Report of the
District Level Workshop on
'Laws Related to Rehabilitation of Offenders in Criminal Justice'

Organised by
The District and Sessions Court, Thane
&
Prayas
(A Field Action Project of the Centre for Criminology and Justice)
Tata Institute of Social Sciences

Held At
'Manthan', Wonder Mall, Ghodbunder Road
Thane (w)
February 2006

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Hon'ble Shri A. V. Nirgude, Additional District and Sessions Judge, Thane
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Hon'ble Shri Khatriya, Add. Dist. Judge & Add. Sessions Judge, Thane
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Shri D. Shivanandan Commissioner of Police - Thane
Late Shri M.R. Gondhali, Superintendent, Probation Offenders Act, Maharashtra
Shri Sanjay Bagal, District Women and Child Development Officer, Thane
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Smt. Samudre, Office Superintendent, Sessions Court, Thane
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ABOUT PRAYAS

Established: 1990
9/1 B.D.D. Chawls, Worli, Mumbai

Prayas is a field action project of the Centre for Criminology and Justice, Tata Institute of Social Sciences working in the criminal justice system towards the protection of legal rights and rehabilitation of vulnerable groups.

Objectives:
- Demonstrate the need for social work intervention in the criminal justice system viz. at police stations, prisons, criminal courts and institutions for women and minors.
- Work towards the rehabilitation of persons coming out of or vulnerable to crime or prostitution.
- Provide support to families of persons in crime/prostitution, especially children to counter negative influences and prevent criminalization.
- Improve access of citizens in the criminal justice system to their legal rights enshrined in the Constitution and promote the use of correctional laws towards rehabilitation of vulnerable groups such as women, youth and children.
- Increase awareness in government and society about issues related to the rehabilitation of persons affected by crime or prostitution towards law and policy change.
- Generate knowledge in the field of social work, criminology and corrections through the analysis of field experiences.

Programmes and Intervention:
- Prison: Work with women and young males (18 to 23 years) through offering a range of services such as legal literacy, family contact, support to families, especially children, counseling, vocational activities, and networking with NGOs and government departments such as police, women and child development, health and the judiciary towards custodial care, pre-release preparation and post-release rehabilitation issues.
- Police station: Counselling, referral and follow-up services to vulnerable groups such as women, children, youth and psychologically/emotionally disturbed to prevent trafficking, or their entry into crime, prostitution or other negative lifestyles.
- Criminal court: Legal guidance and referral services to persons approaching the courts - complainants, accused or their families.
- Protective Institutions for Women: Counselling, vocational activities and networking with NGOs and government departments such as police, women and child development, health and the judiciary towards custodial care, pre-release preparation, repatriation and post-release rehabilitation issues.
- Contact-cum-Rehabilitation Unit: Providing a range of services for women, youth and/or their families approaching Prayas after their release from prison/custodial institution or referred by clients, ex-clients, police/prison/institutional staff, judiciary, NGOs/CBOs or
members of the community. Services include counseling, legal guidance, arranging
shelter, family support, financial support for emergencies, arranging for medical
treatment or hospitalization, vocational training, educational support, information about
government schemes, access to citizenship rights, and connecting with the NGO sector
towards rehabilitation and mainstreaming.

- Research and Documentation: Conducting studies and documentation of services
  provided and issues in the field towards increasing knowledge in the field of criminology
  and correction for teaching, training and intervention.

- Policy and Advocacy: Taking up field issues with government departments concerned Le.
  police, prison, law and judiciary, women and child development, home, youth affairs and
  education both at the State and Central level. Lobbying with national and state level
  bodies such as NHRC, NCW, SHRC and SCW to create a climate conducive to
  rehabilitation of vulnerable groups in criminal justice. Involvement in PILs both at the
  Supreme Court and the Mumbai High Court on issues related to prison conditions,
  trafficking, children of prisoners, rehabilitation of victims of commercial sexual
  exploitation, etc.
Prison populations have remained at the margins of welfare and social work intervention and have never been viewed as in need or deserving of social services. With the development of criminology as a subject of enquiry, a gradual shift has taken place, whereby the individual alone is no more held responsible for his/her norm or law breaking behaviour. This shift in perspective has led to the development of an understanding of crime causation, which includes psychological, social, economic and political factors as being responsible for deviant behaviour in human beings.

The development of psycho-social services for custodial populations is a direct consequence of this paradigm shift in the understanding of crime. The shift has included a gradual policy shift away from capital punishment, torture and debilitating forms of punishment, imprisonment as and not for punishment, more humane custodial conditions, protection of legal and human rights, and finally a focus on retraining and rehabilitation.

A Brief history of **Probation and Borstal Schools**

Probation is a term coined by John Augustus, From the Latin verb "probare" - to prove, to test.

The origins of probation can be traced to English criminal law of the Middle Ages. Harsh punishments were imposed on adults and children alike for offenses that were not always of a serious nature. Sentences such as branding, flogging, mutilation and execution were common. During the time of King Henry VIII, for instance, no less than 200 crimes were punishable by death, many of which were minor offenses.

This harshness eventually led to discontent in certain progressive segments of English society concerned with the evolution of the justice system. Slowly, yet resolutely, in an effort to mitigate these inhumane punishments, a variety of measures were devised and adopted. Royal pardons could be purchased by the accused; activist judges could refrain from applying statuses or could opt for a lenient interpretation of them; stolen property could be devalued by the court so that offenders could be charged with a lesser crime. Also, benefit of clergy, judicial reprieve, sanctuary, and abjuration offered offenders a degree of protection from the enactment of harsh sentences.

Eventually, the courts began the practice of "binding over for good behavior," a form of temporary release during which offenders could take measures to secure pardons or lesser sentences. Controversially, certain courts in due time began suspending sentences.

In the United States, particularly in Massachusetts, different practices were being developed. "Security for good behavior," also known as good aberrance, was much like modern bail: the accused paid a fee as collateral for good behavior. Filing was also practiced in cases that did not demand an immediate sentence. Using this procedure, indictments were "laid on file" or held in abeyance. To mitigate unreasonable mandatory penalties, judges often granted a motion to quash based upon minor technicalities or errors in the proceedings. Although these American practices were genuine precursors to probation, it is the early use of recognizance and suspended sentence that are directly related to modern probation.
Two names are most closely associated with the founding of probation: Matthew Davenport Hill, an 18th century English barrister and judge, and John Augustus, a 19th Century Boston boot-maker.

As a young professional in England, Hill had witnessed the sentencing of youthful offenders to one-day terms on the condition that they be returned to a parent or guardian who would closely supervise them. When he eventually became the Recorder of Birmingham, a judicial post, he used a similar practice for individuals who did not seem hopelessly corrupt. If offenders demonstrated a promise for rehabilitation, they were placed in the hands of generous guardians who willingly took charge of them. Hill had police officers pay periodic visits to these guardians in an effort to track the offender's progress and to keep a running account.

John Augustus, the "Father of Probation," is recognized as the first true probation officer. Augustus was born in Woburn, Massachusetts, in 1785. By 1829, he was a permanent resident of Boston and the owner of a successful boot-making business. It was undoubtedly his membership in the Washington Total Abstinence Society that led him to the Boston courts. Washingtonians abstained from alcohol themselves and were convinced that abusers of alcohol could be rehabilitated through "understanding, kindness and sustained moral suasion, rather than through conviction and jail sentences.

In 1841, John Augustus attended police court to bail out a "common drunkard," the first probationer. The offender was ordered to appear in court three weeks later sentencing. He returned to court a sober man, accompanied by Augustus. To the astonishment of all in attendance, his appearance and demeanor had dramatically changed.

Augustus thus began an 18-year career as a volunteer probation officer. Not all of the offenders helped by Augustus were alcohol abusers, nor were all prospective probationers taken under his wing. Close attention was paid to evaluating whether or not a candidate would likely prove to be a successful subject of probation. The offender's character, age and the people, places and things apt to influence him/her were all considered.

Augustus was subsequently credited with founding Investigations, one of three main concepts of modern probation, the other two being Intake and Supervision. Augustus, who kept detailed notes on his activities, was also the first to apply the term "probation" to this process of treating offenders.

By 1858, John Augustus had provided bail for 1,946 men and women, young and old. Reportedly, only ten of this number forfeited their bond, a remarkable accomplishment when measured against any standard. His reformer's zeal and dogged persistence won him the opposition of certain segments of Boston society as well as the devotion and aid of many Boston philanthropists and organizations. The first probation statute, enacted in Massachusetts shortly after this death in 1859, was widely attributed to his efforts.

Following the passage of that first statute, probation spread gradually throughout the United States and subsequently to many other countries. The juvenile court movement contributed greatly to the development of probation as a legally recognized method of dealing with offenders.
The Borstal Schools Act

The Borstal Schools Act owes its origins to England - a movement towards reform and rehabilitation of youthful offenders by separating them from adult prisoners and starting reformatory schools for young offenders with an emphasis on education, vocational training and reform, rather than on punishment and sentencing. The Act was passed in India in 1929 as opposed to the Probation of Offenders' Act, which was passed in 1958. Most States in the country established Borstal Schools to treat youthful offenders differently from adult and hardened offenders. Maharashtra established its first Borstal School in Kolhapur and this was later shifted to Nasik, where it presently exists. It has a capacity of around 250 youthful offenders and the superintendent of the institution is called the principal. The School provides for a range of vocational training facilities and ITI approved certificate courses in carpentry, wiremanship, and a host of other vocations.

The Probation of Offenders Act and the Borstal Schools Act are among the earliest legislations passed in India which have a clearly correctional perspective. These acts were passed with the objective of focusing on youthful offenders to 'reclaim' this section of society from the world of crime and negative influences and re-integrate them into the mainstream. There is often a misconception about these legislations mat they are 'soft' and amount to showing leniency towards the offender, and therefore can only be considered in petty offences or where the offender is very young. However, the true objective of probation is the Scientific application of criminological and punishment theories to certain categories of offenders - those who can be corrected and 'reclaimed' without being imprisoned. It is based on the premise mat every offender does not need to be sentenced to imprisonment and can be improved through a community based supervised-process. It can also be a more cost effective method of crime prevention man imprisonment - in certain category of offences.

Rationale of the Workshop

A large number of under trial prisoners have weakened family supports or lack a helping hand outside prison. As a result, they remain in prison for longer periods (inspite of a majority of them having been granted bail). Many are not produced regularly before the courts due to lack of police escorts and most are not aware of their legal rights. This situation makes them vulnerable to criminalizing influences whereby hard-core criminals lure them or they languish for long periods in prison in minor offences.

As per sections 3 and 4 of the Probation of Offenders Act, 1958, many of the above mentioned prisoners could be considered for release on probation (on admonition or on probation of good conduct).

Those offenders who are below 21 years of age can be considered for probation under section 6 of the Probation of Offender's Act, 1958.

A study was undertaken by Prayas in two prisons in January 2002 to study the scope and potential of the PO Act. The data for the study was collected from Mumbai Central (Youth and Women's Sections) and Byculla District Prison. The attempt was to find out number of prisoners who are entitled to get benefit of probation. The data collected was based on the records available in the judicial section of the prisons and in some cases, further information was collected from the inmates.
Analysis of Data

*Mumbai Central Prison (Youth Barrack)*

- Out of the 53 inmates whose records were checked, 47 were charged with IPC sections, 4 under the Bombay Police Act and 2 under the Passport Act.
- Most of those booked under IPC sections were arrested under 324, 379, 380 and 457. This makes them eligible to be considered for probation under sections 3 and 4 of the P.O. Act.
- Out of 53 prisoners contacted, 51 (96%) were below the age of 21 years. This makes them eligible to be considered for probation under section 6 of the P.O. Act.
- 29 prisoners (55%) had roots in the city of Mumbai, i.e. they either had family support of some kind, or friends/employers outside prison to back them. This makes them eligible to be considered for probation under section 4 and 5 of the P.O. Act.

*Byculla District Prison (BDP)*

- Out of the total population of 187 who were surveyed in BDP, 135 were booked under IPC sections (72%), 25 were arrested under the Railways Act (13%), 24 under Bombay Police Act (13%) and 3 under the Criminal Procedure Code. All these prisoners can be considered for benefit of probation, under section 3 and 4 of the Act.
- 136 inmates were below 21 years of age i.e.72%. These inmates can be considered for probation under section 6 of the Act.
- 64 prisoners were local residents of Mumbai (34%) i.e. they may have some kind of support outside, thereby becoming eligible for release on probation of good conduct under sections 4 and 5 of the Act.

*Byculla District Prison (Youth Barrack)*

- Out of the 32 prisoners surveyed in the Youth Barrack, 25 prisoners (78%) were charged under IPC offences, 4 (12.5%) under the Bombay Police Act and 3 (9.5%) under the Passports Act. As majority of them were charged under those offences under which the benefit of probation is available, they could be considered for probation under section 3 and 4 of the Act.
- 31 inmates (97%) were below 21 years of age, thereby eligible for probation under section 6 of the Act.
- 14 out of the 32 inmates (44%) were found to be residents of Mumbai which makes them a preferred group for benefit of probation under sections 4 and 5 of the Act.

**Summary of Findings**

Out of the total 272 prisoners surveyed:

- 207 (76%) were charged under IPC sections such as theft, house breaking, causing hurt, etc.
- 25 inmates (9%) were charged under Railways Act.
- 32 prisoners (12%) were charged under Bombay Police Act.
- 3 of the prisoners were charged under Criminal Procedure Code.
This implies that a total of 270 out of 272 prisoners studied, are entitled to get benefit of probation if they are not restricted by any other provisions in the law and in their case.

218 prisoners (80%) studied were below 21 years of age, which makes them eligible to be considered under section 6 of the P.O. Act.

107 of the inmates surveyed (39%) consisted of local residents of Mumbai. This implies that they may have some kind of support available like family or friends.

**Conclusion**

The study showed that the majority of the prisoners are charged under Indian Penal Code, Railways Act, Bombay Police Act and Criminal Procedure Code offences. A substantive number of prisoners are local residents of Mumbai. They are young and below 21 years of age. In this situation the section 3, 4 and 6 of the P.O. Act, 1958 allows the prisoner to avail the benefit of probation instead of languishing in prison in minor offences.

If convicted, these under trials could be considered for release on probation and this would help reduce overcrowding in prisons. It would also ensure that first time and youthful offenders who get the benefit of probation will get an opportunity to re-integrate in society and kept away from the criminalizing influences of hardcore offenders.

It has been observed that one of the reasons for non-implementation of the provisions of the PO Act and the Borstal Schools Act is the lack of interaction among the members of the judiciary and the probation officers and social workers who work with prisoners to discuss and address the problems related lack of proper implementation of the Acts. There are a lot of misconceptions, lack of awareness and understanding about the ground level realities which could be solved if there exists a platform to discuss and sort out the issues concerning the implementation of these correctional laws.

The main objective of organizing a workshop between members of the judiciary and probation officers, prison officials and social workers is to create platform for discussion to address the implementation problems related to the PO Act and the Borstal Schools Act.
Welcome to Participants and Guests of Honour

Shri Sunil Mhaske, Social Worker, Prayas, welcomed all participants on behalf of Prayas to the workshop. He thanked the speakers and resource persons for having agreed to come and share their experiences with the participants of the workshop. He mentioned that it was the objective of Prayas to promote dialogue among the various stakeholders of the criminal justice system, to improve coordination among them, with a view to identify and fill gaps in implementation of laws and procedures related to rights and rehabilitation of citizens in the criminal justice system. He expressed his gratefulness, on behalf of Prayas, to Hon'ble Shri Dholakiya and Hon'ble Shri Nirgude for having consented to organize the workshop and for all their support and cooperation in organizing the same.

Keynote Address

The Workshop was inaugurated by the District and Sessions Judge, Hon'ble Shri Dolakia. Hon'ble Shri Dholakiya, while inaugurating the Workshop emphasised the importance of correctional laws such as the Probation of Offenders Act and the Bombay Borstal Schools Act in the rehabilitation of youth offenders, first-time offenders, women offenders and those who could be returned to the community in lieu of imprisonment. He stressed the role of probation officers in implantation of these acts and need for coordination between the judiciary and the probation department in this connection. It was in this context that the District and Sessions Court of Thane had decided to organize this one day workshop for all judges and magistrates in the district. The objective of the workshop was to create awareness among the members of the judiciary about these legislations and also to create a platform for sharing of problems regarding the implementation of the P.O. Act.

He began his inaugural address by saying that he was at the 'receiving end' at the workshop - to receive information and guidance about the two Acts around which the seminar had been organized i.e. the Probation of Offender's Act 1958 and the Bombay Borstal Schools Act 1929. The main purpose of the workshop was to increase the referral of cases under these Acts to the Probation Officers, as an alternative to awarding punishments of imprisonment. The main purpose of these Acts was reformatory.

Hon'ble Shri Dholakiya added that he would like to give a piece of his mind to the organizers with apologies to them, that it all depends on the nature of the offence, the offender himself, his background and also the need to make the victim feel that the said victim's grievances has been redressed. Apart from this, he agreed in advance, especially since our prisons were over crowded, that the judiciary should try to avoid, wherever possible, sending the convicts to prisons. There are several judgments of our own High Court, as well as the apex court, in which they have appealed for more and more use of the provisions of Probation Offenders Act. He mentioned that recently, he had come across a judgment in which, even the in case of sentence under Section 307 IPC, the High Court had given the benefit of this Act.

He ended his address by exhorting the participant judges to take the benefit of the resource persons and speakers of the workshop, and know from them how best one could utilize the provisions of the PO Act and the Bombay Borstal School Act. He also congratulated Prayas for having this workshop, in collaboration with the Thane District and Sessions Court.
पेपर प्रेजेंटेशन्स

व्यक्तिगत परिवर्तन अधिनियम, १९५४

प्रेजेंटेस: shri dilip thombre, लेक्टर, महात्मा गांधी ट्रेनिंग इंस्टीट्युट, गोव्या सरकार, महाराष्ट्र, पुणे

प्रेजेंटेसचे स्वरूप:

हा कायदाचा जनक जॉन ऑम्स्ट्र्स आहे. सन १८५१ साली मात. न्यायालयापूर्वी परिवर्तन फडतीला कल्याण माहित्यात आले.

कायदाची व्याख्या: Probation म्हणजे काय?

Probation हा लंबोत बांध Probito पासून आला आहे. Probation म्हणजे तुरंगवाच्याची अशी पर्यावरणातील पर्यावरणातील परिवर्तन कोणताप्रमाणे आयुक्त अथवा आयुक्तांनी दिल्ली वंडकाली लक्ष्यात विशेष मुद्ददेखील चांगली तर्कभूषण केलेली हे सिद्ध करणारा काय.

कायदाची वैज्ञानिक:

१) हा कायदाने ते १६ कलाने आहेत.

२) जन-स्वास्थ्य किंवा शिक्षणाच्या शिक्षेला पाळ नसलेल्या व्यक्तीक अपराध केल्याच्या केल्या दादाबिन्यास वेळेपर्यंत वेळ अशा अभ्यस्ता आहे. (Mandatory)

३) हा कायदाने ते २१ वर्षातील आरोपीचा केसर हा परिवर्तन अधिकाराला चाचकरीपासून देणे वंडकाली आहे. (Mandatory)

४) न्यायालयीन प्रक्रियेसने सतत चालणारा महत्त्वाचा कायदा

५) मात. मुंबई उच्च न्यायालय क्रिमिनल मंत्र्युला ५७०५ प्रकरण १३ मध्ये नमूद आहे की २१ वर्षांत वर व २१ वर्षांत एकल अपराधांच्या प्रारंभ चौकसी अहवाल केल्या कोणताही Stage ता मांगू राखला किंवा अपराधाची चाचन केल्यास करणारा सुन्दर मात. न्यायालय मांगू राखते.

६) प्रोत्साहन ही संस्थेने वेळ आहे.

७) ज्या आरोपीला प्रोत्साहनचा पायदान दिलेला नाही आया २१ वर्षांत आरोपीचा परिवर्तन अधिकारी यांना निर्देशित करणे असेल करता येते.

८) प्रोत्साहन ही उपचार पटवली आहे. अपराधाच्याचे सुधारणा व पुर्णवर्तन करणारी आहे.

कायदाचे स्वरूप:

अपराधाच्या गुंत्व न्यायालयात सिद्ध झाल्यावर न्यायालय परिवर्तन अधिकारी व अभ्यासाचे व्यवसाय, आधिकार, सामाजिक, मानविक, राजकीय व स्थायतातील परिस्थिती, अपराधाच्या गुंत्वाचार पूर्ववर्तितीचे ज्या परिस्थितीमध्ये गुंत्व वेळा अहे ती परिस्थिती.
कायदातील महत्त्वाची कलमे:

1) कलम 3 – मात्र न्याालय अपराधायास ताकीद/समज देशून सोडू शकते.

2) कलम 4(1) – अपराधायास विचालन त्याद्वारा विचालन त्याद्वारा सोडळे 1 वर्ष ते 3 वर्ष पयान एकादिक आरोपीपणे शिवाय :२०५८ भा. न्याालयात गुंड बुकल केला असेल तर अराधणी अरिष्टकारी गाछ प्रारंभिक चौकीसी अवहाल मायुद्ध त्याला अ.प.अ. १९५४ च्या कलम ४ (१) चा फायदा दिला जात शकतो.

3) कलम ४(१)(३) – आरोपी गाछ पुढे शिवाय त्याला शिक्षा न देता परिवर्तन अधिकाराच्याकडून चौकीसी अवहाल मायुद्ध गाछ बनले व त्या अवहाल चौकीसी शिवाय:२०५८ मात्र न्याालय त्याला चंगे बनले त्याद्वारा वुकत कलम १ वर्षपासून ते ३ वर्षपासून परिवर्तन अधिकारी गाछ देखें चौकीसी देखें शकते.

या कायदात देखें चौकीसी महत्त्व देखेत आले असून देखें देखें हा आता आहे. देखें चौकीसी कायदात अपराधायाने गुंडेंचा बनले न वाक्य चांगला नागरिक होणे महत्त्वाचे असते भ्रुषण त्याला भारी दर्शन करते, वर्तमान बदल घडून आहणे, नोकरीची प्राप्त करणे, सामाजिक प्रति प्राप्त करणे, त्याला आर्थिक पायवर उभे राहणाऱ्या उद्योग भागीरिता अनुदान देने. त्याने पुर्ववस्त करणे हा महत्त्वाचा उद्देश्य त्याच्या पाठविंने आहे. (preventive major)

त्याने परिवर्तन अधिकारी हा मुख्यादृष्टी अधिकारी नसता अधिकारी नसता त्याचा मिळ, उपदेशक, व त्यानेतला असतो. यानेतला त्याचे जिल्हाची मान आपल्यापासून मंडळे.

महाने न्याालय अपराधायाची मात्र कायदालय १९५५, १९५७, १९५८ भा.म.वि. कायदाच्या केले सुरु होती. परिवर्तन अधिकारी गाछ अवहाल मायुद्ध त्याला 3 वर्षांत देखें चौकीसी उद्योग आले होते. परिवर्तन अधिकाराच्या देखें चौकीसी आध्यात्मिक म्हणून त्याला पुर्ववस्तेवार निर्णय तयार केले व त्यानुसार त्याने गुंडेंचा बदल घडून भ्रुषण त्याला भारी दर्शन करते, वर्तमान बदल घडून आहणे, नोकरीची प्राप्त करणे, सामाजिक प्रति प्राप्त करणे. त्याला आर्थिक पायवर उभे राहणाऱ्या उद्योग भागीरिता अनुदान देने. त्याने पुर्ववस्त करणे हा महत्त्वाचा उद्देश्य त्याच्या पाठविंने आहे. (preventive major)

त्याने परिवर्तन अधिकारी हा मुख्यादृष्टी अधिकारी नसता अधिकारी नसता त्याचा मिळ, उपदेशक, व त्यानेतला असतो. यानेतला त्याचे जिल्हाची मान आपल्यापासून मंडळे.

4) कलम ५ – फिर्त्यादेश नुकसान भरणारे देशे.(फिर्त्यादेश अखंड जिल्हा त्याचे आर्थिक नुकसान झाले असलेले तर)

5) कलम ६ – २१ वर्षातील अपराधाच्या शिक्षा दोहरावार नाही तर विचाराने अधिकाराच्या प्रारंभिक चौकीसी अवहाल मायुद्ध गांधारक केल्यास असली. अवहाल गोष्टी असतो.

6) कलम १२ – आरोपी १८ ते २१ वर्षातील, त्याने कलम ३ व ५ फायदा न दिल्यास अर्थ आरोपीचे, परिवर्तन अधिकारी गांधार अपील करता असते.

केस नं. ५६३/१५/४ Ayodhyasingh Thakur
V/s.
State of Maharashtra

A.T. Bhangale
Additional Session Judge

7) कलम १२ – Removal of Disqualification

मात्र न्याालयाच्या अपराधायास या कायदाच्या फायदा दिल्यास तो शासकीय वेतन किंवा इतर दिक्षण अपूर्त ठरत नाही.

उदा. अंबेड्कर-प्रौढ-प्रर. ठिकाणे न्याालयाची वांची केस – बँक ऑफ इंडिया (स्टेट)
अपराधी परिविक्षा अधिनियम १९५८ च्या कायदाची अंशलाबधारणी करताना वेनाच्या अद्वचनी

1) मा. न्यायालय यांनी P.O. Act कलम ६ चा वापर करायचा कारण तो Mandatory आहे.

2) काही जिल्ह्यांमध्ये मा. न्यायालय Cr.Pc. मधील ३६० कलमाचा वापर करून अपराध्याला सद्वर्तनाच्या शर्तीवर सोडतात. त्यासह किंवा त्यांची अपराधी परिविक्षा अधिनियम १९५८ च्या कायदाचा वापर करावा.

3) काही. मा. न्यायालयाचा समज आहे की फक्त १८ ते २१ वर्षाच्या आरोपीच्या अ.प.अ. कायदाच्या अहवाल मागवावा. परंतु अ.प.अ. कायदा १९५८ च्या कलम ४(१) मध्ये त्याचा उल्लेख नव्हे. तसेच Bombay High Court Criminal Manual 1980 Chapter ११ मध्ये २१ वर्षाच्या आरोपीच्या अहवाल कोष्ट्याची स्थानी मागवू शकते, चार्ज पेम करताना देखील असे Directions आहेत पण वापर होत नव्हे.

4) मा. मुंबई उच्च न्यायालय यांनी काढलेले परिष्कर दि. ४/३/२००५ त्यानुसार अ.प.अ. १९५८ खाली केसेस मागविण्यात याव्हा व परिविक्षा अधिकारी/जिल्हा परिविक्षा अधिकारी साठी भेटी राज्यरत्र तेव्हावरांवर कार्यकरी करावी.

5) कारा जिल्ल्यांमध्ये १८ ते २१ वर्षाच्या असणारे काही कृत्रिम यांची यादी जर तुरंत अधिकारी यांनी दिली तर परिविक्षा अधिकारी हा संबंधित मा. न्यायालयाची चर्चा करून त्या आरोपी संबंधीचा चौकशी अहवाल देऊन त्यांना Bond देता येणे शक्य नव्हे. तसेच-पूर्व कमी होईल व सासनाची खर्चाची वाचत होईल.

6) मा. जिल्हा व सत्र न्यायाधीश यांनी त्यांच्या अधिपत्याखाली असणाच्या न्यायाधीशांच्या मासिक समेत वेढी जिल्हा परिविक्षा अधिकारी यांना बोलावून अपराधी परिविक्षा अधिनियम कायदाचा आढळवा घ्या.

मुंबई दानवंदी कायदा, भष्टचार प्रतिबंधक कायदा, शासनीय अधिकार, अन्न वली मासिक प्रतिबंधक कायदा, लक्ष्यकार कायदा आणि नैतिक अपराधाचे गुन्हे सोडून सर्व गुंहारकरिता हा कायदा लागू होतो.
Speaker: Shri B.D. Khatri, Retired District Probation Officer, Nasik

Role of the Court

Magistrates and Judges may exercise a wise discretion in making a liberal use of the Act by releasing the offender on probation. Unless cases are referred by the Court, the Probation Officer will not be able to render his services to the probationer. It is a joint venture of the Judges and Probation Officers. Greater cooperation and coordination between the court and the Probation Officer breeds greater understanding. The P.O. should have direct access to the Judges at mutually convenient time to exchange ideas on specific cases. Magistrates and Judges should take sympathetic interest in the Probation Officer's work. The Court should support and encourage the Probation Officer, when he is right. In short, Judges and Probation Officers are participants in the process of providing adequate security and treatment to the offender.

"Sentencing an accused is a sensitive exercise of discretion and not a mechanical prescription acting on hunch"


Before selection of cases on Probation, Judges must try to answer several questions, such as:
1) Was the offence committed without pre-mediation or after due deliberation?
2) Whether there is hope of ever reclaiming him from being a menace to the society?
3) Is he a person who is patently amenable to reformation?
4) Will an order of Probation have the effect of redeeming the offender? .

After considering these and related issues, the Court is expected to seek assistance of Probation Officer by making a reference to a particular case.

The role of the Magistrate is described by the Hon'ble Justice V.R. Krishana Iyer as follows:
"Pivotal role of the magistracy in implementing intelligently and compassionately a comprehensive programme of Probation involves new learning, new technique, new responsibility and new area of decision making"

Role of the Probation Officer

The offender is released on Probation by the court, on the basis of the report submitted by the Probation Officer. While writing the pre-sentence inquiry report, the real portrait of the offender should be displayed before the court. Report of the Probation Officer should be accurate and relevant. Continuity and clarity is also another characteristic of the Pre-Sentence Enquiry Report. Secondly, another important feature of the work of the PO is the supervision by the PO. Supervision means placing and offender in the supervision of the P.O. so as to abide by the conditions put on him during a supervision period. At the same time, the P.O. is supposed to mould his character to a desired level. Supervision has two aspects 1) Prevention of crime and 2) Rehabilitation of the Offender.

When the offender is released on Probation and kept in the supervision of the Probation Officer, greater responsibility lies on him. The Probationer has to abide by the conditions laid down by the courts. In case of breach of conditions by the probationer the report is made to the court by the Probation Officer for revocation of probation order. In case the Probationer
does not show any progress in his behaviour, he has to act as a protector of the society. The Probation Officer and the Court should strike a balance between the risk to the society and welfare of the offender.

Moreover, the Probation Officer has to accept the Probationer as he is, i.e. with all his defects. He must be able to understand the various categories of the Probationers. However, it is not easy to change the attitude of the offender. Mutual respect and confidence, and understanding of each other’s role and functions, would create the conditions to induce behavioural change in the individual. In this process, the Probation Officer has to work with the family of the offender and also with community.

Probation is a process of treatment. Probation treatment is not a single act or event. It is a process a series of actions and re-actions, which go on over a period of time. What is Probation treatment? It includes:

1) To re-direct his emotions to healthier channels.
2) To give him psychological support
3) To give him encouragement
4) To show him sympathy
5) To render him guidance and advice
6) To give him re-assurance (Re-assurance includes relief from fear or anxiety through comforting words)
7) To change his environment
8) To provide/create recreational activities in a more constructive way.
9) To render him psychiatrist treatment, if necessary.
10) To provide him financial assistance through bank or Govt. funds or from any other social agency.

Section 360 Cr.P.C. and Provisions of P.O. Act, 1958

1) Sec. 360 Cr.PC. is inapplicable in States where the P.O. Act is in force. It is a misconception that both the provisions can co-exists and made applicable alternatively.
   State of Himachal Pradesh v/s Lat Singh (1990) Cr. L.J., Pg - 723

2) After the new code of Cr.P.C. came into force, Sec. 19 of the P.O. Act was not suitably amended, so as to substitute Sec. 360 for Sec. 562

3) In Gurbachan Singh's case, with the aid of Sec. 8 of the General Clauses Act, the divisional bench held that legislative intent is clearly remarked, and Sec. 360 has to be read with Sec. 19 of the P.O. Act in place of old Sec. 562 Cr.P.C.

4) It is a misconception on the part of the magistrates that they can resort to Sec. 360 instead of the provisions of P.O. Act (wherever PO Act is in force).
“However, if the Act is applied but not in force, they can apply Sec. 360” (Justice Krishna Ayer)


5) Provisions of P.O. Act. will override the provisions of Sec. 360 for the reasons mentioned below:

a) Court cannot apply Sec. 360, when P.O. Act, is in force and in operation.

b) Sub-section 10 of Sec. 360 itself clearly states that provisions of P.O. Act will not be affected.

c) P.O. Act is a special law, where as Cr. P.C. is a procedural law. In case of conflict, the special law shall prevail.

d) There is no justifying reason for not utilizing the provisions of P.O. Act.

e) The ‘supervision’ element is absent in Sec. 360. Violations of conditions may not be known to the court.

f) A non-obstinate clause is used in a provision to indicate that provision should prevail, despite, anything, contrary in any provision.

पुरोवसनाची अनेक उदाहरणे वेता पते हेल, परंतु या आपत्तापुढे वक्त दोन उदाहरणे ठेवतो.

१. औरंगाबाद ला चैत्र ला अमच्या काब्लीयाकडे दोन तरुण मुलांच्या केळेसांचा पाठविला. त्या मुलाचे दाहिने चोरी करण्याचा आरोप होता. त्याचा हा पालतून युद्ध होता. परिस्थितीतीला वर्द्धित केलेले व वाहत संतोषी मुळे, त्यांचे जालून गुळ्या चोरवडून, त्यांनी त्यांना त्यांच्या वाचकांमध्ये संवेदन्य वाहत. त्यांचे वय, युद्धातील अवस्थेची बाजू भांडून, त्यांचे वय, अलिकांनी विचारलेला ता व अंतर्गत यांचा विचार करून त्यांच्या परिवर्तनचा फायदा देण्यासाठी. प्रमाणपत्राचे कादंबर करून अवधारणेची त्यांची हेच्छ व लिही पाहून आमचे कार्यलयावर स्टेट बेंकर्स, पंढरपा धारा चाहाया स्टॉलच्या वाचकासाठी रु. 3,000/- व रायक्ष धारा सामग्री दुःस्तीसाठी (दुकनासाठी) रु. 4,400/- करून उपलब्ध करून दिले.

२. मिश्रित्र डा नगर जिल्ह्यातील एक मुख्य, चुलात्याच्या घरी जासून रेडियों चोरीच्या वाढले ४ माहिते शिक्षा साधली. त्यांचे वय २१ वर्षांचे आत असल्याचे, अपणाचे सर्व न्यायलाभात परिवर्तन अधिनियम कायदा, कालम १९ (३) विस्तरण असल दिले. (अपणाचे केलेले) न्यायालयाने सर्व परिस्थितीतील विचार करून त्यांचा जिल्हा परिवर्तन अधिकार्याची देखकृती ठेवली कालम ४ (३) नुसार सोडवावर आले. त्या अवस्थेत पुरोवसनाची कार्याच्याने बरेच ग्राहक केलेले, त्यांचा पंजा नेशनल बॅंक, यांच्यास विधव्यांनी पान ट्रस्टीसाठी रु. ४,३००/- चे करून उपलब्ध करून दिले. अशा प्रकारे त्यांचे वशावरी पुरोवसन करण्यासाठी. त्याचे मणजे सदर कर्जाचा धारादेश त्यावेळचे सन १९८८ ते जिल्हा सत्र न्यायाधीश श्री अनंतराव माने, यांचे शुभसत्त्व प्रदर्शन करण्यासाठी आले.
“Probation is a process of treatment” an example

कस्ता :

अर्जुना परिसरत ग्रामीण भागत राहण्या एक १८ वर्ष युवकाची ही एक सत्त्वकाला. घरी आई वड़ील व ३ लहन बाहिरी असा परिवार, ४/५ एक जिंकार होती होती. परंतु त्यात भागत नसे. पयंत हा परित्याग लागू लागू आईव्या तर त्यांच्यासाठी बाल्याचा अंधेक्ष होता. कसता दादानी पास जाकरा तर त्यांच्या आईव्या अंधेक्ष फारच उंचकत्या. आपत्ति पुढीला आता मोठी नोकरी लागला गंभीर आफूल असे. त्याची खुप उत्कृष्ट सुधरू असे. त्याची अशा अंधकारात गेला. परंतु त्यांच्यासाठी या तरी निर्धारित करता होता. त्याला रंग यात्रा आहे. उपर्युक्त अंधेक्ष बाल्याचा अंधेक्ष अंधेक्ष नंतर त्यांच्यासाठी वाचवणे आवश्यक आहे. त्यांच्यासाठी त्यांच्यासाठी या तरी निर्धारित करता होता. त्यांच्यासाठी या तरी निर्धारित करता होता. त्यांच्यासाठी या तरी निर्धारित करता होता. त्यांच्यासाठी या तरी निर्धारित करता होता. त्यांच्यासाठी या तरी निर्धारित करता होता.
Why is the Report of the Probation Officer Necessary?

During the process of trial, the magistrate is concerned with the alleged suit of offender. Apparently, the magistrate does not know about the personality, circumstances or capacity of the offender for future adjustment. It is after receipt of the report from P.O. that the real portrait of the offender can be known to the Magistrate. Therefore, report from the P.O. is absolutely necessary so as to make a suitable disposition of the case. When there is machinery of probation system available to assist the court, while dealing with the offender u/s 3 or 4, there seems no reason for not utilizing the services rendered by the Probation Officer.

The P.O. is in a better position to know about the character and antecedents of the accused, otherwise, this important material would not have been available to the court.

In appropriate cases, the P.O. will be able to solve the problem of the offender placed under supervision by the court and intensive help or services be rendered to rehabilitate him so that he would become a useful citizen of society. He would prove as an asset instead of liability to society. This is only possible if courts take keen interest in the probation system.

In case of breach of condition by the offender released under supervision of the Probation Officer, it can be communicated to the concerned court, so that further action can be taken by the court. But in case the court releases the offender on probation without calling report from P.O., it is difficult to know if he committed the breach of conditions of the bond.

Though calling of a report from the P.O. u/s 4(1) of the Act is not a condition precedent, for making an order u/s 4(1) of the P.O. Act, it is very essential that such a report should ordinarily be called from the P.O. Calling for a report from the P.O. is therefore absolutely in the interest of the offender and the society, and the same should be considered by the court before it releases the offender on probation of good conduct. Releasing the offender on probation without proper enquiry as regards the character and antecedents of the accused would be exposing the society to the risk of the offender repeating the unlawful act and bring the whole scheme of probation into discredit.

The P.O. is an important officer in the machinery of implementation of the Act. The post is created to assist the courts in the matter of probation. There is, therefore no reason why his services should not be availed of before the order of probation is passed. It is essential that his services be utilized, otherwise important material relevant to be considered will not be available to the court at all.

It is therefore very essential that the courts should not, in order to hasten the disposal of the cases, be inclined to dispense with the calling for a report and give the benefit of Section 4 to the accused, without there being sufficient material on record before them.

Calling for Report from Probation Officer:

In Gouranga Charan Bhol V/s State of Orissa, it was laid down that in absence of a report from the P.O., the court has no authority to release the accused on probation. This view is supported by Mysore High Court in the case of State of Mysore V/s Saib Gunda (1964) Cr. L.J. 460.

Section 4 and 6 of the Act indicate the procedure requiring the court to call for a report and from the P.O. and consideration of a report and any other information available relating to character and physical and mental condition of the offender. These facts are of primary importance before the court can pass an order under the P.O. Act (Ramsingh V/s. State of Haryana 1971 (3) SCC - 914).

"The word 'shall' makes it a mandatory condition and the expression 'if any' can in the context only cover a case where not withstanding such requisition, the P.O. for one reason or the other has not submitted a report. "The report from me P.O. is a condition precedent for the exercise of the power under Sec. 6(1) of the Act by the Court" (Rattanlal V/s. State of Punjab A.I.R. 1965 SC 444)

In the Goa Case, it was held that the language of Section 4(2) manifests that the calling for report of the P.O. is mandatory and without considering the report of the P.O., no order under sub-section (1) can be made. Unless and until the report is called for, the question of consideration of the report will arise (State V/s, Vagush A.I.R. 1970 Goa 49).
तागे जिल्हातील परिविष्का कार्य

- श्रीपती रेश्मा चौधरी, जितल्हात विभागाची अधिकारी

महाराष्ट्र राज्यातील अन्य जिल्हा सुरुवत ठेवून जिल्हा असारे परिविष्का अभिनियम १९५४ येथे कार्यरत वर्ष मोठे आहे. ठेवून जिल्हा एकुण १५ तालुके असून संपूर्ण देशातील सर्व वस्त्र औद्योगिक क्षेत्र असलेल्या "नवी ग्रामां" (तागे-वेगवून औद्योगिक पृष्ठ) हा प्रथम आहे. तरी संपूर्ण उद्योगकारण बऱ्यात ५ प्रकाशी जन बैठाविधाय असलेला हा जिल्हा आहे. संपूर्ण राज्यातील सर्व जाती मध्ये ६ पदार्थाचे पालक असलेला हा जिल्हा आहे. जिल्हातील १५ तालुकांमध्ये ज्या आहेत आशी परिविष्का अभिनियमाचे काम चालवायचे असे एकूण ४३ व्यावसाय आहेत. ठेवून जिल्हा भारतातील सर्व मोठे उद्यान मध्ये मुख्य ग्रंनल कोंडून व मुख्यवाडी प्रवेशकार आहे. तागून या संपूर्ण देशातून मुंबईतके वेळा-या सर्व प्राचीन माणिक्यासह महाविद्या ठेवून जिल्हा आहे. ठेवून जिल्हातील कल्याण हे स्थान रेखेवरे महाविद्या स्थानक देशाता उत्तर दक्षिण व पूर्व भागातील लोकांना मुंबईच्या जोडलेले आसून विवाह, वसावे हे रेखेवरे स्थानक देशाता प्रियम व उत्तर भागातील जोडलेले आहे. तागून विषयातील लोकांची न्यायालय व वसावे, विवाह न्यायालयाचे असे २ लोकांची न्यायालय या जिल्हातील असून त्यातील अपराधी परिविष्का अभिनियमांचे काम चालवते. अशा प्रमाणाचे ठेवून एकूण ४५ व्यावसायांमध्ये अपराधी परिविष्का अभिनियमांचे काम चालवते.

लोकसमग्रांना या जिल्हातील विषयातील कारग्राम असून वर्ष-१ स्थाने जिल्हा कारग्राम आहे. त्या दोन्ही कारग्रामांच्या मिळून उल्लिखित बंदी संख्या सरासरी ४००० एकदा आहे. लोकांची "भवानी" (१८ ते २१ वर्ष वयोजन) समांतो ५०० गर्दनात असून महिला बंदीचे सुंदर २०० असे गर्दनात आहे.

जिल्हातील अपराधी परिविष्का अभिनियमांचा कामकाज स्वरूप:

जिल्हा परिविष्का अधिकारी अन्य ३ परिविष्का अधिकारांच्या मदतीने ते जिल्हातील अपराधी परिविष्का अभिनियमांचे कामकाज चालविला. जिल्हा परिविष्का अधिकारांच्या प्रमुख परिविष्का अधिकारांमध्ये कामकाज चालविला. जिल्हा परिविष्का अधिकारांसोबत ग्रामीण परिविष्का अधिकारांमध्ये ३ तालुके (जिल्हा-स्टार्टिंग न्यायालय व कामनून) व प्रत्येकी सुंदर ६ न्यायालयांत दरम्यान सरासरी ६२ प्रकाशी अपराधीकांना उपलब्ध होतात. जिल्हातील न्यायालयांमध्ये प्रतिमा व सरासरी २५ प्रारंभिक चौकाचे प्रकाशी उपलब्ध होतात. तसेच सरासरी २ परिविष्का सार्वजनिक परिविष्कारांनी नवीन पक्षात देखील चालू केलेली जाततात. तसेच सरासरी २० प्रकाशी नियमानुसार देखील चालू केलेली जाततात. सरासरी २५ देखील प्रयासांची नियमानुसार देखील चालू केलेली जाततात. तसेच सरासरी २० प्रकाशी नियमानुसार देखील चालू केलेली जाततात. तसेच सरासरी २० प्रकाशी नियमानुसार देखील चालू केलेली जाततात.

जिल्हातील अपराधी परिविष्का अभिनियम १९५४ अंतर्गत चालनाच्या वारांचे सांख्यिकीय माहिती:

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ढाई जिल्हान्त अपराधी परिवर्तना अधिनियम १९५८ या फायदा दिल्लापुर्दे पुनर्विकसित झालेली काही प्रकारणे।

१. एका शासकीय कर्मचारी आपला पत्नी मानसिक व शारीरिक भांड देऊन छठ करत अत्यधिक आरोपाचे प्रकारण मा, न्यायमालिकामध्ये आले. या प्रकारणाची अपराधी परिवर्तना अधिनियमांतर्गत पातळीचे वाचकाचे करत अत्यधिक सादर करणे वाचल मा. न्यायालयाने आदेशात केले होते. संबंधित परिवर्तना अधिकारांनी आरोपीची सखाल केली असता पुढील माहिती समोर आली.

अ) आरोपी विस्फूर्त त्याच्या पत्नी नेलंते तकार केली होती.

ब) आरोपीला दाखले आत्मविकल्प व्यसन होते.

क) आरोपीला आई-बोल्लीची आपल्या धरावहरं काढले होते. परंतु आरोपीची पत्नी व मुले यांच्या आरोपीला आई-बोल्लीसाठी सतत व्यसन होती.

ड) आरोपीला पत्नी व आरोपीला घेणे मुले यांचा आपल्या आत्मविकल्प व्यसन होता.

ढ) आरोपी त्या ठिकटुणी राहता त्या सर्व परिस्थिती आरोपी बदल आदरभगवा आणि सहजमुळे होती.

फ) आरोपी बाबत सन-२००२ मधे तकर लोकली अला होती आणि बाबतली आपलेसन सन-२००५ मधे देखाल्यात आले होते. बाबतली एकाच्या आपल्या पत्नी गंभीरता आली होती. त्या कालाप्रेक्षा आरोपी आपली ताहेजासूक मोरेन आपल्या पत्नीच्या सर्व प्रकारी सेवा करिता होती आणि त्यामुळे त्याची पत्नी या मंत्रित आजारातून बरी होण्यास मदत झाली होती.

परिवर्तना अधिकाराच्या वरील माहितीने अभावाच कल्यन आरोपीला विस्फूर्त तकाराच्या वयान सोबत आसता आरोपीला व्यसनाच्या तर्काच्या चांगल्या वातावरणात वाचल झालेल्या होता. नवऱ्या आरोपीला पत्नीने आपली व्यसन सुद्धाने या उदरसाच्या आपल्या विस्फूर्त तकार केली होती. परंतु त्यामुळे आपल्या आपल्या कौटुंबिक त्याच्या गुणाच, त्याच्या पर्यावरण तो आपल्याच त्याच्या आही गेला.

अशा परिस्थितीत आरोपीला त्या कौटुंबिक स्थाय, पत्नीवर आपला या सर्व बाहीवर आपल्या व्यवस्थाने देखेला परिस्थित मान्यता परिवर्तना अधिकारांमध्ये समूहांदार केले. त्यामुळे आपलीही कुटुंबांतून दूर केल्यात त्याच्या व्यसनात वाढ झाली आहे. हे आरोपीला कुटुंबांतून निरवर्त आपले. त्याच्या परिस्थित मोजून आपली व त्याचे कुटुंबित हे एकत्र बाळबाल तकर झाले. परिवर्तना अधिकारांमध्ये आपल्या समूहांदार वाचला वाचत करत आणि आपल्या कौटुंबिक प्रेम या भावनांचा आधार गेला फत तत्त्वातून सुविधा घडून आयात. तरंज सर्व कुटुंबांचा एकत्र चार एकत्र बाळबाळ घडून आत्याच्या त्याच्या योग्यता परिस्थित झाला. आपली नेत्रीत व्यसन सुद्धात आपली आपली कुटुंबांतून भरत देखला. परिवर्तना अधिकारांमध्ये या सर्व घटनांचा मा. न्यायालयास तिमिरसाठी आपलं संसार केलेला. आरोपीची वातावरण आपली असल्यामुळे त्याच्या शिक्षा झालेल्या त्याची नेत्री जाल बसत व त्याचे देख, परिस्थित त्याचा कुटुंबित होऊन झालेल्या. या सर्व बाही मा. न्यायालयाने आपली आपल्या परिवर्तना अधिनियमांचा फायदे देऊन या अधिनियमांच्या कलम — ३ अनेक आपल्या केवळ तरूणही देऊन आपलपासून मुक्त केलेले.
2. एका मुश्किल सुरंगात २३ व्या तर्कात मोहम्मद न्यायालाभ भारतीय रचेंचे काव्या रू ४५५ (क्र) अनुसार प्रकरण
dाखल करण्यात आलेले होते. आरोपीवाढी लोकल ट्रेनच्या पत्ती खेळण्याचा आरोप होता. आरोपीवाढी साहित्यी
कर्तन अवाळित सदस्य कार्यकारी म. न्यायालयाते आदेश दिला होता. न्यायालय परिविध अधिकारियांनी आरोपीवाढी
साहित्यी कर्त्यांनी असता पुढील गोष्टी निर्देशानंतर आलेला.
a) आरोपीवाढींना वहील आरोपीला लाखन असतानाच व्यसनामुळे मार्ग पावले होते. त्यांचा मूळू संशोधनपद परिषदेतील व
आपातात्मक ज्ञान होता.
b) आरोपीवाढी आई स्थानात होता, हे हेक्सकोर व करारी होता.
c) आरोपी आईच्या अतिरिक्त विषयमुळे एकच्या मंडळ, निरिच्छ, अकाली प्राय झाल्याचा होता. परंतु आरोपीस आपत्ता
आईच्या आपत्तीमध्ये ग्रेम, आदर व अपित्त असलेली होता.
d) आरोपीस अभियोग इंद्रलक्ष्मी प्रेमचंद स्वाभाविक होता. यांची मुख्यें नैतिकता व व्यक्तिगत विवरण असलेली होता. परंतु
आईच्या स्थानात व परातपली वातावरण नामविषयी आरोपीचे विवरण दिले होते.
e) आरोपीसुद्दीर्घ एका नेरकी लाखनाच्या सेवेसारख्या आरोपी लोकल ट्रेनने प्रवास करून लागला होता. निर्देशानंतर एकाच ट्रेनी
जावा लागत अस्सियमुळे आरोपीच सहवागीतीसोबत अस्सियम झालेला व त्यांचा एक वट तयार झाला. प्रवासातील
ग्रेमच्या प्रमाण पाली खेळण्याचा सुवर्ण झाली.
f) लोकल ट्रेनमध्ये पतो खेळण्या हा रेल्वे काव्या १४५ (क्र) अनुसार अपराध आहे येस आरोपीवाढी माहिती नव्हे.

g) चौकशीच्या वैद्यव चौकशी अधिकारांनी आरोपीवाढी आईला कलेस होतील असा प्रकरण चौकशी करून नये, असे
आरोपीचे मा. न्यायालयाच्या संख्या करती होती.

परिविढ अधिकारांनी आरोपीवाढींनी किंवलीप्रमाणे प्रथम मेलीत आरोपीवाढी आईकडे आरोपीवाढीला जुनती चौकशी केली आणि
आरोपीवाढी आईला विरुद्धात धेऊन होयतून, त्याच्या शिरकतप्रमाणे, परातपली असाधारण वातावरणामुळे आरोपीवाढी अनेक
परिणाम होत आहे त्यांची जणीव करण्यात दिली. आरोपीवाढी त्याच्या मूळ न्यायाप्रमाणे वापर्याने प्राप्त आहे त्याच्या
आरोपीवाढी त्याच्या दायित्वाने शासनामुळे मिल्या घडकतो. त्याच्या अनुसार, नाम आरोपीवाढी मानकीकरणाच्या क्षेत्रात आहेत व आरोपीवाढी
नाही. त्याच्या उपरोक्ताने आरोपीवाढींनी केलेली भविष्यवाच्याचे पॉलिसी आपल्यावर आपल्यावर आरोपीवाढीच्या
इक्वलिटीला नेकमा विविध प्रकारमुळे आपल्यांनी विद्यमानात आस्थितीची सख्ती दर्शवून आहे.
आरोपीवाढी वयस्क, त्याची कौटक काळकाळी साकारांत आपल्याकडे आपल्याकडे आरोपीवाढी व पराक्रम वापर
आपल्याकडे, आपल्याकडे आपल्यास आपल्यास आपल्यास आपल्यास आपल्यास आपल्यास आपल्यास आपल्यास आपल्यास आपल्यास
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2. तापमान तथा धारा का प्रभाव नहीं होता।
3. तापमान तथा धारा का प्रभाव नहीं होता।
4. तापमान तथा धारा का प्रभाव नहीं होता।
5. तापमान तथा धारा का प्रभाव नहीं होता।

Introduction

The concept of "Probation" has been imported from the British Criminal Justice System, where it has shown very positive results till some time back and now in the process of decline. Highly developed countries like UK, USA and Canada have invested large amount of funds in their Criminal Justice System e.g. London city has 500 Probation officers beside numerous numbers of Prison Social Workers, Psychologists and Psychiatrists. But is also a fact that their crime rate is fifteen times higher than our country. In contrast, Mumbai city has only 6 Probation officers and 107 courts. This itself shows the apathetic view of our State and society towards offender groups. The provisions as well as the State Rules are not updated since its inception in the year of 1958.

Some important features of the Rules:

1. Part-time Probation Officer - Almost all the Indian States has this radical provision of Part-time Probation Officer. Maharashtra Rules provides SSC pass as educational qualification. But this innovative provision has not been used to address the problem of shortage of staff.

2. Female Probation officer - Rule 14 provides that when there is a male probationer, a female PO shall not ordinarily be appointed for supervision. This rule could be reexamined. Experience of Prayas while working with the under trial prisoners and released youth prisoners, has some times shown that a strong female role model can be helpful in shaping the behavior of the male offenders. This could be especially true in cases where clients have had negative experiences with their mothers.

3. Probation Hostel and Institutions - There are states like Jammu and Kashmir, Rajasthan and Uttar Pradesh, which has this provision in their Rules. In Mumbai city there was a Probation Hostel in Matunga. In Mumbai Central Prison, 50% population of Youth barrack is from other states. This up country category comes to prison in serious crimes and many of them are repeaters. They cannot and do not want to go back to their families as failures. Once they come here to try their luck, life for some takes a turn leading to landing up in prison, without any social support and vulnerable to the criminal world. Such a group needs shelter for temporary period in order to change their life style. Without any kind of shelter, they live with their criminals friends or on the railway stations or on the street and become victims of the criminal surroundings.

4. The Special Probation officer - Even though there are provisions of Special PO in all the State Rules, none of the rules give a clear picture of how to appoint them. Section 13 C of the P.O. Act provides that the Magistrate can appoint any fit person as a Special P.O. in special circumstances of the case. Such person could be a police officer or employer or any relative of the probationer or community leader or member representative of any social organization or NGO - any person whom the probationer has some kind of respect. This will also solve the problem of lack of full-time POs.
5. **Grant to Welfare Organisation** - In Maharashtra, Navjeevan Mandal of Nashik and Pune are the only two welfare organisations that have been so far recognized under the Maharashtra Rules. The State should recognize more NGOs and also fund them to do the work of rehabilitation of offenders.

6. **Probation Committee** - Only the Bihar and Karnataka States Rules have the provision to set up Probation Committee consisting District Magistrate, District Probation Officer, District Judge, Addl. Session Judge, Inspector of Schools, Civil Surgeon, Sub. Div. Magistrate, Suptd. Of Police, Suptd. of Dist. Jail and Five Non-Official members. This is an ideal structure to deal the issue of reformation and rehabilitation of offenders. Whether the above-mentioned States have appointed such committees is not known but such a set up is very much required in every state. This committee may play the vital role of implementing the Probation Act.

7. **Reasonable Conditions that may be imposed on the Probationer** - Almost all the States Rules are silent on the conditions that may be imposed by the Court. The sole objective of the Probation is to give a chance to the offender by suspending his sentence so he would reform and not engage himself in crime. The Court can impose such conditions which would restrain his further criminalization or to destroy the reasons responsible for his criminal behavior. In Canada, they have Rules such as to abstain from alcohol or drug and to take the treatment to give up the habit or a condition that the Probationer would support his family or spouse. We have an innovative provision introduced in the Juvenile Justice (Care and Protection) Act, 2000, of Community Service. The Court can while giving the benefit either under Section 3 or 4 of the PO Act, also order the Probationer to do community-service according to his interest or capacity or thus pay back to society. Some examples could be asking the Probationer to take care of old and injured people in govt. hospital, service to institutions for children or oldage homes, or regulate traffic or become a volunteer to serve in natural disaster situations. Then only we can achieve the real objective of probation initiated by John Augustus through the Probation of Offenders Act, 1958.
कार्यालयाच्या अधिनियमाने, १९५८ सालात, अंग्रेजी भाषेतील महत्त्वाची रोल आहेत, परिषिका अधिकारी हा काम करून पण त्याचा काम देखावे कोणतीतही पाहिजे. ही महत्त्वाची जबाबदारी न्यायाधीशांच्याकडे आहे आणि ती तुमच्या विभागांतून झाली पाहिजे. तर कार्यालयाची अपवाद अधिनियमाच्या प्रभावी अंगबंधावीसाठी मदत देण्यासाठी आहे. आता याच्याचा कार्यरत असणार्या स्वतंत्र-संस्थांची देखील शून्यात्मक महत्त्वाची आहे आतापर्यंत प्रयासाने सांगित्यात आहे. स्वतंत्र-संस्थांची घोषकर्ता असणं म्हणजेच उच्च-संस्थांना स्वतंत्र-संस्थांच्या प्रवंशांना सोपसाहणपर महत्त्व अनुकूल भांतीत प्रवाहदृष्टीने अपराधी परिषिका अधिनियमात नाव करण्यासाठी स्वतंत्र-संस्थांचा सुधार त्यानंतरत स्वतंत्र-संस्थांचा संबंधाने सहभाग करण्यासाठी आहे. स्वतंत्र-संस्थाच्या सहभागास नाही आणि शासनाच्या घोषकर्तीत स्वतंत्र-संस्थेने संबंधाने सहभाग करण्यासाठी आहे. स्वतंत्र-संस्थाने आजूबाजू योजनेत प्रस्तावित करित आहेत. त्याच्या कार्यकर्त्यांनी एक अनेक योजनाः प्रस्तावित करित आहेत आणि ती वेगांच्या शासनाने तर आहेत.

प्रश्नरत संरचनाची संरचना संपूर्ण ह्याच्यामध्ये जास्तीत जास्त प्रयत्नशील आहेत.

प्रश्नरत संरचनाची संरचना संपूर्ण ह्याच्यामध्ये जास्तीत जास्त प्रयत्नशील आहेत.
OPEN HOUSE DISCUSSIONS

• An issue was raised that most speakers had addressed the audience about the various judgments of the Hon'ble HCs and the apex court and about Section 360 of Cr.P.C. The study material circulated to the participants shows that 76% of the convicts who are undergoing the sentence had committed the offence like theft, house breaking, causing, assaulting etc., who were otherwise entitled to get the benefit of the Probation of Offenders Act. It is agreed that it is the mandatory on part of the courts to invite reports from the Probation Officers. His experience was that reports of POs were not thorough and mis one was one of the reasons why they could not extend the benefit of probation to convicts.

• The point was also made that if the benefit is not granted, the Probation Officer has the power either to prefer revision or to prefer an appeal. If this was the position, then why have POs not preferred appeals in the higher courts? If there is an express power to that extent, and if 76% of the convicts have not been extended the benefit of this Act, then what prevented the officers for making appeals against such decisions? Secondly, under Section 360 Cr.P.C, if the magistrates do not want to give the benefit of Section 360 to the convicts, the court has to record the reasons. Out of the 76%, how many cases would be there in which the court has recorded the reasons to refuse grant of probation?

• Clarifications about the Prayas study on this issue were made. The study was done in two prisons of Mumbai, Thane and Kalyan prisons almost five years back. The study was done with under trials and not convicts, whose cases were still going on in courts. The objective behind doing the study was to see the percentage of UTs inside prison that could be eligible under the Probation Offenders Act. Their cases had not yet been decided. It was found through the study that almost 76% of the under trial population in prison in the Women's and Young Male Adult Sections were eligible for release on probation under the PO Act. The outcome of these cases is not known - whether they were granted probation finally or not.

• Field experiences very clearly point to the fact that most people in prison in Mumbai. Thane and Kalyan are under trials. A large percentage of them have been granted bail, but are unable to go out because of sureties not being available. This is especially true of under trials arrested for not so serious offences. This is also true to some extent, for those who are in for session triable cases. There are large numbers of women under trials as well as the male youth in the age group 18-23 years who are arrested for not so serious offences and bail been granted, but many of them do not have the fixed place of residence, or they do not have any proof of residence, or a person to get them out on bail. This number is increasing and it causes the overcrowding.

• In this connection, a suggestion was made that if the magistrates could call for report of the probation officer and keep it in advance, the report could be taken into consideration for release on probation by the magistrate if the case ends up in conviction. The experience is that very little time is given by the magistrates to the probation officers to file the report. There have been cases where two days time was given to file the PO's report.
It is not feasible for the Probation Officer to conduct a social inquiry - delving into the personality, psychological status, family situation, economic condition and chances of rehabilitation - in such a short time, especially if one wants probation officers to do a good job. Reasonable time has to be given so that the probation officer can make one or two visits to the prison to interview the under trial prisoner or the accused out on bail, meet his family, neighbors, employer (if necessary), etc. to file the PO's report. The distances between destinations in a rural area or in a city like Mumbai are very far, and the probation officers do not have vehicles at their disposal. They have to travel by the public transport, and all this requires time.

The suggestion would be that whenever a trial starts and the case nears the the judgment time, and if in the opinion of the magistrate or judge, the accused could be given the benefit of probation, his case could be referred to the P.O. in advance. The report could be kept sealed and opened if and when the case ends in conviction.

A large number of cases from up country areas do not have any fixed place of residence in jurisdiction of court, and this becomes a disqualification for grant of Probation. In such cases, the role of a voluntary organisation can be introduced, which is willing to come forward to take the responsibility for the rehabilitation of the accused. This organisation could be considered as surety even where the family is absent.

There is scope for the probation department; the judiciary and the NGOs to work together towards implementation of the Act e.g. NGOs visiting prisons could refer cases suitable for probation to the probation department. The POs could approach the magistrates suo moto requesting such cases be referred to them for the social enquiry report. Magistrates could also refer cases to the PO suo moto or on the request of social workers visiting prisons.

Magistrates could encourage probation officers to take suo moto cognizance of cases eligible under the PO Act. But the point to be kept in mind is that the conviction rate in our country is very low. The PO Act comes into effect only at the conviction stage, and therefore, its scope gets limited to only those cases that end up in conviction.

The issue of advance filing of the PO's report was raised by one of the participant magistrates. In response, it was pointed out that that there is a High Court Circular, which says that as soon as the chargesheet is framed, the PO's report shall be called and kept sealed. It should not be opened until the accused has been found guilty. This ensures that there is no prejudice against the accused at the trial stage.

A recent judgement of 2005 of Supreme Court says that court is bound to call for the PO's report before sentencing, though court is not bound to accept it. But calling for the report is mandatory. It is true that the judiciary faces difficulties in meeting the norms for disposal, and after finding an accused guilty, there is a hurry to pass final judgement. But at the same time, there was an agreement that reasonable time should be given to the POs to file their reports.

In the light of the heavy workload of magistrates, and the lack of time to identify cases and call for the reports from POs, it was suggested that POs should visit the courts regularly and with the permission of the courts, identify cases, which are eligible for release on probation under the Act. The days and timing of the POs should be fixed and intimated to the magistrates by putting up a board at a prominent place in the court premises.
Probation Officers responded to this feedback by saying that they were already working as per this suggestion, but they do not have a fixed place to sit and there is no system or referral of cases to them put in place. A suggestion was made to refer at least three cases by magistrates to the POs every month who are eligible under the PO Act.

The Probation Department, Maharashtra State had issued a notification that the district probation officer should distribute the days and the dates of the visits to each court so that court could refer cases in greater numbers to them.

It was mentioned that there are two social workers visiting from Prayas - one visiting Thane and other visiting Kalyan prison. If cases come to their notice, they could be brought to the notice of the magistrates, and then the magistrates could refer them to probation department for calling the social enquiry report. To do this, the social workers of Prayas should be allowed to meet magistrates directly. It was mentioned that the judiciary was not aware of such efforts. There should be a liaison between the prisons, the courts, the probation department and the NGOs.

One participant pointed out that the PO Act is legislation for the betterment of the society. It casts a duty upon the courts to refer cases to the probation officers. But he also alluded to the fact that during his tenure for last three years in Vasai, he had never had the occasion to meet any probation officer. However, that did not justify magistrates shirking from their responsibilities. He further added that it was the joint responsibility of the judiciary and the probation officers to ensure that maximum numbers of accused persons were extended the benefit of this Act, to achieve the objective of correction and rehabilitation.

It was pointed out that there were only six POs in Mumbai and three in Thane to cover the entire districts. The number of courts are totaled more than hundred, as against the number of POs. It was therefore, not possible to cover all the work. In this context, it was urged that magistrates to use Section 13 of the Act, and appoint any fit person as a voluntary probation officer in specific cases.

A suggestion was also made to use the Bombay Borstal Schools Act. There may be many cases where the magistrate may feel that the person cannot be given the benefit of probation, but he could be sent to the Borstal School for reformation and rehabilitation.

The Borstal School in Nasik has a capacity of 250 but the current population is around 20. It is the only prison in the Maharashtra, which is tremendously under crowded as compared to other prisons. It has vocational training facilities and the inmates are sent outside the institution to do ITI certificate courses. The superintendent of the Borstal School is known as Principal and the deputy superintendent is known as Vice Principal. The entire attitude of the Borstal School is to reform the person. The convicted person needs to between the gae of 16 to 21 years and he can be sent there for one to three years. Even those tried under the Juvenile Justice Act - if they are above 16 years of age - can also be referred to the Borstal School.

An opinion was expressed that the PO Act was an injustice to the victim. It was pointed out that the report of the probation officer was usually in favor of the accused. The report recommended benefit of probation as being given having regard to nature of the offence.
and the character of the offender. There was no description or the details about the nature of the offence in which the benefit should be given and in which the benefit should be refused. Normally the presiding officers are competent to decide under which circumstances the report can be refused, but in the absence of any laid down guidelines, there was scope for doubt and confusion.

- The PO Act has to be understood in the present context of reformatory theory of crime. The focus is on preventing crime. The report is not given in favor of the accused but it is based on the chances of his reform and the social integration.

- Whether the benefit of the probation is to be given or not is the sole discretion of the court. The duty of the Probation Officer is limited to submission of the report. But the report is very important based on which the court decides the case. When the PO recommends a case, he has to check the following checklist - the tender age of the accused, his friend circle, significant others in his life, psychological aspects, addiction, family situation, etc.

- A participant thanked the organizers for organizing the workshop. He expressed his regret that the probation system, which was in existence since the 19th century in the US, and was in operation for than fifty years in India, was yet to take firm roots in the country. He referred to the fact that 1974 was named as the year of Probation in the country and the Supreme Court had had time and again regretted the underuse of this system by the judiciary. As per the wordings of the apex court, "No body can claim a benefit as a matter of right under this act" but that does not absolve the judiciary from applying the provisions of the Act to various categories of offenders. He suggested that as per the circular of the High Court, magistrates should identify cases at the time of framing charge - four or five a month - and refer them to probation officers for their reports.
RECOMMENDATIONS

For the Probation Department

- In cases where probation is refused by the magistrate/judge inspite of a favourable report by the probation officer, he has the power either to prefer revision of the order or to prefer an appeal to a higher court.

- Voluntary organizations willing to come forward to take the responsibility of the rehabilitation of probationers could be considered as surety where the family is absent.

- NGOs visiting prisons can refer cases to probation officer, which are suitable for probation. The probation department could approach then magistrates suo moto to request magistrates to call for the report of the PO in those cases.

- The officers from probation department should visit the courts and with the permission of the court, identify cases that are eligible for probation.

- All the courts should refer at least three cases per month calling for the POs report in those cases.

- Probation officers should be available at each court on specific days so that magistrates are aware how and when to refer cases to them.

- The Department of Women and Child Development has issued a notification that the district probation officer should distribute the days and the dates of the visits to each court so that court could refer cases more in numbers.

- There are two social workers from Prayas visiting Thane and Kalyan prisons regularly. If cases come to their notice, which according to them could get the benefit of probation, such cases could be brought to the notice of the magistrates, who could refer them to probation department calling for their social investigation report.

For the Judiciary

- Magistrates should use section 6 of the P.O. Act, which makes it mandatory on their part to call for reports from probation officers, in cases where the accused is less than 21 years of age.

- Magistrates could call for reports of the probation officer in advance and kept sealed so that if the case ends up in conviction, they could consider the case for release on probation. There is already a circular issued by the High Court to this effect.

- Reasonable time should be given for the probation officers to file their reports. Ideally speaking, P.O. should get at least two weeks time to file a social investigation report.

- NGOs visiting prisons should refer cases to magistrates when they come across any case which they feel is suitable for release on probation.

- If magistrates refer cases to probation officers fit for giving the benefit of probation, work could proceed more efficiently.

- There should be liaison between the prison authorities, court and the probation department for better implementation of the P.O. Act.
In the co-text of the increasing crime rate and over load of cases in courts, the use of section 13. of appointing any fit person as voluntary probation officers by the court, must be taken in to consideration. This would help spread the concept of probation - employers, senior citizens, voluntary organizations and social workers could be appointed by the courts as voluntary probation officers in this section of the Act.

The use of the Bombay Borstal Schools Act could be tried in cases where the magistrtrate may feel that the person cannot be given the benefit of the probation but may be considered for being sent to the Borstal School for reformative purposes.

There should be regular workshops for magistrates and probation officers at district level to increase awareness among the judiciary about the P.O. Act.

For Voluntary Organisations

Voluntary organizations working in prisons should network with the probation department at the district level to refer cases for release on probation under the Act.

Voluntary organization should make regular presentations before the judiciary to increase awareness about their presence in prisons, towards implementation of the Act.

Voluntary organizations should attend the District IDC Sub-Committee-meetings chaired by the district judge and present problems faced by prisoners in the meetings.

Voluntary organizations should work towards getting recognized under the P.O. Act State rules to improve the implemention of the Act and provide aftercare services to released prisoners and probationers.

Voluntary organizations should come forward as sureties for those accused who are otherwise eligible for release on probation, but miss out due to lack of local sureties.
### List of participants in the workshop held on 25th March 2006
**On Implementation of Probation of Offenders Act 1958.**

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<td>Hon’ble Shri. A. J. Dholkiya</td>
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<td>Hon’ble Shri. A.V. Nirgude</td>
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<td>Hon’ble Shri. S.K. Shinde</td>
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<td>Hon’ble Smt. N.V. Bhaid</td>
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<td>Hon’ble Shri A. M. Khatriiya</td>
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<td>18</td>
<td>Hon’ble Shri. V. D. Pise</td>
<td>Joint Civil Judge, Senior Division, Thane</td>
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<td>19</td>
<td>Hon’ble Shri. P. N. Nair</td>
<td>2nd Joint Civil Judge, Senior Division, Thane</td>
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<td>20</td>
<td>Hon’ble Shri. J.C. Hausale-Ghodegaonkar.</td>
<td>3rd Joint Civil Judge, senior Division, Thane</td>
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<td>21</td>
<td>Hon'ble Shri. D.G. Murumkar</td>
<td>Chief Judicial Magistrate</td>
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<td>22</td>
<td>Hon’ble Smt.R.C. Bapat-Sarkar</td>
<td>Civil Judge, Senior Division, Kalyan</td>
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<td>23</td>
<td>Hon'ble Shri W. V. Gughane</td>
<td>Joint Civil Judge Division Kalyan</td>
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<td>24</td>
<td>Hon'ble Shri. A. N. Sontakke</td>
<td>Joint Civil Judge, J.D. &amp; J.M.F.C., Thane</td>
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<td>25</td>
<td>Hon'ble Shri S.G. Adake</td>
<td>4th Joint Civil Judge, J.D. &amp; J.M.F.C, Thane</td>
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<td>26</td>
<td>Hon’ble Smt.V. V. Malkalpatte</td>
<td>6th Joint Civil Judge, J.D. &amp; J.M.F.C, Thane</td>
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<td>27</td>
<td>Hon’ble Shri A.J. Bafana</td>
<td>7th Joint Civil Judge, J.D. &amp; J.M.F.C, Thane</td>
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<td>28</td>
<td>Hon’ble Shri K. N. Shinde</td>
<td>8th Joint Civil Judge, J.D. &amp; J.M.F.C, Thane</td>
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<td>29</td>
<td>Hon'ble Shri S.H. Salunkhe</td>
<td>9th Joint Civil Judge, J.D. &amp; J.M.P.C, Thane</td>
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<td>30</td>
<td>Hon'ble Shri P.B. Pore</td>
<td>10th Joint Civil Judge, J.D. &amp; J.M.F.C, Thane</td>
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<td>31</td>
<td>Hon'ble Shri S.S. Shinde</td>
<td>11th Joint Civil Judge, J.D. &amp; J.M.F.C, Thane</td>
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<td>32</td>
<td>Hon'ble Shri D.L. Nikam</td>
<td>Civil Judge, J.D. &amp; J.M.F.C., Vashi</td>
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<td>33</td>
<td>Hon'ble Shri V.B. Gavhane</td>
<td>Joint Civil Judge, J.D. &amp; J.M.F.C, Vashi</td>
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<td>34</td>
<td>Hon'ble Shri D.A. Shrisundar</td>
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<td>35</td>
<td>Hon'ble Shri S.G. Thube</td>
<td>2nd Joint Civil Judge, J.D. &amp; J.M.F.C, Kalyan</td>
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<td>36</td>
<td>Hon'ble Shri S.P. Agarwal</td>
<td>3rd Joint Civil Judge, J.D. &amp; J.M.F.C, Kalyan (1st Court)</td>
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<td>37</td>
<td>Hon'ble Shri P.P. Abhang</td>
<td>4th Joint Civil Judge, J.D. &amp; J.M.F.C, Kalyan</td>
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<tr>
<td>38</td>
<td>Hon'ble Shri C.V. Marathe</td>
<td>Judicial Magistrate F.C., (Railway), Kalyan</td>
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<td>39</td>
<td>Hon'ble Shri C.B. Havelikar</td>
<td>Civil Judge, J.D. &amp; J.M.F.C, Ulhasnagar</td>
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<td>40</td>
<td>Hon'ble Shri C.R. Pande</td>
<td>Joint Civil Judge, J.D. &amp; J.M.F.C, Ulhasnagar</td>
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<td>41</td>
<td>Hon'ble Shri S.N. Jadhav</td>
<td>2nd Joint Civil Judge, J.D. &amp; J.M.F.C, Ulhasnagar</td>
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<td>42</td>
<td>Hon'ble Shri R.V. Bhakta</td>
<td>3rd Joint Civil Judge, J.D. &amp; J.M.F.C, Ulhasnagar</td>
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<td>43</td>
<td>Hon'ble Shri P.P. Pokale</td>
<td>4th Joint Civil Judge, J.D. &amp; J.M.F.C, Ulhasnagar</td>
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<td>44</td>
<td>Hon'ble Shri S. S. Saste</td>
<td>5th Joint Civil Judge, J.D. &amp; J.M.F.C, Ulhasnagar</td>
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<td>45</td>
<td>Hon'ble Kum. K.F.M. Khan</td>
<td>6th Joint Civil Judge, J.D. &amp; J.M.F.C, Ulhasnagar</td>
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<td>46</td>
<td>Hon'ble Shri V.V. Patil</td>
<td>7th Joint Civil Judge, J.D. &amp; J.M.F.C, Ulhasnagar</td>
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<td>47</td>
<td>Hon'ble Shri S.H. Bodakhe</td>
<td>Civil Judge, J.D. &amp; J.M.F.C, Murbad</td>
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<td>48</td>
<td>Hon'ble Shri H.H. Varale</td>
<td>Civil Judge, J.D. &amp; J.M.F.C, Shahapur</td>
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<td>49</td>
<td>Hon'ble Shri C.W. Meshram</td>
<td>Civil Judge, J.D. &amp; J.M.F.C, Bhiwandi</td>
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<td>50</td>
<td>Hon'ble Shri P.L. Amale</td>
<td>Joint Civil Judge, J.D. &amp; J.M.F.C, Bhiwandi</td>
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<td>51</td>
<td>Hon'ble Shri N.K. Chavan</td>
<td>2nd Joint Civil Judge, J.D. &amp; J.M.F.C, Bhiwandi</td>
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<td>52</td>
<td>Hon'ble Shri S.R. Pawar</td>
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<td>53</td>
<td>Hon'ble Shri M.A. Shinde</td>
<td>4th Joint Civil Judge, J.D. &amp; J.M.F.C, Bhiwandi</td>
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<td>54</td>
<td>Hon'ble Shri S.N. Yadav</td>
<td>Civil Judge, J.D. &amp; J.M.F.C, Vasai</td>
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<td>55</td>
<td>Hon'ble Shri R.S. Sarkale</td>
<td>Joint Civil Judge, J.D. &amp; J.M.F.C, Vasai</td>
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<td>56</td>
<td>Hon'ble Shri U.J. More</td>
<td>Judicial Magistrate F.C. (Railway), Virar</td>
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<td>57</td>
<td>Hon'ble Shri N.G. Shukla</td>
<td>2nd Joint Civil Judge, J.D. &amp; J.M.F.C, Palghar</td>
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<td>58</td>
<td>Hon'ble Shri Sanjay Balkrishnan</td>
<td>Joint Civil Judge, J.D. &amp; J.M.F.C, Dahanu</td>
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<td>59</td>
<td>Hon'ble Shri D.D. Kurulkar</td>
<td>Civil Judge, J.D. &amp; J.M.F.C, Jawhar</td>
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<td>60</td>
<td>Hon'ble Shri V.P. Shelke</td>
<td>Civil Judge, J.D. &amp; J.M.F.C, Wada</td>
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<tr>
<td>61</td>
<td>Smt. Renuka Choudhary</td>
<td>District Probation Officer - Thane</td>
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<td>63</td>
<td>Srnt. U.A. Bodawale</td>
<td>Shaskiya Apang Balgruha, Ulhasnagar</td>
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<td>64</td>
<td>Shri J. R. Joshi</td>
<td>Probation Officer, Govt. Children Home. U’Nagar</td>
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<tr>
<td>65</td>
<td>Shri Y. M. Sonawane</td>
<td>Probation Officer, Thane</td>
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## Programme

**Schedule**

**Venue for the Workshop**

Manthan, Police Training Centre, Cine Wonder Conference Hall, Ghodbunder Road, Thane (W)

<table>
<thead>
<tr>
<th><strong>Topics</strong></th>
<th><strong>Resource Person</strong></th>
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<tbody>
<tr>
<td>Registration of Participants</td>
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<tr>
<td>Inauguration and Inaugural Address</td>
<td>Hon'ble Shri Dholakia, District and Sessions Judge, Thane</td>
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<tr>
<td>Introduction to the Workshop &amp; Objectives</td>
<td>Shri Vijay Raghavan, Faculty, Centre for Criminology and Justice, TISS and Project Director, Prayas</td>
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<tr>
<td>Probation of Offenders Act, 1958 : An Introduction</td>
<td>Shri Thombre, Principal, Mahatma Gandhi Training Institute, Department of Women and Child Development, Pune.</td>
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<tr>
<td>Implementation of P.O. Act in Thane District</td>
<td>Smt. Renuka Choudhari, District Probation Officer - Thane</td>
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<td><strong>Tea Break</strong></td>
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<tr>
<td>Role of Court and POs in Implementation of the Probation of Offenders Act</td>
<td>Shri B. D. Khatri, Retired District Probation Officer, Nasik</td>
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<tr>
<td>Role of NGOs in Implementation of PO Act</td>
<td>Shri Silvin Kale, Legal Resource Person and Social Worker, Prayas</td>
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<td><strong>Lunch</strong></td>
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<tr>
<td>Panel Discussion -</td>
<td>Chaired by Shri Nirgude, Addl District Judge Panelists: Shri B. D. Khatri and Shri Gondhali</td>
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<tr>
<td>Vote of thanks</td>
<td>Shri Vikas Kadam</td>
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<td>Tea and Informal discussions</td>
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