

## REFORMING CRIMINAL REHABILITATION PRACTICES: A CASE STUDY OF PAKISTAN

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### ABSTRACT

This article provides an in-depth examination of the current state of criminal rehabilitation practices in Pakistan, highlighting the challenges, opportunities, and legal framework surrounding the reintegration of offenders into society. By delving into specific case studies and assessing the effectiveness of existing programs, it aims to shed light on the pressing need for reform within Pakistan's criminal justice system. The article explores various aspects, including the legal foundation for rehabilitation, the rehabilitation process, the role of government and non-governmental organizations, and the challenges faced by both authorities and the offenders themselves. It concludes by offering insights into potential reforms and the importance of a more comprehensive, humane, and effective approach to criminal rehabilitation, one that balances the interests of justice, public safety, and social reintegration. This case study serves as a valuable resource for legal scholars, policymakers, and practitioners seeking to improve the rehabilitation of criminals in Pakistan and similar contexts.

**Keywords:** Case Study, Criminal Rehabilitation, Legal Framework, Pakistan, Reform Initiatives

### INTRODUCTION

The core of a nation's criminal justice system lies in the process of criminal rehabilitation, which demonstrates the nation's commitment to both upholding justice and facilitating the reintegration of offenders back into society. The rehabilitation of offenders is a complex and multifaceted subject in Pakistan, a nation grappling with several obstacles in the realm of criminal justice. This essay examines the intricate terrain of criminal rehabilitation methods in Pakistan, offering a comprehensive analysis of its present condition, the corresponding legislative structure, and the urgent requirement for improvement. Our objective is to provide a comprehensive understanding of a crucial matter that links the concepts of fairness, universal safety, and societal welfare through the utilization of case studies, legal scrutiny, and an evaluation of current initiatives. The criminal justice system in Pakistan,

similar to that of several countries globally, aims to uphold law and order, provide public safety, and enforce accountability for individuals who commit crimes. Conversely, a robust criminal justice system should prioritize its dedication to rehabilitating those who have violated the law, affording them the chance for personal transformation and successful reintegration. The simultaneous objective of achieving justice and promoting rehabilitation is crucial for the establishment of a fair and cohesive society (Bhatti, S. H., Hussain, M., & Salman, M. 2022).

We commence our inquiry by examining the legislative framework that forms the basis of criminal rehabilitation in Pakistan. We will examine the legislative framework and rules governing the rehabilitation process, with a focus on the essential legal elements that influence the nation's response to

this vital matter. Comprehending the legal framework is crucial for assessing rehabilitation processes in Pakistan and their adherence to global standards. This essay will offer a comprehensive analysis of the rehabilitation process, as well as the corresponding legal framework. We will evaluate the efficacy of current programs, assessing their achievements and their capacity to facilitate the reintegration of offenders into society. Through the evaluation of these projects, our aim is to identify the strengths and weaknesses of current methods, which will enable a more informed dialogue on reform efforts. Additionally, we will examine the functions that governmental institutions and non-governmental organizations fulfill in the realm of rehabilitation. The involvement of various stakeholders is crucial for delivering a comprehensive and efficient restoration program. It is imperative to thoroughly examine both the impediments encountered by authorities and the difficulties confronted by offenders. This multidisciplinary inquiry will enhance our comprehension of the intricacies involved in the difficulties of criminal rehabilitation in Pakistan. Throughout this research, our aim is to provide a thorough analysis of the current state of criminal rehabilitation in Pakistan, emphasizing the existing deficiencies, strengths, and possibilities for reform. We aim to actively participate in the ongoing discourse on enhancing Pakistan's criminal rehabilitation methods by advocating for a more empathetic, efficient, and socially relevant strategy that aligns with the values of justice. This will involve thoroughly evaluating the challenges and exploring viable solutions. We aim to serve as a valuable asset for legal scholars, policymakers, and practitioners in our collective efforts to establish a fairer and more restorative criminal justice system in Pakistan and internationally (Tariq, A., Khan, M. M. A., & Ullah, I. 2022).

### **THE CRIMINAL JUSTICE SYSTEM OF PAKISTAN**

Pakistan's criminal justice system comprises several entities, including courts, police forces, and prison facilities. The criminal justice system of Pakistan, like every other criminal justice system, fulfills several advantageous roles in society. The main goal of the criminal justice system is to guarantee the long-lasting stability and tranquility of society. This

goal is achieved by the effective operation of law enforcement authorities in apprehending perpetrators. This is the primary instance in which criminals are implicated to ensure they are held responsible for their misconduct. The second function of the criminal justice system in Pakistan is to dispense justice to the victims. Although Pakistan's criminal justice system has certain deficiencies that have resulted in erroneous convictions, its primary goal is to guarantee justice for every citizen. Moreover, a primary aim of the criminal justice system is to actively participate in the reformation of individuals who have committed crimes. The criminal justice system does not exclusively function on the principle of capturing wrongdoers. This approach not only places a burden on the criminal justice system but also on the government's finances in the long run. Given the prevailing economic situation in Pakistan, it appears improbable that implementing such a strategy would yield any benefits.

The criminal justice system in Pakistan include the functions of the judiciary, which comprises both the higher and subordinate courts. The regulations pertaining to the police can be found in the Police Act of 1861 and the Police Order of 2002. There exist distinct policies tailored for different issues, such as Anti-narcotics and FIA, among others. The jail system in Pakistan operates in accordance with the Police Rules Act of 1934 and the Act of 1878 (Ali, S. H. 2015).

#### *The Roots in the Pre-Independence Period*

Pakistan, like numerous other countries, adopted the administrative and criminal judicial systems established by the British in the sub-continent. Pakistan encountered numerous challenges throughout its early years. Due to Pakistan's insufficient capacity to establish its own legal framework, it had to depend on the pre-existing British legal system. The legal system, including numerous facets of the state, including the criminal justice system, underwent modifications to align with the specific circumstances of the sovereign state of Pakistan. These laws continue to be in effect in the country with some minor alterations. The criminal justice system of Pakistan has been labeled as archaic due to its inability to effectively combat the increasing crime rate in the country. Therefore, the origins of the criminal justice system and

consequently the rehabilitation mechanism may be traced back to the system established by the British.  
*Mechanism of Rehabilitation of Criminals in Pakistan*

While the system of rehabilitating prisoners may not be as advanced as expected, there are still basic elements in place that correspond to different stages of the rehabilitation process. Based on the crime statistics extracted from the province report, the crime rate in Pakistan is currently 4.2%. When considering the relative population levels of other countries, it is higher than them. The unfavorable numbers pose a threat to both the societal peace and the long-term effectiveness of Pakistan's criminal justice system. As per the Supreme Court data, there are still over 1.9 million cases awaiting a decision. The substantial accumulation of cases indicates that the criminal justice system of Pakistan has exceeded its capacity and is overwhelmed. The sole solution may lie in the rehabilitation of offenders, so alleviating the strain on the criminal justice system. Pakistan is now in the early stages of developing its rehabilitation mechanism. However, there are several methods by which the rehabilitation of offenders is conducted in the country. The rehabilitation system operates at various levels (Javed, K., Jianxin, L., & Khan, A. 2021).

#### *Institutional Mechanisms*

The reintegration of offenders into society is facilitated through several institutional mechanisms within the country. Several factors are crucial in this regard. Firstly, there are correctional facilities throughout the nation. The regulation of prisons in the country is governed by the Prison Act of 1894 and the Pakistan Prison Rules of 1978. These two laws comprehensively address many areas of criminal rehabilitation. These acts propose that the rehabilitation system can be ensured by segregating criminals based on their gender, age, and the type of crime they have committed. Both of these acts mandate the integration of all categories of criminals. Regarding this matter, two factors have significance. Firstly, it is imperative to avoid placing adult offenders together with juvenile offenders. Secondly, it is crucial to ensure that hardened criminals, such as terrorists, are not housed among ordinary criminals.

#### *Education in prisons*

The aforementioned acts also include provisions for the education of inmates. The significance of

education in the process of rehabilitation cannot be disregarded. The aforementioned statutes stipulate that education up to the primary level must be compulsory, while a mechanism should be established to facilitate an education system for individuals desiring to pursue higher education. The Manuel jail also offers a library, including publications and books, for incarcerated individuals who are literate. The Prison Acts also provide provisions for the remission of sentences in exchange for pursuing additional education, which is overseen by various authorities in the country. Therefore, at the institutional level, the education system implemented during jail aims to rehabilitate offenders and foster their development into responsible citizens (Khan, A. S., Bibi, A., Khan, A., & Ahmad, I. 2023).

Within the framework of institutional mechanisms, open jails serve the objective of imparting various skills to prisoners. Within the open prison, the incarcerated individuals are compelled to engage in labor, which not only aids in their rehabilitation but also contributes significantly to the progress of the nation. The first open prisons were established in Sindh and Punjab (Hussain, F. 2011).

#### *Administrative*

At the administrative level, Pakistan employs several mechanisms for the rehabilitation of convicts. The concept and technique of rehabilitation cannot be fully realized without the active involvement of the administrative system. At the administrative level, there are two mechanisms for the rehabilitation of criminals. These mechanisms are as follows:

The concept of parole: The parole system is a commonly employed technique for the reformation of offenders. Referred to by many names throughout different nations, the primary objective remains consistent: to grant prisoners the opportunity to temporarily leave confinement, subject to certain limitations, in order to experience a period of relaxation. The Good Prisoners Release Act of 1926 regulates the parole system in Pakistan. As per the legislation, parole is granted to specific individuals who have demonstrated a significant change in their behavior. The parole system is managed by the Reclamation and Rehabilitation Department, which operates in every province. The granting of parole is administered by the executive branch of the state government.

The probation system is administered by the courts, whereas parole is granted by the executive branch of the state. Probation is a system that offers an alternative to punishment. In this procedure, instead of sending an individual to jail, they are placed under the supervision of a probation officer. The probation officer maintains regular communication with the individual to document their daily conduct and relay this information to the courts. Upon violation, the probation period concludes. In Pakistan, probation can be issued to individuals belonging to numerous categories. The probation system in Pakistan is regulated by the Probation of Offender Act 1960 and the Probation of Offender Rules 1960 (Gul, P., & Ali, B. 2020).

### **REHABILITATION OF DIFFERENT CATEGORY OF CRIMINALS**

Not all offenders are motivated by the same dynamics to engage in criminal behavior. From a criminological standpoint, various types of crimes are perpetrated by distinct groups of individuals. When implementing these views into legislation, it becomes evident that there need be distinct mechanisms for rehabilitating various groups of individuals.

**Common offenders:** The initial group of offenders consists of individuals who have committed common offenses as defined by the Pakistan Penal Code. There are institutional and administrative mechanisms in place to rehabilitate convicts. At the institutional level, various aspects such as the jail system, educational resources within prisons, and the possibility of early release are considered. At the administrative level, there are mechanisms in place that involve the parole system and the probation system (Hussain, N., Khan, A., & Chandio, L. A. 2023).

**Juvenile:** The Justice Project Pakistan analysis reveals that a significant number of underage minors who are awaiting trial are enduring long periods of time in prisons. The postponement of case proceedings leads to a multitude of issues for the young offenders. Considering the unique requirements of children with special needs, it is imperative to promptly address and resolve their concerns. Pakistan has ratified the 1989 Convention on the Rights of the Child. Pakistan established the Juvenile Justice ordinance in 2000 as a result of these

circumstances. Subsequently, the Juvenile Justice Act of 2018 was enacted. Both endeavors aimed to rehabilitate rather than punish the convicts. To serve this objective, a thorough list of provisions has been offered, which can greatly contribute to the rehabilitation of offenders. These acts mandated that the trial of the minor be concluded within a period of 6 months. The legislation also allows for the separate trial of minors and assigns a distinct function for the juvenile judge to fulfill. Additionally, there is a framework in place for a juvenile committee to adjudicate cases using the diversion system.

**Women:** Despite being marginalized, women are often overlooked within the criminal justice system. All laws have been formulated based on the requirements of males and have been applied uniformly to both genders. The criminal justice system in Pakistan operates based on the premise of a uniform and standardized approach. Nevertheless, the jail regulations stipulate the necessity of having distinct facilities and sections for each gender. The rehabilitation system and the institutional and administrative process designed for male offenders can likewise be applied to female criminals (Raynor, P., & Robinson, G. 2009).

**Terrorists:** The primary groups requiring rehabilitation are terrorists. Terrorists have been indoctrinated to carry out a range of criminal activities under the guise of several identities. They fail to differentiate between civil targets and hard and soft targets. Pakistan has experienced a significant increase in the frequency of terrorist strikes since the events of 9/11. Pakistan has suffered damages amounting to billions, with thousands falling victim to the scourge of terrorism. The terrorist consistently engages in a killing spree, deliberately targeting innocent civilians without discrimination, in order to advance their abhorrent objectives. The criminal rehabilitation system is underdeveloped and lacks satisfactory standards. Nevertheless, there exist several mechanisms by which they could be healed. Initially, within the prison, they are isolated from the regular offenders. Primarily, the rehabilitation centers for terrorists have been constructed in Swat. While there have been some achievements, there is still much to be implemented in terms of rehabilitating criminals in society (Khan, A., Bhatti, S. H., & Jillani, M. A. H. S. 2021).



### **BENEFITS OF REHABILITATION IN THE CONTEXT OF PAKISTAN**

The rehabilitation system holds great importance within the framework of Pakistani society. The reason for this can be attributed to several interconnected elements. Pakistan's criminal justice system is currently overwhelmed, exceeding its capacity. This has led to a delay in the administration of justice and an increase in the number of those awaiting trial. The postponement of justice unquestionably results in the denial of justice. As per the Supreme Court data, there are around 1.9 million cases awaiting resolution in various courts. The implementation of rehabilitation programs will alleviate the strain on the criminal justice system. The jail population's prolonged presence is placing an additional pressure on the criminal justice system. The newest estimate indicates that there are currently 77,275 incarcerated individuals, beyond the permissible capacity of 75,742.

Furthermore, the excessive demands placed on the criminal justice system have also led to a multitude of issues inside the jail population. Overcrowded prison facilities offer significant risks to incarcerated individuals, increasing their vulnerability to different dangers. The possibility of infection rates and the transmission of numerous diseases in the prison cannot be disregarded in any way. Furthermore, the reintegration of the offenders also holds promising implications for the economic outlook of the nation in other respects. Pakistan is allocating funds towards the criminal justice system. The rehabilitation method not only saves tax money but also ensures numerous benefits by promoting long-term stability in society. The convergence of these elements culminates in the inference that the rehabilitation system yields diverse advantages for the nation. The rehabilitation system of Pakistan requires substantial development and modifications to provide long-term peace and serenity in society. Therefore, the significant impact of the criminal justice system and its advantages in Pakistan should not be ignored. An efficient rehabilitation procedure will promote the enduring stability of society (Khan, A., Javed, K., Khan, A. S., & Rizwi, A. 2022).

### **FLAWS IN THE REHABILITATION SYSTEM**

The term "flaw" or "defect" is excessively used in reference to every institution in the country. Considering that every establishment in the nation is afflicted by some form of imperfection, it is impossible to dismiss the defects present in the rehabilitation system. These weaknesses are present in various domains. Several faults may impede the system's ability to adapt to the reality of the 21st century and undergo rehabilitation. Several noteworthy issues should be mentioned in this regard. Once those issues are found, they may be rectified and should be promptly remedied. The initial deficiency pertained to the management of human resources. The Parole and Probation system has the potential to be effective in Pakistan, given the deficiencies in human resource management. The issue of human resources has been the most crucial component in ensuring proper implementation. Within the realm of criminal rehabilitation, comprehending the psychology of the offender becomes crucial, as it is specifically aimed at facilitating a transformation from negative to positive conduct. Humans are intricate organisms that respond to external stimuli. Hence, the deficiencies in the management of human resources may be addressed promptly. Furthermore, government officials demonstrate a lack of prioritizing. In Pakistan, although there are several laws in existence that address rehabilitation, the state fails to prioritize this issue. The state has instead adopted the practice of apprehension and execution, which ultimately undermines the peace and stability of the state (Khan, A., Iqbal, N., & Ahmad, I. 2022).

### **CONCLUSION**

We have examined several facets of Pakistani criminal rehabilitation techniques throughout this inquiry in an effort to provide a complete understanding of the current state of affairs and the pressing need for improvement. The paper focuses on how crucial it is to make criminal rehabilitation a crucial part of the entire criminal justice system. The legal framework, rehabilitation programs, stakeholder obligations, and challenges have all been examined, yielding important insights for Pakistan's criminal justice system's future.

The legal framework in Pakistan that supports criminal rehabilitation is essential and acts as a

foundation. Laws and regulations should create a solid framework for the rehabilitation process, ensuring that it complies with international standards and fairness principles. Policymakers and legal experts must continue to evaluate and revise this framework in order to address any flaws, ambiguities, or restrictions.

There are both positive and negative results from a review of the current rehabilitation initiatives in Pakistan. While some programs have shown promise in helping prisoners reintegrate into society, others have fallen short of their objectives. This emphasizes the requirement for a robust and consistent rehabilitation strategy that is based on empirical data and effective techniques. The effectiveness and efficiency of these programs must be continually assessed and improved.

In the subject of rehabilitation, the roles performed by both governmental and non-governmental organizations are essential. For a comprehensive, community-centered rehabilitation strategy to be established, the participation of various stakeholders is essential. The outcomes of rehabilitation efforts can be significantly influenced by their combined efforts and effective coordination.

We have identified the complex and nuanced elements that surround the process of criminal rehabilitation in Pakistan after evaluating the challenges faced by authorities and the hardships endured by offenders. The difficulties include resource limitations, societal criticism, and the need for specialized, offender-centric approaches. The first step in finding solutions that address the underlying causes and barriers to effective rehabilitation is realizing these problems.

Pakistan is ultimately at a turning point in deciding how to approach the rehabilitation of offenders. It is crucial to recommit to the principles of justice and have a deeper understanding of the dynamics within the criminal justice system in order to move ahead. The goal of reform measures should be to create a system that, in addition to enforcing sanctions, also makes it easier for offenders to change and reintegrate, which will ultimately result in safer communities and a more equitable society.

This article's goal is to aid scholars, politicians, and practitioners who are dedicated to improving Pakistan's prisoner rehabilitation program by offering them important knowledge and insight. We

may strive towards a fairer, more considerate, and effective criminal rehabilitation system—one that serves the afflicted individuals as well as the larger society—by facing the challenges and opportunities described in this document. In light of the current events in Pakistan and other similar circumstances, it is essential that we continue to be steadfast in our commitment to upholding justice and helping those who have broken the law.

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