FROM ARREST TO TRIAL COURT: THE STORY OF WOMEN PRISONERS OF PAKISTAN

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Abstract

The class based society in Pakistan has male-dominated expression in virtually every aspect and institution. In such a scenario of 'subjugation', females are involved in crimes ranging from kidnapping to murder. This exploratory study was conducted in Women's prisons of Sindh province of Pakistan. Total inmates were 107, but 7 refused to participate. Remaining 100 inmates were included in study. Findings show 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) & Extra-marital relationships (1). Thirty inmates had male co-accused; almost half of them were male family members. More than half (54) were arrested at home, 87 were arrested by male police. Only 23 were produced before court within 24 hours of arrest. As told by them, 27 were forced by police to sign confession.

Keywords: murder, drug trafficking, kidnapping, women prisoners, Pakistan

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Introduction
Pakistan and its Prison systems

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 Pakhtunkhuwa. Pakistan's population is over 95% Muslims.[1] The census of 1998 shows population of Pakistan at 132 million, which was 165 million in 2005 and is estimated at 180 million in current census 2011.[2] Pakistan has 82 prisons. There are 22 prisons in Sindh province, out of which 4 are women prisons located in Karachi, Hyderabad, Larkana and Sukkur districts.

Status of Women in Pakistan

Pakistani society is characterized by considerable economic disparities between different sections of the society, as well as divisions of caste, tribe, clan and class. It is dominated by a feudal and tribal value system, with strong patriarchal trends. All these factors have affected the status and rights of women at every level and in all sectors, and have negatively impacted their real participation in the process of decision-making.[3]

A 1985 report by the Pakistan Commission on the Status of Women, whose findings were suppressed by General Zia's administration, concluded that '...women in Pakistan are treated as possessions rather than self-reliant, self-regulating humans. They are bought, sold, beaten, mutilated and even killed with impunity and social approval…the average rural woman of Pakistan is born in near slavery, leads a life of drudgery and dies invariably in oblivion…'.[4]

Women Prisoners in Pakistan

A 1980 study of criminal justice in Pakistan documented only some 70 female convicts in the entire country.[5] By 1987, the number had increased to 125 female convicts in the province of Punjab alone[6] and an estimated 91 in the province of Sindh.[7] 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.

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[1] Esposito, John. 1986. Islam: "Ideology and Politics in Pakistan". In *The State, Religion and Ethnic Politics*, ed. Ali Banuazizi, and Myron Weiner, NY: Syracuse University Press, pp. 363-69.
[2] www.census.gov.pk (accessed May 31, 2011)
[3] Report on the State of Women in Urban Local Government Pakistan, retrieved from www.capwip.org/readingroom/pakistan (accessed January 31, 2011).
[4] *Status of Women*. 1986. *A Report of the Pakistan Commission*. Islamabad, Government of Pakistan Press pp.3-5.
[5] Auolakh Ch. Abdul, Majeed. 1986. *Criminal Justice: Crime, Punishment and Treatment in Pakistan.* Lahore, Pakistan: Pak Muslim Academy.
[6] Asma, Jahangir, and Hina, Jilani. 1990. *The Hudood Ordinances: A Divine Sanction?* Lahore, Pakistan: Rhotas Books, p.132.
[7] Sabiha, Soomar, and Khalid, Nadvi. 1987. *Zina: The Hudood Ordinances and its Implication for Women*. Women Living Under Muslim Law. Dossier, p. 37.

Sociologists Khawar Mumtaz and Farida Shaheed estimated that there were a total of 4,500 women prisoners in the entire country.[8] Custodial violence is known to be widespread but, for obvious reasons, rarely reported or pursued.[9] Eighty percent of all the female prisoners in Pakistan were illiterate and nearly 90% lived on a monthly family income of less than US$40.The vast majority were poor and illiterate. A 1987 study in women prison Multan, Punjab province concluded that majority was from rural areas, 69% lacked any formal education, 26% could only read Quran, and only a small proportion had some formal education. Seventy one percent (71%) of female prisoners came from Pakistan's lowest income bracket.[10]

According to a survey conducted in 1988, over 90% of the 90 women prisoners interviewed in two prisons of Punjab province were unaware of the law under which they had been imprisoned. Over 60% had received no legal assistance whatsoever.[11] 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.[12]

The population of Women Prisoners, as of January 2010, is shown below in

Table 1.

Table 1 Women Prisoner in Sindh Province (As On January2010)

S. No.	**Name of the Prison**	**Population**
1	Women's Prison Karachi	93
2	Women's Prison Hyderabad	32
3	Women's Prison Larkana	16
4	Women's Ward at Central Prison Sukkur for Men	15
Total		**156***

Source: Home Department, Government of Sindh, Pakistan.

*****This figure includes 49 foreigner prisoners which were not part of the study. The 107 women prisoners of Pakistani origin were the study population.

Gender and Crime: Key Concepts

[8] Khawar, Mumtaz, and Farida, Shaheed. 1989. Bhutto Inherits Laws Which Restrict the Rights of Women: Veils of Tears. *Far Eastern Economic Review*.
[9] Oxfam Briefing Paper 66. 2004. *Towards Ending Violence against Women in South Asia*, p.7.
[10] Lubna, Shah, and Mehdi, Hassan. 1987. *Problems of Women Prisoners in the Central Jail for Women,Multan.* Islamabad, Pakistan: Government of Pakistan, Women's Division.
[11] Asma, *supra* note 6, p.132.
[12] Human Rights Watch. 1992. *Double Jeopardy*. Asia Watch and the Women's Rights Project, New York.

Patriarchy

Male dominance is one of earliest known and most widely spread form of inequality in human history.[13] Patriarchy is a social system of gender relations in which there is gender inequality.[14] Patriarchy exists in interconnection with other systems of social relations, such as capitalism and systems of ethnic relations. These interactions change nature of gender relations within the system. Patriarchy, interacting with capitalism, gave advantage to men and disadvantaged women.[15]

Poverty

Poverty can be defined in a range of different ways: as lack of resources (income) available to purchase necessities or to achieve an acceptable standard of living; through actual levels of expenditure; as deprivation indicated by the lack of essentials; as a lack of the capability to achieve a particular standard of living, whether or not that standard of living is achieved; or as an inability to participate in the activities of everyday life.[16]

Classes, Capitalism and the State

The claim of Karl Marx and Fredrick Engels that 'The history of all hitherto existing society is the history of class struggles'[17] provides the basic starting point for class analysis. Marx's view was that the basic classes in a society were defined by the possession or non-possession of the means of production. Class relations, therefore, are relations of property and employment.[18] The term capitalism denotes an economic system in which goods are produced for profit and sold in a free market.[19]

Capitalism is a system of economy, and form of society, characterized by generalized commodity production, in which all economic relations are monetized, and the boundary of the economic itself expands to include all aspects of life.[20] To Marx state was an instrument of the ruling class: 'the executive of the modern state is but a committee for managing the affairs of the whole bourgeoisie'.[21]

Income inequality is one of the main sources of social conflict that wracks contemporary society and is a breeding ground for crime. Conflicts promote crime by creating a social atmosphere in which the law is a mechanism for controlling dissatisfied, have-not members of society while the wealthy maintain their power.[22]

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[13] Coontz, Stephanie. 1986. *Women's Work, Men's Property*. UK. Verso Publishers, p.1.
[14] Scott, John. ed. 2009. *Sociology. The Key Concepts,* Routledge.
[15] Ibid.
[16] Ibid.
[17] Marx, Karl and Engels, Frederick. 1977. *Manifesto of the Communist Party,* Moscow: Progress Publishers, p.35
[18] Scott, *supra* note 14.
[19] Steve, Bruce, and Steven, Yearley. 2006. *The Sage Dictionary of Sociology* SAGE Publications
[20] Scott, *supra* note 14.
[21] Marx, Karl and Engels, Frederick, *supra* note 17, p.38.
[22] Siegel, Larry L. 2010. *Criminology: Theories, Patterns, and Typologies.* Wadsworth / Cengage

Marx wrote: "There must be something rotten in the very core of a social system which increases in wealth without diminishing its misery and increase in crime even more rapidly…"[23]

Friedrich Engels in his *The Condition of the Working Class in England in 1844*, and elsewhere portrayed crime as a function of social demoralization, where workers, demoralized by the capitalist society, are caught up in a process that leads to crime and violence. According to him, workers are social outcasts, ignored by the structure of the capitalist society and treated as brutes.[24]

Feminism

A diverse set of feminist social theories are united by a common commitment to the aims of the women's movement and liberation from male dominated social structures and practices. Current strands of feminist social theory have their roots in second-wave feminism of the1960s and 1970s. Pioneering work by Betty Friedan (1963), Kate Millett (1970), and Shulamith Firestone (1970) was taken up in liberal and radical versions of feminism and also in the form of socialist or Marxist feminism.

These theorists explored the ways in which women were subordinated by male power-through structures of patriarchy-in such areas as reproductive technology, socialization, family relations, domestic violence, employment practices, and cultural representations. Established social theory was criticized for its 'malestream' characteristics.[25]

Feminists view gender inequality as stemming from the unequal power of men and women in a capitalist society. Under this system, women are considered a commodity worth possessing, like land or money.[26]

Male dominance is one of the earliest known and most widely spread forms of inequality in human history.[27] Women everywhere lost out with the polarization of society into classes and the rise of the state. There was shift in their status, described by Frederick Engels as 'the world historic defeat of the female sex'. The change was rooted in the new relations that grew up between people with the production of a surplus.[28]
The origin of gender differences can be traced to the development of the private property and male domination of the laws of inheritance, which led to male control over property and power.[29] A *patriarchal* system developed in which man's work was valued and

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[23] Marx, Karl. 1971. Population, Crime and Pauperism. In Karl Marx and Engels, *Ireland and the Irish Question,* Moscow: Progress Publishers, p.92.
[24] Lynch, Michael. 1994. Rediscovering Criminology: Lesson from the Marxist Tradition. In *Marxist Sociology: Surveys of Contemporary Theory and Research,* eds. Donald McQuaire and Patrick McGuire, New York: General Hall, p.5.
[25] Scott, supra note 14.
[26] Schwendinger, Herman and Schwendinger, Julia. 1983. *Rape and Inequality,* Newbury Park, CA: Sage.
[27] Coontz, *supra* note 13
[28] Harman, Chris. 2008. *A People's History of the World,* UK: Verso Publishers, pp.3-4.
[29] Kathleen, Daly, and Chesney-Land, Meda. 1988. Feminism and Criminology. In *Justice*

women's work was devalued and derisively called as 'domestic work' as capitalism prevailed.[30] (Chafetz, Patriarchy, or male supremacy, has been and continues to be supported by capitalists. This system sustains female oppression at home and in the workplace.[31]

In *Capitalism, Patriarchy, and Crime*, James Messerschmidt reasons that capitalist society is marked by both patriarchy and class conflict. Capitalists control the labor of workers, and men control women, both economically and biologically.[32] Men need to defend themselves at all costs from being contaminated with femininity.[33]

Critical feminists also focus on the social forces that shape women's lives and experiences to explain female criminality.[34] They attempt to show how the sexual victimization of girls is a function of male socialization because so many young males learn to be aggressive and to exploit women.[35]

Critical Feminist theorists emphasize that exploitation triggers the onset of female delinquent and deviant behavior. Their attempts at survival are labeled as deviant or delinquent behavior.[36] When the exploited girl finds herself in the arms of the justice system her problems may just be beginning. They are considered as threat to acceptable images of femininity; their behavior is considered even more unusual and dangerous than male delinquency.[37]

Crime

Crime is that 'form of deviance that involves and infarction of the criminal law'.[38] Hence although many criminologists regard crime as one among several forms of deviance, but there are conflicting theories about its etiology. Some consider crime as anomic behavior; others characterize it as a more conscious response to social conditions, to stress, and to the breakdown in law enforcement or social order. Crime is a function of power relations and an inevitable result of social conflict. In our postindustrial, capitalist society the economic system invariably produces haves and have-nots.[39]

Quarterly Vol.5, pp.497-538.

[30] Chafetz, Janet Saltzman. 1997. Feminist Theory and Sociology: Underutilized Contributions for Mainstream Theory. In *Annual review of Sociology* Vol.23. pp. 97-121.

[31] Ibid.

[32] Messerschmid, James. 1986. *Capitalism, Patriarchy, and Crime.* Rowman & Littlefield.

[33] Harris, Angela P. 2000. Gender, Violence, Race, and Criminal Justice. In *Stanford Law Review* Vol. 52 pp.777-810.

[34] Suzie, Dod Thomas and Nancy, Stein. 1990. Criminality, imprisonment, and women's Rights in 1990s. In *Social Justice* Vol.17, p.105.

[35] DeKeserdy, Walter, and Schwartz, Martin. 1993. Male Peer Support and Women Abuse: An Expansion of DeKeserdy's Model. In *Sociological Spectrum* Vol. 13, pp.393-413.

[36] Humphries, Drew, and Susan Caringell-MacDonald. 1990. Murdered Mothers, Missing Wives: Reconsidering Female Victimization. In *Social Justice Vol.* 17, pp.71-78.

[37] Kejrsti, Ericsson and Nina, Jon. 2006. Gendered Social Control: 'A Virtuous Girl' and 'A Proper Boy'. In *Journal of Scandinavian Studies in Criminology and Crime Prevention* Vol.9, pp.126-141.

[38] Fulcher, James, and Scott, John. 2007. *Sociology*. UK: Oxford University Press.

[39] Sparks, Richard. 1980. A Critique of Marxist Criminology. In *Crime and Justice*. Vol. *2*. ed. Norval Morris and Michael Tonry. Chicago: University of Chicago Press, p.159

Prisons

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.[40] Incarceration in a prison eventually became the normal method of punishment for almost all offences, and the prison a characteristic organization of modern society.[41]

Pakistan Penal Code and Pakistan Prison Rules

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.

Hudood Laws

The Hudood Ordinance was a law in Pakistan that was enacted in 1979 as part of the then military ruler General Zia-ul-Haq's Islamization process, and replaced/revised in 2006 by the Bill. The Hudood Law was ostensibly intended to implement Islamic Shari'a law. The *Hudood Ordinances* account for much of the increase in the women's prison population since the early 1980s.[42] Offence of *Zina* (Enforcement of Hudood) Ordinance, 1979, provides for punishment of illicit sexual relations (that is, sexual relations outside marriage). The existence of this offence has been alleged to deter denunciations of rape, because, if the alleged perpetrator is acquitted, the alleged victim may be prosecuted under this Ordinance.[43]

Methodology

This study was conducted in all four women prisons of Sindh province of Pakistan. Total number of inmates were 107, but 7 refused to participate. All remaining 100 inmates were included in study. The 'census' study was conducted with the objective of exploring dimensions of female crime: arrest, custody and court trial details of women prisoners. It covered the areas from the details about co-accused to judicial court decisions

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[40] Norval Morris, and David, J. Rothman. ed. 1998. *The Oxford History of Prison.* UK: Oxford University Press.
[41] Fulcher, James, and Scott, John *supra* note 38
[42] Lippman, McConville, and Yerushalmi. 1988. *Islamic Criminal Law and Procedure: An Introduction.* New York: Praeger, p.38.
[43] U.N. Commission on Human Rights. 1996. Report of the Special Rapporteur on torture and cruel, inhuman or degrading treatment or punishment. Visit by the Special Rapporteur to Pakistan, U.N. Doc. E/CN.4/1997/7/Add.2 (1996)(Nigel Rodley, Special Rapporteur)

Inclusion Criterion

All the eligible and willing inmates of the prison present in the premises, irrespective of their age, nature of crime, and status (under trial or convicted).

Exclusion Criterion

All foreigner prisoners and children of native Pakistani prisoners were in included in the study.

Data Collection and Analysis

Data collection tool comprised of a semi structured questionnaire. Data was collected through year 2010.Female enumerators were recruited to collect data. Data was coded, entered in computer and analyzed on SPSS 18 software to draw the results for simple frequencies and cross tab. Being 'census' population, no detailed statistical test was performed.

Ethical Considerations

- The questionnaire was field tested and necessary amendments were made.
- Informed consent was obtained from participants after explaining them the nature and purpose of study.
- Female enumerators were hired and trained for the data collection.
- Coding the identity of respondents was ensured at every step for confidentiality.

Findings
Crime details
Co-accused

Data shows that 30 inmates under different crime categories had co-accused arrested and imprisoned. It adds evidence to believe that women do not always do the crime solely on their own; they have male accomplice. 22 inmates (73.3%) had male co-accused from family such as husband, son, father, uncle and others while 5 (16.6%) women inmates had male accomplices outside their family. All male co-accused were registered under kidnapping (10), followed by drug trafficking (7), murder (6), murder of husband (6), and robbery/theft (1).

Place of Arrest

More than half (54) inmates were arrested at home while they were doing routine 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). Details show that for drug trafficking only 4 inmates were arrested while at home when 22 out of 26 registered under this crime were arrested out of home: 9 at market place, 8 at airport, and

5 while travelling by train/road. 7 out of these 26 inmates had co-accused (4 co-accused family members and 3 out of family).

Nine women were arrested at police stations. Five out of these 9, had co-accused (3 inmates had family members while 2 had non-family male co-accused). This also shows involvement of males as accomplice in crime. Out of these 9 women arrested at police stations (not forgetting that all these were male police stations) 7 women were brought by scheme by their male family members/powerful village/tribal heads to police station. Six out of these 7 were arrested on murder of husband charges and one under extra-marital relationships.

Arrested by Whom

Seventy one inmates (under all categories of crimes) were arrested by male police, 7 were arrested (4 for drug trafficking, 1 for murder of husband, 2 for kidnapping) by Motorway police (having male police staff) and 9 were arrested at male police stations. So, 87 women inmates were arrested by male police staff. Only 3 were arrested by female police staff, while 10 were arrested (all for drug trafficking) by antinarcotics force/customs which had male and female staff.

Ignorance and Illiteracy

The level of ignorance was also evident from data that 59 women inmates did not know the date of their arrest.

Table 2
Date of Arrest and Rural / Urban Divide

Native area	**Date of arrest**		**Total**
	Do not know	**Know**	
Rural	34	6	**40**
Urban	25	35	**60**
Total	**59**	**41**	**100**

Table 2 shows that 85% (34 out of 40) inmates from rural areas did not know their date of arrest as compared to 41.6% (25 out of 60) from the urban areas.

Table 3
Date 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 3 above shows that 10.7% literate did not know date of arrest as compared to 77.8% of illiterate women inmates.

Custody details

Length of Custody Period

Data shows 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 magistrate/judicial authority within 24 hours of arrest. Findings show that only 23 out of 100 women inmates were produced before the court of law within 24 hours of arrest. Eighteen of them were in police custody for 25-72 hours (2-3days). Fifty six of them were kept in police custody for more than 72 hours before producing them to court.

Findings also exposed unjust and unlawful stay of a considerable number i.e. 32 accused for a period of two weeks to one month with police/ arresting agencies. These were registered under robbery/ theft (2), drug trafficking (3), murder (6), 10 under murder of husband (10), and kidnapping (11). One woman under kidnapping charge was kept in non-judicial custody for more than one month.

Custody Period and Signing of Confession

This long period of stay in police custody is not only against the law but police / arresting agencies use it to manipulate framing of charges and delaying and denying justice to the accused. Evidence to this comes from findings showing 27 women inmates signing confession while in police custody. Although, 6 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 male relatives and tribal heads who visited them at police stations and pressurized them to do so. Seven inmates told they were forced to sign on blank paper. Out of the 6 who signed confession, 2 were kept in police custody from two days to one week.

More details show that out of the 27 women inmates signing confession 21 were from rural areas and 6 were from urban areas; 26 were illiterate and only 1was literate; 25 were doing farming/domestic work; one was maid and one was teaching. Out of those s7 inmates who were forced to sign on blank paper 6 were from rural areas involved in farming while 1 was from urban area who worked as maid; all being illiterate. Out of these 7, 3 were arrested on murder of husband charges, 3 on kidnapping and 1 on drug trafficking.

Trial details
Knowledge about Judicial Court

The responses of inmates who did not know name of judicial court that had sent them to prison show the inmates from Karachi prison at 6.3%, Hyderabad 29%, Sukkur 36.3% and Larkana 45%. It must be noted that as we travel north from Karachi towards Hyderabad, Larkana and Sukkur, it is getting more rural and tribal social structure.

Out of these 21inmates, 13 were from rural area and 8 from urban slum area. All these 21 women were working on agricultural lands and were housewives; all the 21 were illiterates, 20 out of 21 had arranged marriages (including given in exchange and sold/bought on cash).

Court Trials

Out of the total 100 women inmates 75 were under trial and 25 were convicted. At the time of study considerable number of women inmates (31) were under trial for a period ranging from 1-6 years.

Reasons for spending longer under trial periods in prisons included un-availability of police escort, witnesses from either party not attending hearing, maneuvered and deliberate delay to victimize accused with longer stay in prison to get sufficient time to try and settle issue outside the court by *Jirga* i.e. settlement between the parties decided by influential tribal heads.

Lawyers

It was found that 22 of inmates did not have lawyers. Out of these 22, 12 were from rural areas. Regarding prisons, 55% of inmates each from Larkana and Sukkur prisons had no lawyers as compared to 15% inmates of Karachi prison. Out of these 22, 16 were illiterate and from very poor and poor economic class.

Due to illiteracy, ignorance and poverty they neither could hire a lawyer, nor could to get help from government or NGOs to get a lawyer. As the statistics show courts could provide lawyers to only 11 and NGOs to 13 out of 100 inmates. Out of 13 inmates who were provided lawyers, only 1 was from rural areas while 12 belonged to urban areas (11 inmates being from Karachi prison. This shows that NGOs prefer focusing on urban areas.

Attending the Court Proceedings

Attending court proceedings personally or through lawyers showed following facts. Out of 87 inmates who had their court production (irrespective of pace) 59 inmates could attend regularly in person. Out of 78 inmates who had lawyers, only lawyers for 53

attended court proceeding regularly: 13 lawyers for women inmates from rural areas and 40 lawyers for women from urban areas.

Court judgments

There are 75 under-trial and 25 convicted prisoners. Out of these 25 convicted, only 14 women inmates filed their appeal at High Court. The decisions for 10 are pending while for 4 inmates High Court maintained the decision of lower court. Two of these inmates were registered for drug trafficking, while one each was for murder and kidnapping. No one is facing death penalty. Out of these 6 inmates serving life imprisonment, 3 are charged with murder and 3 with murder of husband. Out of remaining 19 convicted inmates 10 are registered under drug trafficking, 2 for murder, 2 for murder of husband, 4 for kidnapping and 1 with extra-marital relationships. There is no case being heard at the time of study in Supreme Court of Pakistan, the highest court of appeal.

Discussion

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 5, child trafficking 2, and under extra-marital relationships was only 1 inmate. All were arrested for the first time for committing the crime; except 4 of them which were actually arrested second time due to cancellation of their bail applications. 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 6 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 4-6 years as under trial prisoners. All of the convicted were serving different periods of rigorous imprisonments, except 6 of them were serving life imprisonment. No one was facing death penalty. Ten petitions were filed in the High Court of Sindh; no petition was filed in the Supreme Court of Pakistan.

The findings here also show the pattern that the women who belonged to the ethnic community from rural areas were more ignorant and suffered as they were living under tribal and patriarchal culture as compared to the women prisoners from the ethnic communities who live in urban areas and were more aware. This disparity was evident even which prison the inmates were confined in. If it was the prison located in urban area i.e. Women Prison Karachi, then the women inmates had more opportunities in every aspects from being aware to the name of the court sending them to prison to getting the lawyer from the NGOs.

Illiteracy, ignorance and poverty also minimized the opportunity to seize help from government or NGOs to get a lawyer. Courts provided lawyers to only 11 and NGOs to 13 out of 100 inmates. Out of the 13 inmates to whom NGOs provided lawyers, only 1 was from the rural area while all the other 12 came from urban areas (11 were from

Karachi prison of urban area alone). The above evidence in this sector is the miniature portrait of the big picture of the NGOs in Pakistan which prefer working in urban areas. The findings showing 30 out of 100 women inmates having co-accused is ample evidence to believe 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. About three quarters of male co-accused from the family members like husband, son, father, uncle and others. Most co-accused were with the women inmates registered under kidnapping, drug trafficking, murder, and murder of husband.

Finding also showed that vast majority inmates were arrested by male police. More than half of them were arrested while doing household work. Quite a few were arrested at police stations who were actually brought by their male family members/powerful village/tribal heads at 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.

The above findings can be categorized as under:

Ignorance and Empowerment

- 59 inmates even did not know their date of arrest, 56 of them being illiterate
- Out of these 59, although 25 were from urban areas, but even then did not know their date of arrest
- 27 were forced to sign the confession, while in police custody, even before the start of court trial, by physical and mental police torture and getting signature on blank paper
- Out of these 27inmates signing the confession by force: 21 belonged to rural areas; 26 were illiterate; 25 were involved in farming/domestic work
- Out of the forced to sign on blank paper: all were illiterate; 6 belonged to rural areas; 6 were involved in farming /domestic work and 1 was maid
- 21 inmates did not even know the name of the curt that had sent them to prison
- Out of these 21 inmates ignorant to court name: 21 were working on agricultural land / housewives; all 21 were illiterate; 20 had arranged marriages; 13 were from rural areas and 8 from urban area.

Male co-accused

- 30 of 100 inmates had co-accused arrested in the same case
- 22 out of these 30 co-accused were family members and males

Arrested by male police

- 87 women prisoners were arrested by male police
- 10 women prisoners were arrested by police force having male and female staff
- Only 3 women prisoners were arrested by female police

Conclusion

Out of the total 100 inmates, 75 were under trial, while 25 were convicted. Highest number of cases registered against women prisoners are of drug trafficking (26), followed closely by murder of husband (25), kidnapping (23), murder (18), robbery/theft (5), child trafficking (2), and under extra-marital relationships (1).

The study findings show that an overwhelming majority of women prisoners were disempowered and ignorant even to the extent of not knowing the name of their trial court or date of arrest. They were forced to sign confession, in some cases on blank paper. A considerable number of them had male co-accused arrested in same case and majority of those were males and family members. This shows that women were not solely involved in crime but had male as partner. Except three prisoners, others were arrested by male police.

Women prisoners were not hardened criminals as all inmates are arrested for first time except 4 who were arrested second time due to cancellation of bail applications. Some of them were languishing in the prisons for a period up to 6 years as under trial prisoners.

The findings also show that women prisoners belonging to rural areas are more ignorant and sufferers as they are living under tribal and patriarchal culture.

Finding also showed that vast majority of inmates were arrested by male police. More than half of them were arrested while doing household work. Some were arrested at police stations where they were brought deceitfully by their male family members/powerful village/tribal heads.

Limitations

This study had its limitations, as follows:

1. The respondents were small in numbers. Because the objectives of the study were to look for the phenomenon for Pakistani prisoners, so although around 50 foreign women criminals were inside the prisons but they could not be part of the study.

Some hurdles were encountered while conducting the sessions with the women prisoners as the jail staffs like Deputy/Assistant Superintendent or other staff member were keen to be present during the session