

**COMMUNITY SERVICE  
HUMANISTIC ORIENTATION viz  
CONSTITUTIONAL VALUES**

**BY**

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# CONTENTS

- ▶ HUMANISTIC ORIENTATION
- ▶ CONSTITUTIONAL VALUES
- ▶ ISLAMIC VALUES
- ▶ COMMUNITY SERVICE
- ▶ CONCLUSION

# HUMANISTIC ORIENTATION

## MEANINGS

Treating human beings well

## COMPONENTS

Sympathy, Dignity, Respect, Rights, Protection

## APPLICATION

Sociology, Psychology, Religion, Education,  
Criminology

## PRESENT CONTEXT - Criminology

Crime, Criminal, Trial, Punishment, Prisons, etc.

# CONSTITUTIONAL VALUES

- SALUS POPULI SUPREMA LEX  
( PREAMBLE, ART. 2-A)
- ISLAMIC WAY OF LIFE ( ART 31)
- FREEDOM, EQUALITY, TOLERANCE,  
SOCIAL JUSTICE (ART 2-A)
- RULE OF LAW (ART 4, 5, 9 & 199)
- HUMAN RIGHTS ( ART 9-28)
- ACCESS TO JUSTICE (ART 37 &199)

# HUMAN RIGHTS

## ➤ **FUNDAMENTAL RIGHTS**

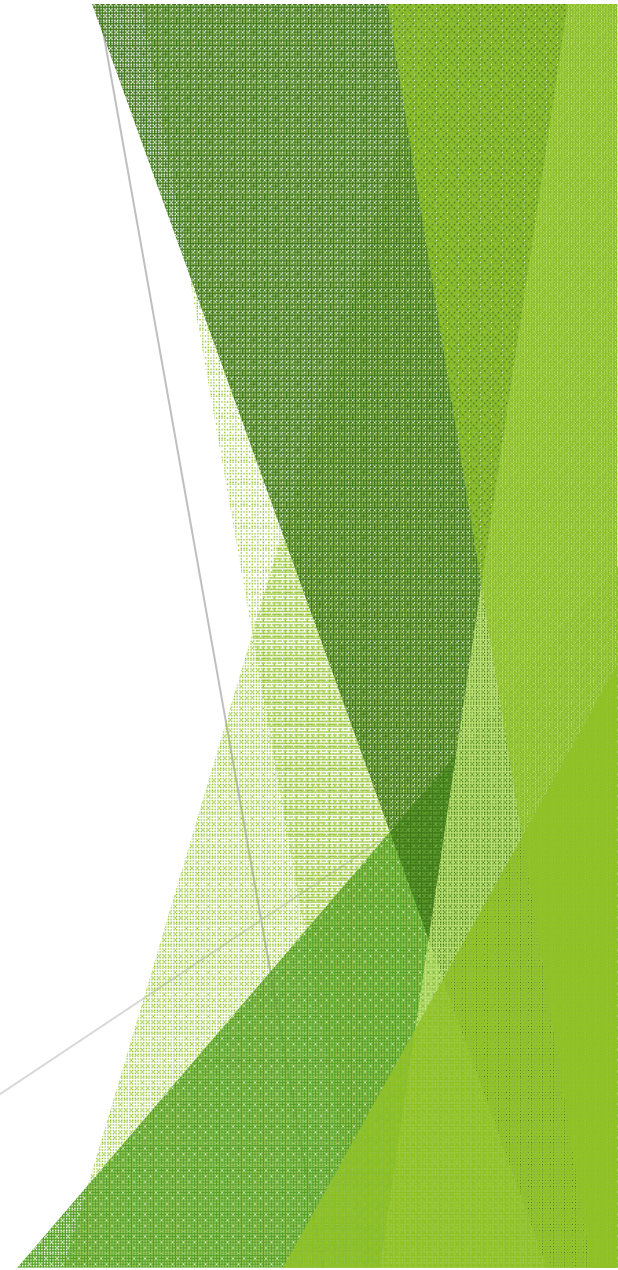
- SLAVERY / FORCED LABOUR PROHIBITED (ART 11)
- DIGNITY OF MAN (ART 14)
- ECONOMIC RIGHTS (ART 23 /24)

## ➤ **PRINCIPALS OF POLICY**

PROMOTION OF SOCIAL JUSTICE(ART 37)

ERADICATION OF SOCIAL EVILS (ART37)

SOCIAL & ECONOMIC WELFARE ( ART 38)



# ISLAMIC VALUES

- *PROTECTION OF HUMAN RIGHTS, PARDON, MERCY, KINDNESS, GENEROCITY & SERVICE TO HUMANITY*
- *BEST IS ONE WHO IS MOST BENFICIENT*
- *DON'T UNDERESTIMATE VALUE OF KINDNESS*
- *ALLAH FORGIVES AND LIKES FORGIVENESS*
- *PRISONERS OF WAR (BADR) TEACHING MUSLIMS*

# ISLAMIC PUNISHMENTS

- ▶ HADUD
- ▶ QISAS
- ▶ DYAT
- ▶ TA'ZIR



# ISLAMIC PUNISHMENT -TA'ZIR

10 TYPES INCLUDING

- ▶ *ADMONITION ( AL WAZ)*
- ▶ *REPRIMAND( AL TAWBIKH)*
- ▶ *THREAT / PROBATION (AL TAHDID)*

# ISLAMIC THEORY OF PUNISHMENT TA'ZIR

- ▶ SAFEGURDING PUBLIC INTEREST
- ▶ BENEFICIAL TO SOCIETY
- ▶ RATIONAL
- ▶ EQUALITY / EQUITY BASED

# WESTERN THEORIES OF PUNISHMENTS

- ▶ DETTERENCE
- ▶ RETRIBUTION
- ▶ PREVENTION
- ▶ RESTORATION
- ▶ REHABILITATION

# INTERNATIONAL CONTEXT

- ▶ TOKYO RULE, 1990 (UN)
- ▶ IRAN ISLAMIC PENAL CODE(2013)
- ▶ MALAYSIA (SHARIA COURTS ACT 1965)
- ▶ INDIA ( PROBATION OF OFFENDERS ACT 1958)

# COMMUNITY SERVICE – LAW (CONDITIONAL PROBATION)

## PROBATION OF OFFENDERS ORDINANCE, 1960

**Sec 5 (2) While making a probation order, the court may also direct that the bond shall contain such conditions as in the opinion of the court may be necessary for securing supervision of the offender by the probation officer and also**

**such additional conditions with respect to**

**Residence, environment, abstention, from intoxicants and**

**any other matter which the court may, having regard to the particular circumstances of the case, consider necessary for**

**preventing a repetition of the same offence or a commission of other offences by the offender and**

**for rehabilitating him as an honest, industrious and law-abiding citizen.**

**RULE 21(2) The conditions to be specified in a probation order or a bond executed under section 5, shall generally be such as will tend to the moral and social progress and development of the probationer.**

# COMMUNITY SERVICE - LAW

JUVENILE JUSTICE SYSTEM ORDINANCE 2000

SECTION 11. NO PROVISION

- ▶ **Law & Justice Commission of Pakistan (Dec 05 2009)**
- ▶ 11(d). Make an order directing the child offender to be sent to a welfare institution for work for such term as may be specified by the court.
- ▶ RULE 11 (2) Government may at any time for reasons, to be recorded in writing, order a juvenile to be discharged from a Borstal Institution or released from the custody either absolutely or on such conditions as Government deems appropriate. (CONDITIONAL RELEASE- CS)

# COMMUNITY SERVICE WIN-WIN SITUATION

OFFENDER	COMMUNITY
CONVENIENT	FREE LABOUR
SKILL DEVELOPMENT	COMMUNITY MONITORING
GIVING BACK TO SOCIETY	HELPING CORRECTIVE PROCESS
SELF ESTEEM	CHANGE IN NEGATIVE ATTITUDE
	SERVES PURPOSES OF PUNISHMENT

# COMMUNITY SERVICE - LIMITS

- ▶ CONFIRTY WITH CONSTITUTION (ART 11/14)
- ▶ CONFIRMITY WITH ISLAMIC JURISPRUDENCE
- ▶ CONFIRMTY WITH LAW
- ▶ CONFIRMITY WITH COMMUNITY VALUES
- ▶ BENEFICIAL FOR OFFENDER /COMMUNITY
- ▶ EQUITABLE
- ▶ REASONABLE
- ▶ WIN-WIN SITUATION FOR ALL



# CONCLUSION

- ▶ PERMISSIBLE UNDER CONSTITUTION
- ▶ PERMISSIBLE UNDER ISLAMIC JURISPRUDENCE
- ▶ PERMISSIBLE UNDER LAW
- ▶ INTERNATIONAL OBLIGATION
- ▶ ADOPTED BY RELEVANT COUNTRIES
- ▶ WIN-WIN SITUATION FOR ALL
- ▶ PERMISSIBLE WITHIN LIMITS
- ▶ NEED FOR INITIATIVE / JUDICIAL WILL

THANK YOU

QUESTIONS / COMMENTS

