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### REFORMATIVE JUSTICE IN ANGLO-MUHAMMADAN LAW: A CASE STUDY OF THE APPLICABILITY OF PROBATION AND PAROLE IN MARDAN, KHYBER PAKHTUNKHWA

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#### ABSTRACT

The development of reformativ justice as an essential component of criminal justice system is historical. At present, community sentences as part of reformativ justice are an integral part of criminal justice system of every civilized state around the world. The same is not true for Pakistan. For community sentences provide a substitute to an imprisonment in the form of probation and parole, whereby, an offender is reintegrated into society with an aim of rehabilitation. Nonetheless, the directorates of reclamation and probation, present in all the provinces of Pakistan are supposed to manage the release of offenders on probation and parole. Likewise, the release of offenders in the province of Khyber Pakhtunkhwa (KP) too is managed by the Directorate of Reclamation and Probation as part of the Home and Tribal Affairs Department. The relevant laws legislated in 1960 have been very rarely applied as a correctional sentence and these remain an unrecognized division of sentencing by the government, judiciary and the public at large. This study is focused on the structure, competence and effectiveness of probation and parole system in the District Mardan of KP. The research paper inductively highlights the challenges that have impeded the applicability and practice of the two concepts and recommends measures for making these reformatory punishments more humane, efficient and effective in the broader context of inductive legal studies.

## INTRODUCTION

The Criminal Justice System of Pakistan provides legal context and within that the basis for an alternative to the imprisonment in the form of bail, probation and parole. Bail is provided at the pre-trial stage of a case, whereas, probation is at the time of sentencing and parole is practiced at the post-sentencing stage. In Pakistan, people are more familiar with bail practiced in the courts of law, as opposed to the lack of awareness with regard to the concepts of probation and parole. These are the types of punishments awarded by means of which offenders are reintegrated into society with an objective of rehabilitation. Probation refers to the conditional discharge of the offender, in order to give him an opportunity to rehabilitate himself, before he is actually sent to the jail (Bunzel, 1995). In contrast to the probation, parole is the release of an offender, under the supervision of a parole officer, prior to the completion of his sentence in jail subject to the condition of good behavior. It gives the offenders an opportunity to rehabilitate and change their criminal lifestyle. Modern research has shown that an alternative to the imprisonment techniques reduce reoffending more than the imprisonment of the offenders (Smith, *et al.*, 2002). The concept of probation and parole was developed as an alternative to the imprisonment owing to the required reforms in the context of overcrowded prisons (Walmsley, 2003). This solved the issue of congested prisons and helped in keeping the non-habitual offenders in community correction centers to observe their behavior and release them, even before the expiry of imprisonment terms on account of positive changes in their behavior. Historically, the first reported use of parole is mentioned in Surah Yusuf in the Holy Quran, where the king on inspection of prison conditions selects a parolee and then eventually orders his final release. The acquittal of Hazrat Yusuf also denotes a clear process of parole. Likewise, the release of Battle of Badar prisoners on condition of educating Muslim children too was a manifestation of parole process. Also, during Rashidun period in Islamic history, convicts of treason, apostasy, and tax evasion were conditionally released. The concept of modern prisons in the human history and a system for the good conduct prisoners release was also introduced during that period (Sherwani, 2008).

In Britain and the USA, the concept of probation and parole was developed in 18<sup>th</sup> century through the practice of conditional release of an offender on account of good behavior and providing sureties for timely appearance in the court (Austin & Coventry, 2001). In 1830, a woman convicted for theft in a house, was conditionally released, on an application by her friends providing sureties for timely appearance in the court, if required (Bauer, 1976). Similarly, the services of John Augustus of Boston, a shopkeeper and member of a society working against alcoholism, played a vital role in the development of probation system in the USA. For the first time in the history of mankind, he had introduced the word 'probation' for the conditional discharge of offenders. He used to carefully select offenders for probation and then request the judge to allow him to become surety for the conditional release of offenders sentenced for imprisonment (Bauer, 1976).

The concept was subsequently introduced in the undivided British India in the year 1923 by the promulgation of section 380 and 562-564 into the Indian Criminal Procedure Code 1898 (CrPC) (Hussain, 2009 & Bhutta, *et al.*, 2014).

Before the Britain, during the Mughal period sources of law and its character essentially remained Quranic, however, imprisonment was not resorted as a form of punishment and criminals were detained pending trial and judgment (Raju, 2014). The manifestation of Anglo-Muhammadan law in British India introduced prison reforms that also segregated the prisoners on the basis of gender and nature of offence. Yet, the reforms advocated the theory of retribution in prison administration (Raju, 2014). It was until the amendments to the CrPC in 1923, it became possible to release the offenders on probation on account of their good behavior. Although there were no provisions in these sections for the supervision of released offenders and were restricted to first offenders only, yet these are considered as the building blocks of probation system in the subcontinent. Later on, different laws were enacted on provincial basis regarding parole e.g., Good Conduct Prisoners' Probation Release Act 1926 promulgated by the government of Punjab. The first legislation on probation was introduced in 1931 with the drafting of All India Probation Bill but the bill did not become a law due to the political chaos at that time (Ghosh, 2008). However, after partition both India and Pakistan enacted legislation on probation respectively.

In Pakistan, although the Good Conduct Prisoners' Probation Release Act 1926 was in vogue in Punjab since 1927 which was adopted by the government of West Pakistan in 1957 (Bhutta, *et al.*, 2014), legislation was passed on the subject and Punjab Children Act 1952, Punjab Youthful Offender Act 1952 and Sindh Children Act 1955 were legislated but never enforced. The first legislation on probation was made in Pakistan with the promulgation of Probation of Offenders Ordinance 1960 (Bhutta, 2010). The law was extended to whole of Pakistan and it was the first of its kind. Currently, the functioning of probation and parole system in Pakistan is regulated by:

- i. Probation of Offenders Ordinance 1960
- ii. West Pakistan Probation of Offenders Rules 1961
- iii. Good Conduct Prisoners' Probation Release Act 1926
- iv. Good Conduct Prisoners' Probation Release Rules 1927
- v. Juvenile Justice System Act 2018
- vi. Khyber Pakhtunkhwa Probation and Parole Act 2021

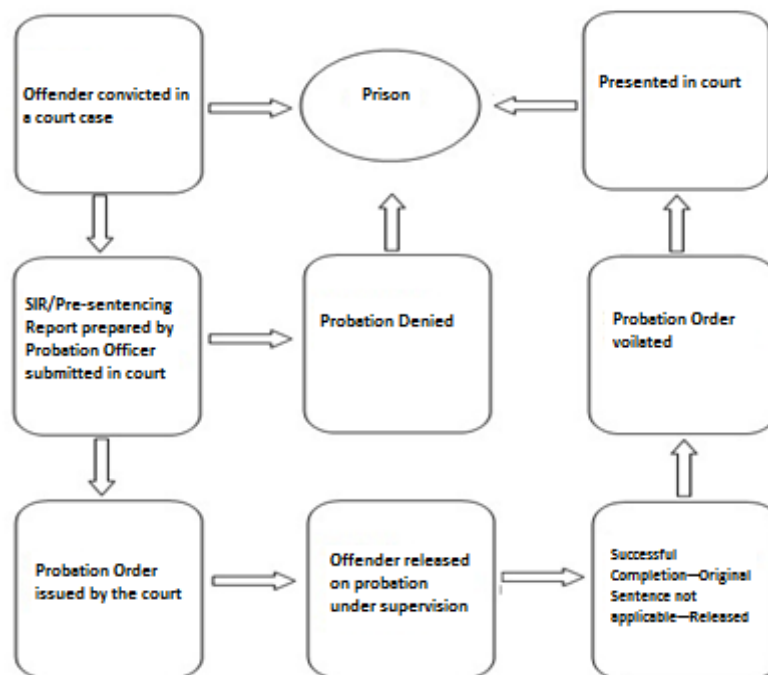
The provincial directorates of Reclamation and Probation working under the Home Departments of each province have a management and regulatory role. The directorates are headed by Director Reclamation and Probation assisted by Deputy Directors, Assistant Directors, Probation and Parole officers, plus supporting staff. The number of staff varies in each province, however, the probation and parole systems in all the provinces are regulated and governed by the same legal instruments, except for the KP where the probation and parole of convicts is regulated by the KP Probation and Parole Act since its promulgation in August 2021.

### ***Process of Probation***

The courts have been empowered by the Probation of Offenders Ordinance 1960 to pass a probation order of an offender who has committed an offence

punishable with an imprisonment of up-to two years, after making enquiries regarding the antecedents, character, circumstances of the commission of the offence and other matters of like nature (Probation of Offenders Ordinance, 1960, §.4). The High Court, Court of Session, judicial magistrates and other magistrates specially empowered can exercise powers under the ordinance (Probation of Offenders Ordinance, 1960, §.3). The offenders after release under probation are supervised by the probation officer (Probation of Offenders Ordinance, 1960, §.5). The probation officer observes and facilitates the reformation of the probationers. Similarly, section 16 of the West Pakistan Probation of Offenders’ Rules 1961 describes the constitution of a case committee in every district to function as an advisory body for the case work of probation and makes recommendations regarding probationers under its jurisdiction.

The committee under the rules shall comprise of the district and session judge as the chairman of the committee, all the first-class magistrates in the district as members, and an assistant director or chief probation officer of the probation department, whosoever is in-charge-of the district, as the secretary of the case committee. The case committee shall meet once in every three months. The quorum for meeting of the case committee, if the number of total members of the committee exceeds six, shall be one third. If the number of total members of the committee is less than six then the quorum of meeting will be two members present. However, the role of the case committee is now performed by Criminal Justice Coordination Committee (CJCC) established under clause 109 of the Police Order 2002. The role of the CJCC is to facilitate the smooth functioning of the departments/bodies of the Home Department by reviewing the work and improving the performance of criminal justice system in the district concerned. The CJCC evaluates the working of criminal justice system and promotes coordination between the attached bodies.



## *Probation Process*

### *Juvenile Justice System*

Juveniles under the Juvenile Justice System Act 2018 (JJSA) are below eighteen years of age at the time of commission of an offence. The probation and imprisonment of juveniles is governed by the JJSA since 2018. Earlier, the juvenile offenders were regulated under Juvenile Justice System Ordinance 2000 (JJSO). In case of a person alleged to have committed an offense that objectively appears to be a juvenile wrongdoing or the person claims to be a juvenile, the JJSA requires the officer in-charge of police station to inform the probation officer at the earliest and determine the age of the offender accordingly. Also, under section 7 of the JJSA, the probation officer attaches a report as an annexure with regard to the character, antecedents, education and additional background facts of the juvenile offender with the report prepared under section 173 of the CrPC. The report is subsequently submitted to the juvenile court established under section 4 of the JJSA. The court shall provide legal assistance to a juvenile offender or with the consent of the juvenile or his guardian, send the case to the Juvenile Justice Committee as a diversion that can be exercised at any stage of the case.

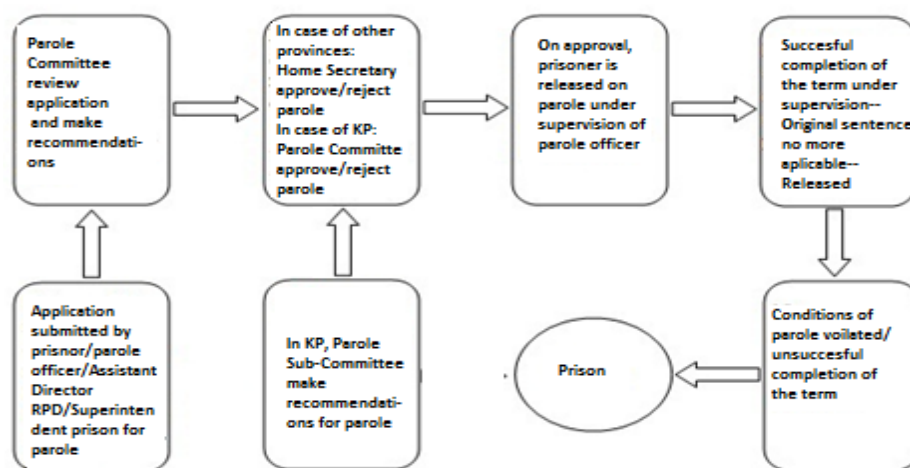
When a juvenile offender is found guilty upon conclusion of the trial, the court may order the release of the juvenile offender on probation. Additional options of the court for the release of the juvenile offender include community service, fine and compensation to the victim. After release on probation, the juvenile offenders are kept under the custody of the guardian or any other person the court deems fit. As far as the probation period of a juvenile is concerned, unlike the probation of adults which is about 1 to 3 years, there is no restriction on the length of the time provided that it shall not exceed the length of the actual imprisonment which might be awarded to such offenders. If probation is not awarded, juvenile offender is sent to a Juvenile Rehabilitation Centre.

### *Process of Parole*

The parole system in Pakistan is regulated by The Good Conduct Prisoners' Probation Release Act 1926 and Rules 1927. It empowers Home Secretary of a province to grant parole to prisoners. Parole may be granted on an account of prisoners' good conduct behind the bars to make him/her a useful member of the community (Good Conduct Prisoners' Probation Release Act, 1926, §.2). The parolees after release on parole remain under supervision of a parole officer for the remaining sentence. The parolees can be provided with employment by an approved employer of Reclamation and Probation Department (RPD) on fixed wages. The parole release is of two kinds; the first one is short term which can be directly granted by Home Secretary, whereas, the long term/regular parole can be granted by Home Department through RPD.

Additionally, the National Judicial Policy Making Committee vide Notification No.5/18-SO (PRS) IID/09-Vol: 8 Dated: 30.9.2009 recommend the establishment of Parole Committees headed by Additional Home Secretary of province as its chairman. The members of the committee include: Director

Reclamation and Probation, concerned District Police Officer, Additional Inspector General Prisons, Superintendent of the Prison, Director Prosecution, Parole Officer, civil society representatives, academic scholars and a person suggested by chairman to be the member of the committee. The committee is mandated to play an advisory role in the context of recommendation of cases for parole. The chairman is authorized to approve cases of parole on recommendation of the members of the committee. However, the new law in KP provides for the constitution of a parole committee at the provincial level and parole sub-committees at each prison across the province. The parole sub-committees comprise of the superintendent of the respective prison, probation and parole officer, public prosecutor, a police officer from the district, and a male and female member from civil society to be nominated by Home and Tribal Affairs Department (KP Probation and Parole Act, 2021, §.15). The parole sub-committees can recommend the release of prisoners to the provincial parole committee and also the revocation of parole as the case may be.



**Parole Process**

**METHODOLOGY & THEORETICAL FRAMEWORK**

The initial idea of this research paper was heuristic in nature that was subsequently followed by a review of published authoritative and professional literature on the subject. The verifiable objective findings determined empirically were then analyzed logically towards the conclusion through a process of empiric-analytic reasoning. With the use of primary and secondary sources of data, an induction based effort was made to create an inductive interpretive structure that will be useful for further research. For this research paper is an in-depth study of a single unit i.e., District Mardan with an aim to develop features of similar empirical inductive research across a larger set of unit in future i.e., the whole of KP.

The scientific and theoretical framework of this study is Modern System Theory that focuses on the relationship between different elements and attributes working systematically to form a whole, wherein, a change in one element or attribute affects the entire system. In the context, the system of probation and parole too comprises of certain fundamental units and elements which are

connected together in such a way that it forms the essential structure of a modern complex system. Any modification or alteration in an attribute would concomitantly affect the overall system of probation and parole, and by extension, the complete criminal justice system. And the legal system is one whole with criminal justice system as part of it.

### ***An Analysis Of The Applicability Of Probation And Parole In Mardan, Kp***

The legal literature highlights the importance of probation and parole as an important aspect in the dispensing of justice. It has been described as an effective method used for the rehabilitation of offenders as practiced by the civilized states of the modern world. An efficient and effective probation and parole system plus the associated institutions need competent institutional involvement for the legal roles to be performed professionally. This study analyses the applicability of probation and parole in District Mardan, KP. It highlights the loopholes in the legal instruments that include enforcement mechanism, the performance of Reclamation and Probation Department, awareness programs and infrastructure for the functioning of probation and parole.

### ***Probation and Parole in Mardan, KP: Supply and Demand Issue***

Probation and Parole is a process spread over time for an individual who has committed a crime to test and observe the integrity, character and good behavior after he or she is released from detention or prison and allowed to stay out of jail or custody under supervision. An all-inclusive and positive probationary term makes one eligible for normal life. The idea at the heart of probation and parole is to protect the interest of public and safety of citizens. The underperforming probation and parole system in District Mardan, KP portrays an inefficient and dysfunctional image of the judicial system in the whole of Pakistan. The pending cases in the courts across the board from top to bottom are an illustration of the failure of judicial processes and the resultant problems in the context of dispensing of justice. The judicial system is non-operational and not-functional for all practical purposes. However, the system is not at fault. It is the idea of adjournment that is at the heart of judicial dysfunctionality, not to mention the invoking and revoking. The less said about the summons and warrants, the better it is. At present, the total number of under trial prisoners (UTP) in the central prison Mardan is 1,267, almost two times the number of the convicted prisoners i.e., 789. It is simply judicial reductionism. And that is not good. The functioning of the courts and judicial system is the greatest of all indicators of governance anywhere in the world. In the context above, an aspect of this study is to identify the gaps between supply and demand of probation and parole services in Mardan, KP. For example, on demand side, there were about 758 prisoners eligible for probation and on supply side an average of only 215 prisoners were being released on probation from the year 2015 to 2021 (see Table.1), although at the time when this research was conducted the central prison Mardan was overcrowded by a number of 72 prisoners.

The release on parole is highly negligible and only 2 prisoners were released on parole in the last ten years. Their applications for parole were approved just two

days prior to the completion of their original sentence of imprisonment. No prisoner has ever been released on parole since 2012. Likewise, the role of the JJSA to provide justice to juvenile offenders is insignificant in Mardan. Although the JJSA is in vogue since 2018, a total number of 125 juvenile offenders (convicts plus UTP) were imprisoned in central prison Mardan from the year 2018 to 2021. Besides, neither special Juvenile Court nor Juvenile Justice Committee exists in Mardan to administer the cases involving juveniles. The idea behind the committee and the special court is to arrive at an alternative outcome as opposed to an imprisonment. It is meant to be a humane diversion in lieu of an imprisonment to give chance to minors accused/convicted of crimes. However, the committees are still not functional despite the passage of Juvenile Justice System Act 2018. Similarly, Observation Homes for the custody of juvenile offenders and Juvenile Rehabilitation Centers are not present and the juveniles continue to go through the formal criminal justice system.

The process of probation in case of adults too falls short of the mark, not only in the KP but rest of the country as well. The table below shows the efficiency of the probation percentage calculated on the basis of data collected for the years from 2015 to 2021 in District Mardan, KP. The efficiency of the probation for the said years was 35.27% which indicates an alarming situation that is ineffective, as also reflects on the poor applicability of probation in Mardan, KP. The probation release efficiency was comparatively higher in the years 2015-2016 i.e., 70.21%. However, the efficiency index in the context of released prisoners under probation for the rest of the years was negligible. The overall imprisonment rate of eligible offenders is higher than the release of offenders on probation. The sudden decline in the release of prisoners on probation also involves an additional variable i.e., the new building of the Central Prison Mardan. The capacity of the new prison to hold prisoners is 1,998 as opposed to the old jail i.e., 314. The enhanced capacity encouraged the magistrates to award imprisonment as opposed to awarding probation to the eligible offenders. Similarly, the distance between the new prison and the probation office Mardan is about five kilometers. This too has hampered the activity of the probation officers having no government transport facility to visit and take eligible prisoners from prison to the court. The deficient integrated infrastructure is obvious that is causing inefficiency and dysfunctionality. This shows lack of functionality of the probation system in the greater context of Pakistan’s judicial system.

**Table1:** Probation Release Efficiency

Year	Eligible	Released	Imprisoned	Efficiency
2015-2016	282	198	84	70.21%
2017-2018	1262	389	873	30.82%
2019-2020	873	99	774	11.34%
2021	616	177	439	28.73%
Average	758.25	215.75	542.5	35.27%



### ***Challenges To The Applicability Of Probation And Parole In Mardan***

The observations and inferences below were reached on the basis of questionnaires, focused group discussions, and in-depth interviews with the stake-holders.

#### ***Unfettered Powers of Judicial Magistrates***

The release of offenders on probation is discretion of magistrates. Magisterial discretion is an exercise in discrimination. A magistrate may ask a probation officer to make Social Inquiry Report (SIR) of an offender for probation and yet he may or may not consider the SIR owing to his discretion to issue probation order or not. The autonomous magisterial powers to grant probation or not is the main reason for overcrowding in prisons by sending eligible offenders to jails. Currently, there are no provisions for appeal provided by the probation legislations against the decision of magistrates when probation is refused. And the new law in KP has now further enhanced the power of the court in the context of probation. Probation is now considered a privilege and not a punishment.

#### ***Rules Not Properly Followed in Granting of Probation***

The legislation over probation is not properly followed for a grant of probation. Under Section 4 of the West Pakistan Probation of Offenders Rules 1961 and the KP Probation and Parole Act 2021, the courts are empowered to grant probation to offenders punishable with imprisonment of up-to two years. However, this law is rarely practiced. The percentage at which offenders were sentenced to less than two years of imprisonment from the year 2015 to 2021 is 64.73 % despite the overcrowded Mardan prison.

Similarly, according to Section 18(1) of the Probation of Offenders Rules 1961, the court while granting a probation order shall ask the probation officer to make a preliminary inquiry regarding the character, antecedents, surroundings and other factors of the offender and submit it to the court. However, in practice no such preliminary inquiry/ SIR is neither prepared by the probation officer nor they are asked by the court to make such an inquiry. The courts are randomly granting/denying probation without any SIR as prescribed under the rules. Now that the KP Probation and Parole Act section 5(5) makes it mandatory for the courts to direct the probation officers to submit a pre-sentencing report while placing a convict on probation, no probation order has been passed under the new act since its promulgation in August 2021.

#### ***Lack of Awareness about Probation and Parole***

The lack of awareness over the probation and parole laws is an additional factor affecting the implementation of a greater challenge in the context of probation and parole in Mardan. The prisoners, general public and even the offenders released on probation/parole have no idea at all with regard to the concept. The police, lawyers, prosecutors and the magistrates do not possess adequate knowledge about the theory and procedure of probation and parole, let alone the

newly legislated KP act. This has left these laws out of the consideration and deliberation of the respective enforcing authorities.

### ***Less Number of Probation and Parole Officers***

Another reason affecting the applicability is the non-availability of enough probation and parole officers. Currently, there are two male and one female probation officer in District Mardan. There is no Chief Probation Officer in the district and the post of Assistant Director was abolished in 2001 by the Home and Tribal Affairs Department. There is no separate parole officer. Instead, one of the male and the female probation officer is additionally assigned with the duties of a parole officer to work for the whole of the division. The crux is that the probation/parole officer should consider their respective probationers or parolees as a special case and deals them in a respectable manner, as opposed to an undignified way. They should create a friendly atmosphere for the probationers/parolees that is helpful with regard to their rehabilitation. In this context, there should be sufficient officers for an effective rehabilitation of offenders. Moreover, the performance of dual task too is impacting negatively the release of offenders on probation/parole as the case may be.

### ***Non-Existence of Proper Probation and Parole Officers***

The role performed by the probation/parole officers happens to be the most important. The duty of the officers is to supervise the rehabilitation of offenders. The additional duties include meeting with different organs of the criminal justice system involving probation/parole processes viz. the magistrates, police officers, jail staff etc. Therefore, a probation officer should not only be a graduate of sociology/social work as specified by the Probation of Offenders Rules 1961 but should have adequate legal knowledge to tackle different organs of the criminal justice system. This research has inductively concluded that the probation and parole officers in District Mardan face academic and technical challenges in going to courts, police stations, and prisons. Moreover, the behavior displayed by the officials of these institutions towards probation/parole officers hampers their ability to perform efficiently.

### ***No Training Programs for Probation and Parole Officers***

The correctional sentences in a criminal justice system are regulated by probation and parole. It is an alternative to an imprisonment and its promotion and implementation falls in the realm of reformatory theory of punishment. The probation and parole officers have a key role not only in the process of release of offender but also have the duty to monitor the activities of released offenders to help them in their rehabilitation. In order to perform these tasks effectively and efficiently they need specialized training programs. The National Academy of Prisons Administration (NAPA) is the institution for training of the officers of RPD. However, the training programs are conducted very rarely. The officers working in Mardan are provided with no specialized training resulting in the poor performance and not up to the mark service delivery by them.

### ***Insufficient Infrastructure Provided to Probation and Parole Officers***

Another variable involving the poor delivery of probation and parole services is the lack of physical and organizational infrastructure. The probation and parole officers are employed in Grade 16 with no service structure that keeps them on the edge. Such an insecurity costs in terms of ability to work efficiently. Similarly, the probation and parole officers are not provided with independent office facilities. The staff for probation and parole is working in a single room not equipped with internet facilities for an online research. Moreover, no transport is provided to the officers who are required to travel to the probationers and parolees. The probation and parole officers have to travel on a fixed rate of Rs.2.5 per kilometer which is an unrealistic and outdated rate of travel across KP.

### ***No Reformatory Programs for Probationers and Parolees***

The rehabilitation of offenders is the key function of the probation and parole process. However, the convicts released on probation and parole in Mardan are not provided with any reformatory treatment. There are no correctional education and rehabilitation programs, and psychological treatments provided to a probationer/parolee to become a law-abiding citizen. Even so, rehabilitation is the essence and the main objective of the entire process, section 8 of the KP Probation and Parole Act 2018 attaches provisos to the imposition of the prescribed vocational training condition on probationers.

### ***Dysfunctional Committees for Probation and Parole***

The rules provide for the constitution of Case and Parole Committees in every district to function as an advisory body for probation and parole respectively. Likewise, the new KP Probation and Parole Act 2018 has changed the role of Parole Committee and provides for the constitution of a provincial Parole Committee as also parole sub-committees in every prison. However, there is no functional provincial parole committee. Similarly, there exists no parole sub-committee in the central prison Mardan. The parole committees not only functions as an advisory body but also grants parole on behalf of government. The non-existence of the functional parole release committees resulted in the release of only two offenders on parole from 2011-2021.

Moreover, there is no Case Committee for probation in Mardan to advise and supervise the working of probation in the district. Although the CJCC established under Rule 9 of the Police Order 2000 has overtaken the role of Case Committee, the probation officers very rarely participate in the meetings of this committee. Since the new KP Act 2018 is lacking provisions regarding the establishment of Case Committees for probation, the CJCC will continue to work as a Case Committee for probation. The function of this committee is not limited to probation only but also overviews the overall working of criminal justice system of a particular district. The district heads of the organs attached to criminal justice system are the members of this committee and the probation/parole officers having comparatively scant professional potential and

lower service grades, than that of the other members, are at a disadvantageous position in the meetings of the committee.

### **CONCLUSION AND RECOMMENDATIONS**

Probation and Parole is an integral part of the criminal justice system of civilized states. These are correctional sentences aimed at the rehabilitation of offenders. Several correctional techniques used by criminologist for the reformation of offenders have been developed into probation and parole over time. These techniques were employed in the early Islamic era too and were developed as such in the western societies subsequently. The idea was also implemented as a legal concept in the British India through different statutory provisions e.g., the All India Probation Bill. After partition of the British India, the independent dominions in addition to the other provisions, also inherited the concept of probation and parole. Resultantly, probation laws were legislated in Pakistan too in 1960. However, the two concepts have been very rarely applied as correctional sentences and remain an unrecognized division of sentencing by the government, judiciary and even the public at large. The poor service delivery of probation and parole system can be linked to several challenges.

This study has highlighted the loopholes in the probation and parole system and its obstructive impact on the efficient and effective service delivery. The weaknesses that have hampered the system include the unfettered powers vested in judicial magistrates to release offenders on probation, non-observance of the regulatory laws, insufficient number of probation as well as parole officers, nonexistence of rehabilitation programs for probationers and parolees, lack of proper and well-trained officers, lack of awareness and the dysfunctional committees. These inadequacies have resulted in an inefficient and ineffective service delivery. Although probation and parole is in vogue in modern world, there is little or no debate in local forums. The big question is: How can the probation and parole be more effective and efficient? The possible suggestions include:

First, amendments should be made to the existing criminal laws to impose workable limitation on the discretionary powers of judicial magistrates. Probation should be made a legally protected option of sentence in Pakistan Penal Code(PPC) for certain offences. The discretionary powers of awarding sentence should be limited to the prescribed options under law.

Secondly, proper laws should be enacted for the release of offenders on parole. A definite criterion for eligibility of prisoners for parole should be framed. The prisoners on fulfilling an explicit criterion should be released without any further intimation.

Thirdly, specialized rehabilitation institutions should be established for the probationers and parolees and these institutions shall provide vocational education and training. The probationers and parolees shall be under obligation to attend the institutions for a specific period of time.

Fourthly, for an effective and efficient system certain qualitative and quantitative measures regarding probation and parole officers should be taken

to further enhance their role. The officers should be provided with compulsory specialized trainings, law shall be made compulsory qualification along with sociology/social work for the eligibility to become a probation and parole officer. The officers should be provided with transport facility to conduct field visits, and the number of probation as well as parole officers should be increased. Every magisterial court should be provided with a probation officer.

Finally, steps should be taken to operationalize committees for an effective and efficient service delivery of probation and parole.

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