

Fasihuddin

17.1 Introduction

Criminology as an academic discipline and as a profession doesn't enjoy its deserved status in Pakistan. Amongst 133 universities in Pakistan, only three universities are offering a post graduate degree in the subject of criminology. On the other hand, the crime rate in Pakistan is on the rise despite the new police reforms in 2002. The crime rate represented by the official statistics of police is rarely reliable, as the data on crimes for drugs pushing, narcotics smuggling, cyber crimes and trafficking in person are a few categories for which police do not collect specific data. The Anti-Narcotics Force (ANF) and Federal Investigation Agency (FIA) are responsible for other serious and organized crimes which are discussed subsequently.

In the wake of terrorism, the usual street and organized crimes took a serious turn and presented an unimaginable pattern of crime-terror-continuum. Despite this grave situation and increasing crime rate, the scientific and academic approach towards research-based policies are yet to be seen and implemented. The components of the criminal

justice system in Pakistan are still using the old traditional methods of prevention, interrogation, investigations, prosecution and imprisonment. The academic and training institutes of the criminal justice system are reluctant to accept the scientific knowledge of criminology in their respective curriculum. This paper consists of two parts. In part I, the situation of criminology in Pakistan, its development and current status and in part II the structure and functions of the major components of the criminal justice system in Pakistan—police, probation, prosecution, courts, and corrections are discussed. The paper further discusses the need for inclusion of criminological literature and the police studies in the curriculum and educational and training institutes of law-enforcement agencies. The paper emphasises the importance of bridging the gap between academics and practitioners of the criminal justice system in Pakistan.

17.2 Part-I

17.2.1 Socio-economic Indicators of Pakistan

Pakistan is a developing country, situated in South Asia and her border touches with India, Afghanistan, Iran, China and the Arabian Sea. Pakistan came into being on August 14, 1947. It has four provinces; Balochistan, Khyber Pakhtunkhwa, the Punjab and Sindh, and seven agencies of the Federally Administered Tribal Area (FATA) which is a buffer zone between

The author is highly grateful and indebted to the Assistant Editor of Pakistan Journal of Criminology, Mr. Imran Ahmad Sajid, a Ph.D. Research Scholar for collecting data from offices of the criminal justice units and locating some valuable references of criminology in Pakistan.

Fasihuddin, Master (✉)
Pakistan Society of Criminology and the Editor-in-Chief,
Pakistan Journal of Criminology, Pakistan
e-mail: fasih68@hotmail.com

Pakistan and Afghanistan. With a population of 177.1 million and a growth rate of 2.05% Pakistan has the 6th largest population in the world (Population Reference Bureau 2010) and is the home of one of the twenty (20) most populous cities in the world—Karachi. Though the majority of the population still lives in rural areas, urbanization is increasing at a constant pace. The urban population reached 36.8% by July 1st 2011 (Ibid). With one of the highest fertility rates (3.5) in the region and increasing urbanization, Pakistan is facing an increasing unemployed population. The current unemployment rate is 5.6% (Economic Survey of Pakistan 2010–2011). Pakistan has the Human Development Index (HDI) as 0.490 and was ranked 128th by the UNDP 2010 HDI ranking in 2010. The population below poverty line was 36.10% in 2008 (Economic Survey of Pakistan 2010–2011). However, the Ministry of Finance estimates that 75% of the population lives near both sides of the poverty line (Economic Survey of Pakistan 2010–2011). Pakistan was placed at number 143/178 in the 2010 Corruption Perception Index Ranking by Transparency International 2011. The US Department of State 2010 report, *Trafficking in Persons 2011*, has also placed Pakistan in Tier 2 category, a slight improvement since 2009 when it was in Tier 2 Watch List.¹

These socio-economic indicators present a dismal picture of a typical 3rd world country. Pakistan is a source, transit and destination of many organized crimes like terrorism, human-trafficking, drugs, etc and has higher population growth rate, and ill-conceived urbanization, rising unemployment, low expenditure on education and health with a large portion of population extremely vulnerable to poverty, and high rate of corruption and crime.

17.2.2 Situation of Crimes in Pakistan

Figure 17.2 (Appendix 1) explains that the crime record is collected at the police station level from which it goes to the office of the District Police Officer (DPO). The Central Police Office (CPO)

at each provincial headquarters collects crime statistics from all the DPO offices in the province. The national crime recording institution is the National Police Bureau (NPB). The NPB collects crime data from the respective Central Police Offices of each province. Though it collects crime data at national level, the NPB rarely publishes it. The crime rate in Pakistan is increasing steadily. In this paper, crime rates were calculated from the official crime figures provided by the National Police Bureau and the population figures as published in the Economic Survey of Pakistan 2008–2009.

Pakistan's crime situation has never been a pleasant one. Not only the ordinary crimes are very high but extra-ordinary situations are numerous and varied. Agitations and riots similar to those of 1958 and 1968, the influx of three million Afghan refugees in 1980s, the recent effects of the war on terror in terms of serious security threats, and another three millions of Internally Displaced Persons (IDPs) from tribal areas and Malakand Division down to the cities further aggravated the crime situation. However, proper research and analyses are rarely conducted to evaluate the impact and implications of such social dislocations. Crime figures were published with comments from 1947 to 1981, but no such efforts were made after 1981 by the NPB or any other agency. The total recorded crimes in 1947, the year of Pakistan's independence, were 74,104 and 152,782 in 1981 with a crime rate of 247 per 100,000 population in 1947 and 182.2 in 1981 (Ministry of Interior 2009). The higher crime rate in 1947 can be attributed to the volatile situation in the post-independence riots, violence, and internal and external migration across the borders of India and Pakistan in 1947.

If we analyze the recorded crime from 1991 onwards, it seems that the crime tide has followed an upward trend. During the last 18 years, the crime rate rose from 255.52 per 100,000 in 1991 to 354.8 in 2008. Police reforms were initiated in a time (2001) when the official crime figures were declining (1998–2001) but which steadily went up after the promulgation of the new police law in 2002 (Fasihuddin 2010). However, this is the situation of the officially recorded crime rate, which does not, in any way, represent the true picture of

¹ The report can be downloaded from the URL <http://www.state.gov/g/tip/rls/tiprpt/2011/>.

crimes in Pakistan. The real crime rate is yet to be estimated. Basically, the police reforms initiated by Gen. Musharraf in 2001–2002 were put to serious fundamental amendments by the successive political governments, which rendered the reforms redundant, ineffective, dysfunctional and poorly implemented. In addition to this lack of political will, never enough resources were provided for police new units and specialized skills and training. Recently, in Baluchistan and Sindh provinces the reforms are almost reverted.

It is still on the rise. This table is calculated only for this paper and is not available in any published documents of the NPB or any other government or non-government paper or their web sites. Such academic work is rarely seen in any government department in Pakistan, Fig. 17.1. (For details, see Table 17.8 in Appendix 2).

Usually, crime in Pakistan is classified under two main heads: (1) crimes against persons and, (2) crimes against property. *Crimes against Persons* include physical harm or force being applied to another person. Murder, assault, rape, kidnapping, child abuse and violence against women are a few categories of crimes against person for which data is collected by the police. The highest incidence of crime against persons are hurt and injury (36%), kidnapping/abduction (16%) and attempt to murder (16%) against the total of 86,101 crimes against person in Pakistan in 2008 (Percentages calculated from Tables 17.8 and 17.9, Appendix 3). The same categories of crimes against person dominate in all the provinces as well. The crimes of rape and kidnapping are more dominant in the provinces of Punjab and Sindh than in Balochistan and Khyber Pakhtunkhwa (KPK).

Among the *Crimes against Property* for which the statistics are collected include dacoity,² robbery, burglary, vehicle theft and cattle theft. The dominant crimes in this category in Pakistan are theft (31%), motor vehicle theft (25%), and rob-

bery (17%). There seems no significant difference in provinces in this respect.

Overall, crime against person makes up only 15% of the total recorded crime while the crime against property makes up only 19%. The very low crime rates are of course not reflecting the real situation of crime, but an ineffective crime recording system and an ineffective justice and policing system (like in India and China).

Further, it is to be noted that in the provinces of Punjab and Balochistan, “Crimes against the person” is very large as compared to “crimes against property”. In KPK even five times higher. Of course this is not reflecting real existing crime, but simply shows that crimes against property are not recorded. Nearly all over the world, “crimes against property” makes up 80% of all crime. Actually, in the Pakistan’s traditional and semi-democratic society, people try to avoid reporting to the police for theft and burglary as it is an honour and prestige problem for many unless serious and sensational. Moreover, police leadership takes such crimes as serious inefficiency on part of the police station staff in the locality. So the lower/field staffs try to avoid such registration of cases and mitigate the seriousness by applying less serious sections of the law and also by persuading the aggrieved party to seek some informal justice practices for solving property matters.

Besides these crimes, the data on crimes for drugs pushing, narcotics smuggling, cyber crimes and trafficking in person are a few categories for which police do not collect specific data. The Anti-Narcotics Force (ANF) is responsible for data on drugs and the Federal Investigation Agency (FIA) for some major organized crimes like human trafficking and smuggling, cyber crimes, money laundering and corruption in government offices. These two agencies publish their annual reports and digests until recently, but have since discontinued documentation and analysis. The official crime rate, presented in this paper, does not include data from these other agencies as shown in Fig. 17.2. Therefore, the crime rate is only calculated from the police official statistics.

To preserve the history of crime in Pakistan, the writer collected and obtained certain crime data for his Country Report for the 129th International Senior Seminar at the UNFEL,

²Under Pakistan Penal Code 1898, Section 391, Dacoity is defined as “When five or more persons conjointly commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery and persons present and aiding such commission or attempt, amount to five or more, every person so committing, attempting or aiding is said to commit “dacoity”.

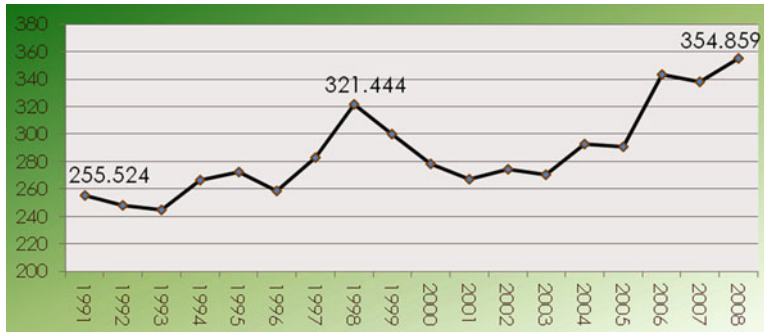


Fig. 17.1 Crime Rate in Pakistan-1981–2008. Source: [1] Economic Survey of Pakistan 2008–2009. Table No. 12.1. p. 194. [2] National Police Bureau, Islamabad, Pakistan

Tokyo, Japan in 2005. These crime figures which are not available elsewhere are shown in Tables 17.1 and 17.2.

17.2.3 Status of Criminology in Pakistan

17.2.3.1 Academic Status

Unfortunately, criminology as an academic discipline and as a profession doesn't enjoy its deserved status in Pakistan. Despite the serious law and order situation and low socio-economic indicators, there is a general apathy on part of the academics and practitioners to promote the scientific study of criminology and policing sciences (Fasihuddin 2008).

There are a total of 133 universities and degree awarding institutions in Pakistan, 74 public and 59 private. Criminology is offered as a separate subject in only three: Karachi University (KU), Sindh University, and Punjab University. The KU started a degree programme in criminology in 1995–1996 under the Psychology Department but it was abandoned after 1 year. It was again started in 2000. However, the criminology department at Karachi University is still controversial and some newspapers (*Daily Dawn*) alleged the KU of running a fake department (Faiza Ilyas, January 18, 2010). According to a faculty member, Prof Dr Burfat of KU, there is no criminology department at the campus (Ibid). The official web site of KU does not mention the existence of any

department of criminology under its faculties head.³ Punjab University started the degree programme in 2009. The Sindh University at Jamshoro started the Master of Criminology programme in 1998 and it continues successfully. The faculties hired to teach the courses of criminology at these universities have very little competence in the field.

Four other universities have included criminology as an optional subject in their various social sciences programmes; University of Peshawar offers as an optional subject in the Department of Social work, Department of Sociology and Department of Anthropology; University of Sargodha offers as an optional subject in the Department of Social Work; Islamia University, Bahawalpur offers in the Department of Social Work; and Kohat University of Science and Technology (KUST) offers criminology as an optional subject in the Department of Social Work and Sociology. Unfortunately, this is mostly under the sociology or social work departments, and criminology is not offered as an independent discipline.

17.2.3.2 Curriculum of Criminology

The HEC proposed a 2 year curriculum of M.Sc. Criminology to be implemented in all universities throughout the country but, it was never appreciated by any of the academic institution

³ For reference please Visit <http://www.uok.edu.pk/faculties/index.php>.

due to resources and capacity constraints (See Box 1 for HEC proposed curriculum for MSc Criminology in Appendix 1). The universities which offer a criminology degree have devised their self-styled curriculum which are not modern, scientific and comprehensive. The proposed curriculum focuses on the very basics of criminology with no specialized subjects (See Boxes 2 and 3 for Criminology curricula of various universities in Pakistan in Appendix 4). Further, the books proposed for the study are often not available in the market. Furthermore, the local literature on the subject of criminology is very scarce, even there was no journal of criminology before April 2009 when the 1st issue of the *Pakistan Journal of Criminology* was launched (to be discussed later).

The author wrote a book on criminology titled *Expanding Criminology to Pakistan* in which the author proposed a curriculum for Master degree at university (See Box 5). The Governor of the Khyber Pakhtunkhwa (KPK, previously known as North West Frontier Province, NWFP) circulated the book to all the Vice-Chancellors of the universities of Khyber Pakhtunkhwa to assess the feasibility of introducing the subject of criminology in their respective universities (Letter No.PSG-1(2)/2009/43). Unfortunately, no university was able to implement the proposed curriculum because of limited resources. However, the young scholars in M.Phil., Ph.D., and Masters programmes in sociology, social work, psychology and most of the young police officers who get a chance on some scholarships to the western world, have shown tremendous interest in the study of criminology and criminological research. Most of them wish to initiate similar programmes but have yet to do so. The curriculum devised by the author is basically on the pattern of the usual 2 years course in any social science subject, mostly with one hundred score/points in each paper. The author not only has included modern topics and concepts in it but also has given the further sub-topics under each major subject (as shown in Box 5 in Appendix 4). The author, moreover, described and suggested the latest books, journals and web sites for the proposed curriculum which was unprecedented in the history of developmental criminology

in Pakistan. At the moment, Pakistan has no national institute of criminology, research and policing and security studies. Even in the private sector no one has come forward to invest in such academic endeavours.

One of the recent achievements of criminology is to get a place in the optional subjects in the Central Superior Service (CSS) examination which is the most prestigious and the highest test for selection of the elite national bureaucracy in Pakistan, conducted by the Federal Public Service Commission (FPSC) of Pakistan every year. The FPSC has asked the Pakistan Society of Criminology to design a curriculum for this optional subject vide letter no.F.3-1/2012/CR-11(Criminology) dated April 16, 2012 to be implemented from 2013. It is hoped that this one move will revolutionize the promotion of criminology in academic institutions as about a ten thousand candidates apply for CSS every year and criminology will be likely one of their choice.

17.2.3.3 Criminology in the Trainings

Besides universities and degree awarding institutions, criminology has also been lacking in the curricula of the training schools and colleges of the criminal justice system, particularly the police. Criminology was long taught in the training of the Assistant Superintendent of Police (ASP) at the National Police Academy (NPA), Islamabad. The course was primarily taught by visiting police scholars who would have done some courses in criminology from local or foreign institutions. After the reforms in the ASP course in 1999, criminology was excluded from the curriculum for unknown reasons. Today, police officers in Pakistan complete basic police training with no criminological knowledge. The status of criminology in the training academies of other components of criminal justice system is unknown.

17.2.4 Criminological Literature in Pakistan

There is a severe scarcity of criminological literature in Pakistan. Some of the police officers and a few academics wrote books on criminology and

Table 17.1 A country recorded crime

Offence	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Cases against person	44,139	47,076	47,612	55,375	57,312	59,369	62,094	67,017	64,647	71,580
Cases against property	49,696	50,622	54,098	64,046	59,189	59,317	66,902	65,658	63,597	59,702
Accidents	11,159	11,351	12,611	11,568	11,324	10,986	10,041	11,767	11,530	15,472
Local and special laws	127,788	125,780	117,112	134,349	151,588	142,684	145,137	154,221	161,329	158,575
Miscellaneous	54,964	51,699	58,567	58,013	59,815	56,949	84,987	129,886	108,064	83,085
All reported crimes	287,746	286,528	290,000	323,351	339,228	329,305	369,161	428,549	409,167	388,414

Source: Fasihuddin (Jan–Feb 2005). Country Report on Crime Prevention, Community Policing and Juvenile Delinquency in Pakistan. 129th International Senior Seminar, UNAFEI, Japan

Table 17.2 Country rate of reported crime

Offence	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000
Cases against person	40.91	42.57	41.96	47.65	48.09	48.61	49.67	52.24	49.14	53.01
Cases against property	46.06	45.73	47.69	55.11	49.67	48.57	53.50	51.19	48.32	44.21
Accidents	10.35	10.26	11.11	9.95	9.50	8.99	8.03	9.17	8.77	11.46
Local and special laws	118.43	113.67	103.25	115.60	127.20	116.85	116.04	120.24	122.58	117.42
Miscellaneous	50.94	46.72	51.63	49.92	50.19	46.64	67.95	101.27	82.11	61.52
All reported crimes	266.69	258.95	255.64	278.23	284.65	269.66	295.19	334.11	310.92	287.62

Source: Fasihuddin (Jan–Feb 2005). Country Report on Crime Prevention, Community Policing and Juvenile Delinquency in Pakistan. 129th International Senior Seminar, UNAFEI, Japan

policing studies.⁴ These books are often too old and/or not easily available in the market. The author's book, *Expanding Criminology to Pakistan*, is the only book freely available on the internet.⁵ Some of the memoirs of the retired Inspectors General of Police may help some researchers in writing the history of police and policing in Pakistan. Many of such books are in Pakistan's national language, Urdu.

17.2.5 Contribution of Pakistan Society of Criminology

The establishment of Pakistan Society of Criminology (PSC) in September 2008 and the inauguration of Pakistan Journal of Criminology (PJC) in April 2009 was a major step in the development of criminology in Pakistan. By 2012, PSC published twelve (12) issues including general and special issues covering a wide range of criminological subjects in Pakistan and the world. The special issues of PJC addressed the juvenile justice system in Pakistan (Vol. 1. No. 3. Oct 2009), terrorism, organized crime and law-enforcement (Vol. 2. No. 1. Jan 2010), violence against women (Vol. 2. No. 2. April 2010), criminal justice system in Pakistan (Vol. 2. No. 3. July

2010), and policing and transnational crime (Vol. 2. No. 4. Oct 2010) and terrorism and radicalism (Vol. 3. No. 3. Jan 2012). The journal is freely available at the PSC official web site.⁶ Contributions to the PJC come from all over the world, including USA, China, Australia, South Africa, UK, Iran, Canada, Turkey, India, Bangladesh, Japan, and others. A wide range of research papers has been published in PJC covering the areas of drugs, human trafficking, the criminal justice system, police, prosecution, prison, courts, child abuse, street crimes, kidnapping, cattle theft, violence against woman, corruption, cyber crimes, suicide bombing, police education and training, juvenile justice, problems and constraints in criminological research, and the limitations of criminological research in Pakistan. More than 75% of all the published research papers are produced by local scholars. It is an indicator of the improving situation of local literature on criminology in Pakistan. The remarkable achievement of PJC came on 29th March, 2012 when the Higher Education Commission of Pakistan formally recognized the PJC as an authentic research journal in "Y" category vide letter no.DD/JOUR/SS&H/2012/2/6.

Besides PJC, the Pakistan Society of Criminology also published a book titled "*Expanding Criminology to Pakistan*" which discusses practical issues in criminology in Pakistan along with an emphasis on the future prospects of criminology and with a proposed curriculum for the masters level programmes at universities in Pakistan as mentioned earlier. The book provides a wide range of links to the journals, web sites, archives, libraries and books on criminology around the world. It further discusses the issue of the practice and field application of criminology in Pakistan. Besides this, PSC also published a small booklet "*Child Rights, National and International Laws and the Role of the Police*" (2008) which is in Urdu. This small booklet is very useful for the policeman in Pakistan. The then Inspector General of Police, KPK sent the booklet to all the police stations of the province

⁴ e.g. *Criminal Justice, Crime Punishment and Treatment in Pakistan* by Ch. Abdul Majeed A. Auolakh; *Fundamentals of Criminal Investigation: A Handbook for Law Enforcement Officers* by Rana Abdurrazaq Khan; *Crime and Criminology: A Comparative Study in Islamic Republic of Pakistan* by Rana Abdul Razzaq Khan & Ch. Abdul Majeed A. Aoulakh; *Law and Method of Medical Examination and Evidence with Medical Jurisprudence and Criminology* by Masuad ul Hassan Khan; *Principles of Criminology and Pakistan Penal Code (Questions and Answers)* by Jamal Abbasi; *Socio Psychological Aspects of Crime in Pakistan* by Perveaz Naeem Tariq & Naeem Durrani; *Criminology: Problems & Perspectives* by Ahmed Siddique, *Criminology* by Justice[®] Munir A. Mughal; *Criminalities : Forensic Investigation for Law Enforcement Officers* by Aftab Ahmed Kahn; *Terrorism in Action* by Iqbal Hussain; *Criminal Justice & The Community and Guidelines for the New Entrants into Police Department* by M.Y. Orakzai and a few Urdu books on the subject.

⁵ For the book *Expanding Criminology to Pakistan*, visit this link <http://www.pakistansocietyofcriminology.com/Admin/uploads/ExpandingCriminology.pdf>.

⁶ www.pakistansocietyofcriminology.com.

through an official order. The same booklet has been used in numerous trainings on juvenile justice and the police in Pakistan. The PSC designed a new data-collection system for the local police in KPK, on Juvenile Justice Indicators, as required by the UNODC and UNICEF. For the first time since 1934, a new criminal record system was introduced. This practice was replicated in another province, Balochistan, by the National Police Bureau. Its report is now published and available online. Moreover, two training manuals on juvenile justice in Urdu language for police were published in 2011 and have been highly praised by local police chiefs.

One of the other contributions of PSC to the criminological literature is the translation of the book of Prof. Kam C. Wong, *Chinese Policing: History and Reform*, into Urdu. Wong's book provides a model analytical framework for those who are currently analyzing a democratic, professional and responsible policing (Fasihuddin 2011).

A future project of PSC is to launch a National Institute of Criminology (NIC). PSC has been working on NIC for the past few years. However, finding financial support for the project is the key constraint in the establishment of such an Institute.

17.2.6 Professional Organizations of Criminology in Pakistan

There have been a few professional organizations of criminological interest in Pakistan including Association of the Police Service of Pakistan (APSP), and National Council of Criminology Pakistan (NCCPAK)⁷ and the Pakistani chapter of the International Police Association (IPA).⁸ Unfortunately most of these organizations are defunct and have made no contribution to criminology. Only the Pakistan Society of Criminology has made significant contribution to the field. A few like-minded academics and police officers established the Pakistan Society of Criminology (PSC) in Sept 2008 and got it registered with the

provincial government of Khyber Pakhunkhwa (Registration No. DSW/NWFP/2988). The aims and objectives of the Society are to create a multi-disciplinary forum to serve the nation through earnest efforts of dissemination of criminological knowledge and field experiences, both from international scholarship and local best practices.

The PSC soon afterwards launched its web site, and ensured the publication of the Pakistan Journal of Criminology on quarterly basis. The Pakistani media is also giving a considerable recognition to the efforts of Pakistan Society of Criminology.⁹ Gradually it is drawing a significant attention of the researchers and readers from all over the world especially towards its indigenous criminological literature.

17.3 Part-II

17.3.1 Criminal Justice System in Pakistan

Criminal justice system as a system generated very little attention in Pakistan. The interest in criminal justice system has been largely sporadic, and in the words of Dr. Paul Petzschmann (2010), limited to a few aspects deemed sufficiently "policy-relevant" to merit international interest. Criminal justice system in Pakistan is largely an implanted institution, and amalgamation of

⁹ For example, in the most popular daily *Aaj*, Peshawar, many veteran columnists have written specific and special columns on criminology and the role of Pakistan Society of Criminology and its President (Dr. Zahoor Ahmad Awan, Daily *Aaj*, June 15, 2008., Prof. Dr. Inayatullah Faizi, Daily *Aaj*, Aug 15, 2008., and three consecutive columns written by Jamil Marghuz, Daily *Aaj*, September 19, 22, & 24, 2011. Another local daily *Jihad* published a one page English supplement report on 29th June 2010. The launching ceremonies of Pakistan Journal of Criminology have been given considerable coverage by most of the national dailies. The Radio Pakistan FM. 101 channel from Peshawar and Khyber News TV Channel had special interviews with Fasihuddin, Editor-in-Chief of Pakistan Journal of Criminology on June 16, 2011 and on September 20, 2011, respectively which were widely received and propagated. The Khyber News TV interview is available on PSC website; www.pakistansocietyofcriminology.com.

⁷ Access online at <http://nucss.edu.pk/index.php>.

⁸ Website of IPA <http://www.ipa-pk.com/>.

precolonial and colonial elements, combined with variety of Islamic legal interpretations (Petzschmann 2010).

As in most former British colonies, Pakistan's criminal justice system is rooted in British political traditions (Calafato and Knepper 2009). The procedure of criminal justice system in Pakistan, inherited from 90 years of British rule, is given in the Criminal Procedure Code (CrPC), 1898 which provides for case registration and investigation by the police and the trial in a criminal court. In a typical criminal case in the criminal justice system of Pakistan, first of all, a First Information Report (FIR) as per Section 154 of the CrPC is recorded. The FIR is known as the Register No. I in a police-station criminal record, which contains a total of 25 registers for various records in a locality (see Box 6 in Appendix 5). The police officer proceeds to the scene of the crime, where required, and investigates the facts of the case. After the completion of an investigation, the Station House Officer (also known as the Officer in Charge) of the police station sends a report to the concerned Magistrate or Session Judge, as the case may require. This is called Final Report (*Chalan*). On receiving the police report, the Magistrate or District and Session Judge takes cognizance and initiates the trial of the case. Once the charges are framed, the procedure requires the *prosecution* (emphasize added) to prove the charges against the accused beyond a reasonable doubt. The accused is to be given a full opportunity to defend himself/herself. If the trial ends in conviction of the accused, which is very low in Pakistan (15%), the court may award any of the punishments as prescribed in the Pakistan Penal Code, 1860 (or any other applicable special law).

In this section, we will describe the components of the criminal justice system in Pakistan; police, prosecution, courts, prisons and probation.

17.3.2 Police

Police are the first responders to any breach of law in all civil societies. The Constitution of Pakistan 1973 stipulates that in the provinces the responsibility for crime prevention and control and the

administration of justice primarily rests with the respective provincial governments. That is why police are under the control of the provincial government for all practical purposes. The federal government, however, has jurisdiction over matters such as the enactment of criminal laws, the training of certain categories of criminal justice personnel, and research, apart from the direct law and order responsibility it has for the federally controlled territories (Shoaib Suddle 1995). Though in all federation systems such arrangements are inevitable, yet at times, it gives rise to conflict between jurisdictions. Pakistani police have suffered a lot in this respect, especially after the new Police Order 2002, promulgated by the military ruler Gen. Pervez Musharraf and after Pakistan joined the war on terror in the wake of 9/11 attacks. As we will see, both decisions have far reaching effects for the police.¹⁰

17.3.2.1 Police Structure, Organization and Functions

Pakistan inherited the colonial criminal justice system from the British in India. Since the partition of India in 1947, Pakistan has had a rigid police structure, mostly hierarchical and vertical in nature and based on the command and control system. As Pakistan is a federation of four provinces, law enforcement powers have been divided between the federal government and provinces.¹¹

Provincial police agencies are led by an Inspector General of Police, supported by a Deputy Inspector General of Police in a region or range, who is assisted by a Superintendent of Police (SP) in a district. Below him is the Deputy or Assistant Superintendent of Police who commands the subdivision or *tehsil* (sub district level), and below him is the Station House Officer (SHO) who is in charge of a police station, mostly in the rank of Inspector or sub-inspector. After the Police Order 2002, most of this nomenclature

¹⁰ A major part of this portion was taken from the author's previous essays on police in Pakistan.

¹¹ For details see Fasihuddin (2010). Police and Policing in Pakistan: *Pakistan*. In Ajit Doval and BR Lall (2010). *Police and Security Yearbook 2010-2011*. New Delhi; Manas Publications.

was changed. The IGP is now called the Provincial Police Officer (PPO), the SP is renamed as District Police Officer (DPO) and the DIG in the big cities is given a new role and authority under the new title of Capital City Police Officer (CCPO). The Investigation (or detection) is being separated from the prevention (or watch and ward) and has its own chain of command right from a police station level to the SP (Investigation) and Additional Inspector General of Police (Investigation) at the top, however, subject to the general command and control of the SHO in a police station, of a DPO in a district, of a DIG in a region and of the PPO in a province. Prosecution is altogether cut off from the police and is now established as an independent department under the new law, the Prosecution Ordinance 2005 (See Appendix 6 for the various levels of entries to the police and the organizational structure).

The police normally are not happy with the available strength and budget and a demand for more recruitment and funds is always on the top of the police agenda. In the wake of serious terrorist attacks, more resources were provided by the government. For example, only in the province of KPK the police strength increased from 48,655 (2008) to 74,000 (2011). The major portion of the total police budget goes to establishment and management cost (80%), i.e. salaries and allowances of the force and only a little (20%) is left for the qualitative improvement, capacity building and professional competence (See Appendix 7).

17.3.2.2 Functions of the Police in Pakistan

The universal function of the police is the prevention of crime, investigation of crime and maintaining peace and order in a society. The same applies in Pakistan. To achieve this goal the Police Order 2002, Chapter II, Clauses 3 and 4, provide a detailed list of activities for the police to carry out. The major functions of the police are to protect life, property and liberty of citizens, preserve and promote public peace, keep order, etc. (See Appendix 8 for a detail list of functions of the police).

However, the effectiveness of the police to perform their duties is questioned by all sections

of the society, media, public, and civil society. Police are often labeled as “too late to arrive at the crime scene”, “they are never there when you need them”, “too violent or passive” etc. The deviation of the police from their duties is common in Pakistan (Fasihuddin 2009). Their functions have been reduced to the same old traditional duties than the new role envisioned for them in the new police order. The image of the police as providing security to the public and winning public confidence is often very tarnished.

17.3.2.3 Police Recruitment, Training and Education

A detailed description of the police recruitment, training and education has been given by Fasihuddin (2009) in his article, *Police Training and Education in Pakistan*. However, there are numerous problems in the recruitment, training and education of the police in Pakistan. The lower level recruitment (constable) is done by the District Police Officer. A huge level of corruption and other mal-practices are observed at various levels of recruitment in the police, particularly at the lower level. It is a generally accepted opinion that an unqualified person can be recruited if he/she pays for recruitment. However, there are no empirical findings in this regard.¹²

The major focus of the police trainings and education at various police training colleges (e.g. Police Training College, Hangu, KPK) is on teaching various criminal laws (e.g. Pakistan Penal Code, Criminal Procedure Code, Police Rules, Local and Special Laws, and Evidence Act etc) and physical training (e.g. combat fighting, drills, rifle musketry, mob dispersal, traffic control, and assault courses etc.). The author conducted a small survey of the lower level police in 2009 in which the police were asked about the major problems of the police. Majority (14.8%) of responded that “inadequate training facilities/training aides” is the biggest problem in the police training. Similarly, it was identified that the police perceive terrorism to be biggest

¹² For details see Fasihuddin (2009), Police Education and Training in Pakistan. *Pakistan Journal of Criminology*. Vol. 1. No. 2. Jul 2009.

problem concerning policing these days (22%). Criticizing the training curricula, Mr. Syed Akhtar Ali Shah, the Additional Inspector General of Police (Special Branch) of Khyber Pakhtunkhwa raised a question on the launching ceremony of Pakistan Journal of Criminology (April 24, 2012) “can we fight terrorist through teaching these laws and by such raw trainings to the police?” He doubted the affirmative answer as more than 500 policemen have been martyred (killed in action) since 2005 and over a thousand have been severely injured in terrorist attacks.¹³

Coming to the impact of the recruitment, training and education of the police, the indicators are not very positive. There are a huge number of cases in which the culprits are marked as untraced by the police.¹⁴ Similarly, the police remained at the top of the list of the most corrupt public sector institutions in the National Corruption Perception Survey 2011 report of Transparency International 2011, Pakistan chapter. Although the validity and reliability of this survey is challenged on many grounds, it still shows the perception of the population. Why the public perceive police as the most corrupt institution? This merits a separate research.

Likewise, Khan and Sajid (2010) criticized the poor quality police training and the lack of modern equipments, and thus commented that the police are the easy targets for the terrorists due to these in-sufficiencies.

17.3.2.4 Police Reforms in Pakistan

Although the history of police reform begins prior to independence we focus here on the post-independence developments. There have been more than two dozens commissions and committees on revamping, modernizing and reforming the police through both qualitative and quantita-

tive changes. Unfortunately the reports of all such bodies (Appendix 9, Box 7) are not available in the market, nor published by any government or displayed on their web sites. None of these reforms came true or implemented in letter and spirit due to a variety of reasons—political, economic, legal as well as administrative. The most important was the 1985 Commission and the subsequently Implementation Committee (1991) findings and Abbas Khan Report (1996) which demanded a modern police by replacing the police law with a new law, formulation of public safety commission and establishment of national police agency.

In view of these demands the new Police Order 2002 was promulgated which replaced the Police Act of 1861. It also resulted in the establishment of National Police Management Board, National Police Bureau and the Criminal Justice Coordination Committee at district level.

Concerns were raised soon after the new law was implemented and it was amended within the two months of its implementation. The police raised concerns whether the reforms are a positive step. It appeared to be a clumsy grafting of the Japanese police model into a semi-democratic, semi-tribal, semi-religious and transitional society of a country which was already suffering from extremely poor socioeconomic development (Fasihuddin 2008). The new Police Order, 2002 is highly comprehensive and detailed. It is a part of the Access to Justice Programme (<http://www.ajp.gov.pk>), mainly funded by the Asian Development Bank. In reality, the provision of the required human and material resources for its proper implementation is yet to occur. Due to the numerous amendments in the Police Order 2002, the former senior officers who supported the new system are now disappointed over the lack of true reforms. For example, Shigri (2005), a retired Inspector General of Police and a champion of the new police reforms, terms the amended reforms of 2002 as worse than the 1861 Police Act. He warned of the dreadful results due to the destruction of the police command structure. Due to political exigencies, the present Government of

¹³ Official data provided by SP/Research Investigation, Central Police Office, Peshawar, KPK, Pakistan.

¹⁴ For example, in the province of KPK, out of 14,921 investigated cases in 2012, 1578 were marked as untraced (source official data provided by the SP/Research, Central Police Office, Peshawar, KPK).

Pakistan has tolerated significant amendments to Police Order 2002 by provincial governments since 2008. Balochistan province has completely reversed it and the KPK has begun to do so. In Sindh, it is reversed one day and restored the other, depending on the political accommodation of the coalition partners. No new Police Rules have been framed in light of the new Police Order 2002. The 18th Constitutional Amendment for devolution of powers has also given rise to difficult legal questions on the new police law. Only time will resolve this current (2011) ambiguity in police reforms.

17.3.3 Prosecution

Prosecution plays a pivotal role in the administration of justice. A prosecutor or public prosecutor is an expert of the law to represent the state, in court proceedings, against the law breaker. Prosecution in Pakistan was a branch of police but it has recently been separated, with a view to achieving a more timely resolution of cases. It is now made into an independent department after the promulgation of the Prosecution Ordinance of 2005.¹⁵

Prosecutors are covered under section 492 of the CrPC which provides that the provincial government may appoint “generally or in any case, or for any specified class of cases, in any local area, one or more officers to be called Public Prosecutors”.¹⁶ As mentioned, the prosecution services in all the provinces were under the Home Department and were administered by the police

until 2005.¹⁷ There was a separate prosecution branch of the police consisting of law graduates in the ranks of Deputy Superintendents of Police (DSP), Inspectors and Sub-Inspectors. This was considered, however, to be a major reason for poor prosecution and delay in the resolution of court cases. During the 1980s, a first attempt was made to transfer administrative control of prosecution powers from the police to law departments.¹⁸ The ongoing vacillation between the Home Departments and the Law Departments on this question continued until prosecution services were permanently placed under the administrative control of the Law Departments with the promulgation of the Police Order, 2002. At present, all the provinces have laws for separate prosecution services and the respective provincial prosecution services are at nascent stages of development (Mirza 2010).¹⁹

17.3.3.1 Provincial Organization of Prosecution Services: A Case for Kyber Pakhtunkhwa

The prosecutorial services in KPK were introduced through the North-West Frontier Province

¹⁵ A major part of this portion is taken with permission from the essay of Mashood Ahmad Mirza, Role and Responsibilities of Public Prosecutors in Pakistan, published in Pakistan Journal of Criminology. Vol. 2. No.3. July 2010.

¹⁶ “Public Prosecutor”, means any person appointed under section 492, and includes any person acting under the directions of a Public Prosecutor and any person conducting a prosecution on behalf of the State in any High Court in the exercise of its original criminal jurisdiction. He is bound to assist the Court with his fairly considered view and the Court is entitled to have the benefit of the fair exercise of his function. AIR 1957S.C. 389.

¹⁷ An Asian Development Bank soft loan to Pakistan is de facto primarily responsible for the Access to Justice Program, in which the state is engaged “in improving justice delivery, strengthening public oversight over the police, and establishing specialized and independent prosecution services”. In this we see the Police Act 1861 being replaced by the Police Order 2002 and new laws to constitute and provide for the functions of independent prosecution services in Pakistan, thus divorcing prosecution from the investigative arm of the police. Arguably, more valid grounds can be cited for the creation of an independent prosecution service in Pakistan, being article 175(3) of the constitution, which mandates that “the judiciary shall be separated progressively from the executive within three years from the commencing day”. Thereafter, there was the appeal decided in Govt. of Sindh v. Sharaf Faridi (PLD 1994 SC 105).

¹⁸ In Sindh, for instance, it was done in 1986; see Zahid and Wasim 2010, *The province of Sindh as a case study on the prosecution service*: <http://www.article2.org/mainfile.php/0704/333/> as on 12 July, 2010.

¹⁹ The laws providing for independent prosecution services are The Sindh Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2009, The Punjab Criminal Prosecution Service (Constitution, Functions and Powers) Act, 2006, The North-West Frontier Province Prosecution Service (Constitution, Functions and Powers) Act, 2005, The Balochistan Prosecution Service (Constitution, Functions And Powers) Act, 2003.

Prosecution Service (Constitution, Functions and Powers) Act 2005. After this Act came into operation, all prosecution services in KPK province, from the registration of the FIR up to the conclusion of the case by the Supreme Court of Pakistan, came under the KPK Directorate of Prosecution.

The 2005 Act has 12 sections. The powers of the prosecutor are immense and are given in Chapter III.²⁰ The public prosecutor under the said ordinance is appointed under section 492 of the CrPC.²¹ Once the prosecutor receives a case file from the police, the prosecutor reviews it and has the option to continue with the prosecution, take no further action or divert it away from the criminal proceedings.²²

17.3.3.2 Organizational Structure and Responsibilities

The Directorate is classified into three sections: prosecution, administration, and accounts. The establishment lies with the Home Department. It is headed by a Director General assisted by a Public Prosecutor, Director Legal and Director Administration/Accounts. The Director General

in essence is the head of Prosecution in the Directorate. He looks after the Establishment and Accounts Branches and exercises overall control over officers of the Prosecution Directorate. The District Public Prosecutors oversee the prosecution functions in the respective districts and all the Assistant Public Prosecutors report and take guidance from the District Public Prosecutor. In cases where the sanctioned posts cannot be filled, the Prosecution Directorate can as a stop-gap measure appoint Special Public Prosecutors from the respective bars associations.

17.3.3.3 Major Functions of the Prosecution Directorate

Normally, the role of the public prosecutor commences after the investigation agency presents the case in court. The Investigation Officer and the Public Prosecutor work independently of each other in the new system. Prosecuting officers assist law courts in the disposal of cases. The Directorate aims to deliver a prompt, efficient and speedy service to the litigant for achieving the ends of justice, ensuring judiciousness and speedy legal remedies.²³ Cases registered and investigated by the police are referred to the prosecution for scrutinizing charge sheets, and after their institution in the courts, the Assistant Public Prosecutors conduct the prosecution. They evaluate the evidence in each case and make their recommendations for filing revision petitions or appeals against impugned orders and judgments, as well as conduct cases in Courts. The public prosecutor has the power to withdraw prosecution if reasonable grounds exist under section 494 of the CrPC. Consent will be given by the Public Prosecutor only if public justice in the larger sense is promoted rather than subverted by such withdrawal.

²⁰See generally Chapter III of the North-West Frontier Province Prosecution Service (Constitution, Functions and Powers) Act, 2005.

²¹“Public Prosecutor” means a person appointed as Public Prosecutor under this Act for the purpose of section 492 of CrPC and includes District Public Prosecutor, Additional Public Prosecutor, Deputy Public Prosecutor and Assistant Public Prosecutor as well as Special Public Prosecutor.

²²A District Public Prosecutor in case of offences carrying seven years or less imprisonment and the Director General Prosecution for all other offences may withdraw prosecution subject to prior approval of Court. Provided that prosecution of an offence falling under the Anti Terrorism Act, 1997 (XXVII of 1997), shall not be withdrawn without prior permission in writing of the Secretary to Government, Home and Tribal Affairs Department. See also Section 494 of CrPC, “Effect of withdrawal from prosecution. Any Public Prosecutor may, with the [...] consent of the Court, before the judgment is pronounced, withdraw from the prosecution of any person either generally or in respect of any one or more of the offences for which he is tried, and upon such withdrawal: (a) if it is made before a charge has been framed, the accused shall be discharged in respect of such offence or offences; (b) if it is made after a charge has been framed, or when under this Code no charge is required, he shall be acquitted in respect of such offence or offences”.

²³“Preamble of the North-West Frontier Province Prosecution Service (Constitution, Functions and Powers) Act, 2005 states that “WHEREAS it is expedient to reorganize and establish a Prosecution Institution with a view to achieving a speedy justice process in the North-West Frontier Province and for matters ancillary or incidental thereto”.

17.3.3.4 Performance of Prosecution in Khyber Pakhtunkhwa

Generally conviction rates by the prosecution have been abysmally low, but it must be emphasized here that the prosecutor places before the court all the evidence in his or her possession, whether in favour of or against the accused. However, most of the time, this motive is misinterpreted and prosecutors show no interest in winning cases in favour of their client.

Overall, the conviction rate in the province is very low. The data obtained from the Police Department of the KPK provides an insight into the conviction rate and the working of the Prosecution Directorate (See Appendix 10, Table 17.11). Analysis was restricted to 2009 due to the paucity of information and credible data for the past years. The average conviction rate of crimes against substantive law for the year 2009 remained 15.48%. The conviction rate is higher if convictions under special laws are included, but the rate of conviction drops when convictions are recorded under the substantive law.

The conviction rate however, is not indicative of the efficiency of the Prosecution Directorate. Nonetheless, in the wake of terrorism and the release of terrorists by the Pakistani Courts is often blamed on the poor prosecution of the case. Moreover, the police divide a single crime into many categories. This is a usual technique of the police throughout the world and sometimes is called the “purification of statistics”. Moreover, the conviction in terrorism cases is extremely low i.e. 2% at the national level while 5% in KPK about which even the higher judiciary has taken serious notice and news in media are of no dearth to put blame on police or prosecution for such a low level of conviction (Amin 2011).²⁴

For any prosecution department to be successful and submit cases with best evidence before the courts, good relationships with the police are crucial. The unfortunate in-coordination and

disconnect between police and prosecution often result in the acquittal of dangerous terrorists who had been arrested with great difficulties. It remains to be seen whether police will accept the supervisory role of the prosecutor.

17.3.4 Judiciary/Courts

Courts are one of the basic components in all justice systems. It is the next step after prosecution in the criminal justice system. When the prosecutor presents all evidences against an alleged offender and the offender presents his own evidences in defence then the court concludes the trial and the presiding judge pronounces the judgment. The judgment could be of acquittal or punishment.²⁵

17.3.4.1 Structure and Functions of Courts in Pakistan

The judiciary in Pakistan is composed of three levels of federal courts, three divisions of lower courts, and a Supreme Judicial Council. There are district courts in every district of each province, having both civil and criminal jurisdiction though they deal mainly with civil matters. The High Court of each province has jurisdiction over civil and criminal appeals from lower courts within the provinces. The Supreme Court sits in Islamabad and has exclusive jurisdiction over disputes between or among federal and provincial governments, and appellate jurisdiction over High Court decisions. There is also a Federal Shariat Court established by Presidential Order on 26th May 1980. This Court has exclusive jurisdiction to determine, upon petition by any citizen or the federal or provincial governments or on its own motion, whether or not a law conforms to the injunctions of Islam. An Islamic advisory council of *ulama* (religious scholars) assists the Federal Shariat Court in this capacity (Barakatullah 2010). Recently the Islamabad

²⁴ Amin, A. (April 19, 2011). Only 2% of terrorists are getting sentenced: In Daily *The News International*. Islamabad: Retrieved May 15, 2011 from <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=42426&Cat=7&dt=4/19/2011>.

²⁵ A major part of this portion is taken with permission from the essay of Barakatullah, Advocate, Judicial System in Pakistan, published in Pakistan Journal of Criminology. Vol. 2.No. 3. July 2010.

High Court is re-established for the capital territory of Islamabad. The most important part in criminal justice system is played by the lower judiciary i.e. District Courts, Session Courts, and Courts of Magistrate (See Appendix 11 for the structure of judiciary in Pakistan).

17.3.4.2 District Courts

The district courts of Pakistan are the lowest of all the courts in the hierarchy, which deal with all the matters pertaining to civil and criminal nature. In every district, there is a Court of Sessions Judge, and the Courts of Magistrates have the jurisdiction to try the Criminal cases. The offences punishable with death and cases arising out of the enforcement of laws relating to *Hudood* (Islamic Laws) are tried by Sessions Judges. The Court of a Sessions Judge is competent to pass any sentence authorized by law. Offences not punishable with death are tried by Magistrates. Among the Magistrates there are Magistrates of 1st Class, 2nd Class and 3rd Class. An appeal against the sentence passed by a Sessions Judge lies to the High Court and against the sentence passed by a Magistrate to the Sessions Judge if the term of sentence is upto 4 years, otherwise to the High Court. During the year 2009 the disposal of cases in District Courts of KPK province was 79,963 while 19,723 were still under trial at the end of 2009 (See Table 17.3 for details). Although the disposal is higher than the institutions of cases, however, the pendency slows the justice process of the courts Table 17.4.

17.3.4.3 Session Courts

The jurisdiction of the Session Court extends to the whole district. It is presided by a session judge appointed²⁶ who may be assisted by one or more than one additional session judges. All magistrates in the district are subordinate to the session judge. A Session judge has numerous powers e.g. to conduct trials of all serious crimes such as robbery, murder and all kinds of homicide, serious thefts by habitual offenders etc. A death sentence pronounced by the Session judge can be carried out only after the confirmation by

the High Court. Appeals from the courts of Magistrates go to Session Court. All session judges have the power of the justice of the peace and they can exercise the same powers as the police u/s 54 and 55 of the Code of Criminal Procedure. An ex-officio justice of the peace may issue appropriate direction to the police authorities concerned on a complaint regarding non-registration of criminal case; transfer of investigation from one police officer to another; and neglect, failure or excess committed by a police authority in relation to its function and duties.²⁷ (See Appendix 12 for details).

17.3.4.4 Judicial Magistrate Courts

In every town and city there are numerous civil and judicial magistrate courts. Magistrates with power of Section 30 of Cr.P.C can hear all matters and offences of criminal nature, where there is no death penalty (such as for attempted murder, dacoity, robbery, extortion) but he can pass sentence only up to 7 years or less. If the court thinks the accused deserves more punishment than 7 years then it has to refer the matter to some higher court with its recommendations. Every magistrate court is allocated a jurisdiction that is usually one or more Police Stations in the area. The trial of all non bailable offences including police remand notices, accused discharges, arrest and search warrants bail applications are heard and decided by Magistrate Courts.

Magistrate 1st class has the power to try offences punishable up to 3 years imprisonment and fifty thousand rupees fine. Magistrate 2nd class has the power to try offences punishable up to 1 year and five thousand rupees fine. Magistrate 3rd class has the power to try offences punishable up to 1 month and one thousand rupees fine.

17.3.4.5 Judicial Reforms in Pakistan

In early 2001 a huge programme of judicial reforms was initiated with the financial support from Asian Development Bank (ADB). The project was worth US \$350 million (P&D 2006). There were four (4) main objectives of the programme,

²⁶ u/s 9 of the code of criminal procedure 1898.

²⁷ Amendment through ordinance no OXXXI of 2002 by inserting Sub section (6) in 22.A of the code of criminal procedure 1898.

Table 17.3 Judicial statistics for District Court of Khyber Pakhtunkhwa-2009

Pending as on 01.01.2009	Institutions from 01.01.2009 to 31.12.2009	Total for disposal	Disposal from 01.01.2009 to 31.12.2009	Balance as on 31.12.2009
23,681	76,005	99,686	79,963	19,723

Source: Judicial Statistics of Pakistan 2009. Published by the Secretariat of Law and Justice Commission of Pakistan, Supreme Court Building, Islamabad

1. Provide security and ensure equal protection under the law to citizens, in particular the poor;
2. Secure and sustain entitlements and thereby reduce the poor's vulnerability;
3. Strengthen the legitimacy of state institutions; and
4. Create conditions conducive to pro-poor growth, especially by fostering investor's confidence.

However, the programme did not achieve any of the set objectives.

Similarly, the National Judicial Policy (2009) was a good initiative by the National Judicial Policy Making Committee. The policy aims at providing speedy justice. The policy is revised recently by the committee, including the objective of "Justice at the Grass-root Level" in the new revised edition of the policy (2011).²⁸

17.3.5 Prison

Like all other institutions of the criminal justice system, Pakistan inherited the prisons set-up from the British colonial period. This system was used as an instrument to suppress political opponents and to neutralize threats to Crown rule. After independence, the prisons and prison departments as a whole remained a low-priority for Government. However, prisons remained an exclusively provincial concern in the successive constitutions of the Republic of Pakistan. Provincial Governments did make efforts to maintain and improve the existing prisons. Quite a few numbers of new jails were constructed in the last 50 years on the recommen-

dations of various prisons reform committees (Khan 2010).²⁹

17.3.5.1 Structure and Functions of Prisons in Pakistan

At present there are ninety-nine (99) prisons in Pakistan including Azad Kashmir and Gilgit-Baltistan which includes four Women Jails (one jail in Punjab i.e. Women Jail, Multan and three jails in Sindh Province i.e. Women Jail, Larkana, Women Jail, Karachi and Special Women Jail, Hyderabad). However, women prisoners are also kept in separate portions of other jails.

It also includes two Borstal Institutions and Juvenile Jails i.e. B.I.&J.Jail, Bahawalpur and B.I.&J.Jail, Faisalabad. Juvenile prisoners are also kept in the Youthful Offenders Industrial School, Karachi and separate portions of other jails of the country. In his article, Prison System in Pakistan, Muhammad Masood Khan mentions the objectives of the prison are to provide custody, control, care, correction and cure of the inmates. As far as the functions of prison is concerned they include executing the sentence awarded by the Court; maintenance, care, custody and transfer of prisoners; maintenance of orders and discipline amongst the prisoners; control of expenditure relating to prison management; enforcement of Prison Act, 1894, all laws, rules/regulations and orders pertaining to the protection and maintenance of prison/prisoners; imparting useful education/training to the prisoners in various trades/skills and other vocational disciplines for their rehabilitation; and organizing of recreational programmes, welfare measures and psychological counseling of inmates for their correction and rehabilitation.

²⁸For the online version of the revised edition of the National Judicial Policy 2009, please visit the following link; <http://www.ljcp.gov.pk/Menu%20Items/National%20Judicial%20Policy/Judicial%20Policy%20June%202011.pdf>.

²⁹A major part of this portion is taken with permission from the essay of Muhammad Masood Khan, Prison System in Pakistan, published in Pakistan Journal of Criminology. Vol.2.No.3. July 2010.

Table 17.4 Disposal of cases by all courts in Pakistan

	1st Jan to 31st Dec 07	1st Jan to 31st Dec 08	1st June 09 to 31st May 2010	% Age increase in disposal of cases as compared to 2007	2008
Supreme Court of Pakistan	10,018	9,639	17,348	73	80
Federal Shariat Court	2,066	1,850	1,257	-39	-32
High Courts					
Lahore High Court	53,877	74,542	109,422	103	47
High Court of Sindh	12,493	16,524	18,124	45	10
Peshawar High Court	11,627	11,556	13,792	19	19
High Court of Balochistan	3,297	3,627	3,078	-7	-15
All High Courts	81,294	106,249	144,416	78	36
Subordinate Judiciary					
Punjab	1,246,665	1,503,904	2,281,062	83	52
Sindh	140,688	146,458	265,101	88	81
KPK	336,552	364,882	340,106	1	-7
Balochistan	23,330	25,429	44,368	90	74
All District Courts	1,747,235	2,040,673	2,930,637	68	44
All Courts Consolidate	1,840,613	5,158,411	3,093,658	68	43

Source: Dr. Faqir Hussain. (2011). The judicial system of Pakistan. Islamabad. Retrieved 28 Aug 2011 from http://www.supremecourt.gov.pk/web/user_files/File/thejudicialsystemofPakistan.pdf

17.3.5.2 Prison Statistics

As mentioned above, there are a total of 99 prisons in Pakistan. Out of the total, 32 prisons are in Punjab, 22 in Sindh, 23 in KPK, 11 in Balochistan, 5 in Gilgit-Baltistan and 6 in Azad Kashmir. Furthermore, 25 of the total prisons are the Central Jails situated in major cities of Pakistan, 50 are District Jails, 9 are Sub Jails, 5 are specified jails for women, 5 Juvenile Jails, 1 Special Prison and 4 Judicial Lock-ups.

The situation in Pakistani prisons is very unhealthy. Mostly the prisons are overcrowded. As it can be seen from Table 17.11 that the prisons in Pakistan have the capacity for only 42,670 prisoners while they are carrying out a population of 78,328 prisoners i.e. about 83% more than the authorized capacity (See Table 17.5 for details). Based on this information, it can be concluded that there were 44.2 prison inmates per 100,000 population. It is extremely low level of inmates when compared by international standards. For example, the per capita inmates in the US are 737 per 100,000 population, 615 in Russia, 148 in the UK, 118 in China, and 125 in Australia (International Center for Prison Studies 2012).³⁰

Of course there is overcrowding, but that is because Pakistan has a very outdated colonial prison system, and the overall number of 44.2 per 100,000 has not come about because Pakistan is overly non-punitive, it is a resource problem. Similarly, there is 83% over capacity mentioned is very interesting with a prison population of 78,328. However, compared to Pakistan, the number of inmates in the United States is 2,193,798 i.e. 96% more than the prison population in Pakistan. Pakistan would have had a prison population between 1.3 and 1.4 million inmates if they had been on the level of the United States.

Besides overcrowding, Masood Khan (2010), who is the Principal of the National Institute of Prison Administration, now called National

Academy for Prison Administration (NAPA), Lahore—the chief staff training institute of prisons and prison data collection agency in the country—identified a number of other issues and problems including shortage of manpower to run the prisons, inadequate security devices, unhygienic water and food and lack of recreational facilities for the inmates. Though the jail administration generally talks of these perennial issues and chronic problems being faced by them, no reports or research papers are available on any of the above. Like police, the prison officials complain of challenges but rarely have any solutions. A formal review of Pakistani prisons is required.

17.3.5.3 Prison Reforms

There have been voices regarding prison reforms, however, no concrete step has been taken by any administration for bringing any conclusive reforms in prison system. The most visible step taken by any government in the country is the release of prisoners, or remission of sentence of some prisoners on special occasions like the Independence day or *Eid* day. According to the Principal of NAPA, the jail rules of Pakistan are very old and are unfit for the present over-crowded and overburdened jails with poor ventilation and other systems. No concrete steps have been taken for using the prisoners as a labour for producing industrial goods, thereby contributing to the local economy.

17.3.6 Probation

Imprisonment is not the only way to respond to the criminals. There are various alternative methods to imprisonment including probation which is arguably one of the most progressive contributions to modern criminal policy (Qureshi 1999). It is a very important agency in criminal justice system. Those offenders who, according to the court, are likely to be reformed, and who are not dangerous to society, are not sentenced to imprisonment and are kept on probation under the supervision of the state-probation officer. Probation is “a period of time when a criminal must behave well and not commit any more crimes in order to avoid being sent to prison”

³⁰ International Center for Prison Studies. (2012). *Entire world—Prison Population Rates per 100,000 of the national population*. Retrieved May 05, 2012 from http://www.prisonstudies.org/info/worldbrief/wpb_stats.php?area=all&category=wb_poprte.

Table 17.5 Province-wise prison population and authorized capacity-2009

Sr. no.	Name of province	No. of prisons	Authorized capacity	Prison population
1.	Punjab	32	21,527	52,318
2.	Sindh	22	10,285	14,422
3.	KPK	23	7,982	7,549
4.	Balochistan	11	2,173	2,946
5.	Azad Kashmir	06	530	663
6.	Gilgit Baltistan	05	173	430
	Total	99	42,670	78,328

Position updated till 31 Dec 2009

Source: Khan, M. M. (2010). Prison System in Pakistan: Pakistan Journal of Criminology. Vol.2. No. 3. July 2010

(Probation 2009). As defined by Elrod and Ryder, it is the supervised release of an individual by a court (Elrod and Ryder 2005). In the words of McLaughlin and Muncie (2001) probation is the supervision of offenders in conditions of freedom by designated officers of the court (sometimes called probation officers or community corrections officers). Nowadays regarded as an “alternative to prison”, though, historically, has been viewed as an “alternative to punishment”.³¹

Islamic philosophy of crime does not profess hating the criminal rather it professes hating the crime and reforming the criminal. Quoting from Ibn-Timya on philosophy of punishment, one scholar, Qadir (1988), comments that “Islam is a blessing and benevolence to humanity, not punishment. Therefore, those who award punishment must take into consideration the principles of blessing and benevolence. Punishment by state is similar to the father punishing his child or the doctor treating the illness of a patient”. He further comments that “the concept of punishment is for the reformation of the individual and the society”. Similarly, the probation system is based on the philosophy of “eradicating the crime not the criminal”. Many Islamic scholars quoted various sayings of the Prophet Muhammad (Peace Be Upon Him) and the Quranic verses for reformation and correction. To quote one example from the Quran, see the translation of the verse 6:54 by Dr. Abdul Majeed Aulak:

“and when those who believe in Our (Allah’s) Verses come to you, please tell them, peace be upon you. Your Rub (Sustainer) has prescribed for Himself Mercy so that whoso of you commits some misdeed due to ignorance and repents thereafter and amends himself, then surely Allah is Forgiving Merciful”.

Probation department in Pakistan performs its functions under The Good Conduct Prisoner’s Probation Release Act 1926, Probation of Offenders Ordinance 1960, and JJSO 2000, and the rules formulated under various laws (Sajid 2009). According to 3rd and 4th periodic report on Convention on the Rights of the Child submitted by Pakistan, “there is lack of awareness about the [probation] system and its significance. Police, prison officials and even in the ranks of lower judiciary there is lack of awareness concerning probation system”. Similarly, Sajid (2009) reported that only 2% of the police have heard about the JJSO and less than 1% has read the JJSO.

17.3.6.1 Probation Procedures

The Probation of Offenders Ordinance (1960), Section 5 empowers the Judiciary/courts to place certain offenders on probation not more than 3 years who are eligible for release on probation. After release of offenders on probation, the Reclamation and Probation (R&P) department in the province is to supervise, monitor and rehabilitate them in the community. Probation and parole officer plays the key role in the whole process of probation system from release of offenders to successful rehabilitation (Bhutta 2010). Judicial Magistrate Court, Session Court, and other Courts are authorized to release any offender on probation in Pakistan.

In some circumstances the courts allow conditional discharge of an offender depending upon

³¹ A major part of this portion is taken with permission from the essay of Mazhar A. Bhutta Community Based Rehabilitation of Offenders; an Overview of Probation and Parole System in Pakistan, published in Pakistan Journal of Criminology. Vol. 2. No. 3. July 2010.

the age, character, antecedents or physical or mental condition of the offender, and nature of the offence. In case of woman offender, any woman can be conditionally discharged having any sentence except death sentence.³²

17.3.6.2 Social Investigation Report

After hearing the arguments of the prosecution and the defence, if the Court feels the case fit for probation, then it orders the Probation Officer to submit SIR that includes information regarding the character, antecedents, commission and nature of offence, and home surroundings and other circumstances about the offender who is likely to be released on probation.

17.3.6.3 Functions of the Probation Officer

The probation officer performs numerous functions. One of the major functions of the probation officer is to endeavour to find suitable employment for the probationer and assist, befriend, advise and strive to improve his conduct and general conditions of living (see Appendix 13 for details of all the functions of Probation Officer). However, the probation officers can rarely perform most of the functions prescribed by the law. When asked in an informal interview, the Director of the Probation Directorate, KPK, said that “the job scale of the probation officer is very low, and that there is extreme lack of facilities for the probation officers in districts, e.g. no vehicle for travelling etc”.

17.3.6.4 Probation Statistics

Table 17.6 presents some vital statistics about probation in Pakistan. As on March, 2010 there were a total of 65 probation officers including 7 female officers in Pakistan observing 23,197 probationers in the whole country. It means there were 356 probationers under the supervision of each officer—a huge burden indeed. As far as juveniles are concerned, there were a total of 295 juveniles under probation in Pakistan.

The majority of the probationers in all categories (91% of all probationers) were in Punjab province. The province of KPK has 6 female probation officers while other provinces, except Punjab, have no female probation officer even though they have female probationers in supervi-

sion as evident from the above-mentioned table. It means the male probation officers are supervising the female probationers in these provinces.

17.3.6.5 Parole System

Parole contains different meanings depending on the context. However, in criminal justice, it refers to the early release of a prisoner who has been noted as bearing good conduct during a certain period of his imprisonment. The law of Pakistan (The Good Conduct Prisoners' Probation Release Act 1926) states that a person who is confined in prison under a sentence of imprisonment, and it appears from his antecedents or his conduct in the prison that he is likely to abstain from crime and lead useful and industrious life, if he is released from prison, he may be permitted to be released by license on condition that he be placed under the supervision or authority of a suitable person named in the license and willing to take charge of the prisoner.³³ Under the law, it

³²Section 4 of THE PROBATION OF OFFENDERS ORDINANCE, 1960, Ordinance No. XLV of 1960

4. Conditional discharges, etc. —(1) Where a court by which a person, not proved to have been previously convicted, is convicted of an offence punishable with imprisonment for not more than two years is of opinion, having regard to:—(a) the age, character, antecedents or physical or mental condition of the offender, and (b) the nature of the offence or any extenuating circumstances attending the commission of the offence, that it is inexpedient to inflict punishment and that a probation order is not appropriate, the court may, after recording its reasons in writing, make an order discharging him after admonition, or, if the court thinks fit, it may likewise make an order discharging him subject to the condition that he enters into a bond, with or without sureties, for committing no offence and being of good behaviour during such period not exceeding one year from the date of the order as may be specified therein. (2) An order discharging a person subject to such condition as aforesaid is hereafter in this Ordinance referred to as “an order for conditional discharge”, and the period specified in any such order as “the period of conditional discharge”. (3) Before making an order for conditional discharge, the court shall explain to the offender in ordinary language that if he commits any offence or does not remain of good behaviour during the period of conditional discharge he will be liable to be sentenced for the original offence. (4) Where a person conditionally discharged under this section is sentenced for the offence in respect of which the order for conditional discharge was made, that order shall cease to have effect.

³³ Section 2 of the Good Conduct Prisoners' Probation Release Act, 1926 of Pakistan.

Table 17.6 Province-wise situation of probation officers and probationers in Pakistan

Province	Probation office			Probationers				Total
	Male	Female	Total	Male	Female	Juveniles Male Female		
Punjab	35	1	36	20,774	225	217	0	21,216
Khyber Pakhtunkhwa	16	6	22	1,607	17	43	2	1,669
Sindh	1	0	1	277	0	33	0	310
Balochistan	6	0	6	2	0	0	0	2
Pakistan	58	7	65	22,660	242	293	2	23,197

Source: National Academy for Prison Administration, (NAPA) Lahore Pakistan (former CJSTI) Dated 30 March, 2011

is called conditional release or Parole release. However, this is the least developed branch of CJS in Pakistan after Probation and Prosecution.

17.3.6.6 Parole Procedures

When the provincial government identifies a prisoner with good conduct and it is decided that the identified prisoner may be released on parole, then the provincial government through Reclamation and Probation department issues a license to the said prisoner. The prisoner released on parole is called a parolee. The parolee is to be engaged in suitable environments under the supervision of Parole officer of the Reclamation & Probation (R&P) department in his/her respective province. The parolees are employed with approved employers of R&P department on fixed wages and under specific terms and conditions (Bhutta 2010). The license is in force until the date on which the person released would, in the execution of the order or warrant authorizing his imprisonment, have been discharged from prison had he not been released on license, or until the license is revoked, whichever is sooner (Section 3 of the Good Conduct Prisoners' Probation Release Act 1926).

17.3.6.7 Selection of Prisoners Eligible for Parole Release

The cases of prisoners who are likely to be released on parole may be taken up by the Assistant Director R&P department on application of the prisoner, on application of the relative or friend of the prisoner, on recommendation of the Superintendent of jail, or the Assistant Director and Parole Officer visit jail for selection of prisoner suitability to be released on parole.

17.3.6.8 Functions of the Parole Officer

Bhutta (2010) provided a long list of all the functions of a parole officer in Pakistan. The major functions, among them, were supervision and rehabilitation of the offenders placed on parole, assist prison administration in preparation of rolls of selected prisoners for parole release, and assist parolees in finding suitable employment.

It is to be noted that the duties of Parole officers are assigned to Probation officers in many districts of Pakistan as there is shortage of Parole staff in R&P department of each province.

17.3.6.9 Parole Statistics

Table 17.7 provides some useful statistics regarding parole in Pakistan. Out of the 17 parole officers, 56% are male officers. The highest number of parole officers is found in the Punjab province, i.e. almost 59%. However, it is not astonishing by the fact that the highest number of prisoner is also found in the Punjab province (66%).

As far as the parolees are concerned, there were a total of 191 parolees at March 30, 2010 in all the provinces. All the parolees were male. More than 50% of the prisoners were on parole in the Punjab province, while 42% parolees were found to be from the Balochistan province, a province with a total of 2,946 prisoners as compared to 52,318 prisoners in the Punjab (See Table 17.11). It appears that the parole rate is highest in Balochistan province, i.e. 27.16 per 1000 prison population as compared to 1.89 in the Punjab and less than 1 in other two provinces. The reasons are yet to be researched.

Table 17.7 Province-wise situation of parole officers and parolees in Pakistan

Province	Parole officers			Parolee				
	Male	Female	Total	Male	Female	Juveniles		Total
						Male	Female	
Punjab	8	2	10	99	0	0	0	99
Khyber Pakhtunkhwa	2	0	2	5	0	0	0	5
Sindh	1	0	1	7	0	0	0	7
Balochistan	2	2	4	80	0	0	0	80
Total	13	4	17	191	0	0	0	191

Source: National Academy for Prison Administration,(NAPA) Lahore Pakistan (former CJSTI, Dated 30 March, 2010)

17.4 Conclusion

The development of criminology in Pakistan is still in its infancy. There are a very few Universities offering courses in criminology. The criminal justice system in Pakistan has not been very successful in delivering justice. The Access to Justice Programme, a huge programme of US \$350 million, launched in (2001), to reform the criminal justice system does not seem to have achieved its targets in terms of police, legal and judicial reforms.

The police are facing the new challenges of the twenty-first century. The biggest among those is terrorism. Under the new police reforms, National Public Safety Commission, National Police Bureau and Criminal Justice Coordination Committee have been established on various levels. However, neither the performance nor image of the police is improved, despite the new police law in 2002. The Police Rules of 1934 are still not revised and amended.

Prosecution has been developed into a separate department since 2005. Since then, the prosecution system has not gone positively, rather the rate of conviction has remained at very lower levels. Despite its separation in 2005 it still has to formulate proper rules and procedures for its operation. Proper trainings and developing professional attitude in the prosecution officials will help improve its image.

The courts are overburdened. The National Judicial Policy (2009) was a good initiative by the National Judicial Policy Making Committee. The policy aims at providing speedy justice. The policy is revised recently by the committee. However, it is yet to be seen whether the policy is properly implemented or otherwise.

The prisons are overcrowded and there seems no modernization of the colonial prison administration. However, inmate population per capita is far lower than the international standards in Pakistan. The department of probation is also poorly developed and the system of parole and probation has yet to gain strong grounds in Pakistan.

In the final analysis, the criminal justice system is a colonial relic which is not compatible to the socio-cultural environment of Pakistan. To make this system a success, assistance of the international criminal justice community is needed. Promotion of criminology, policing sciences and security studies will be one of the major steps towards a better understanding and reforms in the criminal justice system of Pakistan. Indigenous research and learning from international scholarship and best practices should be the aim of all those who are committed to see criminology as a developed discipline in Pakistan. For this purpose, the Pakistan Society of Criminology is committed to establish an Institute of Criminology, Research, Security Studies and Justice Education.

17.5 Appendix 1

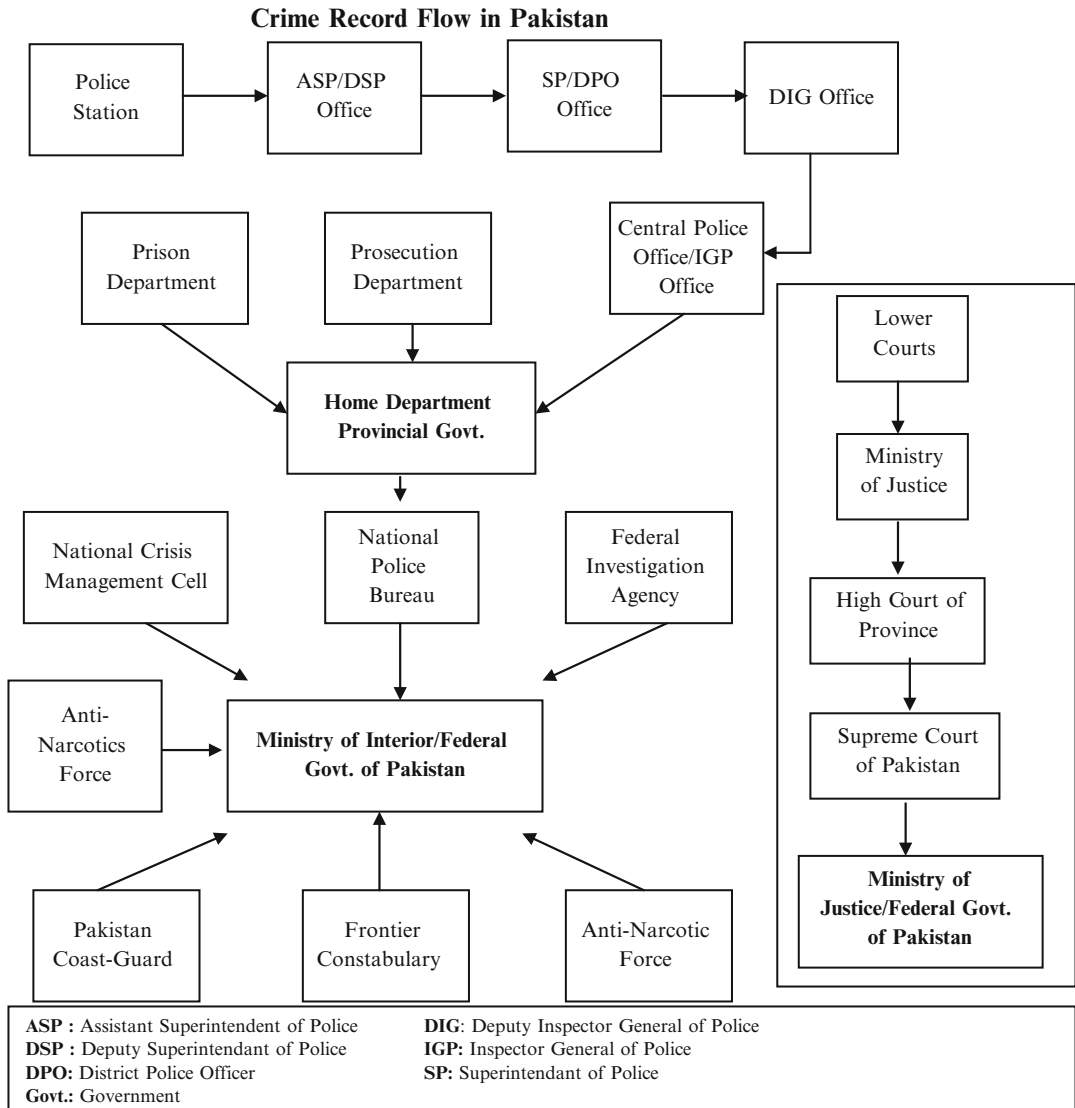


Fig. 17.2 Crime record flow in Pakistan

17.6 Appendix 2

Table 17.8 Situation of Crime in Pakistan- 1991–2008

Year	Population in millions ^a	Recorded crimes ^b	Crime rate
1991	112.61	287,746	255.52
1992	115.54	286,528	247.99
1993	118.5	290,000	244.73
1994	121.48	323,351	266.18
1995	124.49	339,228	272.49
1996	127.51	329,305	258.26
1997	130.56	369,161	282.75
1998	133.32	428,549	321.44
1999	136.41	409,167	299.95
2000	139.41	388,414	278.61
2001	142.35	380,659	267.41
2002	145.28	399,006	274.65
2003	148.21	400,680	270.35
2004	151.09	441,907	292.48
2005	153.96	447,756	290.83
2006	156.77	537,866	343.09
2007	159.06	538,048	338.27
2008	162.37	576,185	354.86

^aEconomic Survey of Pakistan 2008–2009. Table No. 12.1. p. 194

^bNational Police Bureau, Islamabad, Pakistan

17.7 Appendix 3

Table 17.9 Province-wise Crimes in Pakistan for 2008

Offence	Punjab	Sindh	KPK	Balochistan	Total
Crime against person	52,219	19,820	10,419	3,643	86,101
Murder	5,544	2,734	2,896	605	11,779
Attempt to murder	7,201	3,655	2,951	625	14,432
Hurt	23,744	2,839	3,003	1,612	31,198
Rioting	270	5,208	22	313	5,813
Assault on public servant	1,419	2,551	474	205	4,649
Zina (rape)	2,000	206	153	19	2,378
Gang rape	202	49	3	0	254
Kidnapping/abduction	11,279	2,168	628	207	14,282
Kidnapping for ransom	213	217	129	40	599
Suicide	3	138	11	0	152
Attempt to suicide	344	55	149	17	565
Traffic accidents	5,306	1,482	2,676	470	9,934

(continued)

Table 17.9 (continued)

Fatal accidents	2,604	852	707	230	4,393
Non-Fatal accidents	2,702	630	1,969	240	5,541
Miscellaneous	100,051	15,564	23,719	1,918	141,252
Crime against property	81,546	24,560	2,208	2,158	110,472
Highway dacoity	73	73	4	42	192
Bank dacoity	8	20	3	1	32
Petrol pump dacoity	13	22	0	5	40
Other dacoity	2,007	2,051	53	107	4,218
Highway robbery	230	56	11	5	302
Bank robbery	17	13	1	1	32
Petrol pump robbery	47	77	1	0	125
Other robbery	13,651	5,167	171	184	19,173
Burglary	11,235	2,458	518	244	14,455
Cattle theft	7,961	684	89	92	8,826
Motor vehicle theft	16,343	10,525	718	1,049	28,635
Other theft	29,961	3,414	639	428	34,442
Total PPC ^a crime	239,122	61,426	39,022	8,189	347,759
Local and special laws	135,314	16,230	75,061	1,821	228,426
Arms act	64,113	10,084	31,603	883	106,683
Prohibition order	48,048	4,816	27,222	556	80,642
Other local and special laws	23,153	1,330	16,236	382	41,101
Total recorded crime	374,436	77,656	114,083	10,010	576,185

Source: National Police Bureau, Islamabad, Pakistan

^aPakistan Penal Code, 1861

17.8 Appendix 4

Box 1: HEC proposed curriculum for master of criminological sciences

Scheme of studies

The Master in Criminological Sciences is a 2 years programme consisting of four semesters

1st Semester

1. Paper-I (Core) Fundamentals of Criminology
2. Paper-II (Core) Theoretical Perspectives on Crime And Criminal Behaviour
3. Paper-III (Core) Methods of Research in Criminology
4. Paper-IV (Core) Criminal Justice System
5. Paper-V (Core) Correctional Institutions

3rd Semester

1. Paper-I (Core) Penology
 2. Paper-II (Core) Community Justice and Crime Prevention
 3. Paper-III (Core) Research Thesis
- In addition to the above cited courses, another two courses carrying 100 marks (score) each from among the courses below shall be opted in the first semester of MCS (Final)

2nd Semester

1. Paper-I (Opt.)^a Islamic Perspective on Crime and Punishment
2. Paper-II (Opt.) Policing
3. Paper-III (Opt.) Forensic Sciences in Criminology
4. Paper-IV (Opt.) Terrorism and Violence
5. Paper-V (Opt.) Criminal Investigation

4th Semester

1. Paper-I (Core) Human Rights
 2. Paper-II (Core) Criminal Psychology
 3. Paper-III (Core) Research Thesis
- In addition to the above cited courses, another two courses carrying 100 marks (score) each from among the courses below shall be opted in the fourth semester.

(continued)

Box 1: (continued)

Box 1: HEC proposed curriculum for master of criminological sciences

1. Paper-I (Opt.) Drug Abuse and Related Crimes	1. Paper-I (Opt.) Gender and Crime
2. Paper-II (Opt.) Organized Crime and Money Laundering	2. Paper-II (Opt.) Cyber Crime
3. Paper-III (Opt.) Child Abuse and Juvenile Delinquency	3. Paper-III (Opt.) Crime and Security
4. Paper-IV (Opt.) Crime and Criminology in Pakistan	4. Paper-IV (Opt.) Crime and Mental Health Issues
5. Paper-V (Opt.) Organizational Behaviour and Human Resource Development	5. Paper-V (Opt.) Procedures of Evidence in Criminal Law
	6. Paper-VI (Opt.) Sentencing-As a Post Conviction Strategy
	7. Paper-VII (Opt.) Advance Methods of Research in Criminology
	8. Paper-VIII (Opt.) Crime Typology

Source: Revised Curriculum of Criminology (2003) Higher Education Commission, Curriculum Development Division. Islamabad: Ministry of Education, Pakistan. available at HEC web site, <http://www.hec.gov.pk>

^aOptional

Box 2: Sindh University, Jamshoro

Two years Postgraduate Programme

1. CRM 501^a Fundamentals of Criminology
2. CRM 502 Criminal Justice System
3. CRM 503 Research Methods
4. CRM 504 Islamic Perspectives of Crimes
5. CRM 505 Juvenile Delinquency and Female Criminality
6. CRM 506 Terrorism and Violence
7. CRM 507 Penology
8. CRM 508 Criminal Psychology
9. CRM 601 Policing
10. CRM 602 Constitution Rights and Civil Liberties
11. CRM 603 Criminal Investigation Methods
12. CRM 604 Comprehensive Viva-Voce
13. CRM 605 Dissertation/ Research Project

Source: Official web site of Department of Criminology, University of Sindh, Jamshoro. Available at <http://www.unisindh.edu.pk>

^aA subject code

Box 3: University of the Punjab

One year diploma in criminology and security studies

1st Semester	2nd Semester
1. Crime and Criminality: Theory and Policy	1. Research Methods in Criminology
2. Criminal Justice System of Pakistan	2. Criminal Law and Penal Code of Pakistan
3. Corruption Studies	3. Criminal Investigation
4. Introduction to Behavioural Sciences	4. Forensic Science in Criminology

Master in Criminology and Security Studies is a 2-year program consisting of 4 semesters. To qualify for the degree, a student should complete 18 courses, Internship and Thesis

1st Semester	2nd Semester
1. Introduction to Criminology	1. Crime and Security
2. Introduction to Security Studies	2. Geographical Information System (GIS)
3. Computer Applications	3. Criminal Justice System of Pakistan
4. National and International Perspective on Crime and Security	4. Research Methods in Criminology
5. Crime and Criminality: Theory and Policy	5. Social Statistics in Criminology

Box 3: University of the Punjab

3rd Semester	4th Semester
1. Organizational Behaviour and Human Resource Development	1. Gender and Crime
2. Crime and Criminology in Pakistan	2. Terrorism and Violence Drug Abuse and Related Crimes
3. Islamic Perspective on Crime and Punishment	3. Procedures of Evidence in Criminal Law
4. Criminal Investigation	4. Forensic Science in Criminology
5. Community Justice and Crime Prevention	5. Policing
6. Child Abuse and Juvenile Delinquency	6. Organized Crime and Money
7. Penology	7. Laundering
8. Criminal Psychology	8. Internship
9. Crime and Mental Health Issues	9. Thesis

Source: Official web site of Department of Criminology, University of Punjab. Available at <http://www.pu.edu.pk>

Box 4: Karachi University

Two years Masters in Applied Criminology

1st Semester	2nd Semester
1. Introduction to Criminal Behaviour	1. Organizational Problem and Management
2. Theoretical Perspective of Crime and Criminal Behaviour	2. Islamic Perspective on Crime & Punishment
3. Research Methodology in Criminology	3. Policing and security
4. Principal of Criminal Law and Justice System	4. Forensic Genetics and Psychology
5. Correctional Institution as Social System	5. Statistical Methods in Criminology
3rd Semester	4th Semester
Core Course	Core Course
1. Terrorism, Violence and Control	1. Penology
2. Introduction to Criminal Investigation	2. Procedure of Evidence in Criminal Law
3. Research Thesis	3. Research Thesis
Optional Courses (students are required to select at least 2 subjects)	Optional Courses (students are required to select at least 2 subjects)
1. Drug Abuse and Related Crimes	1. Mental Health and Issues
2. Gender and Crimes	2. Child Abuse and Juvenile Justice System
3. Organized Crime and Money Laundering	3. Sentencing as Post Conviction Strategy
4. Advance Research Methodology	4. Human Rights Law Enforcement Agencies

Source: Provided by a Master Student of the Criminology, Karachi University

Box 5: Author's proposed curriculum of M.Sc. criminology

Previous year (1st year)	Final year (2nd year)
Previous year (1st year)	Final year (2nd year)
1. Basic Criminology	1. Criminal Justice System
2. Criminal Law and Procedure	2. Investigation, Intelligence and Security Studies
3. International Crimes	3. Contemporary Criminology and Policing
4. Police & Policing	4. Human Rights
5. Criminological Research	5. Individual Research Thesis (Tutorial)
	6. Viva Voce

Source: Fasihuddin (2008). Expanding Criminology to Pakistan. Peshawar: Pakistan Society of Criminology

17.9 Appendix 5

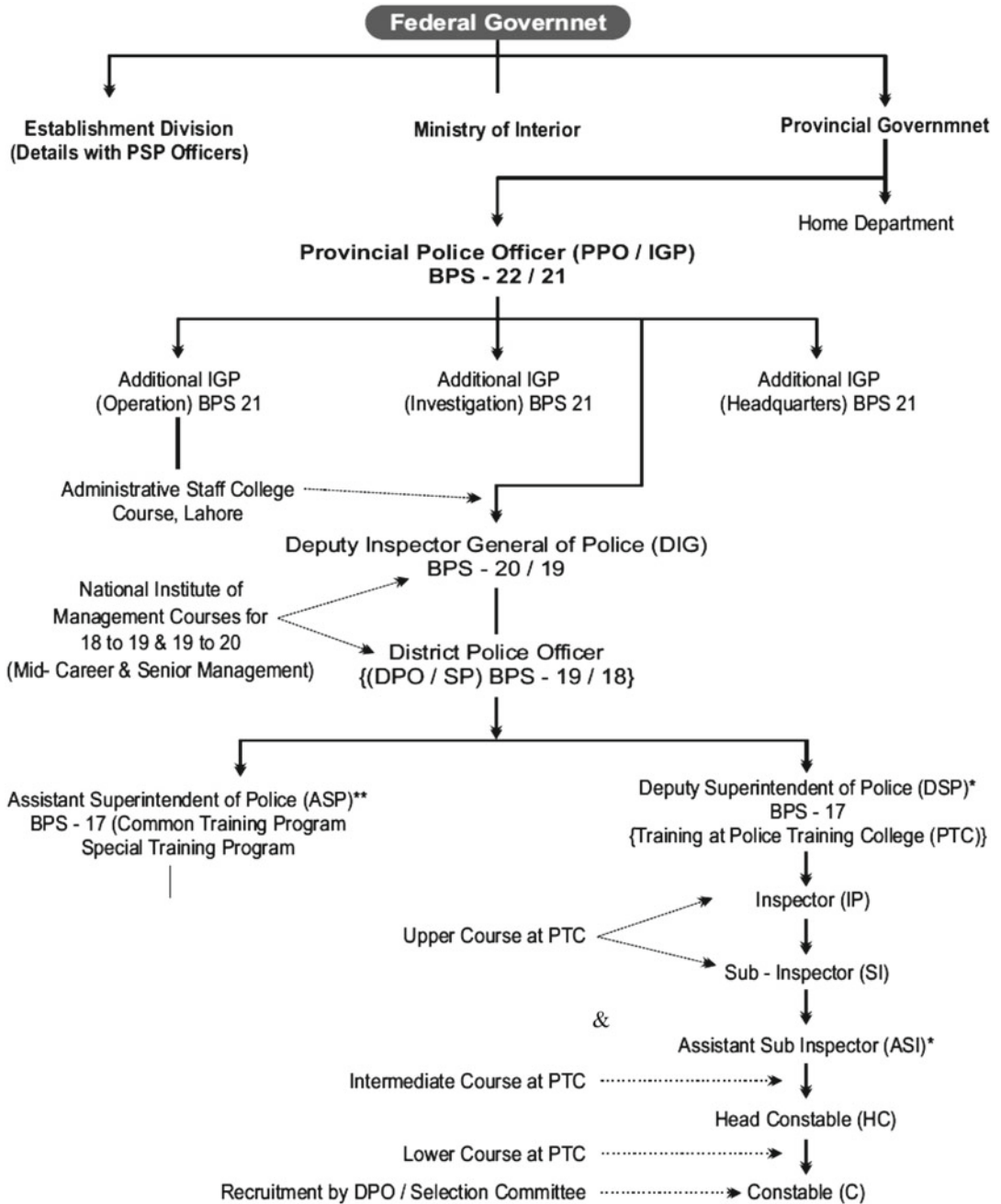
Box 6: Police existing system of criminal record

Register I: First Information Report (FIR)	Register XIV: File Book of Inspection Reports
Register II: Station Diary	Register XV: The Register of Births and Deaths. (Vital Statistics)
Register III: Standing Order Book (2 parts)	Register XVI: Register of Government Officials and Property (4 Parts)
Register IV: Register of Absconders and Deserters. (4 parts)	Register XVII: Register of Licenses. (6 Parts)
Register V: Register of Correspondence (2 parts)	Register XVIII: Receipt Books for Arms, Ammunition and Military stores
Register VI: Miscellaneous Register (4 parts)	Register XIX: The Store Room Register
Register VII: Cattle Pound Register (2 parts)	Register XX: Cash Accounts
Register VIII: Criminal Tribes Register (2 parts)	Register XXI: File Book of Road Certificates
Register IX: The Village Crime Register (5 parts) part-v as Conviction Register	Register XXII: Printed Receipts Books
Register X: The Surveillance Register (2 parts)	Register XXII: (a) Police Gazette
Register XI: Index to History Sheets and Personal Files (2 parts)	Register XXII: (b) Criminal Intelligence Gazette
Register XII: Register of information Sheet dispatched	Register XXIII: Police Rules
Register XII: (a) Copies of Information Sheets Received	Register XXIV: Charge notes of officers in-Charge of Police Stations
Register XII: (b) Copies of Look-out Notices received	Register XXV: Blank Register (Confidential Information) Register No. XXVI (A) ^a Register No. XXVII (A) ^a
Register XIII: Minute Book for Gazetted Officers	

Source: Police Rules, 1934. Chapter XXII Police Station, PR 22.45

^aThese two registers were designed and added by the PSC in joint collaboration with Ministry of Human Rights and Save the Children, Sweden and UNIFEM for KPK Police which are now also added to Balochistan Police. These two new registers are now fully introduced in two of the four provinces in Pakistan

17.10 Appendix 6



*Selection Recruitment / by Provincial Public Service Commission (PPSC)
 **Recruitment / Selection by Federal Public Service Commission (FPSC)
 & Police Training College

Fig. 17.3 Police Organization and Administration with special Reference to Recruitment and Training. & Police Training College & Source: Fasihuddin (2009). Police

Education and Training in Pakistan: Pakistan Journal of Criminology. Vol.1. No.2. July 2009. p. 53

17.11 Appendix 7

Table 17.10 Total Police Budget in Pakistan 2008 (Figures in Millions Rupees)

Area	Establishment	Other expenditure	Development	Total
Punjab	24,500.75	4,740.84	1,375.24	30,616.83
Sindh	21,521.46	4,773.86	500	26,795.32
KPK	5,585.622	972.8	636.82	7,195.242
Balochistan	3,761.38	303.36	0	4,064.74
Grand total	55,369.212	10,790.86	2,512.06	68,672.132

Source: Office of the Director General, National Police Bureau, Islamabad, Pakistan

17.12 Appendix 8

Functions of the Police

It includes, but is not limited to,

- (a) Protect life, property and liberty of citizens;
- (b) Preserve and promote public peace;
- (c) Ensure that the rights and privileges, under the law, of a person taken in custody, are protected;
- (d) Prevent the commission of offences and public nuisance;
- (e) Collect and communicate intelligence affecting public peace and crime in general;
- (f) Keep order and prevent obstruction on public roads and in the public streets and thoroughfares at fairs and all other places of public resort and in the neighbourhood of and at the places of public worship;
- (g) Regulate and control traffic on public roads and streets;
- (h) Take charge of all unclaimed property and to prepare its inventory;
- (i) Detect and bring offenders to justice;
- (j) Apprehend all persons whom police are legally authorized to apprehend and for whose apprehension, sufficient grounds exist;
- (k) Ensure that the information about the arrest of a person is promptly communicated to a person of his choice;
- (l) Enter and inspect without a warrant on reliable information any public place, shop or gaming-house where alcoholic drinks or narcotics are sold or weapons are illegally stored and other public places of resort of loose and disorderly characters;
- (m) Obey and promptly execute all lawful orders;
- (n) Aid and co-operate with other agencies for the prevention of destruction of public property by violence, fire, or natural calamities;
- (o) Assist in preventing members of public from exploitation by any person or organized groups;
- (p) Take charge of lunatics at large to prevent them from causing harm to themselves or other members of the public and their property; and
- (q) Prevent harassment of women and children in public places.
- (r) Affording relief to people in distress situations, particularly in respect of women and children;
- (s) Providing assistance to victims of road accidents; and
- (t) Assisting accident victims or their heirs or their dependants, where applicable, with such information and documents as would facilitate their compensation claims.

17.13 Appendix 9

Box 7: Police reforms in Pakistan

1. 1948 Passage of Bill to introduce a Metropolitan System of Policing in Karachi
2. 1951 Recommendations of Sir Oliver Gilbert Grace, IG Police, NWFP
3. 1961 Police Commission headed by Mr Justice J.B. Constantine
4. 1962 Pay & Services Reorganisation Committee (Justice Cornelius)
5. 1970 Police Commission headed by Major General A.O. Mitha
6. 1976 Police Station Enquiry Committee headed by M.A.K. Chaudhry, IG Police
7. 1976 Law and Order Sub-Committee headed by Ch. Fazal Haque
8. 1976 Police Reforms Committee headed by Rafi Raza
9. 1981 Orakzai Committee on Police Welfare, Promotion and Seniority Rules
10. 1982 Cabinet Committee on the Emoluments of SHOs
11. 1983 Cabinet Committee on Determining the Status of SHOs
12. 1983 Sahibzada Rauf Ali Committee
13. 1985 The Police Committee headed by Mr Aslam Hayat
14. 1987 Report of the two-member delegation's visit to Bangladesh and India
15. 1989 Report of the seven-member delegation's visit to Bangladesh and India
16. 1990 Police Reforms Implementation Committee—M.A.K. Chaudhary
17. 1995 Report of the UN Mission on Organized Crime in Pakistan
18. 1996 Report of the Japanese Police Delegation on the Police System in Pakistan
19. 1997 Committee on Police Reforms under the Chairmanship of Interior Minister
20. 1998 Report of the Good Governance Group on Police Reforms: Committee Vision
21. 2000 Report of the Focal Group on Police Reforms: NRB Draft 2000

Source: HRCP/CHRI 2010. (2010). Police Organization in Pakistan. Lahore: Human Rights Commission of Pakistan

17.14 Appendix 10

Table 17.11 Conviction Rate in Khyber Pakhtunhwa—2009

S. no.	Offences	% Age			
1	Murder	9%	18	Theft	31%
2	Attempts to murder	4%	19	Car theft	58%
3	Hurts	7%	20	Other motor vehicle theft	26%
4	Zina (rape)	15%	21	Car snatching	44%
5	Kidnapping other	11%	22	Other motor vehicle snatching	24%
6	Kidnapping for ransom	7%	23	Motor cycle theft	42%
7	Child lifting	22%	24	Motor cycle snatching	60%
8	Abduction	2%	25	Fatal accident	5%
9	Assault on police	29%			
10	Assault other	19%			
11	Ordinary dacoity	15%			
12	Highway dacoity	0%			
13	Bank dacoity	0%			
14	Ordinary robbery	26%			
15	Highway robbery	0%			
16	Bank robbery	0%			
17	Burglary	26%			

Source: Office of the Additional Inspector General Police (Investigation), Khyber Pakhtunhwa, Pakistan

17.15 Appendix 11

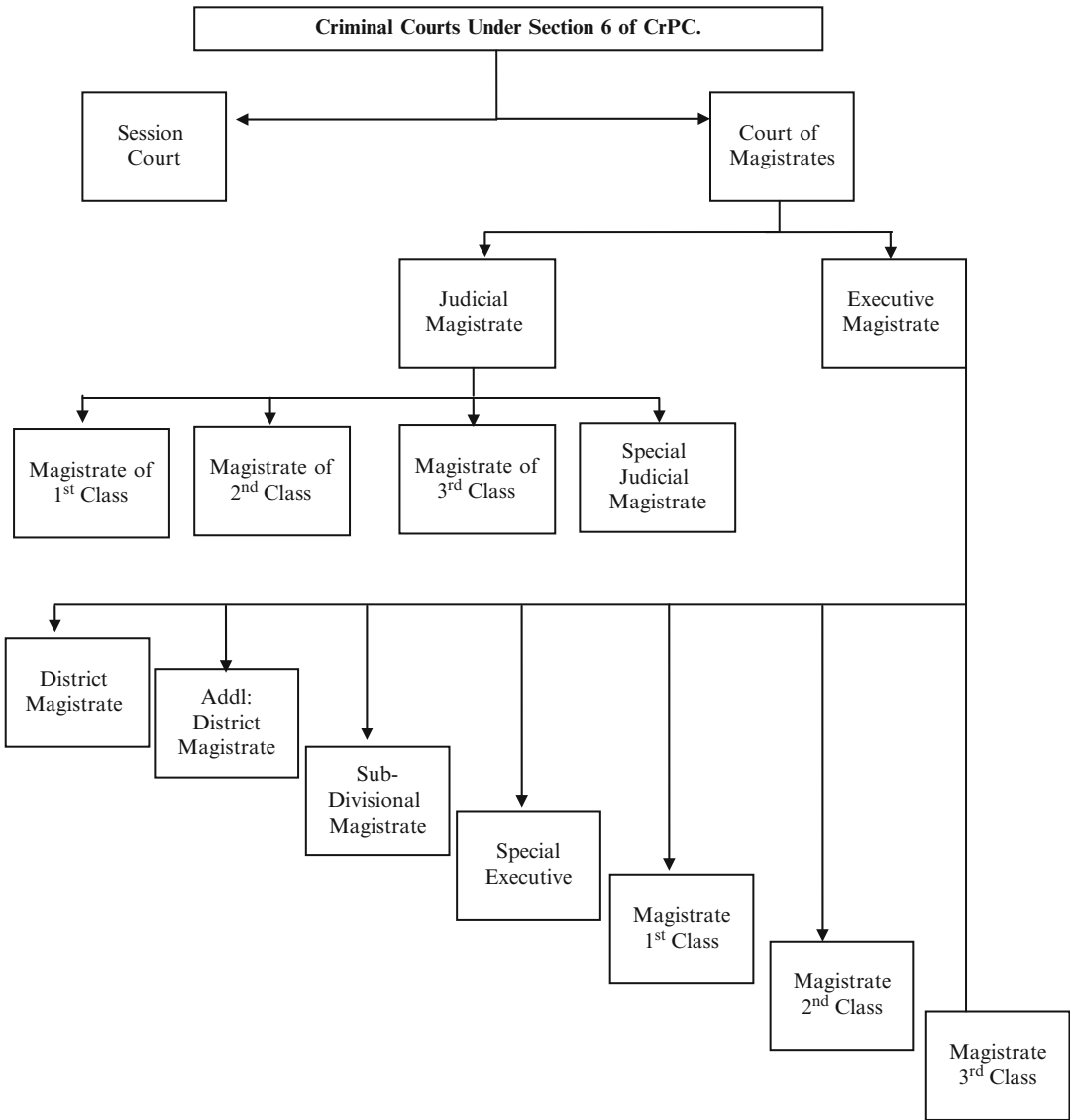


Fig. 17.4 Classification of Criminal Courts Under Section 6 of CrPC. Source: Barakatullah (2010). Judicial System of Pakistan: Pakistan Journal of Criminology Vol. 2. No. 3. July 2010. p. 23

17.16 Appendix 12

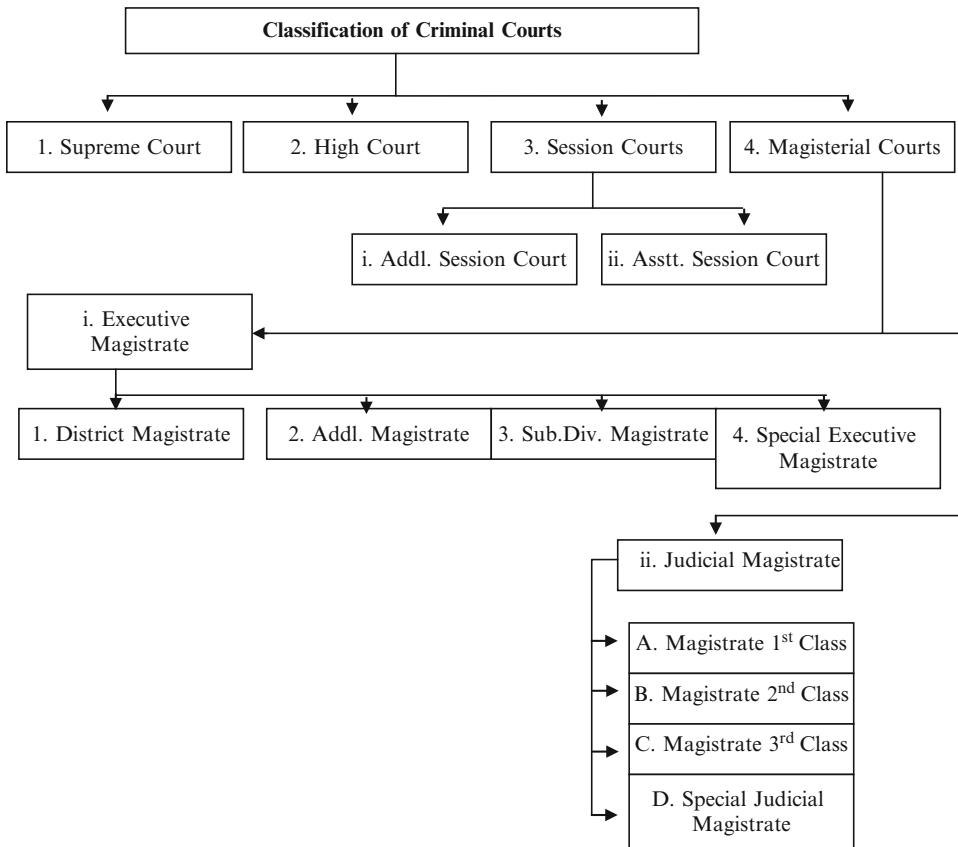


Fig. 17.5 Classification of Courts. Source: Barakatullah (2010). *Judicial System of Pakistan: Pakistan Journal of Criminology* Vol. 2. No. 3. July 2010. p. 17. Addl: Additional. Sub. Div: Sub Divisional. Asstt: Assistant

17.17 Appendix 13

A detailed list of all the functions by a Probation Officers has been given in the Probation of Offenders Ordinance (1960), Section 10 which are

- Explain to every probationer placed under his charge, the terms and conditions of the Probation order made in respect of such probationer, and if so deemed necessary, by warnings, endeavour to ensure their observance by the probationer;
- In the first 2 months of probation of every probationer under his charge, meet the probationer at least once in a fortnight, and thereafter, subject to the provisions of the Officer in Charge, keep in close touch with the proba-

tioner, meet him frequently, make enquiries into his conduct, mode of life and environments, and wherever practicable, visit his home from time to time;

- If any probationer under his charge be out of employment, endeavour to find suitable employment for him and assist, befriend, advise and strive to improve his conduct and general conditions of living;
- Encourage every probationer placed under his supervision to make use of any recognized agency, statutory or voluntary, which might contribute towards his welfare and general well-being, and to take advantage of the social, recreational and educational facilities which such agencies might provide;

- Where a probationer under his supervision, who has executed a bond, with sureties under section 5, is found to have committed any breach of the terms of his bond, or to have otherwise misconducted himself, to bring such breach or misconduct to the notice of his sureties;
 - Maintain the books and registers and submit reports prescribed under these rules; and
- Subject to the provisions of these rules shall carry out the instructions of the Court in regard to any probationer placed by the Court under his supervision.

References

- Amin, A. (April 19, 2011). Only 2% of terrorists are getting sentenced: In Daily *The News International*. Islamabad: Retrieved 15 May 2011 from <http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=42426&Cat=7&dt=4/19/2011>
- Barakatullah. (2010). Judicial system of Pakistan. *Pakistan Journal of Criminology*. 2(3).
- Bhutta, M. H. (2010). Community based rehabilitation of offenders; an overview of probation and parole system in Pakistan. *Pakistan Journal of Criminology*. 2(3).
- Calafato, T., Knepper, P. (2009). Criminology and criminal justice in Malta. *European Journal of Criminology*. 6(1).
- Economic Survey of Pakistan (2008–2009). Islamabad, Ministry of Finance, Government of Pakistan. Retrieved Feb 8, 2012 from http://www.finance.gov.pk/survey_0809.html.
- Economic Survey of Pakistan (2010–2011). Islamabad, Ministry of Finance, Government of Pakistan.
- Elrod, P., & Ryder, S. (2005). *Juvenile justice: A social, historical, & legal perspective* (2nd ed.). Sundbury, MA: Jones and Bratlett Publishers.
- Faiza Ilyas. (January 18, 2010). Karachi University running `fake` department. *Dawn*. Retrieved 12 Aug 2011 from <http://archives.dawn.com/archives/165465>
- Fasihuddin. (2008). *Expanding criminology to Pakistan*. Peshawar: Pakistan Society of Criminology.
- Fasihuddin. (2009). Police education and training in Pakistan. *Pakistan Journal of Criminology*. 1(2).
- Fasihuddin. (2010). Police and policing in Pakistan: *Pakistan*. In Ajit Doval & B. R. Lall (Eds.), *Police and security yearbook 2010–2011*. New Delhi: Manas Publications.
- Fasihuddin (Trans). (2011). *Preface: Chinese Policing [Urdu]*. Peshawar: Pakistan Society of Criminology.
- International Center for Prison Studies. (2012). *Entire world—Prison Population Rates per 100,000 of the national population*. Retrieved May 05, 2012 from http://www.prisonstudies.org/info/worldbrief/wpb_stats.php?area=all&category=wb_poprate
- Khan, N. A. & Sajid, I. A. (2010). Kidnapping in the North West Frontier Province, Pakistan. *Pakistan Journal of Criminology*. 2(1).
- Khan, M. M. (2010). Prison System in Pakistan. *Pakistan Journal of Criminology*. 2(3).
- McLaughlin, E., & Muncie, J. (2001). In E. McLaughlin & J. Muncie (Eds.), *The Sage dictionary of criminology*. London: Sage Publications.
- Ministry of Interior. (1981). *Crime in Pakistan (1947–1981)*. Islamabad, Government of Pakistan. c.f. Chaudhry, M.A.K. (1997). *Policing in Pakistan*. Lahore: Vanguard Books (Pvt) Ltd.
- Mirza, M. M. (2010). Role and responsibilities of public prosecutors in Pakistan. *Pakistan Journal of Criminology*. 2(3).
- North-West Frontier Province Prosecution Service (Constitution, Functions and Powers) Act. (2005).
- P&D. (2006). Access to Justice Programme. Government of Punjab. Retrieved 8 Sept 2011 from <http://www.pndpunjab.gov.pk/page.asp?id=52>
- Petzschmann, P. (2010). Editorial, between a Rock and a Hard Place: Pakistan's criminal justice system in transition. *Pakistan Journal of Criminology*. 2(3).
- Probation. (2009). Retrieved 09 06, 2009, from Cambridge Advanced Learner's online Dictionary: <http://dictionary.cambridge.org/define.asp?key=63048&dict=CALD>.
- Qadir, A. (1988). *Islamic Criminal Law part 2*. [Urdu]. Lahore: Islamic Publications.
- Qureshi, H. A. (1999). Pakistan. In *Adult Probation Profiles of Asia* (p. 159). Tokyo: UNAFEI.
- Revised Curriculum of Criminology. (2003). Curriculum Development Project Sponsored by Ministry of Education, Islamabad.
- Sajid, I. A. (2009). Juvenile justice police gaps identification and role of key stakeholders in Pakistan. *Pakistan Journal of Criminology*. 1(3).
- Shigri, A. (January 3, 2005). *Dismantling the police command structure*. Daily The News International, Islamabad, Pakistan. Web: <http://www.jang.com.pk/thenews/jan2005-daily/03-01-2005/oped/opinion.htm>.
- Shoab, S. M. (1995). Pakistan. In *Criminal justice profiles of Asia, investigation, prosecution and trial*, Tokyo, Japan: UNAFEI
- Transparency International. (2011). *Global Corruption Perception Index Report 2010*. Retrieved 08 Sept 2011 from http://www.transparency.org/content/download/55725/890310/CPI_report_ForWeb.pdf
- UNDP. (2010). Human Development Index 2010. Retrieved 12 Aug 2011 from http://hdr.undp.org/en/media/Lets-Talk-HD-HDI_2010.pdf
- US Department of State. (2011). *Trafficking in Person Report 2010*. Retrieved 8 Sept 2011 from <http://www.state.gov/g/tip/rls/tiprpt/2011/>
- Zahid, N., & Wasim, A. (2010). *The province of Sindh as a case study on the prosecution service*: Retrieved 12 July 2010 from <http://www.article2.org/mainfile.php/0704/333/>