

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

# Concept of Community Service Under Probation Laws



By

Sohail Nasir (D&SJ)

[sohailnasir1@yahoo.com](mailto:sohailnasir1@yahoo.com)

## *ORIGIN OF PROBATION*

- *Can be traced to English criminal law of the middle ages.*
- *Harsh punishments were imposed on adults and children alike for offenses that were not always of a serious nature*

## ORIGIN OF PROBATION

- *During the time of King Henry VIII, for instance, no less than 200 crimes were punishable by death, many of which were minor offenses.*

## ORIGIN OF PROBATION

*This harshness eventually led to discontent in certain progressive segments of English society that were concerned with the evolution of the justice system*

## ORIGIN OF PROBATION

*Eventually, Courts began the practice of "binding over for good behavior," a form of temporary release during which offenders could take measures to secure pardons or lesser sentences*

## *FIRST PROBATION OFFICER*

- *John Augustus, the "Father of Probation"*
- *He was a permanent resident of Boston and the owner of a successful boot making business*

## *FIRST PROBATION OFFICER*

- *Washingtonians abstained from alcohol*
- *They were convinced that abusers of alcohol could be rehabilitated through understanding, kindness, and sustained moral suasion, rather than through conviction and jail sentences*

**FIRST PROBATION**  
**RELEASE**

- *In 1841, a "common drunkard,"*
- *He was ordered to appear in court three weeks later.*
- *He returned to court like a sober man, accompanied by Augustus.*
- *To the astonishment of all in attendance, his appearance and demeanour had dramatically changed*

## *OVER ALL OUT COME*

- *By 1858, John Augustus had provided bail for 1,946 men and women.*
- *Only 10 of this forfeited their bonds*
- *It was a remarkable accomplishment when measured against any standard.*

## *EFFECTIVE OUT COME*

- *The first probation statute, enacted in Massachusetts shortly after the death of Augustus in 1859, was widely attributed to his efforts.*

*WHAT  
IS  
COMMUNITY SERVICES*

## COMMUNITY SERVICES

- *An alternative to criminal punishment.*
- *Offenders to perform work for city or county agencies often on weekends, as an alternative to confinement in jail*

## COMMUNITY SERVICES

- *Offender is required to perform unpaid work or other activity in the community under the supervision of a Probation Officer*

## Community Services

- *It is imposed for a specific period which measured by hours of service.*
- *The hours imposed is vary, depending on the nature of the offence*
- *Community service is a healthy alternative mode of punishment and has lots of advantages*

*BENEFITS  
OF  
COMMUNITY SERVICES*

## Benefits

- *Less expensive punishment compared to imprisonment.*
- *It takes a lot of money to send a person in jail.*
- *Selection of community service by offender*

## *KIND OF COMMUNITY SERVICES ACROSS THE GLOBE*

- *Cleaning up roadside or parks.*
- *Attending educational programs and presenting speeches and seminars concerning the negative effect of crime.*
- *To appear before school groups to explain why drunk driving is a crime.*

➤ *Light manufacturing.*

➤ *Repair work.*

➤ *Office work on labour camps or farms or on land conservation projects.*

- *Cleaning up graffiti.*
- *Working with a charity.*
- *Teaching a law school course.*
- *Tutoring children.*
- *Building homes in low income areas.*
- *Assisting the elders.*

- *Socializing animals at animal shelters.*
- *Contributing to the operations of volunteer fire departments and emergency services.*
- *Helping with civic beautification.*
- *Raking leaves.*

- *Mowing the grass.*
- *Washing the windows.*
- *Cleaning the house.*
- *Putting up and taking down  
Christmas decorations.*

- *Theatre and work as backstage running the lights and sound.*
- *Working at a breast cancer awareness organization.*
- *Working with a group that promote water conservation*



*Historical Back Ground of Law*

*in*

*Pakistan*

*Provisions of Law before 1960  
Probation was covered by various  
provisions of Cr. PC e.g.*

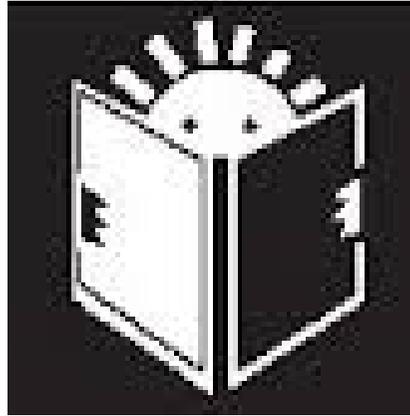
➤ 380

➤ 562

➤ 563

➤ 564

*(All were repealed by Section 16 of the  
Ordinance, but still part of Statute)*



*First Specific Law was*

*PROBATION OF OFFENDERS,  
ORDINANCE, 1960 (XLV OF 1960)*

*A milestone in the progress of modern  
liberal trend of reform in the field of  
penology*

## **RELEVANT FEATURES**

- ▶ *Concept of punishment is reformation.*
  - ▶ *A helping hand to society but not the cause of unrest.*
  - ▶ *Offender beneficial instead of harmful for society.*
  - ▶ *Non repetition of offence.*
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## RELEVANT FEATURES

- ▶ Ultimate good of providing justice to victim, society and offender within the framework of law.
  - ▶ To Release offenders on probation or admonition and for matters connected therewith.
- 

## **RELEVANT FEATURES**

- ▶ *To emphasis from deterrence to reformation in accordance with modern outlook on punishment.*
- ▶ *To reform and rehabilitate the offenders.*



## RELEVANT FEATURES

- ▶ *To prevent turning of offenders into criminals by association with hardened criminals inside the walls of prisons.*
- ▶ *To attempt possible reformation of offenders instead of inflicting normal punishments for crimes.*



## **RELEVANT FEATURES**

- ▶ *To make the offenders as useful and self-reliant members of society.*
- ▶ *To give a chance to offenders for reformation without even subjecting them to probation system*



## QUESTION OF STIGMA

*The reformation and rehabilitation of offender is incomplete unless he/her can live a life free from stigma.*

*Section 11 has given effect to this rehabilitative concern by removing disqualification attached to the conviction of an offender*

*Was there application of provisions  
of the Ordinance seen?*

*NO*

## *EFFECT OF NON APPLICATION OF LAW*

- *Jails became overcrowded day by day*
- *Once a person was sent there he came out as a hardened criminal*
- *He had developed bad habits*

## **FIRST SINCERE EFFORTS FOR APPLICATION OF LAW**

- *In 2009 which was a year for focus on justice at the grass-root level.*
- *The Courts were asked to make use of the Probation of Offender Ordinance 1960*

## **FIRST SINCERE EFFORTS FOR APPLICATION OF LAW**

- *In proper cases the Sessions Judges were advised to exercise powers under Probation of Offender Ordinance 1960*

*So*

*Application of Law was started*

*But*

*If it was true application?*

*Or*

*It was only number game to show the  
disposal of cases under this  
umbrella?*

*Number Game*

- *How many violations were reported by Probations Officers?*
- *How many Judges are in habit to call for registers of Probation Officers for examination and to monitor their performances*
- *How many convicts released on probation were called by Courts so as to see their rehabilitation?*

## WHAT IS REALITY

- *Offenders appear before Probation Officers periodically*
- *Get mark their attendances and*
- *And they are asked to appear on next date.*

## WHAT IS REALITY

During intervening period of two dates

- *What a convict had been doing?*
- *What his behaviour remained? And*
- *How he acted in society etc?*

For this we have only presumptions

*IMPORTANT QUESTION  
FOR  
AUDIANCE*

*Whether the Ordinance permits a  
Court to release on probation on the  
condition of community service?*

**YES**

*Court may also direct that the bond shall contain such conditions-----*

*and also such additional conditions with respect to residence, environment, abstention from intoxicants and any other matter which the court -----*

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

*Most important consideration is to ensure the offender to be an*

- *Honest,*
- *Industrious and*
- *Law abiding citizen*

## **MIND PROVOKING ISSUE**

*Are we achieving the objects of Law by simply releasing the offenders on probation while taking bond of good behaviour?*

# Areas of Community Services in Pakistan

- *Hospitals.*
- *Educational Institutions.*
- *Educational Institutions for Special Children.*
- *Religious Educational Institutions.*
- *Special Disease Centres*

- *SOS.*
- *Old Houses.*
- *I.T Departments.*
- *NGOs providing social services.*
- *Edhi Welfare Trust and many others.*
- *Pakistan Green Task Force.*
- *Jail Reforms Organizations*
- *Rescue 1122*
- *Jails*

# *Maiden Effort in Pakistan*

*By Anti-Corruption Court, Rawalpindi*

## *Second Effort in Pakistan*

*Ghulam Dastgir & 3 others v. the State*

*PLD-2014-Balochistan-100*

- *Planting 25 trees.*
- *To take care of those*
- *If tree did not survive it would be replaced by other*
- *Time spend for one tree for a year is four hours*
- *Equal to 100 hours of community service*

*First Organized Effort in  
Pakistan*

*AT ATTOCK*

*First Case AT ATTOCK*  
*State vs. Mehr Khan*

- *A Tailor*
- *Three days in a week (09 to 11)*
- *Tailoring classes in Prison School*

## *Success in Attock*

*140 offenders were ordered to  
serve communities*

# *Kind of Services*

- *Quranic Education*
- *Drivers (1122/Eidhi)*
- *Physical Training*
- *Plumber (Building Department)*
- *Mali*
- *Tailor (Jail)*

*2<sup>nd</sup> Organized Effort in  
Rawalpindi*

*87 offenders were ordered to serve  
communities*

# *Kind of Services*

- *Ward Boys*
- *Tailors*
- *Barber*
- *Motor Mechanic*
- *Dispenser*
- *AC Mechanic*
- *Mali*
- *White Washer*

Thank you