

Webinar on 'Implementation of PO Act 1958 in Maharashtra: Issues and Challenges for the Amravati and Nagpur Divisions held on March 2021, 11.00 am to 1.30 pm

Introduction by Shri Vikas Kadam from Prayas

Mr. Kadam welcomed the dignitaries, Smt. Archana Ingole, Divisional Deputy Commissioner, Amravati, Smt. Ujwalla More, Probation Superintendent, Maharashtra, Smt. Kathale, Probation Officer at Probation Superintendent Office, Pune, and Dr. Vijay Raghavan Professor CCJ, SSW, TISS. He welcomed the participants - district probation officers and probation officers from both the divisions. He further thanked the Probation Superintendent for providing this opportunity to have a dialogue with the officers as it is an issue of our concern to keep the dialogue open on the Probation of Offenders' Act. In the recent past, it is observed that the Act is neglected as far as its implementation is concerned. The budget being received for the grant-in-aid scheme for released prisoners also does not get fully utilised. Thus the number of beneficiaries are reducing day by day.

Thus it is a concern that the stakeholders do not use such a wonderful law which has lot of scope for rehabilitation of prisoners and offenders. Thus it is necessary to understand the difficulties and new challenges in the field. Is there any need to make some changes in the rules or is it time to revise or amend the law?

After this small introduction, he requested the Divisional Dy. Commissioner, DWCD, Amravati Division to address the session.

Smt. Archana Ingole, Divisional Dy. Commissioner, Amravati Division, DWCD, GoM

Smt. Ingole welcomed all participants and she mentioned that the Probation of Offenders Act is a very important law for the rehabilitation of offenders. The officers are vested with multiple responsibilities is one of the reasons for non-performance on the part of implementation of the act. But this should not be the reason to avoid the implementation. She mentioned that the role as probation officer in implementation is a prime duty of the officer, and they should give justice to their responsibility.

After the address of Smt. Ingole, the Probation Superintendent spoke about the need for such a webinar. She has been writing to the District Probation Officers for the implementation reports but she has not been receiving the necessary response from the districts. Thus she is not very happy with this attitude of the officers. She said that except for the situation of COVID, there is unsatisfactory response from the officers. Almost very often, they have been sending NIL report on the part of implementation. She mentioned that if the officers did not approach the field i.e. courts and prisons, how can they get cases? She said that she wanted to discuss these points in detail during the open discussion.

Shri K.K. Subair, Sr. Social Welfare Officer, Department of Social Justice, Govt. of Kerala

Shri Subair has worked on the Probation of Offenders' Act in Kerala before his promotion to a senior post in the Social Welfare Department in the Government of Kerala. He is one of the witness to the progressive developments in the implementation of the Probation of Offenders Act

in the state. Kerala has come up with a model for implementation of the law and best practices in rehabilitation of prisoners.

Highlights of the presentation:

- The probation officers regularly visit prison and courts and follow up cases.
- They have named this project 'Nervazhi' in Malayalam means 'Right Path'
- The probation wing is working in 14 districts of the state, with 16 District Probation Officers, 40 Probation Officers (17 grade I Officers and 23 grade II Officers). They have appointed 14 Probation Assistants for the implementation of the law and they have provision to appoint Probation Volunteers for follow up of cases. They can appoint 5 volunteers in a district.
- They have started a probation home with the help of local NGO called Gandhi Bhavan.
- The state is working on a 10 year plan for the improvement in implementation of the PO act.
- The state is planning to develop a policy on rehabilitation.
- The Probation of Offenders Act has broadened the scope and included the following groups as their target – youth offenders between the age of 18 to 21 years, first-time offenders, under trials, families of offenders, children of prisoners, rehabilitation of ex-prisoners and transgenders.

The state has formed a State Probation Advisory Committee and they have set up District Probation Advisory Committees for better implementation of the PO Act.

Every year, Kerala celebrates 15 days in a year as Probation Fortnight in memory of Late Justice Shri V.R. Krishna Iyer from 15th November to 4th December. The state organizes various programs on awareness on probation, rehabilitation of offenders, etc. in every district to avail participation of people in the process of rehabilitation.

The state has initiated a research on implementation of the PO Act with the help of the Social Work Department of the Sree Shankaracharya Sanskrit University.

The state also proposed to amend the State Rules of PO Act 1960.

Now Kerala is on a mission mode on implementation of the PO Act.

Dr, Vijay Raghavan mentioned the best practices in different states where they have got good results in Kerala and Bihar. Now these are two states are leading in implementation of the law. Till late 90s, Maharashtra was the top most state amongst the few states who were implementing this law. But after 90s, there has been a decline in implementation. Previously, when the Act was with the department of Prisons, the implementation was good. After the shifting of the law to the DWCD, there has been a decline in implementation. Now there is negligible presence of probation officer in the system.

Now considering the national situation of the Probation of Offenders' Act, we can say it almost breathing its last, and there are few states where at least people know about the law. Kerala came up with good plans for its implementation and Kerala will be a first state to bring a policy for

probation and rehabilitation. They have come up with the clear plans and allocated staff and funds towards better implementation of the Act. We can talk about Bihar and the IG Prisons and Principal of Bihar Institute of Correctional Administration (BICA) are taking keen interest to develop their probation wing. Recently, Prayas conducted training for the probation officers and prison officer separately. It is high time to look into the lapses and gaps in implementation of this law in Maharashtra.

Smt. Ujwala More, Probation Superintendent, DWCD, GoM

She mentioned that after continuous follow up, many District Probation Officers and Probation Officers are absent today even for an online meeting. After working for long time on the same posts, they are not able to send proper and timely reports. It is very sad to know that almost everyone sends their reports as NIL for many months. What does it mean? Are they not working for what they are appointed? This is very painful that there are people who are languishing in custody and desperately need their services, guidance and help. POs give NIL report on home visits, court visits, etc in their reports. There is no report on distribution of grants. Officers do not reach their yearly targets. She hoped that this webinar will help remind the POs about their work and roles.

Open Discussion

POs thanked Prayas and DWCD for organizing this discussion.

The officers were not in full agreement with the statement of the Probation Superintendent and said that they have their own difficulties that need to be rectified for the better implementation of the law.

Shri Chandrakant Bode, Probation Officer, mentioned that he worked very hard during the COVID situation they have distributed rations in institutions and in the communities like the red-light areas. They arranged tea stall for people who were migrating back to their native places. They arranged for employment of released prisoners and many migrant laborers were provided with support and counselling.

Shri Girish Pusadkar, PO from Amravati said that they provided the grant in aid scheme to released prisoners to start pan stall, tailoring business, tea stall, etc. He said that there is a need to amend the rules for providing materials - relaxation in rules, so that the amount can be varied instead of standard amount of Rs. 25000/-. For example, in case of starting puncture repairing shop, we need not to provide the full grant as the equipment and raw material cost is less than Rs. 25000/-..

One of the beneficiaries spent the grant on construction of his dilapidated house, and sometimes, the probationers use the grant other than business purposes. The grant amounts are deposited in their respective accounts of the beneficiaries and later it is difficult to get the bills from them.

In one case where the client did not purchase the materials for the carpentry business, the PO has to pay from his pocket. They suggested that the amount should be deposited in the bank account

of the shop from where the items are purchased instead of depositing in the bank account of the beneficiaries.

One of the Probation Officers suggested that there should be some changes in the GR of this grant in aid scheme - there should not be compulsion for quotation below the purchase of Rs. 5000/- and the quotation could be called for the purchase of amounts more than 5000/-.

The shop keepers do not provide GST included bills and quotations.

The Probation Officer Mr. Ramesh Dalal mentioned that there is a need for changes in the criteria for selection of cases. There is no specification given in the GR about which category of released prisoner is eligible for the grant. He mentioned that even if a person completed a term of one month, he can be considered for the grant in aid scheme.

POs mentioned their requirement for the upgradation of their rank to at least for class II level. Some officers complained about the pressure from DWCD officers, they mentioned that there are restrictions from the District Officer in giving priority for prison and probation related work.

The Probation Superintendent mentioned the following points at the end:

- The officers are not doing justice to the implementation of the law.
- They are not going for the home visits.
- The target of grant in aid is not reached.
- There is sufficient budget for the grant in aid but there is a shortage of applications.
- DWCD officers should assess the work of probation officers and put up the file.

Dr. Raghavan said that if Department appoints probation volunteers, Prayas is ready to conduct training for them. This can be tried for one year and we can assess the impact after a year.

Mr. Bonde mentioned that we can have an experiment of appointing probation volunteers in the department in few selected districts and study the progress in implementation.

There was an order in department in 2012 by which POs were taken on duties of divisional offices as additional charge. These POs can be brought back to the districts and assigned the work of probation at field level.

The Probation Superintendent mentioned that if required, we can review this order and we will discuss this in their official meeting.

After considering the issues and difficulties and after the session of thanks giving, the meeting was wound up on the note to meet jointly at the state level.