



Development of probation and parole in Bangladesh and India

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Why is probation important in South Asia?

- Overcrowding
 - Bangladesh occupancy level : 214.8%
 - India occupancy level: 112.2%
- Pre-trial detention
 - Bangladesh: 68.3%
 - India 66.2%



Legislative basis of probation

- What laws does probation come under?
- What crimes is probation used for?
- What duties of probation officers are set out in legislation?



Weaknesses in implementation

- Awareness
- Attitudes
- Inter-agency cooperation
- Structure
- Capacity
- Quality personnel
- Reformative elements to reformation



Good practice

- Andhra Pradesh
- Tamil Nadu



Wider questions

- Is probation the best way to reduce overcrowding and large percentage of PTD prisoners in South Asia?
- Should it be invested into in India / Bangladesh / both or is better to begin other alternatives to imprisonment projects – CSOs, mediation, and using traditional justice structures?



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Probation and Parole in Pakistan

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Why probation and parole for Pakistan?

- More pre / under trial detentions
- Non existent or traditional rehab services
- Overcrowded prisons
 - poor prison management
 - dismal health hygiene conditions
 - torture and other exploitation
 - high risk behaviours
 - Increased risk of criminalisation/
extremism



Legislative basis

- Pakistan inherited the Judicial System of the Govt of British India
 - Reclamation & Probation Departments (RPDs) established in 1927
 - Good Conduct Prisoners Probation Release Act 1926
 - Sections 380/562/564 Indian Code of Criminal Procedure
 - (All India Probation Bill drafted)
- Only Province of Punjab has its own RPD
- Rest of the provinces established RPDs in 1957



Current legislative basis

- The probation of offenders ordinance 1960/
Rules 1961
- The Good Conduct Prisoner Probational
Release Act of 1926
- Juvenile Justice System
Ordinance 2000/ Rules

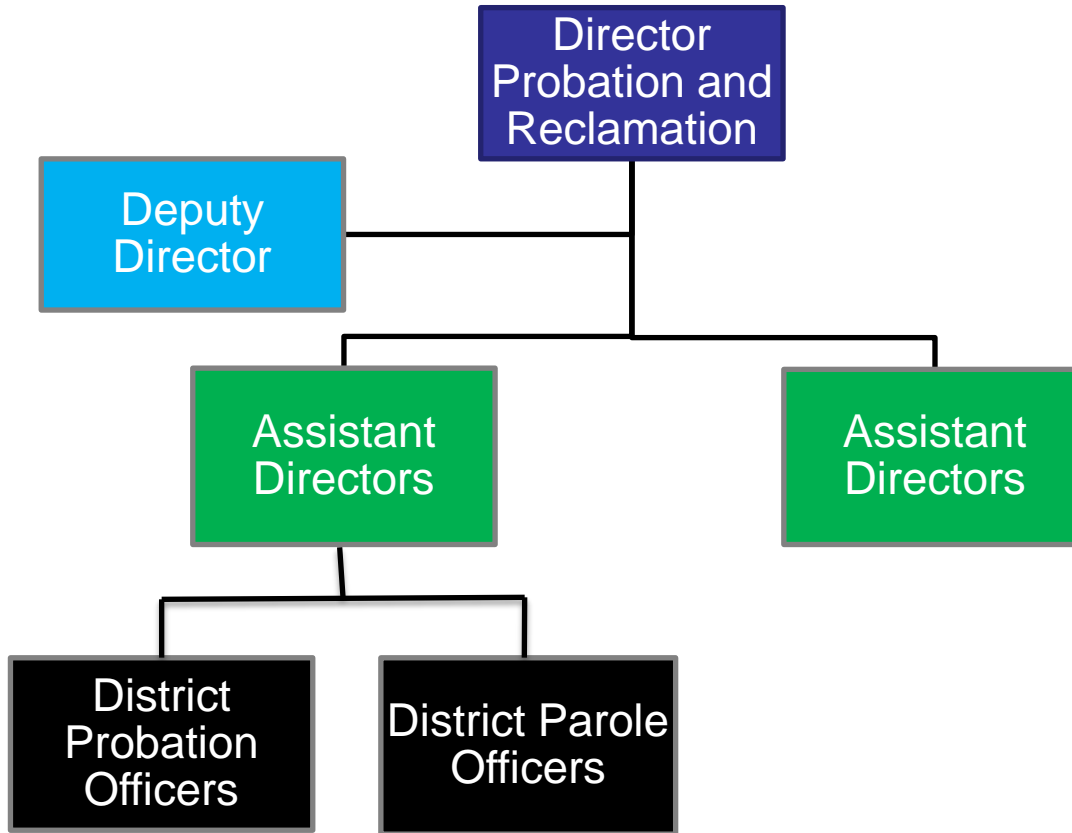


Legal provisions for non-custodial sanctions

- Bail: at the Pre/during trial stage
- Probation/ fines: at the sentencing stage
- Parole: Post sentencing
(during imprisonment)



Structure

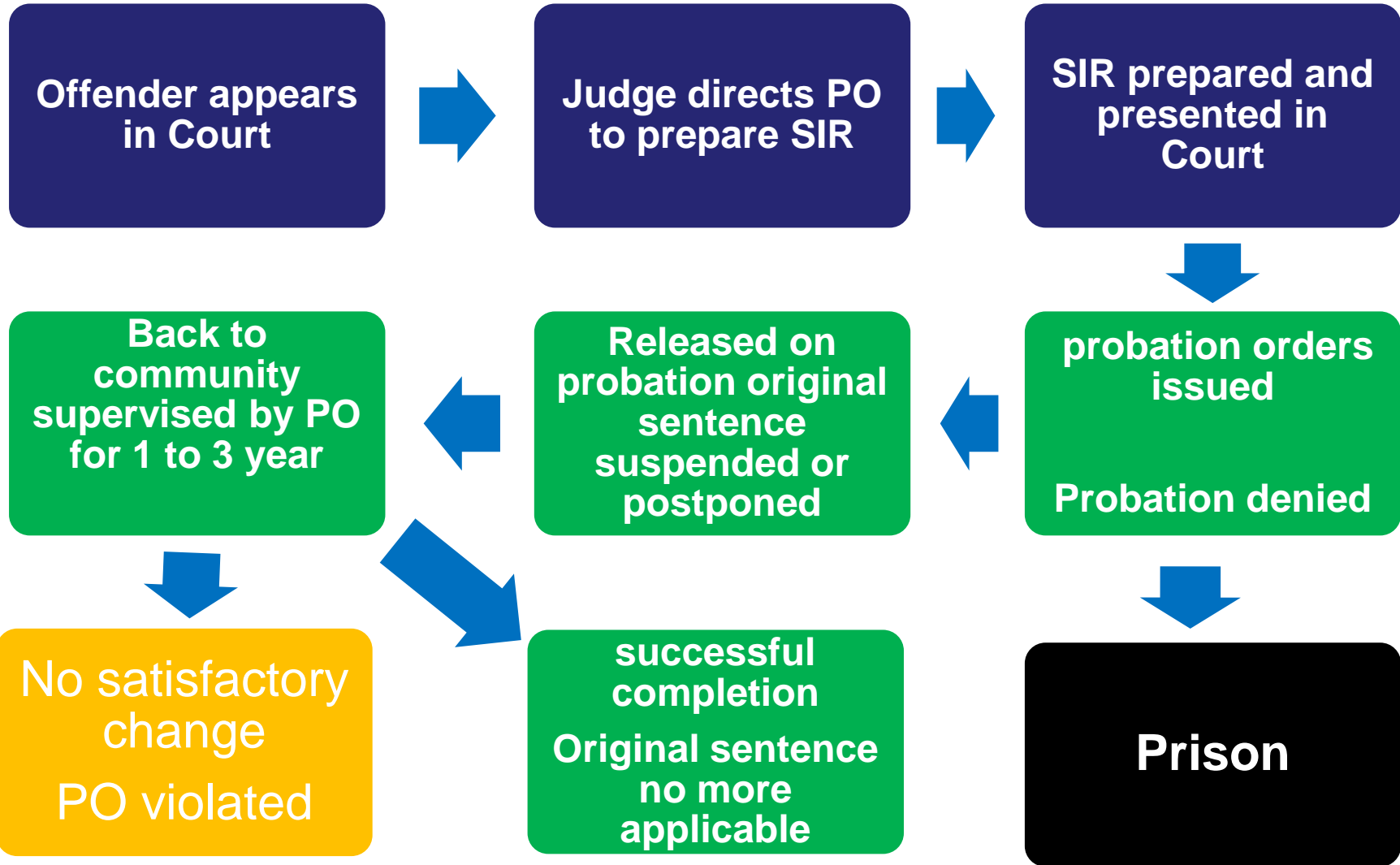


Structure: Province-wise strength staff

Province	Director	Deputy Dir.	Asst Dir	Probation Officer		Parole Officer		Total
				Male	Female	Male	Female	
Punjab	1	1	10	53	4	16	4	89
KPK	1	1	0	21	7	2	0	32
Sindh	1	0	2	15	1	14	0	33
Balochistan	1	2	2	7	2	5	1	20



Probation process

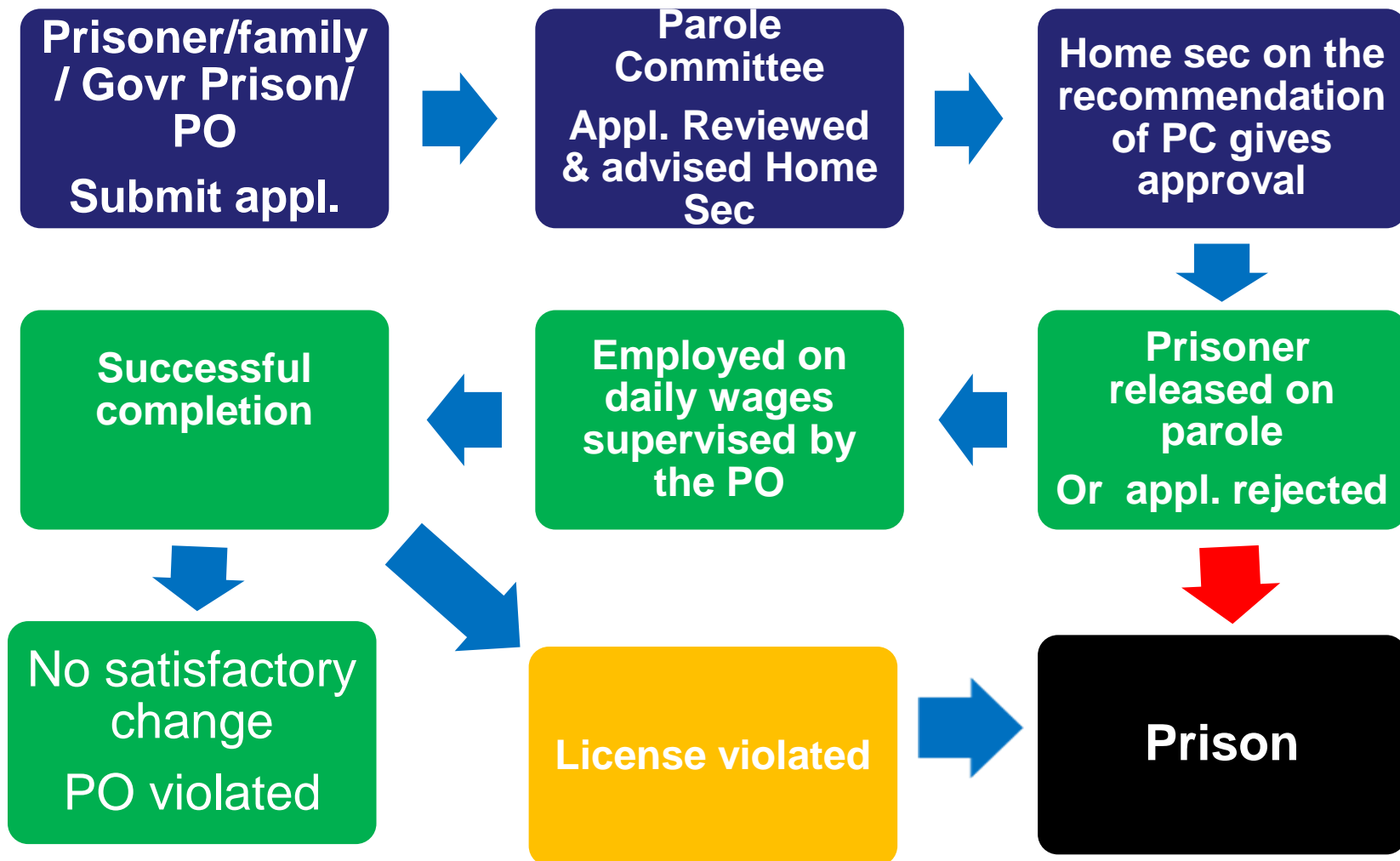


Scope of Probation system and limitations

- Extended to offences mostly of minor nature and first time offenders
- Somewhat discriminatory
 - male offenders are less likely to be released on probation than female



Parole process



Scope of Parole system and limitations

- Restrictions on parolees
 - To be employed minimum 45 miles away from the family
 - Can't live with their families before six month of parole period.
 - No direct access to their monies
 - No personal Bank Account



Province-wise data of Probationers and Parolees

Province	Probationers			Parolees	Total
	Male	Female	Juvenile		
Punjab	21510	243	247	150	22150
KPK	1697	33	59	14	1803
Sindh	950	0 ?	50	22	1022
Balochistan	20	0 ?	5	76	101



Positive developments

- Provincial RP Directorates established
- New posts sanctioned/ recruited
- Releases on probation comparatively increased (particularly of juveniles offenders)
- Probation officer now member of the DCJCC
- Parole Committees established at provincial level



Areas for improvement

- Insufficient funds allocation
- Inadequate human, material resources and poor skills development
- Lack of or less-effective multiagency working for rehabilitation of released P/P
- Insufficient means of communication (transportation, phone/fax machines)
- Data collection and management



Areas for improvement

- Poor implementation of existing laws
- Lack of interest/confidence of the judiciary and legal counsel on the existing probation & parole system
- Inadequate training facilities for staff
- Poor coordination among key partners
- No provision of community service in the probation law



Wider challenges and issues for the penal system

- Overcrowded prisons
- Lack of political will / not a priority area for Govt.
- Attitudes of Judiciary, Police, Lawyers towards non custodial sanctions
- Risk of honour killing (particularly-female)
- Inadequate infrastructure facilities and human resources
- Weak communication infrastructure



Recommendations

- Review of the existing laws to make necessary amendments/ additions
- Systemic regular training programmes for probation and parole officer needs to be included in the annual training calendar of National Institute of Prison Administration (NAPA-Lahore)



Recommendations

- Multiagency sensitisation trainings
- Development of database at provincial directorates for planning and research purposes
- Regular monthly meetings of “DCJCCs” with effective representation of POs
- Pilot projects needs to be developed on public private partnerships on probation / parole



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