

The History and Development of Probation Service in Pakistan and in Khyber Pakhtunkhwa

Dr. Basharat Hussain

Abstract

Probation is the punishment most widely associated with rehabilitation and helping offenders to lead law-abiding lives. The probation system in Pakistan has a colonial origin. The Probation of Offenders Ordinance 1960 has its origin in the Criminal Procedure Code 1898 (Amended 1923) passed into law by the British Colonial government. The passing of the probation law in 1960 was part of the General Ayub Khan's attempt to modernise Pakistan. This article describes the historical origins of probation in Pakistan in general and explores the development of the probation service in the Khyber Pakhtunkhwa in particular. The main objectives, responsibilities, staffing, organizational structure and working pattern of the RPD in KP are also included. This article is based on the review of primary and secondary data. The secondary data mainly reflects upon the pre-independence era of probation services whereas the primary data has been included to trace the post-independence period of probation service in Pakistan mainly due to the non-availability of reliable resources on the topic. The primary data was collected from the ex-officials of the Reclamation and Probation Department, Khyber Pakhtunkhwa in 2005 as part of my PhD field work.

Key Words

Probation, Punishment, Colonial Legacy, Rehabilitation, Supervision

The Background of Probation in Pakistan

The probation system in Pakistan started in the 1960s, at a time when probation was known and practised in most developed countries of the world. For example, the statutory probation was already introduced in most states in the USA and in Britain at that time. However, in Pakistan probation as a form of punishment did not evolve in the way it did in the USA and Britain (see Leeson, 1914; King, 1964; Crow, 2001; Chui & Nellis, 2003). It was one of the many colonial legacies adopted by the Government of Pakistan (then part of colonial India).

In 1923, the British colonial government in India upgraded the Criminal Procedure Code of 1898 and three new sections which dealt with 'First Offenders' were inserted in it. These sections include:

- Section 562 (*Power of Court to release certain convicted offenders on probation of good conduct instead of sentencing to punishment*),
- Section 563 (*Provision in case of offender failing to observe conditions of his recognizance*); and

- Section 564 (*Conditions as to abode of offender*) (see Ranchhoddas and Thakore, 1946)

These sections, according to Ranchhoddas and Thakore (1946:418), 'enable the court, under certain circumstances, to release the accused, who has been convicted, on probation of good conduct'. The aim of these sections was to benefit first offenders involved in minor offences. Any person having no previous conviction was eligible for probation; however, the final decision rested on the discretion of the judicial magistrate. The provision for release on probation was based on the British *Probation of Offenders Act* of 1907, which gave statutory status to the voluntary work of the police court missionaries (see King, 1964; Bochel, 1976). Thus, probation was one of the many criminal justice ideas that were framed in Britain and then exported to its colonies including British India.

The colonial government of British India tried to pass a separate legislation on probation; they however did not succeed. In 1931, the *All India Probation Bill* was drafted and was circulated to all the provincial governments for their comments (Hamid-uz-Zafar, 1961; Jillani, 1999). The Bill was not passed into law mainly due to the political crisis in the country associated with the ongoing independence movement. After gaining political independence from Britain in 1947, the Government of Pakistan introduced a legislation on probation, namely, the *Probation of Offenders Ordinance 1960/Rules 1961* which was enacted in both wings of Pakistan, i.e. East Pakistan (now known as Bangladesh) and West Pakistan (the present Pakistan) in 1961. The Probation of Offenders Ordinance 1960 is largely an amended version of the Probation Bill 1931.

It is important to mention that the release of prisoners on parole was already in practice during colonial times even before the introduction of provisions for probation. The Criminal Procedure Code of 1898 contained some sections under which provincial governments were empowered to release prisoners from jails for their good conduct and for such prisoners to remain in the community for the remaining period of their imprisonment. This provision was made under section 401, chapter XXIX (*Suspension, Remissions and Commutations of Sentences*) of the Criminal Procedure Code 1898. Specifically, the section states that:

When any person has been sentenced to punishment for an offence, the Provincial Government may at any time without conditions or upon any conditions, which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced. (See Ranchhoddas and Thakore, 1946:289)

At that time, there was no provision for the supervision of those released under this law. In 1927, the British colonial government passed separate legislation for release of offenders on parole namely, the *Good Conduct Prisoners Probationary*

Release Act 1926/Rules 1927. Under this law, parole officers were appointed and made responsible for identifying eligible cases for parole. Supervision was to be made compulsory for those released on parole for the remaining period of their licence. Those released were expected to live freely within the state laws and under the supervision and friendly guidance of parole officers. The law was to have effect in the various provincial governments of British India including the province of Punjab. In addition, Reclamation and Probation Department (hereafter RPD) was established in all provincial governments in 1927, to deal with the release of prisoners on parole. After independence, Punjab was the only province in Pakistan that had the RPD in place. The rest of East and West Pakistan had their respective RPDs in 1957 (Hamid-uz-Zafar, 1961).

Until the Probation of Offenders Ordinance was passed in 1960, the RPD dealt only with parole cases. The Probation of Offenders Ordinance of 1960 established the probation arm of the RPD and enabled probation officers to be appointed for offenders on trial before the courts.

Initially the administrative setup of the RPD was small and simple. Under the 'One Unit' scheme, the RPD worked as a federal department headed by the Secretary to the Government of West Pakistan (Home Department). Probation was initially started in only two divisions of West Pakistan, namely Lahore and Rawalpindi, with the Director based at the provincial capital in Lahore. For administrative purposes in 1962 all the probation and parole officers were placed under the control of commissioners of the divisions. Four years later, the RPD was extended to other divisions of both East and West Pakistan. In West Pakistan, the RPD was extended to twelve divisions, the details of which are as follows:

Province	Divisions with Reclamation and Probation Department
Punjab	Lahore, Multan, Bahawalpur, Sargodha, Khairpur and Rawalpindi
Sindh	Hyderabad, Karachi
Khyber Pakhtunkhwa ²	Peshawar, Dera Ismail Khan
Baluchistan	Quetta and Kalat

The second martial law regime of General Yahya Khan Khan (1969-1971) undid the 'One Unit' scheme in 1969 and the status of the provinces was restored (Hussain and Hussain, 1993:25). The change in the administrative setup of the country affected the working of the RPD too. Previously, the RPD worked under the federal government of West Pakistan. Now it was placed under the provincial government in each province.

After the dismemberment of 'One Unit', the provincial government of Punjab established an independent Directorate of RPD with a full time Director, a Deputy Director, and nine Assistant Directors in all divisions of Punjab province. The province of Sindh also established its independent directorate with a full time Director and three Assistant Directors. The government of Baluchistan along the same lines set up an independent directorate by creating the post of Deputy Director under the Home Department. Like other provinces, the RPD in the Khyber Pakhtunkhwa (hereafter KP) remained with the Home Department after the restoration of the status of provinces in 1969.

Extending Probation Service to Khyber Pakhtunkhwa (KP)

With regard to the KP, as mentioned earlier, the RPD was established in Peshawar and Dera Ismail Khan Divisions in 1957 to carry out parole work. In 1965, the probation law was extended to Peshawar division in the KP. In order to work with offenders on probation and parole in the province, eight probation officer posts and two parole officer posts were appointed during that year (1965). Four probation officers were based in Peshawar district and two in the Mardan and Kohat districts of Peshawar division. No restriction was made on the qualification for the post of probation officer. However, preference was given to law graduates. Later on, in 1971, probation was also extended to Dera Ismail Khan Division. The newly appointed probation and parole officers received in-service training at the Central Jail Staff Training Institute, Lahore (now known as the National Academy of Prison Administration, NAPA).

The journey of the probation service in the KP was not easy and simple. For the new department of probation, it was not easy to find a place in the existing justice system of the country. There was opposition from some criminal justice agencies, for example, the police. In an interview with Rehman Gul,³ Ex-Deputy Director, RPD, KP, he stated:

Initially, we faced numerous problems especially opposition from police department. They did not believe that how can a person be released after the commission of an offence. The police department strongly believed that with the introduction of probation services, the crime rate would go high. However, time has proved that they were wrong. We made significant progress in rehabilitation of first offenders (Rehman Gul, Personal Communication, February 22, 2005).

He added that all the probation officers worked hard to find their place in the existing penal system. They had to meet regularly with the judicial magistrates in order to convince them to grant a probation order in cases of petty nature. He admitted that:

The judicial magistrates, deputy commissioners and commissioners were cooperative and it was because of their cooperation that we made progress in our work (Rehman Gul, Personal Communication, February 22, 2005).

Similarly, in an interview, Mohammad Shafiq, Ex-Deputy Director RPD, KP stated:

Those were very tough days. On many occasions, I became hopeless and believed that this department might not function any more. Probation was a new experiment for all those associated with the justice system in the country. For magistrates, the concept of conviction was limited to paying back for what the offender has committed (Mohammad Shafiq, Personal Communication, January 20, 2005).

More importantly, there were ideological differences between the new probation department and the existing criminal justice agencies resulting from the fact that probation officers not only dealt with cases before the courts but sometimes handled parole cases, which meant that they still had to work with the police, magistrates and the prison department. As Mohammad Shafiq puts it:

The educational level of those working in police and prison department was very low. They did not know about human psychology and the concept of rehabilitation of offenders. For them, the only answer to the crime was severe punishment (Mohammad Shafiq, Personal Communication, January 20, 2005).

He added:

The judicial magistrates being educated people soon understood our motive. They realized the importance of rehabilitation of offender and cooperated with us to place offender on probation (Mohammad Shafiq, Personal Communication, January 20, 2005).

Attallah⁵ Ex-Assistant Director RPD, KP stated:

We soon developed our personal links with the magistrates. The probation officers worked hard which improved the strength of probationers in the province. We did work as parole officers too. The basic purpose was to help the offenders to keep them away from the bad influence of the prisons. It in turn improved the progress of the RPD in the KP as well (Attallah, Personal Communication, January 24, 2005).

With the creation of new districts, more probation officers were appointed to work with offenders on probation in the new districts.

However, a very significant change took place in the KP in 1976 when the RPD was placed under the administrative control of the Inspector General of Prisons as its Director. In 1992, the post of Deputy Director for the probation arm of the RPD was established. In addition, the posts of Assistant Directors were created for each of the seven divisions in the KP. The main job of Assistant Directors was to facilitate the work of probation officers and parole officers. In case of any problems, probation and parole officers would report to their local Assistant Directors based in their respective divisions.

Furthermore, in 2001, another significant administrative change took place under the government's downsizing policy. All the seven posts of Assistant Directors working with RPD in the KP were abolished. This was a serious blow in the sense that the Assistant Directors had played a key role as a 'bridge' between probation officers and magistrates. In case of any problems, probation officers reported to their immediate bosses, the Assistant Directors, who were more or less local (See rule 24 of 'Probation of Offender Rules, 1961'). The removal of the Assistant Directors meant that all the probation officers in the Province now report to a single Deputy Director based in the head office in Peshawar, miles away from many of the probation officers, especially those who reside in the far away districts. This has created many practical problems; for example, in breach cases where probation officers would have reported cases to their local Assistant Directors but now have to report to the Deputy Director in the capital (Peshawar). The process of dealing with breach cases has taken a triangular shape whereby the probation officer and the concerned court are physically close to each other but cannot communicate about breach cases. The Deputy Director is now the only person legally empowered to communicate on breach cases with the courts in the whole Province. The result of this 'centralisation' is that a simple process is made very complicated and breach cases are either lost in the system or not pursued. It was found during the course of this research that some probation officers no longer bother to report breach cases. In some places where cases were reported and passed on to the Deputy Director, probation officers were not made aware of the final decisions of the courts.

What is interesting is the fact that the RPD in the KP was administratively attached to the Prison Department with the Inspector General of Prisons (IG) as head of both departments. The tension between these two departments was an ongoing issue. Rehman Gul, ex-Deputy Director of RPD, KP stated that at one of the meetings with the provincial finance minister, the Inspector General of Prisons KP questioned the work of the probation department and remarked that the RPD is useless and that probation officers are doing nothing. According to Rehman Gul, his reply to the Inspector-General's comments was:

RPD is not a dumping place for offenders as your prisons are. If you are going to question our work, could you please tell me what the prison staffs are doing? Look at our approaches. Our treatment of offenders is friendly whereas your treatment is forced. We help offenders to rehabilitate and not to commit other offence. You teach first offenders criminal lessons. So who is useful for the offenders and for the society as a whole? (Rehman Gul, Personal Communication, February 22, 2005).

The RPD resents being placed under the directorship of the Inspector-General of Prisons (I.G.). Since the joint department was created, the RDP struggled to detach itself from the Prison Department and to establish an independent RDP directorate in the KP. In the other three provinces of Pakistan, the RPDs are separate independent departments. The staff of the RPD in the KP believed that an independent status will improve their work and that the department will flourish as an independent establishment. They believed that the IG was responsible for the lack of progress of the RPD. Not only did the IG did nothing to save the seven posts of the Assistant Directors (interestingly, all the Assistant Directors in the other provinces were retained), but also, numerous requests made in the past to appoint more office staff and probation officers in order to improve the quality of work of the RPD were not granted. For example requests were made to appoint at least six male probation officers and four female probation officers for Peshawar, Abbottabad, Swat and Dera Ismail Khan districts (Daily Express, 22/3/2005). In an interview to the Daily Express, dated March 22, 2005, Inspector General of Prisons KP argued:

The independent directorate of RPD will increase the financial burden of the government. It will not improve the quality of probation work. Furthermore, there is no justification to establish a separate directorate for only 44 employees (Daily Express, March 22, 2005).

It was not clear if an independent directorate will improve the quality of work of the RPD in the KP. However, the staff of the RPD strongly believed that it would improve their quality of work. The staff of the RPD in the KP always looked with admiration at their counterparts working in other provinces, who enjoy independent status. In 2005, the RPD in the KP finally succeeded in establishing its independent directorate of probation under the supervision of Home Department in the province.

The Objectives of the Reclamation and Probation Department KP

Since its creation in 1957, the RPD in the KP has gradually become an integral part of the criminal justice system in Pakistan. The probation work of the department, as already indicated, includes working with offenders sentenced to probation by the courts and the supervision of prisoners released on parole. Probation officers initially supervised only adult offenders but since the passing of the *Juvenile Justice System Ordinance 2000/Rules 2001*, they now also supervise juvenile offenders on probation.

RPD operational documents state the following as the four main objectives of probation in the KP:

To Kill the Crime, not the Criminal

The purpose of probation is to assist in reducing the incidence and impact of crimes without committing further harm to the offender. Research studies have shown that prisons are the breeding places for professional criminals. It is believed that 'every habitual offender had been a first time offender' (Gillani, 1999:175). Therefore, the purpose of probation service is to stop first offenders from becoming professional criminals and help them to become useful and productive citizens of society.

To Reduce Overcrowding in Jails

Overcrowding in prisons is an international phenomenon and Pakistan is not an exception. The prison population in Pakistan is rising gradually. Prisons in Pakistan are keeping more prisoners than their official capacity (Rizvi and Jillani, 2003). In 2012, there were approximately 74,944 prisoners in 97 prison establishments in Pakistan. The official prison capacity target for Pakistan for 2012 was 42617 (International Centre for Prison Studies, 2012). According to Penal Reform International, prisons in all the South Asian countries including Pakistan are overcrowded and are below the international standard (Penal Reform International, 2003). As in most countries, the use of probation is expected to help in reducing the prison population in Pakistan.

To Cut Down Government Expenditure on Prisons

The government of Pakistan, like most modern governments, is keen to reduce public expenditure incurred from keeping offenders in prisons. It would be extremely difficult to calculate how much a person in prison costs to the taxpayer as the number of prisoners fluctuates. However, researches have shown that imprisonment is far more expensive compared with non-custodial or community penalties. Thus, placing more offenders on probation and the use of parole are penal measures that are believed to be capable of reducing the financial costs of keeping offenders in prison.

To Rehabilitate and Re-integrate Offenders as Law Abiding Citizens

Placing offenders on probation is not only an economical way of dealing with offenders; it is a useful means of controlling crime and reducing re-offending. The appeal of probation lies in the claim to rehabilitation and prevention of future offending or re-offending. The probation system in Pakistan is founded upon the rehabilitation idea. The need to keep petty, habitual and first offenders and parolees

away from re-offending by providing them with help, advice and support that would enable them to lead law-abiding lives in their communities is at the core of the probation service in Pakistan, as elsewhere.

Responsibilities of the Reclamation and Probation Department, KP

The RPD's work is governed by three criminal justice laws. First, the *Good Conduct Prisoners Probation Release Act 1926/Rule 1927* which allows prisoners to be released on parole. All probation officers are also empowered to do parole work. However, in addition, there are parole officers who specialise in parole work only. The workload of parole officers is very less compared to that of the probation officers because of the rather lengthy procedure of getting an offender released on licence.

Second, the *Probation of Offenders Ordinance 1960/Rules 1961* is the main probation law in Pakistan. The law allows offenders released by the courts to be supervised by probation officers in the community. The main duties of probation officers are to 'advise, assist and befriend' offenders placed under their supervision as well as help them to be reintegrated into their respective communities.

Third, the *Juvenile Justice System Ordinance 2000/Rules 2001* introduced by the military government of General Pervez Mushraf, in 2001. This law simply extended the duties of probation officers to juvenile offenders. This is a radical departure from the inherited British system. In Britain, probation officers do not deal with juvenile cases. There is a separate youth justice system and young offenders are dealt with by specially trained youth offending team officers. In the KP, probation officers do not receive special training on how to deal with young offenders. There is no additional financial or administrative setup to support work with young offenders. No additional staff has been provided to deal with juvenile offenders. The probation officers who deal with adult cases also deal with the juveniles (SPARC, 2010)

The Structure of the Reclamation and Probation Department, KP

The *Probation of Offender Ordinance 1960/Rules 1961* authorized provincial governments to appoint the following staff to carry out probation work within the RPD in their respective provinces. These posts include:

- The Officer-in-Charge (The Director) RPD, (section 2.c)
- The Assistant Director (rule 2.a)
- The Chief Probation Officer (rule 5.1)
- The Probation Officer (section 2.d)

Officer-in-Charge (The Director)

The Director or 'officer-in-charge' is the head of the RPD in the province (see Rule 2(c) of *Good Conduct Prisoners Probational Release Act 1927* and rule 3(1) of *Probation of Offenders Rules 1961*). The main responsibilities of the Director include overall control, supervision, and direction of all activities of the RPD that are related to probation, parole and juvenile justice.

The Assistant Director

According to rule 4.1 of the Probation Rules 1961, the Director shall appoint the Assistant Directors who shall be responsible for managing the activities of a particular 'probation area' under his control (rule 2.f). Furthermore, as defined under rule 2(a) of Probation Rules 1961 the Assistant Director is to assist the Director in the general administration of the RPD. Specifically, the Assistant Director is responsible for supervising, inspecting, and monitoring the work of the probation officers working in his probation area. He is expected to work in close liaison with the case committee (see rule 16 for details) on matters related to probation (see rule 3) and to authorise the release of offenders on parole. In the practical sense, the Assistant Director is expected to be the immediate line manager to probation officers in the districts under his control. However, as has been explained earlier, the posts of RPD Assistant Directors (seven in number) were abolished in the KP in 2001 as a result of the government's downsizing policy. Instead, the post of a single Deputy Director was created to take over the responsibility of Assistant Directors.

Chief Probation Officers

Rule 5.2 allowed for the appointment of a Chief Probation Officer who should be responsible for looking after the probation work in a particular district or any such area entrusted to him by the Director of the RPD in the province (see rule 5.2). The Director RPD is empowered to appoint as many Chief Probation Officers as are sanctioned by the provincial government. The Chief Probation Officer should be responsible for supervising and distributing probation work among probation officers working under his control (see rule 5.3). At the time of this research, there were no Chief Probation officers in the RPD, KP. With the abolition of the post of Assistant Director and the non-existence of Chief Probation Officers, the immediate line manager of probation officers, as discussed above, is the Deputy Director stationed in the provincial capital, Peshawar.

Probation Officers

Probation officers are appointed by the RPD Director (see section 12.1 and rule 6 of the probation ordinance). Probation officers are expected to perform their duties as directed by the Director to whom they are also accountable. There are

certain limitations on the person eligible to be appointed as a probation officer. The age limit for a first appointment as a probation officer is fixed at a minimum of 23 years and a maximum of 45 years. The qualification required for the post of a probation officer is a minimum of a university undergraduate degree. The applicant is expected to have a sound personality and be of good character. In addition, the applicant should have a 'working knowledge or practical experience of social work' (see rule 7).

Number of Adult Offenders (Male & Female) and Juvenile Offenders (Boys & Girls) on Probation in KP, 2012

S.No	District	Adult Offenders on Probation		Juvenile Offenders on Probation		Total
		Male	Female	Boys	Girls	
1	Peshawar	242	09	14	01	266
2	Nowshera	55	-	03	-	58
3	Charsadda	97	02	-	-	99
4	Dera Ismail Khan	98	-	01	-	99
5	Tank	68	-	08	-	76
6	Swat	57	-	03	01	61
7	Shangla	08	-	-	-	08
8	Buner	07	-	-	-	07
9	Dir (Lower)	12	02	-	-	14
10	Chitral	03	-	-	-	03
11	Dir (upper)	05	01	01	-	07
12	Malakand	25	-	05	-	30
13	Mardan	78	-	-	-	78
14	Swabi	15	-	02	-	17
15	Abbottabad	105	-	06	01	112
16	Haripur	07	-	02	-	09
17	Mansehra	40	-	06	-	46
18	Kohistan	-	-	-	-	-
19	Batagram	-	-	-	-	-
20	Kohat	134	08	03	01	146

S.No	District	Adult Offenders on Probation		Juvenile Offenders on Probation		Total
		Male	Female	Boys	Girls	
21	Hangu	05	-	-	-	05
22	Karak	11	-	-	-	11
23	Bannu	45	-	-	-	45
24	Lakki Marwat	19	-	01	-	20
25	Tur Ghar	-	-	-	-	-
Total		1136	22	55	04	1217

Problems Confronting Probation Service in Pakistan and in Khyber Pakhtunkhwa

The Reclamation and Probation Department in Pakistan in general and in Khyber Pakhtunkhwa in particular has made considerable contribution in the rehabilitation and reintegration of offenders to their communities, however, a number of problems is restricting the growth and development of the probation service. First, the laws for release on parole and on probation are outdated. Since the introduction of the Good Conduct Prisoners Probation Release Act 1926/Rules 1927 and the Probation of Offenders Ordinance 1960/Rules 1961, no significant improvements have been made in both laws. It is suggested that the law on probation and parole needs to be revised and changes should be brought according to the need of the time.

Second, the law concerning release of juveniles on probation also has serious problems. It asks for more proactive role of the probation officer in dealing with juveniles without offering them the resources to fulfill their duties as has been given under the Juvenile Justice System Ordinance 2000/Rules 2001. It is suggested that probation officers may be given the needful resources so that they can work with juvenile offenders more effectively.

Third, there is scarcity of resources with the RPDs in Pakistan. With respect to the KP, all regional offices of RPD are operating in one room only. The basic office equipments such as telephone, fax, computer, printer, photocopier, internet facility, filing system, papers, vehicle etc are missing. It is suggested that adequate facilities should be provided to all the regional offices of RPD including the head office based in Peshawar.

Forth, the hierarchal structure of the department needs reformation. The basic pay scale for probation and parole officers is BPS-16 while the Deputy Director is working in BPS-17. The grades of the officials should be upgraded. It should be BPS-17 for probation/parole officers and BPS-18 for the Deputy Director and BPS-19 for the full Director.

Fifth, the number of female probation officers with RPD in the KP is very less. There are only seven female probation officers working with RPD in the KP. It is recommended that at least one female probation officer should be appointed at each district of the KP.

Sixth, non Governmental Organizations are working in almost all sectors of human affairs. Their attention towards the rehabilitation of offenders is minimal. It is, therefore, suggested that the NGOs should also come forward and help the RPD in their work of rehabilitation of offenders.

Seven, public awareness about the benefits of the probation, parole and juvenile justice system for offenders is negligible. There is need of introducing the true spirit of these correctional services among the general masses. It is suggested that seminars and workshops be arranged in which lawyers, judges, police and social workers should be invited to discuss the present correctional system for offenders and make necessary changes to bring them at par with the international standards.

Eighth, those juveniles / juvenile crime offenders who are in conflict with law require more care and attention in their reformation and reintegration into their community. The under trial juveniles must be kept separate from the adult offenders. For this purpose, at least one Remand Home may be opened under the supervision of RPD at divisional level.

Ninth, working with offenders is a technical job which requires special training of the probation and parole officers along with their academic qualification. It is sad to mention that none of the RPDs in Pakistan is offering in-service training to their probation and parole officers. It is suggested that in-service training may be arranged for probation and parole officers both inside Pakistan and abroad.

Conclusion

The probation service in Pakistan is in its sixth decade. Since its establishment, the RPD has made significant progress in its work in Pakistan and in the KP. Every year, on average, 1000 – 2000 offenders are placed under the supervision of probation or parole officers working with the RPD, KP. The probation service in Pakistan is a professional service. Probation officers are paid public servants working in established probation departments, with a philosophy of punishment that is centred on helping offenders to address their offending behaviour and rehabilitation. The probation system in Pakistan has remained a social work activity based on the principles of 'advice, assist, and befriend'.

Probation in its true sense is yet to be recognized as a fundamental institution for crime control and for reformation of offenders in Pakistan and in the KP. So far, no major step has been taken by any government in Pakistan to improve the outdated colonial legislation and to improve the quality of work of the RPD. This clearly shows the lack of interest on the part of government towards probation and the RPD. Political instability, frequent takeover of government by the army and appointment of serving army generals in civil departments has badly affected the institutional development in the country and RPD is one of them.

End Notes

¹After gaining political independence from Britain in 1947, independent Pakistan started as a federation of five provinces namely, Punjab, Sindh, Baluchistan, North West Frontier Province (KP), and Bengal. In 1955, 'one Unit' scheme was introduced under which the country was divided into two wings. The provinces of Punjab, Sindh, Khyber Pakhtunkhwa and Baluchistan were amalgamated and were called 'West Pakistan' with Lahore as its provincial capital. For administrative purposes, the provinces were divided into divisions. The other wing, the province of Bengal, was known as 'East Pakistan'. This wing was later separated from the rest of Pakistan in 1971 and it became the independent country of Bangladesh.

²Formerly known as the North West Frontier Province (KP).

³Rehman Gul is among the pioneers of the RPD in the KP and was among the first eight probation officers appointed in 1965. He retired as Deputy Director in 1996.

⁴Mohammad Shafiq was also among the pioneers of the RPD in the KP and was among the first eight probation officers appointed in 1965. He retired as Deputy Director in 1999.

⁵ Attaullah was also among the pioneers of the RPD in the KP and was among the first eight probation officers appointed in 1965. He retired as Assistant Director in 1999.

⁶ Where there is a breach case, probation officers cannot inform the courts directly. All cases must be reported to the Deputy Director based in the head office in Peshawar.

⁷ Reclamation & Probation Department Khyber Pakhtunkhwa (2012) *Month Wise Statistics / Progress of Adult Probationers (Male and Female) and Juvenile Probationers (Boys and Girls for the Month of 1-1-2012 to 31-12-2012)*.

Bibliography

Bochel, D. (1976) *Probation and After Care: Its Development in England and Wales*. Edinburgh: Scottish Academic Press.

Chui, W. H (2003) 'What Works in Reducing Re-Offending: Principles and Programmes' in W. H. Chui and M. Nellis (eds.) *Moving Probation Forward: Evidence, Arguments and Practice*, Harlow: Longman, pp. 56-73.

Crow, I. (2001) *The Treatment and Rehabilitation of Offenders*: London: Sage Publications.

Daily Express, Pakistan, dated March 22, 2005

Hamid-uz-Zafar, M (1961) *Probation in Pakistan; A Guide to the Pakistan Probation of Offenders Ordinance, 1960, as Implemented in the Province of West Pakistan* Lahore: Government Printing Press.

Hussain M. and Hussain A. (1993) *Pakistan Problems of Governance* New Delhi: Vanguard Books Pvt Ltd.

International Centre for Prison Studies (2012), *Prison Brief for Pakistan*, London: Kings College, [Available Online] at:
http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=107 [Accessed June 2, 2013]

Jillani A. (1999) *Cries Unheard; Juvenile Justice in Pakistan*. Islamabad: Society for the Protection of the Rights of the Child.

King, J.F.S (1964) *The Probation Service*, (2nd ed.) London: Butterworth.

Leeson, C. (1914) *The Probation System*, London: P.S. King and Son.

Penal Reform International (2003) *South Asia* [Online] Available at: http://www.penalreform.org/english/region_south.htm [Accessed August 18, 2005]

Ranchhoddas, R. & Thakore, D. K. (1946) *The Criminal Procedure Code 1898* (5th ed.) Bombay: The Bombay Law Reporter Office.

Reclamation & Probation Department Khyber Pakhtunkhwa (2012) *Month Wise Statistics / Progress of Adult Probationers (Male and Female) and Juvenile Probationers (Boys and Girls for the Month of 1-1-2012 to 31-12-2012)*.

Rizvi, T. W. & Jillani A. (2003) *Waiting for the Sunrise; Juvenile Justice in Pakistan*. Islamabad: Society for the Protection of the Rights of the Child

SPARC (2010) *The State of Children in Pakistan*. Islamabad: Society for the Protection of the Rights of the Child.

The author Dr. Basharat Hussain is an Assistant Professor at the Department of Social Work, University of Peshawar. He can be reached at basharat04@yahoo.com