



**BY COURIER**

**Resending corrected version of the request**

Ref: PILAP/HO/2020/479

Dated: 24 December 2020

**The Secretary,  
Ministry of Interior,  
Room No. 409, 4<sup>th</sup> Floor, R Block,  
Pakistan Secretariat, Constitution Avenue,  
Islamabad**

**REQUEST FOR INFORMATION UNDER THE RIGHT OF ACCESS TO INFORMATION ACT, 2017**

Dear Sir,

The Public Interest Law Association of Pakistan (PILAP) is a public interest association concerned with the primary objective of enabling the citizens of Pakistan to attain the realization of their civil, human, economic, social and political rights, as guaranteed by the Fundamental Rights laid down in the Constitution of Pakistan. PILAP addresses matters of public interest by means of advocacy and by seeking redress for the people of Pakistan through the justice system. It respectfully submits as under:

1. That PILAP seeks information on prison classes allocated to all categories of prisoners under the Pakistan Prison Rules, 1978, in particular classes A, B and C, as well as superior class and ordinary class. Under the said Rules, prisoners will be considered for accommodation in A or B class prisons, and hence relatively superior prison facilities, if, amongst factors, they "by social status, education and habit of life have been accustomed to a superior mode of living" (Rule 242).
2. That it is submitted that the distinction amongst prisoners merely on the grounds of "social status, education and habit of life" is grossly discriminatory and against the Fundamental Rights safeguarded by the Constitution. In particular, it is contrary to Article 25 which guarantees that all citizens are equal before the law. It also violates Article 14 which protects the dignity of each citizen. Any law which contradicts these provisions constitutes an abrogation of the Constitution and is hence void. More importantly, the Rules are contrary to Islamic principles of fairness.
3. That the United Nations Standard Minimum Rules for the Treatment of Prisoners are a set of rules which seek "*on the basis of the general consensus of contemporary thought and the essential elements of the most adequate systems of today, to set out what is generally accepted as being good principle and practice in the treatment of*

---

**PUBLIC INTEREST LAW ASSOCIATION OF PAKISTAN**

Plot # 18-C, 2nd Floor, Office # 202, Zamzama Lane # 2, Phase-5, DHA, Karachi.  
Phone: +9221 32417049, +9221 32417087, +9221-35304110 Email: info@pilap.pk

*prisoners and the management of institutions.*" The basic principles of the rules state that they are to be applied impartially, and that there shall be no discrimination on grounds of "property, birth or other status", amongst others, in their application. The said Rules set out a minimum set of standards to be applied to prisoners, including in relation to accommodation, food, living arrangements etc. Any law that seeks to differentiate between prisoners on the basis of "social status, education and habit of life" in the provision of basic facilities to prisoners is a breach of this internationally recognized minimum standard.

4. That the International Covenant on Civil and Political Rights (ICCPR) states that "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person" (Article 10 (1)). Article 2 (1) of the Covenant provides that "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as..... property, birth or other status." Any law that segregates prisoners on the basis of "social status, education and habit of life" is a deprivation of liberty contrary to principles of humanity and as against their inherent dignity. Pakistan, though not a State Party to the ICCPR, is a signatory to the Covenant. Even otherwise, the provisions of the Covenant constitute international customary law and hence Pakistan is bound to respect these minimum standards.
5. That in a country where access to education, a Fundamental Right under Article 25A of the Constitution, is not provided by the State, concepts such as "social status, education and habit of life" are a function of individual circumstance. The State is responsible for ensuring the developmental uplift of the population, and in not fulfilling its duty in this regard, it contributes towards more and more citizens falling in a category where their "social status, education and habit of life" continues to remain under par. Laws creating different categories of classes for prisoners based upon this criterion further perpetuates this degradation in society.
6. That, in view of the above, PILAP respectfully submits this application under the right granted by the Right of Access to Information Act, 2017 as under:
  - i) What is the reasoning behind allowing different categories of classes for prisoners based upon their "social status, education and habit of life" in the Pakistan Prison Rules, 1978?
  - ii) What measures have been taken by the Federal Government to change the rules on prison classes based on archaic concepts such social status, education and habit of life?
  - iii) Why would two prisoners, who have been accused of the same crime, be provided different living conditions based upon their social status, education and habit of life?

---

**PUBLIC INTEREST LAW ASSOCIATION OF PAKISTAN**



- iv) What measures have been taken by the Federal Government to ensure that the Pakistan Prison Rules, 1978 are in line with internally recognized standards for the treatment of prisoners, including the UN Standard Minimum Rules for the Treatment of Prisoners?

7. That in the circumstances, PILAP would be grateful for a reply at the earliest.

Thank you.

Best Regards,

A handwritten signature in black ink, appearing to read 'Pervez Said', is written over a horizontal line.

Public Interest Law Association of Pakistan (PILAP)  
Through its Chief Executive Officer  
Pervez Said

Address for reply:

Public Interest Law Association of Pakistan (PILAP),  
Office No. 202, 2<sup>nd</sup> Floor, 18-C, Zamzama Commercial Lane No.2,  
DHA Phase V, Karachi

---

**PUBLIC INTEREST LAW ASSOCIATION OF PAKISTAN**

Plot # 18-C, 2nd Floor, Office # 202, Zamzama Lane # 2, Phase-5, DHA, Karachi.  
Phone: +9221 32417049, +9221 32417087, +9221-35304110 Email: info@pilap.pk