from 'good' women, such as herself and her daughter, who had had the opportunity to appropriately cultivate themselves. For Zahra, the woman she observed

and spoke of earlier was morally down-trodden, a fact that was evident through her display of behaviour, such as smoking and swearing – but this was because she was a victim of society – and part of the idea she formulated that women were weak and therefore prone to being weakened by their social environment, whether or not they were criminals. Worse, it was the jail that was not providing her with the right opportunity to correct her behaviour: “Women in jail needed to be provided with facilities.”

Zahra saw jail as an institution that ought to provide women such as the one she observed with improved correctional opportunities. For her, the greatest problem with this woman being a criminal was the loss of her respectability, and not her alleged crime. Zahra focused on her behaviour and how she was treated by wardens, not because of her own criminal act. She had done something wrong because she had lost her womanliness. In this way, Zahra tied together her politicisation as an MQM member to gender advocacy, having gone through a rite of passage by spending time in jail, which allowed her, as a woman MQM in-charge, to see firsthand the plight of her female constituents.

Alongside Zahra’s attempts to understand her experience in jail as an opportunity for political leadership and representation, her own felt experiences of fear and disorientation emerged:

“ After going to jail, I thought, where is the world? I have lived and moved about the outskirts of the central jail my whole life in Karachi. But going to jail, living in the barrack, I didn’t know where the world had gone. I used to listen as hard as I could, to see if I could hear something of my once familiar surroundings, like the sound of cars’ beeping horns.”

Without a connection to her political party, Zahra was fearful of being lost forever in a dungeon in the midst of a city she considered home.

PERMANENCE AND TEMPORALITY: JAIL AS A HOSTEL STAY

“ There was no consciousness of day or night in jail. We were awake for most of the day, and there were some who slept during the day and stayed awake at night. These were the ones with mental health issues – they’d also yell out in the middle of the night.

You’d take a walk between 6:00 a.m. and 9:00 a.m. – this was mandatory. It’s quite a large ground, and this is where they have rooms for tailoring and a beauty parlour. In between the two barracks (1-2), and then across were 3-4, and in between that rectangular space you could walk around. You wouldn’t stay out beyond this time, because it was sunny, as it was summer.”

She described the way older prisoners were resigned to life:

“ In the first place, there were no facilities. Others shared their things with us, because we hoped we’d be getting out on bail any day. It was the permanent women who gave us their pots and pans to use. We didn’t want to purchase anything, because we were focused on getting out and hoped we would.”

Zahra’s connection to the outside world became tenuous through the monotony of the daily routine in jail, and she struggled to hold on to it through the belief that she would be out soon, and through a refusal to make a home in jail, even for temporary convenience.

“ While the food was provided, the plates and dishes to eat from and to make tea were their own. We didn’t bring anything, thinking each day that we would get bail.”

Looking at their fellow inmates and their few possessions, stowed under their cots, these became symbols of permanent confinement

for Zahra and her daughter. What the wardens described as a hostel experience in response to questions about violence, for prisoners was the acceptance of a reality that they would spend their lifetime in jail. Zahra said:

“ The day the chief justice came, the food was great – *zabardast!* – throughout the day; it was our second day and we were surprised. There was chicken *korma* that day. Normally there was *daal* (lentils) and really thick *rotis* (bread) – we ate very little, being in such a strange environment suddenly. The women were so pleased there was chicken.”

MEDICAL FACILITIES: THE ANXIETY MARKETPLACE

“ There are no medical facilities. I saw this first-hand when receiving my own medical test upon entry to jail.

Here's what happens in this examination: they take your blood, and then they tell you that you're done and all is fine. But there wasn't a laboratory, I didn't see one, nor receive information that the blood would be sent for testing.

While there were doctors, they were not available at night. For those women who are chronically ill, they were provided painkillers. There was no better system than that. I had conversations with women in the barracks who said they had requested better facilities, such as bringing specialists in and getting checkups or being taken to the government hospital, but these were not responded to or denied.”

Distinctions between the existence of certain facilities, and their proper and complete usage, are key observations to be noted from ex-prisoners, because these show how prisoner rights are violated while reform implementation directives and compliance standards appear to be met. As Zahra's account shows, this is the point at which prisoners experience helplessness in their routine reality. While a warden can

check off correctly completing new inmate entry protocols, that is the same moment in which prisoners say their rights are stripped in a mockery of procedural steps. Similarly, a current prisoner in Lahore Central Jail said this:

“ I only meet her [the medical officer] when I am out on the lawn walking. She simply asks me how I am doing. My leg hurts, I have hepatitis and haemorrhoids but there are no medicines specifically to treat my ailments. The hospital here only has Panadol and first-aid equipment.”

Here the jail staff achieves two goals: one, the exertion of power over an inmate, where helplessness is extorted and relationship of exploitative power established in the interaction. Two, their power is sealed in their administrative capacity to record a procedural task as complete, which an inmate cannot question.

The Ministry of Human Rights report on women's jail reform identifies reproductive healthcare as a key area of improvement to women's prison conditions and has focused specifically on the need for its inclusion in medical screenings upon entry. It also mentions that economically underprivileged prisoners in Punjab are provided with 'sanitary towels,' but the more well-off must fend for themselves. The reality of what it means to live without basic personal care items, however, is more complex. Zahra explained how this was a source of anxiety for women inmates and an opportunity for gendered economic exploitation.

“ There are no provisions for menstrual hygiene, such as pads, or hair removal items for personal care. You do not get these items in jail. The sale of these items in jail is marked up considerably, and they can't afford them. There would be women prisoners who would buy these items from outside and sell them inside. Women used to be worried all the time, being unable to fulfil such basic needs. After I left, I sent a supply of menstrual hygiene products, but I don't know if it

reached or not, as I didn't deliver it myself."

A JPP investigator similarly found out through interviews with a prisoner in Multan that menstrual hygiene products were not only an item provided by the jail administration. There was little concern from women medical officers about the lack of availability of women's basic necessities:

“ During the prisoner interviews I came to know that the jail administration did not provide sanitary napkins to the prisoners. So I asked the lady health worker about this, she was reluctant to answer this question but when I asked repeatedly she said that she had no knowledge about this. It's not her job to know whether sanitary napkins were provided or not but she had never seen any warden distributing them.”

THE LEGAL CHALLENGE: LITTLE ACCESS TO THE LAW

Prison reform reports note that women prisoners do not have adequate access to legal representation, and therefore a fair and equal opportunity to fight their cases, as should be provided by the criminal justice system. Zahra spoke about an inmate who had mental health trouble:

“ She would speak continuously all day, then she'd become hyper, and she'd then start swearing. Women who have been there a long time, there are no *faislas* [no legal decisions made] their families do not meet them, nor do their lawyers.”

As a political worker she also described how other women prisoners would line up to speak to her – knowing that she would be going out soon for her bail hearing – and ask her to pass on messages to their parents and brothers to help them with getting out:

“ They would share phone numbers with me, saying connect with this person, tell them I need these things, talk to my lawyer – their families and brothers had forgotten them in jail, they did not want to come back to save them.”

The scene Zahra describes shows the desperation prisoners face, cut off from the world and behind bars, and how return is made impossible without a legal liaison. When I spoke to lawyers, I found out that visits to jail are rare. Generally, lawyers meet working-class criminal clients only at the bail hearings. This was also how I would meet the women's narcotics ring, as my interlocutors tried to rush from one case to another as well as arrange an interview opportunity for me in a crowded courthouse. For career lawyers, meeting clients in jail is rare, nor are those out on bail invited to their offices for consultations. The same goes for prominent firms that take on such cases pro bono. A lawyer from JPP outlined how the criminal defence process often takes place in haste, with piles of paperwork only reviewed minutes before bail hearings. Additionally, the release of case files costs money, an expense clients must bear independently, which can add up to sums too high for working-class prisoners to afford competent legal representation. Behind bars, one procedural barrier after the other marks how prisoners' paths to legal representation are blocked and they must rely on circuitous routes for their cases to be heard.

Other women, feeling abandoned as Zahra described, gave up on the system. In Lahore, a 38-year-old prisoner, in jail on murder charges for five years, said that her family lived in Kasur, and only came to visit her if they were in the provincial capital. JPP's legal investigator writes:

“ She thinks the last time her family visited was two to three years ago. And the last time her legal representation visited her was one and a half years ago. Her attitude now is this: 'nobody has taken an active interest in me anyway so delays do not matter.'”

Another woman prisoner from Peshawar, jailed in Rawalpindi for 10 years and on death row, said this about her interactions with her legal representation and undergoing trial:

“ Appeal is pending in the High Court. I do not know of any progress though and never have. I don't know my lawyer either, he or she has never contacted me. One lawyer was assigned to me by the government but the lawyer hasn't communicated so I don't know if and how they are fighting my case.”

THE STAGING OF SPACE: PESHAWAR, KARACHI, AND LAHORE

Interviews conducted by JPP's investigative team in Punjab women's prisons across Lahore, Multan, and Rawalpindi show efforts on the part of the jail administration to control the narrative. Similarly, women jail officials declined to be interviewed, despite repeated efforts, for this book. The JPP team noted that “In Multan Jail in particular, there was strict supervision and the prisoners hesitated to answer freely. Hence the questionnaires have not been filled out consistently.” It is also of particular importance to note that the qualitative data submitted to the Ministry of Human Rights was not included in its report. Instead, this data was used to confirm that a study had been done, and that it checked completion boxes such as how many prisoners were interviewed, and that a HR organisation independently conducted a study.

“ As we arrived at the female barracks, there was a message hand-painted on one of the walls in Urdu, emphasizing the importance of *purdah* (covering) and *haya* (modesty) for women. Over there, we were met with the Female Deputy Superintendent, Fariha Ashraf, who eagerly gave us a tour of the entire female barracks' compound and made us visit and inspect several areas. The first area we visited was one of the female barracks which had an LED television, double bunk beds in a row, numerous ceiling fans, some coolers, multiple

individual lockers at the end of the room carrying the prisoners' purchased supplies such as biscuits and syrups and a bathroom area with several stalls. Deputy Superintendent Fariha also showed us cupboards with neatly cleaned and lined cutlery such as cups, glasses and plates.

It must be kept in mind that everything was exceptionally clean and in place, which likely indicates this was not the regular order of things, rather the place was tidied in anticipation of our visit. For instance, the cups used for tea were decoratively stacked, in a way that was neither space efficient nor indicated their regular use, multiple times a day. Regardless, the basic facilities were present, along with trained medical and psychological staff.

The barracks and bathrooms were fit for living standards, and the basic comforts for the prisoners such as cooling devices like the fans and coolers, a TV for entertainment and lined, functional bunk beds were available.

We next visited the psychologist's office, and the lady doctor's medical room which was well-furnished with five clean hospital beds, alongside trays of medical equipment like bandages and thermometers and two lady health officers, one junior and one senior. Hence, it was true that the medical and mental health facilities were available. We then visited the mess hall where the two female psychologists [a junior and a senior] were and they spoke to [JPP investigators] Ramla and Sana and the DSP told them the procedure of evaluating new admits to the prison while I observed the mess.

Three rooms were dedicated to services for the female prisoners and their children. One was a classroom that was colourfully decorated with chairs which functioned as a classroom from 9:00 a.m. to 11:00 a.m., however they only

have a teacher from the prison itself who is an educated prisoner. The technical training rooms included a beautician's room which had mirrors and barber seats, and a sewing room that had around 15 good quality sewing kits and tables, and these rooms gave three-month technical training courses to prisoners and all supplies were supplied by TEVTA."

In this evaluation, despite the admission that compliance standards must be reported as being met, there is clear suspicion that a cover-up is likely at work.

During my visit to the Peshawar central prison 'Ladies Section', I was taken to a small room in which two men were sitting, one wearing a KN95 mask – no other prison officials were masked, and nor were the prisoners. As I entered, the other man started repeatedly saying the word 'cardiologist'. The SP explained that a specialist came weekly to attend to any medical needs the women might have. Not a single patient was using the facility at that time. The men had been talking leisurely as I walked in. As I was walking through another portion of the jail, the SP made a point to mention the complaints box. It was wooden, blue and white, and locked.

Entering the women's barrack, the SP told me that there were about 33 women held for different charges such as drugs, kidnapping and murder. In the barrack, women were sitting around on their cots which were thin mattresses on the floor. One was hunched over in a corner, absolutely still, keeling over a black Singer sewing machine. I was shown the children's play area, and a swing set with no swings on it. There was a classroom with two shut cupboards on either side of it. This was apparently where the sewing machines were kept, but the room behind was in need of repair.

At Karachi Central Jail, I waited a long time for my tour, and never got an opportunity to interview the SP. The appointment was repeatedly delayed and after waiting for a long time I eventually left. First I was seated in the office of the borstal institution for 30-45 minutes, and

told she was unavailable due to Friday prayers, though this time had passed. After I completed my women's jail tour she was still unavailable.

The Karachi women's jail and borstal institution are in separate areas, and the two share a wide courtyard. On the left when walking along a paved pathway there is a duck pond. The ducks had the run of the courtyard, and were gathered in a flock near to the borstal entrance, under the shade of bushes – their droppings splattered along the path. As I made my way from the borstal institution to the women's jail, the guard escorting me shooed the ducks away, marring the atmosphere of tranquillity they provided. Exiting after I completed my tour, the prison official added this information: "Women with children should be given bail, period. This is no place to raise children." The ducks were splashing about in the pond as I left the courtyard and reentered the jail office area.

The head warden said the best way to understand women's jail was as a hostel. Much like a development sector survey taken to furnish a monitoring and evaluation report, they took me on a tour of the jail, showing me each room that the women prisoners used, including a gym. I noticed the free weights were mismatched, but that some had a Good Life fitness logo on them, fresh, and new. There was also an exercise bike in the area.

They took me to various rooms, some for sewing, some for teaching, others for learning beautician work, and a medical centre. In the beautician centre, there were a few women sitting around laughing and talking. The walls were decorated with personal care images of coiffed hairstyles and makeup sketches.

In the women's and boys' prison not a single activity room was in use, except for the sewing room, where I found two women, one of whom stood to attention when I entered. The explanation for why the place was not in use was one of the three: It was just after *namaz* (prayers), COVID-19, or that all activities took place in the morning. At the back was another woman tidying a workstation. She seemed a bit older,

bony, gray, and wiry – she continued with her work and did not turn around when I entered.

I was allowed to see some of the women's barracks. In the first one I entered, all the women were standing to greet me. I noticed that their beds were all perfectly made, but looking closely, beneath the brightly coloured sheets, there was a caving, a depression as if there wasn't a mattress below. The sheet was pink and white with a leaf pattern imprinted on it, perfectly made, as if minutes before. Zahra had said the beds did not come with bedding, that they were iron rods with a covering. She had also said there were only a few fans in the room, while Sania specified double fans were attached on the walls. At the barracks, all the ceiling fans were running. It was too perfect, the timing, the unison. The women's expressions were blank. Their eyes didn't move, they stared directly on, not quite making eye contact, not quite avoiding it. All the women were neatly dressed, with their heads covered, unlike the women in Peshawar jail, where it was chaotic.

When I asked Zahra if the children received any schooling, she said they went to a classroom and were instructed by a prisoner. When I visited the prison, I stumbled upon a young girl play-teaching a few toddlers, and the warden confidentially told me the girl was a prisoner. She couldn't have been more than 15 years old. They sat together in a dank, dark room, the kids were moving around a lot and screaming, and she kept trying to get them to sit. From the warden's perspective, this was an idyllic scene in which I could observe informal instruction taking place, and be able to see that it was a tranquil environment for young people.

During my visit to Karachi Central Jail, in one crafts room, great emphasis was placed on the idea that prison was a space that allowed prisoners to be self-sufficient. Here they were taught to make and sell things, I was told, and keep the money for themselves. Saira's story of her experience in the women's section of Lahore Central Jail, however, paint a different picture:

“ I used to paint cards and sell them. The money varied a lot based on the time. In Ramazan and on other occasions there was a lot of interest and I could make some money to sustain myself. But because of COVID-19, all of my work had stopped. I took care of my daughter all day and when she was asleep, I stayed awake at night and spent a long time painting the cards and drying them. I had saved up some money over the last year, but due to the virus I ended up spending everything I saved on Dettol, masks, etc., to keep my daughter safe from COVID-19.”

She told this story when asked about the provision of developmental health for her child:

“ No, my daughter had some special needs due to the trauma she faced as a small child.”

She was referring to the time either immediately prior to her offence or her dealings with police after it, she spoke very quickly and mentioned that ‘they’ had burnt the little girl’s feet.

“ I worked very hard to make sure that I worked with my daughter to help her overcome trauma. She used to scream and cry and act out. I asked the jail doctors to help her, either through some therapy sessions or call a child expert. No one helped me. They all think I am from a rich family, and if anyone sends me any items for my daughter [only an NGO has done this once or twice], they say why don’t you ask them to send things for us? I have no family and no friends, no one comes to visit me.

Because I cannot provide anything to the warders and staff, they do not want to help me. I am educated, so I spent my own money and asked for books etc to teach my daughter myself. She is seven and a half years old and is finally starting to speak but the jail has never helped me. My daughter also

has asthma, but they won't even give us an air cooler to make her slightly more comfortable. The humidity makes her asthma worse."

When asked whether the jail provides adequate recreation for her child such as toys, books, television:

“ No. The swings etc are just for show, some don't even work and usually women hang their clothes there to dry.”

When asked if jail provide adequate and wholesome nutrition to her child, the response was:

“ No. The food here is terrible. People buy from the canteen but it's very overpriced. The normal *langar ki roti* (bread provided to prisoners) is almost inedible. My daughter also has dental problems so she has to eat something soft. It's so hard for me to feed her. I still remember in the early days when I came here everyone was against me, they still are but at that time I used to ask the jail staff for help (she referenced that her case is contentious, and the other party were lawyers and powerful), my daughter needed to eat and I asked for biscuits and no one would give them to me. There was one other prisoner who was very kind to me and she gave me some biscuits. Then she got out of here. I still remember that kindness.”

The JPP interviewer noted her increasing distress as she told her story:

“ At this point Saira was laughing, I was trying to commiserate with her but I did notice that her laughs were unusual, she was laughing more and more about the terrible things she was talking about. It is conjecture as I am not in a position to decipher why, but as a layperson it seemed like she was quite traumatized. She would laugh a lot, then become quite emotional and angry when she spoke of the discrepancies in

her case and her innocence.”

CHAOS AT COURTHOUSE

Hearings are the days when family members can visit their loved ones who are in jail. This day was also my opportunity to meet with Fauzia and Sania and hear their story of arrest and jailing. The ground floor of the narcotics courthouse was empty, belying the chaos that I and their legal team were about to encounter in the courtroom on the second floor. The hallway was lined with male prisoners, listlessly leaning on walls, unclasped handcuffs dangling from one wrist each. Two prisoners chained together ambled awkwardly, one leading, the other following, to the head of the courtroom toward the judge.

The women were sitting at the back, in the shadows, and rose to greet me, pressed against the wall of the crowded, small, courtroom. Originally scheduled for 11:30 a.m., their hearing was delayed to later in the afternoon, so we found a quiet place to speak in the Anti-Terrorism Court across the quadrangle. On the way, we passed a prisoner who was prostrate, one leg sticking out, his foot bandaged and a blood stain seeping through.

Unlike Fauzia who spoke with assuredness, initially, Sania, her sister was quiet and expressionless and only opened up toward the end of the interview. The third woman, Bilquis Shamsi, accompanying them along with her child who had been born in prison, was a co-accused, but not a relative. She was shy and unwilling to participate in the interview more than an observer. Her lawyers, hoping to facilitate inclusion of a rare story in this book, tried to convince her she could help with prison reform. Her husband, who assumed he was not to be included in the interview, left. When I visited the family on the judicial lockup side, he sat on a bench with a wad of paper in his hands, a list of phone numbers written down on them.

‘This is their one day of leniency,’ explained his lawyer: this is the day they can meet their families. Several men were sitting together in a

circle, all in various drab shades of *shalwar kameez* from beige to grey. Sitting on one folded knee and the other propped up, they sat around a *raan* (lamb leg) in thick, rich, brown gravy, that each dipped pieces of *naan* (bread) into. The lawyer gestured to them, laughing, telling me they were feasting.

Reluctantly, Bilquis sat with us and listened, her child playing around her. The only interruption that came from her was her child playing on the adjacent balcony, when a man told her to bring the child inside to avoid potential injury. Fauzia and Sania told me how they felt about their time in prison – like they had been cheated out of two and a half years of their lives – but their account of the prison structure, routine, and facilities, did not differ from the account provided by the women prison guards: a structured, orderly, respectful place to live, an idea women's prison officials tried to ensure I took away from my visit.

Fauzia and Sania had a less damning evaluation of jail, with the loss of time being their biggest complaint.

Fauzia said:

“ The jail environment is good. What people on the outside think it's like, it's not like that. It's actually a fine place to live – the staff are great, the madam that's there, she's also great. She listens and responds to everything we want. Except the other women prisoners – *hukumranis* (queens) – they'd order each other around. But overall the environment is good. We are taken care of. If you have a headache, it's treated like an emergency, you get treatment. You receive good food. What people say at home about jail – it's not like that. Everything is looked after.”

She denied the existence of beating and verbal abuse, and when asked about disputes between prisoners, she said even if the women fight with each other, the madam resolves it, and says no matter what the fight, you are not permitted to hit one another. Sania at this point also

spoke to add the staff were great.

But when I asked her what jail looked like, Fauzia said, *jail to jail he hoti hai na?* (a jail is a jail, no matter) and went on to describe not what it looked like, but what it meant to spend time there. A number of ex-prisoners responded in this way, which showed how the jail's physical structure determined what they did, how they felt, and what they thought about.

““ It doesn't matter how much free time you get, how much time you get to rest outside. You can look after your family, your kids, but in jail, even if someone in your family dies, you can't leave to attend the funeral. You don't get permission for this. But living there is fine – you get a *charpai* (bed), you get fans. The madam who looks after us, she's great – she looks after everything.”

She described separate barracks with 25 to 30 women in each, but this number could grow depending on the number of prisoners admitted. At 7:00 a.m., they would open in the morning, said Fauzia, and after breakfast you could do what you wanted. But Sania interrupted then to tell me about the sewing and tailoring activities, and the computer room, and the parlour room, and learning sewing, and classes. “These things are there for you to be able to pass the time.” There's an academy there, she said, and you can go and study there. Sania then added that there was a library. Fauzia showed me a pearl-beaded purse she had made in jail.

““ I had many worries and anxieties – what will it be like, what will the treatment be like, what is done to people. I had heard that the jail environments is not good, and so for two to three days I was very worried, but slowly I had to compromise and accept my situation.”

In the background Sania said the place was very clean.

“ Just the idea that I would be a prisoner, that would be my identity. The reputation of prisoners is very bad, and I was going to jail – *qaidkhanna* – what kind of dishonourable things would be taking place, how would I spend my time? What will the people be like, but in the end, the people were good.”

Again Sania piped up to say the madam was nice and sympathetic – *Madam shahebah bohot achi hain... hamdardi karti hain* (*The madam is very nice, she empathises with us*).

The prosecution's witness did not show up due to her pregnancy, explained Zubair. While this process of waiting could continue for a while, there were requirements by law that the prosecution produced a witness, and could incur penalties for not doing so. With the possibility of receiving a guilty charge, and being shipped straight back to jail, I wondered later, if the women were not quite willing to interview.

“In jail, I thought about my family a lot, and now out, I don't even want to think about it,” said Fauzia. “I think about it with fear,” said Sania, “and pray to God I never have to go back there.” Fauzia said, “I don't even wish jail upon my enemies. Nothing bad happens there, but you think about your family a lot – this feeling came up a lot.” “You think about your kids a lot and hope no difficulties befall them,” Sania added. Fauzia said that despite having four kids, it took two and a half years to get bail, to which Sania added that if you were jailed without having committed a fault, it still took time for your case to be cleared – *aaram, aaram se* (at a leisurely pace) – such cases will continue. “It shouldn't be like this.”

Privately, one of the women jail officials said to me, “women with kids should be given bail, directly. They should not be kept here.” Sania continued:

“ Who can tell Fauzia how her four sons managed for those two and half years – who can give us back the time when we

could have been looking after each and every one of their needs and the attention we would give them each day?"

Sania's husband has been paralysed since 2011, due to a stroke.

“ Who can tell me how he managed for these two and half years – he lies on a *charpoy* day and night. I can't even fathom how that time went by for him – who can tell me? And right now, we're just about on bail, we have no idea what could happen next. My kids are in Punjab, I haven't seen their faces in two and half years. Do you know how expensive they make it to make phone calls inside?"

Before this, both women had said prisoners could make phone calls twice per week, and there were public call facility in jail; phones were provided during bail hearing days.

Fauzia continued:

“ Jail isn't a good institution, but the environment inside isn't bad. There's attention to things in jail, like there isn't in the world – Quran teaching, praying five times a day, learning. In jail, you get very close to God, because you're fearful. I wondered what kind of life people had led outside jail, as they didn't even know basic practices like *wazoo* (ablutions for prayers).”

Sania then said, she hadn't seen this much prayer in the world as she had in jail – people become very scared. You're worried all the time for your families, for your kids, so you pray.

POLICING THE PEOPLE

Together this chapter covers three categories of women in Pakistan who have faced historic and contemporary forms of criminalisation, including political leaders, petty criminals, and 'unfit' mothers. Herself

a target of the criminalisation of diversity as sub-nationalism, Zahra continued to ascribe to colonial and current depictions of working-class women as deviant and dangerous. Drawing from Mohajir framings of belonging and identity that connect land to language, Zahra pointed out other women's identities to indicate that she was not at ease around a woman she had never met or associated with before – and yet she wanted to help them because they were women. Assuming a leadership role, and linking MQM politics to gender, Zahra felt they were treated unjustly due to women's secondary role in society. In this way, the mosaic of prison life constructed in her account is reflective of dominant national patriarchal narratives, which bind women prisoners to the gender norms of free society that are fixed onto carceral imperatives of discipline and punishment. In contrast, maintaining their innocence, Fauzia and Sania agreed that women's jail accommodations were decent, but in no way did this make up for the separation from their home and families. Saira's priority was to keep her child safe in an environment that seemed to be actively working against her efforts to provide maternal care. It is in their stories that we meet the women that Zahra described as victims and hear their accounts of how the fear of punishment is instilled through jail discipline and what it means to survive this.

Male inmates are not referred to as sons or fathers, as women are identified as mothers in prison reform reports or development reports on criminal justice reform.

This book has largely focused on male ex-prisoner experiences in relation to political, socioeconomic, and religious disenfranchisement. In this chapter, we will only touch on men's experiences from a gendered perspective – though there is much more to be explored – and focus on women's experiences in segregated facilities. Fieldwork realities – women's correctional facilities are separate from men's – as well as the gendered focus of prison reforms for women have pushed

research and analysis in this direction. Male inmates are not referred to as sons or fathers, as women are identified as mothers in prison reform reports or development reports on criminal justice reform. Yet the inability to fulfil their role as providers and breadwinners due to incarceration is a point of shame in men's carceral experience examined throughout this book. The Peshawar SP told a story of a prisoner whose wife had to give him her earnings because he had nothing in jail, only to have this stolen by another inmate. While the SP told this story to showcase how the jail administration stepped in to pool cash for a man who could not look after himself or his family, it also conveyed how male self-identification as providers was emasculated by the inability to provide for their families and themselves in jail. The *cheera lagana* torture process MQM ex-prisoners witnessed and experienced left men impotent, signifying the ultimate symbolic and material removal of masculinity, carried out by prison officials. Male ex-prisoners talked about their regrets around going to jail as a cause of hardships to their families. One in particular was worried about the shame his daughter would have to feel on visitation days, sitting in the waiting room, while also anxious about not being able to arrange her marriage in person. Like him, another said that jail had left him forever subdued, unable to speak up or stand up for himself, due to an ongoing sense of fear implanted in his mind. Among prison officials male prisoners may be sub-textually conceptualised as wayward sons and incapable men, but it is their masculinity that is punished to break their bodies and their spirits.

The 1919-1920 Report of the Indian Jail Committee was also concerned with a debate over the virtues of individual cellular confinement in order to prevent interactions between inmates which was believed by some penologists to take from the "reformatory influence" of jail and promote the "contamination of the first offender or better prisoner by the habitual criminal or more evil-minded delinquent."²⁶⁸ Instead a strict

268 Indian Jail Committee. (1920). *Report of the Indian jails committee 1919-20: Volume 1. Reports and appendices*. Superintendent Government Central Press. <http://jail.mp.gov.in/sites/default/files/Report%20of%20the%20%20Indian%20Jail%20Committee,%201919-1920.pdf>

classification system, combined with strenuous day labour, followed by evening education and recreational activities were seen as the key to successful segregation. Among men, the goal was to tire out prisoners to the extent that they would not be able to speak to each other. This was framed in moral terms and around a concern that it was at night in shared barracks that men engage in the plotting of further criminal activity:

“Under such conditions it may, ‘We think, be reasonably anticipated that the normal prisoner will have a day fully occupied by labour and instruction under a strict discipline... which will remove to a great extent monotony and deadening routine. During the day the prisoner will have had little time for evil thoughts or undesirable imagery, and, having been allowed reasonable use of his tongue during permitted hours, he will, in our opinion, have small inclination for conversation, plotting or degrading practices when the hour for sleep comes to him – a healthily tired man.”²⁶⁹

Today, the rehabilitation of men through vocational training is not focused on their reintroduction to society as ‘financially literate’ individuals as it is for women. The Punjab Prisons Department boasts of an extensive vocational training program across its incarceration facilities in the province, and opportunities are marketed as a variety of skilled trades such as plumbing and electrical appliance repair – work that prisoners can continue upon release – among numerous others, such as carpentry and carpet weaving which generate revenues for prisons (Punjab Prisons Website). It is in this way that men’s prisons are being represented as facilities that reintroduce former convicts to the world as contributing members of society – as breadwinners and providers. The kinds of recreational activities and vocation training the men interviewed for this book described, and noted in my fieldwork observations at Karachi Central Jail – embroidery and purse making – can be conceptualised as feminized and meant to soften their criminal-mindedness. Recall that Wasim said craft making was physically

269 Ibid.

enforced with punishment in barracks in Peshawar Central Jail, and another in a grossly overcrowded barrack in Malir Jail vaguely recalled *moti* (beads) work. Here, criminality is conceptualised as male, and the antidote is repetitive feminized activities that ensure a prisoner stays in one place, does not speak, and remains occupied. As the superintendents at Peshawar and Karachi Central Jail showed in their representations of themselves as father figures, the administration provides strict discipline, so that "*na-sune*" (not listening) men can imbibe docility within its walls.

Conclusion: Saving Criminal Justice from the State's Criminalising and Securitising Slant

This book focuses on an important historic way people in Pakistan encounter the country's prison system. By doing so, it aims to broaden the scope of what it means to examine prison conditions and call for reform. Points along ex-prisoners' experiences in their day-to-day lives, with arrest, and in jail, show how a national discourse of securitisation has appropriated pathways along the criminal justice system, including jail operations. Independent Pakistan has seen the growth and spread of a narrative that its identity and borders must vigilantly be defended against surreptitious threats. Techniques of surveillance increasingly face inward, however, subsuming in their scope anything deemed jointly anti-national and anti-religion. In each province, different marginalised groups are seen as a threat to a singular definition of Pakistani identity and belonging in the nation, including religious and ethnic minorities, political activists, the working class, and women. The stories of ex-prisoners told in this book provide insight into wider carceral conditions in Pakistan, and how these are connected to a longer sociopolitical history of criminalisation. The ex-prisoners interviewed in this book represent a criminalised segment of society experiencing disciplinary action for navigating and challenging life in a security state.

Sindh and Karachi, Pakistan's most multicultural province and city, have seen the criminalisation of ethnic diversity as nefarious subnationalisms. Some of these groups have felt slighted by the federal government's resource allocation policies and decisions. This situation has seen both perpetrators and victims of violence go to jail. In Punjab, the country's historic seat of power, the privileging of its demographic majority – a feature no other province enjoys – is endemically tied to Sunni Muslim religious identity, and has overseen the everyday discrimination and criminalisation of religious diversity of non-Muslim and sectarian groups such as Christians and Ahmadis. FATA and its administrative centre, the province of Khyber Pakhtunkhwa, have been entangled in a historically contentious relationship with the central government. Once used as an armed labour force in the name of religion, now ordinary FATA Pashtuns are indiscriminately targeted as militant sympathizers. Balochistan, the country's most socioeconomically underdeveloped and militarised region, has seen demands for equal enfranchisement through the building of a civilian government criminalised as separatism. Finally, women are not exempt from criminalisation along the provincial securitisation lines. Their gender and class identities are a further source of criminalisation along patriarchal lines, and they are seen as moral contaminants of Pakistani womanhood.

Ex-prisoners from each province faced different forms of criminalisation, based on how majoritarian and minority identities have been pitted against each other, and as belonging within or against the nation across colonial and current state rhetoric. Ex-prisoner experiences in jail materially and symbolically mirror their communities' experiences with securitisation in wider society. This means their position as 'buyers' within an economy of extortion is also shaped by their experiences with the criminalisation of their identities. This foundation comprises an array of ex-prisoner encounters with policing and surveillance, arrest, felt experiences with confinement, and understandings of what they went through.

That prison conditions are inhumane is widely documented, in the media and in human rights and development reports over the past

decade. At the same time, little is understood about the adjacent world behind bars. While it is known that prisoners experience undue hardship as a result of the deprivation for want of basic necessities and bribery, what it means to live day-to-day within an economy of extortion is not understood. Nor are the ways in which it remains a part of a complex system of prison management. By providing a view of prison through the observations and accounts of ex-prisoners from each province, this book contributes to the wider body of recent prison reform and prisoner rights literature in Pakistan that provide valuable information about the conditions and numbers of prisoners – men, women, juveniles, and mentally ill – living in substandard incarceration systems. This literature also sheds light on the paucity of structurally sound buildings that are themselves ill-equipped and do not protect inhabitants from the elements, or provide nutritious food and healthcare, or recreational and vocational training opportunities. Prisoner stories attest to this reality, showing not only what it means to live and survive in these circumstances of deprivation, but also the carceral economy that upholds it, in which prisoner corporeal and emotional vulnerability is exploited for access to few resources and little freedom in confinement.

Typically, prison reports point to a set of recommendations for long-term transformative change, bracketed by three calls to action: the immediate end to a particular wrong, building institutional infrastructure, and strengthening human resources. They emphasise the need to update provincial jail manuals so they reflect modern prison management needs, reducing overcrowding, equipping prisons with rehabilitation and vocational facilities, and training staff in various areas of sensitivity. Together, such improvements are meant to balance the objectives of running a prison. If security, the health of the prison population, and rehabilitation can be maintained and administered in tandem, it is believed that smooth prison operations can protect against the violation of human rights. In contrast, this book has attempted to show how numerous aspects of prison operations, from the rules to the classification and segregation of prisoners, to the assigning and scheduling of prisoner activities including labour,

recreation, and vocational training, are sites of prison violence.

This means that any rules, provisions, or access to facilities, can be withheld or their adherence and usage enforced to produce inmate compliance. The external and internalised threat of physical or emotional pain is the medium through which punitive methods of control can be exerted on inmate bodies and minds. Suspension in such ongoing vulnerability firmly places prisoners within an economy of extortion with staff and other inmates that takes place on a platform of prison population management systems and allows for the exploitation of prisoner desires for freedom within the parameters of confinement.

In part, this is due to the way law and justice in independent Pakistan have not attempted to imagine a new, and decolonial way of understanding deviance and criminality. Moreover, most people in prison were not, objectively speaking, criminals. As the provincial histories in this book show, many were resistant to colonial territorial expansion, and others were classified as belonging to criminal tribes, simply because their occupations and customs did not meet British standards of civility that were themselves under construction in the metropole and based on working-class phobias. Pakistan has gone along with inherited discourses of criminality and creatively adapted these for the needs of a security state. The colonial history of penal justice and prison administration has also shown that British prison committees across the subcontinent were never able to resolve whether they wanted to use prison labour for public works, punishment, or to rehabilitate incarcerates. Reform committees remained divided on expenditures for prison development, fearful the expansion of facilities would detract from its true purpose: deterrence and punishment.

Today, this is seen in a legacy of the slow expansion of facilities, the lack of rehabilitative opportunities, and the use of 100-year-plus-old rules. The prevailing idea among jail officials is that punitive methods do not contravene rehabilitation objectives and fit together in a neat congruence, in which the former teaches criminals how to obey the law in a model, if strict – and at times harsh environment –

while opportunities for rehabilitation soften their hearts. They admit, however, that the prisons they run far from meet such theoretical objectives overall. They say that prisons are the most under-resourced institutions within the criminal justice system. They complain of a lack of funding to set up and run vocational, labour, recreational, and rehabilitative programs that reach all prisoners, and point to the way urban institutions are far better off, and that funds do not extend to rehabilitation facilities in rural jails.

RECOMMENDATIONS

This book proposes holistic prison reforms in Pakistan whereby assertions of identity and association do not result in criminalisation and jailing; socioeconomic development means citizens do not need to break the law and harm other citizens to provide for themselves and their families; and the failure to abide by the law is treated as a social ill in need of restorative forms of justice. Over this process, the need for prison reform is dire, and calls for a holistic approach that strengthens processes that enable and empower the legal justice system, for overcrowded jails to not bear the human bulge of legal bottlenecks created by a dysfunctional system. At the same time, adequate, dedicated funding for vocational, educational, and recreational programs and facilities – that provide all prisoners with equal opportunities to participate – is a must. It emphasises that the implementation of rehabilitation programming must be completely divorced from punitive objectives in prison management. Finally, human rights-based prison management, training, and rehabilitation for prison officials – who have themselves been immersed in a culture of violence and violation – is required. Together, these recommendations can work toward the creation of restorative and reparative forms of justice, backed by a robust system of legal thought and practice.

Widening the Understanding of Overcrowding

Genuine prison reform must at the outset include the decriminalisation of identity and dissent. This means calling for an in-depth examination

of criminal justice reform, including law enforcement, the court system, and people's access to legal rights. Crime reporters, and lawyers from around the country attest to a beleaguered feeder system. For one, they say a misuse of law enforcement at the street level from the start disrupts the proper functioning of the criminal justice system. Lawyers also described the number of fees required at each stage of the legal representation process, from the transfer of paperwork from police stations to lawyers' hands, fees for photocopying, and more, effectively pricing the wage labouring class out of the system of due process. They also spoke of clients who openly admitted to engaging in petty criminal activity due to dire economic vulnerability, and feeling completely out of survival options. At the same time, lawyers also said they only meet their vulnerable clients on a pro bono basis, at bail hearings, and rarely at jails. These experiences and observations match with the findings of investigations into jail conditions by human rights organisations where vulnerable incarcerates do not have basic, regular, access to legal representation – a legal requirement stipulated by the criminal justice system that remains systemically unmet.

Reducing the number of people who go to prison is a first step for not contributing to increasing overcrowding, and stopping the growth of the prison population. This includes stopping the policing and incarceration of people for dissent, and throwing disingenuous cases out of court. Furthermore, there are provisions within Pakistani criminal law for the redirection of mentally ill persons to mental health facilities upon arrest by the Magistrate examining the arrest. Proper implementation of this legal framework would yield significant results in reducing overcrowding, given the high number of prisoners suffering from psychosocial disabilities in Pakistan's jails. However, due to a lack of familiarity with the signs and symptoms that evince a person is suffering from mental illness and further, of the laws that pertain to the arrest and treatment of mentally ill persons upon arrest, these individuals often remain undiagnosed and are treated as routine cases. Throughout this book, we have heard from ex-prisoners who believe they were framed for crimes, or entrapped in political scams and personal disputes. In some cases, ex-prisoners also reported accusers

producing false witnesses, and in others circumstances indicate that rivals turn the legal justice and penal system into instruments to put enemies away. Majid, whose account forms part of the chapter on Sindh, is a Shia prisoner from Pakistan's Kashmir territories who met his 'assailants' for the first time, in court. If the court system is strengthened and can act in an unencumbered manner, it can do its job of uninfluenced adjudication. According to Abbas, and other ex-prisoners belonging to minority faiths in the Punjab province, the police officers who arrested them admitted they were doing so to protect them from religiously motivated mob violence. All such informants spoke of a lack of trust in the legal and judicial system, and felt that law enforcement at multiple levels were aware they were hearing false information, making decisions based on communal pressures, and had their hands tied politically.

Such a recommendation therefore applies to stopping the production of under-trial incarcerates unfairly prosecuted under anti-terrorism, cyber security, and blasphemy laws, and extends to the swift and appropriate processing of current under-trial prisoners who fall into this category. This includes the immediate release of individuals who have not committed offences. In cases where genuine violations of the law have taken place, this process would begin with a country-wide effort to process all under-trial cases in Pakistan, assign convictions where appropriate, and develop a functional and expedited bail system, so that individuals can appear in court. When prisoners do not have the financial means to pay bail, court, and legal fees, the state must fulfil its moral obligation to provide defendants with public defenders. The approach being suggested here widens the discussion about the relationship between overcrowding and human rights violations as simply a matter of physical space and its availability.

Creating Real Spaces of Training and Rehabilitation

To continue to invest in resourcing prisons with facilities for vocational training, without changing the culture of punishment – corporeal and psychological – in prison, is a further investment in systemic violence.

Ex-prisoners reported that training rooms were only for show, a staged experience I and JPP staff also observed during fieldwork trips to jails. Some prisoners told stories of being forced to participate in recreational activities under threat of beatings, while others noted their class privilege afforded them recreational and training opportunities over others. Former Prime Minister Imran Khan hoped to establish prison industries, as stated in his PPAC report, which he believed would be of wider economic benefit to the country. International media have exposed how prison labour in the US is tied to a history of slavery in the past, and how it exploits labour at extremely low wages for the growth of large corporations in the present. In Pakistan, the economic questions related to such a utilitarian approach need to be posed, such as, will prison industries further employment, wage standards and rights in a free society? Jobs and income are already scarce, in a population where the median age is below 23, according to the Statistics Bureau of Pakistan. Part of the reason petty crimes take place is out of need, as Yasir, a drug addict from Lyari in Sindh, and Qadir, who lives in extreme poverty in Turbat, Balochistan, both explained. The provision of training, education, rehabilitative, and recreational facilities and opportunities for the prison population must be unyoked from punitive measures, and the focus placed solely on human development.

Human Rights Training for Prison Staff

At the same time, it is important to think about the unemployment that a reduction in prison populations would cause, and the retraining required to administer rehabilitation-oriented programming in jails. It is important to remember here that wardens are trained in prisoner abuse and in this process themselves become dehumanised agents in the penal justice system. The call to change this reality through prison reform means transforming official training for wardens from a prison security focus to a social justice focus. The majority of jail staffers themselves come from the working classes of society and are in this line of work due to a lack of alternative opportunities, and also choose it because of the honour attached to working in a security-related profession. As a senior Punjab district prison official explained,

wardens themselves are uneducated, and therefore susceptible to a culture of violence and the opportunity to violate the weak. Building a socially just society means re-educating people across sectors for an improved understanding of socioeconomic realities and the causes of disenfranchisement. And how to use their relative power and position constructively for building an equitable, free, and just world. As the views of the police official in the Punjab chapter – himself part of the working class – show, there is an acute understanding among those who live and work in jails about how debased society could potentially be, highlighting the need for change given the opportunity.

Criminal Justice Reform

Former Prime Minister Imran Khan legalized the castration of men as punishment for committing rape, and therefore as a solution to the prevalence of sexual violence in Pakistan. In doing so, he introduced additional and violent forms of retributive justice to the legal system, ignoring vocal calls for the transformation of society so that women and children are safe, and men learn to treat women as equal citizens and participants in the public domain. Criminal justice reform can be part of a constructive process to protect against the need for corrective methods. Building it also means people can receive appropriate professional care, including psychosocial rehabilitation for committing serious crimes, and reparative opportunities. Here, a critical structural understanding among professionals across government and civil sectors is needed – of how a society that fails people creates a socioeconomic and cultural environment that produces forms of morally reprehensible behaviour.

Prisoners with mental health issues, therefore, need to be in separate institutions – that are not jails – and further separated based on whether or not they have engaged in activity that violates the law. All sets of prisoners need physical and mental medical care from specialists trained in diverse areas of psychotherapy and committed to restorative justice. Prisons form a world that is adjacent to society. Their reform is tied to the improvement of society so that it does not produce people

who do not belong in either place.

This book has shown how prisons in Pakistan reflect a distorted image of forms of hate – against the poor, women, minority identities, and anyone calling for change – that organise free society. In order for Pakistan to become a place that values equal freedom for the disenfranchised, including robust systems of restorative justice, it needs the opportunity to rebuild an intellectual tradition in service of that cause. Such alliances were forming among anticolonial votaries of the Pakistan movement, and the Left, but were pushed to the margins following independence.²⁷⁰ This means rebuilding a grassroots powerhouse of thought and lived practice that can challenge the securitisation discourse rapidly creeping into all spheres of life. In this way, human and legal rights organisations can have the solidarities and resources needed to create alternative solutions and processes of implementation that transform current systems of justice into the true service of people.

Studies on law and order need to ask how we can build a social justice system that genuinely protects the vulnerable. Equally, their writers need to be able to freely speak out about the ways criminal justice is unable to prosecute actual violations of law. The accounts in this book have shown that the very people who require inclusion in Pakistan are persecuted, incarcerated, and abandoned to the law, and a history of nation-building has sown the seeds of hatred that have undone its unity.²⁷¹ This group includes women, religious and sectarian minorities, and extends to LGBTQ people, children, and the socioeconomically disenfranchised – groups that are disproportionately targets of hate, systemic discrimination, and sexual violence. The accounts from ex-prisoners of their experiences of arrest and incarceration are evidence of ongoing and growing disillusionment with the civil and military establishment's capacity for a leadership that will equally enfranchise all

270 Toor, S. (2011). *The state of Islam: Culture and cold war politics in Pakistan*. Pluto Press.

271 Agamben, G. (1998). *Homo sacer: Sovereign power and bare life*. Stanford University Press.

people. Their stories can be examined to show a country that operates in opposites: criminals have free reign, law enforcers are often criminals themselves, and the vulnerable, most in need of protection, and who have the greatest potential to reimagine a free and equal country, are penalised for their thoughts, beliefs, expression, and ultimately their existence.



This book narrates the stories of 20 former under-trial and convicted prisoners across Pakistan's prison system in the four provinces of Punjab, Sindh, Khyber Pakhtunkhwa and Balochistan. Experiences with arrest and incarceration among men, women, and juvenile ex-prisoners provide a historic and contemporary lens through which readers can comprehend the country's penal system as part of the legacy of colonial governance in the Indian subcontinent, the creation of Pakistan, and current day political debates that preoccupy the country under the umbrella of insecurity. It demonstrates how the imperial history of criminalization and prison management is intertwined with the formation of Pakistan, and continues to inform the way law, order, and governance is carried out in the postcolonial state – which is far from uniform.



**JUSTICE
PROJECT
PAKISTAN**

Justice Project Pakistan (JPP) is a legal action non-profit that provides pro-bono legal representation to the most vulnerable Pakistani prisoners facing the harshest punishments. Our clients include those facing the death penalty, the mentally ill and victims of police torture. In December 2016, JPP's Executive Director was presented the National Human Rights Award by the President of Pakistan.