



**Webinar on**  
**Probation of Offenders' Act, 1958**

**Jointly Organised by**

**Prayas**

**Center for Criminology and Justice, School of Social Work,  
Tata Institute of Social Sciences**

**In collaboration with**

**Probation Wing**

**The Department of Women & Child Development,  
Government of Maharashtra**

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## **REPORT WRITING TEAM**

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### ***PARTICIPANTS***

Probation Officers and District Probation Officers, DWCD, Maharashtra.

#### ***Department of Women and Child Development, Maharashtra***

- Smt. Harsha Deshmukh, Divisional Deputy Commissioner, DWCD, Aurangabad
- Smt. Ujjwala More, Probation Superintendent, DWCD, Pune
- Smt. Archana Kathale, Probation Officer, HQ, DWCD, Pune

### ***RESOURCE PERSONS:***

- Shri. Subair KK, Social Welfare Officer, Department of Social Justice, Kerala
- Dr. Vijay Raghavan, Project Director, Prayas and Professor, Centre for Criminology and Justice, TISS, Mumbai
- Shri. Murlidhar Jagtap, Senior Social Worker, Prayas - Latur

### ***PRAYAS TEAM***

We would like to thank all team members at Prayas for their contribution to make this workshop a success.

## I. Introduction and Perspective to the Workshop

### Shri Vikas Kadam, Senior Social Worker, Prayas

- Shri Vikas Kadam welcomed the participants and explained the objective of the webinar i.e. Implementation of Probation and Offenders' Act (P.O. Act) in Maharashtra – to discuss current status, challenges and way forward.
- Work and functioning of Prayas was explained by Shri Kadam.
- P.O. Act is the only law which talks about rehabilitation benefit aspect of first-time young offenders (adult and women) i.e., 18-21 years of age.
- Apart from P.O. Act - grant in aid scheme too offers help for rehabilitation.
- Shri Kadam suggested that probation officers should regularly meet with the Magistrate in the district and central prison meetings.



## II. Dr. Vijay Raghavan, Director, Prayas

- Dr. Raghavan thanked and welcomed the participants. He presented a brief history and nature of the work carried out by Prayas. He explained the objective of P.O Act.
- Prayas is working since 1990 and is working along with probation officers. He shared his experience of working with probation officers. He along with probation officers used to jointly conduct home visits, prison visits, identify cases of referral for probation, meeting judges to refer cases for probation. Prayas social worker would jointly prepare PO report along with probation officers.
- However, in the last 15 years there has been a shift in working pattern. Probation Officers are overburdened with additional work load and hence not able to give time for probation. The post of liaison officer and regional inspector no longer exists.
- He spoke about the circular which states that the visit should be organized for children in institution to visit women (mother) in prison.
- The Bombay High Court passed an order in 2017 in the Suo Moto PIL on children of women prisoners for appointment of lady probation officers in all women's sections in prisons, based on suggestions given by Prayas (appointed as amicus curae in the case).
- Grant in Aid scheme (for rehabilitation of prisoners) amount is increased from Rs.5000 to Rs. 25,000 and annual budget is increased from 12 lacs to 1 crore based on Prayas suggestions in the Bombay High Court Suo Moto PIL on children of women prisoners.

### Good practice

- Bihar – Training and development of probation officers, vacant post is filled and provided good salary.
- Kerala - P.O comes under social justice department, carrying on productive work.

- WhatsApp group is formed of All India Probation Officers Forum to discuss case challenges, new developments, etc.

### **III. Inaugural Address - Smt. Harsha Deshmukh, Divisional Deputy Commissioner, Aurangabad**

Shrimati Deshmukh appreciated Prayas for conducting the webinar, as in the past two years no such webinar had been organised. The work of District Probation Officers (DPOs) and Probation Officers (POs) is important from rehabilitation point of view. Inquiry / home reports prepared by probation officers are important as the court makes a decision based on the report. She emphasized it is important that DPO and PO work together with good coordination, planning and division of work. It is important to bring output through the coordination. E.g., Increased prison visits along with timely reporting.

### **IV. Inaugural Address – Smt. Ujjwala More, Probation Superintendent, DWCD, Pune**

Smt Ujjwala explained the reason for organizing the webinar. The webinar will help to understand challenges faced by POs and DPOs (division wise). Also, the kind of work is expected out of them (as they have received complaints about POs and DPOs). She expressed dissatisfaction regarding the implementation of P.O Act. Even the prison department does not work upon implementing the act. The knowledge about P.O Act is minimal. She agrees that the staffing ratio is less and existing staff have additional charge to perform. She concluded that she visited Yerawada prison, Pune. Based upon the visit, they are going to make some guidelines about working of POs and DPOs. The guidelines will be shared with the participants. She assured that within a year, they will try to reduce the complaints about probation officers and DPO. Prison visit by DPO and Probation officer is important.

### **V. Work with Youth during COVID -19 Situation Experience in Latur – Shri Murlidhar Jagtap, Prayas- Latur**

Shri Murlidhar Jagtap has work experience of over 20 years. For the past 3 years, he is working in Latur prison for the rehabilitation of prisoners. He shared his experience of working with the probation department. He shared COVID related work- (Since March 2020).

- Escorted 36 prisoners to their village/ taluka.
- Facilitated ex prisoner's support as care taker in hospital (for 41 days) for senior citizen prisoner.
- Escorted children and facilitated mulakat between children and prisoner father (Facilitated and obtained order from District Collector for the escort).
- Provided rationing support to the released prisoner (120).
- Provided emergency needs – hospital need and others.

He requested and urged for rehabilitation support of probation officers in cases of IPC section - 279, 380 (robbery), as the support does not reach the prisoners. He suggested for coordination between Prayas and probation officers to assist with rehabilitation.

### **VI. Status of Probation Offenders Act and Innovative Initiatives for Effective Implementation of the Act- Shri K.K Subair, Sr. Social Welfare Officer, Department of Social Justice, Govt. of Kerala**



- Shri Subair has long years of work experience in the field of probation.
- He introduced the work of the Social Justice Department, Govt. of Kerala.
- Probation service is a community-based programme.
- 3 types of probation in Kerala – Judicial and Executive Probation (Wing of Social justice department) and Juvenile Probation (ICPS of women and child development).
- Probation Day (Probation celebration all over the state – Justice V.R. Krishna Iyer – reaching out to villages and talukas).
- Explained Kaval project- aim to reintegrate children engaged in crime.
- Probation officer in Maharashtra is appointed by Department of Women and Child development. Jail advisory committee considers cases for good behavior, based upon the report of Probation officer. Supervision provision is for 4 years.
- Briefly explained about Kerala Borstal School Act, 1961 –which considers young offenders in the age group of 18-21 years. Prayas requested the speaker to share the copy of the Act as J.J Act provision considers youth below 18 years.
- Explained Broad areas of adult probation as a Social Defence programme under social justice department, Kerala i.e.
  - Intervention among ex-prisoners and ex-inmates, probationers, paroles, first offenders, dependant of prisoners.
  - Plea bargaining- encourage plea bargaining with help of bar association and NGO.
  - Drug & substance abuse, victims of crime, beggars & street dwellers, other marginalized people.
- Psycho- social intervention is carried out by graduates, MSW and MPhil holders.
- Explained major responsibility of probation officers: Enquiry, Supervision, Jail Review Committee, and Enquires into victim compensation scheme and implementation of various schemes.
- Explained major schemes under Probation –
  - Self employment (amount may increase to INR 30,000 from 15,000) to ex-convicts, probationers, ex-inmates of borstal school, dependants of prisoners.
  - Educational assistance to children of prisoner (COP) (up to INR 1, 00,000), children of victims of crime, marriage assistance to COP.
  - Rehabilitation of cured mentally ill prisoners (39,660 mentally ill person per year).
- Explained ongoing activities – Formulation of state policy on probation and social defence, amendments in Kerala P.O Rules, research for implementation of scheme, capacity building, Psycho-socio intervention among first time offenders (18-30- pilot program).
- Thanalidam Probation Home – Home for men who do not have shelter / cannot go home, started in Kollam district, Kerala. Beneficiaries include probationers, ex-prisoners, first offenders, paroles. Occupational and agricultural therapy going on in Thanlidam project.
- Earlier, in Maharashtra, provision for hostel was there (attached to DPO residence) which was used as probation hostel.

- Explained gist of Nervazhi- Modernization and Strengthening of Probation system - First offender rehabilitation programme started called Nervazhi (true path / sahi raasta) – to reduce recidivism.
  - Program and beneficiaries under the programme.
  - Probation Department has created post of Probation Assistants (on contract basis) and Probation Volunteers.
  - Provided statistics for probation officers (Grade 1- 17, Grade 2- 23) and probation assistant (14) in Kerala
  - There is an increase in enquiry and supervision, due to the project.
- State and District level Advisory Committees meet once in 6 months for review.
- Probation Advisory Committee reviews all social defense related activities in the state.
- Proposed to use a new word “under trial person” and not “under trail prisoner”.

**Issues and challenges:**

- Weak capacity and morale of probation officers.
- Lack of Inter-departmental synergy.
- Lack of awareness about schemes.
- Lack of clear supervisory structure. There is a need to make new wing.
- There is a need to initiate smart probation:
  - Modernization of probation – Introduction of new scheme.
  - Developing a system for victim support and rehabilitation and bring out a state policy.
  - Awareness about plea bargaining.
  - Community service (offenders).

Shri Vikas Kadam thanked Shri K.K Subair for the informative session.

**VII. Open House**

- Requested District Probation Officer Latur and Prayas to connect for better coordination.
- Shri Subair explained about the Psycho-social support and intervention provided under Nervazhi program (Kerala) especially young offenders (first time) after release on bail:
  - Counselling session – to understand family, social background and skills of the offender.
  - Home visit – to understand social and family situation and neighborhood.
  - Training for probation officers and assistance.
  - Connect with panchayat at block level for facilitating integrated housing scheme.
  - Connect with food supplies for ration card.
  - De- addiction treatment – link with de-addiction center and family counseling.
  - Link for labour/ employment – engaging offender in skill training (All India Project – Deen Dayal Upadhyaya Grameen Kaushalya Yojana) / governmental and non-governmental programs.
  - Providing financial assistance (post training) for file making, running barber shop, auto rickshaw, dhaba (small restaurant).
  - Supervision on the progress.
- Staffing pattern at district level - (Probation officer, DPO and court division) is population based (differs district wise).
- Discussion revolved around issue faced in reporting by DPO.
- One of the DPO participant explained challenges faced in performing his role. Along with his current profile he also has to look after child welfare, give information about schemes and arrange meeting for COP (institution). Hence, he is able to visit prison once in a month.
- Provided benefit of Bal Sangopan Scheme for 50 cases.
- 7 person received benefit under grant in aid scheme in last year and in current year 4 person got benefit.
- Receive 10 cases in a month from court (pre sentence enquiry for P.O Act).
- Probation officer and DPO request for case referrals during court visit.

- Since, 2 years, the Magistrates are familiar with P.O Act. Awareness program is conducted for Judges; hence case referrals have increased.
- Discussion revolved around appointment to teach children in Osmanabad prison.
- One of the participants suggested increasing grade of DPO.
- DPO and Probation officer give enquiry report based upon court orders.
- Accuracy of data to be maintained.
- Discussed about format for monthly format.

Shri Vikas Kadam concluded the session assuring Prayas partnership in rehabilitation and to dialogue with District Legal Services Authority (DLSA) Eg. Work carried out by Prayas Latur team can be used as an example to showcase partnership between NGO and government.

### **Suggestions**

- Note to be sent to the Commissioner for an update on appointment of lady probation officers in Central Prisons and District Prisons Class I (Women's Section) based upon Bombay HC order ( PIL No 107/2014).
- Encouraged participants to read and implement Radha Krishnan committee.
- DPOs and POs need to do better planning and work in coordination.
- Another participant also suggested for appointing volunteers in district (paying little honorarium). For example: Retired DPO, teacher etc. can be taken as volunteers and train them.
- DPOs and POs can meet Principal District Judge (PDJ) (Court) to create awareness about P.O. Act. Requesting PDJ to allot half an hour in monthly meeting to explain about P.O Act and present good case study which highlights benefit of rehabilitation and its impact, information about bal sangopan and grant in aid schemes.
- District Officer (in coordination with Prayas) to meet DLSA, Osmanabad. DLSA, probation wing and Prayas can collaborate for the webinar on awareness program for Judiciary (Last workshop was held 4 years back).
- To recognize local NGOs working in the field of probation act and to establish relationship with them and work in close coordination.
- To increase coordination between Prayas and DPOs.
- DPOs and POs to refer cases to Prayas Latur and Solapur team. Also connect with Tuljapur campus TISS (Osmanabad) through Prayas team.
- To avail benefit of bal sangopan and grant in aid scheme – it is important to enquire at districts about the availability of funds and then make applications to avail the scheme.
- To present all the suggestions (coming out of all webinars at divisional and state level) to the Commissioner.

### **Conclusion and Vote of Thanks**

- Shri Vikas Kadam concluded the session. He shared that the report of the webinar will be submitted to the Commissioner.
- In future, 3 meetings are planned with the division, which will be followed with central state level meeting.
- Based upon the meetings at division and state, to develop a model for Maharashtra (similar to Bihar and Kerala).

## Annexure

### Workshop Schedule

Time	Details	Speaker
<b>02.30pm to 02.40pm</b>	Welcome and Introduction of speakers	Shri. Vikas Kadam, Social worker, Prayas
<b>02.40pm to 02.50pm</b>	Perspective of the Webinar	Dr. Vijay Raghavan, Director Prayas and Professor TISS
<b>02.50pm to 03.00 pm</b>	Inaugural address by Divisional deputy commissioner	Smt. Harsha Deshmukh, Divisional Deputy Commissioner – Aurangabad Division
<b>03.00 pm to 03.15 pm</b>	Address by Chief Guest, Probation Superintendent	Smt. Ujwala Jadhav, Probation Superintendent
<b>03.15 pm to 03.30 pm</b>	Work with youth during COVID -19 Situation experience in Latur	Shri Murlidhar Jagtap, Sr. Social worker, Prayas
<b>03.30 pm to 04.15 pm</b>	Status of Probation Offenders Act and Innovative Initiatives for Effective Implementation of the Act.	Shri. K.K Subair, Sr. Probation officer – Kerala
<b>04.15 pm to 04.50 pm</b>	Sharing of experiences by Probation officers if any	Probation Superintendent, DWCD, and Dr. Vijay Raghavan, Director Prayas and Professor TISS
	Open house and concluding	
<b>04.50 pm to 05.00 pm</b>	Vote of Thanks	Smt. Pradnya Shinde, Sr. Social worker, Prayas