

# PROBATION, CRIMINAL JUSTICE SYSTEM AND REHABILITATION OF OFFENDERS: CASE OF PUNJAB PROVINCE, PAKISTAN.

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**ABSTRACT:** Probation is an important and integral organ of criminal justice for the purpose of offenders' rehabilitation as an alternative to imprisonment. This study was conducted to explore the role of probation in criminal justice in Punjab province, Pakistan. Survey method was employed by using structured questionnaire through which the relevant quantitative data was obtained from the probationers (respondents of the study). 10 districts of Punjab province out of total 36, were selected randomly. Furthermore, a sample of 511 probationers (respondents) was finalized by applying proportionate sampling method to include all selected districts in the study, among them (n=276 spent some time in jail and now were on probation; the remaining n=235 had only the experience of probation). The results showed that the environment of jail that included quality of food, education for behavioral change, medical facilities, and violence by jail officials on inmates was not conducive for the rehabilitation of those offenders who were convicted for minor offenses and jailed for few months. Therefore, probation was found helpful for rehabilitation and reintegration of offenders into society. It is suggested that role of probation in the criminal justice system can be enhanced by granting the probation order to those offenders, who are incarcerated in prisons as under trial in minor offenses, to reduce prison overcrowding and for better rehabilitation of offenders in the community setting.

**Keywords:** probation, offender, prison, Pakistan, rehabilitation, criminal justice system

## INTRODUCTION

Society attempts to control deviants and destructive behaviors through the Criminal Justice System [1]. Criminal justice system consists of government agencies such as police, courts, and corrections [2]. In corrections, various corrective measures are adopted which include prison as well as probation and parole system [3]. However, prisons act as breeding places for professional criminals [4]. It is because imprisonment does not reform the criminals [5] but confinement causes recidivism and produces habitual offenders [6]. The prisons environment in South Asian nations including Pakistan is below the international standards [7]. The jail environment usually has poor conditions of hygiene, sanitation, bedding, and clothing. It also possesses poor diet and bad health care, violent behaviour between prisoners and against prison staff [8]. Likewise, prisons environment in Pakistani jails is so poor that chances of rehabilitation of prisoners are minimal [9]. However, probation is an alternative mechanism of rehabilitation to keeping offenders in the community [3]. Probation system aims to prevent offenders from becoming hardened criminals [10]. Probation system also aims to assist the offenders to become beneficial and productive individuals of society [11]. Thus, the probation system is a correctional process [12] which tries to rehabilitate as well as re-integrate the offenders back into society [13]. United Nations Institute for Crime Prevention has also fixed the aim of probation system which is to promote rehabilitation and reintegration of offenders into the community to make them conformist with the community settings [14]. Probation system helps the offender to work for his family's welfare while repairing the negative

effects of imprisonment [15]. Rehabilitation is the only way of punishment which obligates the state to look for the offender's family needs [16]. The effectiveness of probation through rehabilitation is a hundred times more effective than rehabilitation in prison [17]. However, the legal mechanism in Pakistan to release offenders on probation was not available before the Probation of Offenders Ordinance, 1960 [18]. After that Legal procedure was laid down to release or keep maiden offenders on probation [19]. According to this Ordinance, the courts ask a probation officer to make and submit a social investigation or pre-sentence report about the offender [20]. This report assists judges in deciding the sentence and supervision of offenders [21]. Nonetheless, the probation officer assesses the strengths and weaknesses of the offender to devise a treatment program for him or her [22]. In Punjab province of Pakistan, Probation has been granted effectively in recent years by the courts to eligible offenders. Hence the overall increase in a number of probationers in five years from 2008 to 2014 was 243%. The number of probationers across Punjab province is 18520 (18249 males and 271 females). For the rehabilitation of offenders, 57 probation officers (55 Male officers and 2 female officers) are working under Reclamation and Probation Department Punjab, Pakistan [23].

## THEORETICAL DEVELOPMENT

Rehabilitation model embraces the notion that proper care and treatment can modify the attitude and behavior of criminals into productive and law-abiding citizens [2]. Regarding Pakistan, mostly, the poor who commit crime due to poverty and sense of deprivation

faces imprisonment in minor offenses [9] but, when he or she comes out of imprisonment, the inmates socialize them into a hardened criminal [7]. Therefore, probation is an essential component of the criminal justice system in Pakistan [24] and Probation affords the criminal another chance for rehabilitation and normalcy [25]. Further, the critical perspective also argues that prisons generally do nothing in reforming the behavior of offenders and instead prisons reproduce crimes. Moreover, rehabilitation is an attempt by those in power to enforce a repressive system of social control over vulnerable individuals. This perspective also focuses on social conditions of a disadvantage as the offending behavior originates from a defect in the personality of the person. So, such behavior becomes amenable to rehabilitate within the prison environment. However correctional institutions take away all social and cultural areas which give them personal identity. Therefore, rehabilitation within the prison cannot overcome these devastating effects [26]. Even, Rothman (1973) rejected the possibility of rehabilitation due to relative powerlessness of the prisoner to give or withhold consent to such efforts and because of the incongruous nature of the environment within which it is offered [27].

#### PURPOSE OF THE STUDY

Pakistani prisons are heavily overcrowded having old and dilapidated facilities, often dating from the 19<sup>th</sup> century [28] as Inspectorate of Prisons, Punjab, reports that the inmate population in 37 prisons (Central Prisons: 09; District Prisons: 23; Borstal Institutes and Juvenile Jails: 02; Women Prisons: 01; Sub Jails: 01; High-Security Prison: 01) of Punjab is 48304 against the authorized capacity 27824, so the prisons have 173.6% population of inmates [29]. In the result of overcrowding and lack of facilities for correctional staff, the environment of prison does not remain conducive for the rehabilitation of offenders. So, the available alternative option for criminal justice authorities is probation system which may be used for rehabilitation of offenders without snatching their liberty and facing pains of imprisonment [18, 24]. Although (Hussain, 2009; Bhutta, 2010; Bhutta, 2013; Khan, 2013; Hussain, 2014; Bhutta et al, 2014; Khokhar, 2014; Bhutta & Wormith, 2015; Khokhar et al, 2015; Khokhar et al, 2016) contributed in the field of probation in Pakistan, with scientific investigations yet this area needs more empirical researches to fill the gap [30,18,31,32,33,34,35,36,37,38]. So, this study is an attempt to highlight the role of probation as an organ of criminal justice in the rehabilitation of offenders in Punjab, Pakistan. This study was conducted by using the following specific objectives:

#### Objectives of the Study

1. To explore the nature of offenses that mostly probationers commit in Punjab

2. To investigate the jail environment with regard to probationers who spend some time in Jail
3. To examine the role of the probation system in the rehabilitation and reintegration of the offenders in society.

#### MATERIALS AND METHODS

The study population of the current academic research consisted of all the male adult<sup>ii</sup> probationers in all 36 districts of Punjab. The sample was finalized at two stages. At the first stage, ten districts out of 36 districts were selected through random sampling technique. Due to limitations of time and cost the selected sample was limited to ten districts. At second stage, by using proportionate sampling technique 511 adult male probationers (from whom 276 probationers had spent some time in jail and 235 probationers had the only experience of probation) were selected randomly from ten districts of Punjab. However, proportion of each district was fixed as 10% to total number of probationers in every district to make true representative sample.

**Table1: Sampling Design of the Study**

District	Probationers in every district	The proportion of each district
Bahawalpur	596 (N1)	60
Bhakkar	257 (N2)	26
Faisalabad	927 (N3)	93
Gujrat	372 (N4)	37
Jhelum	293 (N5)	29
Khanewal	261 (N6)	26
Layyah	324 (N7)	32
Mianwali	693 (N8)	69
Sahiwal	531 (N9)	53
Sheikhupura	862 (N10)	86
Total	5116 (N)	511(n)

[39]

The data were collected through a structured questionnaire. Previous literature of the study helped in devising the questionnaire and questionnaire was made in English and then translated into Urdu after consulting linguist expert. The questionnaire was pre-tested with a sample of (n=10) and fewer changes were made on the feedback of the respondents. The probation officer from every district was approached by the researchers and probation officer was requested to arrange an interview meeting of the researchers with the respondent. The researchers got filled questionnaire through arranged meetings with respondents and the collected raw data was entered into the Statistical Package for Social Sciences (SPSS-19) to apply statistical tests for data analysis. Reliability of the scale Perception about jail environment was computed Alpha= 0.962 and for Rehabilitation of the Offender, item scale was alpha 0.718.

**RESULTS AND DISCUSSION**

**Table 2: Types of crime committed by probationers**

Type of crime	Count	Percent
Narcotics	117	22.9
Harboring offenders	22	4.3
Theft	69	13.5
Cheating & Gambling	45	8.8
Receiving stolen property	26	5.2
Drug addiction	158	30.9
Keeping unlicensed weapons	13	2.5
Miscellaneous	61	11.9
N=511      Mean=5.25      Std 3.495		

Crime is a violation of rules and regulations of society as interpreted and prescribed by the criminal law [40]. Individuals who are considered responsible for violating these rules are subject to face sanctions by state authority, to experience social stigma and loss of status [2].

Table 2 indicates the type of crime committed by offenders which included narcotics, harboring offenders, theft, cheating & gambling, receiving stolen property, drugs addiction and keeping unlicensed weapons, etc. According to the data, the proportionate of respondents who were arrested in the offense of narcotics was 22.9%. They were on probation due to violating Act 1997 under section 9 of the Control of Narcotics and Substance Abuse that deals with drug trafficking. A minor proportion of 4.3% of them was on probation in harboring the offender. According to Section136 of PPC that deals with a harboring deserter, implies that Imprisonment maybe 2 months or fine or both may be inflicted upon the culprit. Moreover, Pakistan Penal Code through section 157 deals with harboring persons hired for an unlawful assembly which states that Imprisonment may be inflicted for 6 months or fine or both. Furthermore, Section 356 of PPC assault or criminal force in an attempt to commit theft of property carried by a person, imprisonment may be up to 2 years with fine or both. Section 379 of Pakistan Penal Code deals with simple theft (Larceny) and imprisonment may be up to 3 years with fine or both. Hence, 13.5% and 8.8% of the respondents were involved in theft and cheating & gambling respectively.

Furthermore, a small proportion of 5.1% of the respondents were arrested for getting stolen property, Section 411 of Pakistan Penal Code deals with this offense and the imprisonment for it is up to 3 years; however a significant proportion of 30.9% were arrested in drug addiction cases, and 2.5% were convicted for keeping unlicensed weapons [41].

The data of Table 3 indicates that 53.9% of the respondents spent some time in jail during this process, less than half (46.1%)of the respondents were not sent to jail, they were released conditionally on probation by the court. The data of the table 3 indicates that among 276 probationers who were sent to jail during the process of trial by the court, 38.0%

of the respondents spent 1-2 month in jail, 31.6% of the respondents spent 3-4 month in jail, 24.6% of the respondents spent 5-6 month in jail and 4.8% of the respondents spent 7 and above 7 months in jail during this process.

**Table 3: Distribution of the Respondents by Duration Spent in Jail**

Categories	Frequencies	Percentage
<b>Probationers who were sent to the jail</b>		
Yes	276	53.9
No	235	46.1
<b>Total</b>	<b>511</b>	<b>100</b>
<b>Duration spent in jail</b>		
1-2 Month(s)	105	38.0
3-4 Months	87	31.6
5-6 Months	67	24.6
7 and above	14	4.8
<b>Total</b>	<b>276</b>	<b>100</b>

Most of the probationers spend time on remand in prison awaiting trial because the offenses committed by them do not demand incarceration [30]. Some of those committed less serious crimes and the reason for their detention is their inability to provide acceptable surety to the courts [42]. The denial of bail to poor people awaiting charge or trial is a common feature of the criminal justice system in developing countries [43].

**Table 4: Descriptive statistics of perception of respondents about the jail environment**

Perception about Jail Environment	Mean	SD
Jail environment is not good for offenders' reformation	3.84	1.390
Jail authorities' behavior remains harsh towards offenders	3.86	1.321
The food being served to prisoners is of poor quality	3.52	1.642
Jail staff is involved in supplying drugs to the prisoners	3.67	1.475
Sick prisoners do not receive proper medical care in jail	3.39	1.756
Visitors are not allowed easily to meet prisoners	3.60	1.585
Violence on prisoners for petty issues is a routine matter	3.70	1.499
N: <b>511</b> Range: <b>4</b> Min: <b>1</b> Max: <b>5</b> Sig. <i>p-value</i> = <b>.000</b>		

Table 4 provides information about different questions in terms of mean and standard deviation. As far as the very first question of the table is concerned the Mean of the responses was 3.84 whereas standard deviation measured with regard to the same questions' answer categories was 1.390. With regard to the question "Behavior of jail authorities remains harsh towards offenders" the mean response was 3.86 whereas as a standard deviation to which was calculated as 1.321.

Moreover, in response to poor quality food is served to prisoners in jails, the mean of answers to the respondents was 3.52 and standard deviation to which was 1.642. The mean in response to the question "Jail staff is involved in drug supply to the prisoner" was

3.67 and deviation in this regard is 1.475. The sick prisoner does not receive proper medical care in jail was the question to which the average of respondents' answer was 3.39 and the value 1.756 was calculated as standard deviation.

Regarding the question "Visitors are not easily allowed to meet prisoners" is concerned the mean was recorded 3.60 whereas standard deviation to which is 1.585. Furthermore, in response to the question "Violence on a prisoner for small mistakes is a routine matter", the average response of the respondents was 3.70 whereas standard deviation with regard to the same question's responses was 1.499.

**Table 5: Descriptive statics regarding offenders' rehabilitation under probation system**

Rehabilitation of the offender	Mean	SD
Assistance from probation officer helps in the rehabilitation of the probationer	3.84	.797
The probation period is helpful for re-integration of probationer into society	3.18	.712
The self-esteem of probationer remains satisfactory	3.11	.898
Probationer is not stigmatized by the members of society for his offense.	2.87	.841
Probationer avails equal opportunities as a member of society	2.71	.875
Probationer is involved in the family decision as a respected member of the family	2.97	.992
N: 511    Range: 4    Min: 1    Max: 5		Sig.
p-value = .000		

The offenders' rehabilitation and reformation is the very essence of probation service [44]. And one of the major purposes of keeping offenders on probation is to bring some positive and constructive changes in their offending attitude and behavior in the process of reintegration [34].

Table 5 gives information about the different questions in terms of mean and standard deviation. As far as the very first question of the table is concerned the mean of the responses of the respondents was 3.84 whereas the standard deviation measured with respect to the same questions' answer categories was .797. About the question "Probation period is helpful for the probationer to re-integrate into society" the mean response was 3.18 whereas as a standard deviation to which was calculated as .712. Moreover, in response to the level of self-esteem of probationer remains satisfactory, the mean was 3.11 and standard deviation to which was .898. The mean in response to the question "Probationer is not stigmatized by the members of society" was 2.87 and deviation in this regard was .841. Probationer avails the equal opportunities as a member of society was the question to which the average of respondents' answer is 2.71 and the value .875 was calculated as standard deviation. Furthermore, in response to the question "Probationer is involved in the family decision as a member of the family", the average response of the respondents was 2.97 whereas standard deviation regarding the same question's responses was .992.

Khokhar *et al* (2015) found the probation system as an essential component of the criminal justice system for re-integrating the offenders into normal social set up that improves their self-esteem in society [37].

## CONCLUSION AND SUGGESTIONS

Probation system serves as protection to society by preventing the crime happenings in the society because of aiming at the rehabilitation of the offender without snatching his/her freedom to live openly, not subjecting him/her to rigorous prison life and depriving the prisoner of his/her economic and social obligations in the society. The current study examined the role of probation in the criminal justice system of the Punjab province of Pakistan. The results of the study showed that the probationers, who experienced the jail environment did not consider it conducive for the correction and reformation of the offenders. The jail environment was not safe and even the food supplied to offenders was substandard. Moreover, drugs provided by jail staff, lack of medical care for sick prisoners, and torture on small mistakes were routine matters in the jail environment. However, the probation system was found effective and helpful for the rehabilitation and re-integration of probationers while maintaining their self-esteem. In the system of probation, a criminal is helped in a way that he may become a responsible individual in the group/society. It is the most meaningful method of re-educating a criminal. Hence, the authorities who exercise powers in the criminal justice system should consider the alternatives to imprisonment seriously instead of constructing more prisons in society. Moreover, the offenders who are involved in minor or trivial offenses and are under trial may be released conditionally. This exercise will cut the cost of detention and sufferings of getting into jail. Furthermore, Probation Officers may be trained in a way to enhance the attitude of professionalism in them and they are also provided adequate facilities to keep up relations with the families of probationers, community and other stakeholders.

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<sup>ii</sup> above 18 years of age