

¹[CHAPTER 21]
The probation of Offenders Act, 1958.

1. **Probation System:** The essence of the system is-

- (i) that the offender, instead of being fined or sentenced to imprisonment, is placed on probation, that is to say a probation order is made by the Magistrate and the probationer undertakes to be bound by it by entering into a recognizance, with or without sureties;
- (ii) that the order may provide that the probationer shall be under the supervision of a probation officer for a specified period, and it may stipulate certain conditions to be observed by the probationer, for example, as to residence, abstention from intoxicating liquor and the like; and
- (iii) that the order can produce beneficial results only with the voluntary co-operation of the probationer.

2. **Objects of probation:** Probation is based on the following premises:

- (i) Many offenders are not expert or dangerous criminals but are weak characters who have surrendered to temptation, or, through misfortune or improvidence, have been brought within the operations of the police and the courts.
- (ii) In assigning this type of offender to the care of a probation officer, the court not only saves him from the stigma and possible contamination of prison, but also encourages his own sense of responsibility for his future; if he co-operates with the probation officer, he will be able to continue his family life and his record will still be clean.
- (iii) Such a practice not only assists the offender as a social value to the community, but by relieving the prisons of large numbers of first offenders, short-term prisoners, and other classes of quasi-criminal offenders, it results in economy and allows the prison service to apply themselves to their true function - that of segregating or providing suitable treatment for the vicious and dangerous criminals.

3. **Age of the offender:** Law is now well settled that the crucial date for

1. Chapter 21 Substituted vide correction Slip No 17/XVI.A.123, dated 20.12.1972

reckoning the age is the date on which the trial court had to deal with the offender. (1) The Act applies not only to young persons but also to other offenders. Under Section 6, however, when any person under 21 years of age is found guilty of an offence punishable with imprisonment (not being imprisonment for life), the Court by which the person is found guilty cannot sentence him to imprisonment unless it is satisfied that having regard to the circumstances of the case including the nature of the offence and the character of the offender, it would not be desirable to deal with him under section 3 or Section 4 and If the Court passes any sentence of imprisonment on the offender, it has to record its reasons for doing so.

4. Application of the Act to offences under Local and Special Acts.

The Act replaces Section 562 of the Code of Criminal Procedure and covers within its broad sweep not only offences under the Indian Penal Code but also those under local and special Acts; the only exceptions being the provisions set out in Section 18 of the Act. Even the offences for which a minimum sentence is prescribed are not excluded from the operation of the Act. In a case under the Prevention of Food Adulteration Act, 1954 in Ishar Dass Vs. State of Punjab, A.I.R. 1972 s.c.1295 the Supreme Court made the following observations:

“Adulteration of food is a menace to public health. The prevention of Food Adulteration Act has been enacted with the aim of eradicating that anti-social evil and for ensuring purity in the articles of food. In view of the above object of the Act and the intention of the legislature as revealed by the fact that a minimum sentence of imprisonment for a period of six months and a fine of rupees one thousand has been prescribed, the courts should not lightly resort to the provisions of the Probation of Offenders Act in the case of persons above 21 years of age found guilty of offences under the prevention of Food Adulteration Act. As regards persons under 21 years of age, however, the policy of law, appears to be that such a person in spite of his conviction under the Prevention of Food “Adulteration Act, should be deprived of the advantage of Probation of Offenders Act, which is a beneficent measure and reflects and incorporates the modern approach and latest trend in penology.”

The Hon’ble Judges consider that the above observations furnish a true guide as to the policy of law to be followed in cases under the Opium Act, Punjab Excise Act, 1914 and other local and Special Acts.

5. Methods of treatment provided under the Act: - The Act lays down three different methods of treatment. These are:

(a) Section 3 deals exclusively with first offenders, who are convicted of an offence punishable under any of Sections 379, 380, 381, 404 or 420 of the Indian Penal Code or with not more than two years imprisonment. It provides for release of such offenders after admonition. The object of the section is to afford an alternative to the Courts so that in case of first offenders especially of tender years, the Court may afford them a further chance to turn over a new leaf. Such persons would be sufficiently punished by the shame of having committed a crime and by the mental agony and disgrace that a trial in a criminal court would involve. Before passing an order under this Section, the trial Court should guard against two things:

- (i) The danger to the public, and
- (ii) The danger to the accused himself.

The Public must not be led to suppose that all juvenile offenders may commit any crime that they like without any fear of punishment because that course would be an incentive to criminal parents to initiate their children into a life of crime and even children themselves being immune from fear of punishment might be tempted to go astray into the paths of crime. It is obvious, therefore, that before applying this section, the Court must consider whether there is a good case for its application or not. If the offence is by no means a simple crime such as is committed by children out of mere thoughtlessness rather than criminality but it shows a singular combination of a design and in gratitude and a general character of craft and deceit on the part of an adult, it would surely call for a very severe punishment indeed and resort should not be had to the provisions of this Section.

(b) Section 4 empowers the Court in appropriate cases to release any offender (not being guilty of an offence punishable with death or imprisonment for life) on probation of good conduct instead of sentencing him at once to any punishment. Where the provisions of this section are invoked, the usual procedure of a conviction followed immediately by sentence is divided into two parts. The second part,

namely, the sentence, is postponed. This section provides an exception to the rule that conviction must be followed immediately by sentence.

It is to be noted that before an offender is placed on probation, the Court must record a conviction for an offence against him.

It would normally be advisable to take sureties in addition to personal bonds as sureties are themselves a guarantee of some efforts towards reform and a safeguard against the offender removing himself outside the jurisdiction of the Court and breaking the condition of the bond entered into by him.

A Magistrate must carefully explain the nature and effect of a probation order to the offender. He should impress on the offender that probation must not be thought of as a "let-off", but that it is always open to the Magistrate to review the case and that if the probationer fails in his undertaking during the time specified in the order, he may be brought before the Magistrate and sentenced for his original offence. After explaining the matter to him, the Magistrate must ask the offender whether he consents to be placed on probation; if the offender declines to be placed on probation some other mode of punishment will have to be used.

- (c) In order to ensure that an offender released on probation of good conduct really conducts himself properly and becomes a useful member of the society. Something more definite is required than the mere taking of the security. With a view to achieve that object, a provision has been made in Sub-Section (3) of Section 4 to enable the Court to pass a supervision order directing that such offender shall be under the supervision of a probation officer during such period as may be specified therein and imposing such conditions as in the opinion of the Court may be necessary for securing such supervision. A Court making a supervision order must carefully explain to the offender the terms and conditions of the order. It must also furnish to the offender, and the sureties, if any, and the probation officer concerned with a copy of the order.

If the offender is released under the provisions relating to admonition or probation, the Court may, if it thinks fit make at the same time a further order directing the offender to pay (i) compensation to the person who has suffered loss or injury as a direct consequence of the crime and (ii) costs of the trial. A condition to pay damages creates an impression on the probationer who might otherwise treat probation lightly; and also in some cases, the feeling that he is

making good an injury tends to restore his self-respect. Where a probation order is made it is important that it should be enforced; to allow a probationer to disobey the conditions laid down in the order, and to disregard the authority of the probation officer, is to discredit the system. However, it is clearly undesirable to take serious notice of minor lapses of conduct; for these, a warning by the Magistrate may be sufficient, or the Magistrate may impose a penalty without prejudice to the continuance in force of the recognizance (vide Section 9(3)(b)). The ultimate sanction behind obedience of a probation order is the power of the Magistrate to impose the punishment which might have been inflicted for the original offence.

6. Enquiries to be made before passing the order: The Act is intended for the reformation of offenders in their own homes, if such a course is likely to succeed. It is essential, therefore, to find out all possible details about the offender, his character, his physical and mental ability, the conditions in which he lives and the circumstances in which he came to commit the crime. As soon as the charge has been or is about to be framed, the Court, if it considers that the offender, having regard to the nature of the offence and the part played by him is likely to be given the benefit of Section 3 and 4 of the Act, should immediately instruct the probation officer of the area concerned to make preliminary enquiries about the offender. The Court should endeavour to obtain full information regarding the age, character, antecedents and physical and mental condition of the offender, which will enable it to make a wise selection of the method of treatment out of the various methods of treatment provided in Sections 3, 4(1) and 4(3) of the Act.

In some cases it may be desirable to get the offender medically examined in order to ascertain his mental and physical condition. In such cases medical or psychiatric examination should be arranged.

7. The period of orders of probation and supervision: - The Court is empowered by Section 8 to vary its original order and it is psychologically sound to limit the duration of the order in ordinary cases to one year in the first instance and to extend the period later on, if required. To the average offender the prospect of a three year's period of probation may prove intimidating and a shorter period may encourage him to make an effort to reform.

8. Watch to be kept after release: - The duty of the Court does not end when the order has been passed. It is provided in the rules under the Act that where a supervision order has been passed and a probation officer has been

appointed, the probation officer may be required to submit periodical reports in respect of the conduct and behavior of the offender to the Court which passed the supervision order. The Court will have to keep a watch on the progress of the probationer, and should, if necessary, under Section 8 of the Act, upon the application of the probation officer vary any of the conditions in the bond or extend or reduce its duration. The success of the Act depends on the wise exercise of discretion and the proper discharge of their duties by the Courts administering it.

9. The following rules including forms framed by the Governor of Punjab in exercise of powers vested in him under Section 17 of the Act are reproduced for general information:-

The Punjab Probation of Offenders Rules, 1962

I- Preliminary

1. **Short title.**- (1) These Rules may be called the Punjab Probation of Offenders Rules, 1962.

(2) They shall come into force in any area on the date on which the probation of Offenders Act, 1958, comes into force therein.

2. **Definitions.** - In these rules unless the context otherwise requires,-

(a) "Act" means the Probation of Offenders Act, 1958 (20 of 1958);

(b) "Chief Controlling Authority" means the Officer appointed under sub-rule 4;

(c) "Chief Probation Officer" means the officer appointed under sub-rule (3) of rule 3;

(d) "District Probation Officer" means the salaried probation officer in charge of the probation work in a probation district;

(e) "Form" means a form appended to these rules;

(f) "Part-time Probation Officer" means a probation officer other than a salaried probation officer recognized by the State Government under clause (a) of sub-section (1) of Section 13 of the Act or provided by a society under clause (b) of sub-section (1) of Section 13 of the Act, who is remunerated by fees or honorarium and not by salary or who works without remuneration;

(g) "Probation District" means a district or a bigger or smaller area as may be specified in this behalf by notification by the State Government;

- (h) “Salaried Probation Officer” means a whole-time probation officer appointed or recognised by the State Government under clause (a) of sub-section (1) of section 13 of the Act, or provided by a society under clause (b) of sub-section (1) of section 13 of the Act who is remunerated by salary and not by fees or honorarium;
- (i) “Special Probation Officer” means a probation officer appointed by the court under clause (c) of sub-section (1) of section 13 of the Act;
- (j) “Supervision order” means an order passed under sub-section (3) of section 4 of the Act.

II- Departmental Control of Probation Officers.

3. Probation officers and their control. [Sections 13(1) (a) and 17(1).-

(1) The State Government may appoint for each probation district such number of persons as it thinks fit to be probation officers for the purposes of the Act.

(2) All probation officers (whether appointed or recognized by the State Government) in each probation district shall be under the control of a probation officer specified by the State Government in this behalf and designated as District Probation Officer.

(3) All such probation officers in the State shall be under the control of the Chief Probation Officer to be appointed by the State Government.

4. Chief Controlling Authority. [Section 17(1).-(1) The Inspector-General of Prisons, shall be the “Chief Controlling Authority” for the purposes of these rules.

(2) The chief Controlling Authority shall-

- (i) control and supervise the work of the Chief Probation Officer and all Probation Officers;
- (ii) exercise all financial powers of the Head of Department for incurring expenditure and for other administrative work with respect to the work of probation in the State;
- (iii) deal with recognized societies;
- (iv) contact other associations and such members of the public as may be interested in the propagation of work relating to probation;

- (v) submit statistical returns and such periodical or special returns or other reports in such manner as may be required by the State Government from time to time;
- (vi) inspect the work and offices of the Chief Probation Officer and District Probation Officers annually and the offices of the Probation Officers and institutions and premises for the reception of probationers at such intervals as may be fixed by the State Government.

5. Chief Probation Officer. [Section 17(1) and (2)(b)].- Subject to the control and supervision of the Chief Controlling Authority, the Chief Probation Officer shall be responsible for administering the work of probation throughout the State, and his duties and responsibilities shall include-

- (a) control, guidance and supervision of the work of District Probation Officers and other Probation Officers;
- (b) assisting and fostering after-care work in the State and other activities for the purpose of rehabilitation of offenders and maintaining contact with other related associations and the public;
- (c) submission of statistical or other returns and reports to the Chief Controlling Authority; and
- (d) such other functions as may be assigned to him by the Chief Controlling Authority or the State Government.

6. District Probation Officer. [sections 17(1) and 17 (2)(b)].- (1) The headquarters of a District Probation Officer shall be the headquarters of the district or such other place as may be fixed by the Chief Controlling Authority. The jurisdiction of the District Probation Officer shall extend to the whole of the probation district in which he is posted.

(2) He shall-

- (a) be responsible for the working of probation in whole of the area within his jurisdiction;
- (b) control, guide and supervise the work of probation officers in the district;
- (c) be the drawing and disbursing officer in respect of all expenses connected with the probation work in the district;

- (d) submit to the Chief Probation Officer a half-yearly report on the conduct and progress of all probationers in his jurisdiction, and reports of cases dealt with under section 9 of the Act;
- (e) submit to the Chief Controlling Authority, Chief Probation Officer, the District Magistrate and the Court such other reports as may be required by the Chief Probation Officer or the Chief Controlling Authority or the State Government;
- (f) perform such other functions as may be assigned to him by the Chief Probation Officer or the Chief Controlling Authority.

III-Probation Officers-Qualifications for appointment and conditions of service.

7. General attributes of Probation Officer. [Sections 13(1), 17(1) and 17(2)(a)].-While appointing Probation Officers, due regard shall be had to the following general attributes of a Probation Officer-

- (a) adequate educational attainments;
- (b) good character and personality suitable for influencing persons placed under his supervision in two essential respects, viz., (a) confirming to law during the period of probation, and (b) reformation of character and attitude to social behaviour, so as not to revert to crime;
- (c) maturity of age and experience;

Explanation- A Probation Officer in order to have independent charge of a probationer shall not be less than thirty years of age.

- (d) aptitude, zeal and a “calling” for probation work.

8. Qualifications of part-time Probation Officer. [Sections 17(1) and 17(2)(a)].- A part-time Probation Officer appointed in a district shall be-

- (a) not less than 30 years of age;
- (b) a resident of the district;
- (c) in a position to devote adequate time to the supervision of probationers;
- (d) a person having sufficient practical experience in special work or in teaching or in moulding character; and
- (e) fully conversant with the provisions of the Act and these Rules.

9. Appointment and registration of Probation Officers. [Sections 13(1), 17(1) and 17(2)(a)].- (1) The procedure relating to the appointment of Probation Officers by the State Government shall be in accordance with general rules relating to recruitment of officers to posts of similar status and responsibility.

(2) (a) The names of all Probation Officers with their addresses shall be entered in a register kept by the Chief Probation Officer.

(b) Lists containing the names of-

(i) Probation Officers appointed by the State Government;

(ii) Salaried Probation Officers provided by societies; and

(iii) Part-time Probation Officers for service in the District specified areas of the district or allocated Courts in the district shall be kept by the District Probation Officer and made available to the Courts, whenever necessary.

10. Special Probation Officer.- (1) The Court may appoint a Special Probation Officer under clause (c) of Sub-Section (1) of section 13 of the Act in view of the special circumstances of a particular case, when no Probation Officer on the lists referred to in clause (b) of sub-rule (2) of rule 9 is available or considered suitable enough to attend to the case. A Court or a District Magistrate may also appoint a Special Probation Officer under sub-section (2) of Sec. 13 of the Act.

(2) In deciding whether a person is suitable for appointment as a Probation Officer in a particular case, under clause (c) of sub-section (1) or sub-section (2) of Sec. 13 of the Act, the Court or the District Magistrate may take into consideration-

(a) the general attributes specified in rule 7 and the provisions of rule 11, (b) his age, position, character and attainments and relationship to the offender, and (c) his ability to follow these rules and to discharge the duties of Probation Officers.

11. Choice of Probation Officer, Precautions. [Section 14]. - (1) Female probationers shall not ordinarily be placed under the supervision or control of male Probation Officers.

(2) While choosing a Probation Officer for supervision in a particular case, the Court may, where necessary, consult the district Probation Officer.

12. Terms and conditions of Service. - (1) (a) Salaries, allowances and other terms and conditions of service applicable to Salaried Probation Officers appointed by a society shall be prescribed by the society in accordance with these rules and the instructions issued by the Chief Controlling Authority or the State Government under rule 21(3)(b).

(b) A part-time Probation Officer may be paid (i) a fixed remuneration with due regard to the nature and extent of the duties he is required to perform, or (ii) an honorarium, or he may work without accepting any remuneration.

(c) A special Probation Officer may be paid, if the Court so directs, remuneration or allowance for supervision of probationers at rates similar to those prescribed for part-time Probation officers.

(2) (a) Every Probation Officer shall be furnished with an Identity Card in Form I which shall be used only when necessary and shall be returned to the Chief Probation Officer on suspension or termination of his appointment.

(b) Probation Officers shall not wear any uniform or badge.

IV- Probation Officers-Duties and Responsibilities

13. Departmental responsibility. [Section 17(2)(b).]- (1) Every Probation Officer shall carry out the directions of the Chief Probation Officer and the Chief Controlling Authority.

(2) Every Probation Officer shall inform the District Probation Officer as soon as a probationer is placed under his supervision.

(3) Every probation officer shall submit-

(a) to the District Probation Officer a monthly report in Form II on the progress of each probationer placed under his supervision and copies of pre-sentence report and of other reports submitted to a Court or District Magistrate, and

(b) to the Chief Probation Officer and the District Probation Officer such periodical reports and statistics as may be required.

14. Pre-sentence report. [Section 14].- (1) For the purpose of section 14 (a) of the Act, the Probation Officer shall after making discreet inquiries regarding the offender's character and antecedents, his social and environmental conditions, the financial and other circumstances of his family,

the circumstances in which the alleged offence was committed, and any other facts which the Court has directed him to enquire into, put down the relevant facts fully and faithfully in the report, as nearly as may be in Form III.

(2) The summary required to be given in Form III shall include an objective statement of facts alongwith the Probation Officer's assessment of the case, so as to help the Court in determining the most suitable method of dealing with the offender after he is found guilty.

(3) The report shall be treated as "confidential" and delivered to the Court on the date specified by it. It shall be enclosed in a sealed cover, if sent to the Court or delivered on a date prior to the date of delivery of judgment.

15. Supervision of probationers. [Section 17(2)(b)]. - (1) The Probation Officer shall act as a friend and guide of the probationer. For this purpose, he shall, subject to the provisions of the supervision order, require the Probationer to report to him at stated intervals, meet him frequently and keep in close touch with him.

(2) At the first time meeting the Probation Officer shall-

(a) explain to the probationer the conditions of the supervision order;

(b) advise him as to how he should conduct himself; and

(c) specify the days on which he should report to the officer, the time and place of reporting being so arranged as to avoid unnecessary hardship to the probationer and to secure proper privacy; and inform the probationer that any omission on his part in so reporting will have to be satisfactorily accounted for.

(3) The Probation Officer shall visit the Probationer periodically in his home surroundings and, where appropriate, his occupational environment, in order to see the progress made by the probationer and the difficulties, if any, met with by him:

Provided that in the case of young offenders attending school or college, the Probation Officer shall not visit the probationer in the institution but may make discreet enquiries of the teacher, tutor or head of the institution regarding his attendance, conduct and progress without prejudicing the probationer's interest in any way.

(4) The frequency of the meetings, including visits by the officers should depend upon the conduct and mode of life of the probationer and upon the progress he is making. But the number of meetings shall be, unless the Court directs otherwise, not less than-

(a) once a week, during the first month;

(b) once a fortnight, during the rest of the first half of the period of probation;
and

(c) once a month during the remaining period.

(5) The Probation Officer shall endeavour, by example, advice, persuasion and assistance and, where necessary, by warning, to ensure that (a) the probationer does not violate the conditions of the supervision order or commit any further offence and behaves in conformity with law and (b) his behaviour, attitude to society, habits, character and morals improve so that he may not revert to crime.

(6) The Probation Officer shall also take such action as he deems necessary for better regulation of the conduct and mode of life of the probationer or for closer supervision over him.

16. Duties in relation to courts. [Section 17(2) (b)].- (1) The Probation Officer may move the court before which the Probationer is bound to vary the conditions of the bond by way of tightening or relaxing them, as may be required by the conduct of the probationer.

(2) If the Probation Officer considers that the probationer has made sufficient progress and further supervision is not necessary, he shall make an application to the court for discharging the bond under sub-section (3) of section 8 of the Act.

(3) If a probationer fails to observe any of the conditions of the bond or behaves in a manner indicating that he is not likely to fulfil the purpose of the supervision order, the Probation officer shall report the fact to the Court or the District Magistrate for such action as may be considered necessary.

(4) The Probation Officer shall consult the District Probation Officer with regard to an appeal or revision under section 11 of the Act.

17. Responsibilities in relation to District Magistrate. [Section 17(2) (b)].-The Probation Officer shall, (1) carry out any directions that the District

Magistrate, or other officer not below the rank of a Sub-Divisional Magistrate duly authorised by him to act on his behalf, may give regarding supervision of a probationer;

(2) Submit such report to the District Magistrate on the progress of probationers as may be required, as nearly as may be in Form II;

(3) report to the District Magistrate-

(a) cases where conditions of the supervision order or bond are not adhered to, which would include inter alia-

(i) the probationer changing his residence;

(ii) any fresh offence committed by the probationer;

(iii) any serious violation of the conditions of the supervision order; and

(iv) any plan of the probationer to abscond;

(b) any attempt by any person to aid or abet the probationer in commission of a crime or otherwise influence him so as to adversely affect his conduct and reformation; and

(c) the factors, if any, obstructing the rehabilitation of the probationer.

18. Rehabilitation and after-care of probationer. [Section 17(2)(b)].-(1) The probation officer shall assist the probationer's rehabilitation in society, so that he does not revert to crime. For this purpose the Probation Officer shall endeavour to secure for the probationer-

(a) training facilities,

(b) employment opportunities,

(c) any necessary financial aid, and

(d) contacts and associations with normal individuals and congenial organisations like Boy Scouts and Girl Guides, Youth Organisations and Community Projects.

(2) The Probation Officer shall try to maintain constant touch with discharged probationers to follow up the progress made by them towards their

rehabilitation, for such period as may be prescribed by the Chief Probation Officer.

(3) The Probation Officer shall participate, whenever possible, in aftercare schemes and organisations.

19. Other duties of Probation Officers. [Section 17(2) (b)].- The Probation Officer shall also undertake the following functions:

(1) educating the public and mobilising support for the probation system;

(2) mobilising public assistance and co-operation in the field of Social Defence;

(3) being in charge of any institution or other premises referred to in Rule 29 that may be assigned;

(4) any other duties of a cognate nature which may be assigned by order of the State Government.

20. Probation Officer not to divulge information. [Sections 14 and 17(1) and 17(2) (a)].- A Probation Officer shall not divulge information concerning his inquiries or work of probation to any other person other than the authorities to whom he is required to report, except in so far as it is necessary to do so in the interest of the probationer.

V- Recognition of Society.

21. Recognition of society. [Sections 13(1)(a) and 17(1)].- (1) A Society primarily devoted to any of the following kinds of work will be eligible for seeking recognition under clause (b) of sub-section (1) of section 13 of the Act:

(a) social defence including care, after-care or aid to offenders or discharged prisoners and protection and training of rescued or destitute women or children;

(b) education or other social welfare work; and

(c) religious or charitable work, with interest in aiding and rehabilitating such persons as are mentioned in clause (a).

(2) Any society eligible under sub-rule (1) and desiring recognition shall make an application to the State Government, together with a copy of each of its rules, by-laws, articles of association, list of its members and office-bearers and a statement showing its status and past record of social or public service.

(3) The State Government may, after making such inquiry as it considers necessary into the status, past record of social or public service and present condition of the society and satisfying itself that the society possesses sufficient financial means to carry out its obligations, grant recognition to the society, on condition that it shall undertake to-

- (a) provide such Probation Officers as may be required by the State Government or the Court;
- (b) abide by these rules and any instructions issued by the State Government and the Chief Controlling Authority and see that the same are followed by the Probation Officers and the personnel of any institution or other premises referred to in rule 29 under it; and
- (c) furnish to the State Government, whenever required, a statement of its financial position including the balance-sheet and audited report, if any.

(4) The State Government may withdraw the recognition granted to a society under sub-rule (1) after giving a notice of three months to the society. The recognised society may also get its recognition withdrawn by the State Government after giving to it a notice of three months.

22. Grant of subsidy to society. [Sections 17(2)(d)].—(1) A recognised society requiring a subsidy from the State Government in aid of its activities relating to probation shall forward to the Chief Controlling Authority through the Chief Probation Officer an application accompanied with a copy of—

- (a) its rules regarding salaries, allowances and conditions of service of probation officers and its rules regarding the management of institutions or other premises referred to in Rule 29, if any, under it; and
- (b) such other particulars as may be required.

(2) The State Government may in deserving cases and on the recommendation of the Chief Controlling Authority pay to a recognised society such subsidy and for so long as it may deem fit.

(3) The society which has been granted a subsidy shall-

- (i) submit its annual report and audited accounts and such other reports as may be called for by the Chief Controlling Authority;

- (ii) maintain standards of supervision work and manage institutions or other premises referred to in rule 29, if any, under it to the satisfaction of the Chief Controlling Authority; and
- (iii) provide all facilities for inspection by the officers concerned.

23. Control of Probation Officers. [Section 17(1) (a)].- (1) (a) If a Probation Officer appointed by a society fails to observe the duties imposed on him by the Act or these rules or to abide by other orders of the Chief Probation Officer or the Chief Controlling Authority or the State Government for regulation of the work and conduct of Probation Officers, the court or the District Magistrate or the District Probation Officer may, report the fact to the society, and thereupon the society shall take suitable action on that report and inform the District Probation Officer of the action taken.

(b) The society shall consider every complaint against such Probation Officer relating to any matter which affects his fitness for office and shall investigate every such complaint which in its opinion calls for investigation; and take further disciplinary action, whenever necessary.

(2) The work of Probation Officers provided by the society will be subject to guidance, supervision and control by the Chief Controlling Authority or any Officer empowered by the State Government to act on his behalf.

VI. – Procedure for Courts and District Magistrates.

24. Powers of Court to call for report from Probation Officer for passing order under sections 3, 4, 5, 6 and 7.[Sections 3, 4(2), 5, 6(2) and 7]. - (1) The Court may direct a Probation Officer, as nearly as may be in Form IV, to enquire into the character and antecedents of the accused, the circumstances in which the offence was committed and other matters and submit a report on a prescribed date, which should ordinarily be expected date of delivering judgment. The Court shall consult the report only after finding the accused guilty. If he is not found guilty, the report should be returned to the Probation Officer concerned for record for purposes of future reference.

(2) The Court may direct the Probation Officer to make any further investigations, and, where required, to have medical or psychiatric examination of the offender and report to the Court for enabling it to decide action to be taken under sections 3, 4, 5, 6 and 7 of the Act.

25. Forms of Bonds and supervision order. [Sections 4(1), 4(3) and 4(4)] - The following forms may be used for purpose noted against each:

- (a) Form V - Bond for good behaviour under sub-section (1) of section 4 of the Act.
- (b) Form VI – Supervision order under sub-section (3) of section 4 of the Act.
- (c) Form VII – Bond under sub-section (4) of Section 4 of the Act.

26. Powers of Court to call for report form Probation Officer for passing orders under sections 8 and 9.- The Court may require a Probation Officer to submit a report on a stipulated date of periodical reports on the progress, conduct and mode of living of the probationer placed under his supervision for purposes of passing orders under sections 8 and 9 of the Act.

27. Society to be furnished with a copy of supervision order. [Sections 4(3) and 17(1)].- Where a court passes a supervision order under sub-section (3) of Section 4 and appoints a Probation Officer provided by a Society, it shall forward a copy of it to the society.

28. Function of District Magistrate. [Section 17(1)].- The District Magistrate or any other officer not below the rank of Sub Divisional Magistrate duly authorised by him may-

- (a) inspect the work and any record in the office of any Probation Officer working within his jurisdiction;
- (b) give any directions to Probation Officers that he considers to be immediately required for the due performance of their work relating to supervision; and
- (c) send his observations or report on the foregoing or other facts to the District Probation Officer and the Chief Probation Officer.

VII.-Residence of Probationers

29. Institutions and other premises for reception of probationers. [Sections 4(3) and 17(1)].- The State Government may maintain, or approve subject to such conditions (including conditions relating to management and inspection) as it may deem fit to impose, any institution or other premises for the reception of probationers who may be required to reside therein by a supervision order.

(2) any such institution or other premises shall be maintained, managed and inspected in accordance with such instructions as may be issued by the State Government from time to time.

30. Residence of a probationer in such institutions or other premises. [Section 14].- (1) When a Probation Officer is of opinion that it is necessary or desirable for a probationer to reside in any institution or other premises referred to in rule 29 on the ground that the probationer has no fixed abode or no abode suitable for the due supervision, or that his home surroundings are not suitable for achieving the objects of probation, or that the objects of probation would be better served by his staying in such institution or premises, the probationer may be asked to reside therein.

(2) A probationer may also be required to reside in any such institution or premises in pursuance of any order of the Court which passed the supervision order, or in terms of the bond entered into by the probationer.

31. Change of residence. [section 14].- (1) Where a probationer under supervision, consistent with the condition of the supervision order, changes or proposes to change his place of residence and the place of such residence is outside the jurisdiction of the Probation Officer, he shall obtain the permission of-

- (a) the Probation Officer, if the period of such stay does not exceed a fortnight;
- (b) the Chief Probation Officer, on the recommendation of the Probation Officer, if such period exceeds a fortnight but does not exceed three months; or
- (c) the Court, on application made through the Probation Officer, if such period exceeds three months.

(2) Where the period of stay referred to in sub-rule (1) exceeds a fortnight, the probationer shall be required to report to a Probation Officer, if any, having jurisdiction in the changed place of residence on or before a specified date.

(3) The Probation Officer in the changed place of residence shall send to the original Probation Officer a report of arrival of the probationer and send copies of the report and such other reports as may be required by the Chief Probation Officer to the District Magistrate and to the Chief Probation Officer.

(4) Where the period of stay referred to in sub-rule (1) exceeds one month, a new Probation Officer may be appointed under sub-section (2) of section 13 of the Act by the District Magistrate having jurisdiction over the changed place of residence or by the Court.

VIII.-Records.

32. Records to be maintained by Probation Officers. [Section 17(2)

(b)]. – (1) A 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;
- (b) a file containing copies of all reports of preliminary inquiries submitted to the Courts;
- (c) a register showing the receipt and disposal of all orders of the Courts to the Probation Officer for making enquiries;
- (d) probationer's case-file as 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;
- (e) an Index Card and Chronological Register, as nearly as may be in Form IX, of probationer;
- (f) 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.

(g) 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.

33. Preservation of records. [Section 17(1)].- (1) Each probationer's case-file with the probation officer shall be preserved for not less than ten years from the date of expiry of the supervision order to which it relates.

(2) The diary shall be closed on the 31st December of each year and thereafter be deposited as a confidential record in the office of the Chief Probation Officer. Each volume of the diary shall be preserved for not less than ten years from the date of its closure.

(3) 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.

34. Inspection Book. [Section 17(1)].- 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.

35. 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;
- (6) register of probationers staying in institutions or premises, referred to in rule 29, in the district;
- (7) register of payments to probationers in the district;
- (8) register of payments to societies in the district; and
- (9) such other records as may be directed to be maintained by the Chief Controlling Authority.

IX- Miscellaneous

36. Probationers not to be employed on private work of probation officer. [Section 17(2) (a)].- A Probation Officer shall not employ any offender placed under his supervision for his own private purpose or take any private service from him.

37. Submission of statistics. [Section 17(2) (b)].- Every Probation Officer shall collect and submit in January and July the following statistics for the preceding half year to the District Probation Officer concerned, who, in turn, will consolidate these statistics for the probation district and submit the same to the Chief Probation Officer-

- (1) the number of probationers;
- (2) employment of probationers;
- (3) the number of cases of variation of orders under section 8 of the Act and of failure to observe conditions of bond dealt with under section 9 of the Act;

(4) the number of offenders in his jurisdiction (a) discharged after admonition under section 3 of the Act, (b) released under section 4 (1) of the Act without supervision, (c) sentenced to imprisonment though under 21 years of age.

The statistics mentioned above shall be shown separately according to sex, age (over 21, between 21 and 16, below 16), nature of offender (i.e. first offender, second offender, habitual offender), and gravity of crime:

Provided that in the case of part-time Probation Officers the statistics mentioned in this rule shall be collected and maintained by the District Probation officer.

FORM I

(Front Cover)

[See rule 12(2) (a)]
GOVERNMENT OF PUNJAB.
HOME DEPARTMENT

(Back Cover)

IDENTITY CARD
(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 of 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). Serial No. _____ | F | |
| Name in full (in block letters) _____ | O | |
| Designation of The post held. (in block letters) _____ | L | |
| Full Signature of the holder- _____ | D | |
| Date _____ | H | |
| | E | |
| | R | |
| | E | |

Signature

Chief Probation Officer

Date _____

Photograph of holder.

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 addressPeriod of Probation.....

PART II

| Place of interview | Date |
|--------------------|-------|
| | |
| | |
| | |
| | |

1. Where the Probationer is residing.
2. Progress made in any educational/training course.
3. What work he is doing and his monthly average earning.
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 OF PRELIMINARY ENQUIRIES

(Under the Probation of Offenders Act, 1958)

Serial No.....

In the Court of the..... Magistrate,

(Place).....(District).....

C. G. No.....19..... Date of hearing.....

* Offence:-

State.....(Police Station).....Crime No.....19.....

Name of Offender **.....

Address (Place of residence).....

Age.....

Sex and religion.....

* Give section and brief description.

** In block letters.

PERSONAL HISTORY

Behaviour and habit (moral, recreational, etc.).....

Temperament (outstanding character and personality traits).....

Physical and mental history and present condition.....

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 organisations, 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 individuals interested in the family
.....

Report of parents and relations.....

Attitude of family towards offenders and extent of its influence on him/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 circumstances in which it was committed.....

Offender's own relation 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 or 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).....

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 (Act 20 of 1958) or under the provision ofis
required for dealing with

name

son/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 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 ofhave 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 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 had bound himself-

- (1) to appear and receive sentence when called upon to do so;
- (2) not 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 Government a sum of Rupees

Dated this day of19.....

(Signature).....

(Signature).....

Executed before me.

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;
- (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 section 4 of the Probation of Offenders Act, 1958]

IN THE COURT OF THEMAGISTRATE

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 that 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 of 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 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).....

Executed before me.

Magistrate.

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

Dated this day of19.....

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

Office 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 report submitted on 1st year 2nd year 3rd 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.....
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.....

Probation 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 Probationers

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
|------------|--|--|--|--|---|----------------------------|--|---|-------------------------------------|--|--|--------------------|------------------------|-----------------------------------|--|--|
| 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 & case No. | Date of Supervision order and period of supervision | Name of Probation 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 | Occupation, if any, and wages, name and address of employer, if any. | Any variation in original supervision order and the date on such variation | No. of visits paid | No. of visits received | No. of progress reports submitted | Result of probation and remarks of Probation Officer, if any | Subsequent history after completion of probation |

10. Given below is the list of places to which the provisions of the Act have been applied together with the relevant notifications:-

1. Notification No. GSR-132/CA-20/58/SI/62, dated 25th July, 1962.

- (i) Kapurthala.
- (ii) Shimla
- (iii) Mohindergarh
- (iv) Kangra
- (v) Ambala (excepting the Rupar Tahsil).
- (vi) Gurgaon.
- (vii) Hoshiarpur.

2. Notification No. S.O.127/C.A./20/58/S.I./66, dated the 28th April, 1966.

- (i) Hissar
- (ii) Rohtak
- (iii) Karnal
- (iv) Jullundur

(v) Ludhiana

(vi) Bhatinda

(vii)Gurdaspur

(viii)Patiala.

(ix) Lahul and Sipti.

(x) Tahsil Rupar of District Ambala.

3. Notification No. S.O. 38/C.A./20/58/S.I.67, dated the 22nd May, 1968.

(i) Rupar District.

4. Notification No. S.O.28/C.A.20/58/S.I.68, dated the 27th March, 1968.

(i) Jind district (Haryana).