



# കുറ്റവാളികളില്ലാത്ത കേരളം

ദിവിന പ്രൊബേഷൻ ശില്പശാല

2018 ഒക്ടോബർ 11, 12

നിലവിലുള്ള പ്രൊബേഷൻ അഥവാ നല്ല നടപ്പ് ജാമ്യം, പ്ലീ ബാർഗെയിൻ തുടങ്ങി വിവിധ സാമൂഹ്യ പ്രതിരോധ സംവിധാനങ്ങൾ ശക്തിപ്പെടുത്തി കുറ്റകൃത്യങ്ങളും വ്യവഹാരങ്ങളും കുറച്ച് കൊണ്ടുവരാനുള്ള പദ്ധതി രൂപപ്പെടുത്തൽ ശില്പശാല



കേരള സർക്കാർ

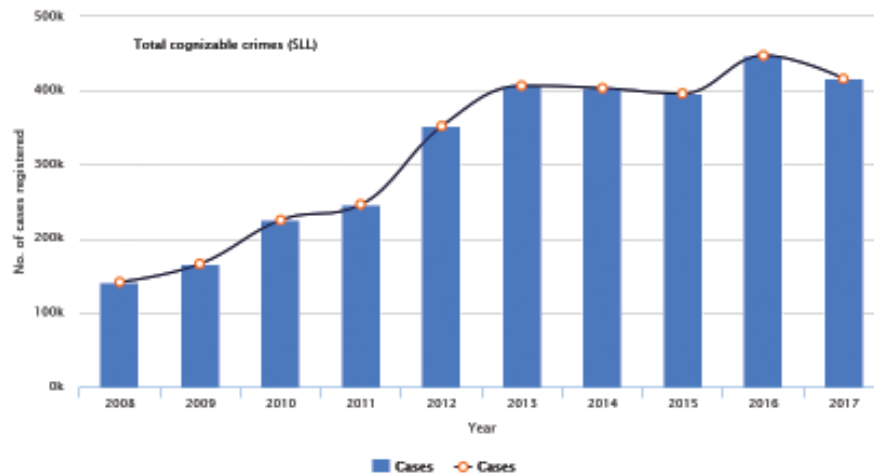


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## Special and Local Laws Cases

SLL Cases registered from 2008 to 2017



Sl.No	Crime Heads	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017 (Provisional)	2018 (up to June)	Trend
1	Arms Act	402	325	344	296	293	259	273	250	215	219	98	
2	NDPS Act	508	646	759	693	696	974	2239	4103	5924	5242	4461	
3	Gambling Act	1975	2659	3257	3601	4496	4394	3810	3691	3556	3109	1244	
4	Abkari Act	10176	20213	37896	42747	52282	48828	51989	58197	65046	59514	21745	
5	Explosive & Explosive substance Act	413	496	466	631	443	462	444	373	782	461	169	
6	Immoral Traffic (P) Act	187	314	309	197	210	180	140	138	121	54	7	
7	Railways Act	4	2	2	11	10	6	9	22	11	3	0	
8	Registration of foreigners Act	33	38	47	30	21	20	26	12	7	13	2	
9	Protection of Civil Rights Act	0	0	0	1	0	0	0	1	0	1	0	
10	Indian Passport Act	139	179	209	172	357	215	173	113	94	74	23	
11	Essential Commodities Act	205	221	215	268	225	218	278	197	123	125	28	
12	Antiquity and art treasure Act	0	1	0	1	0	0	0	0	0	1	0	
13	Dowry Prohibition Act	5	8	7	5	3	3	3	4	3	8	0	
14	Prohibition of Child marriage Act	4	2	6	3	6	11	19	13	8	17	13	
15	Indecent rep. of women Act	19	24	37	12	3	20	11	4	2	3	1	
16	SC/ST (POA) Act	53	48	48	81	77	78	76	83	99	108	50	
17	Forest Act	0	0	1	0	0	9	22	12	15	11	2	
18	Other SLL Crimes	127665	141198	181845	197884	293167	351171	344064	329121	371767	343243	144487	
<b>Total cognizable crimes (SLL)</b>		<b>141788</b>	<b>166374</b>	<b>225458</b>	<b>246633</b>	<b>352289</b>	<b>406848</b>	<b>403576</b>	<b>396334</b>	<b>447773</b>	<b>416206</b>	<b>172330</b>	

Source: SCRB - Police



# കുറ്റവാളികളില്ലാത്ത കേരളം

ദിവിന പ്രൊബേഷൻ ശില്പശാല



കേരള സർക്കാർ



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# Programme Schedule

<b>Inaugural session</b>	10:00 am - 11:30 am
<b>Welcome address</b> (10:00 am-10:05 am)	Sri. Jafar Malik, IAS Director, Social Justice Department
<b>Presidential Address</b> (10:05 am-10:15 am)	Sri. Biju Prabhakar, IAS Special Secretary, Social Justice Department
<b>Inauguration</b> (10:15 am-10:45 am)	Smt. K. K Shylaja Teacher Minister for Health & Social Justice
<b>Key Note Address</b> (10:45 am-10:55 am)	Sri. Lokanath Behara, IPS State Police Chief
<b>Booklet Release</b> (10:55 am-11:00 am)	Smt. R Sreelekha, IPS DGP Prisons
<b>Poster Release</b> (11:00 am- 11:05 am)	Sri. K Sathyan Hon. District Judge & Member Secretary, KeLSA
<b>Address</b> (11:05 am- 11:25 am)	Prof. Vijayaraghavan Centre for Criminology & Justice TISS, Mumbai
<b>Felicitation</b> (11:25 am-11:27 am)	Adv. A Shanavas Khan State Probation Advisory Committee Member
(11:27 am-11:29 am)	Prof. Jacob George State Probation Advisory Committee Member
<b>Vote of Thanks</b> (11:29 am-11:30 am)	Sri. Subashkumar K.V Assistant Director, Directorate of Social Justice

## AGENDA FOR 2 DAY CONSULTATION MODERNIZATION OF PROBATION

### DAY 1 (11-10-2018)

11:30 am - 12:00	Problems & Prospects of Probation System in Kerala	Delegates from Directorate of Social Justice
12:00 – 1:00 pm	Modernization of Probation - International scenario	Prof. Vijayaraghavan & Dr. Roshini Nair TISS, Mumbai
1:00 – 2:00 pm	Lunch Break	
2:00 – 3:45 pm	Sharing of best practices in different states in India	
2:00 – 2:15 pm	Moderators	Dr.Vijaya Raghavan & Dr. Roshini Nair TISS, Mumbai
2:15 – 2:45 pm	Rehabilitation of Ex-convicts & Probationers- Role of NGOs	Sri. Vikas Khadam Sr. Social Worker, PRAYAS- TISS, Mumbai
2:45 - 3:15 pm	Intervention among Victims & Dependents	Sri. Pravin Khandapasele Director, DISHA foundation, Maharashtra
3:15 -3:45 pm	'KAVAL'-Psychosocial Intervention among CCL	Dr. Kavitha. P NIMHANS, Bangaluru

PANEL DISCUSSION		
3:45 - 6:00 pm	Social Defence Mechanism- Responsibilities & Coordination of various Departments	
3:45 – 4:00 pm	Moderators	Prof. Vijayaraghavan & Dr. Roshini Nair TISS, Mumbai
4:00 – 4:20 pm	Judiciary & Social Defence	Sri. K Sathyan Hon. District Judge & Member Secretary, KeLSA
4:20 – 4:45 pm	Prison & Social Defence	Smt. R Sreelekha IPS (DGP Prisons)
4:45 – 5:10 pm	Police & Social Defence Mechanisms	Sri. S. Sreejith IPS Police I.G (Crimes)
5:10 – 5:35 pm	Social Justice Department & Probation system	Sri. Biju Prabhakar, IAS Special Secretary, Social Justice Department
5:35 – 5:45 pm	Social Defence & Prosecution	Sri. E.V Abdul Rasheed DDP, Thrissur
5:45 – 5:55 pm	Public Relation Mechanism	Sri. Manoj K Puthiyavila Information Officer, I & PRD
5:55 – 6:00 pm	Questions	
DAY 2 (12-10-2018)		
9:00 am	Recap of 1st Day	
9:30 – 11:15 am	Presentation of draft projects and implementation of schemes	
9:30 – 9:45 am	Moderator	Sri. Mukundan. U Regional Assistant Director, Social Justice
9:45 – 9:55 am	Vision & Mission of Probation system in Kerala	Sri. Elias Thomas Probation Officer Gr. I, Tvpm
9:55 – 10:25 am	Rehabilitation and Reformation of First Offenders	Sri. Sameer M Probation Officer Gr. I, Malappuram
10:25 - 10:45 am	Psychosocial intervention among Victims & Dependents	Smt. Sheeba Mumtaz Probation Officer Gr. I, Kozhikode
10:45 – 11:15 am	Kerala Community Service Act (Draft) 2018	Sri. Ashraf K.T Probation Officer Gr. I, Wayanad
11:15 – 1:00 pm	Group Discussion (4 teams)	
1:00 – 2:00 pm	Lunch Break	
2:00 – 3:30 pm	Consolidation & Presentation of Group discussion	
3:30 – 4:30 pm	Formulation of Action Plan	
4:30 – 5:00 pm	Valedictory Remarks	Sri. Biju Prabhakar, IAS Special Secretary, Social Justice Department



# ആമുഖം

ഇന്ത്യയിലാദ്യം പ്രൊബേഷൻ സംവിധാനം നിലവിൽ വന്ന സംസ്ഥാനമാണ് കേരളം. 1920ൽ മദ്രാസ് ചിൽഡ്രൻസ് ആക്ട് നിലവിൽ വന്നതിനെ തുടർന്ന് അന്ന് മദ്രാസ് സംസ്ഥാനത്തിന്റെ ഭാഗമായിരുന്ന മലബാർ ജില്ലയിൽ പ്രത്യേക പ്രൊബേഷൻ ഓഫീസ് തുറന്നു. മലബാറിന്റെ നീതിന്യായ ആസ്ഥാനമായ തലശ്ശേരിയിലായിരുന്നു കേന്ദ്രം. ബ്രിട്ടീഷ് കാലത്തെ ജില്ലാ പ്രൊബേഷൻ ഓഫീസറുടെ ചിഹ്നങ്ങളിൽ ചിലതെല്ലാം ഇപ്പോഴും കണ്ണൂർ ജില്ലാ പ്രൊബേഷൻ ഓഫീസിൽ കാണാം.



1958ൽ പ്രൊബേഷൻ നിയമവും 1960 ലെ കേരളാ ചട്ടങ്ങളും നിലവിൽ വന്നതാണ് പ്രൊബേഷൻ സംവിധാനത്തിന്റെ അടുത്ത ഘട്ടം. ജയിൽ വകുപ്പിന്റെ അഭ്യർത്ഥനയും എന്ന നിലയിലാണ് പ്രൊബേഷൻ സംവിധാനം ഐക്യകേരളത്തിൽ പ്രവർത്തിച്ച് തുടങ്ങിയത്. 1975 ൽ സാമൂഹ്യ ക്ഷേമ വകുപ്പിന് തുടക്കം കുറിച്ചത് തന്നെ ജയിൽ വകുപ്പിൽ നിന്നും പ്രൊബേഷൻ ഓഫീസുകൾ മാറ്റിക്കൊണ്ടായിരുന്നു. 1986 ൽ ഇന്ത്യയിലാദ്യമായി ബാലനീതി നിയമം നിലവിൽ വന്നു. തുടർന്ന് പ്രസ്തുത നിയമം നടപ്പാക്കാനുള്ള ചുമതലയും പ്രൊബേഷൻ സംവിധാനത്തിനായി. 2005 ൽ നിലവിൽ വന്ന ഗാർഹികാതിക്രമത്തിൽ നിന്നും സ്ത്രീകളെ സംരക്ഷിക്കുന്ന നിയമം ദീർഘകാലം നടപ്പാക്കിയതും പ്രൊബേഷൻ സംവിധാനം വഴിയായിരുന്നു .

വനിതകൾക്കും കുട്ടികൾക്കും വേണ്ടി പുതിയ വകുപ്പ് നിലവിൽ വന്ന സാഹചര്യത്തിൽ പുതിയ ദിശാബോധത്തോടെ നൂതന പദ്ധതികൾ ഏറ്റെടുത്ത് കുതിക്കാൻ ഒരുങ്ങുകയാണ് കേരളത്തിലെ പ്രൊബേഷൻ സംവിധാനം . ഇതിനായി വിവിധ പദ്ധതികൾ ആസൂത്രണം ചെയ്യുകയും ചർച്ച ചെയ്യുകയുമാണ് രണ്ട് ദിന ശില്പശാലയിലൂടെ സാമൂഹ്യ നീതി വകുപ്പ് ഉദ്ദേശിക്കുന്നത്. ഏവരുടെയും സഹായ സഹകരങ്ങൾ പ്രതീക്ഷിച്ചു കൊണ്ട്.

**ജാഫർ മലിക് ഐ എ എസ്**  
ഡയറക്ടർ, സാമൂഹിക നീതി വകുപ്പ്

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# സാ

മുഹ്യ സാഹചര്യങ്ങളിൽ നിന്നാണ് ഒരു കുറ്റവാളി ജനിക്കപ്പെടുന്നത്. വൃക്കയിലും, കുടുംബത്തിലും സമൂഹത്തിലും ഉള്ള നിരന്തര ഇടപെടലിലൂടെ മാത്രമേ ഇന്നത്തെ ലോകത്ത് കുറ്റകൃത്യനിരക്ക് കുറയ്ക്കാൻ കഴിയുകയുള്ളൂ എന്നാണ് ഗവേഷണങ്ങൾ ചൂണ്ടിക്കാണിക്കുന്നത്. ആധുനിക ശാസ്ത്ര സാങ്കേതിക വിദ്യകളും സാമൂഹ്യ ശാസ്ത്രത്തിലും മനശാസ്ത്രത്തിലും രൂപപ്പെട്ട നവീന സങ്കേതങ്ങളും പ്രയോഗിച്ചും പുതുക്കിയും മാത്രമേ ഇനിയുള്ളകാലം ആരോഗ്യകരമായ ഒരു സമൂഹത്തെ രൂപപ്പെടുത്താൻ കഴിയൂ. ഇതിനായി സർക്കാർ നയങ്ങളും ചട്ടങ്ങളും പുതുക്കപ്പെടേണ്ടിവരും. ഇപ്പോഴുള്ള ജയിൽ സംവിധാനങ്ങളും സ്ഥാപനേതര സംരക്ഷണ മാർഗ്ഗമായ നല്ലനടപ്പ് ജാമ്യവും, ജയിലിൽ നിന്നും ബോർസ്റ്റൽ സ്കൂളിൽ നിന്നും പുറത്തിറങ്ങുന്നവരുടെയും നീതിയും ക്ഷേമവുമെല്ലാം നാം കൂടുതൽ ചർച്ച ചെയ്യേണ്ടി വരും. ചില രാജ്യങ്ങളിൽ നടപ്പാക്കുന്ന സാമൂഹ്യസേവന നിയമവും വിവിധ തരത്തിലുള്ള അതിക്രമങ്ങളെ അതിജീവിച്ചവരുടെ തുടർ ജീവിതത്തിനായുള്ള പദ്ധതിയും നാം ഇവിടെയും നടപ്പാക്കേണ്ടി വരും. ജയിലിൽ കിടക്കുന്നവരുടെയും കൊല്ലപ്പെടുന്നവരുടെയും ആശ്രിതർ നയിക്കുന്ന ദുരിത ജീവിതത്തിൽ സാമൂഹ്യവും മനശാസ്ത്രപരവുമായി എങ്ങനെ ഇടപെടാമെന്ന് നാം പുനർചിന്തനം നടത്തേണ്ടതുണ്ട്. ഇതിനെല്ലാമായാണ് സാമൂഹ്യനീതി വകുപ്പ് രണ്ടു ദിവസത്തെ പ്രൊബേഷൻ ശില്പശാല സംഘടിപ്പിക്കുന്നത്.



## ശില്പശാലയുടെ ഉദ്ദേശ്യലക്ഷ്യങ്ങൾ

- നിലവിലുള്ള പ്രൊബേഷൻ സംവിധാനത്തെ ആധുനികവൽക്കരിച്ച് കൂടുതൽ പേർക്ക് ഗുണം ലഭിക്കുന്ന രീതിയിൽ പുതുക്കിപ്പണിയുക.
- ലോകത്തിന്റെ വിവിധ ഭാഗങ്ങളിലും ഇന്ത്യയിലും ഇപ്പോൾ നടന്നുകൊണ്ടിരിക്കുന്ന വിവിധ സാമൂഹ്യ പ്രതിരോധ സംവിധാനങ്ങൾ പരിചയപ്പെടുകയും അത് കേരളത്തിന് ഉപയുക്തമാക്കാനാവശ്യമായ നിർദ്ദേശങ്ങൾ ഏകോപിപ്പിക്കുകയും ചെയ്യുക.
- ആദ്യമായി കുറ്റകൃത്യങ്ങളിൽ ഏർപ്പെട്ടവരെ തിരഞ്ഞെടുത്ത് അവരുടെ മനോ-സാമൂഹ്യ അവസ്ഥകൾ വിശകലനത്തിന് വിധേയമാക്കുകയും ഓരോരുത്തർക്കും വ്യക്തിഗത ശ്രദ്ധാപദ്ധതി (Individual Care plan) തയ്യാറാക്കി സാമൂഹ്യ മനശാസ്ത്ര ഇടപെടൽ സാധ്യമാക്കാൻ കരട് സ്കീം രൂപീകരിക്കുകയും ചെയ്യുക.
- ചില രാജ്യങ്ങളിൽ പ്രവർത്തിക്കുന്ന ജയിലിന് പകരം സാമൂഹ്യസേവനം എന്ന നയം പരിചയപ്പെടുകയും അതിനായി കേരള സാമൂഹ്യ സേവന നിയമം 2018 ന്റെ കരട് അവതരിപ്പിക്കുകയും ചെയ്യുക.
- കുറ്റകൃത്യങ്ങളെ അതിജീവിച്ചവർക്കും, കൊല്ലപ്പെട്ടവരുടെയും ജയിലിൽ കിടന്നവരുടെയും ആശ്രിതർക്കും ഉള്ള സാമൂഹ്യസംരക്ഷണം എങ്ങനെ സാധ്യമാക്കാം എന്ന് ആലോചിക്കുകയും പദ്ധതി രൂപപ്പെടുത്തുകയും ചെയ്യുക.
- വിവിധ സർക്കാർ സംവിധാനങ്ങളുടെയും സന്നദ്ധപ്രവർത്തകരുടെയും സഹകരണത്തോടെ സാമൂഹ്യ പ്രതിരോധ സംവിധാനം രൂപപ്പെടുത്താനാവശ്യമായ ചർച്ചകൾ നടത്തുക.
- വിവിധ സർക്കാർ സംവിധാനത്തെയും അക്കാദമിക സ്ഥാപനങ്ങളെയും ഏകോപിച്ച് കരുത്തുറ്റ ഒരു പ്രൊബേഷൻ സംവിധാനം രൂപപ്പെടുത്തുക.



## നിലവിലുള്ള ചില സാമൂഹ്യ പ്രതിരോധ സംവിധാനങ്ങൾ

### പ്രൊബേഷൻ അഥവാ നല്ലനടപ്പ് ജാമ്യം

ജയിൽശിക്ഷ ലഭിക്കാവുന്ന കുറ്റകൃത്യമാണെങ്കിൽ കുടി കേസിന്റെ സാഹചര്യം, കുറ്റകൃത്യത്തിന്റെ സ്വഭാവം, കുറ്റവാളിയുടെ പ്രകൃതം, കുടുംബപശ്ചാത്തലം, പൂർവ്വകാല ചരിത്രം എന്നിവ കണക്കിലെടുത്ത് ചില വ്യവസ്ഥകൾക്ക് വിധേയമായി ഒരു കുറ്റവാളിയുടെ ജയിൽശിക്ഷ മാറ്റിവയ്ക്കുന്ന സംവിധാനമാണ് പ്രൊബേഷൻ. കുറ്റവാളിയെ സ്വന്തം കുടുംബ ചുറ്റുപാടിലും സാമൂഹ്യസാഹചര്യത്തിലും ജീവിക്കാൻ അവസരം നൽകി, മന:പരിവർത്തനവും സാമൂഹിക പുനരധിവാസവും സാധ്യമാക്കി സമൂഹത്തിനുകുന്ന ഒരു പൗരനാക്കി മാറ്റുന്ന സാമൂഹ്യ ചികിത്സാ സമ്പ്രദായമാണ് പ്രൊബേഷൻ. ശിക്ഷ കുറ്റവാളിയുടെ മാനസിക പരിവർത്തനത്തിന് സഹായകരമാവണമെന്ന ആധുനിക കാഴ്ചപ്പാടാണ് പ്രൊബേഷൻ സംവിധാനത്തിന്റെ അടിസ്ഥാന തത്ത്വം. കുറ്റവാളിയുടെ ജീവിതം ഉപാധികൾ അനുസരിച്ചില്ലെങ്കിൽ നല്ലനടപ്പ് ജാമ്യം റദ്ദാക്കാനും കഴിയും.

### കുറ്റവാളിയെ പ്രൊബേഷനിൽ വിടുന്നതുമായി ബന്ധപ്പെട്ട് ഇന്ത്യയിൽ നിലവിലുള്ള നിയമം 1958-ലെ പ്രൊബേഷൻ ഓഫ് ഓഫന്റേഴ്സ് ആക്ട് ആണ്. നിയമത്തിലെ പ്രസക്തഭാഗങ്ങൾ

#### താക്കീത് മാത്രം

ചെറിയ കാലയളവിലേക്ക് ജയിൽശിക്ഷ ലഭിക്കാവുന്ന, ഇന്ത്യൻ ശിക്ഷാ നിയമപ്രകാരമുള്ള ചില കുറ്റകൃത്യങ്ങൾ ചെയ്ത കുറ്റവാളികളെ തടവ് ശിക്ഷ നൽകാതെ ഉചിതമായ താക്കീതോ ശാസനയോ മാർഗനിർദ്ദേശങ്ങളോ നൽകി ഈ നിയമപ്രകാരം കോടതിക്ക്

വിട്ടയക്കാം. പ്രതിയ്ക്ക് മുമ്പ് ഏതെങ്കിലും കുറ്റകൃത്യത്തിൽ പെട്ട് ശിക്ഷ ലഭിച്ചിരിക്കരുത്. കുറ്റകൃത്യത്തിന്റെ സാഹചര്യം, സ്വഭാവം, കുറ്റവാളിയുടെ പ്രകൃതം എന്നിവയും കോടതി കണക്കിലെടുക്കും.

### **നല്ല നടപ്പിൽ വിടാം**

വധശിക്ഷയോ ജീവപര്യന്തമോ ശിക്ഷ വിധിക്കാവുന്ന കുറ്റങ്ങൾ, പ്രൊബേഷൻ നിയമത്തിന്റെ ആനുകൂല്യം നൽകരുതെന്ന് പ്രത്യേകം വ്യവസ്ഥ ചെയ്ത ചില നിയമങ്ങൾ പ്രകാരമുള്ള കുറ്റങ്ങൾ എന്നിവ ഒഴികെയുള്ള കുറ്റകൃത്യം ചെയ്തവരെ ജയിൽ ശിക്ഷയ്ക്ക് പകരം, ഒരു വർഷം മുതൽ മൂന്ന് വർഷം വരെ നല്ലനടപ്പ് ജാമ്യത്തിൽ (പ്രൊബേഷനിൽ) വിട്ടയക്കാം.

### **പ്രൊബേഷൻ റിപ്പോർട്ട്**

ഒരു കുറ്റവാളിയെ ജാമ്യക്കാരനോട് കൂടിയോ അല്ലാതെയോ നല്ലനടപ്പിൽ വിടുന്നതിന്, ബന്ധപ്പെട്ട പ്രൊബേഷൻ ഓഫീസറിൽ നിന്ന് കുറ്റവാളിയെ കുറിച്ചുള്ള പ്രൊബേഷൻ റിപ്പോർട്ട് കോടതിക്ക് ആവശ്യപ്പെടാം.

### **നിരീക്ഷണവും മേൽനോട്ടവും**

കുറ്റവാളിയുടെ നന്മയ്ക്കും സമൂഹത്തിന്റെ സുരക്ഷയ്ക്കും വേണ്ടി കുറ്റവാളിയെ പ്രൊബേഷൻ ഓഫീസറുടെ മേൽനോട്ടത്തിൽ നല്ല നടപ്പിൽ വിടാം. കുറ്റകൃത്യം ആവർത്തിക്കാതിരിക്കാനുള്ള വ്യവസ്ഥകൾ കോടതി ഉത്തരവിൽ ഉണ്ടാകും.

### **കരാർ പത്രം**

നല്ലനടപ്പ് കാലയളവിൽ കുറ്റകൃത്യം ആവർത്തിക്കാതിരിക്കുന്നതിനാവശ്യമായ വ്യവസ്ഥകൾ അടങ്ങിയ ഒരു കരാറിൽ ജാമ്യക്കാരോടുകൂടിയോ അല്ലാതെയോ ഒപ്പുവയ്ക്കാൻ കുറ്റവാളിയോട് കോടതിക്ക് ആവശ്യപ്പെടാം.

### **നഷ്ടപരിഹാരം**

കുറ്റകൃത്യത്തിനിരയായവർക്ക് കുറ്റവാളിയിൽ നിന്ന് നഷ്ടപരിഹാരം ലഭ്യമാക്കാനും നിയമം അനുശാസിക്കുന്നു.

### **21 വയസ്സിന് താഴെയെങ്കിൽ**

21 വയസ്സിന് താഴെപ്രായമുള്ള വ്യക്തികൾ - വധശിക്ഷ, ജീവപര്യന്തം തടവുശിക്ഷ എന്നിവ ഒഴികെയുള്ള ശിക്ഷകൾ ലഭിക്കാവുന്ന കുറ്റമാണ് ചെയ്തതെങ്കിൽ - ജയിൽശിക്ഷ നൽകുന്നതിനുമുമ്പ് പ്രൊബേഷൻ ആനുകൂല്യത്തിന് പരിഗണിക്കാൻ കഴിയുമോ എന്ന് കോടതി നിർബന്ധമായും പരിശോധിച്ചിരിക്കണം.

### **വ്യവസ്ഥകൾ ലംഘിച്ചാൽ**

നല്ല നടപ്പു ജാമ്യകരാറിലെ വ്യവസ്ഥകൾ ലംഘിക്കുന്ന കുറ്റവാളിക്ക് പിഴയോ, ചെയ്ത കുറ്റത്തിന് കിട്ടിയേക്കാവുന്ന ജയിൽ ശിക്ഷയോ കോടതിക്ക് വിധിക്കാം.

## അയോഗ്യത ഇല്ല

പ്രൊബേഷനിൽ വിട്ടയക്കപ്പെട്ട കുറ്റവാളിക്ക് കുറ്റകൃത്യം ചെയ്തതിന്റെ പേരിലുള്ള യാതൊരു അയോഗ്യതകളും ഉണ്ടാകില്ല.

## പ്രൊബേഷൻ: നേട്ടങ്ങൾ വ്യക്തിക്കും സമൂഹത്തിനും

- നല്ലനടപ്പിന്റെ ആനുകൂല്യം ലഭിക്കുന്ന വ്യക്തികൾക്ക് സമൂഹത്തിൽ ഉത്തമ പൗരന്മാരായി ജീവിക്കാനുള്ള അവസരം ലഭിക്കുന്നു.
- ജയിൽപ്പള്ളി എന്ന മുദ്രയും അതുവഴിയുണ്ടാവുന്ന മാനസിക സാമൂഹിക പ്രശ്നങ്ങളും ഭ്രഷ്ടും ഒഴിവാക്കുന്നതിന് സഹായിക്കുന്നു.
- കുടുംബജീവിതവും സാമൂഹ്യജീവിതവും തടസമില്ലാതെ മുന്നോട്ടുകൊണ്ടുപോകാൻ കഴിയുന്നു.
- ജയിലിലെ കൊടും കുറ്റവാളികളുമായുള്ള സഹവാസം തടയുന്നു.
- കുറ്റകൃത്യവുമായി ബന്ധപ്പെട്ട അയോഗ്യതകൾ ഇല്ല.
- ജയിലുകൾ തടവുകാരെക്കൊണ്ട് നിറയുന്നത് മൂലമുണ്ടാകുന്ന പ്രശ്നങ്ങൾ ഒഴിവാക്കുന്നു.
- സർക്കാർ ഖജനാവിന് വൻ സാമ്പത്തിക നേട്ടം ഉണ്ടാവുന്നു.
- കുറ്റകൃത്യങ്ങൾ പരമാവധി കുറഞ്ഞ ഒരു സമൂഹം സൃഷ്ടിക്കാൻ കഴിയുന്നു.

## പ്രൊബേഷൻ സംവിധാനം ശക്തിപ്പെടുത്തൽ

### നേർവഴി പദ്ധതി

കേരളത്തിൽ പ്രൊബേഷൻ സമ്പ്രദായം ആധുനികവൽക്കരിച്ച് ശക്തിപ്പെടുത്തുന്നതിന് സർക്കാർ ആരംഭിച്ച പദ്ധതിയാണ് നേർവഴി. കുറ്റവാളികളെ, പ്രൊബേഷൻ സംവിധാനം വഴി മാനസികവും സാമൂഹികവുമായി പരിവർത്തനം ചെയ്ത്, സമൂഹത്തിന് പ്രയോജനപ്പെടുന്ന പൗരൻമാരാക്കുകയാണ് പദ്ധതിയുടെ ലക്ഷ്യം.

### പ്രവർത്തനങ്ങൾ

1. പോലീസ്, ജയിൽ, ജൂഡീഷറി തദ്ദേശസ്വയംഭരണം സാമൂഹ്യനീതി തുടങ്ങിയ വകുപ്പുകളുടെയും സന്നദ്ധ സംഘടനകളുടെയും ഏകോപനവും പങ്കാളിത്തവും ഇതിനായി ഉറപ്പാക്കും.
2. ജൂഡീഷ്യൽ ഓഫീസർമാർ, പോലീസ് ഉദ്യോഗസ്ഥർ, ജയിൽ ഉദ്യോഗസ്ഥർ പ്രൊബേഷൻ ഓഫീസർമാർ, അഭിഭാഷകർ, സന്നദ്ധസംഘടനാ പ്രവർത്തകർ എന്നിവർക്ക് പരിശീലനം നൽകും.





ജില്ലാ പ്രൊബേഷൻ ഓഫീസുകളിൽ പ്രൊബേഷൻ അസിസ്റ്റന്റിനെ നിയമിച്ച്, വിചാരണ തടവുകാരുടെ സാമൂഹിക മാനസിക പഠനം നടത്തി പ്രൊബേഷൻ നിയമം, ബോർഡ് സ്കൂൾ നിയമം എന്നിവപ്രകാരം പരിഗണിക്കപ്പെടേണ്ട വരുടെ പട്ടിക കോടതിയ്ക്ക് നൽകും, കോടതികൾ ആവശ്യപ്പെടുന്നതനുസരിച്ച് പ്രൊബേഷൻ റിപ്പോർട്ടുകൾ കോടതികൾക്ക് സമർപ്പിക്കും.

**പ്രൊബേഷണർമാരുടെയും മുൻതാമസക്കാരുടെയും പുനരധിവാസം**

ദാരിദ്ര്യമായ സാമ്പത്തികസാഹചര്യങ്ങളിൽ നിന്നുള്ള മേൽനോട്ടത്തിനു വിധേയമാക്കി വെച്ചിരിക്കുന്ന പ്രൊബേഷണർമാർ, തിരുത്തലിന് വേണ്ടിയോ അല്ലാതെയോ ഉള്ള സ്ഥാപനങ്ങളിലെ മുൻ താമസക്കാർ (എക്സ് പ്യൂപ്പിൾസ് & എക്സ് ഇൻമേറ്റ്സ്) എന്നിവരുടെ സാമൂഹിക പുനരധിവാസത്തിന്റെ ഭാഗമായി സ്വയംതൊഴിൽ കണ്ടെത്തുന്നതിന് നിലവിൽ 15,000/ രൂപയാണ് നൽകി വരുന്നത്. ബന്ധപ്പെട്ട പ്രൊബേഷൻ ഓഫീസർക്കാണ് അപേക്ഷ സമർപ്പിക്കേണ്ടത്.

**പ്ലീ ബാർഗൈനിംഗ് (265 A Cr.P.C)**

2006 ലെ ക്രിമിനൽ നിയമ ചട്ടങ്ങളുടെ ഭേദഗതിയിലൂടെ ഇന്ത്യയിൽ നടപ്പാക്കിയ വളരെ പ്രധാനപ്പെട്ട ഒരു സംവിധാനമാണ് പ്ലീ ബാർഗൈനിംഗ്. കോടതികളിൽ കെട്ടിക്കിടക്കുന്ന കേസുകൾ വാദിയും പ്രതിയും യോജിക്കുന്ന വിധത്തിൽ നീതിപീഠത്തിന്റെ അധ്യക്ഷതയിൽ ഒത്തുതീർപ്പാക്കുന്നതാണ് പ്ലീ ബാർഗൈനിംഗ്. പ്ലീ ബാർഗൈനിംഗിന്റെ പ്രധാന ഗുണങ്ങൾ താഴെപ്പറയുന്നവയാണ്.

1. വ്യവഹാര ചിലവും ദൈർഘ്യവും ഒഴിവാക്കാം
2. വാദിയും പ്രതിയും തമ്മിൽ ഭാവിയിലും നല്ല ബന്ധം ഉറപ്പാക്കാം
3. ശിക്ഷ ലഘൂകരിക്കാം
4. പരാതിക്കാർക്ക് നഷ്ടപരിഹാരം ഉറപ്പാക്കാം  
(വിശദാംശങ്ങൾ അനക്ഷര 5 - പേജ് 51 നോക്കുക)

**ജയിലിൽ കഴിയുന്നവർക്കും ആശ്രിതർക്കുമുള്ള ആനുകൂല്യങ്ങൾ**

**കുറ്റവാളികളുടെ ആശ്രിതർക്ക് സ്വയംതൊഴിൽ കണ്ടെത്തുന്നതിനായി ധനസഹായം അനുവദിക്കുന്ന പദ്ധതി**

ദീർഘകാലം ജയിൽ ശിക്ഷ അനുഭവിക്കുന്ന കുറ്റവാളികളുടെ ആശ്രിതർക്ക് സ്വയംതൊഴിൽ കണ്ടെത്തുന്നതിനായി സാമൂഹ്യനീതി വകുപ്പ് മുഖേന നടപ്പിലാക്കി വരുന്ന ധനസഹായ പദ്ധതിയാണിത്. ജയിൽ ശിക്ഷ അനുഭവിച്ചുവരുന്ന കുറ്റവാളികളുടെ ആശ്രിതരെ സ്വന്തമായി ഉപജീവന മാർഗ്ഗം കണ്ടെത്തി കുടുംബം സംരക്ഷിക്കുന്നതിന് പ്രാപ്തരാക്കുന്നതിനായി ഇവർക്ക് സ്വയംതൊഴിൽ കണ്ടെത്തുന്നതിന് ഒറ്റത്തവണയായി 15,000 രൂപ ധനസഹായമാണ് അനുവദിക്കുന്നത്.

**നിബന്ധനകൾ**

- അഞ്ചു വർഷമോ അതിൽ കൂടുതലോ കാലം ശിക്ഷിക്കപ്പെട്ട് ജയിലിൽ കഴിഞ്ഞുവരുന്ന വ്യക്തികളുടെ ആശ്രിതർക്കാണ് ധനസഹായത്തിനുള്ള അർഹത ഉണ്ടായിരിക്കുന്നത്. ഒരു കുടുംബത്തിൽ നിന്നും ഒരാളെ മാത്രമേ ധനസഹായത്തിനു പരിഗണിക്കുകയുള്ളൂ.
- കുറ്റവാളികളുടെ ആശ്രിതരെന്ന നിലയിൽ ഭാര്യ/ ഭർത്താവ്, തൊഴിൽ രഹിതരും അവിവാഹിതരുമായ മകൻ/ മകൾ എന്നിവർക്കാണ് പ്രസ്തുത സഹായം അനുവദിക്കുന്നത്.
- അപേക്ഷയോടൊപ്പം അപേക്ഷകൻ താമസിക്കുന്ന സ്ഥലത്തെ വാർഡ് മെമ്പർ /കൗൺസിലറുടെ സാക്ഷ്യപത്രം, 5 വർഷമോ അതിൽ കൂടുതലോ ജയിൽ ശിക്ഷ അനുഭവിക്കുന്നതു സംബന്ധിച്ച് ജയിൽ സൂപ്രണ്ടിന്റെ സാക്ഷ്യപത്രം എന്നിവ ഹാജരാക്കേണ്ടതാണ്.
- അപേക്ഷകൻ ബി പി എൽ ലിസ്റ്റിൽ ഉൾപ്പെടുന്നവരായിരിക്കണം.
- ധനസഹായത്തിനുള്ള അപേക്ഷയിന്മേൽ ബന്ധപ്പെട്ട പ്രൊബേഷൻ ഓഫീസർമാർ അന്വേഷണം നടത്തി, വിശദമായ അന്വേഷണ റിപ്പോർട്ടും ശുപാർശയും മുൻഗണനാക്രമവും രേഖപ്പെടുത്തി സമർപ്പിക്കേണ്ടതും ആയത് ഫണ്ട് ലഭ്യതയ്ക്ക് അനുസൃതമായി മാത്രം പരിഗണിക്കുന്നതുമാണ്.
- കുറ്റകൃത്യങ്ങളിൽ ഉൾപ്പെട്ടിട്ടുള്ളവരെ ധനസഹായത്തിന് പരിഗണിക്കുന്നതല്ല.

**തടവുകാരുടെ കുട്ടികൾക്കുള്ള വിദ്യാഭ്യാസ ധനസഹായം**

സ്ത്രീ തടവുകാരുടെ മക്കളും പുരുഷൻ ദീർഘകാലമായി ജയിൽശിക്ഷ അനുഭവിക്കുന്നതുമൂലം സ്ത്രീകൾ കുടുംബനാഥകളാവുന്ന കുടുംബത്തിലെ കുട്ടികളുമാണ് ഈ പദ്ധതിയുടെ ഗുണഭോക്താക്കൾ. ഈ രണ്ടു വിഭാഗത്തിലും ഉൾപ്പെട്ട കുട്ടികളുടെ ആഹാരം, വസ്ത്രം, സ്കൂൾ ഫീസ് തുടങ്ങിയ ചെലവുകൾക്കായി തുക അനുവദിക്കുന്നു. അഞ്ച് വയസ്സിന് താഴെയും ഒന്നാം ക്ലാസ് മുതൽ അഞ്ചാം ക്ലാസ് വരെയും പഠിക്കുന്ന കുട്ടികൾക്ക് പ്രതിവർഷം 3,000/ രൂപയും ആറാം ക്ലാസ് മുതൽ പത്താം ക്ലാസ് വരെ 5,000/ രൂപയും പ്ലസ് വൺ, പ്ലസ് ടു ക്ലാസ്സുകളിൽ പഠിക്കുന്നവർക്ക് 7,500/ രൂപയും ഡിഗ്രി, പ്രൊഫഷണൽ കോഴ്സുകൾക്ക് പഠിക്കുന്നവർക്ക് 10,000/ രൂപയും ലഭിക്കുന്നു. ബന്ധപ്പെട്ട ജയിൽ സൂപ്രണ്ട് മുഖേന സാമൂഹ്യനീതി ഡയറക്ടർക്ക് അപേക്ഷ സമർപ്പിക്കാവുന്നതാണ്.

**ജയിൽ മോചിതരുടെ പുനരധിവാസം**

ദാരിദ്ര്യമായ സാമ്പത്തികസാഹചര്യങ്ങളിൽ നിന്നുള്ള മുൻകുറ്റവാളികളുടെ സാമൂഹിക പുനരധിവാസത്തിന്റെ ഭാഗമായി സ്വയംതൊഴിൽ കണ്ടെത്തുന്നതിന് നിലവിൽ 15,000/ രൂപ നൽകി വരുന്നു. ബന്ധപ്പെട്ട പ്രൊബേഷൻ ഓഫീസർക്കാണ് അപേക്ഷ സമർപ്പിക്കേണ്ടത്.

## തടവുകാരുടെ മക്കൾക്ക് പ്രൊഫഷണൽ വിദ്യാഭ്യാസത്തിനുള്ള ധനസഹായം

ജീവപര്യന്തമോ വധശിക്ഷയ്ക്കോ ശിക്ഷിക്കപ്പെട്ട് ജയിൽ ശിക്ഷ അനുഭവിച്ചുവരുന്ന തടവുകാരുടെ കുട്ടികൾക്ക് സംസ്ഥാനത്തിനകത്തുള്ള സർക്കാർ/എയ്ഡഡ് കോളേജുകളിൽ ഡിഗ്രീ തലത്തിലുള്ള പ്രൊഫഷണൽ കോഴ്സുകൾ (എംബിബിഎസ്, ബി.വിഎസ്സി എന്നിവയ്ക്ക് സർക്കാർ കോളേജുകൾ മാത്രമേ പരിഗണിക്കുകയുള്ളൂ) പഠിക്കുന്നതിനായി ഒരു കുട്ടിയ്ക്ക് പരമാവധി 1 ലക്ഷം രൂപ അനുവദിച്ചു വരുന്നു.

### നിബന്ധനകൾ

- ബിപിഎൽലിസ്റ്റിൽ ഉൾപ്പെട്ടിരിക്കണം
- ജീവപര്യന്തമോ വധശിക്ഷയ്ക്കോ വിധിക്കപ്പെട്ട തടവുകാരുടെ കുട്ടികൾ ആയിരിക്കണം. (ഏറ്റവും കുറഞ്ഞത് 2 വർഷമായി ജയിലിൽ കഴിയുന്ന കുറ്റവാളികളുടെ മക്കൾ ആയിരിക്കണം)
- നിർബന്ധമായും സർക്കാർ മെറിറ്റിൽ പ്രവേശനം ലഭിച്ച വിദ്യാർത്ഥികൾ ആയിരിക്കണം.
- ഹയർസെക്കൻഡറി തലത്തിൽ 70 ശതമാനമോ അതിലധികമോ മാർക്ക് ലഭിച്ചിരിക്കണം. (കുടുതൽ അപേക്ഷകർ ഉണ്ടാകുന്ന പക്ഷം മാർക്കിന്റെ ശതമാനം മാനദണ്ഡമാക്കി മുൻഗണന നൽകുന്നതാണ്).
- ഒരു കുടുംബത്തിൽ ഒന്നിൽ കുടുതൽ കുട്ടികൾ ഉണ്ടെങ്കിലും അനുകൂല്യം നൽകുന്നതാണ്.

### അപേക്ഷ സ്വീകരിക്കൽ

- അതാത് ജയിൽ സൂപ്രണ്ടുമാർ മുഖേനയാണ് അപേക്ഷ സമർപ്പിക്കേണ്ടത്
- അപേക്ഷയോടൊപ്പം റേഷൻ കാർഡിന്റെ പകർപ്പ് ഹാജരാക്കണം
- കോളേജിൽ നിന്നുള്ള വാർഷിക ഫീസ്, ഹോസ്റ്റൽ ഫീസ്, കോളേജിന്റെ ബാങ്ക് അക്കൗണ്ട് നമ്പർ, ഐഎഫ്എസ്സി കോഡ്, സർക്കാർ/എയ്ഡഡ് കോളേജ് ആണെന്നുള്ളതിന്റെ രേഖപ്പെടുത്തലുകൾ എന്നിവ സഹിതമുള്ള കോഴ്സ് സർട്ടിഫിക്കറ്റ് (സർട്ടിഫിക്കറ്റ് ഇഷ്യൂ ചെയ്ത തീയതി വ്യക്തമായി രേഖപ്പെടുത്തിയിരിക്കണം) എന്നിവ ഹാജരാക്കണം.
- ജയിൽ അന്തേവാസിയുടെയും കുട്ടിയുടെയും പേരുകൾ ഒരു റേഷൻ കാർഡിലും ഉൾപ്പെട്ടിട്ടില്ലാത്ത സാഹചര്യത്തിൽ കുട്ടി തടവ് ശിക്ഷ അനുഭവിക്കുന്ന വ്യക്തിയുടെ മകൻ/മകൾ എന്ന് തെളിയിക്കുന്നതിന് വില്ലേജ് ഓഫീസറുടെ സാക്ഷ്യപത്രം ഹാജരാക്കണം.
- മാതാപിതാക്കൾ രണ്ടു പേരും ജയിൽ അന്തേവാസികൾ ആകുന്ന പക്ഷം കുട്ടിയെ സംരക്ഷിക്കുന്ന ബന്ധു അജഘ ആണെങ്കിലും പ്രൊബേഷൻ ഓഫീസറുടെ എൻക്വയറി റിപ്പോർട്ടിന്റെ അടിസ്ഥാനത്തിൽ മാത്രം അപേക്ഷ പരിഗണിക്കാവുന്നതാണ്.



# വിക്രിം കോമ്പൻസേഷൻ സ്കീം

കേരള സംസ്ഥാന നിയമ സേവന അതോറിറ്റിയുടെ നേതൃത്വത്തിൽ കുറ്റകൃത്യങ്ങളെ അതിജീവിച്ചവർക്കും കുറ്റകൃത്യങ്ങൾക്ക് വിധേയരായി മരണമടഞ്ഞവരുടെ ആശ്രിതർക്കും നഷ്ടപരിഹാരം നൽകുന്നതിനുള്ള സർക്കാർ പദ്ധതിയാണിത്. ക്രിമിനൽ നടപടി ക്രമത്തിലെ 357 എ വകുപ്പുപ്രകാരം 2014 ൽ നിലവിൽ വന്ന ഈ പദ്ധതി 2017 ൽ ഭേദഗതി ചെയ്യുകയുണ്ടായി. കേരള സംസ്ഥാനത്തിനകത്ത് വച്ച് നടന്ന കുറ്റകൃത്യങ്ങളിൽപ്പെട്ട ഇരകൾക്കും ആശ്രിതർക്കുമാണ് ആ പദ്ധതിപ്രകാരം, വ്യവസ്ഥകൾക്ക് വിധേയമായി, നഷ്ടപരിഹാരത്തിന് അർഹതയുള്ളത്. നിയമസേവന സ്ഥാപനങ്ങൾ വഴിയാണ് ഈ പദ്ധതി നടപ്പിലാക്കിയിട്ടുള്ളത്.

## നടപടിക്രമം

- കേസിന്റെ വിചാരണയ്ക്ക് ശേഷം കോടതിയുടെ ശുപാർശ പ്രകാരം.
- കുറ്റാരോപിതനായ വ്യക്തിയെ കണ്ടുപിടിക്കാതിരിക്കുകയോ, തിരിച്ചറിയാതിരിക്കുകയോ വരുകയും, തന്മൂലം കോടതിയിൽ കേസിന്റെ വിചാരണ അസാധ്യമാവുകയും ചെയ്താൽ, കുറ്റകൃത്യം നടന്ന് ആറു മാസത്തിനുള്ളിൽ, ജില്ലാ ലീഗൽ സർവ്വീസ് അതോറിറ്റിയ്ക്ക് അപേക്ഷ നൽകാവുന്നതാണ്. ഇതിനു പ്രത്യേക ഫോം ഇല്ല. മതിയായ കാരണങ്ങൾ ഉണ്ടെങ്കിൽ കാലതാമസം മാപ്പാക്കുന്നതാണ്.
- എം എ സി റ്റി മുഖേന നഷ്ടപരിഹാരം ലഭിക്കേണ്ട കേസുകൾ ഈ പദ്ധതി കീഴിൽ വരുന്നതല്ല.
- കോടതിയിൽ നിന്ന് ശുപാർശയോ, ഇരയുടെയോ ആശ്രിതരുടെയോ അപേക്ഷയോ കിട്ടിയാൽ രണ്ടു മാസത്തിനുള്ളിൽ ജില്ലാ ലീഗൽ സർവ്വീസസ് അതോറിറ്റി ഉചിതമായ അന്വേഷണം നടത്തി, രേഖകളും മറ്റു വിവരങ്ങളും പരിശോധിച്ച് പദ്ധതി പ്രകാരം നഷ്ടപരിഹാര തുക നിർണ്ണയിക്കേണ്ടതാണ്.
- നഷ്ടപരിഹാര തുക ഒറ്റത്തവണയോ ഒന്നോ രണ്ടോ തവണകളായോ ബാങ്ക് അക്കൗണ്ടിലൂടെ നൽകും.

# THE PROBATION OF OFFENDERS ACT, 1958

ACT NO. 20 OF 1958

[16th May, 1958.]

An Act to provide for the release of offenders on probation or after due admonition and for matters connected therewith.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

## 1. Short title, extent and commencement

- (1) This Act may be called the Probation of Offenders Act, 1958.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different parts of the State.

## 2. Definitions

In this Act, unless the context otherwise requires,—

- (a) “Code” means the Code of Criminal Procedure, 1898 (5 of 1898);
- (b) “probation officer” means an officer appointed to be a probation officer or recognised as such under section 13;
- (c) “prescribed” means prescribed by rules made under this Act;
- (d) words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1898 (5 of 1898), shall have the meanings respectively assigned to them in that Code.

## 3. Power of court to release certain offenders after admonition

When any person is found guilty of having committed an offence punishable under section 379 or section 380 or section 381 or section 404 or section 420 of the Indian Penal Code, (45 of 1860) or any offence punishable with imprisonment for not more than two years, or with fine, or with both, under the Indian Penal Code or any other law, and no previous conviction is proved against him and the court by which the person is found guilty is of opinion that, having regard to the circumstances of the case including the nature of the offence, and the character of the offender, it is expedient so to do, then, notwithstanding anything contained in any other law for the time being in force, the court may, instead of sentencing him to any punishment or releasing him on probation of good conduct under section 4, release him after due admonition.

Explanation: For the purposes of this section, previous conviction against a person shall include any previous order made against him under this section or section 4.

#### **4. Power of court to release certain offenders on probation of good conduct**

- (1) When any person is found guilty of having committed an offence not punishable with death or imprisonment for life and the court by which the person is found guilty is of opinion that, having regard to the circumstances of the case including the nature of the offence and the character of the offender, it is expedient to release him on probation of good conduct, then, notwithstanding anything contained in any other law for the time being in force, the court may, instead of sentencing him at once to any punishment direct that he be released on his entering into a bond, with or without sureties, to appear and receive sentence when called upon during such period, not exceeding three years, as the court may direct, and in the meantime to keep the peace and be of good behaviour:

Provided that the court shall not direct such release of an offender unless it is satisfied that the offender or his surety, if any, has a fixed place of abode or regular occupation in the place over which the court exercises jurisdiction or in which the offender is likely to live during the period for which he enters into the bond.

- (2) Before making any order under sub-section (1), the court shall take into consideration the report, if any, of the probation officer concerned in relation to the case.
- (3) When an order under sub-section (1) is made, the court may, if it is of opinion that in the interests of the offender and of the public it is expedient so to do, in addition pass a supervision order directing that the offender shall remain under the supervision of a probation officer named in the order during such period, not being less than one year, as may be specified therein, and may in such supervision order impose such conditions as it deems necessary for the due supervision of the offender.
- (4) The court making a supervision order under sub-section (3) shall require the offender, before he is released, to enter into a bond, with or without sureties, to observe the conditions specified in such order and such additional conditions with respect to residence, abstention from intoxicants or any other matter as the court may, having regard to the particular circumstances, consider fit to impose for preventing a repetition of the same offence or a commission of other offences by the offender.
- (5) The court making a supervision order under sub-section (3) shall explain to the offender the terms and conditions of the order and shall forthwith furnish one copy of the supervision order to each of the offenders, the sureties, if any, and the probation officer concerned.

#### **5. Power of court to require released offenders to pay compensation and costs**

- (1) The court directing the release of an offender under section 3 or section 4, may, if it thinks fit, make at the same time a further order directing him to pay—
  - (a) such compensation as the court thinks reasonable for loss or injury caused to any person by the commission of the offence; and
  - (b) such costs of the proceedings as the court thinks reasonable.
- (2) The amount ordered to be paid under sub-section (1) may be recovered as a fine in accordance with the provisions of sections 386 and 387 of the Code.

- (3) A civil court trying any suit, arising out of the same matter for which the offender is prosecuted, shall take into account any amount paid or recovered as compensation under sub-section (1) in awarding damages.

## **6. Restrictions on imprisonment of offenders under twenty-one years of age**

- (1) When any person under twenty-one years of age is found guilty of having committed an offence punishable with imprisonment (but not with imprisonment for life), the court by which the person is found guilty shall not sentence him to imprisonment unless it is satisfied that, having regard to the circumstances of the case including the nature of the 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 shall record its reasons for doing so.
- (2) For the purpose of satisfying itself whether it would not be desirable to deal under section 3 or section 4 with an offender referred to in sub-section (1), the court shall call for a report from the probation officer and consider the report, if any, and any other information available to it relating to the character and physical and mental condition of the offender.

## **7. Report of probation officer to be confidential**

The report of a probation officer referred to in sub-section (2) of section 4 or sub-section (2) of section 6 shall be treated as confidential:

Provided that the court may, if it so thinks fit, communicate the substance thereof to the offender and may give him an opportunity of producing such evidence as may be relevant to the matter stated in the report.

## **8. Variation of conditions of probation**

- (1) If, on the application of a probation officer, any court which passes an order under section 4 in respect of an offender is of opinion that in the interests of the offender and the public it is expedient or necessary to vary the conditions of any bond entered into by the offender, it may, at any time during the period when the bond is effective, vary the bond by extending or diminishing the duration thereof so, however, that it shall not exceed three years from the date of the original order or by altering the conditions thereof or by inserting additional conditions therein:

Provided that no such variation shall be made without giving the offender and the surety or sureties mentioned in the bond an opportunity of being heard.

- (2) If any surety refuses to consent to any variation proposed to be made under sub-section (1), the court may require the offender to enter into a fresh bond and if the offender refuses or fails to do so, the court may sentence him for the offence of which he was found guilty.
- (3) Notwithstanding anything hereinbefore contained, the court which passes an order under section 4 in respect of an offender may, if it is satisfied on an application made by the probation officer, that the conduct of the offender has been such as to make it unnecessary that he should be kept any longer under supervision, discharge the bond or bonds entered into by him.

## **9. Procedure in case of offender failing to observe conditions of bond**

- (1) If the court which passes an order under section 4 in respect of an offender or any court which could have dealt with the offender in respect of his original offence has reason to believe, on the report of a probation officer or otherwise, that the offender has failed to observe any of the conditions of the bond or bonds entered into by him, it may issue a warrant for his arrest or may, if it thinks fit, issue a summons to him and his sureties, if any, requiring him or them to attend before it at such time as may be specified in the summons.
- (2) The court before which an offender is so brought or appears may either remand him to custody until the case is concluded or it may grant him bail, with or without surety, to appear on the date which it may fix for hearing.
- (3) If the court, after hearing the case, is satisfied that the offender has failed to observe any of the conditions of the bond or bonds entered into by him, it may forthwith—
  - (a) sentence him for the original offence; or
  - (b) where the failure is for the first time, then, without prejudice to the continuance in force of the bond, impose upon him a penalty not exceeding fifty rupees.
- (4) If a penalty imposed under clause (b) of sub-section (3) is not paid within such period as the court may fix, the court may sentence the offender for the original offence.

## **10. Provision as to sureties**

The provisions of sections 122, 126, 126A, 406A, 514, 514A, 514B and 515 of the Code shall, so far as may be, apply in the case of bonds and sureties given under this Act.

## **11. Courts competent to make order under the Act, appeal and revision and powers of courts in appeal and revision**

- (1) Notwithstanding anything contained in the Code or any other law, an order under this Act, may be made by any court empowered to try and sentence the offender to imprisonment and also by the High Court or any other court when the case comes before it on appeal or in revision.
- (2) Notwithstanding anything contained in the Code, where an order under section 3 or section 4 is made by any court trying the offender (other than a High Court), an appeal shall lie to the court to which appeals ordinarily lie from the sentences of the former court.
- (3) In any case where any person under twenty-one years of age is found guilty of having committed an offence and the court by which he is found guilty declines to deal with him under section 3 or section 4, and passes against him any sentence of imprisonment with or without fine from which no appeal lies or is preferred, then, notwithstanding anything contained in the Code or any other law, the court to which appeals ordinarily lie from the sentences of the former court may, either of its own motion or on an application made to it by the convicted person or the probation officer, call for and examine the record of the case and pass such order thereon as it thinks fit.
- (4) When an order has been made under section 3 or section 4 in respect of an offender, the Appellate Court or the High Court in the exercise of its power of revision may set aside such order and in lieu thereof pass sentence on such offender according to law:

Provided that the Appellate Court or the High Court in revision shall not inflict a greater punishment than might have been inflicted by the court by which the offender was found guilty.

## 12. Removal of disqualification attaching to conviction

Notwithstanding anything contained in any other law, a person found guilty of an offence and dealt with under the provisions of section 3 or section 4 shall not suffer disqualification, if any, attaching to a conviction of an offence under such law:

Provided that nothing in this section shall apply to a person who, after his release under section 4 is subsequently sentenced for the original offence.

## 13. Probation officers

- (1) A probation officer under this Act shall be—
  - (a) a person appointed to be a probation officer by the State Government or recognised as such by the State Government; or
  - (b) a person provided for this purpose by a society recognised in this behalf by the State Government; or
  - (c) In any exceptional case, any other person who, in the opinion of the court, is fit to act as a probation officer in the special circumstances of the case.
- (2) A court which passes an order under section 4 or the district magistrate of the district in which the offender for the time being resides may, at any time, appoint any probation officer in the place of the person named in the supervision order.

**Explanation.**—For the purposes of this section, a presidency town shall be deemed to be a district and chief presidency magistrate shall be deemed to be the district magistrate of that district.

- (3) A probation officer, in the exercise of his duties under this Act, shall be subject to the control of the district magistrate of the district in which the offender for the time being resides.

## 14. Duties of probation officers

A probation officer shall, subject to such conditions and restrictions, as may be prescribed,—

- (a) inquire, in accordance with any directions of a court, into the circumstances or home surroundings of any person accused of an offence with a view to assist the court in determining the most suitable method of dealing with him and submit reports to the court;
- (b) supervise probationers and other persons placed under his supervision and, where necessary, endeavour to find them suitable employment;
- (c) advise and assist offenders in the payment of compensation or costs ordered by the Court;
- (d) advise and assist, in such cases and in such manner as may be prescribed, persons who have been released under section 4; and
- (e) perform such other duties as may be prescribed.

## 15. Probation officers to be public servants

Every probation officer and every other officer appointed in pursuance of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

## 16. Protection of action taken in good faith

No suit or other legal proceeding shall lie against the State Government or any probation officer or any other officer appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

## 17. Power to make rules

- (1) The State Government may, with the approval of the Central Government, by notification in the Official Gazette, make rules to carry out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
  - (a) appointment of probation officers, the terms and conditions of their service and the area within which they are to exercise jurisdiction;
  - (b) duties of probation officers under this Act and the submission of reports by them;
  - (c) the conditions on which societies may be recognised for the purposes of clause (b) of sub-section (1) of section 13;
  - (d) the payment of remuneration and expenses to probation officers or of a subsidy to any society which provides probation officers; and
  - (e) any other matter which is to be, or may be, prescribed.
- (3) All rules made under this section shall be subject to the condition of previous publication and shall, as soon as may be after they are made, be laid before the State Legislature.

## 18. Saving of operation of certain enactments

Nothing in this Act shall affect the provisions of section 31 of the Reformatory Schools Act, 1897 (8 of 1897), or sub-section (2) of section 5 of the Prevention of Corruption Act, 1947 (2 of 1947), 1\* \* \* or of any law in force in any State relating to juvenile offenders or Borstal Schools.

## 19. Section 562 of the Code not to apply in certain areas

Subject to the provisions of section 18 section 562 of the Code shall cease to apply to the States or parts thereof in which this Act is brought into force.

1. The words and figures "or the Suppression of Immoral Traffic in Women and Girls Act, 1956" omitted by Act 46 of 1978, s. 20 (w.e.f. 2-1-1979).

# THE KERALA PROBATION OF OFFENDERS RULES, 1960 MADE UNDER THE PROBATION OF OFFENDERS ACT, 1958

(Central Act 20 of 1958)

**G. O. Ms.791-Homc, dated 22nd December, 1960.**-In exercise of the powers conferred by Sec. 17 of the Probation of Offenders Act, 1958 (Act 20 of 1958,) the Government of Kerala hereby makes the following rules, namely :

1. (a) These rules may be called the Kerala Probation of Offenders Rules, 1960.
- (b) They shall come into force at once.
- (c) In these rules, the 'Act' means the Probation of Offenders Act, 1958 (Central Act 20 of 1958).

"Form" means a form appended to these rules.

"Inspector-General" means the Inspector-General of Prisons.

"District Probation Officer" means the salaried Probation Officer in charge of the work of probation in the whole district or in a part of a district, as per jurisdiction prescribed from time to time.

"Honorary Probation Officer" means Probation Officer who is remunerated by allowance and not by salary or who works without remuneration.

<sup>1</sup>"Regional Probation Officer" means an officer appointed by the State Government to control, guide and supervise the work of Probation Officers (Salaried and Honorary) with this jurisdiction.]

"Probationer" means any offender in respect of whom supervision is required (or conjoined) by a supervision order.

2. The Inspector-General shall exercise general supervision over the administration of probation under the Act throughout the State.

## <sup>2</sup>[Chief Probation Superintendent – Appointment, duties and functions]

**3.Chief Probation Superintendent-Duties and functions.**—A Chief Probation Superintendent shall be appointed by the State Government and subject to the control and supervision of the Inspector-General, the Chief Probation Superintendent shall administer the work of probation throughout the State and shall direct, supervise and shall be responsible for the proper performance of the work of probation. <sup>3</sup>[He shall also perform such other functions as may be assigned to him by the Inspector General or the State Government].

4. He shall submit to the Inspector-General twice yearly, on such dates as may be prescribed by the Inspector-General, report on the work and conduct of all Probation Officers.

5. He shall be responsible for the preparation and submission of an annual report on the

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1. Ins, by Notifn. No.28795/B-2/70/Home, dated 9th May, 1973.

2. Subs. by *ibid*.

3. Added by *ibid*.



working of the probation system and of such statistics as may from time to time be prescribed by the Government or the Inspector-General.

**1 [5-A.(a) Method of appointment.**—The appointment to the post of Chief Probation Superintendent shall be :

- (i) by promotion from among the Regional Probation Officers, and
  - (ii) in the absence of suitable candidates for promotion, by direct recruitment.
- [b] Promotion shall be made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal.
- [c] Qualifications.—No person shall be appointed by direct recruitment as Chief Probation Superintendent unless he possesses the following qualifications viz :
- [i] M. L. Degree with Criminology as special subject :  
OR  
B.L. Degree with a Degree or Diploma in Social Science obtained after a 2 year course :  
OR  
Degree or Diploma in Social Science obtained after a 2 year course with at least five years' experience in Social Work, after taking the Degree or Diploma in Social Science in a Social Service institute run or aided by the Government of India or a State Government.
  - [ii] Age limit.—Must have completed 25 years and must not have completed 40 years with usual relaxation in the case of Scheduled Castes, Scheduled Tribes, and Backward Classes.

**(d) Period of Probation:** -- [i] Every person appointed as Chief Probation Superintendent by promotion from Regional Probation Officers shall from the date of joining duty in the post be on probation for a period of one year on duty within a continuous period of two years.

[ii] Every person appointed as Chief Probation Superintendent by direct recruitment shall from the date of joining duty in the post be on probation for a period of two years on duty within a continuous period of three years and shall have to pass the Kerala State Probation Test and the Account Test for Executive Officers of the Kerala State, unless already passed, within the period of probation.

### **Regional Probation Officers**

**5-B.** [i] The State Government shall appoint such number of Regional Probation Officers as may be required from time to time for the effective implementation of the Probation System throughout the State.

The jurisdiction and the headquarters of a Regional Probation Officer shall be fixed by the Inspector General subject to the approval of the State Government.

[ii] Appointment to the post of Regional Probation Officer shall be made by promotion from among the District Probation Officers Grade 1. Such promotion shall be made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal.

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*1. Ins. by Notifn.No.28795/B-2/70/Home, dated 9th May, 1973.*

[iii] Every person appointed as Regional Probation Officer shall from the date of joining duty in the post be on probation for a period of one year on duty within a continuous period of two years.

**5-C. Powers and duties of Regional Probation Officers**—The regional Probation Officers, subject to the control and supervision of the Chief Probation Superintendent, shall :

- [a] be responsible for the working of probation in the area within his jurisdiction;
- [b] control, guide and supervise the work of 'Probation Officer' in the area within his jurisdiction;
- [c] review the diaries submitted by the Probation Officer's with reference to Rule 30[i] and forward it to the Chief Probation Superintendent with his remarks;
- [d] assist and foster aftercare work and other activities for the purpose of rehabilitation of offenders and maintain contact with other allied associations and the public;
- [e] ensure proper and speedy discharge of probation work and quick despatch of business;
- [f] perform such other functions as may be assigned to him by the Chief Probation Superintendent, the Inspector General or the State Government; and
- [g] submit to the Inspector General, Chief Probation Superintendent the District Magistrates and the Court such other reports as may be specified by the State Government the Inspector General or Chief Probation Superintendent;

**6. Probation Officers.**—(1) The State Government shall appoint as many Probation Officers (salaried and honorary) in each District as may be deemed necessary.

[2] The headquarters of a District Probation Officer shall ordinarily be the headquarters of the district, but the inspector-General may in consultation with the District Magistrate concerned fix any other place as the headquarters of the District Probation Officer.

[3] The headquarters of other Probation Officers shall also be fixed by the Inspector General in consultation with the District Magistrate concerned.

**7. No person shall be appointed as an Honorary Probation Officer unless he—**

- (a) is not less than 30 and not more than 50 years of age at the time of first appointment;
- (b) is a person of good character and competent by his personality, training and education to influence for good an offender placed under his supervision;
- (c) is in a position to devote adequate time to the supervision of offenders;
- (d) resides in the district;
- (e) possesses adequate education and be able to comprehend the provisions of the Act and the Rules (additional qualification for showing preference being a degree or diploma in Social Science).

**8. Appointment of paid Probation Officers.**—1 (a) There shall be two grades of Probation Officers viz., DPO Grade I and DPO Grade II. Appointment to the two grades shall be made as follows.

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*1. Subs by Notifn. No.28795/B-2/70/Home, dated 9th May 1973.*

Grade (i)	Method of appointment (ii)
D.P.O. Grade I	By transfer from D.P.O. Grade II.
D.P.O. Grade II	<p>1. By direct Recruitment</p> <p>1. By transfer from –</p> <p>(i) Assistant Jailors Grade I, Sub Jail Superintendents and similar posts on identical time-scale of pay in the Kerala Jails Subordinate Service.</p> <p>(ii) Assistant Superintendents of Homes, Superintendents of Districts Shelters, Superintendents of other Social Welfare Institutions on identical time scale of pay in the Jails Department.</p> <p>(iii) U.D. Clerks and above of the Ministerial branch of the Jails Department, having an aggregate total service of not less than 10 years.</p>

**Note.—**1. Out of every three appointments, the first and second shall be made by direct recruitment and the third by transfer.

2. Appointment by transfer from feeder categories shall be made in the ratio 1 : 1 : 1 in the order specified i.e, the first vacancy to the first category, second vacancy to the second category and the third vacancy to the third category and again the fourth vacancy to the first category and so on.

When there are more than one candidate in a feeder category eligible for appointment by transfer, selection shall be made on the basis of merit and ability of the candidates, seniority being given preference only where merit and ability are approximately equal.

(b) No person shall be eligible for appointment as D.P.O. Grade II by the method specified in column (i) below unless he possesses the qualifications specified against that method in column (ii).

(i)	(ii)
By direct recruitment	<p>1. Essential      Graduation</p> <p>2. Desirable      A Degree or Diploma in Social Service shown in the annexure to this sub rule.</p> <p style="text-align: center;">OR</p> <p style="text-align: center;">Training in Correctional, Educational or Social Welfare Work</p> <p style="text-align: center;">OR</p> <p style="text-align: center;">Practical experience of at least one year in Correctional, Educational or Social Welfare Work.</p> <p>3. Ability to read and write Malayalam.</p> <p>4. Age: Must have completed 25 years of age and must not have completed 40 years of age on the first day of July of the year in</p>

which applications for the post are invited.

**Note.**— Usual relaxation of age limit will be allowed to Scheduled Castes, Scheduled Tribes and other backward classes.

(i)	(ii)
By transfer	1. Essential
	1. For all categories: 2. For Categories I & II only
	Graduation. (a) Training in Social Welfare OR Correctional Administration OR (b) At least 2 year's practical experience in Social Welfare or Correctional Institutions
	2. Ability to read and write Malayalam
	3. Age: Must have completed 25 years of age and must not have completed 40 years of age on the first day to July of the year in which the vacancy arises.

(b) Every person appointed as Probation officer Grade I and II shall from the date of joining duty be on probation for a period for a period of two years on duty within a continuous period of three years.

(c) **Training**—Probation Officer on probation shall within the period of probation undergo training for three months under the Chief Probation Superintendent before taking up his duties.

(d) Before undergoing training prescribed in Rule 8 (d), every candidate selected shall execute an agreement in proper form with two sureties binding himself or herself—

- (1) to undergo the training prescribed in Rule 8 (d)
- (2) to serve the Probation Department for a period of not less than three years and
- (3) to refund to the State Government the entire amount drawn by him or her as pay and allowances during the period of training, if he or she fails to fulfil either of the conditions in Cls. (1) and (2).

<sup>1</sup> [(f) The members of this branch of service shall pass the probation test and Account Test Lower or Account Test for Executive Officers within the period of Probation, if not already passed].

(g) Probation Officers are liable for transfer from one district to another and all transfers shall be made by the Inspector – General.

(h) Every Probation Officer shall on appointment be furnished with an identity pass in Form V which shall be returned to the Inspector General when the Probation Officer is placed under suspension or ceases to hold office.

<sup>2</sup>[\* \* \*]

9. An honorary Probation Officer shall give at least three months notice in writing . If he wishes to resign his appointment. If he is unable, owing to ill-breath or other cause, to

1. Subs. by Notifn.No.28795/B-2/70/Home, dated 9th May, 1973.

2. Sub-rule (i) omitted by *ibid*.

perform his duties, he shall at once report the fact to the Inspector General and to all the Courts concerned.

10. The Inspector-General shall immediately notify all Courts concerned if any person ceases or is about to cease to be a Probation Officer.

**11. <sup>1</sup>[Absence of Regional Probation Officers and Probation Officers on leave]—<sup>2</sup>**[The Chief Probation Superintendent may grant casual leave to the Regional Probation Officers in the State]. The District Magistrate may grant casual leave to all Probation Officers. All other leave shall be granted only by the Inspector General on application being made to him through the Chief Probation Superintendent. Whenever a Probation Officer proceeds on casual leave due intimation should be given to the Chief Probation Superintendent at once.

### Comment

The District Magistrate has been authorized under this rule to grant casual leave to Probation Officers. Except casual leave all other leave shall be granted only by the Inspector-General. Such leave will be granted if the application is made and forwarded by the Chief Probation Superintendent. If a Probation Officer goes on casual leave proper intimation should be given at once to the Chief Probation Superintendent.

**12. Duties of Probation Officers.**—Preliminary enquires.—When directed by a Court, a Probation officer shall make preliminary enquiries including enquiries into the home surroundings, criminal record and social history of the offender in respect of whom the question of making an order under the Act may arise, and the circumstances under which the offence was committed. The court shall consult the report furnished by the Probation Officer only after finding the accused guilty. If the accused is not found guilty the Court shall return the same to the Probation Officer concerned.

13. A report on the preliminary investigation shall be made in writing to the court concerned and shall contain such information as may, from time to time, be prescribed by the Chief Probation Superintendent or as the Inspector-General or as may be required by the Court concerned.

14. Probation Officer shall not divulge any information concerning their enquiries or probation work to any person other than the authorities to whom they are required to report, except in so far it is necessary to do so in the interest of any probationer.

15. Female Probationer shall be placed under the supervision of a female Probation Officer.

16. A Probation Officer shall ascertain whether the probationer understands the condition of the order, and shall by warning and persuasion endeavour to ensure its observance by him. If the offender disregards any of the conditions, the Probation Officer shall report as hereinafter directed.

17. All Probation Officers shall, subject to any directions given by the Court (whether in the supervision order or otherwise) or by the Chief Probation Superintendent, <sup>3</sup>[or the Regional Probation Officer] visit the house of the probationer and make enquiry as to his behaviour, mode of life and employment. The Probation Officer shall keep in close touch with the probationer and shall for the first month of probation meet him unless the Court or the Chief Probation Superintendent <sup>3</sup>[or the Regional Probation Officer] otherwise directs, at least once a week.

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1. Subs. by Notifn.No.28795/B-2/70/Home, dated 9th May, 1973

2. Ins. by *ibid.*

3. Added by *ibid.*

Afterwards the number of visits or meetings shall depend on the conduct and mode of life of the probationer, provided that in the case of probationers below 16 years of age such meetings or visits shall take place at least once a fortnight and in the case of others once a month.

18. In the case of school – going boys or children, the Probation Officer shall make enquiry about the boy or child from this teacher as to his attendance and progress, but the boy or child himself shall not be visited in the school premises.

19. In the case of young probationers under 16 years of age, the Probation Officer shall endeavour to secure his connection with some organization for the care and protection of the young, such as Sunday Schools, Clubs, Association of the Boy Scouts and Girl Guides and other similar organizations or institutions which are recognized by Government for the purpose and a subsidy as prescribed by Government from time to time shall be paid to such organizations or institutions.

20.(a) (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 institutions 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.

(3) 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 sub-rules (1) and (2) on the ground that the probationer has no fixed abode or an abode suitable for 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.

(4) 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.

(b) Such societies which provide Probation Officers, probation homes, etc., shall be paid a subsidy as prescribed by Government from time to time.

(c) The names of Probation officers provided by such societies shall be intimated to the 1[Chief Probation Superintendent, the Regional Probation Officer and the District Probation Officer concerned].

21(a) Except for special reasons, the Probation Officer shall require the probationer to report to him at least once in two weeks, if the probationer resides in a city or in a large town with a population of not less than 50,000 at the last census and once in a month if he resides in any other area. The time and place of reporting shall be so arranged as not to cause unnecessary hardship to the probationer and to secure proper privacy and avoid the mingling of probationers.

b(1) A society primarily devoted to any of the following kinds of work will be eligible for seeking recognition under Cl.(b) of sub-section(1) of Sec. 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:

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1. *Subs. by Notifn. No. 28795/B-2/70/Home dated 9th May, 1973.*

- (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 Cl. (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, bye-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 sub-rules (1) and (2) of Rule 20(a); 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 recognized society may also get its recognition withdrawn by the State Government after giving to it a notice of three months.

22.(1) Where a probationer under supervision, consistent with the conditions of the supervision order, changes or proposed 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) 1[the Regional Probation Officer concerned] 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 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 the arrival of the probationer and send copies of the report and such other reports as may be required by the Chief Probation Superintendent to the 1[the Regional Probation Officer concerned] and to the Chief Probation Superintendent.

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

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1. *Subs. by Notifn. No. 28795/B-2/70/Home, dated 9th May, 1973*

23. A Probation Officer shall not unnecessarily disclose his identify or functions to those with whom he may come in contact in the course of his duties.

24. A Probation Officer shall not wear any uniform or badge distinctive of his office.

**25. Report by Probation Officers.—** When an offender is placed under the supervision of an honorary Probation Officer, by a Court, he shall, without delay, send to 1[the Regional Probation Officer concerned and] the District Probation Officer of his district a statement in Form I containing the particulars of the offender entrusted to him. The 1[Regional Probation Officer and the] District Probation Officer shall, on receipt of the statement from the honorary Probation Officer, make necessary entry in his probation register.

### Comment

An offender under this rule can be placed by the Court under the supervision of an honorary Probation Officer. If such an offender is placed, the honorary Probation Officer shall at once send the statement in Form I containing the particulars of the offender kept under him to the District Probation Officer. Necessary entry in the probation register shall be made by the District Probation Officer according to the statement received from the honorary Probation Officer.

26. A Probation Officer shall report on the conduct and mode of life of a probationer, and generally on his progress to the Court before which the probationer is bound by his bond in accordance with any direction given by the Court, and to the District Magistrate. Honorary Probation Officers shall in addition send a copy of this report to the District Probation Officer. Their reports to the Court and the District Magistrate shall be sent through the District Probation Officer.

27. Reports shall be made, unless otherwise directed by the Court, once in a month, they shall not be made in open Court nor published.

28. If a probationer fails to observe any of the conditions of the bond or otherwise misbehaves, the Probation Officer shall at once report the matter to the Court before which the probationer is bound by his bond and to the District Magistrate. An honorary Probation Officer shall send a copy of such report to the District Probation Officer.

29. The District Probation Officer shall send the following report to the Chief Probation Superintendent;

- (1) A half-yearly report on the conduct and progress of all probationers in his district;
- (2) A final report on the conduct and progress of each past action on the termination of the period for which a probationer is placed under supervision;
- (3) Such other reports as may be from time to time prescribed by the State Government.

**30. Records.—** A Probation Officer shall maintain the following records;

- (1) A diary showing his day-to-day work including preliminary inquiries, attendance at Courts, visit to probationers and contact made in the advancement of probation work.
- (2) A file containing copies of all reports of preliminary enquiries submitted to the Courts.
- (3) A history-sheet in the prescribed form for each probationer recording in all important events during the period of his probation.

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1. *Ins. by Notifn. No. 28795/B-2/70/Home, dated 9th May, 1973*



- (4) An index card and chronological register.
- (5) Such the records as may be directed by the Inspector-General from time to time.

An honorary Probation Officer shall maintain a diary in which he should give a daily record of his work connected with probation. The diary shall be submitted at the end of each calendar year to the District Magistrate of his district through the District Probation Officer. The diary shall be open to inspection by the District Probation Officer, the Chief Probation Superintendent, 1[the Regional Probation Officer] the Inspector-General and the District Magistrate at any time in the course of the year.

31. The diary shall be closed on the 31st December of each year and thereafter be deposited as a confidential record with the Chief Probation Superintendent.

32. The history sheet shall be maintained in the office of the District Probation Officer, and Probation Officers shall make entries in them without delay. They shall be open to Inspection by 1[the Regional Probation Officer] the District Magistrate, the Chief Probation Superintendent and the Inspector-General. After the expiry of the period of probation, they shall be kept as confidential records in the office of the District Probation Officer.

33. Each history-sheet shall be preserved for not less than ten years from the date of the expiry of the supervision order to which it relates.

34. The index card and the chronological register should be preserved for at least ten years more, after the destruction of the history-sheets to which they relate.

35. The Probation Officer shall, in so far as it may be necessary for the due discharge of his duties, have access to the magisterial records of his cases at reasonable times only with the previous permission of the presiding officer. He may make notes of the recorded particulars and reports relating to his cases for use in the performance of his duties, but shall in no circumstances communicate the contents of the records to any person without specific sanction of the Court.

36. Where any person is named by the Court under Sec. 13(1) (c) of the Act as a Probation Officer, he shall observe the foregoing rules in regard to the duties, reports and records of Probation Officer so far as they are applicable.

2[36-A. Records to be maintained by the Regional Probation Officers.— The Regional Probation Officer shall maintain in his office in such manner as may be prescribed by the Inspector General or the Chief Probation Superintendent :

1. List of probation officers in the area under his jurisdiction;
2. List of instructions or premises referred to in Rule 20(a) in that area ;
3. A dossier for each probation under supervision in his jurisdiction 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 area ;
5. An inspection file containing notes of inspection of Probation Officers and copies of reports of inspection submitted to the Chief Probation Superintendent;
6. Register of probationers staying in institutions or premises referred to in Rule 20(a) in the area under his jurisdiction ;
7. Register of payments to probationers in the area under his jurisdiction ;
8. Such other records as may be directed to be maintained by the Inspector General or the Chief Probation Superintendent.]

37. The Inspector-General shall submit to the Government by the 1st July of each year a report on the working of the Act for the year ending with the 31st March, immediately preceding, together with the following particulars ;

- (a) Number of Probation Officers, paid and honorarily employed in each district, and the salary or remuneration and other expenses paid to each officer in each district;
- (b) the number of probationers placed under the supervision of Probation Officers in each district;
- (c) the number of persons who have been named as Probation Officers under Sec. 13(1) of the Act in each district and the number of probationers placed under the supervision of such officers ; and
- (d) such other particulars as may from time to time be prescribed by the State Government.

**Note .—** For the purpose of this rule the Inspector-General may call for the necessary particulars from Courts and may also ask the presiding officers of Courts to communicate to him their observations on the manner in which each Probation Officer is performing his/her duties.

38.(1) The bonds to be executed under Sec. 4(1) of the Act shall be in Form II or in such other form as the Court may determine.

(2) The bond to be executed under Sec. 4(4) of the Act shall be in Form III or in such other form as the Court may determine.

39. The supervision order shall be in Form IV and a copy of such order shall in each case be forwarded to the Probation Officer.

40. (a) There shall be a standing advisory committee in each District and one committee at the State level for eliciting public co-operation and for advising on the efficient administration of the Act.

**<sup>1</sup>[(b) The State Advisory Committee shall consist of –**

- |  |                    |
|--|--------------------|
| (1) The Minister in-charge of Social Welfare                     | Chairman           |
| (2) The Secretary to Government Social Welfare Department        | Member             |
| (3) The Registrar, High Court of Kerala                          | Member             |
| (4) The Director General of Police                               | Member             |
| (5) The Director of Public Instruction                           | Member             |
| (6) The Additional Director General of Police (Prisons)          | Member             |
| (7) The Director of Social Welfare                               | Member             |
| (8) Three non-official members to be nominated by the Government | Member             |
| (9) The Chief Probation Superintendent                           | Member-Secretary.] |

**(c) The District Advisory Committee shall consist of –**

- (1) District Magistrate (Chairman)
- (2) District Superintendent of Police

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1. *Ins. by Notifn. No. 28795/B-2/70/Home, dated 9th May, 1973*  
2. *Ins. by ibid.*

- (3) Municipal Chairman
- (4) District Educational Officer
- (5) District Probation Officer (Secretary) and other three non – official members appointed by Government.

(d) The term of office of the non – official members of the State Advisory Committee and the District Advisory Committee will ordinarily be three years. The committees shall meet at least once in six months and more often, if necessary.

## **1[Annexure [See Rule 8(b)]**

### **Degrees :**

1. M. A. Degree in Social Work of the Delhi University.
2. M.S.W. Degree in Social Work of the M.S. University of Baroda.
3. M.S. Degree in Social Work of the J.K. Institute of Sociology and Human Relations Lucknow University.
4. M.A. Degree in Social and Labour Welfare awarded by the Patna University.
5. M.A. Degree in Sociology of the University of Bombay.
6. M.A. Degree in Labour & Social Welfare of the Bihar University.
7. M.A. Sociology of the Agra. University with:
  - (1) Urban and Rural uplift;
  - (2) Social Security and Labour Welfare; and
  - (3) Applied Sociology (Field work and written work), as subjects.
8. M.S.W. Degree from the University of Lucknow.
9. M.S.W. Degree of the Kerala University.

### **Diplomas :**

1. Diploma in Social Service Administration of the Tata Institute of Social Science, Bombay with Industrial Relations and Personnel Management as subjects passed.
2. Diploma in Social work of the Calcutta University.
3. Diploma in Social Service Awarded by the Madras University.
4. Diploma in Social Service of the University of Kerala.
5. Post Graduate Diploma in Social Service of the Indian Institute of Social Order, Poona.]

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1. *Subs. by Kerala Probation of Offenders (Amendment) Rules, 2001 ie., S.R.O. No. 1050/2001. Dated 15 th November, 2001.*

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1. *Ins. by Notifn. No.28795/B-2/70/Home, dated 9th May, 1973*



## പുതുതായി ആരംഭിക്കേണ്ട സംവിധാനങ്ങൾ

### **Annexure 1**

Reformation, Rehabilitation and Social reintegration of young offenders and potential offenders through Non institutional methods (Draft)

### **Mission**

The aim of community corrections to be introduced by Social justice Department, Kerala is to prevent recidivism through behaviour modification via some type of therapeutic or skills based intervention. The project will keep offenders under close surveillance and thereby deter them from reoffending .At the same time the emphasis is on personal development and enhanced capabilities of the individual beneficiary . Community rehabilitation efforts are made to change offender behavior in positive ways as well as improving community relationships by use of supportive, participatory measures .It is also aimed to extend the services to potential offenders,taking some efforts in the previously untouched crime prevention area.

The United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) states that imprisonment shall be used only as a measure of last resort and provides a list of alternatives for pretrial or post sentencing stage and requires the member states to develop the alternatives to prison which would be more suitable for rehabilitation of offender within the community.

## **Advantages of Community-based Alternative Punishments**

The advantages of community-based alternatives are many and varied. These advantages include:

- To achieve the reformatory, retributive, deterrent, and preventive aim of sentencing as a form of punishment;
- To avoid offender stigmatization;
- To reduce prison overcrowding and prevent escalation of detention costs;
- To allow the offender to continue contributing towards his or her family in particular and society instead of being confined in prison;
- To avoid the risk of the break-up of the family institution as a result of a member of the family being incarcerated;
- To retain their employment and contribute to the economic mainstream of the country;
- To avoid an escalation in deviant behaviour when new offenders are mixed with hardened criminals; and
- To enhance rehabilitation and reintegration of offenders into the community

## **Scope of Integrated approach for management of first offenders and Crime prevention strategy**

Effective and responsible crime prevention enhances the quality of life of all citizens and reduces the costs associated with the criminal justice system and other social costs that result from crime. Crime prevention strategies and measures seek to reduce the risk of crimes occurring and their potential harmful effects on individuals and society, including fear of crime, by intervening to influence their multiple causes. As far as crime prevention endeavor in India is concerned, there has been no progress as such in terms of operationalising such concept and no attempt has yet been made in incorporating this idea into the overall planning that strives to achieve an overall well being(1)(

## **Other country models**

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



## **ART (Aggression Replacement Training)**

A group work programme for people convicted of violent offences or who have problems controlling their temper. It challenges offenders to accept responsibility for their behaviour. Its aims are to reduce the incidence of assault, public order offences and criminal damage, increase public protection and challenge offenders to accept responsibility for their crime and its consequences.

## **SOTP (Sex Offenders Treatment Programme)**

This helps offenders develop an understanding of how and why they have committed sexual offences. The programme also increases awareness of victim harm. The main focus is to help the offender develop meaningful life goals and practise new thinking and behavioural skills that will lead him away from offending.

## **TSP (Thinking Skills Programme)**

A cognitive skills programme which addresses the way offenders think and their behaviour associated with offending. The programme aims to reduce reoffending by engaging and motivating, coaching and responding to individual need and building on continuity. It supports offenders to develop skills in setting goals and making plans to achieve these without offending.

## **OSAP (Substance Abuse Programme)**

This programme addresses drugs or alcohol misuse, using cognitive methods to change attitudes and behaviour to prevent relapse and reduce offending.

An EU funded programme 'Strengthening transnational approaches to reducing offending' looked at how Aggression Replacement Training was used in different countries and concluded that such programmes need to be owned by the country where

## **Objectives of the programme for first offenders and potential offenders are**

- To divert young people in contact with the law away from the criminal justice system or to prevent them from going deeper into the system
- To provide a comprehensive service to young people in contact with the law and their families.
- Spl. Service to immigrant labourers who involve in petty offence
- Service to potential offenders
- development of life skills including decision making
- development of work skills;
- enhanced personal discipline
- Giving the young people the opportunity to correct the wrongs done through their actions

## Who are the beneficiaries

- Probationers under supervision of probation officer
- Those who are released on licence from Boarstal schools
- Young potential offenders referred by police, Excise and prison authorities (spl mention to Differently abled and Transgenders )
- Those who are on post bail supervision
- Undertrial prisoners
- Immigrant undertrial prisoners

## How can be reformation bring about in people

The programme "nervazhy phase II is an extension of Nervazhy services offered by probation wing of Kerala social justice Department .The programme can be summarized as follows

Activity	Methods used	Benefits	Challenges / remarks
Assessment of offender Both risk assessment and need assessment of offender is done	Objective tools, personal interview, preliminary enquiry report	The officer identifies those characteristics, conditions or behaviors that limit motivation and may lead to criminal behavior Treatment needs include drug or alcohol abuse, mental illness, anger management or education or vocational deficiencies	
Identifying treatment needs	Based upon assessment	Treatment needs vary from Cognitive behavior therapy, De addiction therapy, Life skill training, enhancing personal discipline through intense supervision etc.	
Developing a case plan and supervision standards		Develops a case plan for treatment/supervision	
Referral		The person is referred to various agencies depending upon his treatment needs	
Linkage with community based organisations		Expression of interest is invited from NGOs for being Service providers . The service providing NGO s keep local level liasoning	

## **\*Treatment process**

Within the framework of a given non-custodial measure, in appropriate cases various schemes, such as case-work, group therapy, residential programmes and the specialized treatment of various categories of offenders, should be developed to meet the needs of offenders more effectively.

Treatment should be conducted by professionals who have suitable training and practical experience. Professional govt. and Non govt. agencies can be roped in to provide the treatment.

- Eg)**
- A) Psychological/Mental health treatment/Cognitive behavior therapy : Service of District Mental Health programme can be utilized
  - B) Deaddiction therapy\_ service of Deaddiction centers which receive grant in aid from Social justice Dept. can be utilised
  - C) Skill Development – Linkage with DDUG centers
  - D) Self employment/ finding a suitable Job---grant in aid programmes of SJD
  - E) Resolving family conflicts---individual /family counselling by Probation officers/ service providers
  - F) Ensuring social integration –through NGOs/Service providers. Convergence with the programmes of Youth welfare Board and Nehru Yuvakendra will be helpful
  - G) Housing -linkage with local self government s
  - H) Life skill trainings and achievement motivation session-as arranged by Probation wing.
  - I) Other needs –will converge with the existing govt. schemes

When it is decided that treatment is necessary, efforts should be made to understand the offender's background, personality, aptitude, intelligence, values and, especially, the circumstances leading to the commission of the offence.

The probation officer may involve the community and social support systems in the application of non-custodial measures.

For each offender, a case record shall be established and maintained by the probation officer.

## **STAFF**

### **Recruitment**

Persons appointed to apply non-custodial measures should be personally suitable and, whenever possible, have appropriate professional training and practical experience.

To secure and retain qualified professional staff, appropriate service statusadequate salary and benefits commensurate with the nature of the work should be ensured and ample opportunities should be provided for professional growth and career development.

Before entering duty, staff shall be given training that includes instruction on the nature of



non-custodial measures, the purposes of supervision and the various modalities of the application of non-custodial measures.

## **Public awareness**

Conferences, seminars, symposia and other activities should be regularly organized to stimulate awareness of the need for public participation in the application of non-custodial measures.

All forms of the mass media should be utilized to help to create a constructive public attitude, leading to activities conducive to a broader application of noncustodial treatment and the social integration of offenders.

Every effort should be made to inform the public of the importance of its role in the implementation of non-custodial measures.

## **Role of service providing centers and volunteers**

Service providing centers shall be carefully screened and recruited on the basis of their aptitude for and interest in the work involved. They shall be properly trained for the specific responsibilities to be discharged by them and shall have access to support and counselling.

Service providers should encourage offenders and their families to develop meaningful ties with the community and a broader sphere of contact by providing counselling and other appropriate forms of assistance according to their capacity and the offenders' needs. NGOs may be approached to run \*\*\*probation homes.

## **\*\*\*Probation homes offering**

Stable short stay home offering appropriate educational opportunities or vocational training, including an apprenticeship

- a job, or at least the opportunity to pursue a vocation
- recreational activities which offer the chance to be occupied out of work or school hours and to make good peer associations
- the avoidance of harmful peer associations and opportunities to offend;
- guidance and supervision generally, in effective form, rather than as a token effort
- psychiatric and/or psychological treatment or counselling
- any other medical treatment for matters which relate to offending behaviour, including psychotherapy

Substance abuse (alcohol, illicit drugs, solvents) treatment and counselling.

## Annexure 2

# “Community Service” as a “non-custodial punishment awarded by the Court where the offender is required to render unpaid services for the benefit of the community” (Draft)

The general features of CSOs are as follows:-

- The court issues the CSO and specifies the nature, hours and duration of the community work which the offender has to complete, together with any other terms and conditions.
- CSO applies only to petty offences which attract a sentence of imprisonment of not more than three year or with a fine, or both. .
- Community service work cannot be performed at police stations and prisons.
- The offender must be at least 18 years old and must give his/her written consent to participate in the CSO.
- A social inquiry report is prepared. Prior to granting a CSO, the court must explain the terms and conditions of the Order to the offender.
- In addition to the CSO, the court may make an order for the offender to pay:
  - reasonable compensation to the victim; and/or
  - the cost of the proceedings as determined by the court.

After the CSO has been granted by the court, A Supervisory Officer will be appointed to supervise and manage the offender. The duties of the Supervisory Officer include:-

- making enquiries as requested by the court;
- submitting monthly reports to the court on the offender’s progress;
- advising and assisting the offender regarding the payment of compensation and court costs; and

If the offender breaches the CSO, the court has the following options:-

- issue an arrest warrant for a new offence, or issue a summons;
- grant bail (with or without surety);
- cancel the CSO and sentence the offender for the original offence (in sentencing the offender, the court takes into account the period the offender had participated in the CSO);
- vary the conditions of the CSO; and
- impose a fine if the breach is minor.

To ensure the effective implementation of CSOs, a State Community Service Committee will be formed to review the programme and develop new programmes. District level committees will be formed also.

# Major Features of Proposed Kerala Community Service of Offenders Act (Draft)

An Act to make provision for the making of community service orders in respect of convicted persons; to make provisions for the making of combination orders; and for matters incidental thereto.

1. This Act may be cited as the Kerala Community Service of Offenders Act
2. In this Act - "probation officer" means an officer appointed under Probation Of offenders Act, 1958
3. (1) Where a person of or over eighteen years of age is convicted of an offence (in this Act referred to as "the offender") and is to be sentenced for a period of imprisonment of 3 years or less, including a sentence of imprisonment imposed in default of payment of a fine, the Court by or before which he is to be sentenced may pass the sentence but may order the operation of the whole or part of the sentence to be suspended for a period not exceeding two years and may then make a community service order requiring him to perform unpaid work in accordance with the provisions of this Act.  
  
(3) This Act shall not apply to a person who has previous conviction convicted of an offence
4. The number of hours which a person may be required to work under a community service order shall be specified in the order and shall be the aggregate of not less than forty hours and not more than two hundred and forty hours as may be specified in the order.
5. Where a Court makes community service orders in respect of two or more offences of which the offender has been convicted, the Court may direct that the hours of work specified in any of those orders shall be concurrent with or in addition to those specified in any other of those orders, but that the total number of hours which are to run consecutively shall not exceed the maximum hours specified in the act
6. A Court shall not make a community service order under this Act unless the offender consents, and the Court is satisfied—
  - (a) after considering a report by a probation officer about the offender and his circumstances and, if the Court thinks it necessary, hearing the probation officer, that the offender is a suitable person to perform work under such an order; and
  - (b) suitable arrangements can be made for him to do so.
7. Before making a community service order the Court shall explain to the offender in ordinary language -
  - (a) the purpose, effect and requirements of the order;
  - (b) the consequences which may follow if he fails to comply with any of the requirements of this Act; and Offender and probation officer to be given copies of order.
8. Obligations of persons subject to order. Work to be performed within twelve months from the date of conviction



9. Breach of requirements of order that the Court has the power to review the order on the application of either the probation officer or the offender.
10. (1) The Court upon making a community service order shall forthwith give copies of the order to the probation officer and to the offender.
11. (1) An offender against whom a community service order is in force shall—
  - (a) report to a probation officer in accordance with such instructions as he may be given by the probation officer and notify the officer of any change of address; and
  - (b) perform for the number of hours specified in the order such work specified in the order at such times as he may be instructed by the probation officer.

(2) The instructions given by the probation officer shall, so far as practicable, be such as to avoid conflict with the offender's religious beliefs, and any interference with the times, if any, at which he normally works or attends an educational institution.
12. The work required to be performed under a community service order shall be performed during the twelve-month period which shall begin at the date of the order, however, unless revoked, the order shall remain in force until the offender has worked for the number of hours specified in it.
13. Power of Magistrate's Court where offender fails to comply of order. If the offender has failed to comply with any of the requirements of the order, the magistrate may—
  - (a) issue a summons requiring the offender to appear at the place and time specified in the summons; or

(2) Any summons or warrant issued under this section shall direct the offender to appear or be brought before the relevant Court.
14. (1) If it is proved to the satisfaction of the Court before which an offender appears or is brought that he had failed without reasonable excuse to comply with any of the requirements of the community service order, the Court may—
  - (a) impose on him a fine not exceeding Rupees 5000/-
  - (b) without prejudice to the continuance of the existing order make an additional order against him;
  - (c) where the order was made by a Magistrate's Court, revoke the order and enforce the term of imprisonment suspended under section 3(1);
15. Govt. may notify government and non government institutions such as Local Self Government bodies, health dept, social forestry, pain and palliative units, institutions for aged and differently abled etc for performing community service. The offenders regarding mode of service to be performed compulsory.
16. provision for appeal and revision of community service orders
17. (1) A Court by or before which an offender is convicted may make a combination order which requires the offender both—
  - (a) to be under the supervision of a probation officer for a period specified in the
  - (b) to perform unpaid work for a number of hours so specified, being in the aggregate not less than forty nor more than two hundred and forty hours

(2) Before making a combination order in respect of an offender the Court must be satisfied that the making of that order is desirable in the interest of -

- (a) securing the rehabilitation of the offender; or
- (b) protecting the public from him or preventing the provisions of Probation of Offenders Act shall apply in relation to a combination order in so far as it imposes a requirement as is mentioned in

18. (1) Where the probation officer under whose supervision the offender is placed, is satisfied that the offender has complied with the requirements imposed on him pursuant to section 11, the probation officer shall submit a report to that effect to the Magistrate's Court.

(2) Upon receiving the report the Magistrate shall record that the requirements of the community service order have been complied.

19. The conviction under this act will not be a disqualification

### **Annexure 3**

## **Kerala victim and dependents support services**

### **Mission**

The Victim Support Unit to be implemented by the Ministry of Social Justice, Govt. of Kerala is intended to assist persons against whom certain offences have been committed. The Victim Support Unit is committed to the best interests of victims of crime by actively supporting them, identifying their needs and advocating their rights. The Unit, through its District Probation Offices, assists victims of crime to manage the emotional trauma, associated with and caused by crime. It is assumed that Victims of crimes (both major and minor) fare better whenever the Victim Support Unit intervenes.

### **Why do we need a Victim Support Programme?**

Victim support programmes, internationally, are established primarily to provide a corrective balance to the Criminal Justice. Victim support programmes are seen as instruments that will assist in correcting this imbalance. In a sense, justice is never fulfilled until there is recognition of the needs and rights of victims. Though an objective of the justice system is to assist the various victims of crime, many victims still feel alienated from the justice system and so the cry for justice continues.

### **Consequences of crime**

Consequences of crime affects the victim in different ways. Victim suffer material or moral damages, physical injuries and/or psychological harm. Psychological harm is often closely connected to physical injuries, but can also occur as a reaction to a non-violent criminal act. All these consequences are considered to be a result of primary victimization, and they

create a number of additional problems for victims (i.e. financial, health and/or family problems, problems at workplace, etc.). In addition, crime victims often suffer from secondary victimisation and, in some cases, even revictimisation.

Secondary victimization is intensification of primary victimization through negative reaction from social environment through condemnation, misunderstanding, rejection or failure to respond. Those categories of victims who are considered to be vulnerable either because of their age, psychophysical characteristics or nature of the crime they were subjected to are particularly exposed to secondary victimization (i.e. children, elderly people, persons with disabilities, victims of sexual violence, ). Re-victimization is repeated victimization through criminal behaviour, which is often closely connected to absence of adequate assistance and support to victim. It is usually connected to sexual offences and domestic violence.

Closely linked to consequences of victimization are the needs of victims deriving from them. Victims need information, emotional support, referral to other services and experts of different profiles (lawyers, psychologists, psychiatrists, etc.), and often, especially in case of serious crimes, protection (physical, health, etc.) and material compensation. Furthermore, to prevent or reduce secondary victimisation during the trial, victims need emotional support before, during and after the hearing, information about the courtroom and the course of the procedure, about their rights and what they can expect, etc.

## Goal and Objectives

**Goal:** The goal of the Victim support Program is to improve the treatment of all victims of crime by providing victims with the assistance and services necessary to speed their restoration after a criminal act, and to support and aid them as they move through the criminal justice process.

### **Objectives: The objectives of the program are to:**

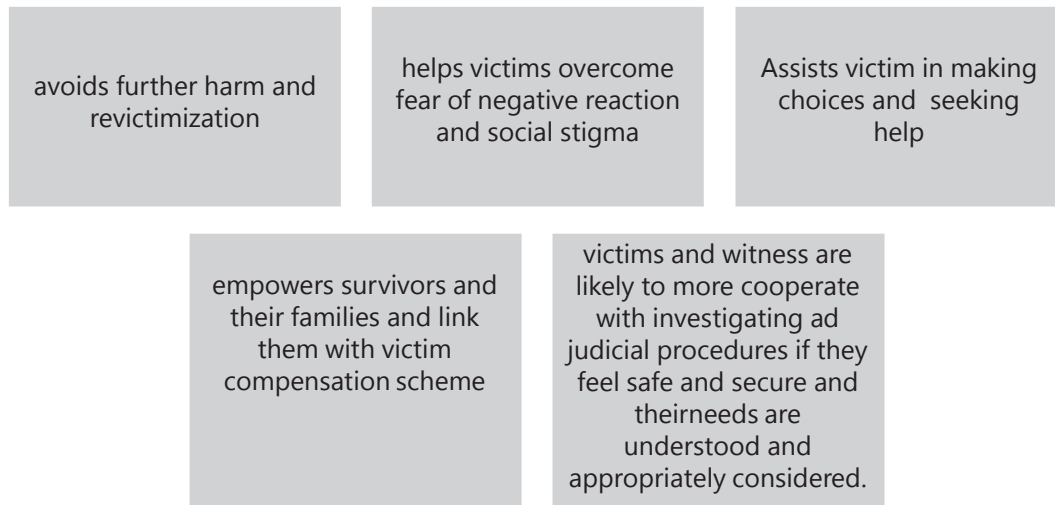
- Increase the commitment of state and local self government to do all that is possible to assist victims of crime;
- Increase the range and availability of services for victims of crime from the time of the criminal act and throughout the aftermath in all forums of justice decision-making,
- Expand the victim's opportunity to participate — by being informed, present and heard at all critical stages of the justice process, and to ensure consideration of the impact of the crime on the victim in all major justice decisions; and
- Increase coordination and networking of all appropriate agencies, organizations, and groups providing services to victims of crime in order to develop an integrated community system of victim support
- Increase the attention and the quality of outreach and treatment of underserved victims of crime such as victims of drug-related crime, victims who are members of ethnic caste and tribes, victims of hate crimes(very few in kerala but rising ), homeless people, persons with disabilities, and others.

## Who are the beneficiaries ?

All victims of crime are the beneficiaries along with

- Close relatives of homicide victims
- Close relatives of suicide victims
- People who have suicidal tendency
- People who are victims of cyber crime
- Male victims of sexual abuse
- Relatives of persons with history of substance abuse
- Person who feels victimized
- Persons who are witness to the crime (if they need support)

## Benefits of having a victim support system



## What will the Unit offer?





## Services provided to victims

Emotional Support - includes mediation and counselling as well as support during and after the closing of cases.

Crisis Intervention – The service is delivered through a number of mediums and is provided especially in cases where the victim(s) may require urgent attention. Crisis Intervention may be delivered through any of the following:

- Telephone Counselling
- On the scene response
- Home Visits
- Walk-in Service
- Information about the rights of victims
- Information about the roles of actors in the criminal justice system
- Assistance in obtaining medical, social, and psychological services that may be provided by the state or by non-governmental organizations and service providers,
- Assistance in obtaining compensation victims
- Help victims to sort out practical problems and their lives back under control
- Helplines
- Technical Services –
  - Training  
The Unit offers training to professional individuals as well as allied personnel working on victims' issues.
  - Advocacy And Referrals  
The Unit advocates on behalf of victims.
- Violence Prevention Initiative – Much of the function of the Victim Support Unit is violence prevention. Violence prevention methods includes:
  - Sensitization of society to the social and psychological impact of crime.
  - Providing information to crime victims about their rights
  - Promotion of crime prevention tips
  - Operational strengthening of networking among NGO

## Steps for developing a victim support system Kerala

- Establishing a victim support cell at Directorate of Social Justice .
- Provision of basic infrastructure for victim support offices  
This includes new office space furnitures,computers telephone and internet access

- Recruitment, Induction and training to staff  
The service of Programme coordinator in nervazhy scheme can be utilized for running the programme.

Besides the Nervazhy coordinator 1 counsellor,1 social worker, 1 data entry operator and 2 outreach workers are required in each District for the successful implementation of the programme.

- Volunteering -Linkage with para legal volunteers  
An important aspect of the Victim Support Unit is volunteerism. The Unit offers the opportunity for individuals who are capable to help those who are in need of support. In this pursuit, the Unit seeks qualified individuals to serve as volunteers.The service of Para Legal volunteers of DLSA can also be utilized

### **The volunteers will**

- Assist victims by accessing help for medical or any material purposes if necessary
- Explain elements of the criminal justice system to the victim
- Inform victims of various govt.schemes that are available to help them in different ways
- Establishment of an NGO network.....Linkage with NGOs to start service providing centers at local level
- Linkage with District Mental health Programme to refer cases of beneficiaries who requires psychological assistance.
- Cooperation with Media
- Linkage and referral to other govt por NGO services

### **Monitoring system**

The Secretary of social justice will monitor yearly progress of victim support units. The Director of social justice will monitor the programme implementation.

For convergence with other departments and for introduction of new schemes and for monitoring purpose state level and district level committees will be formed.

**Reference:** Model victim Assistance Programme,Dept.of Justice USA  
UN guidelines on victim support system

## Annexure 4

### DRAFT

# Vision and Mission of Probation system

## Vision

" Less crime more progress, less criminals more peace"

## Mission

### 1. Reduce prison population

By applying Section 4 of the Probation of Offenders Act at the time of sentence in all eligible cases

By granting premature release of convicts in all eligible cases

By release on supervised parole in all eligible cases.

### 2. Reduce recidivism

By placing offenders, parolees, and all prematurely released persons on supervision of probation officer

By placing offenders especially sex offenders (POCSO cases) on bail supervision of probation officers

By providing counselling services to offenders, convicts, and their family members

By providing de addiction treatment to offenders and if necessary to their families.

### 3. Crime free Society

By instilling the basic human values in children making them imbibing the spirit of UN Universal Declaration of Human Rights

By bringing forth a law to place suitable adult offenders in community service.

By promoting plea bargaining as brought forth by Cr PC Amendment in 2005 in Sec 265 (A) – to 265 (L) Chapter XXI A of Cr PC and to explore the possibility of placing them on probation supervision or community service as an alternative to imprisonment.

### 4. Victim Support Services

By providing psycho social support to victims and their families.

By providing financial and counselling support to families of convicts



## Annexure 5

# PLEA BARGAINING

**Mahboob Ali, HJS**  
Director  
JTRI, U.P

**New Chapter – XXI-A  
(Sections 265A to 265L)  
has been added w.e.f. 05th July, 2006**

The source of Plea Bargaining can be attributed to United States where about 90% of criminal cases are disposed of on the basis of Plea Bargaining. The concept of plea bargaining is said to be based on the principles of Nolo Contendere, which is a Latin word, it means “I do not wish to contest.”

The concept of Plea Bargaining is now used in many countries in Europe, Australia and South-East Asian Nations.

### **View of Supreme Court Prior to the Legislation**

In India, the concept of Plea Bargaining was not recognized by courts and it was considered to be against the public policy.

In **Murlidhar Meghraj Loya v. State of Maharashtra; AIR 1976 SC 1929**, the court held that-

“It is idle to speculate on the virtue of negotiated settlements of criminal cases, as obtains in the United States but in our jurisdiction, especially in the area of dangerous economic crimes and food offences, this practice intrudes on society’s interests by opposing society’s decision expressed through predetermined legislative fixation of minimum sentences and by subtly subverting the mandate of the law.”

In this case, the Supreme Court observed that a streamlined procedure should be devised if the state was to administer justice by having recourse to plea bargaining.

In **Kasambhai Abdul Rehman Bhai Sheikh v. State of Gujarat; (1980) 3 SCC 120**, the court held that-

“the practice of Plea Bargaining was unconstitutional, illegal and would tend to encourage corruption, collusion and pollute the pure fount of justice.”

In **Uttar Pradesh v. Chandrika; AIR 2000 SC 164**, the court held that-

“it is settled law that on the basis of plea bargaining Court cannot dispose of the criminal cases. Mere acceptance or admission of the guilt should not be a ground for reduction of sentence. Nor can the accused bargain with the Court that as he is pleading guilty sentence be reduced.”

Keeping in view the huge arrears and inordinate delays in disposal of criminal cases and on the recommendations of the Malimath Committee, a new chapter XXI-A of Plea Bargaining has been added to the Code of Criminal Procedure.

## **Circulars of Hon'ble High Court**

### **C.L. No. 31/2007 dated 29.08.2007 for informing Accused**

While issuing summons to an accused, he may be informed of the provisions of Plea Bargaining.

### **C.L. No. 49/2007 dated 13.12.2007 for Maximum Use of Plea Bargaining**

Subordinate Courts must make application and maximum use of provisions of Plea Bargaining.

## **Scope of Plea Bargaining**

The concept of Plea Bargaining has now become a part of criminal jurisprudence. It benefits both the State and the accused under the scheme of Plea Bargaining. If an eligible accused admits his guilt voluntarily, the court may release him on probation or award lesser punishment than prescribed. This way the accused saves time and money both.

Application of the Chapter “Plea Bargaining”

The provisions of Plea Bargaining are not applicable in the following cases:-

- The offence in which the maximum sentence is above 7 years.
- The offence which has been committed against a woman or a child below 14 years of age.
- Where the accused has been previously convicted for the same offence.
- Offence which affects the socio-economic condition of the country.

The Central Government has, by S.O. 1042(E), dated 11th July, 2006, determined the offences under the following laws for the time being in force which shall be the offences affecting the socio-economic condition of the country for the purposes of sub-section (1) of section 265A, namely,-

- Dowry Prohibition Act, 1961.
- The Commission of Sati Prevention Act, 1987.
- The Indecent Representation of Women (Prohibition) Act, 1986

- The Immoral Traffic (Prevention) Act, 1956.
- The Protection of Women from Domestic Violence Act, 2005
- The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992.
- Provisions of Fruit Products Order, 1955 (issued under the Essential Services Commodities Act, 1955).
- Provisions of Meat Food Products Orders, 1973) (issued under the Essential Commodities Act, 1955).
- Offences with respect to animals that find place in Schedule I and Part II of the Schedule II as well as offences related to altering of boundaries of protected areas under the Wildlife (Protection) Act, 1972.
- The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- Offences mentioned in the Protection of Civil Rights Act, 1955.
- Offences listed in sections 23 to 28 of the Juvenile Justice (Care and Protection of Children) Act, 2000.
- The Army Act, 1950.
- The Air Force Act, 1950.
- The Navy Act, 1957.
- Offences specified in sections 59 to 81 of the Delhi Metro Railway (Operation and Maintenance) Act, 2002.
- The Explosives Act, 1884.
- Offences specified in sections 11 to 18 of the Cable Television Networks (Regulation) Act, 1995.
- The Cinematograph Act, 1952.

## Procedure of Plea Bargaining

### A. APPLICATION STAGE

1. If an accused wishes to plead guilty voluntarily under the aforementioned provisions, he may move an application to the concerned court with the details of his case supported by an affidavit declaring that :
  - a) he is presenting the application **voluntarily** and
  - b) he understands the nature of sentence and
  - c) he has also to declare that he is not a previous convict for the same offence.
2. On receipt of application and affidavit from the accused, the trial court shall issue the notice to public prosecutor or the complainant, as the case may be, and to the accused to appear on the date fixed for the case.
3. The court shall examine the accused in camera and satisfy himself that the accused has given his application voluntarily and he is eligible for presenting such application.
4. If the court finds that the accused has not given his application voluntarily or he has been convicted earlier for the same offence then the application shall be rejected and the case shall be sent back for regular trial.

## **B. Guidelines for Mutually Satisfactory Disposition**

S. 265(C) of the Code of Criminal Procedure provides following procedures for the mutually satisfactory disposition under section 265(B)(4)(a):-

### **(i) In a case instituted on a Police Report**

The court shall issue notice to the Public Prosecutor, investigating officer, the accused and the victim of the case to participate in the meeting to work out a satisfactory disposition. Pleader of the accused may be allowed to participate in such a meeting.

### **(ii) In a case instituted otherwise than a Police Report**

The notice shall be issued to the accused and the victim of the case to participate in the meeting to work out the satisfactory disposition of the case. Pleader of the accused or the victim may also be permitted to participate in the meeting on the desire of the victim or the accused.

In both the above cases the court shall ensure that the disposition is worked out voluntarily.

## **C. Bargaining/Negotiation Stage**

- When the court finds that
  - the accused has not been convicted earlier for the same offence and
  - he is above 18 years of age and
  - he understands the nature of offence and the proposed sentence ,
- Then the court shall provide time to the public prosecutor or the complainant/victim, as the case may be, and the accused to work out a mutually satisfactory disposition of the case which may include giving to the victim by the accused the compensation and other expenses and fix the date of further hearing of the case.
- For purposes of negotiation and preparing a report, the aid and help of advocate may be taken.

## **D. Examination & Report**

- After receiving such report, the court shall prepare its own report and take the signature of all the members who have taken part in such negotiation.
- If no such disposition is worked out, the court shall record such observation and proceed further from the stage the application was filed in such case.

## **E. Judgement**

Where the satisfactory disposition of the case has been worked out :

- (i) The court shall award the compensation to the victim in accordance with the disposition and after hearing of the parties on the quantum of punishment, release the accused on probation of good conduct or after admonition U/s. 360 Cr.P.C. or deal with the accused under the Probation of Offenders Act, 1958,
- (ii) The court may sentence the accused to half of such minimum punishment provided under the law for the offence committed by the accused, or
- (iii) If minimum sentence is not provided under the Act, the court may sentence the accused to one fourth of the punishment provided or extendable, as the case may be, for such offence.



## Finality of Judgment

The judgment delivered by the court shall be final and no appeal (except the SLP under Article 136 and W.P. under Article 226 and 227 of the Constitution) shall lie in any court against such judgment.

## Non Application of Provisions

Under section 265 L of the code of criminal Procedure 1973, Nothing in this Chapter shall apply to any Juvenile or Child as defined in sub-clause (k) of section 2 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000).

## Protection Available to Accused

- Section 12 of the Probation of Offenders Act, 1958 provides that a person found guilty of an offence and dealt with under section 3 or 4 of the said Act, shall not suffer any disqualification attached to the conviction.
- The Government employees who are released on probation under the Probation of offenders Act are saved from the disqualification which is attached to conviction in view of Charan Singh Vs. M.C.D. (Writ Petition (Civil) No. 18725/2005) decided on 05/10/2006.
- The major cause of concern for the accused in case of plea of guilt is that the same should not be used against him. Section 265-K provides that the statements or facts stated by an accused in an application for plea bargaining file under section 265-B shall not be used for any other purpose except for the purpose of this Chapter.

## Benefits in Respect of Victim

- a) Quick Justice for Victim
- b) He can easily get the compensation, which he may get on the discretion of Judge/Magistrate.
- c) He can save himself from long drawn Judicial Process.
- d) It is Less time and money consuming.
- e) End of Uncertainty

## Benefits to Accused

- a) Provision of lesser Punishment.
- b) If no minimum punishment is provided, then he will get one fourth of the punishment provided.
- c) He may be released on probation or admonition, which may not affect his career.
- d) He may get the gain of period already undergone in custody under section 428 of Cr.PC
- e) No appeal lies against the judgment in favour of him.
- f) Complete Protection available for admission of accused cannot be used for any other purposes except for Plea-bargaining.
- g) Less time and money consuming.
- h) End of Uncertainty.

**Annexure 6**  
**“Nervazhi”**  
**Role of Stake Holders**

**Capacity Development of Stakeholders**

Agency/Entity	Training Module to be included	Training Responsibility
Judiciary		
Police, Prosecutor, Prison		
Probation Officers		
Advocates, Kerala State Legal Service Authority		
LSG, NGOs, and Community-based organizations		
Social Justice Department		

**Role of Different Stakeholders - Draft**

Stakeholder	Proposed Roles for Stakeholders	Suggestions from Group
Judiciary	Hon’ble H C Registrar to issue instructions to justice officers on the importance to implement the Probation of Offenders Act 1958	
	Hon’ble HC to monitor and evaluate implementation of PO Act	
	Kerala Judicial Academy to organize training programme on effective implementation of PO Act in collaboration with SJD as well as including Probation as part of the curriculum for pre-service training period	
	The District Level Under Trial Review Committee look into issue of implementation of the Probation of Offenders Act 1958 – as per order of Hon’ble Justices Madan B. Lokur and R. K. Agrawal on 5thfebruary 2016 (WP( C)4062013 of Hon’ble Supreme Court of India	
	Help to create synergies between judicial authorities and Probation officers Direction from Registrar to Lower Courts to allow Probation Assistants working under DPO to collect datas regarding potential eligible cases for invoking probation.	
	Review recommendation of Mulla Committee’s report on special courts for young offenders	
Prison	DGP prison to issue directions to superintendent of prisons to give permission to probation assistants working under DPO to collect crime details. Interview prisoners both remanded and convicted who may be eligible for probation.	

	DGP Prison to issue directions to superintendent/ prison welfare officers that convicted and remanded prisoners, (irrespective of their period of imprisonment ) who are vulnerable to reoffend or who have no shelters or who need psycho-social support or legal aid references, they have refer them to DPO or Probation Assistant while their jail visit and also refer such cases to DPO when the remand prisoner / convicted prisoner released for their social integration and rehabilitation	
	DGP prison to issue orders to Welfare Officers to take necessary steps to conduct awareness class, exhibition and IEC campaigns for prisoners to make them aware about the services in Nervazhi Project.	
Police	DGP police to issue orders to SHOs for speedy submission of charge sheet of accused who are potential eligible for probation treatment , especially in the case of accused aged between 18-21	
	DGP police to issue orders to SHOs while granting bail that accused who are vulnerable to reoffend or leading are at risk or creating conflict for others or alcoholic and other substance abusers shall be given direction to the accused or their family members to seek psycho-social support and legal aid from Nervazhi Project, which will aim to prevent recidivism and mainstream such vulnerable groups.	
	DGP police to issue orders to SHOs to give details of accused to Probation Assistant working under DPO in Nervazhi Project.	
	DGP police to issue orders to Superintendent of Police or Commissioner of Police to take necessary arrangements to give training for Police officers on Probation system. Training will be conducted by SJD in collaboration with the police	
SJD	DSJ take steps to initiate the training programmes for Probation Officers, Police Officers, Prison Officers, APPs and Advocates.	
	DSJ take steps to necessary to create the posts of CPS,RPO as per PO rule 1960	
	DSJ submit proposal to Govt for District level advisory committee as per PO rules to enhance accountability of different stakeholders (Proposal for state level committee already proposed)	
	DSJ issues orders for monitoring performance of probation officers	
	DSJ ensures compliance with PO rules to improve the service condition for probation personnel	
	DSJ take steps to increase public awareness about the benefits and potential of probation and enhance the effective participation of NGO's in achieving the project objectives.	



Annexure 7

**REPORTABLE**

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
**WRIT PETITION (CIVIL) NO.406/2013**  
**RE - INHUMAN CONDITIONS IN 1382 PRISONS**  
**ORDER**

**Madan B. Lokur, J.**

1. Prison reforms have been the subject matter of discussion and decisions rendered by this Court from time to time over the last 35 years. Unfortunately, even though Article 21 of the Constitution requires a life of dignity for all persons, little appears to have changed on the ground as far as prisoners are concerned and we are once again required to deal with issues relating to prisons in the country and their reform.

2. As far back as in 1980, this Court had occasion to deal with the rights of prisoners in *Sunil Batra (II) v. Delhi Administration*.<sup>1</sup> In that decision, this Court gave a very obvious answer to the question whether prisoners are persons and whether they are entitled to fundamental rights while in custody, although

2] The Under Trial Review Committee should specifically look into aspects pertaining to effective implementation of Section 436 of the Cr.P.C. and Section 436A of the Cr.P.C. so that undertrial prisoners are released at the earliest and those who cannot furnish bail bonds due to their poverty are not subjected to incarceration only for that reason. **The Under Trial Review Committee will also look into issue of implementation of the Probation of Offenders Act, 1958 particularly with regard to first time offenders so that they have a chance of being restored and rehabilitated in society.**

While preparing the Model Prison Manual, it appears advisable and necessary to ensure that a similar manual is prepared in respect of juveniles who are in custody either in Observation Homes or Special Homes or Places of Safety in terms of the Juvenile Justice (Care and Protection of Children) Act, 2015.

59. Accordingly, we issue notice to the Secretary, Ministry of Women and Child Development, Government of India, returnable on 14<sup>th</sup> March, 2016. The purpose of issuance of notice to the said Ministry is to require a manual to be prepared by the said Ministry that will take into consideration the living conditions and other issues pertaining to juveniles who are in Observation Homes or Special Homes or Places of Safety in terms of the Juvenile Justice (Care and Protection of Children) Act, 2015.

60. The remaining issues raised before us particularly those relating to unnatural deaths in jails, inadequacy of staff and training of staff will be considered on the next date of hearing.

.....J  
**(Madan B. Lokur)**

.....J  
**(R.K. Agrawal)**

**New Delhi;  
February 5, 2016**



Annexure 8



കേരള സർക്കാർ  
സാമൂഹ്യനീതി വകുപ്പ്

▶ ജില്ലാ പ്രൊബേഷൻ ഓഫീസുകളുടെ അഡ്രസ്സ്



ജില്ലാ പ്രൊബേഷൻ ഓഫീസ്  
ഡി ബ്ലോക്ക്, 2-ാം നില  
സിവിൽ സ്റ്റേഷൻ, വിദ്യാനഗർ പി.ഒ  
**കാസറഗോഡ്**  
ഫോൺ: 04994 255366  
മൊബൈൽ: 8 28 1999049

ജില്ലാ പ്രൊബേഷൻ ഓഫീസ്  
സിവിൽ സ്റ്റേഷൻ, അയ്യന്തോൾ  
**തൃശ്ശൂർ**  
ഫോൺ: 0487 2363999  
മൊബൈൽ: 8 28 1999043  
(ജെ.ജെ): 8 28 1999360

ജില്ലാ പ്രൊബേഷൻ ഓഫീസ്  
4-ാം നില  
മിനി സിവിൽ സ്റ്റേഷൻ  
**പത്തനംതിട്ട**  
ഫോൺ: 0468 2325242  
മൊബൈൽ: 8 28 1999036

ജില്ലാ പ്രൊബേഷൻ ഓഫീസ്  
കോർട്ട് കോമ്പൗണ്ട്  
**തലശ്ശേരി, കണ്ണൂർ**  
ഫോൺ: 0490 2344433  
മൊബൈൽ: 8 28 1999048

ജില്ലാ പ്രൊബേഷൻ ഓഫീസ്  
മിനി സിവിൽ സ്റ്റേഷൻ, 2-ാം നില  
**മുവാറ്റുപുഴ, എറണാകുളം**  
ഫോൺ: 0485 2811446  
മൊബൈൽ: 8 28 1999042

ജില്ലാ പ്രൊബേഷൻ ഓഫീസ്  
സിവിൽ സ്റ്റേഷൻ  
**കൊല്ലം**  
ഫോൺ: 0474 2794029  
മൊബൈൽ: 8 28 1999035

ജില്ലാ പ്രൊബേഷൻ ഓഫീസ്  
സിവിൽ സ്റ്റേഷൻ, കൽപ്പറ്റ  
**വയനാട്**  
ഫോൺ: 0493 6207157  
മൊബൈൽ: 8 28 1999047

ജില്ലാ പ്രൊബേഷൻ ഓഫീസ്  
ബി-2 ബ്ലോക്ക്, സിവിൽ സ്റ്റേഷൻ  
**കാക്കനാട്, എറണാകുളം**  
ഫോൺ: 0484 2425249  
മൊബൈൽ: 8 28 1999041

ജില്ലാ പ്രൊബേഷൻ ഓഫീസ്  
സിവിൽ സ്റ്റേഷൻ, ആറ്റിങ്ങൽ  
**തിരുവനന്തപുരം**  
ഫോൺ: 0470 2625456  
മൊബൈൽ: 8 28 1999034

ജില്ലാ പ്രൊബേഷൻ ഓഫീസ്  
ബി ബ്ലോക്ക്, 5-ാം നില  
സിവിൽ സ്റ്റേഷൻ, **കോഴിക്കോട്**  
ഫോൺ: 0495 2373575  
മൊബൈൽ: 8 28 1999046  
(ജെ.ജെ): 8 28 1999361

ജില്ലാ പ്രൊബേഷൻ ഓഫീസ്  
മിനി സിവിൽ സ്റ്റേഷൻ  
ഓൾഡ് ബ്ലോക്ക്  
**തൊടുപുഴ പി.ഒ, ഇടുക്കി**  
ഫോൺ: 0486 2220126  
മൊബൈൽ: 8 28 1999039

ജില്ലാ പ്രൊബേഷൻ ഓഫീസ്  
പുജപ്പുര  
**തിരുവനന്തപുരം**  
ഫോൺ: 0471 2342786  
മൊബൈൽ: 8 28 1999033  
(ജെ.ജെ): 8 28 1999359

ജില്ലാ പ്രൊബേഷൻ ഓഫീസ്  
സിവിൽ സ്റ്റേഷൻ  
**പാലക്കാട്**  
ഫോൺ: 0491 2505775  
മൊബൈൽ: 8 28 1999045

ജില്ലാ പ്രൊബേഷൻ ഓഫീസ്  
കെ വി എം ബിൽഡിംഗ്,  
അണ്ണാൻകുന്ന് റോഡ്, **കോട്ടയം**  
ഫോൺ: 0481 2300548  
മൊബൈൽ: 8 28 1999038

ജില്ലാ പ്രൊബേഷൻ ഓഫീസ്  
കോർട്ട് ബിൽഡിംഗ്  
**മഞ്ചേരി, മലപ്പുറം**  
ഫോൺ: 0483 2970066  
മൊബൈൽ: 8 28 1999044

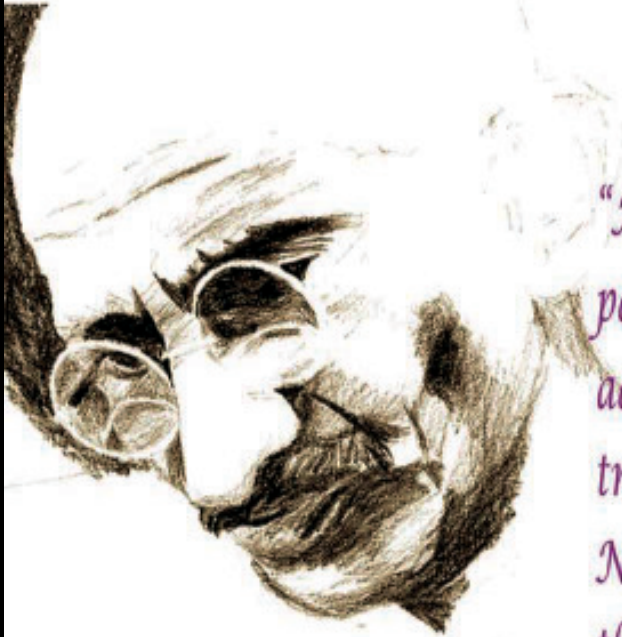
ജില്ലാ പ്രൊബേഷൻ ഓഫീസ്  
കോർട്ട് ബിൽഡിംഗ്,  
**ആലപ്പുഴ**  
ഫോൺ: 0477 2238450  
മൊബൈൽ: 8 28 1999037



കോഴിക്കോട്, തൃശ്ശൂർ, തിരുവനന്തപുരം എന്നീ ജില്ലകളിൽ ജെ.ജെ പ്രൊബേഷൻ ഓഫീസർമാർ പ്രവർത്തിക്കുന്നു.



# കേരള സർക്കാർ സാമൂഹ്യനീതി വകുപ്പ്



*“All Criminals should be treated as patients and Jails should be Hospitals admitting this class of patients for treatment and Cure.*

*No one commits Crime for the fun of it.*

*It is a sign of diseased mind.*

*The causes of particular disease should be investigated and removed”*

**Gandhiji Harijan**  
1948 May 5

നല്ലനടപ്പു നിയമം - 1958

Probation of Offenders Act-1958

സാമൂഹ്യനീതി വകുപ്പ് പ്രൊബേഷൻ വിഭാഗം