

EXPLORING THE STRUCTURAL AND LEGAL IMPEDIMENTS OF PROBATION: A CASE STUDY OF THE PUNJAB

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Abstract

Probation is a concept, which provides an alternate system of custodial punishments. It introduces an idea that offender normally involved in the minor offences should be given a chance to reform themselves through placing on probation. The concept of probation is much popular among the developed countries but in the perspective of third world countries, the same is not as much popular. Pakistan inherited the probation and parole system from the British administration. Later on, the probation of Offenders Ordinance, 1960 was promulgated by Pakistan on 1 November 1960, which ensured the probation practice. Currently, the probation system in the Punjab is suffering from so many structural and judicial impediments. This article explores the basis of probation and structural and legal impediments of the probation in the Punjab.

Key Words: Probation, the Probation of Offenders Ordinance 1960, structural obstructions, legal impediments, PP&PS

Background

The system of punishment and reward is as old as the human beings are themselves. This punishment and reward system has evolved over the period. In the primitive societies, there was informal system, which is found in the contemporary period as well (Kirk, 2021). The informal system was not as much neutral as the modern justice system is because the king or queen had extreme power. However, with the induction of democratic values, the form criminal justice system has developed which replaced the typical punishment system. The formal legal and constitutional provisions were provided to deal with the criminality and criminals (Dirkzwager et al., 2014).

The advanced and educated societies provided the new ways to deal with the criminal behavior. The human rights' activists and civil society especially in the educated and developed countries raised their voices to protect the human rights of criminal and the inmates confined in the prisons. The strongest wave in the right of the inmates was initiated with promulgation of Mandela Rules named after the historical services of Nelson Mandela for the equal rights to all social segments (Kirk, 2021).

Since 1970s, the regular use of imprisonment as a tool of sanctions is deteriorated which highlighted the harms and implications of confinement. The jails of the third world countries are

being overcrowded which is not only enlarging the costs but also undermining the human rights. There were about eleven million inmates in 2020 confined in the jails across the globe, which was the highest figure of the prisoners ever (Walmsley, 2020). Presently, there are more than 10 million people confined in the jails, which again depicts alarming situation.

The public awareness through education and civil rights activist movements are striving to minimize the figure of the inmates. The changing scenario is raising voice to grant non-custodial punishments so that they may be reformed and rehabilitated into the society. The confinement should only be used in the severity and multiplicity of the crimes. Only the habitual and offenders with major offenses should be sent to jails and they too should be given adequate atmosphere so that the nature of criminality may be overcome through reformatory strategies.

Objectives

- To explore the probation system being practiced in the Punjab
- To explain the major sections of The Probation of Offenders Ordinance, 1960
- To point out the structural and legal impediments of probation system in the Punjab

Methodology

This study is purely qualitative in nature. The exploratory research technique is applied in order to explore the functioning of probation system in the Punjab. Furthermore, the data included in this research article is collected from secondary sources including books, article, research reports and other online sources. The topic of the study requires the in-depth understanding so the researchers also included the international studies, which enhance the validity of the article.

History of Probation

The probation system is not as older as the system of reward and punishment. The historical roots of probation can be traced back to nineteenth century. Like many other developments, this system is also associated with US as the first case of probation was reported in 1852 when a shoemaker named as John Augustus posted a bail for a “Drunkard” and motivated this man to quit drinking. Later, John continued the same service that attracted the public officials and judiciary that this is the possible solution to reform the offenders with minor offenses.

The effort of a shoemaker brought revolution in United States that by the end of nineteenth century, probation emerged a distinctive field that was then supervised by local police and/or probation officers. In the contemporary era, probation has become a proper department working in all US states. At the same time, the same reformatory system is being popularly practiced in Europe, Australia and developing countries like Pakistan.

What is Probation?

Generally, probation refers to conditional release contrary to confining the offenders in the jails. The jails are full with offenders of multiple criminal histories, which may also influence the prisoners of petty offences (Bonczar & Glaze, 2011). The criminals of minor offences should be treated differently than those who are involved in heinous crimes. For example, an offender involved in robbery, murder or rape case cannot be compared with another offender who just violated price control act, arms act or traffic rules. There is huge difference between the natures of the offence in both cases. So firstly, it is the duty of criminal justice system to deal with them differently and secondly, the humanitarian approach requires giving a chance to first time offender involved in a petty offence. This is what actually probation is. It releases the first-time offenders involved in the petty offences i.e., PAO, PEHO, The Animal Slaughter Act, Petroleum Act and Price Control Act etc. in the case of Pakistan.

Definition

According to Ahuja Ram (1979) “Probation is the type of postponement of final judgement or sentence in a criminal case, giving the offender an opportunity to improve his/her conduct, often on conditions imposed by the court under the guidance and supervision of an officer of the court”.

Advantages of Probation

The probation is composed of multi-level benefits. On the individuals/offenders basis, it inculcates social, moral, cultural and law-abiding characteristics among them and motivate them to adopt socially approved way of life (Gelb et al., 2019). It also helps to minimize the criminal tendencies among them. Nevertheless, on the other side, it also has numerous benefits for state and officials working on its behalf. Following are prominent state-level benefits of probation.

Cost-Effective

The foremost and most effective benefit of probation is its cost-effectiveness. It reduces the costs and budget used for the prisoners confined in the jails, prosecution and police. They are set free on the conditional release and the number of the inmates are reduced. It cuts off the overall burden of the criminal justice system. The criminal justice system involves police, prosecution, courts and jail departments. All of these are bound under the whole process, which is minimized through probation (Hamilton, 2021). When an offender is placed on probation, all of the above-mentioned departments are almost alienated and huge amount of the resources is saved. The offender is given under the supervision of a probation officer who works for his/her rehabilitation and reformation through different assigned duties. In the similar way, the studies conducted by the different researchers also highlight that non-custodial sentences are far cheaper than the custodial (Porporino, 2015).

Reduces Prisons' Population

When offenders are placed on probation, it will automatically minimize the inmates' population in the jails. It again will be cost-effective and ensure the smooth functioning of the jails with minimum population. In general view, the prisoners are not rehabilitated in the jails rather they learn more criminality tricks while sharing their rooms and companies with the offenders involved in heinous crimes (Wermink et al, 2010). The situation of the jails is so miserable in the developing countries like Pakistan. The jails are overcrowded with inmates more than double of its capacity. In such scenario, probation plays key role in adjusting the offenders and rehabilitates them through non-custodial system.

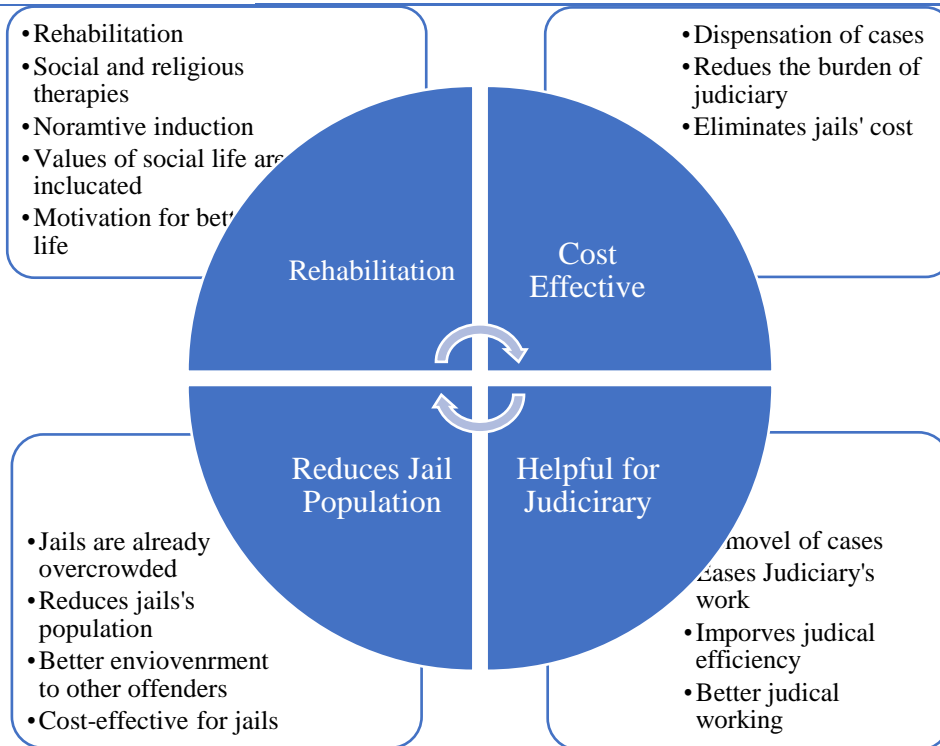


Figure No 1.1: Advantages of Probation

Source: Prepared by the Authors

Helpful for Judiciary

Like many other benefits, probation is also helpful in dispensation of the judicial work. When once an offender is placed on probation, the judicial work about that particular case ends. In placing the offenders on probation, the judiciary can concentrate on the matters of severity with more concentration rather than paying attention to such petty offences (Durnescu, 2008). Again, when it comes to the judicial situation of Pakistan, the judiciary is highly overburdened. A judge has to deal with plenty of cases, which is practically impossible. Therefore, the probation system is helpful for the judiciary to accomplish the tasks more efficiently.

Rehabilitation

The offenders that are placed on probation learn about social and moral values throughout their entire tenure of probation. They are taught about the social and moral values through religious scholars, psychologists, motivational speakers and the probation officers themselves (Byrne & Taxman, 2005). They remain in direct touch with probation officer who guides them to adopt the socially approved way. In Pakistani point of view, most of the probationers belong to poor and lower middle class. They do not know about the worth of probation but with the passage of time, they learn about different techniques to control their behavior and emotions. This is surely helpful in refraining them from criminal acts (Hillier & Mews, 2018).

Features of Probation

According to Loudon et al (2015) following are key features of probation. All of the probationers are bound to observe these provisions.

- First, the probationers have to obey the law. They are bound to be law-abiding citizens throughout their probation period. The violation of law can lead to their removal from probation and confining them in jails.

- Secondly, during the pre-defined specific period of probation, the probationers are hoped not to be involved in the criminal activities. They have to refrain themselves from illegal activities i.e., prohibition of having weapons, drinking alcohol and association with the company of criminals.
- Thirdly, the probationers are supposed to be used as personals for community-based services. They can be ordered to perform certain community services approximately probation officers. These community services include gardening, plantation, helping the needy people, clean and green services and learning skills through different seminars organized by probation officers. They are also bound to pay minimal charges as fees or community services for the welfare of the society.
- Fourthly, the offenders placed on probation have to report to the probation officer. They are bound to see probation officer on prescribed schedule either in person or by other means i.e., through telephonically. This schedule is helpful in remaining probationers' law abiding and ensure that they follow the rules and regulations accordingly.
- Finally, the judges can also direct to inspect certain characteristics of the probationer at the time of probation and probation officers follow the same directions. In some cases, judge's order to be vigilant regarding the cases like drinking and drug addiction to abstain them from the same habits and probationers follow the same directions passed by a judge and probation officer.

Pakistani Perspective

Pakistan inherited probation and parole system from the British rule in India. British administration brought so many changes in the legal and judicial system over the period. The Good Conduct Prisoners Probation Release Act was also promulgated by the British administration in 1926. In order to manage the probation and parole system, distinctive departments named as Reclamation and Probation Departments (RPD) were established in all provincial governments in 1927. After the independence, Punjab was the only province of Pakistan that had Reclamation and Probation Department while the rest of the provinces established the same department in 1957 (Hussain, 2009).

The British administration ran RPD by their own but after independence; Pakistan introduced reforms in the probation system. New legislation was made on probation system and The Probation of Offenders Ordinance was promulgated in 1960 and rules 1961 (Hussain, 2009). Apart from the probation and parole, the RPD also manages the cases regarding the juveniles so the most recent development regarding this department is made through inducting Juvenile Justice System Ordinance (2000) (JJSO). The name of the department is also changed from Reclamation and Probation Department to Punjab Probation and Parole Service.

The Probation of Offenders Ordinance, 1960

The Probation of Offenders Ordinance, 1960 was promulgated on 1st November, 1960. The aim of this ordinance was to reform the offenders contrary to confining them in the prisons. This ordinance is composed of total seventeen sections. Each of the section deals with a distinctive matter regarding probation work in Pakistan. Following are some of the prominent sections with keen importance about functioning of probation work in Pakistan.

Courts Empowered U/S 3

Section 3 of the ordinance deals with the courts empowered to make probation order. According to this section, following courts are empowered to make probation order regarding the nature of

the crime, which ranges from traffic violation, petroleum act, sound system act, Arms ordinance to Narcotics control act etc.

- A High Court;
- A Court of Sessions;
- A Magistrate of the 1st Class; and
- Any other magistrate especially empowered in this behalf.

The section 3 clearly defines that the lowest judicial authority of making probation order is magistrate class I and if any judge is below the above-mentioned rank wishes to make probation order he/she will pass the same matter to magistrate class I. It rests upon the magistrate class I that either he /she makes a probation order, sentences him, or goes for further inquiry about the matter.

Conditional Discharge U/S 4 (concerned with courts only)

The section 4 of the ordinance deals with matters of conditional discharge. This is solely related with the courts' concern only. The Punjab Probation and Parole Service (PP&PS) is not involved under this section. As the probation is related with conditional release of offenders with the petty offences, similarly under section 4 of this ordinance, courts empowered may also release the offender not convicted before and committed such offence punishable with imprisonment not exceeding period more than two years.

In such case, the court while considering the age, character, and nature of offence and social background of the offender may discharge him/her on conditional release. Before releasing the offender on conditional discharge, he/she has to agree on the bonds, terms and conditions. The court will explain the conditions in ordinary language to abide by these conditions. This conditional discharge may extend maximum to one year.

Exemptions to Place on Probation U/S 5

The section 5 of the ordinance is the main section, which deals with probation. It discusses all of the major cases exempted from the probation in perspective of Pakistan. It also elucidates the power of courts in making probation order, bonds and length of the probation. Section 5 (1)(a) explains the exemption of males' cases from probation. Accordingly following are the offences in which the males cannot be placed on probation in Pakistan.

- Chapter VI of the Pakistan Penal Code (Act XLV of 1860)
 - Offences against the state
 - Waging or attempting to wage a war against Pakistan
 - Abetment to wage war against the state
 - Conspiracy to commit offences punishable by section 121
 - Collecting arms with intention to wage war against Pakistan
 - Concealing with intent to facilitate design to wage war
 - A condemnation of the creation of the state and advocacy of abolition of its sovereignty
 - Unauthorizedly removing the national flag of Pakistan from the Government building
 - Assaulting president governor etc. with intention to compel or restrain the exercise of any lawful power
 - A sedation through speaking writing or any other act
 - Waging war against any power in alliance with Pakistan etc.

- Chapter VII of the Pakistan Penal Code (Act XLV of 1860)
 - Offences related to Army, Navy and Air Force
 - Abetting mutiny
 - Or attempting to seduce a soldier, sailor or airman from his duty
 - Harboring deserter
 - Deserter concealed on board merchant vessel through negligence of master
 - Abetment of act of insubordination by soldier, sailor or airman
 - Wearing garb or carrying token used by soldier, sailor or airman etc.

Table 1.1: Exempted Sections of PPC

| Sr # | Section PPC | Details |
|------|-------------|---|
| 1 | 216 A | Penalty for harboring robbers or dacoits |
| 2 | 328 | i) Willful act harms or injures the child physically or mentally ii) Exposure or abandonment of child under twelve years by parent or person having care of it |
| 3 | 382 | Theft after preparation made causing death, hurt or restraint in order to the commitment of theft |
| 4 | 386 | Extortion by putting a person in fear of death or grievous hurt |
| 5 | 387 | Putting a person in fear of death or grievous hurt in order to commit extortion |
| 6 | 388 | Extortion by threat of accusation of an offence punishable with death or imprisonment for life etc. |
| 7 | 389 | Putting a person in fear of accusation of offence in order to commit extortion |
| 8 | 392 | Robbery |
| 9 | 393 | Attempt to commit robbery |
| 10 | 397 | Robbery or dacoity with attempt to cause death or grievous hurt |
| 11 | 398 | Attempt to commit robbery or dacoity when armed with deadly weapons |
| 12 | 399 | Making preparation to commit dacoity |
| 13 | 401 | Punishment for belonging to gang of thieves |
| 14 | 402 | Assembling for purpose of committing dacoity |
| 15 | 455 | Lurking house-trespass or house-breaking after preparation for hurt, assault or wrongful restraint |
| 16 | 458 | Lurking house-trespass or house breaking by night after preparation for hurt, assault or wrongful restraint |
| 17 | | Any other offence punishable with death sentence or life imprisonment |

Source: Prepared by the Authors

In accordance to above-mentioned offences, any male whose offence does not fall in the list of the above categories can be placed on probation in accordance to the nature of the offence and the character of the offender. On the other hand, the ordinance provides more leniency in the case of the females. They can be placed on probation in any offence other than such offences punishable with death. The section 5 (1)(b) also clarifies that the probation should not be less

than one year and not more than 3 years. The same section also deals with the bond that court shall not pass any probation order before the offender enters into the bond. The bond includes personal or other sureties that he/she will remain law-abiding citizen and not commit any offence during the probation period.

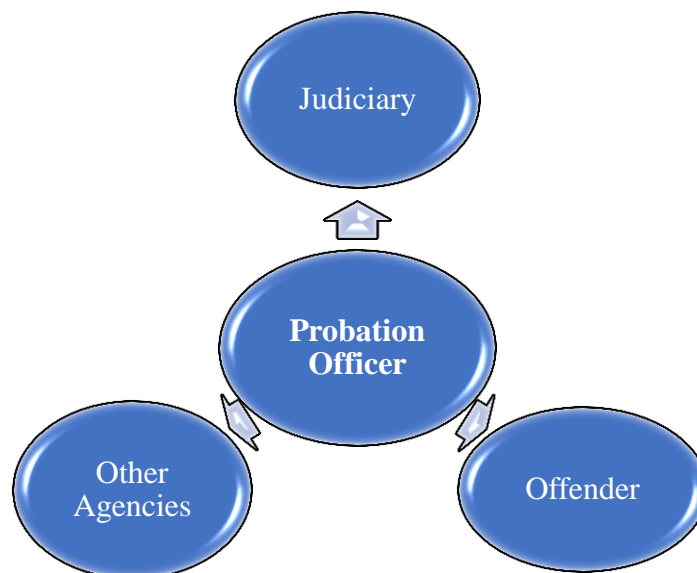
Failure to Observe the Conditions U/S 7

Section 7 of the ordinance deals with violation of the offender in observing the conditions on bond which were fixed at the time of probation. All of the probationers do not abide by the conditions and turn against the prescribed agreement and bonds. Under such circumstances, the ordinance also provides a legal way to overcome such problems. Although these problems are concerned with probation officer but he/she has to work according to the guidelines of the court. As per report of the probation officer, if any probationer failed to observe the conditions explained under section 5, the court may adopt any of the following ways;

- The court may issue the warrant of the arrest of the violator
- If court thinks fit, it may issue summons to offender and his sureties
- When the violator (offender) is brought in the court, it may remand him/her to judicial custody until the case is heard. And if court satisfies that offender has failed to observe the probation conditions, it depends on the court either it sentences him/her for the original offence or it imposes fine which may not exceed one thousand rupees. Again, if the offender fails to pay fine, he/she may be sentenced for the original offence.

Effects of Discharge and Probation U/S 11

Section 11 of the ordinance clarifies that offenders conditionally released under section 5 and placed on probation; after the due admonition shall be deemed not to be conviction for any purpose. However, at the same time, if any offender who was placed on probation but



subsequently sentenced under this ordinance for the same offence, in such case the provision of this section will not apply.

Figure 1.2: *Interactive System of Probation*

Source: *Prepared by the Authors*

Duties of a Probation Officer U/S 13

According to section 13 of The Probation of Offenders Ordinance, 1960 following are responsibilities of a probation officer.

- He/she will visit or receive visits from the offender at such reasonable intervals
- He/she will see that the offender observes the conditions of the bond
- He/she will report to the officer-in-charge about the behavior of probationers
- He/she will advise, assist and befriend the offender
- He/she will find suitable employment for unemployed offenders
- He/she will perform any other duty, which may be prescribed by the rules made under this ordinance.

Structural and Legal Impediments

The whole of the above discussion explicates that probation has much importance in rehabilitating the offenders involved in petty offences. On one side, it eases the working of the criminal justice system while excluding the cases of minor offences. On the other hand, the offenders placed on probation get education and awareness through systematic socio-psychological training, which rehabilitates them into the society, and they become valuable citizens in future. However, in the contemporary situation in Punjab, probation system is confronting numerous structural and legal impediments.

Structural Impediments

Following are a few prominent structural obstructions regarding probation system in Punjab.

Lack of Probation Officers (POs)

The first and foremost structural obstruction is regarding the lack of probation officers (POs) in the Punjab. Currently, there are almost 45000 offenders placed on probation, which is a huge figure in comparing with the total strength of the POs in the province of Punjab. The estimated number of total POs working under Punjab Probation and Parole Service (PP&PS) is round about 100, which clearly indicates that rationally it is impossible to rehabilitate such huge number of probationers by 100 POs. Generally, fifty probationers are considered adequate under one PO. He/she can properly arrange the required remedy and training of the offenders. This will be also easy for him/her that he/she can understand the socio-economic and demographic background of the offenders. This will also be helpful in building close relationships between the probationers and POs, which plays a role like backbone in rehabilitation and reformation. Hence, under the lack of POs, probation working is vividly affected in the Punjab.

Lack of Infrastructure

Infrastructure develops a proper system of functioning in every sphere but in the perspective of probation system, it is also an obstacle in adequate functioning of probation work. The majority of the POs do not have their permanent offices across the whole province. There are hardly a few POs that have proper office, which is again provided by the local administration of that particular district. In most of the cases, the office situation of the probation officers is so pathetic that they have to sit in tiny cabins with lacking necessities of office. There are also some examples that they are forced by the other departments to vacate even such tiny cabins and in the absence of office, official record is affected. They are also not being provided required office materials including chairs, tables, and others.

The smooth functioning of rehabilitation of the offenders needs proper infrastructure. There should be a proper office, a seminar hall for sessions, a requisite piece of land for their physical activities and all of the required gadgets including multi-media and a well-managed and properly

framed syllabus and roadmap for rehabilitation. In the absence of these, the probation work and rehabilitation process cannot function in proper ways.

Absence of Training

Training plays significant role in inculcating official and departmental values among the officers and officials working on its behalf. Again, another impediment of the PP&PS is the absence of post-induction training. Every department conducts post-induction training of the newly recruited officers but in respect of PP&PS, there is not as such proper system of training of the newly recruited POs. They have to learn about the working of the probation in the field by their own. This is the major reason that there is not any specified system of rehabilitating and attending the probationers. Every PO is striving for the betterment of the probationers by his/her own structured plans and policies.

Lack of Officials

Apart from the Probation Officers, the officials also play their integral part throughout the probation working. They work side by side of the POs especially assisting in case intaking and managing the proper office record. However, there is shortage of such officials. Almost half the probation officers have to manage all of it by their own because there is not hired such staff. The shortage of such officials is badly missed during the tehsil visits where on the same day a probation officer has to deal with so many cases and it becomes so difficult to gain the cases from court, preparing their complete record and finally returning their files to the concerned courts. A single officer is almost exhausted by such workload.

The hiring of the officials is the need of the day because under the present circumstances, the POs hardly manage the induction of new cases and attendance of the probationers already placed on the probation. They cannot concentrate on the rehabilitation and reintegration of the offenders. It can only be possible through the assistance of the officials that will manage the new cases and POs will concentrate on the reformation of the probationers.

Inadequate Environment

Adequate environment is also a notion for the successful dispensation of the official working. However, in the perspective of probation department, there is not available such coordinated and adjustable environment under which the process of the reformation can be initiated. The majority of the probationers belong to poor or lower middle class. They feel much engaged in the seminars organized for their rehabilitation because they are sitting in a clean and well-manage seminar hall. They feel happy that they are given proper atmosphere, which motivates them to listen to the speakers attentively. In most of the cases, the POs are managing such seminar halls by their own efforts through requesting the local administration. There is not any proper official system available in organizing the sessions.

This is another loophole of the probation department. In majority of the cases, the POs are striving to conduct sessions in grass-grounds and while standing side by the pavement that is not suitable. In such inadequate environment, neither the POs are satisfied nor do the probationers take interest in the reformative sessions.

Insufficient Budget

Another prominent structural barrier is insufficiency of the adequate budget. The POs are seriously facing the issue of lack of budget. There is not as such allocated budget, which can be utilized for organizing the awareness sessions and plantation activities. The most of the POs are working by utilizing their own budget and resources. This also hinders the proper rehabilitation

of the offenders because on one side, there is unavailability of the resources and one other side; the POs have lower salaries and pay scales.

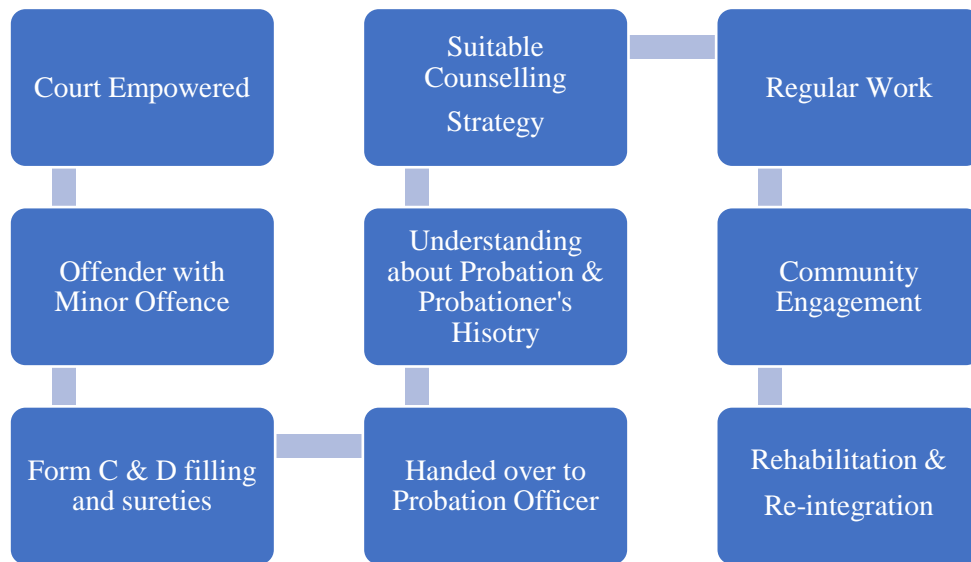
A probation officer also visits the tehsil courts of the same district. The tehsils in the districts are far away from the main city, which is another issue for the POs. They have to visit the tehsil courts according approved tour program to accomplish the tasks of probation. Again, due to the insufficiency of the budget, they cannot claim their TA/DA. They have to manage the tehsil visits by their own budget.

Absence of Promotion Structure

Promotion structure is the basic right of every government employee but the POs are also suffering from this cause. There is not any proper promotion structure for the POs and if it is, then there is lack of promotion training. This is sad to hear that there are also POs working in the same scale even after more than 25 years of service. Now, all of such officers are over age of 50 but neither they are given time scale promotions nor through proper channel promotions. All of the other departments with same requirements and education are having pay scale 17 but the POs have 16. This is another loophole, which discourages the POs functioning. Hence, the proper promotion structure and upgradation of the seat is another structural impediment in probation department.

Figure 1.3: *Whole Process of Probation in the Punjab*

Source: *Prepared by the Authors*



Legal Obstructions

Apart from the structural impediments, there are also some legal and judicial obstructions about probation system concerning with province of the Punjab. Following are some of the notable legal and judicial obstructions.

Lack of Importance

First, the major legal obstruction is lack of importance. In the contemporary world, the developed countries i.e., US, UK, and Australia etc. are paying much attention to the probation system because it rehabilitates the offenders through non-custodial services. Nevertheless, at the same time, the developing countries like Pakistan are not granting adequate importance despite the PP&PS is managing almost 45000 offenders involved in minor offences.

Judiciary is much engaged in high profile cases that it is unable to pay attention to this matter. The offenders are being placed on probation as a habit not through proper system of checking the socio-demographic background of the offenders and sureties defined under section 4 of ordinance. There should be allocated specific time or days that should just concern with matters of probation.

Similarly, the civil society of Pakistan is also unaware about the existence of legal provisions of probation. They prefer to pay fine than to be placed on probation. This is because they do not know that they shall not be deemed as convicted under section 11(1). There is need to develop awareness among the people about the availability and importance of such system which has benefits for them in the end.

Weak Coordination

Weak coordination between judiciary and PP&PS is another barrier of the probation work in the Punjab. Although, the probation and parole officers are permanent members of criminal justice coordination committee, there is weak coordination between probation officers and judiciary. At departmental level too, there is not ample collaboration between judiciary and PP&PS, which is affecting the rehabilitation of offenders.

The judiciary and other local administration should consider the efforts the probation officers are making in reforming the offenders. There are almost forty jails in Punjab, which reside about 50,000 inmates with almost with 25000 employees. Just compare the budget of prisons' department with PP&PS, which is shocking. The whole budget of PP&PS roughly will be lower than budget of single prison but at the same time, PP&PS is holding 45,000 probationers through just almost 100 Probation Officers. Both PP&PS and judiciary should develop close interaction, which will surely improve the reintegration and reformation of the offenders.

Improper Check and Balance

Improper check and balance of the probationers is another issue. When, a PO will have hundreds and thousands of the probationers under his/her supervision, it is impossible to maintain check and balance over them. The judiciary too does not take appropriate steps regarding the offenders placed on probation. Furthermore, the situation becomes more complicated when lawyers are involved in such matters. They explain to the offenders that they are free and not bound to come and visit the probation office. However, in reality, the offenders have to complete their entire tenure of probation varies from one to three years under the supervision of the respective PO. Judiciary also should ensure the offenders to attend the probation office and sessions organized by him/her and explain before them the terms and conditions of probation. By doing the same, the probationers will be regular and attend the sessions and activities organized by the probation officers.

Violation of Bonds U/S 7

Under section 7 of the probation ordinance, there is prescribed procedure of the bonds and sureties on which the offenders are agreed to be placed on probation. The offenders give personal and other sureties to abide by the terms and conditions defined under section 7 otherwise, they will be summoned on their violation or presented in the concerned courts through police arrest.

However, contrary to that, there is lack of such practice in practical. There are some violators that do not attend the probation office nor them take part in the sessions and activities organized by the probation officers. There are numerous examples throughout the Punjab that even the POs sent the violation reports to concerned courts of such cases but no concrete step is taken in this regard. Furthermore, if they are presented to court by police or through summons, the court fines such violators that may extend to one thousand rupees, which is minimal.

There should be proper mechanism to ensure the presence of the probationers. The probation officers are unable to follow the same due to lack of resources and personals. The judiciary should consider these matters with concerns and send summons to such violators, which will improve the probation system.

Effects of Discharge U/S 11

Lastly, another legal impediment is related with the effects of the discharge of the offenders placed on probation. Section 11 of probation ordinance clarifies that the offenders that successfully complete their probation period shall not be deemed as convicted. However, contrary to that, the offenders who have successfully completed their probation period are still shown as convicted. Again, it is important concern that judiciary should direct the police department to remove the criminal record of such probationers. It will also enhance the impact of PP&PS and the offenders will cooperate with the probation officers.

Hopes for Better Future

Despite so many obstructions and barriers, the Punjab Probation and Parole Service is striving for structural and fiscal betterments. The ex-Directorate General of PP&PS (Mr. Afzaal Ahmad) worked hard to upgrade this department. He tried to bring PP&PS in mainstream through initiative of structural developments because a department is recognized through working and the office buildings it has. That time, PP&PS had not any significant building because even the DG office was located in a rented building. However, it was due to his hardworking and dedication to the department that now headquarters of PP&PS is about to complete in Lahore. Furthermore, divisional rehabilitation centers are under construction at Multan, Sahiwal and Sargodha. Similarly, in near future the same divisional center's construction will start in Bahawalpur division as well.

Likewise, the present Director General (Ms. Neelam Afzaal) is also much concerned with the upgradation of PP&PS. She is also striving hard to highlight the recognition of this department. She is also focusing on the structural and judicial impediments and paying regular attention to the issues and concerns of the probation and parole officers. She wants to enhance the collaboration with other departments in order to build liaison with them. Recently, the DG signed MoUs with the Punjab Population Welfare and The Punjab Emergency Service (Rescue 1122) departments to engage the probationers for their rehabilitation. The district population officers participate in the awareness sessions and educate them to remain their families' small, which is beneficial for both children and parents. At the same time, the rescue officers are conducting their training sessions throughout the province of the Punjab and enabling the probationers to handle any emergency by their own through first aid safety programs.

Furthermore, DG madam is also collaborating with prison department. She has engaged with additional secretary prisons and highlighting the issues of the department. She is very hopeful about the bright future of PP&PS. She with her team is also trying to manage the offices for Probation officers.

Conclusion

The whole of the above discussion concludes that probation is an effective system, which has a number of benefits. It places the offenders with minor offences on probation and decreases the burden of the criminal justice system. The probation system is being widely practiced throughout the world but the developing countries like Pakistan are confronting structural and judicial impediments. The probation is not given adequate importance in the judicial system of Pakistan despite that Punjab Probation and Parole Service is managing round about 45000 offenders. There is weak collaboration between PP&PS and judiciary, which is affecting the probation work in the Punjab. Despite, a number of structural and judicial impediments, PP&PS is determined for the rehabilitation of the offenders placed on probation by the honorable courts.

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