

HANDBOOK FOR PRISON PROBATION OFFICERS



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OBJECTIVE OF HANDBOOK

This Handbook is prepared to provide collective information regarding various key points of correctional administration. This book comprises of importance of probation officer's role in the correctional administration and various government guidelines on the same. Emphasis has been given to showcase the importance and typical role play of the probation officers on various levels to support and guide the offenders and their wellbeing is also added.

The prison probation service must follow the following guidelines:

- Provide a safe environment and compassionate treatment for inmates, their families, and anybody else who comes into touch with them;
- Ensure that everyone is treated equally;
- Educate inmates on socially accepted norms and encourage them to reform;
- Provide self-improvement chances; establish an effective grievance redress system; and
- Collaboration with other criminal justice and related organisations is essential.

I. INTRODUCTION.

As per MHA directions, the BPR&D has been playing a significant role, since 1995, at the national level, in the field of training and reforms in Prisons & Correctional Administration. Correctional Administration plays a very critical role in the regulation, reformation, rehabilitation and reintegration of prison inmates with the mainstream of society. The Correctional Administration Wing of the BPR&D, was created in 1995, to address concerns relating to Correctional Administration in the States & Union Territories. Frequent engagement with counterparts from the States/UTs, with a view to imbibing the best practices,

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across the domain of Correctional Administration, remains an imperative. The Correctional Administration Wing of the Research & Correctional Administration Division works in tandem with the Prisons & Correctional Administration of the 28 States and 8 Union Territories. Communication is at the core of effective knowledge sharing.

II. HISTORY, VISION AND MISSION OF PRISON CORRECTIONAL ADMINISTRATION

Bureau of prison research and correctional administration is seriously concerned regarding upgrading the standards of prison administration on the basis of a thorough assessment of the needs, conditions, and resources for the care, treatment, and supervision of inmates. The development of prisons must therefore find a place in the national development plans because the process of reformation and rehabilitation of offenders is a crucial component of the social reconstruction.

The history of jail management in India dates back to the Vedic era. Prison conditions in the past caused inmates to feel guilty about their past actions. The model prison project was launched after taking the recommendations of numerous review committees into account. In order to give offenders options for rehabilitation and reintegration within a safe, secure, and compassionate environment, prison homes have now been transformed into correctional homes with the support of those standards. This helps the convicts live better lives both during and after their sentence. The new jail correctional administration made certain that prisoners were supported in a variety of ways, such as educational and legal assistance programmes.

III. PROBATION OF OFFENDERS ACT, 1958 [SUMMARY OF THE ACT]

The Probation of Offenders Act (Act No. 28 of 1958) has many provisions for the probation of juvenile offenders. Applicable to the whole of India, its main focus is to provide rehabilitation, guidance and support to the juvenile offenders instead of imposing harsh punishments on them, thereby helping them lead a normal life in the society.

This Act assumes that the juvenile offenders are influenced by their surroundings and nature of environment to commit the crimes and offences.

Probation gives the juvenile offender a chance to change and reform themselves so as to come back into society as normal people.

It not only gives a deterrence for other offenders, but also gives a chance to reform to the offender. It is a dual-benefit thing: there is punishment, and there is reformation and support.

This Act prevents the juvenile offenders from becoming habitual ones by giving them a chance to change when they commit a crime for the first time. They are let out with a warning and/or advice when they are accused of punishments under Sections 379, 380, 381, 404 or Section 420 of the Indian Penal Code and in any case involving an imprisonment term of maximum 2 years, or fine, or both.

The Court, like any other jurisdictional and general powers, under this Act, can award compensation to be paid to the victim by the offender, can grant special protection to persons under twenty-one years of age from imprisonment, except in cases of life imprisonment, can change the conditions of bond and extend the period of probation to maximum three years from date of original order in cases of a probation of good conduct on the offender, can issue warrant or summons to the accused, consider the sureties of the offender if there is non-compliance with the

conditions of probation of good conduct, and can try and sentence the offender to imprisonment.

The probation officers empowered under this Act play a vital role to supervise, assist and support the probationers in getting back to normal societal life. Relevant sections of this Act are :-

Sec 4(1) – The Court shall release a convict whose punishment is neither life imprisonment nor a death sentence if it is satisfied with the conduct and behaviour of the person and the facts of the situation. This release shall be granted when the person enters into a bail bond, with or without sureties, to appear on call or notice by the Court during three years from such order.

Sec 4(2) – Bail cannot be granted if the offender or surety has a permanent residence or secured job in the Court’s jurisdiction or where the offender will live during the period of bail bond. The Court shall order u/s 4(1) upon consideration of the probation officer’s report on the case.

Sec 4(3) – If there persists a threat to the society’s interests or offender’s interests, the Court can order supervision over the offender for a maximum term of one-year, subject to conditions, if any.

Sec 4(4) – The court can impose conditions on residence, restriction on consumption of anything, or any aspect which can aggravate the occurrence of a repeated crime.

Sec 5(3) – The court can acquit the offender on payment of reasonable costs or compensation u/s 3 and 4 of the Act, or Section 386 and 387 of the Indian Penal Code.

Sec 6(1) – The Court may not imprison any person under 21 years of age for an offence punishable with anything but life imprisonment, subject to the conduct and behaviour of the offender, facts of the case. If he is not punished u/s 3 and 4 of the Act, the Court can order imprisonment with reasons.

Sec 6(2) – If the offender is not punishable u/s 6(1), the Court can consider the probation officer's report on the conduct and conditions of the offender.

Sec 7 – The probation officer's report shall be confidential, and the same may be informed to the offender to give the opportunity to be heard and provide evidence relevant to the report, subject to the Court's view.

Sec 8(1) – If a bail bond is filed u/s 4 of the Act, the Court shall vary the conditions of the bond within 3 years from the date of original order, subject to the opportunity of being heard given to the offender and surety or sureties.

Sec 8(2) – In case a surety does not consent to the varied conditions, a fresh bond shall be entered, and failure on part of the offender can make the Court deem him guilty.

Sec 9 (1) – If an offender fails to comply with the conditions of the bond, the court may issue an arrest warrant against him, or summon him and his sureties.

Sec 9 (2) – Before the next hearing, the court can send the offender and the sureties, if any, on either remand or bail.

Sec 9 (3) – If the Court is satisfied that there is non-compliance of bond conditions by the offender, it may sentence him for the original crime. If it was the first time, a maximum penalty of Rs. 50 shall be imposed.

Sec 9(4) – Failure in payment of fine will lead to ordering of the punishment of the offence.

Sec 10 – The provisions regarding bonds and sureties will be applicable by Sec.122, 126, 126A, 406A, 514, 514A, 514B, and 515 of the Indian Penal Code.

Sec 11(1) – Irrespective of the provisions in the Code, the High Court or any court can try and sentence the offender in the case.

Sec 11(2) – Any appeal on order passed u/s 3 or 4 can be appealed in the relevant courts of appeal.

Sec 11(3) – When a court convicts a person under 20 years of age and rejects the application u/s 3 or 4, the court of appeal can examine the case and decide suitably.

Sec 11(4) – Any decision u/s 3 or 4 passed by the Court can be overturned by the appellate Court.

Sec 11(5) – A greater punishment or more severe order cannot be passed by the Appellate Court.

Sec 12 – A convict cannot be disqualified if found guilty and comes u/s 3 or 4. This does not apply when the release u/s 4 is overturned and thereby he is sentenced to punishment.

Sec 14 – A probation officer shall inquire and decide the relevant and most suitable method of dealing with the offender and submit reports to the Court on the same, supervise probationers, provide employment when necessary, help and guide offenders in paying compensation or costs, and help them when released u/s 4.

Sec 15 – All probation officers are to be considered as Public Servants according to Sec 21 of IPC.

Sec 16 – No action shall lie against the State Government or Probation Officer when the act was out of good faith or duty assigned under the Act.

Sec 17 – The State Government shall make rules, subject to the Central Government's approval.

Sec 17(2) – Aspects, where the rules can be made, include Appointment, employment terms and conditions of probation officers, duties of them, remuneration and expenses of them, and any other matter as prescribed.

Sections 3, 4, and 6 are three important sections while dealing with this Act.

SECTION 3

Power of court to release certain offenders after admonition- When any person is convicted for an offense u/s 379, 380, 381, 404 or 420 of the Indian Penal Code, or any offense punishable with imprisonment of maximum 2 years, or fine, or both, assuming that there was no previous conviction, the court may release him after due admonition instead of undergoing a punishment or releasing on probation of good conduct.

SECTION 4

Power of court to release certain offenders on probation of good conduct- Except in cases involving death sentence and life imprisonment, when a person is held guilty of an offence, subject to the facts of the case and character of the offender, he can be released on a probation of good conduct, which involves entering into a bond with or without sureties, to appear when called upon, for a period limited to three years, in order to maintain and supervise the character and good behaviour.

The Court can grant the release of such offender only when it is satisfied that he or the surety, if any, has a fixed home or regular employment in the court's jurisdiction or in the area where the offender may live in during the period when the bond is effective.

In the interest of the offender and/or the public, the Court may pass an order directing supervision over the offender for at least one year and impose suitable changes and conditions to effectively supervise. In this context, the offender has to enter into a bond, with or without sureties, to observe the conditions and any additional changes in the ways of living of the offender. A copy of the said conditions shall be given to the offender and must be explained about them.

SECTION 6

Restrictions on the imprisonment of offenders under twenty-one years of age - When any person under twenty-one years of age is held guilty of an offence (Except cases of life imprisonment), the court shall not sentence him to imprisonment unless, subject to the facts of the case and personality of the offender, it would not be suitable to decide according to Section 3 or 4, and in case of imprisonment, the reasons for the same shall be recorded. To consider the facts of the case and behaviour of the offender, the Court may rely on a report called by it from the probation officer regarding the conditions of the offender.

IV. REGULATIONS UNDER THE PRISONS ACT

Probation of Offenders Act has over those of Section 360 of the Cr. P.C., consist in the fact that specific areas are chosen by the State Government for applying the Act having regard to the social, economic, and political conditions of its population as also their character, moral fibre, law awareness, educational facilities, employment opportunities, developmental conditions, mobility and such like factors.

Unlike Section 360 of the Code, offenders can be released under Sections 4 and 6 even where he has had a previous conviction. As is evident from Section 12, the conviction for which offenders are released on probation for good behaviour under the Probation of Offenders Act does not subject them to disqualification. There is no provision like Section 12 of the Offenders Act in the Code.

When releasing a person under Section 360 of the Code, the Court cannot demand that the offender pay the legitimate costs of the prosecution or make restitution for any loss or harm caused to a third party as a result of the commission of the crime.

According to Section 5 of the Offenders Act, the Court may order a released offender to pay restitution for any loss or harm caused to a third party as a result of

the commission of the offence, as well as any costs that may be determined and assessed. These ancillary orders are part and parcel of the framework of probation under the Offenders Act.

The Court cannot sentence a person who is less than 21 years of age to imprisonment under the Offenders Act as is clear from Section 6. If the Court passes any sentence of imprisonment on the offender, it shall record its reasons for doing so.

Section 360 of the Code, on the other hand, does not per se, make it obligatory on the Court to release a person under 21 years of age. The assistance of the Probation Officer for supervising the probationers is available to the Court under the Probation of Offenders Act.

The Probation Officers, amongst other things, have to make an endeavour to find suitable employment to the offenders placed under their supervision as is clear from Section 14 of the Offenders Act. Similar facility is not available to the Court under Section 360 of the Code.

Sub-section (10) of Section 360 does not indicate that the provisions of Section 360 were intended to override those of the Offenders Act. In fact, it contains an indication that the provisions of Probation of Offenders Act; 1958, were not to be affected by what is contained in Section 360 of the Code. They make explicit, what is otherwise implicit in the provisions of Section 360 of the Code, that where the provisions of the Probation of Offenders Act are in force, those of Section 360 of the Code will have no effect thereon.

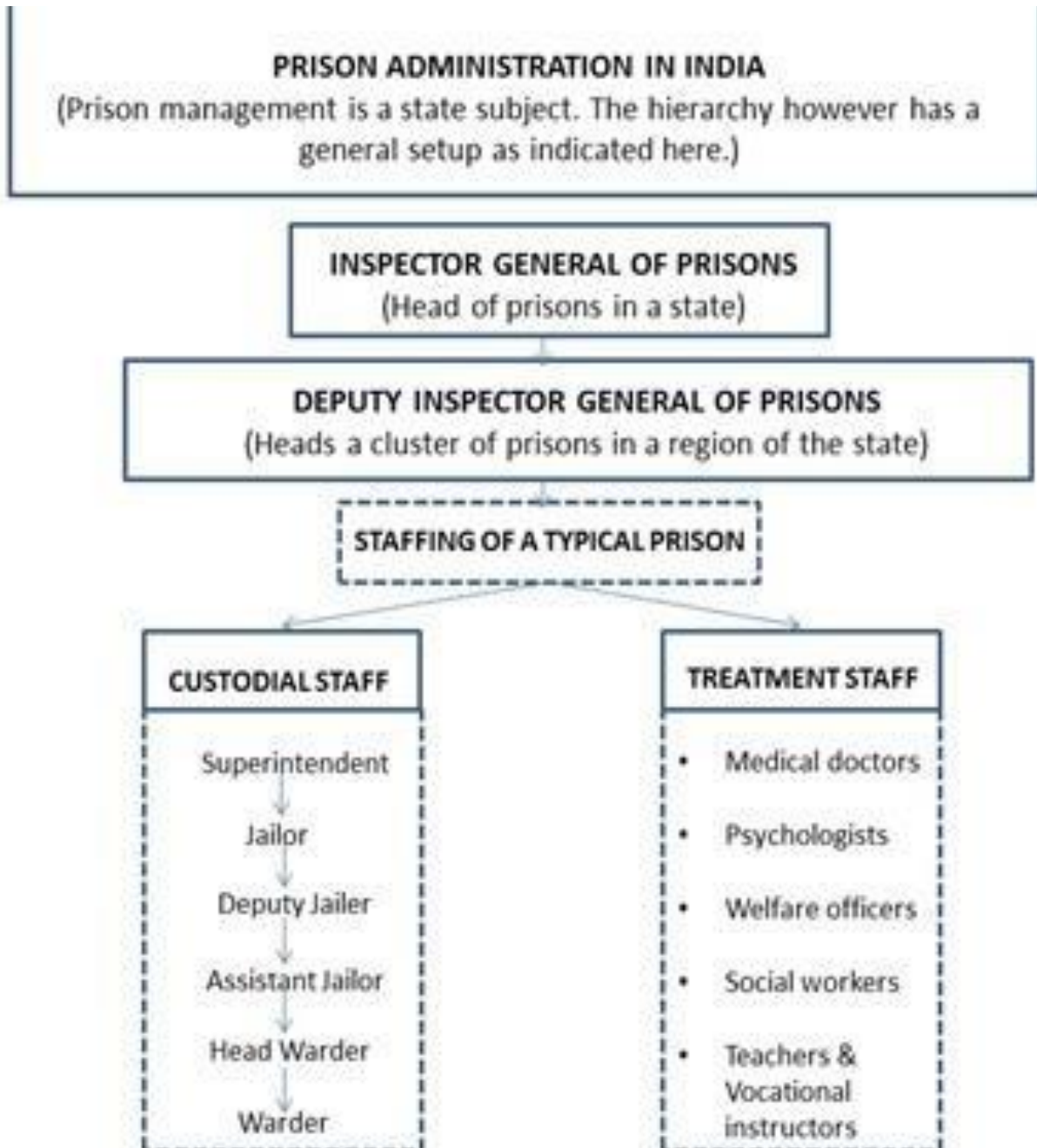
A further indication is contained in Section 361 of the Code about the fact that the provisions of the Offenders Act were not intended to be supplanted or replaced by

those of Section 360 of the Code. The provision that in a case where the Court could have dealt with an accused person under Section 360 or under the provisions of the Probation of Offenders Act, 1958, but has not done so, it shall record its reasons for not having done so, in Section 361, shows that the provisions of the Probation of Offenders Act, 1958, may still operate in certain areas irrespective of the existence of Section 360 in the Code.

V. AUTHORITIES OF PRISONS AND CORRECTIONAL ADMINISTRATION

Under Entry 4 of List II of the Seventh Schedule to the Constitution of India, "prisons" and "persons therein" are considered State subjects. The respective State Governments are responsible for overseeing and managing prisons. However, the Ministry of Home Affairs regularly counsels States and UTs on a range of issues pertaining to prisons and inmates.

OFFICERS HIERARCHY OF PRISON CORRECTIONAL ADMINISTRATION



STATE LEVEL- I.G.(Prisons) – Director of Correctional Services

- Probation Superintendent
- Probation Inspector
- PO
- Establishment Staff

DIVISION LEVEL D.I.G. / Dy. Director of Correctional Services

- Office Superintendent (Class 2)
- Establishment Staff (for Official Work)

DISTRICT WOMEN & CHILD WELFARE OFFICER(DWCD) (CLASS 1)

- District PO
- POs
- Clerical staff and other Class IV staff
- Establishment Staff

A. CHIEF PROBATION SUPERINTENDENT

The Chief Probation Superintendent is the head of the Probation Branch. He is appointed by promotion from the holders of the post of Regional Probation Officer. His primary duties include guiding the Probation Branch of its work, inspecting and supervising the works of the Regional Probation Officers and Probation Officers. Apart from his general duties; he also delivers a host of lectures on Probation at various State

Judicial Academies, Police Academies to propagate the salient features, benefits of the Probation System to the Judicial Officers and Police Officers, at their entry level

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training. He also invited to participate as an external examiner in the viva- voce in the Academy of Prisons and Correctional Administration to evaluate the trainees.

B. REGIONAL PROBATION OFFICER

1. He is the Head of Office.
2. He is a Pay Drawing and Disbursing Officer.
3. Responsible for maintenance of all Registers, Records, Files and Reports relating to the station of duty single handed without much support staff or adequate infrastructure.
4. Responsible for the working of probation in the area within his jurisdiction;
5. Shall control, guide and supervise the working of Probation Officers in the areas within his jurisdiction;
6. Shall review the diaries submitted by the Probation Officers, with reference to rule 24(1)(a) and forward it to the Chief Probation Superintendent with his remarks.
7. Shall perform such other functions as may be assigned to him by the Chief Probation Superintendent, the Inspector General or the State Government; and
8. Shall submit to the Inspector General, Chief Probation Superintendent, the District Magistrate and the Court such other reports as may be specified by the Inspector General, Chief Probation Superintendent or the State Government.
9. Annual Inspection of Sub Jails - based on the recommendations of the Justice Ramanujam Commission. He is required to inspect 50% of the Sub

Jails situated in a Range and the balance 50 % shall be inspected by the Deputy Inspector General of Prisons of that Range concerned.

10. District Level Member of the Board of Visitors for checking the lock up in Police Stations - based on the recommendation of the All India Prison Reforms Commission

11. Member of the Advisory Board consisting of the District Collector, Principal District Judge, Chief Judicial Magistrate, Superintendent of Prisons, for the consideration of premature release of prisoners, on completion of 14 years of imprisonment as envisaged in the Prison Rules 1983.

12. Member of the District level Committee for considering the cases under the Victim Compensation Fund from the prisoners' wages fund.

13. Co-ordination of half yearly meeting of the Probation Officers and Judicial Magistrates with the Chief Judicial Magistrates

14. Ex-Officio Office bearer of the Discharged Prisoners' Aid Society of every district in the jurisdiction created towards rehabilitation of prisoners released from prison on completion of their sentence.

15. Member of the District Level Board of Visitors viz, checking the lockups situated in the various Police Station, to check whether anybody was kept / held under illegal detention.

C. PROBATION OFFICER

1. He is the Head of Office

2. He is a Pay Drawing and Disbursing Officer

3. Responsible for maintenance of all Registers, Records, Files and Reports relating to the station of duty single handed without any support staff or adequate infrastructure
4. Enquiry, Preparation and submission of Preliminary Enquiry Reports called for under Section 4 of the Probation of Offenders Act, 1958 to the Court that ordered the same
5. Correctional Officer in the field of non-institutionalised treatment of Offenders
6. Preliminary Enquiries under the Borstal Schools Act, 1925
7. Making regular periodical field visits to supervise the Probationers placed under his supervision by the Courts concerned, under Section 4(3) the Probation of Offenders Act, 1958.
8. Making field visits to supervise the released prisoners for whom the Probation Officers are appointed as After Care Officers by the Chief Probation Superintendent, for their rehabilitation, re- socialisation and re-integration into mainstream society with ease and minimum difficulty.
9. Conducting Enquiries relating to genuineness of the relationship between the petitioner and the victim girls, under the Immoral Traffic (Prevention) Act
10. Conducting Enquiries relating to grant of Emergency / Ordinary Leave to Prisoners
11. Conducting Enquiries relating to advisability of premature release of convicts who have completed 14 years of actual imprisonment, under the Advisory Board as envisaged in the Prison Rules 1983.

12. Conducting Enquiries relating to recommendation of financial assistance to dependents of the prisoners under the Integrated Child Protection Scheme
13. Conducting Enquiries relating to grant of financial assistance to the dependents of the victim of the crimes committed by the offender, under the Victim Compensation Fund.
14. Conducting Enquiries relating to welfare work of prisoners.
15. Conducting Enquiries on verification of sureties submitted before the Courts concerned
16. Conducting Enquiries related to grant of financial assistance to released convicts from the Discharged Prisoners' Aid Society.
17. Conducting Enquiries relating to verification of economic status of applicants for appointment to Government Service under compassionate grounds.
18. Visit to the Police Station to check the Police Station lockups in their jurisdiction, as member of the Taluk level Board of Visitors
19. Visit the Central Prison / District Jail/ Special Sub Jails/ Borstal Schools and Sub jails situated in their jurisdictional area towards counselling and welfare activities of convict/ remand prisoners.
20. Attending half yearly meeting with Chief Metropolitan Magistrates and Metropolitan Magistrates (Chennai City) / Chief Judicial Magistrate and Magistrates (Moffusil)
21. Meeting with District Collector; Metropolitan Magistrate / Judicial Magistrate; Superintendent of Police in Crime Meetings
22. Any other work delegated by the Judicial Officers

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C (i) DEFINITION OF PROBATION OFFICER

An officer appointed as such by the State government to undertake probation work under the Probation of Offenders Act of 1958, or any other law.

The term "probation official" refers to a court employee who frequently deals with defendants who have been given to supervise probation offenders, most of them are offenders and low-level criminals. The majority of those receiving probationary sentences are first-time offenders. The court uses probation as a tool to keep criminal defendants out of jail.

C (ii) OBJECTIVES OF PROBATION

Probation is founded on the following aspects:

- i. Many offenders aren't motivated or dangerous offenders; rather, they're weak people who gave in to temptation or were unwittingly or carelessly drawn into the activities of the police and courts.
- ii. By putting this kind of offender under the supervision of a probation officer, the court not only spares him from the embarrassment and potential contamination of prison, but also fosters his own sense of responsibility for his future. If he cooperates with the probation officer, he will be able to maintain his family life while maintaining a clean record.
- iii. The prison administration team is benefited by removing a significant portion of first-time offenders, short-term inmates, and other quasi-criminal offenders from prisons, this practise not only benefits the offender as a social asset to the

community but also saves money and frees up prison staff to concentrate on their duties.

C (iii) FUNCTION OF PROBATION OFFICER

Instead of being fined or imprisoned, the offender is placed on probation, which entails that the Magistrate issues a probation order and the probationer agrees to be bound by it by signing a recognisance, with or without sureties. The order may stipulate that the probationer be supervised by a probation officer for a specific period of time and may specify certain conditions to be followed by the probationer, and that the order can only have positive outcomes if the probationer cooperates.

The probation officer is the most significant human being in the administration of probation. He speaks with the probationer directly. He is in charge of carrying out the probation order of the court. He is in charge of two crucial duties: the monitoring of the offender and the probation offender presentence inquiry.

The Probation of Offender Act of 1958 aims to give the accused the chance to be released after proper reprimand if he is found not guilty of an offence that is not punishable by death or life in prison. It was put in place to give criminals a chance to show that they can repent and live in a society without hurting others.

VI. SOME NOTABLE CASES RELEVANT TO AND USEFUL FOR PROBATION OFFICERS:

Keshav Sitaram Sali v. State of Maharashtra AIR 1983 SC 291

The accused had abetted in the theft of coal from a railway wagon in a railway station. The Supreme Court held that since it is a petty case, the benefit under Section 360 of the Code of Criminal Procedure or Sections 3 and 4 of the Probation of Offenders Act should have been given, instead of imposing a fine on him.

Basikesan v. State of Orissa, AIR 1967 Ori 4

The 20-year-old accused was convicted u/s 380 of Indian Penal Code, where he had committed theft of certain things inside the Deraghar from it. There was no previous conviction on the accused, and the court directed the accused to be released after due admonition u/s 3 of the Act, even though the act was not out of intentional preparation.

Daulat Ram v. State of Haryana, 1972 SC 2434

In this case, the appellant was alleged to have inflicted injuries on a person along with his father Net Ram, when the appellant's mother was wrongly restricted from entering a place. The Supreme Court held that the aim of Section 6 was to not send juvenile offenders to prison, unless in cases of life imprisonment, so that they are not exposed to habitual offenders in the jail.

In **Ramji Nissar v. State of Bihar**; AIR 1963 SC 1088, the Supreme Court has held that the determination of age is to determine the suitable punishments for the offences found guilty. When the offender is not under the age of 21 years, the benefit u/s 6 of the Act will not be applicable.

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Section 6 of the Probation of Offenders Act was interpreted in **Sudesh Kumar v. State of Uttarakhand**, AIR 2008 SC 1120. It was held by the apex court that a convict who is punishable with imprisonment and is below the age of 21 years shall not be sentenced unless the court is satisfied with the same. In the said case, the court was not satisfied that the accused was less than 21 years of age at the time of commission of offence as there was no substantial evidence to support that ground.

In the case of a neighbourhood dispute in **Daulat Ram v. State of Haryana**, AIR 1972 SC 2434, the High court sentenced rigorous imprisonment of two years for abusive language and physical assault using lathis to Daulat Ram who was less than 21 years on the date of the offence. The Supreme court widely interpreted Section 6 of the Probation of Offenders Act and concluded that the young offenders should not be sentenced with jail terms for less grievous offences, Since they will come into close contact with hardened and habitual offenders and result in their close association.

In **Satyabhan Kishore v. State of Bihar**, AIR 1972 SC 1554, the appellants who were students of the Patna commerce college assaulted the Head of the Hindu department of the college were sentenced one year's rigorous imprisonment the apex court made reliance on the Daulat Ram judgement and observed that unless reasons for imprisonment are recorded for less serious offenders, the convict cannot be imposed Jail term under section 6 of the Probation of Offenders Act.

Section 360 of the Code of Criminal Procedure:

Section 360 of the Code of Criminal Procedure first spoke about probation among all statutes. It says that when a person over 21 years of age is convicted for an offence involving imprisonment lesser than 7 years, or a person under 21 years of age or any woman is convicted for an offence not involving life imprisonment, and there is no previous conviction for the offender, if the Court finds that the offender be released on probation of good conduct, subject to the age, behaviour of the

offender and facts of the case, it may direct to enter into a bond, with or without sureties, to appear when called upon during three years of such issue of bond, to maintain and supervise the good behaviour.

The object of this section is to prevent juvenile offenders from going to jail, where they may be exposed to hardened criminals, and learn from them to be the same. It helps people who committed crimes due to bad influence, or ignorance or any reason, but for which they would be a normal citizen. A similar view was given by the Supreme Court in **Jugal Kishore Prasad v. State of Bihar**, (1972) 2 SCC 633, where it explained the objective of sec 360 Cr.P.C.

Section 14 of the Act imposes certain duties on the Probation Officers. They can:

- a. Enquire into the circumstances or home surroundings of the accused to provide a suitable method of dealing with him and submit the reports of the same to the Court;
- b. Supervise probationers and, when necessary, help them in finding suitable employment;
- c. advise and assist the offenders in payment of compensation or costs ordered by the Court;
- d. advise and assist in the manner prescribed, persons released under Section 4;
- e. perform other duties as may be prescribed.

VII. INTERNATIONAL CASE STUDY ON PROBATION

UNICEF, also known as the United Nations Children's Fund, is a United Nations agency responsible for providing humanitarian and developmental aid to children worldwide. Beginning around 2000, UNICEF has upheld states and common society associations in Europe and Central Asia, and set up particular equity frameworks for children, empowering those in a struggle with the law to profit from the reliefs available to them furthermore move towards detention if all other measures fail. There are thousands of children under detention.

The Indian government has ratified the convention on children's rights and must provide the following commitments.

- Article 3: In all actions concerning children undertaken by courts of law, the best interests of the child shall be a primary consideration.
- Article 12: Children have the right to be heard in judicial and administrative proceedings affecting them.
- Article 37: No child shall be deprived of liberty unlawfully or arbitrarily. Children deprived of liberty have the right to legal assistance and challenge their detention.
- Article 40: Every child accused of or convicted for breaking the law has the right to be treated in safeguards their sense of dignity and worth."

Some proven strategies are:

- Meeting national measures and practices with the same level as internationally practised standards.
- Methods that do not involve harsh conditions like detention should be explored more and brought into practice, as it is now restricted to practice in urban areas.
- Building and forming a more child-friendly environment of justice delivery, awareness and practice of child rights among legal practitioners and experts can help in the more uncomplicated delivery of justice.
- Practicing probationary services and their establishment and expansion in many regions.
- More cooperation between various sectors like NGOs, medical practitioners, etc., to bring more coordination, understanding and help in juvenile justice delivery.
- Increased overlooking by the National Human Rights Commission. In India, with the more involvement of the NHRC, the rate of juvenile crimes has decreased significantly, and the efficiency of the juvenile legal system has led to smoother proceedings of juvenile cases.
- Increased Government intervention and involvement in the processes of juvenile trials led to increased awareness of child rights among people and faster & fair delivery of justice to all under trial.

- A decent circumstance examination assisted with recognizing influential lawyers, experts and politicians. Leaders. For instance, a committee consisting of learned counsel can be appointed along with learned politicians such as ministers to examine cases related to juveniles. Sustainable goals. Much still needs to be done to support these accomplishments further develop adolescent equity frameworks, including:
- Put resources into avoidance administrations, redirection and option (non-custodial) sentences by helping states grow and reinforce redirection and non-custodial choices, just as well-spoken and further developing more considerable anticipation and admittance to equity plan.
- Address difficulties connected to the arrangement of sufficient treatment for girls, including satisfactory conditions for those prisoners. At the core of this work, gender equality must be guaranteed to girl children.
- Shift the concentration towards youngsters coming into contact with the law as casualties or observers of violations, expanding on practical work to date and great practice.

Penal Reform Internationals: On Probation (Models Of Good Practice For Alternatives To Prison)

Introduction –Penal Reform International (PRI) since its establishment in 1989, has worked towards reducing the unnecessary usage of imprisonment for pre-trial detainees and convicted offenders. It also stands for providing support for pre release and post-release prisoners, in order to aid their transition back into society and the importance of sentence planning. One of the outcomes with regards to convicted offenders, PRI’s Strategic Plan for 2015- 20 is a ‘fair and proportionate sentencing that takes account of the circumstances of both the offender and offender’.

The two fold way of achieving this is by promoting non-custodial penalties for small or non-violent offenders, as well as putting in place practical programmes to establish and develop probation systems and community service sanctions. This resource pack attempts to offer advice on how non-custodial punishments and probation can be implemented in nations that don't have them and expanded in those that do. It draws on academic and other research as well as PRI's experience working with partners, most notably in Eastern Europe, Central Asia, East Africa, and the Middle East and North Africa (MENA) regions.

There are limitations to the guidance as countries and regions differ by culture, language, traditions, institutions, and practices. For instance, PRI noted that, 'Jordan has a tribal culture which can encourage incidents of retribution and revenge attacks by the victim's family on the perpetrator. At present, it is not clear to what extent the community will accept community service as a fair punishment. Within this context, children and particularly girls are most at risk. Indeed, there are some concerns that alternatives may not work well for juvenile girls: When it comes to sentencing, the use of alternatives needs to be made on a case-by case basis'.

Many countries, despite the differences, are interested in building an array of non-custodial penalties available for less serious offenders and building the capacity to supervise such penalties. PRI's impact can be seen by efforts such as 'policy transfer' depending on the economic, institutional approaches of a state. While developing probation services criminal justice institutions along

with criminal law and public involvement would have to be carefully taken into consideration.

What do we mean by probation?

“The UN Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules) lists twelve sentencing dispositions which judicial authorities should be able to impose. These are:

- a. verbal sanctions, such as admonition, reprimand and warning;
- b. conditional discharge;
- c. status penalties;
- d. economic sanctions and monetary penalties, such as fines and day- fines;
- e. confiscation or an expropriation order;
- f. restitution to the victim or a compensation order;
- g. suspended or deferred sentence;
- h. probation and judicial supervision;
- i. a community service order;
- j. referral to an attendance center;
- k. house arrest;
- l. any other mode of non-institutional treatment. This may, for example, include electronic monitoring.”

Within the Member State legal system as per history of victimization and their caretaking responsibilities of the female offenders alternative sentences can be given. This is as per the UN Rules for the Treatment of Women

Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

According to the Commentary on the 2010 Council of Europe Rules on probation, ‘while probation is not easy to define simply or precisely, it is a familiar term understood widely and internationally to refer to arrangements for the supervision of offenders in the community and to the organizations (probation agencies, probation services) responsible for this work’.

Formal supervision is one of the key elements of probation as opposed to simply monitoring. It is a court ordered guidance, assistance and supervision, with the safety of the community as the end goal. The term probation also implies the necessity for the person on probation to prove themselves (from the Latin ‘probare’). If people subject to probation supervision fail to suits specified conditions, they will be brought back before the court and punished. The modern probation task is both akin to social work than to a policing function. The development of programmes to help offenders change their behavior, improve their skills, find work and improve relationships require probation service whose ethos is about positive change and which employs skilled, professional staff.

Why probation?

One is the risks that imprisonment poses to the rights of offenders.

A second reason concerns the cost of imprisonment. “In the USA, in 2012, the annual cost of placing an offender in a Bureau of Prisons institution was

roughly eight times the cost of placing the same offender under post-conviction supervision by a federal probation officer.”

Third, probation is more effective than imprisonment. In England and Wales the law prescribes the reason for sentencing as a reduction in more offenders being swayed by offenders to commit crimes and to reduce the future crimes being committed by the offender.

Lastly, probation helps in the organized criminal justice system in four ways. “First, if targeted properly, probation can help to take the pressure off the prison system. In Romania, correctional labor under the communist regime was no longer available after the revolution and the custody rate rose by 20% between 1992 and 1998. A Probation Ordinance was adopted in 2000 and the prison population subsequently fell from 48,000 in 2000 to 26,000 in 2008. The prison population was 28,000 in June 2016.”

Probation additionally is also responsible for widening the offender accord, as was observed in European countries the ratio of prison inmates and community services increased from 2:1 to 1:3. “In East African countries, while community service was designed to replace prison sentences of up to two, or three years, very large numbers of orders are imposed for very trivial cases.”

Probation provides a positive influence on offenders as it increases the opportunities for them to be contributing members of society whilst being among their community. Through skill enhancement, vocational, educational training they become an asset rather than a burden or a liability to the state.

The tasks of probation systems:

The supervision of court orders in the community, that is penalties which do not require deprivation of liberty. It is for offenders to need not be imprisoned on the basis of the offense, situation or their personality. Like in the former Soviet Union the probation workers oversee the court order and suspend imprisonment sentence on the condition that the offender complies with requirements which are administered by the workers. In other law countries the courts impose a specific probation or community- based sentence order as a penalty in its own right.

The supervision of offenders who have been released from a sentence of Imprisonment. As with the supervision of sentences, there is a combination of a policing and social work role here, they are responsible for supervising offenders who have been released on parole, or another form of early release, or in certain cases at the end of the prison sentence. Probation staff also assess the behavior of the offender by halfway houses and supervised hostels, to help in the decision of the release and condition of release of a prisoner. “In Pakistan, probation and parole officers are mandated by law to visit prisons and assist prison management in identification of offenders who seem eligible for probation or parole and to conduct assessment interviews with them.”⁸

The preparation of social inquiry or pre-sentence reports to assist the court in reaching a decision about the most appropriate disposal of the case. Assessments are made on the basis of the offender’s personality, family situation, health history, employment and education along with a consultation

with the victim of their crime. The probation staff often have to be highly educated and trained with high integrity levels as they are from time to time questioned about their reports in court.

The organization of probation services

In most countries in Europe, the probation service falls under the Ministry of Justice along with the prison system. In countries where the prison system is under another ministry, the probation system is usually also there. In federal countries, probation services are usually the responsibility of the province (e.g. Canada) or state (e.g. Australia, Germany) or at an even lower level of government (e.g. counties in some US States). In these countries, therefore, ministerial responsibility and organization can vary.

In determining how best to organize probation services, consideration needs to be given to:

- a. the most appropriate ministry under which it should be placed;
- b. whether it should be an independent agency or linked with the prison system;
- c. the best way of ensuring close links with the judiciary

Staff, training and resources:

A properly functioning probation system requires resources and a reliable sufficient staff, for the system to be credible and organized. PRI's recent Excellence in Training in Rehabilitation in Africa (ExTRA) project found that 'there are clear limits to what Probation and Community Service departments are able to do to increase the effectiveness of CSOs [Community Service

Orders], even with additional capacity. In Kenya, the best resource of the three departments, there were indications that probation cannot keep up with the pace of demand for suitable assessments’.

The Council of Europe Probation Rules states that ‘the structure, status and resources of probation agencies shall correspond to the volume of the tasks and responsibilities they are entrusted with and shall reflect the importance of the public service they implement’ and variations will partly reflect differences in the tasks undertaken.

In Italy where only 2,084 officers report, England and Wales see close to 17,000 officers though their roles and duties differ. The employed staff often face the problems of transportation, services and caseload; this is often supplemented by a voluntary body of the society. In Asian countries, the volunteer probation officer is a prominent tradition. Around 50,000 people from practically every sector of Japanese society volunteer as probation officers (VPOs) in Japan, with fewer than 1,000 VPOs. Around 60,000 people on probation or parole are served by 800 salaried probation officers parole. Half of all VPOs have been active for more than ten years, with an average of 62 years.

When establishing probation services, countries need to:

- a. provide sufficient budget for adequate numbers of staff and additional costs such as transport;
- b. determine the qualifications and skills required by probation staff and the appropriate remuneration;

Promoting Best Practices and Standards

- c. look to make use of volunteers;
- d. develop partnerships with other agencies;
- e. track the capacity of the probation and community service departments by monitoring the average number of cases per probation officer and the time spent on particular tasks;
- f. ensure that appropriate induction training and continuous professional development is provided to staff.

Models and approaches for practitioners:

The Risk, Needs Responsivity Model (RNR) of western countries makes successful advances in establishing the expectations of the front line practitioners of the probation system. “It has three main dimensions: assessing risk, addressing offending related needs, and providing treatment that is responsive to the offender’s abilities and learning style.

Resources should follow risk. High-risk offenders need a more intensive response while low-risk offenders should receive little or no intervention. Over-intervention when the risk level does not justify it can have a negative impact.

Effective treatment should focus on addressing offending related needs – so-called dynamic risk factors that are associated with criminal behavior.

Rehabilitative programmes should be delivered by trained, enthusiastic staff in ways most appropriate for the individual offender taking account of their age and character.”

A number of treatment programmes based on cognitive behavioral principles have been established and used by probation services in Western countries. Among the best known are:

- ART (Aggression Replacement Training) – a group work programme for people convicted of violent offenses or who have problems controlling their temper. It challenges offenders to accept responsibility for their behavior. Its aims are to reduce the incidence of assault, public order offenses and criminal damage, increase public protection and challenge offenders to accept responsibility for their crime and its consequences.

- SOTP (Sex Offenders Treatment Programme) – this helps offenders develop an understanding of how and why they have committed sexual offences. The main focus is to help the offender develop meaningful life goals and practise new thinking and behavioral skills that will lead him away from offending.

- TSP (Thinking Skills Programme) – a cognitive skills programme which addresses the way offenders think and their behavior associated with offending. The programme aims to reduce reoffending by engaging and motivating, coaching and responding to individual needs and building on continuity.

- OSAP (Substance Abuse Programme) – this program addresses drugs or alcohol misuse, using cognitive methods to change attitudes and behavior to prevent relapse and reduce offending.”¹²

At a cultural level, while certain elements are common to most offending behavior programmes – problem solving, impulse control and social skills for instance – other cultures may value different concepts: being an honest citizen, an honest loved one.

Probation work should be based on the best available evidence about what works to reduce re-offending alongside human right standards. Consideration should be given to:

- a. using standardized tools for evaluating an offender’s risks and needs and for measuring changes in these;
- b. the creation or adaptation of a range of treatment and intervention programmes;
- c. ensuring staff are properly trained to use the assessment tools and offending behavior programmes;
- d. developing methods to encourage desistance from crime by listening to the voice of the offender, building on their strengths and encouraging supportive and hopeful relationships;
- e. introducing processes which match offenders to the most suitable community service placements which make use of existing skills and teach new ones;

Promoting Best Practices and Standards

f. exploring the possibility of restorative approaches as part of probation supervision

Public relations:

Where there is no probation service available the first task would be to raise public awareness and a political will for a formal and legal backing to be established. On a political level, 'penal populism' has had a significant impact on probation in Western countries in recent years. As faith in rehabilitation and the welfare state has waned, some of its foundations have been destroyed. Many recent changes, such as the increasingly rigid rates of breach for non-compliance with orders, the need that all community orders include a punitive element, or the donning of orange bibs while performing community service, are designed to appear severe rather than to be successful. By a strategy of involving, informing and influencing public's desire for punishment can be moderated and by making the probation more punitive the public confidence can be further strengthened.

Winning public support for probation is important. Probation services should develop strategies which:

- a. provide training and updates to courts and other criminal justice stakeholders about probation and feedback to courts about completion rates;
- b. keep the public well informed about how probation is used, what it entails and the positive outcomes it achieves;
- c. give the public opportunities to become involved in the work of probation in various ways, whether as volunteers or in suggesting unpaid work projects;

- d. publicise success stories which show how offenders have turned their lives around while on probation;
- e. seek to garner support from influential champions and local leaders.

Section 9: Research, monitoring and evaluation:

In order for probation to be continuously assessed for improvements studies on key issues are conducted on topics like:

- a. The extent to which probation and community service orders are enforced, as well as the reasons for their limited take-up by courts, are among the major problems to investigate.
- b. whether probation is replacing prison sentences and whether there is any net widening;
- c. how many offenders who are subject to orders comply with them, and what the reasons are for noncompliance;
- d. whether probation affects re-offending;
- e. the public's, victims', and criminal justice stakeholders' attitudes toward probation.

Probation systems need to be evaluated both to ensure they are working as intended and to identify areas for improvement. Countries need to:

- a. collect timely and relevant data about probation, ensuring records are securely kept, with access defined and confidentiality respected where appropriate, as well as arrangements to ensure the data is analysed and lessons learnt.

b. develop annual research programmes which shed light on particular aspects of probation which are of interest to the authorities, stakeholders and the wider public.

Conclusions and checklist:

Experience suggests that PRI can play a number of roles in the establishment and development of probation. These include (example countries where this has been conducted in brackets).

- a. research and analysis of the need for non-custodial sanctions (Pakistan);
- b. building professional and public support for alternatives through roundtables, conferences and other events (Kazakhstan);
- c. organising study tours and visits to relevant countries (Kazakhstan, Armenia, Georgia, Algeria, India);
- d. establishing and evaluating pilot schemes (Tunisia);
- e. training probation staff, community service placement agencies, judges and other stakeholders (East Africa, Georgia);
- f. advising on legislation (Jordan, Kazakhstan);
- g. ongoing monitoring and evaluation of the impact of probation (East Africa);
- h. promoting successful programmes (Algeria).

Developing a probation service: Key Questions

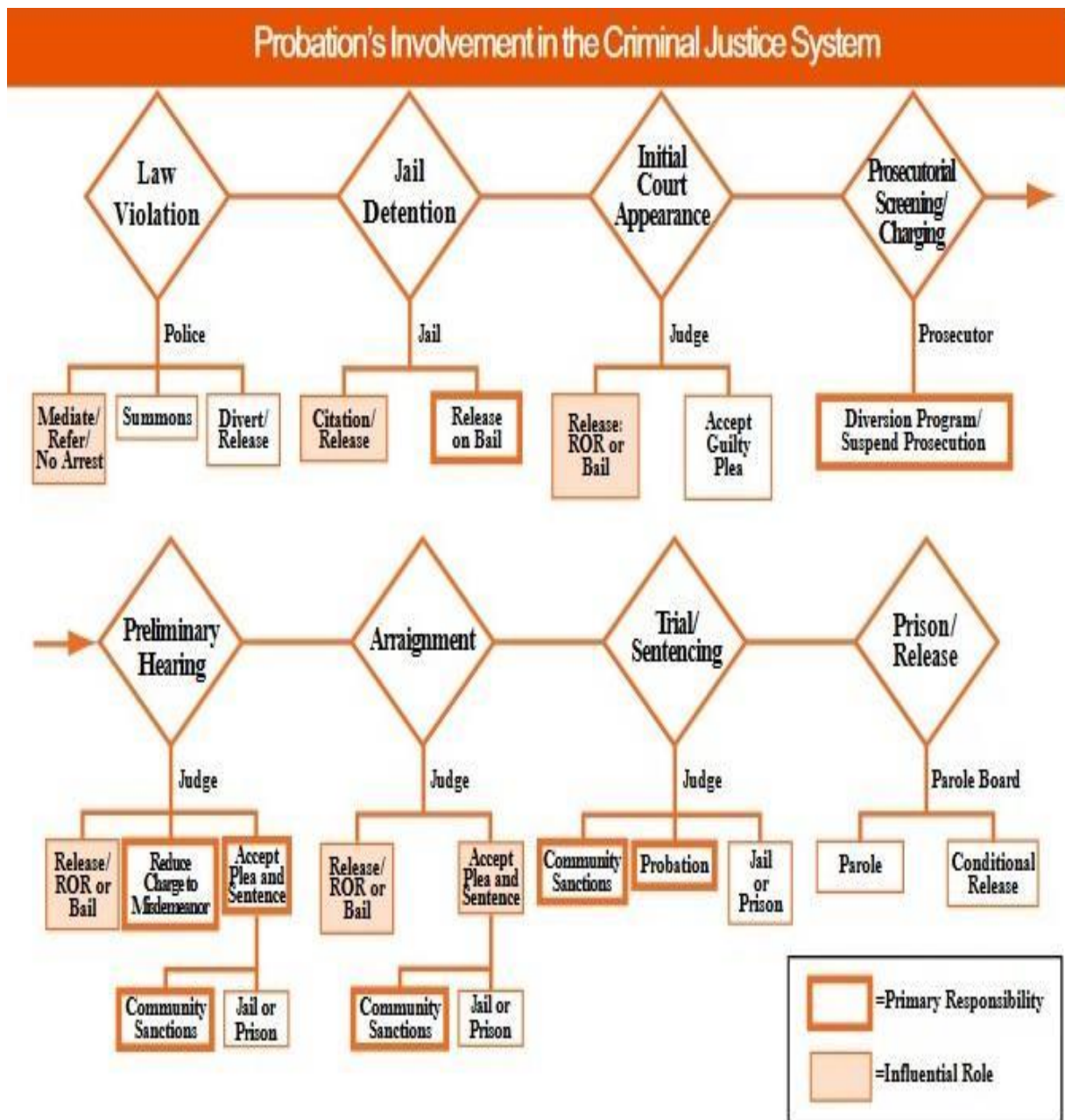
- 1. What are the key functions which you want the probation service to undertake?
 - a. the supervision of court orders which do not require deprivation of liberty;

- b. the supervision of offenders who have been released from a penitentiary sentence;
 - c. the preparation of reports to assist the court in reaching a decision about the most appropriate sentence;
 - d. work to assist prisoners inside the penitentiary;
 - e. work at the pre-trial stage of criminal proceedings (e.g. to provide or monitor alternatives to pre-trial detention or offer mediation);
 - f. to undertake work to prevent crime;
 - g. to work with victims of crime;
 - h. to undertake miscellaneous other services such as enforcing fines.
2. If (a), will this be the supervision of suspended sentence and/or a community based sentence in its own right?
 3. Will the probation system cover juveniles and adults or just adults?
 4. Do you want the probation service to be a state organ and if so where should it be located in the government system?
 5. How will you ensure the probation service relates well to the Courts at a local level?
 6. If it is a state organ, do you envisage that all of the tasks for which probation is responsible will be undertaken by the probation service itself or will some of the work(e.g. supervision of community work placements) be undertaken by partner organisations?
 7. Are there existing organs that could be transformed into a probation service or do you want to start from scratch?

8. What kind of training and qualifications do you want probation staff to have initially and in the long term?
9. What kind of sensitisation will be needed within the government, with judges, prison system and the general public?
10. Is it possible to pilot the new system in one region or with one type of offender?
11. What changes to the law will be required to establish the service?
12. What changes to administrative processes and criminal procedures will be needed for the probation service to do its work?
13. Will a training programme be needed for police, prosecutors and courts?
14. Over what timescale do you envisage the service being introduced?
15. What would be the most appropriate and effective national body, e.g. a national committee or national working group, for overseeing the introduction of the new service?
16. What numbers of staff do you envisage working for the probation service?
17. What kind of headquarter, regional and local capacity will be needed?
18. What will you need in terms of office accommodation, equipment etc?
19. What system of registration and filing will be put in place for each offender/ probationer sentenced to community sanction or measure?
20. What audit and monitoring processes will need to be introduced to ensure the quality of the work of the probation service?

21. What kind of research and evaluation framework could be put in place to inform the development of the service and contribute to its continuous improvement?

A. PROBATION SYSTEM IN THE UNITED STATES



B. PROBATION SYSTEMS IN DIFFERENT INTERNATIONAL PRESPECTIVE

	AT	BE	BG	CR	CAT	HR	CZ	DK	E&W	EE	FI	FR	DE	HU	IE	IT	LV	LT	LU	MT	MD	NI	NIE	NO	PL	PT	RO	SC	SK	SI	ES	SE	CH
Supervising/organizing, etc. community service/corrective labor	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Preparing social enquiry/pre-sentence reports		x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x		x	x		x	x	x	x	x	x	x	x		x	x	
Supervising, etc. sanctions/conditions of probation		x			x		x	x	x		x			x	x	x		x	x	x	x	x	x	x		x	x		x		x	x	x
Supervising, etc. suspended/conditional sentences	x	x	x	x	x	x	x	x	x		x	x	x	x	x		x	x		x	x	x		x		x	x			x	x		
Supervising, etc. drug/alcohol treatment programs or other offender treatment programs				x	x	x	x	x	x			x	x	x			x	x	x	x	x	x	x	x		x	x		x	x	x		x
Supervising/organizing training/learning projects or educational measures			x	x	x	x	x	x	x			x	x	x	x			x	x		x	x	x	x			x	x		x	x	x	
Supervising, etc. conditional/provisional release/parole	x	x	x	x	x	x	x	x	x	x	x	x	x				x	x			x	x	x	x		x				x	x		
Providing mediation/victim support	x	x		x	x	x	x	x					x	x	x		x			x	x		x	x		x	x		x	x			
Primary and secondary prevention	x	x			x		x	x	x	x	x		x				x						x			x	x	x				x	x
Assistance/support to prisoners in prison; preparation and support of prison leaves, etc.; elaboration and management of individual detention plans		x		x	x	x							x	x	x	x	x	x	x		x		x		x		x	x		x	x		
Supervising, etc. special measures for drug addicts					x	x	x		x			x		x	x				x			x	x		x	x		x		x	x		x
Providing advisory reports with respect to amnesty/pardon or conditional release/parole		x		x	x	x		x				x	x	x					x		x	x				x		x		x	x		
Providing supervision assistance to offenders whose pre-trial detention has been conditionally suspended	x				x		x	x					x	x			x		x	x		x		x		x		x					
Supervising, etc. mentally ill or retarded offenders (in-patient/out-patient orders)	x				x			x	x			x										x	x			x		x		x	x		x
Supervising/assisting, etc. offenders		x			x		x	x	x			x	x									x						x		x		x	x

	AT	BE	BG	CR	CAT	HR	CZ	DK	E&W	EE	FI	FR	DE	HU	IE	IT	LV	LT	LU	MT	MD	NL	N-IE	NO	PL	PT	RO	SC	SK	SI	ES	SE	CH
whose cases have been conditionally waived																																	
Supervising, etc. electronic monitoring	x	x		x			x	x				x	x						x							x		x				x	x
Supervising, etc. semi-liberty				x								x			x	x			x				x		x						x		
Providing assistance to persons who have been pardoned/granted amnesty					x		x						x						x		x	x						x		x			
Early help/intervention/social care, support and information		x		x				x										x				x						x					
Providing assistance/support to offenders during home detention							x									x								x				x	x				
Other activities:																																	
Post-release after-care	x			x	x								x										x										
Day center/attendance center activities				x				x						x														x					
Compulsory address registration			x					x													x							x					
Restriction of liberty or deprivation of the right to hold certain positions			x					x													x							x					
Supervising, etc. semi-detention																x					x										x		
Supervising, etc. special treatment orders, sex offences prevention orders, risk or sexual harm orders replacing incarceration								x															x					x					
Providing supervision/assistance to pre-trial detainees							x															x						x					
Providing family support				x																x													
Supervising enforcement of freedom restriction sentence																		x					x										
Supervising fine enforcement																						x											
Coordinating volunteer prison visitors																			x														
Remittal to children's hearings																												x					
Preparing offenders for home leave; providing support during home leave				x																													
AT (Austria); BE (Belgium); BG (Bulgaria); CAT (Catalonia); HR (Croatia); CZ (the Czech Republic); DK (Denmark); E&W (England and Wales); EE (Estonia); FI (Finland); FR (France); DE (Germany); HU (Hungary); IE (Ireland); IT (Italy); LV (Latvia); LT (Lithuania); LU (Luxembourg); MT (Malta); MD (Moldova); NL (the Netherlands); N-IE (Northern Ireland); NO (Norway); PL (Poland); PT (Portugal); RO (Romania); SC (Scotland); SK (Slovakia); SI (Slovenia); ES (Spain); SE (Sweden); CH (Switzerland).																																	

AT (Austria); BE (Belgium); BG (Bulgaria); CAT (Catalonia); HR (Croatia); CZ (the Czech Republic); DK (Denmark); E&W (England and Wales); EE (Estonia); FI (Finland); FR (France); DE (Germany); HU (Hungary); IE (Ireland); IT (Italy); LV (Latvia); LT (Lithuania); LU (Luxembourg); MT (Malta); MD (Moldova); NL (the Netherlands); N-IE (Northern Ireland); NO (Norway); PL (Poland); PT (Portugal); RO (Romania); SC (Scotland); SK (Slovakia); SL (Slovenia); ES (Spain); SE (Sweden); CH (Switzerland).

VIII. LANDMARKS JUDGEMENTS ON PROBATION OF OFFENDERS ACT.

Jugal Kishore Prasad v. State of Bihar, AIR 1972 SC 2522, the appellant was sentenced 3 years imprisonment for an offence under Section 326 of IPC. The question was whether the benefit under section 6 of the probation of offenders act available to him. The Supreme court in its rationale observed that Probation as mitigation treatment cannot not be invoked for available to offender under 21 years who are guilty of premeditated offence punishable with imprisonment for life under 326 and 149 of IPC.

In **Phul singh v. State of Haryana**, AIR 1980 SC 249, the 22 years old appellant committed rape of his neighbour who is a close relative to his family. The High court sentenced him to four years imprisonment. On appeal, it was pleaded that he had no previous criminal record and the victim's family being related they were willing to forgive the convict. In the rationale it was observed that prison time for the accused is mandatory although four years would be rigorous and may act counterproductive to the goal of deterring the convict from committing crime in the future. The Supreme court reduced his sentence from four years to two years.

In **Masarullah v. State of Tamil Nadu**, AIR 1983 SC 654, the Supreme court observed that the the court assessed the convict's age wrongly on the day of the offence, and there was no examination of the apparent conflict between the grant of probation under the Act and the statutory minimum sentence of 7 years under Section 397 IPC. Thus, the appellants were allowed the benefit of Section 4 and 6 of the probation of offenders act who were charged under Section 452 and 379 of the Indian Penal Code.

Lakhvir Singh v. State of Punjab, 2021 [SCC online SC 25, decision on January 19, 2021]

The appellants were adolescents, between 20 and 19 years old, when they assaulted the complainant with a dagger and a knife, inflicting 11-12 injuries on his forehead, belly, and neck. The plaintiff was kicked out of his cab, and the appellants took the vehicle with them. During the trial, the appellants were found guilty by the Trial Court and sentenced to Rigorous Imprisonment for 7 years each. The current special leave petition was filed to challenge the Trial Court's decision to dismiss their appeal against the Trial Court's findings. The Court heard that a compromise agreement was reached between the complainant and the appellants, in which the complainant declared that he did not wish to take any action against the appellants and had no problem to their release on bail or acquittal. However, counsel for the State said that the statute's minimum penalty under Section 397 of the IPC was 7 years and that it could not be lowered below that term, to which the appellants sought relief under the Probation of Offenders Act, 1958.

Applicability of Probation of Offenders Act, 1958: Analysis

The Court remarked that the statement of Objects and Reasons of the Act explains the motivation for the passage and its amendments: to provide the advantage of releasing convicts on probation for good behaviour rather than imprisoning them. Thus, a greater focus on the reformation and rehabilitation of criminals as valuable and self-sufficient members of society without exposing them to the negative impacts of incarceration is attempted to be subserved. Section 6 of the Act, as the title suggests, limits the incarceration of criminals under the age of twenty-one.

The following is the text of the aforementioned provision:

Restrictions on the imprisonment for criminals under the age of twenty-one. If a person under the age of twenty-one is found guilty of an offense punishable with imprisonment (but not with life imprisonment), the court that finds him guilty shall not sentence him to imprisonment unless it is satisfied that, having regard to the circumstances of the case, including the nature of the offense and the character of the offender, it would not be desirable to deal with him under sections 3 or 4, and if the court passes any sentence of imprisonment on the offender, it shall record its reasons for doing so.

The Court relied on **Masarullah v. State of Tamil Nadu**, (1982) 3 SCC 485, which stated that "in the case of an offender under the age of twenty one years on the date of commission of the offence, the Court is expected ordinarily to give benefit of the provisions of the Act and there is an embargo on the power of the Court to award sentence unless the Court considers otherwise, 'having regard to the circumstances of the case including nature of the offence, "The fundamental goal of the provision being reformatory, and Section 6 being an unique provision, it was intended to avoid the incarceration of young individuals under 21 years of age in jail, to shield them from the destructive influence of hardened criminals," the Court stated. The Bench reaffirmed, citing *Ishar Das v. State of Punjab*, (1973) 2 SCC 65, that the non-obstante clause in Section 4 of the Act showed the legislative purpose that the provisions of the Act take effect regardless of any other legislation in place at the time. It was also noted that the absence of any other similar charges where a required minimum penalty was provided in Section 18 of the Act indicated that the Act may be invoked in such other offences.

The Bench found that the benefit of probation under the abovementioned Act was not barred by the requirements of Section 397 of the IPC's obligatory minimum

punishment. Given that the appellants had served approximately half of their sentence and that the complainant had forgiven them, as well as that there was no adverse report against the appellants regarding their behaviour in jail, the Court determined that it was a fit case in which the benefit of probation could be extended to the appellants. As a result, the appellants were ordered to be released on probation for good behaviour on the condition that they enter into a bond with two sureties each to guarantee that they preserve peace and good behaviour.

Durgesh Chandra v. State of Uttar Pradesh, 2019, SCC All 2176, [Available online: <https://indiankanoon.org/doc/122012346/>]

The circumstances of the case were that the accused was charged with violating Sections 323, 452, and 326 of the IPC and was convicted by the Trial Court. Shiv Ganesh Singh, Counsel for the Appellant, said that because the appellant had never been convicted of any crime, the Trial Court should have invoked the provisions of the Probation of Offenders Act, 1958. It was further argued that the Trial Court did not utilise the requirements of the Act of 1958 or Section 360 of the Criminal Procedure Code while sentencing the accused-appellant. It further did not provide any specific cause in the challenged judgement and order of conviction for not granting the benefit of Section 360 crpc or the Act of 1958. As a result of the order's gross illegality in violating Section 361 crpc requirements, it cannot be supported. Section 361 of the Code must be implemented with or without the advantageous provisions, namely Section 360 of the Code or the provisions of the Act of 1958. It was also noted that if the Court opted not to use any of these sections, it was necessary to provide exceptional reasons for not implementing the advantageous provision, or else the accused criminal would be entitled for provisions of Section 360 of the Code or Section 3 or 4 of the Act, 1958. The accused-appellant had a statutory right to benefit from advantageous legislation.

Given the facts and circumstances, the Court determined that the appeal should be rejected by affirming the accused-conviction. Appellant's were, nevertheless, accorded the benefit of Section 4 of the Act of 1958 and was granted probation and discharged.

Some important judgments, where the court has denied to grant the benefit of probation:

1. Ahmed v. the State of Rajasthan, AIR 1967 Raj 190

The facts of the case goes as: The accused was alleged of dishonestly stealing idols from a nearby Hindu Temple into his possession, damaged the stairs leading to such idols, and the theft of the Chabutra on which the said idols stood. The High Court of Rajasthan has held that the benefit of probation cannot be granted where the acts of the offender would have led to communal tension or an explosive situation.

2. State of Maharashtra v. Natverlal, AIR 1980 SC 593 In this case, the accused was raided by the Anti-Corruption Bureau, who found that the accused had smuggled gold biscuits and other gold materials. On an appeal for probation, the Supreme Court declined the benefit of probation as the act of gold smuggling is too intense and grave that it affects public revenue and economy, but it often escapes detention.

3. Smt. Devaki v. State of Haryana AIR 1979 SC 1948

In this case, the appellant was accused of abduction, seduction and sale of girls to others for marital purposes. Considering it a heinous crime, the Supreme Court declined the benefit of probation to the abominable culprit.

4. State of Rajasthan v. Sri Chand 2015

In this case, the Supreme Court has held that the benefit of Probation cannot be granted in offences against women. The accused, in this case, was alleged to have

lured a 12-year-old girl, who was grazing buffaloes in the jungle, and taking her into a room wherein she was forcibly undressed, and the offense of rape was committed.

IX. ROLES AND RESPONSIBILITIES

The following are the most significant role and responsibilities of probation officers:

A. ROLE OF PROBATION

Probation is a strategic or successful therapeutic treatment of Convicts that is very effective in criminal law. The role of Police is significant as their assistance is instrumental in the operation of the probation officer to Supervise. The notion of Outdoor Rehabilitation will be a blunder since the motivations and goals are incompatible, as it is apparent that police will want to help probation staff. Thus, The trial officer and the police are separate State institutions that primarily serve similar purposes.

At the ground level, Socialisation and rehabilitation of Juvenile criminals in institutions is primarily carried out by the Police. Socialisation is quintessential for the juvenile offenders because when a person is freed from a domestic institution, it is presumed that the society isolates them. Social rejection would result in them engaging in anti-social activities and increase their chances of becoming habitual offenders. In this sense, it is the responsibility of the police officer to reintegrate such individuals into society while also ensuring that other agencies, such as panchayats, are aware of their obligations to aid him in socialising and doing his usual social duties.

Amicus to the Court:

Promoting Best Practices and Standards

In addition, since the primary obligation of the probationer under his supervision is to protect the offender's interests, the probation officer must act as a liaison between the probationer and the Court. The probation order may be modified by the court, or the probationary bond may be exercised at the discretion of the probation officer. The probation officer keeps track of the probationer's progress in adjusting to everyday life in society.

B. RESPONSIBILITIES OF PROBATION OFFICER

A probation officer's responsibilities include visiting Juveniles on a monthly or even weekly basis. Based on a risk/needs assessment, the probation officer may determine the amount of monitoring that a person requires (minimum, medium or maximum).

It assists in determining the amount of assistance required. Evaluations of a person's community relations, or how they interact with others is also conducted. The assessment also estimates the likelihood of another person committing more crimes.

Each time a probation client visits his or her probation officer, a report form must be filled out. Unemployment, job growth, and divorce are all factors that affect people's lives. Meeting with a client allows the probation officer to assess where the client requires additional assistance in order to lead his life.

C. ANALYSIS AND MONITORING OF THE ACCUSED:

The Delinquent's personal life and background has to be thoroughly examined. If the reform measures are not yielding desired results, a thorough inquiry will demand more constraints on the criminal's rights. The probationer must be addressed psychologically in order to get as much information about his antecedents

as possible, with the result that information is gathered that allows the offender's chances of reformation throughout the probationary procedure to be appraised. Monitoring is a predominant police duty, therefore advising and assisting the probation officer would be quite beneficial.

D. SUPERVISION AND COUNSELLING OF ACCUSED:

Constant supervision of the probationer's work is neither essential nor possible. Thus, The probationer is not constantly pressed or regulated. supervision of Probation may thus only be carried out through field trips and sporadic interactions. The Probation Officer will thoroughly comprehend and prescribe actions to overcome concerns that may impede the offender's re-adjustment in society. They must actively assist the probationer in the recovery journey of the convict.

The probation officer is in charge of supervising the probationer under section 14(b) and 18 of the Probation of offenders act, 1958. The probationers who have been granted probation have different characteristic traits personally and legally. Thus, When a court sentences an offender, it must ensure that the criminal also has the right to rehabilitation and that they are treated in accordance with other citizens. Monitoring is one of the tactics for curing and rehabilitating offenders under the supervision of a probation officer while also protecting society from the criminal. Simultaneously, the trial officer is responsible for shaping the offender's character. As a result, there are two elements to supervision.

X. GENERAL CODE OF CONDUCT

Section 14 outlines the responsibilities of a probation officer. These responsibilities are subject to the limitations and requirements imposed by the court in special orders:

Promoting Best Practices and Standards

- Inquire about the appropriate conditions and surroundings of the probationer's home and make a report to the court;
- Supervise the probationers assigned to him and assist them in finding work.
- Provide advice and assistance to offenders in the payment of fees and compensation;
- Provide advice and assistance to criminals freed under Section 4; Carry out your responsibilities.

The Code of Ethics/ Conduct means a set of rules which sets the parameters for a particular profession and performs the task of a watchdog. It is quintessential for a law enforcement officer. The United Nations Human Rights Commission was the pioneer in stressing the importance of a code of conduct for Law enforcement officials. Code of conduct for law enforcement officials adopted by the General Assembly resolution 34/169 of 17 December, 1979.

A. RECOMMENDATIONS FOR CODE OF CONDUCT FOR PROBATION OFFICERS:

Probation officers are to be governed by the code of conduct for probation officers and in case of any conflict, the code of judicial conduct shall supersede.

The Probation officers are to be complied with the Code of Conduct for Probation officers upholding Honor and Unbiased behavior towards the public and gain public confidence. Probation officers are required to be sensible when using social media networking sites for professional and personal purposes because the conduct of probation officers influences the image of Judiciary with the public and thus they are required to be conscious of their acts at all times.

The power vested in a probation officer shall be exercised in the best interest of the public without taking advantage of the same for personal or economic gains. They cannot

The Conduct of the probation officer shall not override Human, civil, and legal rights of individuals. A Probation officer shall not inflict fear on the individual or cause embarrassment by using slurs, demeaning nicknames or humor based upon gender role.

Being in a fiduciary position, a Probation officer shall not reveal confidential or sensitive information to the public. Personal views of probation officers shall not influence the judgment of them towards the accused.

A Probation officer shall not be associated with an organization that performs discriminatory practices but this rule shall not apply to membership in religious organizations.

Code of conduct will attempt to strike a balance between the need for internal agency discipline, which is critical to public safety, and the necessity to deal with violations of basic human rights, on the one hand. When no alternative legal remedies are available or effective, law enforcement officials must report infractions inside the chain of command and take additional legitimate action outside the chain of command. It is understood that law enforcement officers will not face any administrative or other consequences for reporting a violation of this Code that has occurred or is about to occur

B. OFFICIAL WORKING HOURS

As per the general guidelines all days in a week except Sunday is a working day from 9.00 to 04.00 pm

C. DO'S AND DON'TS

As a Probation Officers the below mentioned points are expected

1. Develop working connections with both voluntary and involuntary clients.

Promoting Best Practices and Standards

2. Interact with both willing and involuntary customers.
3. Report writing
4. To evaluate the offender's actions.
5. Plan and carry out evidence-based interventions.
6. To work with a wide range of people.
7. Collaborate with other agencies.
8. Maintain the observation and the documents collected as part of the official role should not be revealed and used for any personal benefits.

XI. FIRST TIME OFFENDERS

MEANING OF AND BENEFITS AVAILABLE FOR FIRST TIME OFFENDERS

As per the criminal jurisprudence, probation is the period where the offender will be under the supervision of the probation officer as per the direction of the court. The court on finding that the juvenile has committed the offence, instead of sending to jail may direct the juvenile be under the supervision of the probation officer. The concept of 'probation of First time offender' was for the first time introduced in USA. It was John Augustus, the "Father of Probation" who campaigned for lenient sentences for convicted offenders under probation for limited period for the purpose of rehabilitation. Thus, probation will be granted at the discretion of the court for the offenders who have committed non-violent crimes especially where the offence has been committed for the first time.

The main two ways to release the first-time offenders are admonition and probation. Probation is allowed to offenders who commit crimes punishable with except death

and life imprisonment, by getting into a bond with or without surety. For first-time offenders, the Act gives a chance to reform in cases of offences punishable with 2 or fewer years imprisonment.

Sec 360 of the CrPC reads that in cases where a person aged 21 years or above commits a crime punishable with imprisonment of 7 years or less, or a person under 21 years of age commits a crime punishable except with life or death sentences, can be released on probation of good conduct, on issuance of a bond, with or without sureties, to appear on orders of the Court till 3 years after decision, subject to the behavior of the convict, his cooperation, facts of the case, and no previous conviction in any case. This section is gender-neutral i.e., it does not discriminate between genders.

Sec 361 of the CrPC mandates the Judge to give reasons in cases where the benefit of probation is not available. Sec 562 intends to avoid young convicts to be in contact with the hardened criminals, as they may lead a path of further crime. It also takes into consideration that the first-time crime would have been carried out due to inconsideration or ignorance or bad influence, and to reform them to be good citizens.

Any magistrate, even the judicial magistrate of second class, may pass an order under Sec 360, subject to the approval by the Judicial Magistrate of First Class, or sub-divisional magistrate.

The Juvenile Justice (Care and Protection of Children) Act, 2000, also provides for release of first-time offenders to be reformed under the supervision of an elderly person like a parent, guardian, or any other person such relevant, subject to issuing a bond, with or without sureties, not exceeding 3 years, on considering the good behavior and conduct of the offender.

Under Sec 6 of the Probation of Offenders Act, the persons below 21 years of age undergoing probation, may not favor the mode of reformative treatment, and is also tough to decide whether it is a first case or not.

Repeated offenders may have failed reformation. So, it is preferred to be limited to first-time offenders, juveniles, and women offenders.

The Hon'ble Supreme Court (referred to as the SC hereafter) has rightly pointed out in Jugal Kishore Prasad v. State of Bihar, (1972) 2 SCC 633, the intention of the Probation of Offenders Act, that it is to make sure the first-time offenders do not become hardened ones by avoiding exposure to the habitual criminals.

The SC has defined and analyzed the scope of the term 'expedient' to be 'desirable' and must be taken into context while maintaining its wide positive implications in Dalbir Singh v. State Of Haryana. AIR 2000 SC 1677.

The SC in State Through Police Inspector v. Shaikh Mohammad Rafiq S/O Shaikh Amrul Hassan 2009 (111) BOMLR 4640, held that the benefits of Probation of Offenders Act must be extended to more types of cases, especially socio-economic ones involving sexual assault, outraging of modesty, smuggling, corruption activities, etc.

In Nishanth Harishchandra Salvi v. State of Maharashtra, [unreported judgment,] the Bombay HC held that the application of Section 4 of the Act must be done responsibly and not blindly by misjudging the leniency and sympathy given to the offender.

The benefits u/s 3 and 4 of the Act cannot be claimed as a matter of right by the offender, and it must depend on the facts of the case, conduct and behaviour of the offender, and other factors (The SC in ITB v. Sanjay Binjola)

In *Durgesh Chandra v. the State of UP*, (Available online at <https://indiankanoon.org/doc/77113298/>) the Trial Court had held the offender guilty of the crime, and did not grant the benefit of Section 4 of the Act, although he was a first-time offender. On an appeal to the Allahabad HC, it was contended by the appellant that there were no specific reasons given for declining benefit of Section 4, and Section 360 of the CrPC, which is a blatant violation of Section 361 of CrPC. Upholding the conviction, the Court granted the benefit of probation to the accused u/s 4 of the Act.

XII. DUTIES AND FUNCTIONS OF PROBATION OFFICERS

The primary duties and responsibility of probation officers is to permanently mend lawbreakers. It entails rehabilitating and reforming habits to make them more beneficial. The goal is to provide the anti-social individual an opportunity to freely interact with society. This will also provide him with social security and safety. It is a substitute for incarceration. Imprisonment does not always fulfil the goal of reducing crime. The goal of Probation Law is to change the offender rather than to punish him. This is referred to as Probation. Simply put, it is the conditional release of a criminal on the promise of good behaviour.

A. DUTIES OF PROBATION OFFICERS

The prisoner will report to the Probation Officer, if any, of the area of his stay during leave.

Release of prisoner on leave should be intimated to the Probation Officer in whose jurisdiction the prisoner proposes to spend the leave.

Each State shall constitute a Sentence Review Board to review the sentences awarded to prisoners and for recommending premature release in appropriate cases. Director Probation Services /Chief Probation Officer is a member of that board.

The Centre for Probation Reforms Law and Justice Research Foundation has suggested the following duties for the probation officers.

- Classify types of offences and offenders who are found to be amenable to correction and rehabilitation.
- Provide facilities and coordination to wisely and effectively administer the benefits of the Probation of offenders act.
- Provide assistance to release eligible persons in conflict with law on probation and successfully mainstream back into society as productive and dignified human beings.
- Provide assistance or help to reduce recidivism – including incidences of sexual offences; and reduce crime rates.
- To fulfill immense need for, and potential of, an effective probation system.
- Organise Infrastructure and develop possibilities of mechanisms of crime control such as probation, community services and rehabilitations.
- Regular identification of offenders eligible for probation; to undertake comprehensive investigation reports to ascertain – Whether they are amenable to correction, to provide necessary psychological treatment when necessary and to ensure effective supervision to enhance the likelihood that the probationers will be reintegrated back into society.
- Provide activities and organise structured elements to reduce overcrowding in prisons and to increase the efficiency of the criminal justice system.

- Organise Infrastructure measures to develop capable probation and justice institutions that are well structured, financed, trained and equipped to handle matters of probation.

The duties of Probation officers under the Probation of Offenders Act 1958:

The important duties of Probation Officers under sec. 14 of the Probation of Offenders Act, 1958

1. Investigation and Surveillance: [sec 14 (a)]

The primary duty imposed under section 14 (a) of the Act is the submission of the pre-sentence report to assist the court to determine whether or not to award the benefit of probation. Thus, it is the statutory duty of the probation officer to make inquiry, in accordance with the direction made by the court in this regard, with respect to the circumstances under which the crime has been committed or thoroughly study the home surroundings of the person accused of an offence in order to assist the court to decide the best suitable method to deal with the person accused of the offence. Prepare and submit the report with all these details to the court. Thus, preparation of the pre-sentence report is of great importance.

2. Supervision : [sec 14 (b)]

It is the statutory duty of the probation officer to supervise the probationers who have been placed under him for the supervision and it is also equally important and it is the duty imposed under law to secure suitable employment for the probationers who are under his supervision.

3. Advise and assist the probationers:[sec 14 (C)]

It is the duty of the probation officer not only to advise but also to assist the offenders in the matters of payment of compensation or any cost being ordered by the court.

4. Advise and assist the released offenders :[sec 14 (d)]

Where the court has found any person guilty of having committed the offence not punishable with death or imprisonment of life and the court has released such person on probation of good conduct, it is the duty of the probation officer to assist and advise the offender released on probation of good conduct, as directed by the court.

5. Any other duties [sec 14 (e)]

Section 14 of the Probation of Offenders Act, 1958, is exhaustive so as to confer the power on the court to impose any other duties by the court on the probation officers as the circumstances of the case demands. Thus, the probation officers are bound by law to perform any other duty prescribed by the court.

Important functions of the Probation officers under other sections of the Probation of Offenders Act 1958.

Submission of a Pre-sentence report about the offender when requisitioned by the Court is thus, one of the important duties of a Probation Officer. It must contain unbiased and true information about the offender's antecedent.

The significance of the report being submitted by the probation officer is found under sec 6 (1), (2) and sec. 7 of the probation of Offenders Act.

Sec. 6(1) of the Act contemplates that where the court finds that, a person below the age of 21 years is found guilty of commission of any offence and the

punishment prescribed in law in imprisonment other than life imprisonment, the court cannot pass the sentence of imprisonment unless imprisonment unless the court thoroughly consider the report submitted by the probation officer, which is being prepared by conducting an enquiry.

Under sub sec (2) of section 6 of the Act, again the court shall consider the report being submitted by the probation officer, to release the person accused of an offence after admonition or to release the offender on probation of good conduct.

Sec.7 of the Act contemplates that the Pre-sentence report submitted by the Probation Officer to the Court is treated confidential because it includes the information regarding personal and family antecedents of the offender which are of a confidential nature. However, the contents of the report may be communicated to the offender, if the Court considers it necessary for giving the offender an opportunity to defend himself and produce evidence, if any, to contradict the contents of the probation officer's pre-sentence report.

Thus, the combined reading of sec 6 and sec 7 of the Act shows the significance and the sanctity given to the report being submitted by the probation officer, which shall constitute a legal base to determine the nature of sentence that shall be passed by the court in all the cases where the court finds that the offense is being committed by the person below the age of twenty one years. Hon'ble Mr. Justice Steyn has rightly observed that "The paucity of information makes the assessment of an appropriate penalty either a rule of thumb or a shot in the dark."

A. PRE-SENTENCE REPORT OF THE PROBATION OFFICER:

According to Section 7 of the Probation of Offenders Act, 1958, the trial officer is expected to produce a pre-sentence report with particular details of the prisoner asked to be released by the Court on probation. Based on this report, the court makes a decision and orders the defendant's sentence to be commuted to probation. The trial officer's pre-sentence report must contain accurate and true information regarding the offender's personality, temperament, family and educational history, employment statistics, general conditions, and historical precedents.

THE KEY POINTS TO BE NOTED WHILE PREPARING PRE-SENTENCE REPORT

In general, the report will have two main sections: the formal information section which includes the details and formal data such as the name, date of birth, race, sex, marital status and case number. The other section is the analytical and evaluative section in which the facts and observations for the accused's deviant behaviour is determined.

In order to make the Pre-sentence investigation report functional, certain conditions are called for, they are as follows:

The probation officer or social worker must possess adequate diagnostic and analytical abilities for a comprehensive understanding of human behaviour.

It is a requisite that all Personal information of the accused, such as the house, family, and neighbours, the school, the church, employers, clubs, and public and private welfare groups, must be known to and used by the investigating officer.

Objectivity and impartiality must be maintained at all times because not only actual facts are reported, but also subjective components such as the offender's views, attitudes, sentiments, and emotional reactions. If the probation officer has any preoccupations or prejudices about such components of the criminal such as drug misuse, drunkenness, prostitution, homosexuality, or violence, and these preoccupations or prejudices should not influence the judgement of the Investigation officer.

The veracity of information that is likely to have an impact on the offender's future, his family's welfare, and the community's safety must be thoroughly scrutinised and the source should be of authenticity. When information sources appear to be untrustworthy, it may be required to double-check the data.

The investigation carried out by probation officers and social workers must should be well-trained and equipped in order to correlate and analyse the data they receive which the court will organize and have brief intelligible reports of in a comprehensive manner. Irrelevant information are not to be included in the report.

The court, on the other hand, should have the hold of the probation officer's or social worker's goals and objectives. Some judicial officials still believe that social workers are sentimentalists who are trying to excuse the offender's anti-social behaviour, get leniency for them, or get them 'off the hook' considering their age.

The pre-sentence report prepared by the probation officer not only assists the court in determining the suspension of sentence or probation is being considered but also when a sentence of imprisonment is awarded. If an offender is sentenced to prison, a copy of the comprehensive pre-sentence report shall be forwarded to the Department of Prisons as it will assist the administrative authorities to classify these convicts from other convicts and also to formulate an effective training and treatment programme for these convicts. This report will also be very useful to

consider the convict for early release on parole. Such reports can also become a valuable source to conduct criminological research.

The general format to prepare pre-trial report used in United States and Canada is given below:

The first part/section: gives the details of identification of the accused such as name, date of birth sex marital status and case number.

The next section gives the details of the offence committed: The offence committed by the accused along with the details of his attitude towards the offence committed. The nature and the circumstance under which the offence was committed. Whether the accused understands the consequences of his conduct; whether he regrets what he has done, whether the act done was due to sudden provocation or premeditated; was he under the influence of others etc., will be recorded.

The previous criminal record will be looked into and also the offender's attitude towards the same will be recorded.

Information with reference to his family background will be recorded. Information regarding his early childhood influences, his relationship with his family members, the living standard, family problems such as abuse of alcohol or parental conflict and socio-economic conditions in which he grew up will be observed and recorded and his present relationship with the family will be observed and reported.

The note on the offender's home and surrounding neighbourhood, where the house is located shall be described in the report.

The marital status of the accused will be recorded. If the accused is married, his relationship with his wife and children (if any) and their attitude towards the accused and his attitude towards them will be observed and recorded.

The educational qualification of the accused and his conduct and relationship with his teachers and fellow friends and his attitude towards them will be recorded.

The accused hobbies, reading, sports activities and creative social activities will be recorded. Most importantly the group with which the accused interact will be observed and recorded.

The mental and physical health condition of the accused will be recorded as it will have a great impact on his behaviour. If any psychiatric or psychological reports are traced, the same will be annexed to the report. In the absence of such a medical report the officers shall make the observation of accused emotional stability with specific reference to the psychological problems will be observed and recorded in the report.

The employment data of the accused (if employed) will be recorded. Atleast, ten years of history of his employment track will be recorded. It includes his employment stability, reliability, his attitude towards his work, his relationship with his co-workers and employers will be recorded.

The person who is being tested must adhere to the court's orders. The check agent is required to notify the court if the probationer violates the terms of the probation. The judge must find a balance between the offender's rehabilitation and public safety to maintain law and order. In this way, they are performing double duty. The probationer will be obliged to serve as a society guardian if behaviour does not improve.

Second, the probationer's defects must be accepted by the trial officer. He must distinguish between situations that require minimal aid and attention, situations that respond to advice and counsel, and situations that require a great deal of attention and do not respond to the treatment. During the probationary period, the probation officer must establish a rapport with the offender and inspire confidence in them. they must also establish and instill trust in the offender's ability to make his own decisions.

The probation officer must stick by him and give him suitable direction, ideas, and information, allowing him to cooperate with the probation officer in carrying out rehabilitation programmes. Probation is a type of alternative punishment in which prisoners are allowed to serve their sentences in the community after being chosen by probation officers.

B. PREMATURE RELEASE OR REJECTION OF OFFENDERS

Probation Officer in charge of the district get the reference from the Superintendent of prison. On receipt of the reference, the Probation Officer in charge shall either hold an enquiry, or get an enquiry done through a Probation Officer, for the desirability of premature release of the prisoner, taking into consideration his family and social background, his/her acceptability by his/her family members and the society, prospects of his/her rehabilitation and leading a meaningful life as a good citizen. While giving the report the Probation Officer will not act mechanically and recommend each and every case for premature release. In every case the Probation Officer should justify his/her recommendation with cogent and material reasons. The Probation Officer shall furnish his/her report/recommendations to the Superintendent of the prison within 30 days of the receipt of the reference.

On receipt of the report/recommendations of the District Magistrate/ Superintendent of Police and the Probation Officer, the Superintendent of the prison shall put up the case to the Inspector General of Prisons at least one month in advance of the proposed meeting of the Sentence Review Board. The Inspector General of Prisons shall examine the case, bearing in mind the report/recommendations of the Superintendent of the prison, the District Magistrate/Superintendent of Police, and the Probation Officer, and make his/her recommendations regarding the premature release of a prisoner or otherwise. While doing so he/she shall keep in view the general or special guidelines laid down by the government for the Sentence Review Board. The various norms laid down and guidelines given by the Supreme Court of India and various High Courts in the matter of premature release of prisoners shall also be given due consideration.

Probation of Offenders Act, 1958- 24.104. shall be extensively used in case of women offenders to provide suitable non-institutional corrective treatment to them. Woman Probation Officers should be in charge of after-care and follow-up work.

XIII. JOB DESCRIPTION OF PROBATION OFFICERS

The main role of probation officers is to rehabilitate the juvenile criminal who may have committed the crime due to improper company or ignorance. The objective is to reshape them and save them from seasoned criminals who could divert them towards the road of crime. This Section also assists mature-age individuals who may have committed a crime while under the influence of alcohol or drugs.

PROBATION OFFICERS FUNCTION DURING THE PRE-TRIAL STAGE

A. LIASIONING WITH COURTS

- After granting bail to defendants between the ages of 18-21, who are at risk of re-offending, should be referred to the Probation System for psycho-social support as necessary with an aim to reduce re-offending. At same time, send details of young defendant to probation officer.

- The judge should inform the accused in the age group of 18-21 years after the charges are framed, about the provisions under the PO Act.

- The judge should call for the report of the PO prior to the conclusion of the trial and

keep the PO's report in a sealed cover. If the accused is found guilty or pleads guilty,

the judge should go through the PO report and decide whether he / she should be given benefit of probation.

- The judge may call for the report of any NGO or social worker along with the report

of the PO, under the clause ‘any other information that may be deemed fit’ under section 4 of the PO Act.

- In case the judge decides to release a person under probation on a bond of good

behaviour or under supervision, he may impose additional conditions such as regular attendance in a NGO (akin to community service), going for deaddiction treatment, etc.

- Women accused should be especially considered for release under probation, given the fact that they may have young children to look after.

B. WORKING WITH POLICE

Police should contact the PO in case they think that the family of the accused needs to be contacted. In case of women accused, the police can request the PO to conduct a home enquiry to find out about the situation of her children.

- In case the children of the accused need any assistance or care, they should be produced before the Child Welfare Committee by the police for appropriate orders.

C. RISK ASSESSMENT OF WARDS

- Under trials between the ages of 18-21, who are at risk of re-offending, should be referred to the Probation System for psycho-social support as necessary with an aim to reduce re-offending. The prison superintendent should contact the probation officer and request him to conduct an awareness session about the PO Act at least once a month inside the prison, so that

under trial prisoners may be able to avail the facility, by requesting the judge to consider them for release on probation (if they are willing to plead guilty).

- The prison superintendent should refer cases of convicted prisoners six months prior to their release, to the PO, who in their opinion, need financial assistance after their release under the scheme for financial assistance for released prisoners.

XIV. PROBATION OFFICER'S FUNCTION WHILE PROCESSING PROBATION

- Upon receipt of reference of young defendant or under trial, within five working days, interview such person and assess the risks of such person through case work method, and prepare individual care plan in consultation with young defendant

consistent with format provided. The Probation officer should do this keeping in mind the objectives of strengthening the offender's family and social milieu to create an enabling environment to reduce the risks of recidivism and increase the chances that he or she will lead a law-abiding life.

- Where necessary, arrange legal services through DLSA.
- Provide monitoring data in required format for compilation and for sending to Director, Dept of SW.
- Provide financial assistance to probationers and released prisoners wherever required.
- Make regular visits to the prison, at least once a week to identify cases eligible under the PO Act, and bring such cases to the notice of the judiciary.

- Meet the principal district judge and the chief judicial / metropolitan magistrate once a month to request him to instruct magistrates / judges to refer cases to the PO for social enquiry report.
- Conduct awareness sessions for judiciary in collaboration with the DLSA on PO Act.
- Network with NGOs and government department to provide range of services to probationers and released prisoners, for example, vocational training, job placement, medical support, shelter, etc.
- Create awareness about the role of the PO in the community prevention of crime through rehabilitation of prisoners, by arranging awareness sessions in colleges, community organisations, citizens' groups, etc.

A. LIASIONING WITH COURTS

- Identify offenders eligible for probation and refer to Probation Officers for Pre- sentence report.
- Based on Investigation Report (prepared as per PO Act), determine whether convicted offender is to be released on probation or not.
- If released on probation, the order of release and conditions of probation should be recorded, and should be sent to Probation Officer. If not eligible, record reasons and place on file.
- Call for periodical progress reports from Probation Officers.

B. WORKING WITH POLICE

- If probationer under supervision of PO is arrested or taken into custody, police official should immediately alert his or her PO.

- Train police officers on increasing awareness about dealing with probationers and providing them with possible assistance for their social rehabilitation and reintegration.

XV. AFTERCARE PROGRAMS

Section 4 of the PO Act makes supervision by the PO optional for those released on probation for good behaviour after entering into a bond with or without sureties. Sections 4(3), 4(4), and 4(5) of the PO Act.

Section 4(5) of the Act provides that the judge issuing a supervision order under subsection (3) must explain the terms and conditions of the order to the offender and must immediately provide one copy of the supervision order to each of the offenders, sureties, if any, and the PO involved.

A. PRISON OFFICER

- Depending on nature of offence and risk of recidivism as assessed by Welfare Officer, Prisons, refer released offender to Probation Office before release and during imprisonment.

B. PROBATION OFFICER

- Assess risk of recidivism of released offender and prepare an individual after-care plan.
- Take steps to ensure that released offender is smoothly reintegrated into society and take steps for organizing grant in aid.

C. MOTIVATION AND VOCATIONAL ASSESSMENT OF THE OFFENDERS

PO Act define supervision as placing an offender under the supervision of the PO for a period of one to three years in order for him or her to comply with the restrictions set by the court.

During this time, the PO is expected to shape his or her character toward pro-social behaviour. In addition to the general conditions mentioned in the order, specific conditions regarding residence, abstinence from intoxicants, or any other matter as the court deems fit, may be imposed to prevent a repeat of the same offence or the commission of other offences

XV. ROLE OF NGOS AND LOCAL GOVERNMENTS

Knowledge-sharing is essential in the field of social work: it can help probation officer to connect clients with the occupational and financial resources they require to get back on their feet, or it can allow to adjust the approach when dealing with children of women offenders or individuals dealing with mental health issues. Networking allows probation officers to accomplish their existing tasks better rather than merely locate new ones.

Create a Resource Directory for each district of NGOs and other entities that provide relevant services such as self-employment opportunities, continuing education, vocational training, family counselling, de-addiction treatment, and so on.

XVI. BEST PRACTICES AND PROCEDURES

- The probation officers analyse the rehabilitation and help provided. Providing support to rehabilitate the individual, no fixed limits.

- Networking can assist a prison social worker in mobilising services, resources, and rehabilitation options for clients. Networking also aids in the formation of alliances for advocacy and policy change.
- Support is provided based on the individual's needs. The Department's help is tailored to the person.
- Probation officer can also contact Career Officers who can advise the probationer through the different employment prospects.
- The probation officer's work with each probationer is determined by the probationer's needs. For example, if a probationer contacts the PO about a job, the probation officer connects him with an appropriate employment opportunity.
- Probation Officers can create his own database of potential work options in the community.
- probation officers can assist probationers in seeking employment, arranging for medical support, and obtaining financial assistance from banks to begin self-employment.

XVII. RECORD MANAGEMENT BY THE PROBATION OFFICER

Section 7 of the Probation of the Offenders Act, 1958 deals with the clause that the report of the Probation officer is kept confidential. No Probation Officer's report is necessary to apply under Section 4 of the Probation of Offenders Act but such report is must under Section 6 of the Probation of Offenders Act if the offender is under 21 years of age. However, if such a report is available on the record, under Section 4 of the Act, the Court shall not ignore it and that the Court shall take the report into consideration.

Each probationer's case -file shall be preserved BY probation officer for not less than ten years from the date of expiry of the supervision order to which it relates.

Each volume of the diary shall be preserved for not less than ten years from the date of its closure.

The Index Card and the Chronological Register shall be preserved for at least ten years more after the destruction of the history-sheets to which they relate.

Various forms are to be maintained by probation officers.

- a. **Form II** - [See Rules 13(3) and 17(2)]- **Monthly Report on Progress of Probationer.**
- b. **Form III**- [See Rule 14(1)]- **Report on Preliminary Enquiries** (Under the Probation of Offenders Act, 1958)
- c. **Form IV**- [See Rule 24(1)] Order under sub-section (2) of section 4 of the Probation of Offenders Act, 1958
- d. **Form V** - **Bond for good behavior** under sub-section (1) of section 4 of the Act.

- e. **Form VI – Supervision** order under sub-section (3) of section 4 of the Act.
- f. **Form VII – Bond** under sub-section (4) of Section 4 of the Act
- g. **Form VIII** [See rule 32(1)(d)] **Probationer's Case File**
- h. **Form IX** [See Rule 32(1)(e)] **Chronological Register of Probationer**
 - A complete social history, assessment, and intervention plan that states the client's problems, reason(s) for requesting services, objectives and relevant time-table, intervention strategy, planned number and duration of contacts, methods for assessment and evaluation of progress, termination plan, and reasons for termination.
 - Any instructions, recommendations, and advice provided to the client, including referral to and suggestions to seek consultation from specialists (including physicians).
 - A description of all contacts with clients, including the type of contact (for example, in person or via telephone or in individual, family, couples, or group counseling), and dates and times of the contacts.
 - Summaries of previous or current psychological, psychiatric, or medical evaluations relevant to the social worker's intervention.
 - Reasons for termination and final assessment.
 - Copies of all relevant documents, such as signed consent forms, correspondence, agreements, financial help provided to the family and court documents.
 - Pre-Release Information of Prisoner
 - Any other record as may be instructed by the Superintendent

1. Probation Officer shall maintain the following records:

- (a) A diary showing his day-to-day work, including preliminary enquiries, attendance at Courts, meetings with probationers, contacts with societies and visits to institutions and premises referred to in rule 29, a copy of the diary being submitted every week to the District Probation officer;
- a. A file containing copies of all reports of preliminary inquiries submitted to the Courts;
- b. A register showing the receipt and disposal of all orders of the Courts to the Probation Officer for making enquiries;
- c. Probationer's case file in Form VIII containing-**
 - (i) a front cover page indicating the main particulars of the probationer and the case;
 - (ii) a summary of the probationer's antecedents, character, his family and other environment and the circumstances of the offence, further progress of supervision and all other important events during the period of probation; and
 - (iii) copies of pre-sentence report, orders of Court, bonds, or undertakings, and all other records relating to him including a history sheet;
- d. An Index Card and Chronological Register, as nearly as may be in Form IX, of probationer;**
- e. Register of payments made on account of probationers showing-**
 - i. Payments to institutions or premises referred to in rule 29 for maintenance of probationers;
 - ii. Payments to probationers for travelling expenses to such institutions or premises and back;
 - iii. Fares for reporting to a probation officer;
 - iv. Other financial aid to probationers.

- f. such other records as may be required by the Chief Probation Officer or the Chief Controlling Authority from time to time.

2. In the case of Part-time Probation Officer, the records mentioned in clauses (b), (c), (e) and (f) of sub-rule (1) shall be kept in the office of the District Probation Officer.

3. A special Probation Officer shall maintain the records mentioned in clauses (a) and (d) of sub-rule (1) and send such other information to the District Probation Officer, the Chief Probation Officer and the Chief Controlling Authority as may be required by the State Government from time to time.

An Inspection book shall be maintained at each Probation Officer's office; and a copy of the Inspection book relating to a part-time Probation Officer shall be maintained in the office of the District Probation Officer. The Chief Controlling Authority, Chief Probation Officer, District Magistrate, District Probation Officer and such other persons as may be appointed by the Chief Controlling Authority for inspecting the work of probation officers shall record their observations in the book. The observations made therein shall be forwarded to the Chief Probation Officer along with the comments of the Probation Officer.

Records to be maintained by the District Probation Officers.

[Sections 17(1) and 17(2) (b)].- The District Probation Officer shall maintain in his office in such manner as may be prescribed by the Chief Controlling Authority-

- (1) list of Probation Officers in the district or area under his jurisdiction;
- (2) list of institutions or premises referred to in rule 29 in that area;

- (3) a dossier for each probationer under supervision in the district, containing a summary of the case and duplicates of important documents in the case record with the Probation Officer;
 - (4) register of probationers in the district as nearly as may be in Form II;
 - (5) an inspection file containing notes of inspection of offices of Probation Officers and copies of reports of inspection submitted to the Chief Probation Officer;
- register of probationers staying in institutions or premises, referred to in rule 29, in the district;
 - register of payments to probationers in the district;
 - register of payments to societies in the district; and
 - such other records as may be directed to be maintained by the Chief Controlling Authority.

XVIII. LEAVE AND TRAVEL RULES

All the leave related privileges are as per the prison Correctional Administration rules and based on the recruitment type (independent social worker or officers doing as additional responsibility)

XIX. SALARY AND ALLOWANCES

Salary and Allowances Probation Officers

Salary and allowances for officials functioning independently and solely as probation officers and as such is not applicable for jail officials/ Executives who have additional charges of probation officer in his district

All the privileges associated with annual Increments, promotion and fixation to Next Higher Scale, Employee Welfare Schemes are as per the prison Correctional Administration rules and based on the recruitment type (independent social worker or officers doing as additional responsibility)

XX. RECRUITMENT PROCEDURE AND SERVICE RULES

A. RECRUITMENT PROCESS

Recruitment process followed as two phases as direct appointment or the promotional/additional responsibility based on the prison administration service experience.

Recruitment's decisions made as per the requirements of the corresponding state prison administration based on probation of Offenders ACT.

B. APPOINTMENT OF PROBATION OFFICERS

Section 13 of the Act states the following in regards to the appointment of the Probation Officers:

- (a) A person appointed to be a probation officer by the State Government or recognized as such by the State government.
- (b) A person provided for this purpose by a society recognised in this behalf by the State Government.
- (c) In any exceptional case, any other person who, in the opinion of the court, is fit to act as a probation officer in the special circumstances of the case.

C. QUALIFICATION OF PROBATION OFFICER

- Batchelor degree as minimum Qualification.
- Bachelor's Degree in Criminology, Criminal Justice or related field is preferred

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D. SKILLS REQUIRED FOR A PROBATION OFFICER ARE

- 2+ years' related experience in case management, probation or law enforcement
- Experience working with at-risk youth preferred

E. RETIREMENT REGULATIONS

Jail officers who are doing this probation service as additional responsibility retirement norms are as per the prison administration.

Individuals / Social workers performing the probation officer role retirement regulations are as per the state government decision based on P.O ACT.

XXI. PROFESSIONAL DEVELOPMENT OF PROBATION OFFICERS

Professionalism in the probation officers may be enhanced as follows

A. TRAINING PROGRAMMES

Probation officer role is a specialised designation, it necessitates unique skills as well as a fundamental understanding of the law. Training introduces officers to many responsibilities and competencies necessary for the role of PO.

B. REFRESHER AND ORIENTATION PROGRAMMES

Induction training is provided to new probation officers to familiarise them with their job responsibilities. Induction training is critical in the probation setting because it involves working with persons who are having trouble integrating to society and have been found guilty of breaching the law. Given that the majority of newly appointed POs have no prior work experience and no adequate educational background to equip them for this type of position, orientation training is essential.

Refresher Training The purpose of refresher trainings is to give current knowledge on new advances in the area, legislative changes, and to create a place for interaction with peers to exchange learnings and experiences, therefore counteracting stagnation and fostering professional progress.

Training in the IPC, Cr.P.C., and the Evidence Act If magistrates notice that POs have legal knowledge and a solid understanding of the law, their attitude toward POs may change. When confronted with magistrates in court or in their chambers, POs may feel more safe. They may also be taught casework skills, offender classification, and rehabilitation techniques.

Group Discussion Sharing the view points will create a new learning environment. As a probation officer during the training group discussions provide a space to share the experience about their interaction on different people with different case situations. Group discussion based training supports and improves the probation officers interaction with the offenders and the other people involved in the case.

XXII. CONCLUSION

Probation can be beneficial in circumstances where people attempt suicide due to family strife, financial hardship, the death of close relatives, or other similar factors. Its goal is to help the offender change his ways and see the light. It would be extremely beneficial in a nation like India, where jails are always overcrowded and human rights violations are common, hardening people on the inside. Probation is the divine affirmation that every creature possesses, and it must be valued.

XXIII. TELEPHONE DIRECTORY

Sl. No.	Name & Designation	Address	Telephone/Email/ Mobile No.
1	Sri Leonard Tirkey Director Probation	Inspectorate of Prisons and Correctional Services Home Deptt (Prison)	E-mail: dp-prisons-bih@gov.in Mobile No.: 9430517527
2	Sri Amit Kr. Singh, Probation Officer	Inspectorate of Prisons and Correctional Services Home Deptt (Prison)	Email: amit.singh82@gov.in Mobile No.: 8544425091
3	Sri Shahid Anjum, Probation Officer	Inspectorate of Prisons and Correctional Services Home Deptt (Prison)	Email: anjum.shahid75@gov.in Mobile No.: 9708905658 8544425092
4	Sri Pradeep Kumar Raj Chief Probation Officer	H.O.D. Building, 3rd floor, Southern wing, Unit-V, BBSR, 751001	Email: pradeepocs@gmail.com Mobile No.: 7008034409
5	Smt. Gundala sharmila Regional Probation	Officer Regional Probation Office, Cuttack At/Po- Cuttack Dist- Cuttack	Email: gunmila404@gmail.com Mobile No.: 8895718743
6	P.K. Hara Regional Probation Officer	Regional Probation Office, Berhampur At/Po- Berhampur Dist- Ganjam	Mobile No.: 9938419866
7	Sri Himansu Sekhar Mishra Regional Probation Officer	Regional Probation Office, Baripada At/Po- Baripada Dist- Mayurbhanj	Mobile No.: 9437316103
8	Sri A. K. Nathsharma Regional Probation Officer	Regional Probation Office, Sambalpur At/Po- Sambalpur Dist- Samablpur	Email: rposambalpur.od@nic.in Mobile No.: 9437430563
9	Sri Manoranajan Sarangi Dist Probation Officer	Dist Probation Office, Puri At/Po- Puri Dist- Puri	Email: manojarsangi6798@gmail.com Mobile No.: 9438158979
10	Sri Bijaya Chandra Rath Dist. Probation Officer	Dist. Probation Office, Berhampur At/Po- Berhampur Dist- Ganjam	Email: bijayaratha1969@gmail.com Mobile No.: 9338816562
11	Smt. Sujata Das Dist. Probation Officer	Dist. Probation Office, Cuttack(In Charge) At/Po- Cuttack Dist- Cuttack	Email: sujata.das319.ds.101@gmail.com Mobile No.: 9437080618
12	Sri Rajat Kumar Jena Dist Probation Officer	Dist Probation Office, Bolangir At/Po- Bolangir Dist- Bolangir	Email: dpobalangir.od@nic.in Mobile No.: 9437234476
13	Miss Sima Ekka Dist. Probation Officer (In Charge)	Dist. Probation Office Sundargarh At/Po- Sundargarh Dist- Sundargarh	Email: simaekka329@gmail.com Mobile No.: 7894027420
14	Smt. Sujata Das Dist. Probation Officer	Dist. Probation Office, Dhenkanal At/Po- Dhenkanal Dist- Dhenkanal	Email: sujata.das319.ds.101@gmail.com Mobile No.: 9437080618

Handbook for Probation Officers

15	Sri Debabrat Jena Dist. Probation Officer	Dist. Probation Office, Balasore	Email: dpobalasore426@gmail.com Mobile No.: 9437294570
16	Sri Somanath Hansdah Dist. Probation Officer	Dist. Probation Office, Baripada At/Po- Baripada Dist- Mayurbhanj	Mobile No.: 9438004812
17	Sri Sushanta Kumar Nayak Dist. Probation Officer	Dist. Probation Office, Phulbani At/Po- Phulbani Dist- Phulbani	Email: dpophulbani.od@nic.in Mobile No.: 9438758799
18	Sri Niranjana Sahu Dist. Probation Officer Dist.	Probation Office, Sambalpur At/Po- Samablpr Dist- Sambalpur	Email: niranjan.sahu049@gmail.com Mobile No.: 9437201349
19	Sri Nibas Prusty Dist. Probation Officer	Dist. Probation Office, Keonjhar At/Po- Keonjhar Dist- Keonjhar	Email: dpokeonihar.od@nic.in Mobile No.: 9937562353
20	Sri Sunakar Pradhan Dist. Probation Officer	Dist. Probation Office, Koraput At/Po- Koraput Dist- Koraput	Email: sunakarpradhan2@gmail.com Mobile No.: 9437841640 21
21	. Sri Ramakant Mohapatra Dist. Probation Officer, Instructor, Prison Academy	Dist. Probation Officer, Instructor, Prison Academy, Bhubaneswar At/Po- Jamujhari Dist- Khurda	Email: Rkmohapatra1972@gmail.com Mobile No.: 8018263170
22	Sri Somanath Hansdah Dist. Probation Officer (I/C)	Dist. Probation Office, Baripada At/Po- Baripada Dist- Mayurbhanj	Mobile No.: 9438004812
23	Smt. Sasmita Mehera Sub-Divisional probation officer	Sub-Divisional probation officer, Nuapada At/Po- Nuapada Dist- Nuapada	Email: sasmitameher92@gmail.com Mobile No.: 8763723295
24	Smt. Sudhangana Nayak Sub- Divisional probation officer	Sub- Divisional probation officer, khurdha At/Po- Khurda Dist- Khurda	Email: sudhanayak900@gmail.com Mobile No.: 8018168733
25	Tr.P.Sivaprasad, Chief Probation Superintendent	O/o.Chief Probation Superintendent Chennai – 600 008	Telephone : 044-28544746 Mobile No.: 9442565928
26	Shri Achin kr. Dash, chief probation officer. Wb	The Chief Probation Officer, West Bengal,45, Ganesh Chandra Avenue, Kolkata- 700013	Telephone: 033-22360456 Email: pocswb.dcs-wb@gov.in Mobile No.: 9732716400

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Form 1

[See Rule 12(2)(a)]

Government of Punjab

(Front Cover)

Home Department

Identity Card

(Back Cover)

(Instructions)

1. This card is meant for establishing the identity of the holder as a District Probation Officer/Salaried Probation Officer/Probation Officer.
2. The holder shall keep the card in his personal custody and shall be responsible for the safe custody thereof. Any loss or subsequent recovery of this card must be immediately reported to the Head of Department.
3. This card shall be returned to the Chief Probation Officer when the holder is placed under suspension or ceases to hold office.
4. Holder of the card will be liable for disciplinary action, if the card is misused in any way.

(Inside)	Fold	
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Promoting Best Practices and Standards

Handbook for Probation Officers

Serial No. _____	here	
Name in full (in Block letters) _____		
Designation of the post held. (in Block letters) _____		
Full Signature of the holder _____		
Date _____		

Signature _____
Chief Probation Officer
Date _____

Form II

[See Rules 13(3) and 17(2)]
Monthly Report on Progress of Probationer

Part I

Probation office _____	For the month of _____
Register No. _____	Court _____
Probationer's Name _____	Case No. _____
	Date of _____
	Supervision Order _____
Probationer's address _____	Period of probation _____

Part II

Place of Interview _____ Date _____

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1. Where the probationer is residing ?
2. Progress made in any educational/training course.
3. What work he is doing and his monthly average earnings ?
4. Savings kept in the Post Office Savings Bank Account in his name.
5. Probationer's health.
6. Remarks on his general conduct and progress.

Part III

7. Any proceedings before Court/District Magistrate for -
 - (a) Variation of conditions of bond under section 8(1) or 9(1) of the Act,
 - or (b) Change of residence, -vide Rule
 - or (c) discharge under section 8(3) of the Act;
 - or (d) Other matters.
 8. Probation period completed on (date)
 9. Result of probation with remarks (if any).
 10. Occupation and address after discharge.
- To
District Probation Officer/Court.
Copy to Chief Probation Officer.

Probation Officer
Date of Report.
Address :

Form III

[See Rule 14(1)]

Report on Preliminary Enquiries
(Under the Probation of Offenders Act, 1958)

Serial No. _____
In the Court of the _____ Magistrate, _____
(Place) _____ (District) _____ C.C. No. _____
19 _____ Date of hearing _____
[Offence] :- _____
State _____ (Police Station) _____ Crime No. _____ 19 _____
[Name of Offender] _____
Address (Place of Residence) _____
Age _____
Sex and religion _____

Personal History

Behaviour and habits (moral, recreational etc.) _____
Temperament (outstanding character and personality traits) _____
Physical and mental history and present condition _____

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Leisure time activities _____

External Influences

School record and report of teachers, if available _____

Employment history _____

Present occupation and wages (give also conditions of labour' leisure. etc.) _____

Report of employer, if any _____

Associates _____

Contact with social and religious organisation, if any _____

Home conditions _____

Family history of :

(a) Father _____

(b) Mother _____

(c) Step-father _____

(d) Step-mother _____

(e) Brothers _____

(f) Sisters _____

(g) Wife _____

(h) Children _____

(i) Other interested relations, if any _____

Economic condition of the family.

Any social agencies, institutions or individual interested in the family _____

Report of parents and relations _____

Attitude of family towards offender and extent of its influence on her _____

Report of neighbours _____

Home surroundings and general outlook.

Is poverty or unsettled life the cause of offence ? _____

Legal History

Previous institutional record, if any _____

Statement of the present offence and circumstance in which it was committed _____

Offender's own [reaction] to the offence and his attitude towards possible punishments _____

Any special information required by Court -

Summary

(a) Factual background of offender and his environment and offence.

(b) Diagnosis (offender's attitudes defects in character of family, motivations and other factors regarded as casual factors for the offence).

(c) Prognosis (Treatment considered most suitable and estimates of chances of improvement).

(d) Recommendation (if asked for by Court) _____

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Handbook for Probation Officers

Name and address of the Probation Officer _____
 Station _____
 Date _____
 Nature of disposal of the case _____ Probation Officer
 Date of disposal _____

Form IV

[See Rule 24(1)]

Order under sub-section (2) of section 4 of the Probation of Offenders Act, 1958

Probation Officer _____

Whereas a report under sub-section (2) of Section 4 of the Probation of Offenders Act, 1958 (Central Act 20 of 1958), or under the provisions of _____ is required for dealing with

name _____

son of/daughter of _____

of (full address) _____

who has been brought before the Court under section _____ in case No. _____

you are hereby directed to collect or arrange to collect the necessary information after making an enquiry and place the same before this Court on _____.

Signature of the Presiding Officer
of the Court

Seal of the Court.

Form V

[See Rule 25]

Bond to keep the peace and to be of good behaviour under sub-section (1) of section 4 of the Probation of Offenders Act, 1958

In the Court of the _____ Magistrate.

Case No _____ of 19 _____

Whereas I, _____ inhabitant of _____ have been ordered to be released by the Court of _____ on condition of my entering into a bond to appear and receive sentence when called upon during a period of _____.

I hereby bind myself -

- (1) to appear and receive sentence when called upon to do so;
- (2) not to commit a breach of the peace or to do any act that may occasion a breach of the peace; and
- (3) to be of good behaviour to the Government and all the citizens of India _____ during the said period. In case of my making default therein, I hereby bind myself to forfeit to Government the sum of Rupees _____

Dated this _____ day of _____ 19 _____

Executed before me.

(Signature) _____

Magistrate

I/We do hereby declare myself/ourselves surety/sureties for the above named, who was bound himself -

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- (1) to appear and receive sentence when called upon to do so;
- (2) not to commit a breach of the peace or do any act that may occasion a breach of the peace;
and
- (3) be of good behaviour to Government and all the citizens of India _____
during the said period.

In case of his making default therein I/we bind myself/ourselves jointly and severally, to forfeit to the Government a sum of Rupees _____

Dated this _____ day of _____ 19____

(Signature) _____

Executed before me.

Signature) _____
Magistrate.

Form VI

[See Rule 25]

Supervision Order

[Under sub-section (3) of section 4 of the Probation of Offenders Act 1958]

IN THE COURT OF THE _____ MAGISTRATE

Case No. _____ of 19____.

Whereas _____ has this day been found guilty of an offence under section _____.

And the Court is satisfied that it is expedient to deal with the said person by making an order placing him under supervision.

It is hereby ordered that the said person be placed under supervision of _____, a Probation Officer, for a period of _____ subject to the following conditions, namely :

- (1) that he will present himself, within fourteen days from the date of this order, before the probation officer named herein, and will produce copies of the order and the bond executed by him;
- (2) that he will submit himself to the supervision of the Probation Officer or any other officer appointed in his place;
- (3) that he will (a) during the period specified herein, keep the Probation Officer advised of his place of residence and means of livelihood; (b) reside at _____ for a period of _____
- (4) that he will not quit the district jurisdiction of _____ without the written permission of the competent authority;
- (5) that he will not associate with bad characters or lead a dissolute life;
- (6) that he will live honestly and peaceably and will endeavour to earn an honest livelihood;
- (7) that he will not commit any offence punishable by any law in force in India;
- (8) that he will abstain from taking intoxicants;

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(9) that he will carry out such directions as may from time to time, be given by the Probation Officer, for the due observance of the conditions mentioned above.

Dated this _____ day of _____ 19____

Judge or Magistrate.

Form VII

[See Rule 25]

[Under sub-section 4 of the Probation of Offenders Act, 1958]

IN THE COURT OF THE _____ MAGISTRATE

Case No. _____ of 19____

Whereas I, _____ inhabitant of _____ have been ordered to be released by the Court of _____ on condition of my entering into a bond to observe the conditions specified in the supervision order made by the Court, I hereby bind myself as follows:

- (1) that I will accept and fulfil the conditions specified by the Court in such order for the period specified therein;
- (2) that I will present myself, within fourteen days from the date of the supervision order, before the Probation Officer named in the order and will produce copies of the order and the bond executed by me;
- (3) that I will submit myself to the supervision of the Probation Officer named in the supervision order or any other officer appointed in his place;
- (4) that I will (a) during the period specified in the order, keep the Probation Officer advised of my place of residence and means of livelihood, (b) reside at _____ for a period of _____
- (5) that I will not quit the said district/jurisdiction of _____ without the written permission of the competent authority;
- (6) that I will not associate with bad characters or lead a dissolute life;
- (7) that I will live honestly and peaceably and will endeavour to earn an honest livelihood;
- (8) that I will not commit any offence punishable by any law in force in India;
- (9) that I will abstain from taking intoxicants;
- (10) that I will carry out such directions, as may from time to time, be given to me by the Probation Officer, for the due observance of the conditions mentioned above.

In case of my making default therein, I hereby bind myself to forfeit to Government the sum of Rupees _____ Dated this _____ day of _____ 19____.

(Signature) _____

Magistrate.

Executed before me.

I/We do hereby declare myself/ourselves surety/sureties for the above named that he will observe the conditions specified in the supervision order and in the bond and in case of his making default

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therein I/We bind myself/ourselves jointly and severally to forfeit to Government the sum of Rupees _____

Dated this _____ day of _____ 19_____

Signature

Executed before me.

Signature of Magistrate.

Form VIII

[See rule 32(1)(d)]

Probationer's Case File

A. (Front/Cover Page)

Probation Officer _____ Court _____

Officer Registration _____

Officer Registration No. _____ Case No. _____

Name of Probationer _____ Date of supervision order _____

Address _____ Offence (Section) _____

Occupation _____

Home Address _____

Mother tongue _____

Sex _____ Age _____

Date, time and place of arrest _____

Facts of the case (in brief) _____

Previous conviction(s) _____

Referred for enquiry on _____

Enquired by _____

Enquiry report submitted on _____

Monthly progress 1st 2nd year 3rd year
report submitted on year

Final disposal and date _____

B. Summary

1. Brief family history and home conditions _____
2. School record and employment history _____
3. Delinquencies _____
4. Health _____
5. Mental condition _____
6. Neighbourhood conditions _____

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7. Any other outstanding feature and additional information _____
8. Chronological development of the case _____
9. Suggestions made by the P.O. _____
10. Final order (with date) of the Court _____
11. Name and address of the surety/sureties while under supervision _____
- 12(a) Restrictions as to residence in any area/probation home/or otherwise _____
- (b) Other restrictions _____
13. Salient points in progress reports _____
14. Amendments to order, if any, under sections 8 and 9 of the Act _____
15. Final disposal _____

Probationer Officer.

C. Other Contents of Dossier

1. Pre-sentence Report _____
2. Order of the Court _____
3. Copy of bond/undertaking executed, if any _____
4. Correspondence _____
5. Monthly report _____

Form IX

[See Rule 32(1)(e)]

Chronological Register of Probationer

Serial No.	Name of Probationer, father's name and address	Sex, age, religion, and identification marks etc.	Offence (give section and brief description of the offence)	Court passing the supervision order and Case No.	Date of supervision order and period of supervision	Name of the Probationer Officer	Pre-sentence report submitted or not (if submitted, give P.R., No. and date)	Whether the Probationer is residing in institution and premises for the reception of probationers, if so, give the name and address of the home.	Name and address of sureties, if any
1	2	3	4	5	6	7	8	9	10
Occupation, if any, and wages, name and address of employer,		Any variation in original supervision order and the date of	No. of visits paid	No. of visits received	No. of progress reports submitted	Result of probation and remarks of Probation	Subsequent history after completion of probation		
							17		
							First year	Second year	Third year
							Fourth year	Fifth year	

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if any	such variation				Officer, if any					
11	12	13	14	15	16	(a)	(b)	(c)	(d)	(e)

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