

Pakistan, Corrections in

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The Islamic Republic of Pakistan (Pakistan) is a sovereign country located in South Asia. Its population of more than 197 million (in 2013) makes it the sixth most populous country. In 2009, Punjabis represented 44.15% of Pakistan's total population, ethnically ranking in first place, followed by Pashtuns (15.42%), Sindhis (14.1%), Seraikis (10.53%), Muhajirs (7.57%), Balochs (3.57%), and other ethnic minorities (4.66%). Pakistan is a federal parliamentary republic with four provinces (Punjab, Sindh, Khyber Pakhtunkhwa, and Balochistan), two autonomous and disputed territories, one federal capital territory, and a group of federally administered tribal areas.

The components of Pakistan's criminal justice system still follow the traditional methods of prevention, interrogation, investigation, prosecution, and imprisonment (Fasihuddin 2013: 247). The criminal justice system in Pakistan is mainly an institutional combination of precolonial and colonial elements and a variety of Islamic legal interpretations. According to the Constitution of Pakistan 1973, provincial responsibility for crime control and prevention, and relevant justice administration, are mainly shouldered by the respective provincial governments, while issues such as enactment of criminal laws and criminal justice personnel training are under the jurisdiction of the federal government.

After independence in 1947, the penal culture of Pakistan enjoys, to some extent, a coexistence of three different models. They are the indigenous model, the Islamic model, and the cosmopolitan model (Zaman 2011: 9). The *indigenous model* of penal culture focuses on collectivity rather than individuality. It mostly prioritizes collective action and responsibility, and little importance is attached to the individual. Punjait (in Punjab) and Jirga (in Khyber Pakhtunkhwa, Balochistan, and

Sindh), with features of the indigenous model, are local jury systems which take the responsibility of resolving issues in an informal approach. It is the respectable men of the area that constitute the local jury. They listen to both victims and offenders and make a final decision based on their own wisdom. The *Islamic model* implements Islamic sharia. The basic goal of Islamic law is to promote a "crime free" environment instead of correcting and rehabilitating offenders. Physical penalties including corporal punishment are applied. This model enjoys a long tradition in Muslim countries and particularly in Pakistan, though it has not been implemented completely. The *cosmopolitan model* (Western model) of justice based on the "utilitarian" concept was introduced in British South Asia in the eighteenth and nineteenth centuries. The Indian Penal Code (IPC) is a typical example of cosmopolitan legal culture. It was drafted in 1837, passed by the legislative assembly in 1860 and implemented in 1862; it is now called the Pakistan Penal Code 1860 (PPC) and many amendments have been attached to it.

The Use of Imprisonment

Prisons, like all other institutions of criminal justice system in Pakistan, are the heritage of the British colonial era. This prison system once functioned as an instrument to consolidate Crown rule, and to suppress political opponents as well as antisocial elements. Several colonial-era statutes regulate the functions of prisons, including incarceration, treatment, and transfer of inmates. For the sake of amending the old prison-related laws established in British India, the Governor General of India passed the Act No. IX of 1894 which was enforced on July 1, 1894. It consisted of 12 chapters and 62 sections, defining the rules of maintenance of prisons and officers' behavior, rights and obligations of prisoners, as well as discipline, work assignment of convicted inmates, and punishment of offenses within prison premises. The Prisoner Act of 1900 was an act to consolidate the law relating to prisoners confined by court. It accommodated nine parts with 53 sections, covering issues such as

removal of prisoners from one prison to another, discharge of prisoners, attendance in court, and employment for prisoners, etc. The Punjab Borstal Act 1926 was an act for the establishment and regulation of Borstal Institutions in Punjab. It contained 36 sections which discussed the detention, training, and reformation of prisoners under the age of 21. The 1932 Jail Manual was given assent by the governor in the Council of Punjab in December 1932. It consisted of 42 chapters, 1,160 rules, 20 supplementary appendices, and a comprehensive index. This manual particularly mentioned the appointment of European warders for European prisoners, the role of senior assistant superintendent, documentations of bails, duties of convict monitors, leprosy, and European prisoners and their treatment, and so on. The Pakistan Prison Rules 1978, a comprehensive statute that comprises 50 chapters with 1,250 rules, guided the daily operation and management of Pakistan's prisons. Other acts relating to prisons and prisoners are as follows:

- Regulation III of 1818, for the confinement of state prisoners;
- Pakistan Penal Code, 1860 (Act XLV of 1860);
- Reformatory Schools Act, 1897;
- Criminal Procedure Code, 1898 (Act V of 1898);
- Sindh Children Act 1955, and The Sindh Borstal Schools Act 1955;
- Probation of Offenders Ordinance, 1960;
- Juvenile Justice System Ordinance, 2000;
- Mental Health Ordinance, 2001.

In terms of the classification of prisoners in Pakistan, there are various categories. Specifically, they are:

1. *Sentence awarded.* Based on this, prisoners are categorized into two types:
 - convicted prisoners: those whose cases have been decided and sentences passed;
 - under trial prisoners: those who are waiting for the decisions of their cases by the courts.
2. *Nature of sentence.* Based on the nature of sentence prisoners can be classified as:
 - simple imprisonment prisoners: those who are only incarcerated, without punishment by labor work. They can

choose to do work but will not be punished if they neglect the work; they are also eligible for amnesty;

- imprisonment with punishment: those who may be given punishment work during their imprisonment;
 - death sentence: those who are housed in separate cells and are always monitored by a guard.
3. *Age.* Prisoners can be generally classified according to their ages. Under Rule 308 of jail rules, prisoners are divided into three groups as follows:
 - juvenile prisoners: children under 16 who are guaranteed special rights under the Juvenile Law of Justice 2002;
 - young prisoners: those who are aged between 16 and 20;
 - adult prisoners: those who are older than 20.

Rule 4 of Pakistan Prison Rules categorizes prison into four types, namely central prisons, special prisons, district prisons, and sub-jails in each province:

1. *Central prisons.* Central prisons shall have the capacity of accommodating ordinarily more than 1,000 prisoners despite the length of sentence. The provincial government is authorized to discretionarily redesignate any special prison or district prison to be a central prison.
2. *Special prisons.* (a) The provincial government can nominate a prison as a special one at any time or establish a special prison at any place. (b) Except women's prisons, open prisons, borstal institutions, and juvenile training centers, no other prisons shall be deemed to be special prisons.
3. *District prisons.* Other than central prisons or special prisons, all prisons shall be deemed to be district prisons, which can be categorized into three classes: (a) first class, with an accommodating capacity of 500 prisoners or more with sentences up to five years; (b) second class, accommodating between 300 and 500 prisoners with sentences up to three years; (c) third class, capable of accommodating fewer than 300 prisoners with sentences up to one year.

4. *Sub-jails*. These are smaller institutions where criminal suspects are detained. A provincial government by a general or special order can nominate a “subsidiary jail” at any place.

Besides the above prisons, there is also a judicial lockup (Law & Justice Commission of Pakistan 1997: 94). Judicial lockups are established by the provincial government at tehsil and sub-tehsil level. In judicial lockups, fewer than 100 prisoners are housed.

Classes of prisons

Prisons are also categorized into different classes according to the facilities provided and how prisoners are treated based on their social status:

A Class Such prisons are for prominent offenders including political leaders. They are given separate rooms, good quality food, and are permitted to meet visitors (even for conjugal visits in some cases).

B Class Prisoners of higher social status are housed there. Some specific facilities are also offered.

C Class Conditions in these prisons are the most miserable. They generally hold common criminals and those in pretrial detention. Floors of such prisons are usually dirty and no furnishings are available. Prisoners are often reported to suffer torture such as beatings and long periods of forced kneeling.

To improve the prison environment, Pakistan established the Law and Justice Commission of Pakistan, which recommended the following objectives and functions of modernized prisons (Jail Reforms Report no. 23, 1997), the six Cs:

1. *Custody*: keeping inmates confined in safe places required by the court.
2. *Care*: meeting basic needs (e.g., accommodation, food, medicine) of inmates.
3. *Control*: maintaining order and discipline within prisons.
4. *Correction*: motivating inmates through ethical, moral, and vocational education to become useful and law-abiding citizens.
5. *Cure*: providing treatment (through physical, medical, and psychological counseling) to reform and rehabilitate the inmates.

6. *Community*: re-socializing inmates by religious and other education for greater well-being after their release.

Statistics on prison in Pakistan

There are two major sources (International Centre for Prison Studies, ICPS; National Academy for Prisons Administration, NAPA) that can supply statistics on the prison population of Pakistan, but their statistics are not very consistent. At present there are a total of 99 prisons in Pakistan. Table 1 shows how these 99 prisons are distributed. Most of the prisons in Pakistan are built in Punjab, Sindh, and Khyber Pakhtunkhwa (KP). Among the 99 prisons, 25 are central jails scattered in major Pakistani cities, 9 are sub-jails, 50 are at the district level, 5 are juvenile jails, 5 are specially for women, 1 is a special prison, and 4 are judicial lockups (Fasihuddin 2013).

Table 2 shows the recent prison population trend in Pakistan. Since 1993, the inmate

Table 1 Distribution of prisons in Pakistan.

<i>Name of province</i>	<i>No. of prisons</i>
1. Punjab	32
2. Sindh	22
3. Khyber Pakhtunkhwa (KP)	23
4. Balochistan	11
5. Azad Kashmir	06
6. Gilgit Baltistan	05
TOTAL	99

Source: National Academy for Prison Administration 2010.

Table 2 Recent prison population trend in Pakistan.

<i>Year</i>	<i>Total prison population</i>	<i>Imprisonment rate*</i>
1993	68,453	58
1996	72,700	56
1999	74,485	54
2002	c. 90,000	c. 60
2005	89,370	57
2007	95,016	58
2010	75,586	43
2012	74,944	39

*Per 100,000 of national population.

Source: International Centre for Prison Studies.

Table 3 Illustration of prisons/prisoners in Pakistan by province.

Name of province	Under trial		Convicted		Condemned		Juveniles		Foreigners	
	M	F	M	F	M	F	M	F	M	F
Punjab	28713	349	10386	143	5994	28	708	–	299	27
Sindh	9187	83	2260	17	2533	01	163	–	201	02
KP	4252	58	1799	23	178	–	114	–	15	04
Balochistan	727	03	930	08	159	–	40	–	64	–
Gilgit Baltistan	351	–	27	–	–	02	–	–	–	–
AK	458	15	120	–	53	–	03	–	03	–
Total	43688	508	15522	191	6637	31	1028	–	582	33

Source: National Academy for Prison Administration 2010.

Table 4 The female prisoner population of Pakistan.

	2003	2005	2007	2010
Total female prison population	1,518	1323	1,328	931
% of total prison population	1.8%	1.5%	1.4%	1.2%

Source: World Female Imprisonment List 2006, 2012.

numbers had been in an ascending trend and reached a peak in 2007, then began to decline. While the imprisonment rate was relatively stable, that was around 57 per 100,000 persons before 2007. With the decrease of prisoners, it decreased to 39 per 100,000 persons in 2012.

Table 3 shows more detailed information about prisons/prisoners which can give further understanding of the prison situation in Pakistan. From Table 3 we can see that female inmates are a very small proportion of the total. The other characteristic of the prison population in Pakistan is that the proportion of pretrial prisoners is extremely high, which disproportionately consumes prison resources. Juveniles and foreigners are a small amount of the total.

Female prisoners in Pakistan

Female inmate numbers and their percentage of the total incarcerated population are small and declining (see Table 4). Women in Pakistan have low social status and are discriminated against by society and by government (Ali and Shah 2011). They are considered inferior to men and lack socioeconomic security and are deprived of their legitimate property rights. However, female prisoners in Pakistan are still entitled to some special rights. For example, separate female cells are built

and special care is taken to make them secure and away from the male inmates. Usually women are exempted from harsh punishments, and easy tasks that are related to the maintenance of the prison are assigned to them. Female inmates may work according to their will, which may also reduce their imprisonment time. Pregnant female prisoners are given special care and food. They are also provided with medical facilities, and regular medical checkups by female doctors are guaranteed. A mother with a child in prison can be granted amnesty of up to one year (Bagri 2010: 20).

Problems of prison in Pakistan

The situation in Pakistan's prisons is very unhealthy. According to the Pakistan Human Rights Report (US Department of State 2012), physical conditions of prison in Pakistan are harsh and life-threatening. The biggest problem is overcrowding. As is shown in Table 5, the authorized capacity is 42,670 prisoners, while the actual prison population is 77,451, exceeding the designed number by 81.5%.

Interestingly, there were 43 prisoners per 100,000 in Pakistan in 2010 (see Table 2) which was less than its international partners such as Australia (103), China (122), and Singapore

Table 5 Authorized capacity and actual prison population by province, 2010.

<i>Name of province</i>	<i>No. of prisons</i>	<i>Authorized capacity</i>	<i>Prison population</i>
Punjab	32	21,527	52,162
Sindh	22	10,285	13,886
KP	23	7,982	7,801
Balochistan	11	2,173	2,478
Azad Kashmir	06	530	663
Gilgit Baltistan	05	173	430
TOTAL	99	42,670	77,451

Source: National Academy for Prison Administration 2010.

(265). Therefore, overcrowding is not a consequence of punitive tradition but just a resource insufficiency. Specifically, there are several causes contributing to the overcrowding of Pakistani prisons (Khan 2010: 40):

- a high proportion of pretrial prisoners;
- under-utilization of parole and probation provisions;
- an increasing population of addicts;
- prolonged detention of minor cases;
- non-utilization of open jails.

Prison conditions of Pakistani prisons fail to meet international standards. Insufficient food and poor medical care in prisons lead to chronic health problems and malnutrition, especially for those inmates who cannot afford their meals with help from family or friends, though the average expenditure on food per prisoner is a meager 50–100 rupees (US \$0.58 to \$1.15) per day. In order to obtain meals and other facilities, poor prisoners, juveniles, and women have to please the prison officers, perhaps massage them; and sometimes a sexual bribe is a necessity. According to the Human Rights Committee of Pakistan (HRCP), in 2010 there were only three doctors in Karachi's Malir Jail for nearly 2,200 inmates, among whom 50 had HIV/AIDS and 400 had scabies. In Punjab, there were 255 prisoners suffering from HIV/AIDS, 1,979 from hepatitis B, 5,223 from hepatitis C, and 483 from tuberculosis. In many prisons, sanitation, ventilation, lighting, and clean water were inadequate. Mentally ill prisoners are usually given inadequate medical attention and not segregated from the general inmates. Foreign prisoners, mostly from African countries with minimal diplomatic

representation, are often retained in prison long after the completed sentence because no one will pay for their deportation to their home country. Sexual abuse, torture, and prolonged detention are prevalent, according to the investigation by human rights groups in 2010. Ethnic minority prisoners, particularly Christians and Ahmadis, are generally offered poorer facilities. They are usually violently attacked by Muslim inmates and have to suffer brutal treatment from prison staff. Recreational facilities and educational programs are also insufficient and unorganized. It is said that prisons in Pakistan should not be described as correctional institutions because of their inhumane conditions, which often result in criminals becoming worse than before their incarceration.

Shortage of manpower is also a problem that should not be ignored. Table 6 reveals the gap in prison staff strength at the provincial level in Pakistan. Besides a manpower shortage, slow career promotion of prison staff and low priority given to professional training are also a concern in terms of the resources problem in the Pakistan prison system.

Concern has been expressed about prison reforms in Pakistan. Because prisons are a provincial matter, it is the provincial governments that shoulder the responsibility of reforming prison institutions in Pakistan. As mentioned above, overcrowding is the biggest problem of the prison system, and some efforts have been made to address this problem. In Punjab, there are 14 new prisons under construction, costing about 8.58 billion rupees (around \$100 million). In Sindh, new barracks and cells are being built in Karachi, Khairpur, Mirpurkhas, and Thatta.

The absence of an effective system of legal representation for inmates, who have little awareness

Table 6 Prison staff in Pakistan.

<i>Name of province</i>	<i>Prison staff sanctioned strength</i>		<i>Vacant posts</i>	
	Male	Female	Male	Female
Punjab	12,261	333	2,298	104
Sindh	3,968	89	354	28
KP	1,922	87	135	06
Balochistan	1,044	43	156	10
Azad Kashmir	235	12	–	–
Gilgit Baltistan	108	–	73	–
Total	19538	564	3,016	148

Source: National Academy for Prisons Administration 2010.

about their legal rights and no ability to pay legal fees and fines or raise enough money to post bail, also contributes much to the overcrowding of Pakistani prisons. In January 2010, the Public Defender and Legal Aid Office Act (PDLAOA) was passed by the National Assembly. This act aims to provide a good quality and free legal service to promote justice all over Pakistan, to protect individual rights, and to advocate for effective defender services. There are also specific approaches for legal aid at regional level. For example, in Karachi, the capital of Sindh, the Human Rights and Legal Aid (LHRLA) organization provides free lawyers to give legal assistance to prisoners to increase their awareness of basic rights. Pamphlets created by the LHRLA are distributed in central prisons of Karachi to guide those prisoners who cannot pay for a lawyer to write their bail and appeals applications.

Probation and the Parole System in Pakistan

Community-based rehabilitation practices such as probation and parole have had tremendous significance attached to them in the criminal justice system as a consequence of a focused move from retributive to rehabilitative justice. In Pakistan, the overcrowding and unhealthy environment in prisons make an alternative to imprisonment more urgent. The Islamic standpoint regarding crime professes hating the crime rather than the actual criminal and rehabilitation is the final goal. The relatively low incarceration rate is an indication of Islamic philosophy. Those subjective and objective factors have contributed

to the emergence of probation and parole in Pakistani criminal justice system.

As an alternative to imprisonment, correctional treatment of offenders by probation and parole is governed by Provincial Directorates of Reclamation and Probation, as affiliated departments to the Provincial Home Departments in all four provinces of Pakistan. In each province, it is the Director of Reclamation and Probation (R&P) that leads every Provincial Directorate. The Directorates of Reclamation and Probation have some general mandates, such as addressing the crime rather than the criminal; reducing overcrowding in prisons; reducing government expenditure on prisons; rehabilitating and reintegrating offenders so that they become law-abiding citizens. There are many stipulated instruments available in Pakistan for the release of offenders on probation and parole, and the following are the most important:

- Good Conduct Prisoners' Probational Release Act, 1926;
- Good Conduct Prisoners' Probational Rules, 1927;
- Probation of Offenders Ordinance (XLV of 1960);
- West Pakistan Probation of Offenders Rules, 1961;
- Juvenile Justice System Ordinance 2000 and its Rules for Implementation.

Procedure of probation in Pakistan

The Probation of Offenders Ordinance (1960), promulgated by the President of Pakistan, aims to cater to certain types of offenders who can

be rehabilitated under the proper supervision and guidance of probation officers. This probation law is applicable for both male and female offenders but it is more lenient toward female offenders than males. For example, male offenders cannot enjoy probation if the offence is heinous or punishable by death or life imprisonment, while for females all offenses are eligible under the probation law except for death penalty ones.

The Probation of Offenders Ordinance (1960) includes 15 sections. Section 5 empowers the judiciary/courts to place certain offenders on probation for no more than three years; they are eligible for immediate release on probation. The court will hear the arguments between defendants and the prosecution will then decide whether the case is fit for probation. Then the court will order the probation officer to submit a Social Investigation Report (SIR) which includes profiles of the offender such as character, antecedents, commission and nature of offense, and home surroundings and other circumstances. SIRs are prepared to assist the courts to arrive at an appropriate decision, but in practice, the court puts most of the cases directly on probation without a formal SIR. An absence of SIR may be a consequence of insufficiency of probation officers, of the lack of confidence of the court in the professionalism of probation officers, or the long time it takes to prepare a SIR.

Section 3 of the Probation of Offenders Ordinance (1960) stipulates the following courts to implement the power of releasing offenders on probation under the said ordinance:

- High Court;
- Court of Session;
- Judicial Magistrate 1st Class;
- Any other magistrate specially empowered;
- Determination of offender's suitability for release on probation entirely rests with the judiciary.

After the release of offenders on probation, the Reclamation and Probation (R&P) department in the province nominates relevant probation officers to supervise, monitor, and rehabilitate them in the community. Probation officers play an essential role in the whole process of probation, from release to the success of rehabilitation.

Section 10 of the Probation of Offenders Ordinance (1960) specifically describes the duties of probation officers:

- explaining the terms and conditions of probation to the probationer under his charge, and endeavoring to ensure the observance of the probationer;
- meeting the probationer at least once a fortnight in the first two months of probation, and thereafter keeping in close touch with the probationer, meeting him frequently, asking about his conduct, mode of life and environments, and if possible, visiting his home from time to time;
- trying to find suitable employment for him, if required, and assisting him to improve his conduct and conditions of living;
- encouraging probationers to make use of any recognized agency, statutory or voluntary, that may benefit his welfare and general well-being, and to take advantage of the social, recreational, and educational facilities they provide.

Table 7 presents some statistics about probation of Pakistan. From the table, it is not difficult to calculate that in 2010 there were 356 probationers for each probation officer, which is a huge workload. The majority of probationers (91%) were in Punjab province.

Procedure of parole in Pakistan

The Good Conduct Prisoners' Probation Release Act 1926 states that a prisoner who is likely to refrain from crime and live a positive life – judged by his antecedents or his behavior in the prison – may be permitted an early release by a license issued by the Reclamation and Probation Department (R&P). If released from prison, he should be under the supervision of a suitable person who is nominated in the license and is willing to supervise the prisoner in his respective province. Under the law, this is commonly known as parole release or conditional release.

Parole cases can be taken up by the assistant director of R&P in the following ways:

- on application of the prisoner;
- on application of the relative or friend of the prisoner;

Table 7 Probation officers and probationers in Pakistan by province.

Province	Probation officers			Probationers				TOTAL
	Male	Female	Total	Male	Female	Juvenile Male	Juvenile Female	
Punjab	35	1	36	20,774	225	217	0	21,216
KP	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
Total	58	7	65	22,660	242	293	2	23,197

Source: National Academy for Prison Administration 2010.

- on recommendation of the superintendent of jail;
- the assistant director and parole officer visit jail for selection of a prisoner suitable to be released on parole.

Parolees can also be employed and get fixed wages for family or personal use on the approval of relevant officers. The wage is dependent on the skills of the parolee but should not be lower than 1,000 rupees per month (Penal Reform International 2013). Employment should be under specific terms and conditions. For example, the employer should be a resident of the same province but a minimum of 45 miles away from their immediate relatives, have a good reputation, not be involved in any illegal trade/activities, and able to offer accommodation, clothes, food, and wages to the parolee. With the approval of the relevant parole officer, parolees can meet their families on casual leave. Usually this is authorized after completion of the first six-month parole period of the parolee.

The following list outlines the responsibilities of the parole officer (Bhutta 2010). He needs to:

- attend to the supervision and rehabilitation of offenders placed on parole;
- visit jails and arrange to interview good conduct prisoners with the assistant director of the R&P department;
- consult history tickets, remission sheets, warrants, and so forth of prisoners;
- assist the prison administration in the preparation of rolls of selected prisoners for parole release;
- receive prisoners on parole, find them suitable employment, and solve problems;
- periodically pay visits to parolees, collect wages, and submit reports to the assistant director R&P about parole work and process any complaint.

In fact, the duties of parole officers are assigned to probation officers in many districts of Pakistan as a consequence of parole staff shortage. Table 8

Table 8 Situation of parole officers and parolees in Pakistan by province.

Province	Parole officers			Parolee				TOTAL
	Male	Female	Total	Male	Female	Juvenile Female	Juvenile Male	
Punjab	8	2	10	99	0	0	0	99
KP	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 2010.

describes the situation of parole in Pakistan. We can see that 17 parole officials have to take care of 191 parolees. Note that there are no female parolees in Pakistan even though four female parole officers are on duty.

Above all, probation and parole systems have been neglected in the criminal justice system of Pakistan. Relevant officers are insufficient not only in quantity but in quality. Professional orientation, conceptual clarity, motivational work environment, innovative correctional skills, and training are all important concerns and need future attention.

SEE ALSO: Health Care in Prison; Mental Health Issues of Inmates; Overcrowding in Prisons; Security Levels

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