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From arrest to trial court: the story of women prisoners of Pakistan

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Abstract

This study used mix methods design and was conducted in all four women prisons of Sindh province of Pakistan. It was a 'census', no sampling was done and total respondents were 100. Inmates were involved in six types of crimes i.e. drug trafficking (26), murder of husband (25), kidnapping (23), murder (18), robbery/theft (5), child trafficking (2) and extra-marital relationship (1). The prisoners were tortured to sign confession. Inmates from rural and poor strata were found to be more ignorant, disempowered and vulnerable to existing judicial system. Findings also showed least legal help from government as well as NGOs sector.

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1. Introduction

1.1 Prisons and Pakistan Prison System

Prison is the generic term for all institutions and many devices that hold captives. Historically, the words correctional facility, and penitentiary have been /are used for prison; as the words inmate and resident are used for the prisoner [1]. Incarceration in a prison eventually became the normal method of punishment for almost all offences, and the prison a characteristic organization of modern society [2].

Pakistan has 82 prisons. There are 22 prisons in Sindh province, out which four are the women prisons located at Karachi, Hyderabad, Larkana and Sukkur districts. Prisons in Pakistan present a very gloomy and deplorable picture owing to their mismanagement, over-crowding, psychological/mental torture and social and

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familial abandonment experienced by the prisoners, and above all disregard of basic human rights and civic amenities [3].

The roots of the current judicial system of Pakistan practiced today have evolved over a long period of time being a legacy of British colonial period [4]. Pakistan Penal Code or PPC is the basis of all legislations in Pakistan. It was instituted in 1860 by the British colonial government. The Penal Code has been amended several times since the independence of Pakistan. Known as the Pakistan Prison Rules, the manual grew out of the federal government's Jail Reforms Conference of 1972. In many respects the Rules reflect the colonial era. In 1997, the Pakistan Law Commission, a statutory body chaired by the Chief Justice of Pakistan, issued a report on jail reform and proposals to amend both the Rules and existing legislation. The commission's recommendations, however, have gone largely unimplemented [4].

1.2 Pakistan and Sindh

In 1947 British India was partitioned along religious lines to create two independent nations: India and Pakistan. Pakistan has four provinces: Punjab, Sindh, Baluchistan and Pakhtunkhuwah. Pakistan occupies a strategic crossroads in South Asia, bordering Afghanistan, and Iran to west, China to north and India to east. Modern Pakistan has a population of approximately 180 million of which over 95% are Muslims [5]. The population of Sindh is estimated to be around 60 million in 2012 [6]. Sindh is a province where, in spite of abundant natural resources, including fertile land, the sea, sweet water and much else, the region has not been able to develop into a successful society. Poverty has the majority in its grip and is one of the main factors for so many turning to crime in Sindh [7]. Some of the various root causes of continuing poverty in Sindh are unemployment, dearth of industrial units in the rural areas, torture by police and corruption by the bureaucrats and officers [7].

1.3 Status of Women and Women Prisoners in Pakistan

1.3.1. Status of Women

The 1973 constitution of Pakistan promises equal rights to all citizens, repudiates discrimination on the basis of sex alone, and affirms steps to ensure full participation of women in all spheres of life. Article 25 of Chapter 1, Part II of the constitution on 'Equality of Citizens' says:

1. All citizens are equal before law and are entitled to equal protection of law.
2. There should be not protection on the basis of sex alone.
3. Nothing in this Article shall prevent the State from making any special provision for the protection of women and children [8].

In reality, Pakistani women are deprived of their legitimate property rights. A combination of factors such as harmful customary practices, social inhibitions, distorted version of Islamic provisions on inheritance, and unequal power structures prevent Pakistani women from exercising their due rights [9]. Many despicable practices remain unchallenged in the society. Aside from deprivation of right to acquire and own property; women themselves are treated as property [9]. Despite the obvious support for equal opportunity reflected in constitution and policies, the ground realities are different for girls and women in Pakistan in education sector also. In fact, between 1995 and 2001 the female literacy rate declined. In 2001-2002, the highest literacy rate was among males in Urban Sindh and the lowest among females in rural Baluchistan [10]. Thus parents decide not to send their daughters to school at all or withdraw them at puberty. In general, girls and women have a low status in the family, community and society relative to boys and men. This disparity is reflected in poor access to all kinds of resources: education, healthcare, economic, legal and political [11].

1.3.2 Women Prisoners

A 1980 study of criminal justice in Pakistan documented only some 70 female convicts in the entire country [12]. By 1987, the number had increased to 125 female convicts in the province of Punjab alone [13], and an estimated 91 in the province of Sindh [14]. According to some of the police records for 1983, in all provinces of Pakistan, a minimum of 1,682 women faced trial for offences solely under the *Hudood Ordinances*. That number increased to 1,843 in 1984 and continued to rise in subsequent years. Sociologists Khawar Mumtaz and Farida Shaheed estimated that there were a total of 4,500 women prisoners in the entire country [15]. Custodial violence is known to be widespread but, for obvious reasons, rarely reported or pursued [16].

According to a survey conducted in 1988, over 90% of the 90 women prisoners interviewed in two prisons of Punjab province were unaware of law under which they had been imprisoned. Over 60% had received no legal assistance whatsoever [13]. The study also found that women were most frequently detained for spousal murder or offences under the *Hudood Ordinances*. Other offences included theft, alcohol abuse, and possession of drugs or illegal arms. In late 1991, of over 30 convicted women prisoners in Multan prison, half were convicted for murder and sentenced to death. Nine of them had been charged with killing their husbands [17].

2. Research Methodology

2.1 Study Design and Study Site

This study employs the mix method or triangulation approach for data gathering. It employs both quantitative and qualitative approaches. Qualitative data from in-depth interviews and focus group discussions were used to support the quantitative findings. This study used both methods simultaneously. All 100 inmates were included in the study. It was a 'census'. This method was chosen keeping in view the following factors:

1. Small population size of the female prisoners
2. To make the study more applicable in terms of generalizability.

The study was conducted in all the women prisons of Sindh province of Pakistan. All the four women prisons of Sindh province have the demographic representation of rural and urban areas, as in other parts of country. Hence the study can be applicable to other provinces of Pakistan.

2.2 Inclusion / Exclusion Criterion

All the eligible and willing inmates of Pakistani origin present in the prison premises, irrespective of their age, nature of crime, status (under trial or convicted) and the place of confinement inside the prison premises were included. All foreigner women prisoners were excluded as the aim and objectives of this study were to explore the issues of Pakistani women prisoners. The accompanying children of the women prisoners within prison premises were also not the part of the study. At the time of study there were 150 women prisoners, out of which 43 were foreigners and 107 were Pakistani prisoners. Seven refused to participate; the remaining 100 participated in the study.

2.3 Data collection and analysis

Data collection tools and methods comprised of the following instruments and methods.

1. Questionnaire: The interviewer asked and filled up the questionnaire in the session with women prisoner.
2. In-depth interviews: In-depth interviews were conducted with different pertinent and important stakeholders. Their willingness and availability to participate in the research was the basis for their selection and also through the researcher's professional linkages.
3. Focus Group Discussion: One focus group discussion was conducted with a small group of pertinent stakeholders.

Analysis for the quantitative data was done using SPSS version-18 software. The qualitative part of data from the in-depth interviews and focus group discussion was analysed by identifying themes, categorizing, collapsing and other principles and methods of qualitative research methodology.

2.4 Ethical Considerations

The questionnaire was field tested and necessary amendments were made. Prior permission was sought and schedule of interview sessions with prisoners was agreed with the prison authorities as prisons are sensitive places and observe strict security. Informed consent, verbal in most cases (as 72 out of 100 inmates were illiterate), was obtained from all participants. Female enumerators were hired and trained for the data collection, as male enumerators are not allowed to interact with females in the socio-cultural and religious context of a Pakistani society. Coding the identity of the respondents was ensured at every step for confidentiality.

3. Findings

3.1 Crime and Arrest details

3.1.1 Crime Categories

The data shows six types of crimes registered against the inmates. The highest number of respondents was related to the cases of drug trafficking (26) followed by murder of husband (25), kidnapping (23) and murder (18) registered against them. Those involved in robbery/theft were five, child trafficking two and extra-marital relationship only one. In-depth interviewees mentioned that women were used as safe carrier for the drugs so they were preferred for drug trafficking by the drug mafia. Deputy Inspector General of Police said:

“...the drug smugglers use women as carriers for sending the drugs from one place to another...”
(Sanaullah Abbasi, personal communication, February, 2010).

Table 1 below shows details of crimes registered and status of inmates in different prisons.

Table 1 Crimes and Status of Respondents of Different Prisons

		KHI	HYD	LRK	SUK	Total	Total
Drug Trafficking	Under trial	9 (56.2%)	6 (37.5%)	1 (6.3%)	0	16 (61.5%)	26
	Convicted	5 (50%)	3 (30%)	1 (10%)	1 (10%)	10 (38.5%)	
Murder	Under trial	9 (69.5%)	1 (7.7%)	1 (7.7%)	2 (15.4%)	13 (72.2%)	18
	Convicted	2 (40%)	2 (40%)	1 (20%)	0	5 (27.8%)	
Murder of Husband	Under trial	6 (30%)	9 (45%)	4 (20%)	1 (5%)	20 (80%)	25
	Convicted	0	4 (80%)	0	1 (20%)	5 (20%)	
Kidnapping	Under trial	7 (36.9%)	5 (26.3%)	3 (15.3%)	4 (21%)	19 (82.6%)	23
	Convicted	4 (100%)	0	0	0	4 (17.4%)	
Robbery / Theft	Under trial	3 (60%)	0	0	2 (40%)	5 (100%)	5

	Convicted	0	0	0	0	0	
Child Trafficking	Under trial	2 (100%)	0	0	0	2	2
						(100%)	
	Convicted	0	0	0	0	0	
Extra-marital relationship	Under trial	0	0	0	0	0	1
	Convicted	0	1 (100%)	0	0	1 (100%)	
Total	Under trial	36 (48%)	21 (28%)	9 (12%)	9 (12%)	75	
	Convicted	11 (44%)	10 (40%)	2 (8%)	2 (8%)	25	
Grand Total		47	31	11	11		100

3.1.2 Co-accused

The data showed that 30 inmates under different crime categories had co-accused arrested and imprisoned in male prisons. Although ‘male co-accused often escape their arrest by bribery, influence and other tactics and means’*, even then, 30 out of 100 women inmates having co-accused is ample evidence that women do not always do the crime solely on their own; they have male accomplice in committing a crime. Out of these 30 inmates, 22 inmates (73.3%) had male co-accused from the family like husband, son, father, uncle or others. Other 5 (16.6%) women inmates had male accomplices outside their family. Only 3 (10%) of these 30 women inmates had other female co-accused out of the family. Most co-accused were with the women inmates registered under kidnapping (10), followed by drug trafficking (7), murder (6), murder of husband (6), and robbery/theft (1).

3.1.3 Place of Arrest and Arrested by Whom

Few women were pregnant when arrested. More than half (54) were arrested at home while doing household work. Details show that 45 of these (83.3%) were in 3 crime categories: murder, murder of husband and kidnapping (15 in each category of crime). In drug trafficking only 4 inmates were arrested at home while 22 out of 26 registered under this crime were arrested out of the home: nine at market place, eight at airport, and five while travelling by train/road. This supports evidence emerging out of in-depth interviews with stake holders that women are used as safe carriers of drugs by the drug mafia. Seven out of these 26 inmates had co-accused arrested with them.

Nine women were arrested while at the police stations (not forgetting that all these were male police stations). Five out of these nine, had co-accused with them and all were males. This showed the involvement of males as accomplice in the crime. Out of these nine women arrested at police stations seven women were brought by their male family members/powerful village/tribal heads to the police station on the pretext that they just need to give simple statement about the crime event and then they can go back to their homes. Six out of these seven were arrested on murder of husband charges and one under extra-marital relationships.

The women inmates were not hard core criminals as only four out of the total 100 respondents were arrested for the second time and only due to cancellation of bail. Seventy one of the inmates were arrested by male police, seven were arrested by the motorway police (having male police staff) and nine were arrested by male police officers at the police stations. So, 87 women inmates were arrested by male police staff. Only 3 were arrested by female police staff, while 10 were arrested by antinarcotics force/customs which had male and female staff.

*Sanallah Abbasi, Deputy Inspector General of Police, Personal Communication, February 2010

3.1.4 Ignorance of the Date of Arrest

The level of ignorance, illiteracy and lack of empowerment was also evident as 59 women inmates did not know the date of their arrest. This can well be assessed from the following tables.

Table 2. Dates of Arrest and Rural / Urban Divide

Native area	Date of arrest		Total
	Do not know	Know	
Rural	34 (85%)	6 (15%)	40
Urban	25 (42%)	35 (58%)	60
Total	59	41	100

Table 2 shows that 85% inmates from rural areas did not know their date of arrest as compared to 42% from urban areas.

Table 3. Date of Arrest and Ethnicity

Ethnicity	Date of arrest		Total
	Do not know	Know	
Sindhi	34 (75.5%)	11 (24.5%)	45
Punjabi	19 (59.4%)	13 (40.6%)	32
Pakhtun	2 (33.3%)	4 (66.7%)	6
Muhajir	4 (28.5%)	10 (71.5%)	14
Other	0	3 (100%)	3
Total	59	41	100

Table 3 above shows that 75.5% of the Sindhi inmates did not know their date of arrest, followed by Punjabis at 59.4%, Pakhtuns at 50%, Muhajirs at 28.5% and Other 0%. These findings have an important relationship. Sindhi, an ethnic community predominantly living in rural areas and being poor with low literacy rate are the majority (75.5%) who do not know the date of arrest. On the contrary almost $\frac{3}{4}$ inmates from the ethnic community of Muhajirs and 100% of 'other' category, who are predominantly urban community, know their date of arrest. This depicts the disempowerment of women from rural areas of Sindh province of Pakistan.

Table 4 Dates of Arrest and Education

Education	Date of arrest		Total
	Do not know	Know	
Literate	3 (10.7%)	25 (89.2%)	28
Illiterate	56 (77.8%)	16 (22.2%)	72
Total	59	41	100

Table 4 above shows that 10.7% of literate did not know their date of arrest as compared to 77.8% of illiterate women inmates.

3.2 *Police Custody Details*

3.2.1 *Period in Police Custody*

Data showed that there have been transgressions of law regarding the stay period of women inmates in police custody. According to Pakistan Penal Code, police/arresting agency has to produce the accused before the magistrate/judicial authority within 24 hours of the arrest. Findings showed that only 23 out of 100 women inmates were produced before the court of law within 24 hours of the arrest. Eighteen of them were in police custody for 25 to 72 hours (2-3days). Fifty six of them were kept in police custody for more than 72 hours before being produced to the court. These included 11 out of 17 accused under murder charges, 20 out of 25 under murder of husband charges and 14 out of 22 on kidnapping charges. Findings also show that 32 of these 56 were in unlawful police custody for a period of two weeks to one month. Of these 32, two were charged for robbery/theft, three under drug trafficking, six under murder charges, 10 under murder of husband charges, and 11 under kidnapping charges. One woman under kidnapping charge was kept in police custody for more than one month.

3.2.2 *Police Custody and Signing the Confession*

This long period of stay in police custody is not only against the law but also provides police to manipulate with the framing of charges and chances of other loopholes and maneuverings. The evidence to this came from findings which showed 27 women inmates signed confession to commit the crime while being in police custody even before the start of court proceedings. Although six of them told that they had confessed on their own, 21 mentioned they were forced to confess due to physical torture and psychological threats by police and forced by the male relatives and tribal heads who visited them at police stations and pressurized them to do so during this period. Even seven of the inmates were forced to sign on a blank paper, leaving it open for the police staff to fill whatever charges, clauses and contents they wished to write on that blank paper. Out of the six who confessed their crime, two were kept in police custody from two days to one week.

When we look deeper into the signing of confession, facets of the class system, patriarchal society, illiteracy and ignorance emerges out unmistakably. Out of the 27 who signed confession in police custody, 21 were Sindhi, 5 were Punjabi and only one was Muhajir. It may be kept in mind that Sindhi is the ethnic community that are predominantly rural people, belong to lower economic class, living in patriarchal society, having low literacy rates compared to other ethnic communities. More details showed that out of these 27 women inmates signing confession 21 were from rural areas, 26 were illiterate, and 25 were involved with farming/domestic work. Out of those seven inmates who were forced / tortured to sign on the blank paper six were from rural areas involved in farming and one from urban area working as maid; but all were illiterate. Out of these seven, three were arrested on murder of husband charges, three on kidnapping and one on drug trafficking.

This data is supported by the statistical evidence. Statistical analysis for Chi-square test shows a significant p-value of 0.001 for education and signing of confession as shown below.

Education * sign confession before trial? Cross tabulation

		Count		
		sign confession before trial?		Total
		No	Yes	
Education	literate	27	1	28
	illiterate	46	26	72
Total		73	27	100

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)	Exact Sig. (2-sided)	Exact Sig. (1-sided)
Pearson Chi-Square	10.830 ^a	1	.001		
Continuity Correction ^b	9.242	1	.002		
Likelihood Ratio	13.840	1	.000		
Fisher's Exact Test				.001	.000
Linear-by-Linear Association	10.722	1	.001		
N of Valid Cases	100				

a. 0 cells (.0%) have expected count less than 5. The minimum expected count is 7.56.

b. Computed only for a 2x2 table

The simple frequencies show that whereas only one out of 28 literate inmates signed the confession, there were 26 out of 72 illiterates who signed it subduing to pressure and torture by police. Linear Regression Anova test also shows 'F' value more than 8 as below giving the statistical evidence for the above discussion:

ANOVA^b

Model	Sum of Squares	df	Mean Square	F	Sig.
1 Regression	2.183	1	2.183	11.902	.001 ^a
Residual	17.977	98	.183		
Total	20.160	99			

a. Predictors: (Constant), sign confession before trial?

b. Dependent Variable: Education

The aspect of ethnicity is also relevant and significant here as shown in the Chi-Square test below.

Ethnic group * sign confession before trial? Cross tabulation

Count sign confession before trial?		Count		
		sign confession before trial?		Total
		No	Yes	
Ethnic group	Sindhi	24	21	45
	Pakhtun	6	0	6
	Punjabi	27	5	32
	Muhajir	13	1	14
	Other	3	0	3
Total		73	27	100

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	17.061 ^a	4	.002
Likelihood Ratio	19.526	4	.001
Linear-by-Linear Association	14.869	1	.000
N of Valid Cases	100		

a. 5 cells (50.0%) have expected count less than 5. The minimum expected count is .81.

The Chi-Square test above shows a significant p-value of 0.002 with cross tab comparison of ethnicity and the signing of confession. A look at the simple frequencies provides supporting evidence that shows 21 out of 27 inmates (77.8%) who signed confession were Sindhis; Punjabis were five (18.5%) and Muhajirs were only one (3.7%). Linear Regression Anova test also shows ‘F’ value more than 8, which is significant (F=17.321) as below giving the statistical evidence for the above discussion.

ANOVA^b

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	43.645	1	43.645	17.321	.000 ^a
	Residual	246.945	98	2.520		
	Total	290.590	99			

a. Predictors: (Constant), sign confession before trial?

b. Dependent Variable: Ethnic group

3.3 Judicial Custody and Trial Details

3.3.1 Status of Prisoners: Under trial and Convicted

The findings showed that 75% of the prison inmates were under trial. This may be one evidence of slow court proceeding, as the data reveals that almost 1/3 of the population (n=31) were behind the bars for a period ranging from one to six years and were still under trial. These findings for a lengthy trial are supported by views of District Session Judge himself, although he absolved the judiciary to be responsible. Judge said:

“No judge deliberately lingers on the case. I agree that there are lengthy trials and prisoners remain behind bars for longer periods even in minor offences. But we, judiciary are not the cause of that. There are several other barriers such as witnesses migrating to other locations and thus not appearing in the cases, the police officer handling the case are either influential or untraceable and do not attend the courts, custody (prisoner) is not produced on the date of hearing and also there is dearth of judges” (Muhammad Ali, personal communication February, 2010).

It is this time where pressure is put to the women inmates or their relatives outside to come to a compromise or withdraw altogether. Most common practice to settle the issue outside the court is by holding a *Jirga* (settlement by fine of any kind, even giving away girls in marriage), between the parties decided by the tribal heads / influential and then produces a compromise document in the court under *Qisas* and *Diyat* law.

3.3.2 Knowledge of Sentencing Court, Trial Court, and Social Structure and Ethnicity

The level of ignorance is related to educational level achieved and social structure. Once again the data showed that women who lived in urban areas (like Karachi) were more aware than those living in the rural interior of Sindh. Findings about who did not know which judicial court had sent them to prison showed the inmates from Karachi prison at 6.3%, Hyderabad 29%, Sukkur 36.3% and Larkana 45%. It must be noted that as we travel to north from Karachi towards Hyderabad, Sukkur and Larkana it is getting more and more rural area,

and the tribal social structure dominates. This pattern and level of ignorance is supported by ethnic demographics as the figures show Sindhi inmates to be most ignorant: Sindhi 35.5%, Pakhtun 16.6%, Punjabi 9.3%, and Muhajir 7.1%.

One of the participants of focus group discussion was Deputy Superintendent of Police. While sharing his views and experiences, he told that:

“I myself belong to a tribe and during my career my posting has been to many rural areas. Women’s life is limited there only in home and at agricultural land. When she finishes cooking and cleaning at home, she has to go to agriculture land to assist her husband or graze the cattle, or to search and bring back home dry wood and dung for fuel purpose. She is unaware of any of her rights. She is dependent on and always has to ask permission from her husband even for her visits to relatives’ place.” (Fida Hussain Chandio, personal communication, December, 2010).

Twenty one inmates even did not know the name of the court which sent them from police custody to judicial custody (i.e. prison). Out of these 21 inmates, 13 were from rural area and eight from urban area. This portrays a picture of patriarchal prototypes where ignorance and the class system together have led to their disempowered situation: all these 21 women were working on agricultural lands and were housewives; all 21 were illiterates; 20 out of 21 had arranged marriages (including given in exchange and sold/bought on cash). Again 16 out of these 21 were Sindhi, three Punjabi, one each Pakhtun and Muhajir.

3.3.3 Having / Not Having a Lawyer and attending the Court

For almost half of them lawyers were hired by their families. The government or non-governmental organizations could only provide lawyers to a few of the inmates. Even those lawyers were provided very late (from 6 months to one year or more) after their arrest. Some of these inmates had never met their lawyers at all. It was found that 22 of inmates did not have lawyers. It came out that from the findings that out of 22 who had no lawyer, 16 (72.7%) were from very poor and poor class families. Out of these 22, 12 were from rural area and all these 12 were from the Sindhi ethnic community. Again out of these 22, 16 were illiterate and from very poor and poor economic class of family. Regarding different prisons, six out of 11 (54.5%) inmates from each Larkana and Sukkur prisons had no lawyers as compared to seven out of 47 (14.9%) inmates of the Karachi prison.

Ms. Kalpna Devi, an advocate of District and High Court, was critical of the lawyers. She said:

“Poor women have problems in getting lawyer from all corners. Even we lawyers are not honest. We have lawyers who charge very high fees and we have another category of lawyers whom I call ‘daily wages’ lawyers. They give false hopes to poor and innocent clients and on every hearing slip the money out of their pocket. They deceive this way”. (Kalpna Devi, personal communication, February, 2010).

Attending the court proceedings personally or through lawyers showed that out of the 87 inmates who had their court production 59 of the inmates could attend regularly in person. Out of the 78 inmates who had lawyers, only lawyers for 53 attended the court proceeding regularly: 13 lawyers for women inmates from rural area and 40 lawyers for women from urban areas. Lawyers for 20% of women inmates from Larkana prison attended proceedings regularly, as compared to 50% in Hyderabad and 90% in Karachi prison.

3.3.4 Provision of Lawyers by Court and NGOs

Being helpless due to illiteracy, ignorance and not economically able to hire a lawyer with expensive fees, women inmates have little opportunity to get help from government or NGOs to get a lawyer. As the findings show courts could provide lawyers to only 11 and NGOs to 13 out of 100 inmates. All the lawyers who were provided by the court, could only meet their clients from 5-15 months after their arrest, while one inmate under the charges of murder of husband had never meet her lawyer even after one year being in prison. On the other side of the coin, the provision of lawyers by NGOs has some attention-grabbing aspects. Out of the 13 inmates to whom they provided lawyers, only one was from rural areas while all the other 12 came from urban

areas. Eleven inmates of these 13 were inhabitants of Karachi (prison of urban area). This shows that the NGOs were focused in the urban areas.

3.3.5 Prison Visits

Regarding prison visits by the family to women inmates inside the prison, 38 inmates out of the total 100 respondents mentioned that they had never been visited by the families ever since they came to prison. Out of these 38, women inmates registered under murder of husband charges were the most who never had any visits (13), followed by those involved in kidnapping cases (10). This category of women inmates (having no visit from family members) included 40% of under trial and 32% of convicted prisoners. Included in these 38 unvisited inmates were nine inmates never visited in two years' time and five inmates in four years' time. In this situation one can imagine the miserable financial and psychological condition of the inmates. One inmate had no visit since seven years, another since eight years and yet another since 11 years. The findings for the back ground reasons behind 'no visits by families' showed that out of these 38, families of 33 (86.8%) inmates belonged to very poor/poor socio-economic class. While remaining five were from middle class. The families could not afford to travel to town of the prison location as well as buy utility things for inmates (i.e. soap, food stuff, clothes etc.).

On the contrary, two inmates from rich families had once in a week and once in a month visit by the family members and they received full supply of their needed utilities. Even 28 inmates from very poor and poor class families who did receive the supplies, 25 received it partially. And of the 16 middle class inmates who did receive the supplies 14 received it partially. Whereas, 15 women inmates from the very poor and poor families had their families visit them, but it was a visit without bringing in anything. They received nothing from the family during these visits. So the sufferings of the poor continue in prison as well. When asked about the reason from these 15 respondents who did not received the supply of utilities, 14 of them told that it was because of poverty that their families could not buy anything for them while one mentioned that her family lived in a very distant area, so they could not bring in the supplies as all the money they had was spent for the fare to reach the prison to visit her.

Findings about the relationship of visitors to the inmates showed that highest number of inmates were visited by their children (15 inmates) followed by mothers (12 inmates), fathers (11 inmates). Husbands visited only eight of their inmate wives out of 52 (15.38%)!

3.4 Court Judgments

The cases of 75 inmates were being heard at the primary trial court i.e. Sessions / District courts and there are 25 convicted prisoners. Of the 25 convicted, only 14 women inmates filed their appeal at High Court. The decisions for 10 were still pending while for four inmates High Court maintained the decision of the lower court. No one is facing death penalty and six of them are serving life imprisonment: one from Karachi, three from Hyderabad, one from Larkana and one from Sukkur prison. Out of these six inmates serving life imprisonment, three were charged with murder and three with murder of husband. Out of the remaining 19 convicted inmates 10 were registered under drug trafficking, two for murder, two for murder of husband, four for kidnapping and one with extra-marital relationships. There was no case being heard at the time of study in the Supreme Court of Pakistan, the highest court of appeal.

4. Conclusion

Majority of cases registered against women prisoners were of drug trafficking (26), followed closely by murder of husband (25), and kidnapping (23). Those under charges of murder other than husband were 18, robbery/theft five, child trafficking two, and under extra-marital relationships was only one inmate. Their ignorance and poverty can be observed from the findings that 21 of them even did not know which judicial court

had sent them to prison, 22 of them did not have a lawyer. Some of them got the lawyer after six months to a year or even more after their arrest and some of them had never meet their lawyers. Some of them were languishing in the prisons for a period as long as four to six years as under trial prisoners. Inmates who belonged to the ethnic community from rural areas were more unaware and suffered more as they were living under traditional tribal and patriarchal culture as compared to the women prisoners from the ethnic communities who live in urban areas and who were relatively more aware. Women inmates of urban prison had more opportunities from being aware to the name of the court sending them to prison to getting a lawyer from the NGOs.

The findings showing 30 out of 100 women inmates having co-accused is evidence that women do not always do the crime solely on their own; they have male accomplice in the planning, pushing or execution of the criminal act. Out of these 30 inmates, 22 inmates (73.3%) had male co-accused from the family like husband, son, father, uncle and others. Finding also showed that 87 inmates were arrested by male police. More than half (54) of them were arrested while doing household work, nine were arrested when at male police stations.

Regarding the police and judiciary institutions, Mr. Irfan Baloch, Superintendent of Police, was very much outspoken. He said:

“In Pakistan it has never been welfare oriented criminal justice system. We have only punitive system. It means you have to punish every arrested person who is presumed to be a sure criminal and necessarily get a confession. That is why some people become criminal due to injustices of police. It is trademark of police in Pakistan to fabricate false cases. It is so much filth at the lower level and there is no doubt about it. The same goes with judiciary. It is only drum-beating of ‘Justice’, but cannot find justice on the ground. A big criminal is acquitted in 5 days and an innocent person will suffer for years in prison. A criminal justice system that cannot identify a real criminal, is surely an evident and utter failure” (Irfan Baloch, personal communication, February, 2010).

Voicing the same chorus, Ms. Kalpna Devi, an advocate High Court also summed up the whole situation for a female accused from the day she is arrested to the entry into prison, especially the behavior of male police and the risk she has as a woman at every stage. She said:

“The abuse of accused women starts from the moment when a male police officer puts his hand on her shirt, scarf or arm. In Islam, he is not a *Muhram*, so he cannot touch her in that way. But he drags her to police van and station (from any part of the body). And the women police personal is not present everywhere. They have to produce the arrested person to judicial magistrate in 24 hours. But they are kept at police stations for longer periods. So women are at risk everywhere: at male police station, in prison, in *Darul Amman*, even in court premises. Sexual abuse is not sexual act only. It is committed with words, with gazing eyes, with the behavior. Sexual abuse has already started with arrest. When a pretty accused woman is produced in court, everybody is staring at her: lawyers, peons, other court officials, even judges” (Kalpna Devi, personal communication, February, 2010).

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