



“ഭരണഭാഷ മാതൃഭാഷ”

**കേരള സർക്കാർ**

**സംഗ്രഹം**

സാമൂഹ്യനീതി വകുപ്പ്- പ്രൊബേഷൻ മേഖലയിലെ ഉത്തരവാദിത്തങ്ങൾ വ്യക്തമാക്കുന്ന പ്രോട്ടോക്കോളിന് അംഗീകാരം നൽകി ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

**സാമൂഹ്യനീതി (ബി) വകുപ്പ്**

**സ.ഉ.(സാധാ)നം.206/2021/സാനീവ**

**തീയതി, തിരുവനന്തപുരം, 05/03/2021**

പരാമർശം: 1. സാമൂഹ്യനീതി ഡയറക്ടറുടെ 28.01.2019, 16.08.2019, 25.10.2019 ലെ സി1/874/19 നമ്പർ കത്ത്.

**ഉത്തരവ്**

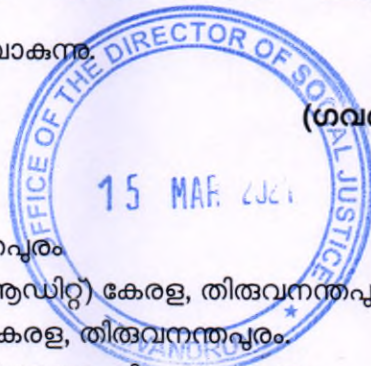
പ്രൊബേഷൻ സംവിധാനത്തിന്റെ ശാക്തീകരണത്തിനായി 2018 ഒക്ടോബർ മാസം 11,12 തീയതികളിലായി സംഘടിപ്പിച്ചിരുന്ന ദ്വിദിന ശില്പശാലയിൽ ഉരുത്തിരിഞ്ഞ ആശയങ്ങളുടെയും പ്രൊബേഷൻ ഓഫ് ഓഫീസേഴ്സ് ആക്ടിനേയും ചട്ടങ്ങളുടേയും അടിസ്ഥാനത്തിൽ തയ്യാറാക്കിയ വീക്ഷണം, ഇടപെടൽ ദൗത്യം എന്നിവയും, പ്രൊബേഷൻ സംവിധാനത്തിൽ ഓരോ വിഭാഗത്തിന്റെയും ചുമതലകൾ വ്യക്തമാക്കി കൊണ്ടുള്ള പ്രോട്ടോക്കോളും അംഗീകാരത്തിനായി സാമൂഹ്യനീതി വകുപ്പ് ഡയറക്ടർ പരാമർശപ്രകാരം സമർപ്പിച്ചിട്ടുണ്ട്.

(2) സർക്കാർ ഈ വിഷയം വിശദമായി പരിശോധിക്കുകയും പ്രൊബേഷൻ മേഖലയിലെ ഉത്തരവാദിത്തങ്ങൾ വ്യക്തമാക്കുന്ന അനുബന്ധമായി ചേർത്തിരിക്കുന്ന പ്രോട്ടോക്കോളിന് അംഗീകാരം നൽകി ഇതിനാൽ ഉത്തരവാകുന്നു.

(ഗവർണ്ണറുടെ ഉത്തരവിൻ പ്രകാരം)

**ബിജു പ്രഭാകർ**

**സെക്രട്ടറി**



സാമൂഹ്യനീതി ഡയറക്ടർ, തിരുവനന്തപുരം  
പ്രിൻസിപ്പൽ അക്കൗണ്ടന്റ് ജനറൽ(ആഡിറ്റ്) കേരള, തിരുവനന്തപുരം.  
അക്കൗണ്ടന്റ് ജനറൽ(എ ആന്റ് ഇ) കേരള, തിരുവനന്തപുരം.  
അക്കൗണ്ടന്റ് ജനറൽ(ഡി.ബി.സെൽ) കേരള, തിരുവനന്തപുരം.  
വെബ് & ന്യൂ മീഡിയ (വെബ്സൈറ്റിൽ പ്രസിദ്ധീകരിക്കുന്നതിനായി)  
കരുതൽ ഫയൽ/ഓഫീസ് കോപ്പി.

ഉത്തരവിൻ പ്രകാരം

സെക്ഷൻ ഓഫീസർ

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# **KERALA STATE PROTOCOL ON PROBATION services.**

( As per Probation of Offencers Act 1958 and Kerala Prisons Rules 2014 )

## **Vision**

" Less crime , more peace"

## **Mission**

### **1.Reduce prison population**

- By applying Sections 3 & 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 by probation officer in all eligible cases

### **2.Reduce recidivism**

- By placing offenders and parolees, on supervision of Probation Officer and all prematurely released persons on supervision of probation officer
- By placing offenders especially those involved in grave crime 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 imbibe the spirit of UN Universal Declaration of Human Rights
- By making children aware of fundamental duties enshrined in Article 51 (a) of Constitution of India.
- 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
- By providing support through victim compensation scheme

## Major roles and responsibilities of Judiciary, Police, Prison, Social Justice Department - Probation wing, L S G, N G O's and community based organisations

### I. Pre-Trial Stage

#### Judiciary

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

#### Police

- Director General of police to issue orders to each station house officer to give details of accused to District Probation Officer.
- Give first-hand information of probation and its advantages to the offender during the time of bail.

- After granting bail to accused between the ages of 18-21, who are at risk of re-offending, the police should refer them to the Probation System for psycho-social support as necessary with an aim to reduce re-offending. At same time, send details of young accused to probation officer.
- Police take steps to speedy submission of charge sheet of accused who are potential eligible for probation treatment, especially in the case of accused between the age of 18-21 years.
- Issue orders to SHO's while granting bail that accused who are vulnerable to re-offend or leading riskful life or creating conflict in the family or Alchohoic and other substance abuses shall be given direction to their family members to see psycho-social support family counselling from District probation Office. Which will aim to prevent recidivism and main stream such vulnerable group.
- DGP police to issue orders to SHO s to give details of accused to District Probation Officer or Assistant

### **Prison**

- While remanding the accused between the ages of 18-21, should be informed to the concerned District Probation office for psycho-social support as necessary with an aim to reduce re-offending. At the same time details of accused should be send to the concerned District probation office
- Prison department give permission to District Probation Officer or any other officer working under DPO for interviewing prisoners and collect crime details of both remanded and convicted prisoners as part of Probation services.
- Prison department take necessary steps to conduct awareness classes and IEC Campaigns for Prisoners to make them aware about probation services, in association with District Probation Offices.

### **Social Justice Department - Probation Branch**

- Upon receipt of reference of young accused or undertrial or remand prisoner within five working days, interview such person and assess the risks of such person through case work method, and prepare individual care plan in consultation with young accused consistent with format provided. The Probation officer should do this keeping in mind the objectives of strengthening the offender's family and social milieu to create an enabling environment to reduce the risks of recidivism and increase the chances that he or she will lead a law abiding life.
- Where necessary, arrange legal services through DELSA

## **I. II. Trail Stage-Probation Services**

### **Judiciary**

As soon as charge submitted before the court, the court having regard to nature of the offence and part alleged to have been played by the accused, should immediately instruct the District Probation officer concerned to make the preliminary enquiries about the accused. This will enable the court to have the probation officer's report readily available.

When it finds the accused guilty and further time will not spent in sending for the report (CIRCULAR No. P.O 116/1966, 17/03/18, High court of Mumbai)

- Based on Investigation Report (prepared as per PO Act), determine whether convicted offender is to be released on probation or not.
- If court released the offender after admonition (U/S 3 Of PO act), the court shall inform to the accused about services of probation system, in all suitable cases.
- If released on probation, the order of release and conditions of probation should be recorded, and should be sent to Probation Officer. If not eligible, record reasons and place on file.
- Direction shall be given to offender to pay reasonable compensation to the victim.
- Direction shall be given to probation officer or other officer deputed by the probation officer to attend sitting of the court while passing final order .
- Call for periodical progress reports from Probation Officers.
- Higher Courts shall take steps to immediately identify the appeal cases eligible to invoke PO act

with the assistance of probation officer

The court may order police escort whenever required by the Probation officer for the purpose of making enquiries or obtaining medical or psychiatric report.

### **Police**

- While preparing charge, Investigating officer shall mentioned about the need for non-institutional correction of the accused who are eligible for getting the benefit of PO act.
- If probationer under supervision of PO is arrested or taken into custody, police official should immediately alert his or her PO.
- Train police officers on increasing awareness about dealing with probationers and providing them with possible assistance for their social rehabilitation and reintegration.
- Take steps to speedy disposal of charge sheet of accused who are potential eligible for probation treatment, especially in the case of accused age between 18-21.

### **Social Justice-Probation wing**

#### **Preliminary Enquiry:**

- Pay regular visits to judicial officers/Courts and prisons to identify offenders eligible for probation, and bring them to the attention of the judicial officers.
- PO must visit home, neighbourhood, place of employment, police station, and other relevant place during investigation.
- Submit timely and quality Preliminary Inquiry Report based on a thorough investigation of offender's circumstances.

#### **Supervision of Probationers**

- PO may attend the court sitting at the time of disposal
- The probation officer shall act as a friend and guide of the probationer.
- PO shall direct the probationer to report to him at stated intervals, meet him frequently and keep in close touch with him.
- The probation officer shall visit the probationer periodically in his home surrounding and occupational environment, in order to see the progress made by the probationer & the difficulties if any.

- Probation officer shall not visit the probationer in the academic institutions, but make discreet enquiries of the teacher or head of the institutions regarding his attendance, conduct, and progress, without prejudicing the probationer's interest in any
- The frequency of the meeting including visit by the officer, should depend upon the conduct and mode of life of the probationer and, upon the progress he is making, but the number of the meeting should be, unless the court direct otherwise, not less than
  - a
  - a. Once a week, during the first month
  - b. Once a fortnight, during the rest of the first half of the period of the probation
  - c. Once a month, during the remaining period
- The probation officer shall advice, persuasion & assistance, where necessary, by warning to ensure that
  - a. The probationer does not violate the conditions of the supervision order or commit any further offence and behaves in conformity with law
  - b. His behaviour, attitude to society, habits, Character and morale improves, so that he may not revert to crime.
- Probation officer shall also take such action as he deem necessary for better regulation of the conduct & mode of life of the probationer or for closer supervision over him.
- The probation officer shall also advice & help the probationer in attending hospital, psychiatric clinic, occupational training centre & other similar if & when necessary for the improvement of the probationer's prospects.
- Prepare timely progress reports on probationers as per guidance

#### **Duties in Relation to Courts:**

- a) The Probation officers may move the court before which the probationer is bound to vary the condition of the bound by way of tightening or relaxing them, as may be required by the conduct of the probationer.
- b) If the District Probation Officer consider that the probationer has made sufficient progress and further supervision is not necessary, he shall make an application to the court in consultation with the regional probation officer for discharging the bound under subsection (3) of section 8 of the Act.
- c) If the probation officer shall report the fact to the court, if a probationer fails to observe any of the conditions of the bound or behaves in a manner indicating that he/she is not likely to fulfil the purpose of the supervision order.

#### **Rehabilitation & After care of probationer-**

1. The probation officer shall assist the probationers rehabilitation in society so that he does not revert to crime. For this purpose, the probation officer shall endeavour to secure , for the probationer
  - a) Training facilities,
  - b) Employment opportunities,
  - c) Any necessary financial aid &

- d) Contacts & associations with individuals, NGO's & other Organizations.
2. The probation officer shall try to maintain constant touch with discharged probationers to follow up the progress made by them toward their rehabilitations for such periods as may be prescribed
- Other duties of probation officers- the probation officer shall also under take the following functions namely:-
    - I. Educating the public & mobilizing support for the probation system
    - II. Mobilizing public assistance & cooperation in the field of social defense;
    - II. Any other duties assigned by order of the Court or Director of Social Justice
    - VI. Identify voluntary social workers for community level assistance
  - Probation officer not to divulge information- A probation Officer Shall not divulge information concerning his inquiries or work of probation to any person other than the authorities to whom he is required to report.

## Post-Release Services

### Prison Department

- Prison department take steps to refer the convicted and remand prisoners who are vulnerable to reoffend or who have no shelters, or who need psycho-social support or legal aid to the District Probation Officer.
- Depending on nature of offence and risk of recidivism as assessed by Welfare Officer, Prisons, if the offender is willing, refer released offender to Probation Office for psycho-social/de-addiction services and other services enable them to cope their family / social problems effectively.

### Probation Officer

- Assess risk of recidivism of released offender and prepare an individual after-care plan.
- Take steps to ensure that released offender is smoothly reintegrated into society and take steps for organizing grant in aid.
- Create a Resource Directory for each district of NGOs and other entities that provide relevant services such as self-employment opportunities, continuing education, vocational training, family counselling, de-addiction treatment, and so.

### Other roles of Social Justice Department

- DSJ take steps to initiate the training programmes for probation officers, police Officers, Prison Officers, APPs, Advocates and community level voluntary social workers.
  - 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
  - DSJ issues orders for monitoring performance of probation officers,
  - DSJ ensures compliance with PO rules to improve the service condition for probation personnel
  - DSJ takes 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.
  - Services conditions of the probation personnel need to be improved and institutionalized in a form of career planning management on priority with a view to attract young talents to the probation services.
  - Need to evolve an effective mechanism to establish the functional autonomy, empowerment self-esteem and recognition of probation services.
  - Need to constitute a high powered Committee under the chairmanship of District and session Judge, comprising of Heads of concerned units of CJS at the district level to review and monitor the probation services periodically.
  - Participation and involvement of community should be ensured to make probation system more effective.
  - Methods and mechanism should be constituted at the state level examine and evaluate various gaps in terms of the implementation of probation work across the country on regular basis.
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