

Life-Sentence Remission in Pakistan: Fifteen Years of Actual Imprisonment Remains Mandatory

The Federal Constitutional Court held that ordinary and special remissions cannot reduce a life convict's actual imprisonment below fifteen years unless the sentence is lawfully altered through competent constitutional or statutory power.

Federal Constitutional Court criminal-law and prison-remission analysis
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Case: F.C.P.L.A. No. 833 of 2025

Court and date: Federal Constitutional Court of Pakistan | 8 July 2026

Bench: Justice Rozi Khan Barrech and Justice Syed Arshad Hussain Shah

Result: Petition dismissed; remission below fifteen years rejected

The ruling in one sentence

The Federal Constitutional Court of Pakistan held that prison authorities cannot combine ordinary and special remissions in a manner that reduces a life convict's actual imprisonment below fifteen years, because Rules 140 and 217(ii) of the Pakistan Prison Rules, 1978 impose a mandatory minimum unless the sentence is lawfully commuted, remitted or otherwise altered by a competent authority exercising constitutional or statutory power.

The reported order is Suba Khan v Superintendent Central Prison Mach and others, F.C.P.L.A. No. 833 of 2025. Justice Rozi Khan Barrech authored the order for a two-member bench comprising Justice Rozi Khan Barrech and Justice Syed Arshad Hussain Shah. The supplied copy records the hearing on 8 July 2026 and is approved for reporting.

How the remission dispute arose

Suba Khan was convicted under section 302(b) of the Pakistan Penal Code and sentenced to imprisonment for life, a fine of Rs 200,000 and six months' simple imprisonment in default. He also received the benefit of section 382-B Cr.P.C. His conviction remained intact through the Supreme Court.

The prison record nevertheless credited him with extensive general and special remissions. A nominal roll filed on 17 August 2023 showed that he had actually undergone 9 years, 4 months and 19 days in prison, while 15 years, 7 months and 18 days had been entered as earned remission. On that calculation, only 5 months and 23 days remained, subject to payment of compensation.

The complainant challenged the nominal roll before the Balochistan High Court. Through a consolidated judgment, the High Court declared unlawfully granted remissions void, required sentence recalculation, directed stricter scrutiny of nominal rolls and emphasized the minimum substantive imprisonment applicable to life convicts. Suba Khan then approached the Federal Constitutional Court.

Remission reduces incarceration but does not erase the sentence

The Court began by explaining the legal character of remission. Remission is a lawful shortening of the period of imprisonment. It does not nullify the conviction, set aside the judicial sentence or convert an unlawful release into a legal entitlement.

The judgment identified three broad sources of remission: constitutional clemency under Article 45, statutory remission under legislation, and administrative remission governed by the Prison Rules and prison remission system. The source matters because the authority, conditions and legal effect are not identical.

Ordinary remission is generally earned through good conduct, discipline, prison labour, education, vocational activity and other reformatory conduct. Special remission is an exceptional concession granted on specified public or religious occasions, or under a governmental or presidential policy, subject to its stated eligibility conditions and exclusions.

The one-third ceiling under Rule 217

Rule 217(i) provides that the total ordinary and special remission awarded under the Rules ordinarily cannot exceed one-third of the sentence. The Government may go beyond that limit only in a very exceptional and deserving case, on the recommendation of the Inspector-General of Prisons.

Section 57 PPC treats imprisonment for life as twenty-five years for calculating fractions of punishment. That does not convert every life sentence into an automatic fixed release date. It supplies the figure against which the fractional remission ceiling is calculated.

The ordinary one-third rule is also not the only restriction. A separate and overriding protection applies specifically to life prisoners.

The fifteen-year minimum for a life convict

Rule 217(ii) states that the combined remission earned by a life prisoner must not shorten imprisonment for life to a period below fifteen years. Rule 140 similarly provides that imprisonment for life means twenty-five years' rigorous imprisonment and that every life prisoner must undergo a minimum of fifteen years' substantive imprisonment.

The Court treated this minimum as mandatory. Even if the maximum remission otherwise available has been earned, the prison calculation cannot take the actual incarceration below fifteen years merely through administrative entries.

In Suba Khan's case, the nominal roll credited more remission than the period he had actually spent in custody and left only a few months outstanding after less than ten years of incarceration. The Court held that this calculation was *prima facie* inconsistent with Rules 140 and 217(ii).

Exceptional remission requires lawful authority

The decision does not say that a life sentence can never be reduced below the administrative minimum. It distinguishes prison remission under the Rules from a lawful alteration of sentence by a competent authority.

Article 45 empowers the President to grant pardon, reprieve and respite and to remit, suspend or commute a sentence. Sections 401 and 402 Cr.P.C. contain statutory powers concerning suspension, remission and commutation. If one of those powers is validly exercised by the competent authority, its legal effect must be respected.

But prison officials cannot create the equivalent of constitutional clemency through an excessive nominal-roll calculation. Exceptional power must be exercised by the authority to whom the Constitution or statute gives it, and administrative implementation must remain transparent, uniform and consistent with the applicable legal framework.

Rehabilitation remains an important purpose

The Court did not reject the reformatory purpose of remission. It described the remission system as an incentive for good conduct and rehabilitation and referred to the Nelson Mandela Rules and comparative jurisprudence recognizing the prisoner's prospect of reform, review and eventual reintegration.

Modern punishment pursues several purposes at once: retribution, deterrence, denunciation, rehabilitation and protection of society. A lawful remission system helps prison discipline and gives prisoners a reason to pursue education, vocational development and personal reform.

The Court's point was that rehabilitation cannot operate by disregarding an express statutory boundary. Reform is encouraged inside the legal scheme; it does not authorize prison administration to rewrite the sentence or defeat the minimum period deliberately preserved by the Rules.

Judicial sentence and executive mercy must remain balanced

The judgment explains that executive mercy is intended to temper justice, not make a judicial sentence illusory. A sentence represents the court's assessment of the offence and the offender's culpability. Remission reflects the legislature's decision to reward reform while maintaining the penal substance of that sentence.

Excessive remission can undermine deterrence, public confidence and the integrity of sentencing. Conversely, a system that offers no realistic reward for reform may undermine rehabilitation. The correct approach is not to eliminate remission but to administer it faithfully within the powers and limits fixed by law.

The final outcome

The Federal Constitutional Court found no enforceable legal entitlement arising from the excessive remission calculation and dismissed Suba Khan's petition.

The result left intact the requirement that the prison authorities recalculate the sentence consistently with the governing Rules. Remission entered contrary to an express statutory limit could not create a vested right to premature release.

What the judgment does not hold

The judgment does not abolish ordinary or special remission for life convicts. Eligible prisoners may continue to earn or receive remission within the governing legal framework.

It does not make rehabilitation irrelevant. The Court expressly recognized rehabilitation as a central objective of modern correctional policy.

It does not restrict the President's constitutional power under Article 45 to the same limits as ordinary prison remission. The source and exercise of constitutional clemency remain legally distinct.

It does not permit automatic cancellation of every remission without examining its source, terms and competent authority. Sentence calculations must identify which remission was earned or granted, under which power, and subject to which conditions.

Practical guidance for sentence calculations

Prison authorities preparing a nominal roll should separate ordinary remission, special remission, educational remission and any constitutionally or statutorily ordered alteration of sentence. The record should identify the enabling provision, competent authority, notification and applicable exclusions for each entry.

For a life prisoner, the calculation must be checked against both the general ceiling in Rule 217(i) and the fifteen-year minimum in Rules 140 and 217(ii). A recommendation for exceptional treatment cannot substitute for the required approval.

Counsel challenging or defending a nominal roll should obtain the conviction order, custody commencement date, section 382-B credit, complete remission register, every relevant notification, the Inspector-General's recommendation where relied upon, and the competent authority's final order.

Independent legal analysis; not legal advice.