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Probation Reforms and the Role of NGOs

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Abstract

Probation in India is a sound idea run on a starved system. The Probation of Offenders Act 1958 permits courts to release suitable offenders into the community under supervision instead of sending them to prison, yet more than six decades later probation remains rarely used, thinly staffed and poorly understood. This article examines the legal and institutional framework of probation in India, with particular reference to Kerala, and identifies the structural obstacles that keep it at the margins of sentencing: vacant posts, overburdened officers, the absence of mandatory pre-sentence reports, weak inter-departmental coordination, underfunded rehabilitation schemes and social stigma. It argues that non-governmental organisations (NGOs) are not an optional supplement to probation but a structural necessity. The statute itself contemplates probation officers drawn from recognised societies, and the United Nations Tokyo Rules treat community participation as essential to non-custodial justice. Drawing on the field work of the Law and Justice Research Foundation in Kerala, the article shows how NGOs can fill gaps in awareness, assessment, supervision, rehabilitation and victim support, and proposes legislative, administrative and institutional reforms.

Keywords: Probation of Offenders Act 1958, Reformative justice, NGOs, Community service, rehabilitation, Kerala

I. INTRODUCTION

'Sentencing an accused person is a sensitive exercise of discretion and not a routine or mechanical prescription acting as a hunch.' So wrote Justice V.R. Krishna Iyer in *Ved Prakash v State of Haryana*,[1] reminding criminal courts that the social background and personal circumstances of the offender are deeply relevant to punishment. Even where the statutory provisions on probation are not

formally attracted, he held, the sentencing court must be 'activist enough' to collect facts bearing on punishment 'with a rehabilitating slant' and must fulfil the 'humanizing mission of sentencing' implicit in the Probation of Offenders Act 1958 (PO Act).[2]

More than four decades later, that mission remains largely unfulfilled. Imprisonment continues to be the default response to crime, Indian prisons remain persistently overcrowded,[3] and probation, the principal statutory alternative to incarceration, is used sparingly and supervised thinly. Probation is a privilege granted by the court to a convicted person to remain in the community instead of going to prison. It suspends the sentence and releases the offender on conditions, with or without the supervision of a probation officer. Properly used, it averts the stigma of jail, protects the offender's family from ostracism, eases overcrowding and, above all, gives the offender a structured opportunity to reform and reintegrate.

This article advances two propositions. The first is that the under-use of probation in India stems less from defects in the law than from failures of implementation, awareness and community support. The second is that these failures cannot be remedied by the State alone, and that NGOs are essential to a functioning probation system. Part II sets out the conceptual and penological basis of probation. Part III examines the legal framework, including the changes introduced by the new criminal codes of 2023. Part IV studies the position in Kerala. Part V analyses the statutory, international and practical basis for NGO participation, with a case study of the Law and Justice Research Foundation (LJRF). Part VI proposes reforms, and Part VII concludes.

II. PROBATION: CONCEPT AND PENOLOGICAL BASIS

A. Meaning

The word probation derives from the Latin *probare*, to test or to prove. The probationer is given a period within which to prove that he or she can live lawfully in the community. Probation is therefore a conditional suspension of punishment: if the conditions are honoured, no sentence is executed; if they are breached, the court may sentence the offender for the original offence. It must be distinguished from parole, which is an executive release from prison after part of a sentence has been served, and from admonition, which is a bare warning without bond or supervision.[4]

B. From retribution to reformation

The history of penology is marked by a shift from absolute to relative theories of punishment. Retributive theory treats punishment as an end in itself; pushed to its limit, it becomes indistinguishable from revenge. Deterrent theory looks to the effect of punishment on future conduct, but long imprisonment frequently hardens offenders rather than deterring them. Reformative theory, by contrast, holds that the object of punishment is to change the offender. Indian constitutional jurisprudence has embraced this view; in *Mohammad Giasuddin v State of Andhra Pradesh*, Krishna Iyer J. observed that every saint has a past and every sinner a future, and that the sentencing process should be geared to healing rather than hurting.[5]

Probation is the clearest institutional expression of reformative theory. It keeps intact the offender's ties to family, work and community, which are the very ties that criminological research associates with desistance from crime.[6] Contemporary rehabilitation theory reinforces the point. The Good Lives Model holds that offenders, like everyone else, pursue basic human goods such as relatedness, competence and meaningful work, and that crime often arises when these goods

are pursued in harmful ways or when the capacity to pursue them lawfully is absent.[7] On this view, shelter, literacy, employment and community acceptance are not welfare extras but the core of effective probation.

C. Voluntary origins

Modern probation is commonly traced to John Augustus, a Boston shoemaker who from 1841 stood bail for petty offenders and supervised them on behalf of the court. In England the police court missionaries of the Church of England Temperance Society performed a similar role from 1876, before the Probation of Offenders Act 1907 placed probation on a statutory footing.[8] In both countries, probation began as a civil society effort and was only later absorbed by the State. The participation of voluntary organisations in probation is therefore not a modern innovation; it is part of the institution's origin. In India, section 562 of the Code of Criminal Procedure 1898 and several provincial enactments preceded the PO Act, which created a uniform central framework and left the States to frame rules and build the administrative machinery.[9]

III. THE LEGAL FRAMEWORK

A. The Probation of Offenders Act 1958

Section 3 of the PO Act permits release after admonition for specified offences of theft, misappropriation and cheating, and for offences punishable with imprisonment of up to two years, where the offender has no previous conviction. Section 4 permits release on probation of good conduct for any offence not punishable with death or imprisonment for life, on a bond of up to three years, with or without supervision; the court must take into consideration the report of the probation officer, if any.[10] Section 5 empowers the court to order compensation to the victim. Section 6 restrains the court from imprisoning an offender under twenty-one years of age unless it is satisfied that release under sections 3 or 4 is not desirable, and obliges it to call for a probation officer's report. Section 12 removes any disqualification attaching to conviction, while sections 13 and 14 provide for the appointment and duties of probation officers.[11]

Two features of this scheme are significant. First, it is permissive: sections 3 and 4 provide that the court *may* release the offender, and only section 6 imposes a duty, confined to young offenders. Second, the Act is not rights-based. An eligible offender has no enforceable right to be considered for probation or to have a pre-sentence report prepared. Everything therefore depends on the inclination of the individual judge and on the capacity of the probation machinery to support that inclination.

The Act also attends to the consequences of probation. Where a supervision order is made, the court may impose conditions as to residence, abstention from intoxicants and other matters it considers necessary to prevent a repetition of the offence. If the offender fails to observe the conditions of the bond, section 9 empowers the court to issue a warrant or summons and, on being satisfied of the breach, to sentence the offender for the original offence or impose a penalty without prejudice to the continuance of the bond.[12] Effective supervision is therefore the hinge on which the whole scheme turns: without it, breaches go undetected, conditions become formalities, and the public loses confidence in the reformative promise of the Act.

B. From the CrPC to the BNSS

Section 360 of the Code of Criminal Procedure 1973 (CrPC) empowered courts to release certain offenders on probation or after admonition, and section 361 required courts to record

special reasons for not extending these benefits, or those under the PO Act, to eligible offenders. With effect from 1 July 2024, the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS) replaced the CrPC, and sections 401 and 402 of the BNSS carry forward the substance of sections 360 and 361.[13] The duty to record special reasons is an under-used instrument by which appellate courts can hold trial courts to account for mechanical sentencing.

C. Community service under the BNS

The Bharatiya Nyaya Sanhita 2023 (BNS) introduced community service as a form of punishment for the first time in Indian penal law.[14] It is prescribed for a small number of minor offences, including theft of low-value property by a first offender who restores the property, defamation, and misconduct in public by a drunken person.[15] This is a significant step, because it recognises that some offenders should repair harm in the community rather than be removed from it. Yet the BNS neither defines community service nor specifies its nature, duration or supervising authority. Without an implementing framework the provision risks becoming a dead letter. Probation officers, working with recognised NGOs, are the natural institutions to design and supervise community service placements.

D. The judicial approach

The Supreme Court has consistently affirmed the reformative object of probation. In *Rattan Lal v State of Punjab*, it extended the benefit of the PO Act at the appellate stage even though the Act came into force after conviction, describing it as a milestone in the progress of modern liberal trends of reform.[16] In *Jugal Kishore Prasad v State of Bihar*, it stressed that the object of the Act is to prevent young and first offenders from being converted into hardened criminals through association with seasoned convicts.[17] In *Ishar Das v State of Punjab*, it applied the protection for offenders under twenty-one notwithstanding a minimum sentence prescribed by a special statute.[18] At the same time, the Court has cautioned that probation is not available as of course, declining it, for instance, in cases of rash driving causing death.[19] More recently, in *Manoj v State of Madhya Pradesh*, the Court required the collection of mitigating information, including reports from probation officers and psychological evaluation, before sentencing in capital cases,[20] an approach that illustrates how much depends on a well-prepared social history of the offender.

These precedents reveal a judiciary that endorses probation in principle. As *Ved Prakash* itself observed, however, trial courts have rarely internalised this philosophy in day-to-day sentencing.

The case law also shows what the Act demands of the sentencing court in practice. Whether release is appropriate depends on the circumstances of the case, including the nature of the offence and the character of the offender, and those circumstances can rarely be gauged from the trial record alone. A court that is not supplied with a reliable account of the offender's antecedents, family, education, employment and conduct is left to decide on impression, which is precisely the 'hunch' that *Ved Prakash* warned against. The quality of probation decisions is therefore inseparable from the quality of the information placed before the court, and that information is what an under-resourced probation service is least able to provide.

E. The problem with section 6

In *Ramji Missar v State of Bihar*, the Supreme Court held that the relevant age for section 6 is the age on the date on which the trial court sentences the offender.[21] Given the delays endemic to

Indian trials, an offender who was nineteen when the offence was committed may be twenty-three or twenty-four at conviction and thereby lose the protection altogether. The delay is not of the offender's making, yet the offender bears its cost. Section 6 should be amended so that the relevant age is the age on the date of the offence.

IV. PROBATION IN KERALA

Kerala has gone further than most States in building welfare schemes around probation, but its core machinery remains understaffed. Probation is governed by the PO Act and the Kerala Probation of Offenders Rules 1960, and is administered by the Department of Social Justice through District Probation Offices.[22] The Department runs several related schemes: *Nervazhi*, for the guidance and rehabilitation of probationers and offenders in the community; *Jeevanam*, which provides financial assistance to victims of crime and their dependants; and *Kaval*, which provides psycho-social support to children in conflict with law and is implemented in partnership with NGOs.[23] Kerala also observes Probation Day and a Probation Fortnight in memory of Justice Krishna Iyer. These initiatives reflect a progressive outlook, but field experience reveals persistent structural problems.[24]

First, staffing is inadequate. The posts of Chief Probation Superintendent and Regional Probation Officers contemplated by the statutory scheme have not been filled as envisaged, and clerical posts have been reduced, leaving probation officers to perform clerical as well as professional work. The honorary probation officers that the law permits have scarcely been appointed. A probation officer can meaningfully supervise only a limited number of probationers; beyond that, supervision becomes nominal.

Second, qualifications and training are inadequate. The current special rules permit appointment of graduates in any discipline, although probation work is essentially social casework requiring knowledge of law, psychology, addiction and social work. Structured training, including training in writing pre-sentence reports, is lacking, and no mechanism exists to review the quality of a probation officer's assessment.

Third, pre-sentence reports are optional outside section 6. Offenders are therefore sentenced, or released, without any assessment of their antecedents, personality or circumstances. In many cases it is unclear even whether the offender is a first offender. Where reports are called for, officers are frequently given too little time to prepare them.

Fourth, coordination between the police, prosecutors, defence lawyers, magistrates, prison authorities and probation officers is weak. The police station, where the process begins, is rarely linked to the probation office at all. Compounding this, many under-trial prisoners are unaware of probation, plea bargaining or parole, and defence counsel seldom advise them of these options; plea bargaining, though available since 2006, remains rarely used.[25]

Fifth, the social environment works against reintegration. Probationers face stigma and exclusion from employment and housing, and the long gap between offence and judgment prolongs their isolation. Many carry mental health burdens and addictions, yet there is no dedicated psychological support for probationers. Low literacy and limited skills further restrict employment. Victims, for their part, may perceive an offender-centred approach as a denial of justice. Finally, there is no consolidated database of probation orders, breaches or outcomes, and schemes such

as *Nervazhi*, *Jeevanam* and *Kaval* face recurring funding shortfalls, leaving much of the rehabilitative work to NGOs operating on limited resources.

These shortcomings carry a cost that is not only human but fiscal. Every offender who could safely have been released on probation but is instead imprisoned adds to the burden on an overcrowded prison system and to the expense borne by the State for custody, while the offender's family loses income and support. Coordinated action by magistrates, police, prison authorities, probation officers and NGOs to ensure that all eligible persons are at least considered for probation would reduce the prison population and the cost of maintaining it. The case for investing in probation is therefore as strong on grounds of economy as it is on grounds of humanity.

V. THE ROLE OF NGOs

A. Statutory and international basis

Section 13(1) of the PO Act provides that a probation officer may be a person appointed or recognised by the State Government, a person provided for the purpose by a society recognised by the State Government, or, in exceptional cases, any other person whom the court considers fit.[26] The Act thus expressly contemplates civil society organisations supplying probation officers. Read with the provision for honorary probation officers, section 13 offers a ready legal route to expand capacity without new legislation. What is missing is the administrative will to recognise societies, train their members and assign them work.

International standards point in the same direction. The United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) describe public participation as a major resource for strengthening ties between offenders and their families and communities, call for the promotion of public understanding and cooperation, and provide for the recruitment, training and support of volunteers.[27] The Bangkok Rules add a gender dimension, calling for non-custodial measures for women that take account of caretaking responsibilities and histories of victimisation, areas in which NGOs often hold particular expertise.[28]

B. Functions across the criminal process

NGOs can contribute at every stage of the process. At arrest and during under-trial custody, they can inform accused persons and their families of their rights, link them with legal aid and identify those potentially eligible for probation. At the sentencing stage, trained NGO members and student interns, working under the supervision of the probation officer, can gather the social history on which a sound pre-sentence report depends, through home visits and interviews with family, employers and neighbours. The mitigation investigation work pioneered in India by Project 39A at National Law University Delhi demonstrates how significantly a well-researched social history can alter a court's assessment of an offender.[29]

A sound pre-sentence report should address the offender's age, family circumstances, education, employment history, health, use of intoxicants, previous conduct, the circumstances of the offence, the attitude of the offender and the family towards it, and the support available in the community. It should conclude with a reasoned assessment of suitability for probation and a proposed supervision plan. Preparing such a report for every eligible case is beyond the present capacity of District Probation Offices. A probation support team in each district, comprising trained NGO members and law and social work students engaged through paid internships, could undertake the field inquiries under the direction of the probation officer, who would retain

responsibility for the assessment and its submission to the court. The arrangement would also give students a valuable practical education in the working of the criminal justice system.

During supervision, NGO members can act as society-provided or honorary probation officers and as mentors. In rehabilitation, NGOs are often best placed to deliver literacy classes, vocational training, job placement, temporary shelter, counselling and de-addiction services; the Prayas field action project of the Tata Institute of Social Sciences shows how sustained engagement can support persons leaving custody.[30] NGOs can also design and supervise community service placements under the BNS, support victims in accessing compensation under section 5 of the PO Act and schemes such as *Jeevanam*, and, where victims are willing, facilitate restorative processes. Beyond individual cases, they can conduct probation literacy programmes in schools, colleges and offices to counter stigma, and undertake the data collection and research the system currently lacks.

C. Awareness, stigma and mental health

Of all the contributions NGOs can make, awareness is the most immediate. Offenders cannot ask for what they do not know exists, and experience in correctional institutions shows that many inmates have never heard of probation. Regular sessions in prisons, delivered in simple language by NGO members working with law and social work students, can identify eligible persons and prompt applications that would otherwise never be made. Probation literacy programmes conducted in schools, colleges and government offices, on the model of the constitutional literacy campaigns, can in turn change public attitudes. Offenders who have successfully completed probation can themselves become credible peer educators, demonstrating to inmates and to the community that reform is achievable.

Stigma is the second front. The community often fears that a probationer will re-offend and treats him or her as a criminal rather than as a person under reform, and the resulting exclusion from work, housing and social life raises the very risk it fears. NGOs can mediate between probationers and employers, landlords and local bodies, and involve probationers in community service that allows them to be seen contributing rather than threatening. Mental health is the third. Many probationers carry trauma and addiction, worsened by the absence of a safe space outside prison. NGOs working with medical colleges and trained counsellors can provide counselling and de-addiction support, and facilitate treatment in government mental health establishments where serious illness is identified. These are tasks for which a statutory officer with a heavy caseload has neither the time nor, often, the training, but which civil society organisations are well placed to perform.

D. Comparative experience

Japan offers an instructive model. Its probation system relies on a large corps of volunteer probation officers, the *hogoshi*, appointed under the Volunteer Probation Officers Act 1950, who work alongside a relatively small professional cadre.[31] They bring local knowledge, continuity and a human relationship that professional officers with heavy caseloads cannot provide. A Kerala equivalent, built on section 13 and the honorary officer provision, could draw on retired teachers, social workers, panchayat members and trained volunteers. The experience of England and Wales provides a counterpoint. The partial privatisation of probation through Community Rehabilitation Companies in 2014 was reversed in 2021 after sustained criticism of their performance.[32] The lesson is that probation cannot simply be outsourced; the appropriate model is partnership, in

which the State retains responsibility and the statutory officer retains authority, while accredited civil society organisations extend the system's reach.

E. Case study: the LJRF Centre for Probation Reforms

The Law and Justice Research Foundation is a society registered under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act 1955 and registered with NITI Aayog. Its Centre for Probation Reforms works with District Probation Offices, law colleges and social work colleges, with the support of the Social Justice Department, to build awareness of probation and to strengthen the Probation Services Support Team.[33] Between 14 and 16 March 2022, the District Probation Office, Alappuzha, the Centre and the prison authorities conducted a legal awareness programme for inmates of the District Jail, Alappuzha, covering the PO Act, *Nervazhi* and *Jeevanam*, prisoners' rights, plea bargaining, parole and premature release, personality development and addiction. Similar classes were held at the Special Sub Jail, Thiruvananthapuram and the Sub Jail, Neyattinkara, in collaboration with local NGOs. The Centre has also participated in Probation Fortnight programmes, the Justice V.R. Krishna Iyer Memorial Lecture on Probation Day, and the 2021 pan-India legal awareness campaign conducted under the aegis of the National Legal Services Authority. It has further proposed a Kerala State Probation Literacy Mission directed at under-trial prisoners, social workers and the legal fraternity.

This experience yields four lessons. Inmates respond when information is delivered respectfully and accessibly, which shows that low awareness is a solvable problem. Partnership works: the programmes succeeded because the probation office, the legal services authority, prison authorities, NGOs and students each contributed what the others lacked. Law and social work students are an under-used resource who gain practical learning while extending the system's capacity. Yet such efforts remain episodic and dependent on goodwill; without formal recognition, funding and integration into the probation system, they cannot be scaled.

F. The victim dimension

A reformative system that ignores victims will struggle to retain public legitimacy. The crime may have damaged the victim's emotional, physical, psychological and financial wellbeing, and a sentence that returns the offender to the community may be experienced as a denial of justice. Section 5 of the PO Act permits compensation, and Kerala's *Jeevanam* scheme offers financial assistance to victims and their dependants, but victims frequently lack the information or support needed to access either. NGOs can counsel victims, assist them in claiming compensation, and, where both parties are willing, facilitate restorative processes in which the offender acknowledges the harm done and makes amends. Such processes help victims understand that justice can mean repair rather than retribution, and they give probation a moral grounding that purely offender-centred approaches lack.

G. Safeguards

NGO participation carries risks. Organisations vary in competence and integrity, and the confidentiality of probation reports under section 7 of the PO Act must be protected. Recognition under section 13 should therefore be conditioned on accreditation, training, a code of conduct and periodic review, with the statutory probation officer retaining responsibility for every report submitted to the court.

VI. RECOMMENDATIONS

Legislative reform. The PO Act and the Kerala Rules should be amended to make probation rights-based, so that every eligible offender is entitled to be considered for probation, with reasons recorded where it is refused. Section 6 should fix the relevant age at the date of the offence. Pre-sentence reports should be mandatory in every case eligible for probation, and courts should call for them during the trial so that officers have adequate time. Rules should be framed under the BNS defining the nature, duration and supervision of community service, assigning supervision to probation officers acting with recognised NGOs, with the involvement of the Kerala State Legal Services Authority and District Legal Services Authorities.

Personnel and capacity. Vacancies should be filled, the posts of Chief Probation Superintendent and Regional Probation Officers created and filled, and clerical posts restored. The general qualification for probation officers should be replaced by specific qualifications such as LLB, MSW, criminology, sociology or psychology, supported by structured training in report writing. A clinical psychologist should be dedicated to probationers in each region, and the provisions for honorary and society-provided probation officers should be implemented.

Process and data. An independent mechanism should review the quality of probation reports. Probation officers should be able to assess accused persons from the time of arrest, with a referral protocol linking police stations to probation offices. A database of probationers classified by offence, gender, age, marital status and outcome should be created, possibly through an arrangement with a digital university, to enable evaluation and research. Electronic monitoring may be considered for higher-risk probationers, subject to safeguards for privacy and dignity.

Partnership. Formal partnerships should link District Probation Offices with NGOs, research centres, medical colleges and law and social work programmes. District-level probation support teams of students engaged through paid internships should assist probation officers. A research centre in memory of Justice Krishna Iyer could anchor this work and run student legal aid clinics in prisons. The State's awards for NGOs should extend to those working in probation, and the proposed Kerala State Probation Literacy Mission deserves support.

Access to justice in custody. Legal advisors with expertise in probation should be available to correctional institutions in every district, and student legal aid clinics should function in prisons on a regular basis. Judges, prosecutors and defence counsel should be trained in plea bargaining so that it becomes a working option in Kerala's courts. Complaints of violations of the rights of prisoners and remand prisoners should be acted upon promptly, and recognised NGOs and researchers should be permitted to follow up on the implementation of orders passed by competent legal authorities. Steps should also be taken to reduce the gap between the date of the offence and the date of judgment, since prolonged pendency isolates the accused and weakens the prospects of reform.

Rehabilitation and victims. Funding for *Nervazhi*, *Jeevanam* and *Kaval* should be increased and stabilised. Probationers who need it should be enrolled in literacy programmes and offered vocational training, shelter, employment support and assistance for self-employment. Counselling and de-addiction services should be provided through NGOs and medical colleges, with serious cases referred to government mental health establishments in keeping with the right to access

mental healthcare.[34] Former probationers can serve as peer educators. Victims should be counselled, compensated wherever possible and informed of the purposes of probation.

VII. CONCLUSION

Punishment should not be an end in itself. Some offenders may be beyond restoration, but the great majority can change and become responsible and productive citizens. Experience in jurisdictions where probation is well developed shows that it is less costly and more humane than imprisonment, and a well-designed probation plan can in many cases protect the public better than a prison term. The decision to grant probation must remain within the discretion of the court. But that discretion can be exercised well only if courts have reliable information, probation officers have capacity, and offenders have somewhere to go and someone to support them.

These are precisely the gaps that NGOs can fill. From awareness classes in prisons to pre-sentence inquiries, from mentoring to job placement, and from victim support to research, civil society extends the reach of the State into the community where reintegration actually occurs. The experience of the LJRF Centre for Probation Reforms shows that such partnership is both possible and effective, but also that it cannot rest on goodwill alone. It requires recognition under section 13, sustained funding, training and accountability. Probation is not the only answer to crime, but it is an integral part of the answer. Fulfilling what Justice Krishna Iyer called the humanising mission of sentencing will require the State and civil society to work as partners in a shared task.

References

1. *Ved Prakash v State of Haryana* AIR 1981 SC 643.
2. ibid. The Probation of Offenders Act 1958 is referred to in this article as the PO Act.
3. See National Crime Records Bureau, *Prison Statistics India 2022* (Ministry of Home Affairs 2023), reporting national prison occupancy in excess of sanctioned capacity, with under-trial prisoners forming the large majority of inmates.
4. PO Act, ss 3–4. Parole in India is governed by State prison rules and is an executive measure, whereas release under the PO Act is a judicial order made in lieu of sentence.
5. *Mohammad Giasuddin v State of Andhra Pradesh* (1977) 3 SCC 287.
6. See Shadd Maruna, *Making Good: How Ex-Convicts Reform and Rebuild Their Lives* (American Psychological Association 2001).
7. Tony Ward and Shadd Maruna, *Rehabilitation: Beyond the Risk Paradigm* (Routledge 2007).
8. Probation of Offenders Act 1907 (7 Edw 7 c 17). For the early history, see United Nations Department of Social Affairs, *Probation and Related Measures* (UN 1951).
9. Code of Criminal Procedure 1898, s 562; PO Act, s 19.
10. PO Act, s 4(1)–(3).
11. PO Act, ss 5, 6, 7, 12, 13 and 14.
12. PO Act, ss 4(3)–(4) and 9.
13. Code of Criminal Procedure 1973, ss 360–361; Bharatiya Nagarik Suraksha Sanhita 2023, ss 401–402.
14. Bharatiya Nyaya Sanhita 2023, s 4(f).
15. ibid ss 303(2), 355 and 356(2).
16. *Rattan Lal v State of Punjab* AIR 1965 SC 444.

17. *Jugal Kishore Prasad v State of Bihar* (1972) 2 SCC 633.
18. *Ishar Das v State of Punjab* (1973) 2 SCC 65.
19. *Dalbir Singh v State of Haryana* (2000) 5 SCC 82. On the effect of s 12, see also *Arvind Mohan Sinha v Amulya Kumar Biswas* (1974) 4 SCC 222.
20. *Manoj v State of Madhya Pradesh* (2023) 2 SCC 353.
21. *Ramji Missar v State of Bihar* AIR 1963 SC 1088.
22. Kerala Probation of Offenders Rules 1960.
23. Department of Social Justice, Government of Kerala, schemes for probationers, offenders and victims of crime (*Nervazhi*, *Jeevanam* and *Kaval*).
24. The observations in this Part draw on the field work of the Law and Justice Research Foundation, Centre for Probation Reforms, including legal awareness programmes conducted in correctional institutions in Alappuzha and Thiruvananthapuram in 2021–2022.
25. Code of Criminal Procedure 1973, ch XXIA (inserted by the Code of Criminal Procedure (Amendment) Act 2005); now Bharatiya Nagarik Suraksha Sanhita 2023, ch XXIII.
26. PO Act, s 13(1).
27. United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), UNGA Res 45/110 (14 December 1990), rr 17–19.
28. United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), UNGA Res 65/229 (21 December 2010), pt III.
29. Project 39A, National Law University Delhi. See also *Manoj v State of Madhya Pradesh* (n 20).
30. Prayas, a field action project of the Tata Institute of Social Sciences, Mumbai.
31. Volunteer Probation Officers Act 1950 (Japan, Act No 204 of 1950).
32. See Offender Rehabilitation Act 2014 (UK); HM Inspectorate of Probation, *Report of the Chief Inspector of Probation* (March 2019). Supervision was reunified in the public Probation Service in June 2021.
33. Law and Justice Research Foundation, Centre for Probation Reforms, programme records and reports, 2021–2022.
34. Mental Healthcare Act 2017, s 18.