



A Critical Review of Probation and parole system in Pakistan: Weakness and Strength

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This research presents a critical examination of the probation and parole systems in Pakistan, delving into their historical development, current effectiveness, and the multifaceted challenges they face. Probation and parole are integral to the criminal justice system, offering pathways for offender rehabilitation and societal reintegration, thereby alleviating the burden on overcrowded prisons. However, in Pakistan, these systems grapple with significant obstacles, including inadequate officer training, resource scarcity, and pervasive societal stigma. This study employs a mixed-methods approach, combining quantitative survey data from 100 stakeholders (probation officers, offenders, public) with qualitative insights from in-depth interviews and case studies. The quantitative findings reveal a mixed level of public awareness and understanding of probation and parole. While many acknowledge their potential for reducing recidivism and supporting rehabilitation, skepticism regarding current effectiveness in Pakistan is prevalent, citing lack of resources, insufficient training, and legal/structural barriers as major impediments. Societal stigma is also highlighted as a significant hindrance to reintegration. Qualitative data further substantiates these challenges, with stakeholders emphasizing the need for improved training, robust legal frameworks, community support programs, and public awareness campaigns. The research also includes an international comparison with systems in the US, UK, Canada, and Australia, highlighting Pakistan's areas for improvement, particularly in officer training, financial management, and technological adoption. Recommendations focus on increased funding, enhanced training, legal reforms, and initiatives to combat societal stigma, ultimately aiming to bolster the efficacy of Pakistan's probation and parole systems.



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Introduction

The probation and parole systems are critical components of any modern criminal justice landscape, designed to offer alternatives to incarceration and facilitate the reintegration of offenders into society. In Pakistan, these systems aim to provide rehabilitative support and supervision to individuals convicted of crimes but deemed suitable for community-based sanctions rather than imprisonment. Understanding the historical and contemporary context of probation and parole in Pakistan is crucial for evaluating their effectiveness and identifying areas for improvement.

Historically, probation and parole in Pakistan evolved from rudimentary beginnings, influenced by colonial-era legal frameworks and later by international models, particularly from the US and UK (Hussain, 2013)¹. These influences introduced concepts of rehabilitative approaches and community involvement. However, the development has been marked by challenges such as limited resources, inadequate legal frameworks, insufficient training for officers, and low public awareness (Bazemore & O'Brien, 2012)². Despite their importance, these systems in Pakistan face persistent challenges including resource constraints, legal and structural limitations, and societal stigma (ALI, ZAFAR, and GHAFOR, 2023; Nabi, Hussain, and Kamran, 2021)³. Probation officers often struggle with high caseloads and inadequate support, impacting the quality of supervision and rehabilitation (Bhutta, Mahmood, and Akram, 2014)⁴. This study is motivated by the need to critically assess these systems to identify gaps, propose evidence-based reforms, and ultimately enhance their capacity to rehabilitate offenders and promote public safety. It aims to review the historical development, legal framework, operational practices, effectiveness, and challenges, offering recommendations for a more robust and humane probation and parole system in Pakistan.

¹ Hussain, B. (2013). The History and Development of probation Service in Pakistan and in Khyber Pakhtunkhwa. *Pakistan Journal of Criminology*, 5(2), 29.

² Bazemore, G., and O'Brien, S. (2012). The quest for a restorative model of rehabilitation: theory-for-practice and practice-for-theory. In *Restorative justice and the law* (pp. 31-67). Willan.

³ ALI, D. S., ZAFAR, D. Z., and GHAFOR, N. (2023). EXPLORING THE STRUCTURAL AND LEGAL IMPEDIMENTS OF probation: A CASE STUDY OF THE PUNJAB. *Jahane-Tahqeeq*, 6(4), 460-473.

⁴ Bhutta, M. H., Mahmood, Q. K., and Akram, M. B. (2014). Assessment of the role of probation officers in social rehabilitation of low risk offenders in Lahore-Pakistan. *Middle-East Journal of Scientific Research*, 21(10), 1764-1770.

Legal and Historical Framework of Probation and Parole in Pakistan

The legal underpinnings of probation and parole in Pakistan are built upon several key statutes, reflecting a gradual shift towards reformative justice.

The Criminal Procedure Code (CrPC), 1898: This foundational legislation provides for non-custodial measures, including probation, granting judicial discretion for alternative sentencing. However, its implementation is often hindered by judicial conservatism and a lack of awareness (Hussain, 2013)⁵.

The Punjab Borstal Act, 1926: Introduced to establish borstal institutions for young offenders, emphasizing training and psychological counseling. Its effectiveness is limited by resource scarcity and lack of trained personnel (Bhutta, 2010; Ali, Zafar, and Ghafoor, 2023).

The Good Conduct Prisoners' Probation Release Act, 1926: Allows for the conditional release of prisoners based on good conduct, aligning with restorative justice principles. Challenges include monitoring difficulties due to resource constraints (Bhutta, Rasool, and Rehman, 2020).

The Sindh Children Act, 1955: Focuses on the welfare of juvenile offenders, emphasizing rehabilitation over punishment. Implementation is often hampered by a lack of juvenile-specific facilities and training (Nabi, Hussain, and Kamran, 2021)⁶.

The Probation of Offenders Ordinance, 1960: A landmark ordinance empowering courts to release offenders on probation, especially first-time and low-risk offenders. Its potential to reduce prison overcrowding is significant, but gaps in training and monitoring mechanisms persist (Bhutta, Mahmood, and Akram, 2014; Waqas et al., 2022).⁷

Collectively, these laws form the basis of the system. However, overcrowding in prisons remains a critical issue, and the underutilization of probation and parole exacerbates this problem, reflecting systemic weaknesses. Khokhar, Arshad, and Afzal (2023) note that while the legal framework is theoretically sound, practical execution suffers

⁵ Hussain, B. (2013). The History and Development of probation Service in Pakistan and in Khyber Pakhtunkhwa. *Pakistan Journal of Criminology*, 5(2), 29.

⁶ Nabi, M., Hussain, S., and Kamran, M. (2021). Overcrowded prisons in Pakistan: understanding the critical role of probation, parole officers and courts. *Pakistan Journal of Social Research*, 3(01), 40-47.

⁷ Bhutta, M. H., Mahmood, Q. K., and Akram, M. B. (2014). Assessment of the role of probation officers in social rehabilitation of low risk offenders in Lahore-Pakistan. *Middle-East Journal of Scientific Research*, 21(10), 1764-1770.

from resource deficiencies, training gaps, cultural resistance to rehabilitative approaches, and judicial bias against non-custodial sentences.

International Comparisons and Key Insights

Comparing Pakistan's system with those in countries like the United States, United Kingdom, Canada, and Australia reveals significant differences in approach and resourcing. (Referenced from Table 1 discussion, pages 17-21 of original document).

Legal Framework: Pakistan relies on older ordinances (e.g., 1960 Ordinance), while countries like the UK have more modern legislation (Offender Management Act, 2007) and the US has state-specific laws and federal guidelines. Canada and Australia also have more contemporary acts focusing on rehabilitation and gradual reintegration.

Institutional Structure: Pakistan has provincial oversight, which can lead to inconsistencies. The US has a complex federal and state structure. The UK has a more centralized National Probation Service, while Canada and Australia have robust national/territorial services.

Operational Practices: Pakistan's system is often underfunded, leading to high caseloads and limited training. The US makes extensive use of electronic monitoring. The UK emphasizes rehabilitation and integrated services. Canada focuses on restorative justice, and Australia on evidence-based practices and risk assessments.

Technology Use: Pakistan's use of technology (e.g., GPS tracking) is minimal. The US, UK, Canada, and Australia utilize technology more extensively for monitoring and case management, enhancing efficiency.

Key insights from this comparison highlight:

Resource Allocation: A major disparity exists. Countries with more resources can implement sophisticated monitoring and comprehensive rehabilitation.

Training and Professional Development: Pakistan lacks standardized, rigorous training compared to the continuous professional development in the UK and Canada.

Technological Integration: Widespread in countries like the US, enhancing monitoring, whereas Pakistan's use is limited.

Rehabilitation Focus: Countries like Canada and the UK strongly emphasize rehabilitation and restorative justice, an area where Pakistan's system, while offering alternatives to incarceration, could be strengthened.

Policy and Practice Coordination: Well-coordinated systems in the UK and Canada yield better outcomes. Pakistan often suffers from fragmented services.

Overview of the Criminal Justice System and the Role of Probation and Parole

Pakistan's criminal justice system is a complex amalgamation of judicial, law enforcement, and correctional institutions, deeply influenced by its British colonial past while incorporating Islamic legal principles and local cultural norms (Fasihuddin, 2012; Asghar, 2023)⁸. It grapples with procedural delays, resource limitations, systemic corruption, and significantly, overcrowded prisons (Imran et al., 2024; Nabi et al., 2021)⁹.

Within this context, probation (a court-ordered period of community supervision as an alternative to imprisonment) and parole (supervised release from prison after serving part of a sentence) serve as crucial community-based correctional measures. They aim to reform offenders, reduce recidivism, and facilitate reintegration, thereby addressing prison overcrowding (Bhutta, 2010)¹⁰. However, their effective implementation is often hindered by structural and legal impediments (ALI et al., 2023)¹¹. Rehabilitation, focusing on underlying causes of criminal behavior such as socioeconomic disadvantage or substance abuse, is a cornerstone of a progressive system. While increasingly recognized in Pakistan, its full potential through probation and parole is curtailed by limited institutional backing and inadequate officer training.

Structure, Administration, and Operational Mechanisms

The probation and parole system in Pakistan generally operates under provincial administrations, with a hierarchical structure from provincial directorates to district-level offices. Probation officers are central to this system, responsible for preparing pre-sentence investigation reports (PSIRs) for courts, supervising offenders, ensuring compliance with court orders, and guiding them towards rehabilitation. Their role involves bridging the gap between offenders, the judicial system, and community resources, coordinating vocational training, counseling, and support (Qaiser and Qaiser, 2020)¹².

⁸ Fasihuddin. (2012). Criminology and criminal justice system in Pakistan. In *Handbook of Asian criminology* (pp. 247-281). New York, NY: Springer New York.

⁹ Imran, M., Murtiza, M., and Akbar, M. S. (2024). A critical Analysis of the Criminal Justice system in Pakistan. *Journal of Politics and International Studies*, 10(1), 1-16.

¹⁰ Bhutta, E., Rasool, Y., Rehman, A., Bilal, A. R., and Khan, M. I. (2020). MEDIATION ANALYSIS OF FACTORS AFFECTING THE PERFORMANCE OF probation OFFICERS IN PUNJAB, PAKISTAN. *The Pakistan Journal of Social Issues*, 11(1).

¹¹ ALI, D. S., ZAFAR, D. Z., and GHAFOR, N. (2023). EXPLORING THE STRUCTURAL AND LEGAL IMPEDIMENTS OF probation: A CASE STUDY OF THE PUNJAB. *Jahan-e-Tahqeeq*, 6(4), 460-473.

¹² Qaiser, Z., and Qaiser, K. (2020). Evolving Mechanisms for Rehabilitation of offenders through probation.

However, the system faces operational challenges:

Training and Capacity Building: Training for personnel is often inadequate, irregular, and focused more on administrative duties than on advanced skills like conflict resolution or mental assessment (Khan and Qadri, 2023; Bazemore and O'Brien, 2012)¹³. This contrasts with global systems emphasizing continuous professional development and technology (Evans et al., 2024)¹⁴.

Granting Probation and Parole: Probation is typically granted at sentencing based on PSIRs. Parole is granted post-incarceration by parole boards. However, the granting process can be inconsistent, limited by judicial reluctance, public safety concerns, and societal stigma.

Monitoring and Supervision: This involves regular check-ins and home visits. However, high caseloads, limited resources, and insufficient training compromise individualized attention and effective supervision.

Role of Technology: The use of technology like electronic monitoring is minimal in Pakistan due to financial and infrastructural constraints, unlike in many developed countries where it significantly enhances compliance and reduces recidivism (Suhartono et al., 2021; Bazemore and O'Brien, 2012).¹⁵

Challenges and Weaknesses in Pakistan's Probation and Parole System

The probation and parole system in Pakistan is beset by numerous challenges that impede its effectiveness:

Overcrowded Prisons and Limited Use of Probation/Parole: Prisons are severely overcrowded, yet non-custodial options like probation and parole are underutilized due to judicial reluctance, public safety concerns, and the stigma associated with these measures.

Resource and Capacity Constraints: Insufficient funding leads to high caseloads for probation officers, inadequate infrastructure, and limited access to essential tools and

¹³ Khan, M. I., and Qadri, N. A. (2023). REFORMING CRIMINAL REHABILITATION PRACTICES: A CASE STUDY OF PAKISTAN. *International Journal of Contemporary Issues in Social Sciences* ISSN (E) 2959-2461 (P) 2959-3808, 2(3), 622-628.

¹⁴ Evans, P., Pereira, C., van Gestel, D., and Trotter, C. (2024). Brief Historical Overview of probation in Australia Introduction. *The Routledge Handbook on Global Community Corrections*.

¹⁵ Suhartono, A., Rahmadiyah, D., and Sarayar, O. (2021, November). Optimization of Technology Use in the New Normal parole Program: A Comparative Study of Indonesia, the United States and the United Kingdom. In *2nd International Conference on Law and Human Rights 2021 (ICLHR 2021)* (pp. 161-171). Atlantis Press.

training. This makes individualized attention and effective rehabilitation nearly impossible.

Lack of Awareness and Cultural Resistance: A punitive societal mindset often views probation and parole as "soft" options, undermining rehabilitative efforts. This stigma extends to offenders, hindering their reintegration, and is exacerbated by a lack of public education initiatives (Khokhar et al., 2023; Khan and Qadri, 2023)¹⁶.

Inconsistent Implementation Across Provinces: While the Probation of Offenders Ordinance, 1960, provides a unified framework, its application varies significantly across provinces due to differences in priorities, budgets, and administrative capacities, leading to disparities in enforcement and outcomes .

Strengths and Opportunities within the System

Despite the challenges, Pakistan's probation and parole system possesses inherent strengths and opportunities:

Contribution to Reducing Recidivism: By emphasizing rehabilitation over mere punishment, these systems offer a pathway to address the root causes of offending (e.g., addiction, poverty) through tailored plans, counseling, and vocational training, potentially reducing reoffending rates (Khan et al., 2023)¹⁷.

Cost-Effectiveness Compared to Incarceration: Supervising an offender in the community is significantly less expensive than imprisonment, which incurs costs for meals, healthcare, security, and infrastructure. Savings can be redirected to enhance rehabilitation programs.

Potential for Community Involvement in Rehabilitation: Community-based programs and partnerships with local organizations, religious institutions, and social services can foster a supportive environment for reintegration, reduce stigma, and promote shared responsibility for public safety .

Key Findings from Quantitative and Qualitative Data

Quantitative Insights (Survey of 100 Participants):

Familiarity: Approximately 50% of participants (combining "very familiar" and "somewhat familiar") had some understanding of the probation and parole systems, but

¹⁶ Khokhar, J. I., Arshad, M., and Afzal, A. (2023). Perceived Effectiveness of probation system under Criminal Justice Administration: Evidence from the Punjab, Pakistan. *Qlantic Journal of Social Sciences and Humanities*, 4(3), 108-115.

¹⁷ Khan, M. I., and Qadri, N. A. (2023). REFORMING CRIMINAL REHABILITATION PRACTICES: A CASE STUDY OF PAKISTAN. *International Journal of Contemporary Issues in Social Sciences ISSN (E) 2959-2461 (P) 2959-3808*, 2(3), 622-628.

a significant portion (50%) reported being "not very familiar" or "not familiar at all," indicating a substantial knowledge gap.

Effectiveness in Reducing Recidivism: Opinions were divided; 50% believed the systems had some effectiveness, while the other 50% viewed them as largely ineffective.

Belief in Rehabilitation: 60% of participants believed these systems aid in offender rehabilitation, while 25% were uncertain and 25% disagreed.

Biggest Challenges: "Lack of resources" (30%) was the most cited challenge, followed by "insufficient training" (25%), and "legal and structural barriers" (20%). Societal stigma was also noted (15%).

Adequacy of Training for Officers: Only 30% felt training was "always" or "often" adequate, with 40% believing it was "rarely" or "never" adequate, highlighting a critical area for improvement.

Legal Framework: The majority (60%) rated the legal framework as "fair" or "poor," with 15% deeming it "very poor."

Funding Adequacy: A significant majority (60%) disagreed or strongly disagreed that the systems were adequately funded.

Public Awareness: 55% rated public awareness as "low" or "very low."

Societal Stigma: A strong majority (75%) agreed or strongly agreed that societal stigma affects offender reintegration.

Suggested Improvements: "Better training for officers" (30%) was the top suggestion, followed by "increased funding" (25%) and "legal reforms" (20%).

Support for Reforms: 70% were "very likely" or "likely" to support reforms.

Preferred International Model: The UK model (30%) was most preferred, followed by Canada (25%).

Effectiveness of Electronic Monitoring: 65% believed EM would be "very effective" or "somewhat effective."

Contribution to Reducing Prison Overcrowding: 75% believed the systems contribute "to a great extent" or "to some extent."

Importance of Community Support Programs: 80% considered these programs "very important" or "important."

Qualitative Insights (Interviews and Case Studies):

Interviews with probation officers, offenders, and community members, along with case studies, provided deeper context:

Resource Scarcity: This was a dominant theme. Officers reported inadequate funding for training, technology, transportation, and office essentials, leading to high caseloads and an inability to provide sufficient support.

Societal Stigma: Offenders consistently described feelings of alienation and discrimination, which severely hampered their efforts to find employment, housing, and rebuild their lives. Community members often expressed skepticism and fear, driven by a lack of understanding.

Legal and Structural Barriers: Outdated laws and bureaucratic hurdles were frequently cited as impediments to effective offender management and rehabilitation.

Training Deficiencies: Officers felt ill-equipped to handle complex cases due to a lack of specialized and ongoing training.

Case Study Insights:

The "Community Reintegration Initiative" (CRI) in Punjab demonstrated that structured community support, mentorship, and vocational training could significantly reduce recidivism (15% in CRI group vs. 35% in control).

Probation officers in rural Tharparkar, Sindh, faced extreme challenges due to limited resources, vast distances, cultural barriers, and high caseloads, highlighting the need for context-specific solutions.

An electronic monitoring (EM) pilot in Karachi showed potential for improved compliance and reduced recidivism (10% reoffending in pilot) but also faced technical issues and social stigma associated with visible ankle bracelets.

Discussion of Findings & Conclusion:

The quantitative data clearly indicates a public perception that Pakistan's probation and parole systems are under-resourced and often ineffective, though there's an acknowledgment of their rehabilitative potential. Low familiarity with these systems (Bhutta et al., 2020) likely contributes to the pervasive societal stigma, which, as Khan, Anwar, and Afzal (2024) note, adversely impacts reintegration. The perceived ineffectiveness in reducing recidivism aligns with concerns about structural and legal impediments identified by Ali, Zafar, and Ghafor (2023).

The qualitative findings corroborate these points, providing a ground-level view of the daily struggles. Resource constraints and societal stigma emerged as overarching themes, consistent with previous research (Nabi, Hussain, and Kamran, 2021; Waqas et al., 2022). The case studies offer concrete examples: the CRI's success underscores the power of community involvement, rural challenges highlight the need for tailored re-

source allocation, and the EM pilot reveals the double-edged sword of technology – beneficial but requiring careful implementation to mitigate social and technical issues. The convergence of quantitative and qualitative findings points to a system with a sound theoretical basis but crippled by practical deficiencies. There's a strong public and stakeholder desire for reform, particularly in funding, officer training, and legal modernization.