

# The Punjab Probation of Offenders Rules, 1962

Published vide Notification No. GSR 97/C.A. 20/58/S. 17/62, dated 23rd June, 1962.

In exercise of the powers conferred by section 17 of the Probation of Offenders Act, 1958 (Central Act No. 20 of 1958), and with the approval of the Central Government, the Governor of Punjab is pleased to make the following rules, the draft of which was previously published, vide Punjab Government Notification No. 1145 JL-62, dated the 22nd January, 1962.

## *I - Preliminary*

### **1. Short title. -**

(1) These rules may be called the Punjab Probation 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. Definition. -**

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 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, 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 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.

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- (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) 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 recognised 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 officer 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 the administrative work with respect to the work of Probation in the State;
- (iii) deal with recognised 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 Officers [Section 17(2) 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, [Section 17(1) and 2(b)].**

(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 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 the 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 along with 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 visit by the officer 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 of 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 Sub-Divisional Magistrate duly authorised by him to act on his behalf may give regarding supervision of a probationer;

(2) submit such reports to the District Magistrate on the progress of probationers as may be required as nearly as may be in Form VII;

(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
- (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 the 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 any 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<sup>1</sup> Rule 291 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 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 :

<sup>1</sup> Sub. by G.S.R. 6/CA-20-58-8-18 And (1) 64 dated 20.12.1963.

- (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 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 conditions 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 291 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 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. [Section 17(2)(b)].

(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 by 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 28, 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

<sup>1</sup> Subs by GSR 6/CA-20-58-S-18 Amd. (1) 64 dated the 20th December, 1963.

(iii) provided all facilities for inspection by the officer 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 the 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 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.

*V- Power of Courts and District Magistrates.*

**24. Powers of court to call for report from probation officer for passing order under sections 3, 4, 5, 6, 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 the 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 under 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 from 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 -

- (1) inspect the work and any record in the office of any probation officer working within his jurisdiction,
- (2) give any directions to probation officers that he considers to be immediately required for the due performance of their work relating to supervision; and
- (3) 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. [Section 4(3) and 17(1)].**

(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 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 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<sup>1</sup> 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 specified date.

<sup>1</sup> Subs. by GSR 6/CA 20-58-S/8 Amd. (1) 64, dated the 20th December, 1963.

(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<sup>1</sup> 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) a 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 environments 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 of under- takings 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) a register of payments made on account of probationers showing -
  - (i) payments to institutions or premises referred to in rule 28 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 of the Chief Controlling Authority from time to time.

<sup>1</sup> Subs by GSR 6/CA-20-58.S-18 Amd. (1) 64, dated the 20th December, 1963.

(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 (b) 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 28 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 officers ;
- (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<sup>1</sup> 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 Chief Controlling Authority.

<sup>1</sup> See by GSR 6/CA-20-58-S-18 Amd. (1) 64, dated the 20th December, 1963.

## 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 sub-section (1) of section 4 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 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)	F o i d h e r e
Serial No. _____	
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. \_\_\_\_\_

Probationer's address \_\_\_\_\_

Date of \_\_\_\_\_

Supervision Order \_\_\_\_\_

Period 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 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.
7. Any proceedings before Court/District Magistrate for -

**PART III**

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 sen-  
tence 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 -

- (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) \_\_\_\_\_ Signature) \_\_\_\_\_

Executed before me.

Magistrate.

## FORM VI

[See Rule 25]

### Supervision Order

[Under sub-sec (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 \_\_\_\_\_

Indian or Magistrate

## FORM VII

[See Rule 25]

[See Rule 25]  
[Under sub-section 4 of the Probation of Offenders Act, 1958]  
IN THE COURT OF THE \_\_\_\_\_ MAGISTRATE

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) \_\_\_\_\_

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 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 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 \_\_\_\_\_

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 VI**

[See Rule 32(1)(e)]

Chronological Register of Probationer

Se- rial No.	Name of Probation- er, father's name and address	Sex, age, religion, and marks	Offence (give brief description of the offence)	Court passing the supervision order	Date of supervision order	Name of the Probation- Officer	Pre- sentence report submitted and date)	Whether the Probationer is residing in institution and or not (if submitted probationers, give P.R., No. and date)	Name and address of sureties, if any
1	2	3	4	5	6	7	8	9	10

Occup- ation, if any, and wages, name and ad- dress of em- ployer, if any	Any variation in original supervis- ion order and the date of such variation	No. of visits paid	No. of visits received	No. of reports submitted	Result of probatio- n and remarks of Probatio- n Officer, if any	Subsequent history after completion of probation				
						First year	Second year	Third year	Fourth year	Fifth year
11	12	13	14	15	16	(a)	(b)	(c)	(d)	(e)

# The Punjab Probation of Offenders Rules, 1962

Published vide Notification No. GSR 97/C.A. 20/58/S. 17/62, dated 23rd June, 1962.

In exercise of the powers conferred by section 17 of the Probation of Offenders Act, 1958 (Central Act No. 20 of 1958), and with the approval of the Central Government, the Governor of Punjab is pleased to make the following rules, the draft of which was previously published, vide Punjab Government Notification No. 1145 JL-62, dated the 22nd January, 1962.

## *I - Preliminary*

### **1. Short title. -**

(1) These rules may be called the Punjab Probation 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. Definition. -**

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 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, 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 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.

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- (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) 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 recognised 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 officer 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 the administrative work with respect to the work of Probation in the State;
- (iii) deal with recognised 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 Officers [Section 17(2) 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, [Section 17(1) and 2(b)].**

(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 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 the 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 along with 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 visit by the officer 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 of 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 Sub-Divisional Magistrate duly authorised by him to act on his behalf may give regarding supervision of a probationer;

(2) submit such reports to the District Magistrate on the progress of probationers as may be required as nearly as may be in Form VII;

(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
- (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 the 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 any 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<sup>1</sup> Rule 291 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 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 :

<sup>1</sup> Sub. by G.S.R. 6/CA-20-58-8-18 And (1) 64 dated 20.12.1963.

- (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 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 conditions 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 291 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 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. [Section 17(2)(b)].

(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 by 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 28, 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

<sup>1</sup> Subs by GSR 6/CA-20-58-S-18 Amd. (1) 64 dated the 20th December, 1963.

(iii) provided all facilities for inspection by the officer 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 the 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 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.

*V- Power of Courts and District Magistrates.*

**24. Powers of court to call for report from probation officer for passing order under sections 3, 4, 5, 6, 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 the 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 under 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 from 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 -

- (1) inspect the work and any record in the office of any probation officer working within his jurisdiction,
- (2) give any directions to probation officers that he considers to be immediately required for the due performance of their work relating to supervision; and
- (3) 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. [Section 4(3) and 17(1)].**

(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 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 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<sup>1</sup> 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 specified date.

<sup>1</sup> Subs. by GSR 6/CA 20-58-S/8 Amd. (1) 64, dated the 20th December, 1963.

(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<sup>1</sup> 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) a 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 environments 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 of under- takings 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) a register of payments made on account of probationers showing -
  - (i) payments to institutions or premises referred to in rule 28 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 of the Chief Controlling Authority from time to time.

<sup>1</sup> Subs by GSR 6/CA-20-58.S-18 Amd. (1) 64, dated the 20th December, 1963.

(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 (b) 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 28 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 officers ;
- (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<sup>1</sup> 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 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 sub-section (1) of section 4 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 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)	F o i d h e r e
Serial No. _____	
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. \_\_\_\_\_

Probationer's address \_\_\_\_\_

Date of \_\_\_\_\_

Supervision Order \_\_\_\_\_

Period 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 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.
7. Any proceedings before Court/District Magistrate for -

**PART III**

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 sen-  
tence 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 -

- (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) \_\_\_\_\_ Signature) \_\_\_\_\_

Executed before me.

Magistrate.

## FORM VI

[See Rule 25]

### Supervision Order

[Under sub-sec (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 \_\_\_\_\_

Indian 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) \_\_\_\_\_

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 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 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 \_\_\_\_\_

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 VI**

[See Rule 32(1)(e)]

**Chronological Register of Probationer**

Se- rial No.	Name of Probation- er, father's name and address	Sex, age, religion, and marks	Offence (give brief description of the offence)	Court passing the supervision order	Date of supervision order	Name of the Probation Officer	Pre- sentence report submitted and date)	Whether the Probationer is residing in institution and or not (if submitted probationers, give P.R., No. and date)	Name and address of sureties, if any
1	2	3	4	5	6	7	8	9	10

Occup- ation, if any, and wages, name and ad- dress of em- ployer, if any	Any variation in original supervis- ion order and the date of such variation	No. of visits paid	No. of visits received	No. of reports submitted	Result of probatio- n and remarks of Probatio- n Officer, if any	Subsequent history after completion of probation				
						First year	Second year	Third year	Fourth year	Fifth year
11	12	13	14	15	16	(a)	(b)	(c)	(d)	(e)