I. Introductory

Among the many variables of juvenile justice system, probation is the single most important variable. It will not be wrong to say that the ultimate success of juvenile justice system largely depends upon the quality and quantity of its probation services. From the initial entry of the juvenile into the juvenile justice system apparatus till his final reintegration and rehabilitation in the society, probation services provide necessary help, guidance and support to all other operative agencies like, police, Child Welfare Board, Juvenile Court, Corrections connected directly or indirectly, with the administration of juvenile justice. At the initial stages, pre-intake reports or social inquiry report; at the processual level, pre-sentence reports; and at the outlet level, after-care services which include parole and licencing out, can be some of the important points in the working of probation system. Without these reports and services the juvenile justice system cannot be imagined at all. The probation officer is not merely an another instrument of one of the many variables of the juvenile justice system but the pivot on which the successful functioning of the system as a whole rests. Thus the work of the probation officer is complex and responsibilities manifold. It is not merely discharging some legal and social obligations alone.

II. Concept of Probation

Probation is one of the most important community-based correctional system. Besides probation residential and day treatment programs and parole are the two other basic forms of community-based treatment. Developed as an alternative to imprisonment, specially in cases of short term imprisonment
and young first offenders, probation gained importance as an acceptable community-based treatment disposition in the area of criminal justice. As a Latin origin of the term indicates, probation is "a system of proving or examining, investigating, and supervising an offender brought to court for treatment. It is a definite follow-up system for court cases with a developing technique. But it is more than that. It is a mission to those in need, actuated by the highest ideals of human helplessness and social service." When placed on probation a delinquent remains outside of reformatory walls and to a great extent at liberty in his or her usual environment, subject for a certain period of time to the watchful care of the probation officer.

The generally accepted definition of probation in U.S.A. is as under:

A form of disposition under which a court suspends either the sentence or the execution of the judgment of sentence of selected offenders, releasing them conditionally on good behavior, under prescribed terms and rules and subject to the control, guidance and assistance of the court as exercised through officers appointed to supervise them.

The American Bar Association Project on Standards for Criminal Justice defines probation as:

A sentence not involving confinement which imposes conditions and retains authority in the sentencing court to modify the conditions of sentence or to re-sentence the offender if he violates the conditions. Such a sentence should not involve or require suspension of the imposition or execution of any other sentence. A sentence to probation should be treated as a final judgement for the purpose of appeal and similar procedural purposes.

The international representative body of world community, United Nations, defines probation as:

A process of treatment prescribed by the court for persons convicted of offences against the law, during which the individual on probation lives in the community and regulates his own life under conditions imposed by the court (or other constituted authority) and is subject to supervision by a probation officer.4

The Chief Justice of India, S.M. Sikri (as he then was) approvingly accepted the definition of probation by Morrison Committee in England, in his Inaugural Address5 on the Probation year 1971, by remarking, "I like the definition of probation as given by the Morrison Committee." The Committee describes probation as:

We understand by probation the submission of an offender while at liberty to a specified period of supervision by a social case worker who is an officer of the court.7

Dr. (Mrs) Jyotsna H. Shah, Director, Central Bureau of Correctional Services (as she then was) defines probation:

As a method of dealing with specially selected offenders and consists of the conditional suspension of punishment while the offender is placed under personal supervision and is given individualised treatment.8

III. Juvenile Probation

Contents wise there may not be any difference, but implication wise juvenile probation is much wider in scope and object. Juvenile probation is often confused with adult probation. Adult probation is "an arrangement between the court and the person found guilty of an offence that he will not be sent to a penal institute if he lives up to the rules for future conduct laid down by the court, acting through under the supervision of the probation officer."9

4. Probation and Related Measures, United Nations, Department of Social Affairs, 1951, p. 287.
6. Ibid.
8. (conted.)
The arrangement is instituted before any system of punishment has been imposed by the court and follows either a plea of guilty of a conviction by the court.

In the case of juvenile offences the question is not centered on punishment, or on a plea of guilty, or on conviction by the court, since in the eyes of the juvenile court a juvenile does not commit a crime and is not to be sent to a penal institute. He is to be sent to correctional institute for treatment and rehabilitation not as a punishment but as a social concern of the society towards its young. Adult probation is a substitute for a penalty, while juvenile probation is a method of re-education. The main emphasis in case of juvenile probation is on the role of whole-time service of social worker. This, in fact, implies the compilation of case studies of juvenile offender in their total setting to help the probation officer and the juvenile court to understand the antecedents, character, family background and community influences and the desirability of the young offender to be released on probation. Thus, in a manner juvenile probation is an integral part of juvenile correctional set-up. The probation officer is not merely an instrument of juvenile correction but the pivot on which the successful functioning of the total system rests.

The definition of juvenile probation specially stressing upon the helping services of social case worker —"a process of attempting to understand the needs, impulses, and actions of an individual and of helping him to reorganise these in a way that is satisfying to himself and yet in accord with the demands of social living." Or "probation may be viewed as a process of discovering and developing capabilities of boys and girls and motivating them to take responsibility for themselves as members of the community within the framework of the rules

and with all its limitations"...."Probation is an experimental period of social adjustment during which time the individual is expected and is helped to learn to live with authority."\(^{11}\)

In brief, Probation permits juvenile offender to remain in the community under the supervision of a probation officer, subject to certain conditions imposed by the court. Probation, which is considered by many to be the brightest hope of corrections, has four different connotations in the juvenile justice system. First, probation is a legal system in which an adjudicated delinquent can be placed. Second, probation refers to an alternative disposition to institutionalization. Third, probation refers to a sub-system of the juvenile justice system. Finally, probation includes the activities, functions, and services that characterise this sub-system's transactions with the juvenile court, the delinquent, and community."\(^{12}\)

(1) Goals

The ultimate object of the total correctional process is promotion of the welfare and security of the society in general. Probation services help in keeping young boys and girls away from the adverse influence of institutional environment. They facilitate the involvement of the family and the community in the reassimilation of juveniles. Within this overall goal, juvenile probation's specific assignment includes (a) preventing a repetition of the child's delinquent behaviour, (b) preventing long-time deviate or criminal careers, and (c) assisting the child, through measures feasible to the probation service, to achieve his potential as a productive citizen.\(^{13}\) Though, apparently, probation services are

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directed towards protection of delinquent child, but indirectly it helps the family and, in the long run, the community.

Now, with the gaining of importance of social concern for non-delinquents in the present day social context, the probation services are of equal importance in their cases. This assigning of new responsibilities in broader delinquency prevention programmes has widened the role and responsibilities of probation services. Though exact boundaries of probation services role may not be possible to define, it seems clear that a probation department should at least assume the responsibility for assembling and reporting its special knowledge about delinquent children and children on the border of delinquency, their needs, and the community conditions that produce delinquency prone situations. Thus, probation department can play an active role in the process of social planning for meeting the needs of young people.

(ii) Functions

The three basic functions of probation services are (a) intake and screening (b) social inquiry and diagnosis, and (c) supervision, treatment and rehabilitation.

(a) Intake and Screening

Delinquent Juveniles: The question as to what categories of person fall within the scope of juvenile justice system and should be processed for treatment and rehabilitation has been legally answered by the Juvenile Justice Act, 1986.14 Earlier to this Act, answer could be found in the Children Acts of respective states.15 Broadly speaking there are two categories of juveniles who need social protection and care at the state expenses viz., delinquent juveniles and neglected

14. Sec.7.
15. East Punjab Children Act, 1949, Sec.8 and Sec.24; Children Act, 1960, Sec.7(1).
or destitute juveniles. The first category is processed by the juvenile court and the second category has to be processed by Juvenile Welfare Board.\textsuperscript{16} So for the delinquent juveniles are concerned their intake system is statutory i.e. violation of any law which invites attention of criminal court. In their cases the intake process does not require much careful consideration as police is the only agency that takes cognizance of such matters and intake screening is done by the police. Thus probation officer has a little role to play in their intake and screening process. In the cases of delinquent juveniles the role of probation service comes into focus only at the investigation or social inquiry stage of which pre-sentence report is the most important aspect.

However, in some countries (like U.S.A., U.K.) with a much developed probation service-system, separate intake units have been established to decide whether the juvenile is to be referred to the juvenile court or not. In case, his case is to be referred to the juvenile court whether he should be restored to his parents or detained in some juvenile facility till the case is disposed of by the juvenile court. Police officers in such cases bring delinquent juvenile, who has been apprehended for a criminal act, to the intake unit. The intake officer must conduct a preliminary investigation at this time, and based upon his findings, make a decision on what to do in the case. These intake officers have been associated with probation department and thus in a manner act in the capacity of a probation officer. In some cases trained police officer too are assigned the task of intake officer. Here they act more like a child welfare officers than rigid law enforcers. Even in those cases where no such special intake officer is there the probation department must participate in deciding whether child should be admitted to, continued in, or released from detention

\textsuperscript{16}. Juvenile Justice Act, 1986, Sec.7.
pending disposition of his case by the juvenile court. Removing the child from his home and family and holding him in a detention facility, even for a temporary period, constitute a major intervention in his and his family's life. For some children this may be necessary and helpful; for others it may be deeply damaging and may contribute to alienation from conforming society and its institutions.

Non-Delinquent Juveniles: the duty roster of probation officer at the intake and screening stage, in the cases of neglected and destitute juveniles, is much more complex and demanding. An undeserved intervention in the normal life situation may lead to defective personality formation and injurious self-respect which can ultimately hamper rehabilitation process. Thus, the probation staff must engage in preliminary exploration with the child, the family, and the referring source to determine with them whether there is a legal basis for juvenile justice system intervention or whether the problem can be resolved better by use of the services of some other community resource. The decision is crucial and job can be satisfactorily discharged by highly specialized sociological agency - probation system.

Although the scope of jurisdiction relating to intervention in the cases of non-delinquent juveniles is defined and limited by law, but these limitations require a highly subjective assessment. This becomes more important at the intake stage because the ultimate output and its quality largely depends upon the careful selection of intake material. Thus, it becomes imperative that screening at the intake stage must be entrusted to competent professionals in the area of probation.

17. Id. Sec.2(e), See Chapter IV for details.
(b) Social Inquiry and Diagnosis

The juvenile court and Juvenile Welfare Board exercise tremendous powers to make authoritative decisions concerning vital aspects of the lives of children and their families found to be within its jurisdiction. The juvenile may be returned to his home and family without further intervention, he may be placed under probation supervision, or he may be removed from his family's control for a period which can be several years of institutional living. Such decisions, therefore, which may powerfully shape for good or evil the total future of the juvenile involved, must be made only on the basis of the most careful and competent diagnostic study.

Such a study involves the awesome task of predicting human behaviour. This requires probation officer to prepare a social history report of the youth, ruled as delinquent or neglected/destitute, to aid the processing agency officials (Juvenile Court or Juvenile Welfare Board) in making the correct disposition. In the cases of delinquent juveniles pre-sentence report is prepared by the probation officer to guide and aid the juvenile court in reaching at a rational decision concerning the selection of treatment alternatives. Similarly in the cases of non-delinquent juveniles social history report becomes inevitable in order to select treatment alternative. Furthermore, the report of probation officer helps in the diagnosis of the juvenile on the basis of his past history and antecedents and ultimately helps in placing the juvenile for institutional or non-institutional treatment. Selection of institution and training to be imparted in that institution is a decision which largely depends upon the case history of the concerned juvenile. For example drug addicts, mentally or physically handicapped or juveniles coming from family background linked with prostitution etc., need special treatment and their rehabilitation process has to be much more carefully planned and supervised. What will be his adjustment under
the various possible conditions of treatment - i.e., if he is returned home without further intervention, or if he is confined in an institution? Only by illuminating such questions, the social inquiry report can be of value to the processing agency's dispositional decision.

In order to accomplish this objective it must include skilled analysis of the child's perceptions and feelings about his conduct, his problems, and his life situation. In addition to this neighbourhood and peer group determinants of his attitudes and behaviour must be analysed. This is possible only with the help of dedicated, intelligent and professional probation service.

(c) Supervision Treatment and Rehabilitation

Supervision, treatment and rehabilitation are in fact the basic important functions of the probation system. Probation involves for more than giving the child 'another chance'. Consequently, probation has been assigned the task of contributing to the process of change, through supervision, treatment and rehabilitation, in the situation and behaviour of the child in need.

The three major elements of effective supervision treatment and rehabilitation are surveillance, service and aftercare. These divisions are more academic than legal and no one of these elements is effective by itself. In fact each is a part of an interrelated whole.

Surveillance: When the juvenile is placed under the supervision of probation office, the probation officer must keep in touch with the child, his parents, his place of ordinary stay and other persons involved in and concerned about his adjustment. Eloise C. Synder found that juveniles were more receptive to help during these initial interviews with probation officers than at any
IV. Origin and Development of Probation

Contrary to popular belief, juvenile probation system did not originate in the juvenile court, although since the formation of the juvenile court, the status and development of probation have been greatly enhanced. Probation, as an extra mural and corrective method, was used as early as 1840 in U.S.A. in connection with adult offenders and was later adopted in work with juveniles.

The rigidity of criminal law was relaxed with the experiments of the famous John Augustus, about the middle of the 19th century. Augustus, a Boston Cobbler, pleaded for the release into his custody of certain boys accused of crime and sentenced to jail. The cobbler stood surety on the boys bonds, thereby developing a type of probation known as 'bail bonding'. In less than twenty years (1841-1859) John Augustus acted sin surety for 253 young men and 149 young women, and not one was reported to have violated the condition of release.

Augustus philosophy was perdicted on the firm conviction that the court's reasoning about criminals was incorrect. He said:

> Individuals and communities are only too prone to infer evil of a class, but occasionally observe it in individuals; if a person who has been bailed, or received the leniency of a court, proves false to his promises of amendment, people are ever ready to predict that all others will conduct themselves in a similar manner; and this they persist in believing, although instances are very frequent, even three to one, where such persons have become good citizens, and regained their former station in relation to society. I shall leave the matters for others to discuss and decide, but I am content, feeling as I do, that by such humane means hundreds of the fallen have been raised even by my humble instrumentality.

As the first probation officer, Augustus initiated several services still used in probation today; investigation and screening, supervision, educational and employment services, and the provision of aid and assistance.

The probation system though an important and effective method of dealing with offenders today has not arisen out of legislative enactments, judicial pronouncements and expositions. The Benefit of Clergy, Judicial Reprieve, the Recognisance, Provisional Release on Bail, Binding over and Provisional Filing of cases are said to be the common law roots of probation. The origin of probation as understood in the modern terminology has very succinctly been explained by P.B. Gajendragadkar, The Chairman of Law Commission of India (as he then was) as:

It was given to John Augustus of Boston to initiate, though unknowingly, this concept when in 1841, he persuaded a criminal court to release a habitual drunkard from jail on his personal responsibility. John acted in this manner purely on humanitarian grounds. He was not a lawyer, or a judge or a jurist, but was a mere cobbler. His human instinct told him that it was worth while trying to help a criminal to rehabilitate himself. Acting on this human impulse, he took what turned out to be momentous and historic step. The person released on the understanding of John was rehabilitated and lived a normal innocent and honest life thereafter. John pursued this course, and during the next few years, he tried the experiment in regard to 2000 convicts. Efforts made by John in this direction constitute, in a sense, a foundation of the whole concept of probation, as we know it today.

Augustus was selective in his choice regarding beneficiaries and confined himself mainly to those persons who were indicted for their first offence and whose hearts though depraved yet gave promise of better things. Perhaps moved by the successful experimentation of the concept by John Augustus, the first legislative initiative was made by the State of Massachusetts (USA) in 1878 and by the year 1890 probation had become quite common in the State. After this other states adopted probation statutes. United Kingdom followed suit and extensively used the concept in the administration of criminal justice, specially in the cases pertaining to young offenders. The emerging social

24. Supra note 22, p. 90.
institution, with its individualised, parental approach to the erring child, made a central contribution to the developing of the concept of juvenile court.\footnote{President Commission on Law Enforcement and Administration of Justice, Task Force Report: Corrections, (1967), p. 131.}

V. Origin of Probation in India and Punjab

In Punjab as well as in the rest of British India, the release on probation of good conduct found its first statutory recognition in section 562 of the Code of Criminal Procedure, 1898. It reads as:

> In any case in which a person is convicted of theft, theft in a building, dishonest, misappropriation, cheating or any other offence under the Indian Penal Code punishable with not more than two years' imprisonment before any court, and no previous conviction is proved against him, if it appears to the court before whom he is so convicted, that, regard being had to the youth, character and antecedents of the offender, to the trivial nature of the offence and to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the court may, instead of sentencing him at once to any imprisonment, direct that he be released on his entering into a bond with or without sureties and during such period (not exceeding one year) as the court may direct, to appear and receive sentence when called upon and in the meantime to keep the peace and be of good behaviour.

Provided that when any first offender is convicted by a Magistrate of the Third Class or a Magistrate of the 2nd Class not specially empowered by the Local Government in this behalf, and the Magistrate is of the opinion that the powers conferred by this section should be exercised, he shall record opinion to that effect and submit the proceedings to the Magistrate of the first class or Sub-Divisional Magistrate, forwarding the accused to or taking bail for his appearance before such Magistrate, who shall dispose of the case in the manner provided by Section 380.

The limited extension of the concept of probation in the criminal justice system in India was perhaps moved by the successful experimentation of probation in U.S.A. and United Kingdom, specially in the cases of young offenders. A bare perusal of the section leads to the conclusion that the concept of probation was...
applicable only to limited classes of offences and offenders. It applied to first but young offenders. Some offences under some local or special Acts falling in the same classification were left out of the scope of the section. However, in spite of the limited scope, the section opened a new era in the history of Indian penology. Its successful working in the Indian setting ultimately necessitated the enlargement of its jurisdictional scope.

The dawn of twentieth century can be described as the beginning of a humanistic and scientific approach towards crime and criminal. The social context of crime and criminal gained recognition in the so far closed and legal processing of offenders in the administration of criminal justice. This distillation of criminal justice out of the crude mixture of nineteenth century and earlier criminal jurisprudence marked the new beginning of a concept of 'individualized justice', of which Probation is one of the important practical feature. The impact of these global changes in the criminal law jurisprudence had its effect in the administration of criminal justice in the Indian subcontinent. In the first quarter of 20th century the Government of India appointed a Committee to recommend the revision of the Code of Criminal Procedure 1898. The committee realised the need for enlarging the narrow scope of Section 562 and recommended its amendment so as to take within its fold all offences punishable with imprisonment upto three years. Subsequently, the Indian Jail Committee highlighted the deleterious affects of prison life and stressed upon the importance of the alternative measures for imprisonment. It recommended the introduction of modified provision regarding the release of offenders on probation of good conduct under section 562. Consequently,

27. For example offences under the Excise Laws of various States.
28. For example offences under the Opium Act and Railway Act.
29. The Committee was appointed vide Resolution No.1108, Judicial, of the Home Department dated 18.9.1966.
section 562 of the 1898 Code was replaced by the new section by the Amendment Act of 1923. It reads:

When any person, not under twenty one years of age is convicted of an offence punishable with imprisonment for not more than seven years, or when any person under twenty one years of age or any woman is convicted of an offence, not punishable with death or imprisonment for life and no previous conviction is proved against the offender, if it appears to the court, before which he is convicted, regard being had to the age, character and antecedents of the offender, and to the circumstances in which the offence was committed, that it is expedient that the offender should be released on probation of good conduct, the court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond with or without sureties, to appear and receive sentence when called upon during such period (not exceeding three years) as the court may direct, and in mean time to keep the peace and be of good behaviour: Provided...

The new section widened the scope of law of probation to all offences whether under I.P.C. or under any other law. It did away with the impediments of trivial nature of the offence, its extenuating circumstances and youth of the offender. In cases of young offenders below 21 years of age and woman offenders, the benefit of release on probation was extended to all cases except those punishable with death or imprisonment for life. Accordingly, the necessity of rehabilitation and reformation of the young and woman offenders through community-based correctional system was largely accepted.

In the absence of the provision for 'supervision order' the concept of probation remained largely handicapped. Otherwise also the power to grant probation, even to young offenders, was discretionary and courts were shy in making the liberal use of this service as an alternative to institutionalization. There was no provision to call for the 'pre-sentence' or 'social inquiry' report - an indispensable document for ascertaining the rehabilitative prospects.

32. The Amendment Act No. 18 of 1923. Section 157 of the Amendment Act replaced the old section 562 by the new one.
33. Proviso to the New Section remained unchanged as it was there before the amendment.
34. See the definition of Probation, supra.
of the young delinquent. No other infra-structure was created for realisation of the goals of probation. Thus the law was structurally and normatively far behind the comparative advance in the field of penology.

An endeavour to cover up normative defects in the probation system, as envisaged by section 562 of Criminal Procedure Code, 1898, failed when in 1931 an All India Probation Bill, a separate legislation for probation, failed to take the shape of an Act. However, the Bill provided a motivation and ready made draft for the provincial Governments to adopt it as a law separately on individual basis. Accordingly, many provincial governments enacted their own probation laws on the lines of the draft Bill. Those States which did not make separate legislation for the application of probation as a non-institutional treatment and rehabilitative process continued to be regulated by section 562 Cr.P.C.

The State of Punjab neither enacted its own probation law nor it adopted the law of any other State. Thus Section 562 Cr.P.C. continued to be used as the only legal way out for non-institutional treatment of young offenders. Even in the States where there were probation laws, requisite infrastructure, essential for the effective working of probation system, was not established.

With the dawn of independence some interest was also shown towards rationalisation of criminal justice system which was by and large a colonial heritage. Dr. W.C. Reckless, an eminent criminologist, was deputed by the United Nations to study the criminal justice application in India on the request of Indian Government in 1952. He surveyed the entire field of correctional administration in India and came with the conclusion that non-institutional treatment

has been largely under used in the administration of criminal justice in India. He observed:

There is a good evidence to show that probation supervision, an alternative to jail sentence, is the best, most satisfactory and the most economical way of handling juvenile and adult offenders.\(^{36}\)

Dr Reckless suggested the establishment of a net work of Probation Services in each State for effective realisation of the object of correctional justice. Preliminary Observations and recommendations of the All India Jail Manual Committee(1957-59) seem to have further contributed towards the enactment of all India Probation Act. While reviewing the probation under the Code of Criminal Procedure, 1898 (which was then in force) and finding it deficient and defective, the committee recommended that probation should be more extensively used than at present in respect of delinquent children and adolescent offenders.\(^{37}\) After prolonged discussions inside and outside the Parliament the Probation of Offenders Act, 1958 was passed by Parliament and it received the assent of the President of India on 16th May, 1958.\(^{38}\)

The Act applies to the whole of India except the State of Jammu and Kashmir\(^{39}\) but the date of its enforcement was left to the respective State Governments.\(^{40}\) Model Probation of Offenders Rules were framed by the Central Government and circulated to the States for guidance and uniformity. The Report of the All India Jail Committee (1957-59) further facilitated the establishment of a net work of Probation Services.\(^{41}\) However, in Punjab, Probation of Offenders Rules were framed in 1962.\(^{42}\) Subsequently, the Act was enforced partially

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39. Sub-section(2) of Section 1 of the Act.
40. Sub-section(3) of Section 1 of the Act.
in only seven districts of Punjab with effect from 1st of September, 1962. The Act was made applicable to all the districts of the State on 1st of January, 1967. The District Probation Officers were appointed. This laid the foundation of the infra-structure of non-institutional administration of criminal justice and incidently of juvenile justice in the State. The idea of juvenile probation system is linked with the establishment of juvenile courts in India. Although young offenders were being treated under the statutory probation system available under Section 562 of Criminal Procedure Code, 1898 or Probation of Offenders Acts but no separate enactment suggesting a distinct probation system for juvenile delinquents came into existence even after the enactment of Children Acts by different States. The probation set-up (whatever little was in existence) continued to cater the needs of both juvenile and adult offenders.

With the enactment of children Acts the idea of juvenile probation system was suggested as an important community-based treatment and rehabilitative alternative in the cases of juvenile delinquents. Besides the State Children Acts, some central enactments imposing duties upon the probation officer are the Children Act, 1960, The Suppression of Immoral Traffic in Women and Girls Act, 1956 and the Probation of Offenders Act, 1958, and Code of Criminal Procedure Code, 1973. However, no separate probation system was established for juveniles. Probation Officers appointed under the Probation of Offender Act, 1958 discharged the functions as probation officers under

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43. Ambala (excluding Ropar Tehsil), Gurgaon, Hoshiarpur, Kangra, Kapurthala, Mohindergarh, and Simla (at that time all these districts were a part of Punjab) vide Govt. Notification No. G.S.R., 132/CA20/58/51/62 dated 25.7.1962. Section 18 of the Act excludes the operation of Section 562 of the Code of Criminal Procedure 1898 to the area of its jurisdiction. The corresponding Section under the view Code of Criminal Procedure, 1973 is Section 360.

44. The districts of Hisar, Ludhiana, Lahaul and Spiti, Rohtak, Bhatinda, Karnal, Gurdaspur, Jullandur, Patiala and Ropar Tehsil of Ambala district were brought within the fold of the Act vide Punjab Government Notification No. S.O., 127/CA.20/58/9 166, dated 29.4.1966. It was made applicable to the remaining three districts of New Punjab (Amritsar, Sangrur and Ferozepur), vide Punjab Govt. Notification No. 80/39/C.A. /20/58/S1/67, dated 22.5.67.

(conted.)
different enactments including Children Acts.

In comparison to the provisions for institutional care (though it too is quite unsatisfactory) the non-institutional services for delinquent children are conspicuous by their absence in most of the states including Punjab. Earlier different Children Acts and later on Juvenile Justice Act, 1986 refer to only one form of non-institutional care, viz., the "supervision" by the probation officer, the child remaining in the care and custody of the parents or guardian or a fit person. The Children Acts do not go beyond laying that where a delinquent child is placed under the care of any person on certain conditions, the probation officer shall be obliged to see whether such conditions are being complied with. However, under the Juvenile Justice Act, 1986 a positive obligation has been imposed upon the probation officer to see that the conditions imposed upon juvenile released on probation are observed by him. Naturally if the juvenile is not observing these conditions the Probation Officer is required to report back to the agency which has passed that order placing the juvenile on probation. The position of neglected and destitute children is much more precarious so far as non-institutional services are concerned. Probation services set-up, established under the Probation of Offenders Act, 1958, takes care of cases of delinquent children referred to it by the courts. But in the cases of non-delinquent juveniles falling within the jurisdictional scope of juvenile justice system these

45. See Chapter II about the brief history of Juvenile in India.
46. Section 53.
47. Section 3.
48. Section 14.
49. Section 360.
50. East Punjab Children Act, 1949, Sec. 21(2) and Sec. 35(c).
51. Supra note 16, Sec. 16(2) and Sec. 21(2), Sec. 19(b).
52. Id. Sec. 57(e).
services are non-existent. Probation services set-up established under the Probation of Offenders Act, 1958 works under the control of Prison Department of the State, and the Department of Social Welfare, which controls and regulates other processing agencies of juvenile justice system (Juvenile Welfare Board & Corrections) relating to neglected juveniles, has no direct or indirect connection with the only probation services available in the State. Thus at every stage of dealing with the cases of neglected children (intake stage, processing stage institutional stay stage and after-care stage) probation services are practically not available. The recent move of the Department of Social Welfare to establish its own probation, as we will see in later pages, is more of statistical value than real utility. The requirement of Juvenile probation system has been deemed as fulfilled by just depending upon the probation system, with all its infrastructure, created under the Probation of Offenders Act, 1958.

VI. Appointment of a Probation Officer

The State Government may appoint as many probation officers, officers for the inspection of special homes, Juvenile homes, observation homes or after-care organisations and such other officers as it may deem necessary for carrying out the purposes of this Act.53

(1) Duties of Probation Officer

It shall be the duty of the probation officer -

(a) to inquire, in accordance with the direction of a competent authority, into the antecedents and family history of any juvenile accused of an offence, with a view to assist the authority in making the inquiry;

(b) to visit neglected and delinquent juveniles at such intervals as the probation officer may think fit;

53. Id. Sec.57(1).
(c) to report to the competent authority as to the behaviour of any neglected or delinquent juvenile;

(d) to advice and assist neglected or delinquent juveniles and, if necessary, endeavour to find them suitable employment;

(e) where a neglected or delinquent juvenile is placed under the care of any person or institution on certain conditions, to see whether such conditions are being complied with; and

(f) to perform such other duties as may be prescribed.\textsuperscript{54}

Juvenile Justice(Punjab) Rules, 1987 further enumerate the duties of a probation officer for the purpose of carrying out the objectives of juvenile justice.

"Every probation officer shall carry out all directions given to him by a competent authority and the Chief Inspector and shall perform the following duties:

(a) to make inquiries regarding the home and school conditions, conduct, character and health of juveniles under his supervision;

(b) to attend regularly the Court of competent authority and submit orders;

(c) to visit regularly juveniles placed under his supervision and also places of employment or school attended by such juveniles, and to submit regularly fortnightly reports, as nearly as in Form-X;

(e) to take juveniles wherever possible from the court of competent authority to observation home, to juvenile home, special home or fit person;

\textsuperscript{54} \textit{Id.} Sec.57(2).
(f) to bring before the competent authority immediately juveniles who have not been of good behaviour during the period of supervision;

(g) follow up of juvenile after their release from the institutions and extending help and guidance to them;

(h) establishing linkage with voluntary workers and organisations to facilitate rehabilitations and social reintegration of juveniles and to ensure the necessary follow up.\(^{55}\)

In addition to these duties a probation officer is also under obligation to enquire into the antecedents and family history of the juvenile and such other material circumstances as may be necessary in his case on receiving the information about the arrest of that juvenile from the officer-in-charge of a police station.\(^{56}\) The report so formulated shall be submitted to competent authority as early as may be allowed by the competent authority.\(^{57}\) Similarly the probation officer is required to make an inquiry into the fact whether short leave from the correctional institution is in the interest of the juvenile or not and he has to submit his reports to Superintendent of the institution as and when report on such matter is called for by the superintendent.\(^{58}\)

VII. Case Worker

To assist the probation officer and to facilitate the effective discharge of his duties the Juvenile Justice (Punjab) Rules, 1987 provide for the detailed duty roster of a Case Worker,\(^{59}\) who can be appointed by the State

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56. Id. Sec.19(b).
57. Supra note 55.
58. Supra note 16, Sec.26(2).
59. Supra note 55, Rule 45.
Government for carrying out the purposes of the Act.

(i) Duties of Case Worker

The general duties, functions and responsibilities of case workers shall be as follows, namely:

(a) making social study of the juvenile through personal interview and from the family, social agencies and other sources;

(b) clarifying problems of the juvenile and dealing with his difficulties in institutional life;

(c) participating in the orientation, classification and reclassification programme;

(d) establishing, cooperation and understanding between the juvenile and the administration;

(e) assisting the juvenile to develop contacts with his family and also providing assistance to his family members;

(f) participating in the pre-release programme and helping the juvenile to establish contacts which can provide emotional and social support to juveniles after their release.

It is clear from the successful working of probation depends mainly upon two basic considerations. Firstly, the administrative set-up of probation system, both qualitatively and quantitively, goes a long way in providing probation services effectively and successfully. Secondly, it depends upon careful selection of reclaimable juveniles by the Courts and the post-release help to the probationers. This assistance is provided to them by the probation officer in the form of personal supervision, guidance, counselling and in other

60. Supra note 16, Sec.57(1).
material and non-material forms during the period of probation. The pronounced abilities of probation officer viz., understanding and reconditioning of human behaviour are responsible for the success of probation. While admitting the duties and responsibilities of probation officer as complex and manifold, he evaluates as a case explorer, therapist, a report writer and community relation man. Thus, probation officer is the linchpin of the probation system. The quality of probation service depends upon how he performs his duty and makes available necessary feedback to other processing agencies specially the Juvenile Court and Juvenile Welfare Board.

VII. Organisational Set-up in Punjab

Under Probation of Offenders Act, 1958: The organisational set-up of probation services in Punjab is mainly established under the Probation of Offenders Act, 1958 which works under the over all control of Jail department of the State. The Inspector-General of Prisons, Punjab is the Chief Controlling Authority of probation services in the State. Next to him at the head quarter is Chief Probation Officer who is responsible for the working of probation in the state and is under the control of the Inspector General of Prisons. Probation services are a part of the Prison Department of the State. The Post of Chief Probation Officer is interchangeable with the Deputy Superintendent of Jail Grade I in that of the District Probation Officer with the Deputy Superintendent of Jail Grade II.

61. Supra note 9, p.482.
63. Id. Rule 5.
The possibility of the appointment of competent probation officers through direct recruitment is remote. Twenty five per cent quota of direct recruitment of Deputy Superintendents of Jail is generally exhausted by making appointments from the ministerial staff. In other cases, the Assistant Superintendents of Jail or Jail Welfare Officers are promoted as Deputy Superintendents of Jail. The requisite qualification for the appointment of Assistant Superintendent Jail/Deputy Superintendent Jail is only graduation - arts, science, commerce or law. No serious thought has so far been given for the separate appointment of Probation Officers with qualifications tailored according to their nature of job. Thus the basic attributes of probation officer are missing because they do not form part of the essential qualifications for the appointment of Assistant Superintendent of Jail/Jail Welfare Officer/Deputy Superintendent of Jail. At present there is no direct recruitment of Probation Officers who possess the traits of correctional case worker. Moreover, persons with requisite attributes and aptitude of probation service do not like to serve as jail officers, whose nature of job is entirely different, more so under the current conditions. The meagre emoluments and lack of other fringe benefits like accommodation, conveyance, servants, etc., restrains the experienced and highly qualified persons from accepting the job of
Probation officer. Over and above all, the recruitment process is so corrupt
and partial that spirited persons with desire to serve do not find place in
the service.

The general atmosphere of jail and its working is so much over-shadowed
by corrupt considerations that it is very hard for any official of the depart­
ment to survive as an honest worker. The corruption in jails, according to
Professor Upendra Baxi, is a system wide phenomenon, which has become a formi­
dable obstacle to correctional and rehabilitative ideologies.64 The attitude
of the jail officer towards prisons is callous and there is total disregard of
human values.65 The Prison Officer works on fear psychology whereas a proba­
tion officer is expected to work as a friend and guide. Thus the jail officers
are misfit for the onerous and humanistic role of a probation officer. Only a
devoted and strongly committed person can face the ordeal of correctional work
and aptly act as probation officer in the real sense of the term.

It is an accepted fact that posting as a District Probation Officer is consi­
dered by the Deputy Superintendent of Jail as a departmental punishment. Every
time the change of government is there large scale transfers take place from
Deputy Superintendents Jail to District Probation Officers and most of the Dis­
trict Probation Officers remain away to Chandigarh in connection with their
transfers to their parent posting as Deputy Superintendent of Jail. During
my personal contacts with the probation officer I hardly found any officer
showing proper interest in his job. No body is willing to work as a probation
officer. It is because of the said reason that many posts of District Probation
Officer remain vacant for months together. For instance there was no probation
officer in Gurdaspur, Sangrur and Ferozepur Districts during the year 1987. Amrit­
sar District was having only one probation officer during the year 1988 against
64. Baxi, Upindra, The Crisis of Indian Legal System, Vikas: New Delhi, (1982),
p.189.
65. Id., p.207.
the sanctioned capacity of two. Most of the District Probation Officers have been recalled in view of number of new jails established in Punjab in the past few years. Thus the whole probation work is forlorn in oblivion. Nobody wants to go back to the listless post of District Probation Officer by leaving the lucrative post of Deputy Superintendent of Jail.

Neither the new promotees nor the fresh appointees have any service or pre-entry training in the correctional work and child care. They do not process academic or professional knowledge of the proper management and rehabilitation of the probationers placed under their supervision. No training in correctional work is imparted to the Jail Officer before his posting as District Probation Officer or as Probation Officer. He is required to do the job for which he has the least interest and aptitude and no training. Therefore, from the day of joining as District Probation Officer or Probation Officer, his utmost endeavour is to go back as Jail Officer. Hence, he does not evince any interest in the job or adapt to the new assignment which has been assigned manifold responsibilities for the implementation of probation work under different Acts. The lack of correctional education and training, considered as essential attributes of probation personnel, adds to the misadministration or non-administration of probation work in the State.

Under Juvenile Justice Act, 1986: The organisation of probation services under THE Juvenile Justice Act, 1986 is a farce fraud on the system and its objectives. In order to fulfill the requirements under the Act, which strongly prescribes for the appointment of Probation Officers and Case Workers in order

to effectively carry out the objectives of juvenile justice system, the Department of Social Welfare, Punjab has notified all Superintendents of correctional institutions and all District Welfare Officers of Scheduled Castes and Backward classes and Divisional Social Welfare Officers of Patiala and Jalandhar Divisions as probation officers by an order of the Department of Social Welfare under East Punjab Children Act, 1949. No extra remuneration is paid to these persons for the extra duty they have been assigned as probation officers. Thus, by this statistical gamble the statutory requirement under the Juvenile Justice Act, 1986 stands fulfilled. By numbers and official records there are about 21 juvenile probation officers to carry out the objectives and purposes of the Act. Besides these 21 juvenile probation officers there are 24 Probation Officers working under the Probation of Offenders Act, 1958.

As we will see in the Chapters titled "Juvenile Justice and Correctional Institutes" the qualification of most of the Superintendents of correctional Institutes is matric or B.A./B.Ed. Thus even if any of them wants, he can not discharge the duties of a probation officer as he is neither professionally competent nor trained for the job. The casualty of the system so created is young unfortunate child, for who's welfare and protection the whole edific of juvenile justice system has been created. Similarly District Welfare Officers are so heavily pre-occupied with their own official duties that they do not have any time to pay attention towards discharging the functions of a probation officer. So far, except the formality of a notification as probation officer, they have neither been assigned any specific task of looking after the juvenile probation services, nor have they ever desired to do so.

69. See the Note prepared by the Department of Social Welfare for the State Welfare Ministers and Secretaries Conference held at New Delhi in 1986.
Thus the juvenile probation system as it exists today under the Social Welfare Department is nothing but a paper formality. The only purpose these services serve is to make a decorative presentation at any national seminar or at the Annual Social Welfare Minister's Conference. Another purpose which this non-existent juvenile probation system serves is to meet the observations of Supreme Court for the establishment of necessary infrastructure for the successful working of juvenile justice system under the Juvenile Justice Act, 1986. To whom are we trying to cheat? The Department is aware of this fact; The Government is aware of this fact, but still things are permitted to continue without any visible concern. If this is the attitude towards one of the most important support system of juvenile justice than it is clear that we do not want the things to improve. In the post independence history of Indian legal system such a callous and indifferent approach is difficult to find towards social justice - a very inherent right of the generation to succeed.

As we have already seen in the earlier pages, the infra-structure of probation services under the Probation of Offenders Act, 1958, which actually has been assigned the task of probational management in the State, is unsatisfactory. Since juvenile probation services as such do not exist in the State as a distinct service so the whole of probation work in the cases involving juvenile delinquents is looked after by the probation wing of the jail department of the State. The aptitude and professional competence of the managers of probation services in the State is far from upto the mark. With misplaced loyalties they are neither willing nor inclined to discharge the challenging and most demanding role of a probation officer.

So for the neglected juveniles are concerned, assistance and help of 

probation services have not yet been extended to them in practice, though under certain provision of the Juvenile Justice Act, 1986 their cases can be referred to probation officer for his report on specific matter concerning such juvenile. Thus neglected juveniles are processed through the juvenile justice system on the information provided by the referral source or obtained from the juvenile himself besides the conjectures and guess-work based judgement of the processing agency - Juvenile Welfare Board and Correctional Managers.

IX. Probation and Courts

Probation is an ideal treatment-cum-case disposition method in the cases involving juveniles. It helps in avoiding institutionalization in deserving cases and thus saves the young delinquent from stigmatization and other detrimental effects. However, probation cannot invariably reform and rehabilitate all the juvenile offenders, prevent the repetition of delinquent conduct and thereby protect the society. As an effective and viable alternative to institutionalisation, it can be best work on selective basis. Whole sale use of the probation or carelessly applied probation can prove counter productive and in addition alienate public support and co-operation which is absolutely necessary for the successful working of community-based treatment alternatives. This entails, careful selection of reclaimable juveniles; favourable community reactions towards juveniles placed on probation; avenues for amelioration and assistance rendered by the correctional agencies - whether release on probation or institutionalized, can achieve the tall objectives of juvenile justice system. This brings out the importance of primary role to

71. Sec. 12(c) dealing with after care organisation; Sec. 16(2) dealing with powers to commit neglected juveniles to suitable custody; Sec. 33(d) dealing with circumstances to be taken into consideration in making order under the Act relating to neglected juveniles and Juvenile Justice(Punjab) Rules, 1987, Rule 5(5) (relating to procedure to be followed by Juvenile Welfare Board in holding inquiries under the Act), Rule 26(2) (relating to leave of absence from institution).
be played by the probation officer, acting as eyes and years of the various processing agencies. Success and failure of probation as a system largely depends upon the hard labour put in by the probation officer in the discharge of his duties.

(1) Presentence Report or Social Inquiry Report

Selection of treatment alternatives is the single most difficult aspect in the administration of juvenile justice system. It is a complex problem which has become more complicated in view of the greater stress on the individualization of justice system. Efforts to establish viable alternatives to institutionalization are more problematic since social scientists and correctional planners know so little about probation and parole services as they are now administered. 72 In order to develop an accurate description of probation services, it is essential to understand the presentence investigation process. 73 The ultimate merit of probation as a correctional tool is dependent to a very great extent upon the nature and quality of the presentence report. 74 The functions and objectives of the pre-sentence investigation report have been delineated clearly in a government probation manual of the United States as:

(1) To aid the court in determining the appropriate sentence (treatment alternatives);

(2) to aid the probation officer in his rehabilitative efforts during probation and parole supervision;

(3) to assist Bureau of Prisons institutes in their classification and treatment programmes and also in their release planning;

(4) to furnish the Board of Parole with information pertinent to its consideration of parole; and

(5) to serve as a source of information for systematic research. 75

These multifaceted objectives, though made in the context of adult offenders, have a significance of tremendous practical value in the cases involving juvenile offenders. Thus presentence report is a fundamental document in the correctional field not only for community-based treatment but also for institutional treatment. Accordingly, the document must be a comprehensive study about the young delinquent and his surroundings. It must focus information on the character and personality of the delinquent, to offer insight into his problems and needs, to help understand the world in which he lives, to learn about his relationships with people and to discover those salient factors that underlie his specific offence and his conduct in general and to suggest alternatives in the rehabilitation process. 76

Probation is the best method of dealing with offenders if the past history of the offender gives good reason to believe that he is not a criminal type and is capable of real reform and becoming a useful citizen. 77 The community which the offender has offended by committing a crime is the best place


76. Ibid.

for his proper rehabilitation if he is amenable to reclaimation. Endeavour should be to allow the offender to live productively in the society rather than to ship him off to the institutional confinement which tantamounts to banishment from the society", 78 so opines Justice Krishna Iyer.

There are thus no two opinions regarding the importance of community-based treatment alternatives in the juvenile justice system. But there in the absence of requisite material and guidelines relating to the selection of appropriate treatment alternative in every case. This question becomes more complex and vexatious for the processing agencies. The Supreme Court, in this context, succinctly observed:

> It is now increasingly recognised that a rational and consistent sentencing policy requires the removal of several deficiencies in the lack of comprehensive information as to the character and background of the offender. 79

The said deficiency continues to pervade Indian justice system in spite of the previous observations of the Supreme Court made three and a half decade ago in the case of Habeeb Mohammad v. State. 80 The Court held that character of the accused is extremely essential for determining the correct type of sentence. 81 Ironically The Indian Evidence Act provides that "bad character is irrelevant unless good character of the accused is itself in question". 82 What criterion the court should follow in making an appropriate selection between community based treatment alternatives and institutionalization still remains a sentencing quandary of the Judge:

> "Before imposing sentence judge must try to answer several questions:

81. Id. p. 58.
82. Section 54.
human life? Was it committed without premeditation or after due deliberation? Is the offender so perpetually and constitutionally at war with the society that there is no hope of his ever reclaiming, being a menace to the society? Is he a person on whom sentence of imprisonment will have a wholesome effect or is he a person on whom sentence of imprisonment will have a deliterious effects? Will an order of probation have the effect of reclaiming the offender and deviate him from the path of crime thereafter or will it have the effect of making him take a career of crime with impunity? What effect will a sentence of imprisonment or an order of probation have on other potential offender? 83

The answer to some of these questions can be found from the police investigation reports. However, answer to all these questions cannot be satisfactorily found from the police reports or during inquiry proceedings. Some of the questions require sociological study of the offence, young offender and his surrounding, which can be best answered by the social inquiry report or presentence report of the probation officer. It is not the fact of report alone that is important. It is the contents of the report and its objectivity that is more important in making the appropriate choice by the Court regarding the treatment alternatives. Thus relevance and validity of the report is its authenticity and objectivity. Accordingly, the following are the important questions in the whole process.

(a) Is it mandatory to call for Presentence report by the Juvenile Court/ Juvenile Welfare Board? So for this aspect is concerned it exclusively falls within the jurisdictional scope of the juvenile court in the cases of delinquent juveniles and JuvenileWelfare Board in the cases relating

to neglected juveniles. This aspect has accordingly been discussed in the Chapter 83A relating to the functioning study of these two processing agencies.

(b) In which case the presentence report should be called for? This is precisely the job of the Juvenile Court, or in a rare case, of the Juvenile Welfare Board to decide in which case it is appropriate and necessary to call for the presentence report. In order to prevent repetition only brief comments in this regard will serve the purpose as the matter has been discussed in detail in the chapter relating to the Working of Juvenile Court and Juvenile Welfare Board in the State. 84

(c) It has been observed that by and large courts are not inclined to call for the presentence report nor the probation officer is eager to take up this job with interest. In some of the cases reports are not submitted even though called for by the courts. This shows the lack of interest not only on the part of the court but also on the part of the probation officer. Even in those cases where reports are submitted to the court they provide scanty information about the juvenile and his familial and social surroundings. No comment is made suggesting of appropriate treatment alternative in the case. The small number of probation officers and non-existent separate juvenile probation services makes the process more difficult and careless. Table VII-1 makes these factual assertions more than clear. Similarly a simple of presentence report is reproduced to bring about the point about the poor quality of probation work (See Table VII-2). Further more, it has been found that the information supplied in the presentence report is obtained from the concerned juvenile, his

83-A. Chapter Five.
84. Ibid.
parents/guardians or from the police and witnesses. This reflects a serious doubt even about the authenticity of the report.

Another feature which quite distinctly offended the eyes was that inspite of the East Punjab Children Act, 1949 which came into force with effect from 1969 cases of juveniles were being treated and processed under the Probation of Offenders Act, 1958. The Courts, the prosecution and the Bar never bothered to give or seek relief under the East Punjab Children Act, 1949. It was only after the coming into force of Juvenile Justice Act, 1986 that some cases of juveniles were referred for presentence reports. However, the number of juvenile cases referred to presentence reports was comparatively (percentage wise) more that the adult cases as it could be observed while scanning through the records pertaining to year 1987-88, 1988-89. Since no detailed statistics are maintained concerning the juveniles in this connection so it was not practically possible to find out the exact position of juvenile cases in this respect. According to the data collected by Dr. Gurpal Singh in this connection presentence reports are called for in 1 per cent of the total cases. On the other hand the percentage in the cases relating to juvenile in the year 1987-88 and 1988-89 come to about 2 per cent of the total juvenile cases sent to the courts.

Probation Report and its Contents: Thus courts are generally very shy in invoking the presentence process for the purpose of determining the treatment alternative in any particular case. In cases where such reports are called for the response is not hundred percent. Even in cases in which reports are submitted the quality of the report is very poor. As indicated by sample report, in most of the columns relating to health, occupation, income, previous institutional history, family, companions, neighbourhood etc., either the report is 'Nil' or 'Normal'. This shows the casual manner in which reports are prepared. This is so


85A. See Chapter Five.
This number does not include 21 persons notified by The Department of Social Welfare as Probation Officers under the Juvenile Justice Act, 1986.

Cases referred for presentence reports pertain to all the offenders irrespective of their age. Thus figures do not pertain exclusively to juvenile cases, as no such statistics are maintained.

<table>
<thead>
<tr>
<th>S.No. Year</th>
<th>No. of Probation Officers*</th>
<th>Number of Cases sent for Presentence Report by the Courts and Reports Received from the Probation Officers</th>
<th>Work Load of Probation Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Number of Cases sent for Presentence Reports under** Probation of Offenders Act/J.J. Acts. Other Acts Total</td>
<td>Reports Received from Probation Officers</td>
</tr>
<tr>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Total</td>
</tr>
<tr>
<td>1. 1983-84</td>
<td>22</td>
<td>-</td>
<td>22</td>
</tr>
<tr>
<td>2. 1984-85</td>
<td>18</td>
<td>-</td>
<td>18</td>
</tr>
<tr>
<td>3. 1985-86</td>
<td>22</td>
<td>-</td>
<td>22</td>
</tr>
<tr>
<td>4. 1986-87</td>
<td>24</td>
<td>-</td>
<td>24</td>
</tr>
<tr>
<td>5. 1987-88</td>
<td>23</td>
<td>-</td>
<td>23</td>
</tr>
</tbody>
</table>
inspite of a very small work load on the probation officer in the state in comparison to other states having a developed juvenile justice system.\footnote{On the basis of national statistics available for the year 1984-85 the work load of a Probation Officer in Punjab is 7.4 while in States like Andhra Pradesh, Madhya Pradesh, Maharashtra, Tamil Nadu and U.T. of Delhi the work load for the same period per probation officer is 157.7, 215, 112.4, 138.20 and 20.1 respectively, See Social Defence, Vol.XXV(1988 April), pp.60-61.}

On the other hand statutory requirements prescribe for detailed information concerning the juvenile before the Juvenile Court/Juvenile Welfare Board, finally disposes of the Case.\footnote{Juvenile Justice (Punjab)Rules,1987, Form IX (Report on Preliminary Enquiry), vide sub Rule(1) of Rule 44.} Section 33 of the Juvenile Justice Act,1986 mentions the circumstances to be taken into consideration in making orders under the Act. It reads as:

"In making any order in respect of a juvenile under this Act, competent authority shall take into consideration the following circumstances, namely:

(a) the age of the juvenile;
(b) the state of physical and mental health of the juvenile;
(c) the circumstances in which the juvenile was and is living;
(d) the reports made by the probation officer;
(e) the religious persuasion of the juvenile;
(f) such other circumstances as may, in the opinion of the competent authority, require to be taken into consideration in the interest of the welfare of the juvenile;

Provided that in the case of a delinquent juvenile, the above circumstances shall be taken into consideration after the Juvenile Court has recorded a finding against the juvenile that he has committed the offence:

Provided further that if no report of the Probation Officer is received within ten weeks of his being informed under Section 19, it shall be open to the
juvenile court to proceed without it".

Although the Act imposes statutory obligation upon the probation officer to submit its report to the Juvenile Court as soon as he is given the information by the police about the arrest of any juvenile. Without waiting for an order from the juvenile court to that effect. But probation officer is not to be blamed for this non-compliance of duty as no information regarding the arrest of the juvenile is given to him by the police as desired under Sec. 19(b) of the Act. However, it was found that in all the cases pertaining to the last two years 1987-88 and 1988-89 the reports by the probation officer were submitted only when called for by the Juvenile Court. So for the report of the probation officer concerning neglected juveniles is concerned, it can be supplied when specifically called for by the Juvenile Welfare Board. But surprisingly no such report has either been called for nor any necessity of its submission ever arose.

(d) The desirability of remarks concerning treatment alternative is an important indicator for the juvenile court or any other processing agency in reaching at a conclusion in this connection. The last column of Form IX (Prescribed form for Probation Officers preliminary report) specifically states:

"Recommendation regarding treatment and its plan by probation officer" 90

However, as it has been seen in the 'sample report' (See Table VII-2) this column is always left blank by the probation officer. During the examination of records of probation officers not even a single report could be found in which some suggestive remarks concerning treatment alternatives has been mentioned.

88. Supra note 16, Sec. 19(b).
89. Supra note 55, Rule 5(5).
90. Supra note 87.
Table VII-2

Showing Sample of Presentence Report submitted by the Probation Officer

<table>
<thead>
<tr>
<th>No.</th>
<th>SUBMITTED TO THE CHILDREN COURT/COMPETENT COURT</th>
</tr>
</thead>
<tbody>
<tr>
<td>C.J.M. Ferozepur Probation Department</td>
<td>103/88</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Police Station</th>
<th>Zira</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nature of Offense charged</td>
<td>(in the case of delinquent children only)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Pala Singh</th>
</tr>
</thead>
</table>
| Religion | Maju.
| Caste | Sid. |

<table>
<thead>
<tr>
<th>Permanent Address</th>
<th>V/Blind</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year of Birth</td>
<td>73</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address last before taken into custody</th>
<th>Ferozepur</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sex</td>
<td>Male</td>
</tr>
</tbody>
</table>

| Previous Court or Institutional History. |

<table>
<thead>
<tr>
<th>Member of Family</th>
<th>Name</th>
<th>Age</th>
<th>Religion</th>
<th>Health</th>
<th>Occupation</th>
<th>Income from all sources Rs. 200/-</th>
</tr>
</thead>
<tbody>
<tr>
<td>Father</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Mother</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Step Mother</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Step Father</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Sister</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>If married, relevant particulars</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other near relations or agencies interested</td>
<td>-</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Social and economic status</th>
<th>Poor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delinquency record of members of family</td>
<td>Nil.</td>
</tr>
<tr>
<td>(in case of delinquent children)</td>
<td></td>
</tr>
<tr>
<td>Present living condition</td>
<td>Deplorable</td>
</tr>
<tr>
<td>Relationship between parent(s)</td>
<td>Not much cordial</td>
</tr>
<tr>
<td>Children, especially with the child under investigation</td>
<td></td>
</tr>
<tr>
<td>Other facts of importance, if any</td>
<td>Nil.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Physical/Mental</th>
<th>Physically/Mentally</th>
</tr>
</thead>
<tbody>
<tr>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

| Other facts of importance, if any, if any. | Nil. |
Mental condition, past and present. Normal.
Physical conditions (past and present) Normal
Habits, interests (moral, recreational, etc.) Takes interest in playing.
Outstanding characteristics and personality Nil.

Comparisons and their influence. Nil.

Tendency from home, if any. Nil.

Previous delinquency, if any. Nil.

School (attitude towards school teachers, takes interest in study and want to.
Classmates and vice versa).
Work record (jobs held, reason for living, vocational interests, attitude towards jobs Nil
or employers).

Neighbourhood and neighbours' report. Not known.

Present attitude towards discipline in the home, and child's reactions. Unable to maintain discipline in the home.

Any other remarks.

RESULT OF INQUIRY.

Emotional factors. Normal
Physical conditions. Normal
Intelligence. Normal
Social and economic factors. Very poor
Religious factors. Nil.

Suggested causes of the problems. Due to parents' inability to maintain the
child, he should be sent to certified school under the East Punjab Children Act.

Recommendation regarding treatment and its plan by Probation Officer.

Signature of the Officer/Probation Officer.
by the probation officer.

The lack of professional standing, most probably, partially accounts for the probation officer's relative subordination in the decision-making process. The presiding judges also do not actively involve the probation officer in reaching at any decision as probation officers do not come to the courts as a matter of their duty, nor, by the law, they are required to do so. The probation officer feels relieved from his obligation once the report is sent to the court. The reports are incomplete, the probation officer is not present in the court, the court in that situation is the sole deciding authority.

(ii) Probation and Supervision

One of the important duties of the probation officer is to actively supervise the probationer, know his difficulties and needs, guide him in his future planning and help him in his rehabilitation. The first and foremost component of the theory of supervision is the goal which the probation officer sets for himself and the logic and rationale he develops to explain what he does or ought to do to achieve the aim of putting probationer under his supervision. This component is so pervasive that it gives deep insight into all other elements of probation supervision. Since probation is a component of treatment as well as of supervision, it is imperative for the probation officer to know the rehabilitative requirements of each probationer, formulate his rehabilitative plan and prepare his surveillance strategy. The marked dissimilarities of each probationer except some common characteristics make the formation of individual treatment plan and surveillance strategy extremely essential.

The treatment plan depends upon the manner in which the probation officer establishes his contacts with the probationer and the information he has obtained.

concerning the social, economic and personal life situation of the probationer. Thus, the earlier well established contacts between the probation officer and the probationer are essential because former's primary role is to introduce the letter to a better way of life.

In view of the insufficient demand of presentence reports by the courts and absence of judicial case file, the requisite information is possible from personal enquiries. Moreover, non-explanation of conditions of supervision to the probationer by the Court and misguidance of his counsel to treat release on probation of good conduct as acquittal further confuses the true import of probation supervision to the probationer. The probationer's ignorance and non-legal background coupled with aforesaid dereliction of duty by the court and distortion by the defence counsel make him to forget his solemn affirmation made before the court. The probationer does not understand the true implications of supervision order unless it is explained to him by the probation officer. This implies that actual probationary process commences after the intensive interview of the probationer by the probation officer and consequent administration of treatment formulated on the basis of interview of the probationer or examination of the presentence investigation report.

Another important factor that became known during interviews with the probationers was that there is a general disliking towards probation with supervision. The probationers insist upon bargaining release on probation without supervision order (See Table VII-3 and Table VII-4). It was found that in most of the cases release on probation follows confession by the accused. Argument of this plea bargaining is managed through police and prosecution. It is ultimately prosecution officer who finalizes the settlement with the court. Since it helps all the agencies to secure confession in return for probation with or without supervision, as agreed upon between the parties, because police secures
credit for successful investigation, prosecution gets credit for successfully conducting the case on behalf of the State and Court is happily with completing the case, earning credit to its "unit system" and accused is happy with the release which he takes as acquittal from the practical point.

Table VII-3

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Total number of Juveniles sent to the Court under I.P.C. and Local or Special Acts</th>
<th>Juveniles Released on Probation</th>
<th>Juveniles Released with supervision order</th>
<th>Juveniles Released without supervision order</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1735</td>
<td>412</td>
<td>143</td>
<td>269</td>
</tr>
<tr>
<td>2.</td>
<td>1876</td>
<td>514</td>
<td>32</td>
<td>482</td>
</tr>
<tr>
<td>3.</td>
<td>1903</td>
<td>497</td>
<td>158</td>
<td>237</td>
</tr>
<tr>
<td>4.</td>
<td>1796</td>
<td>519</td>
<td>95</td>
<td>424</td>
</tr>
<tr>
<td>5.</td>
<td>2103</td>
<td>612</td>
<td>245</td>
<td>377</td>
</tr>
<tr>
<td>6.</td>
<td>1943</td>
<td>531</td>
<td>211</td>
<td>320</td>
</tr>
</tbody>
</table>

* Juvenile here has been taken any person below 20 years of age. This is because statistics are maintained in this manner.

Thus the number of persons placed on Probation with supervision is small in the context of total number of persons released on probation. The nature of the offence and the age of the juvenile are the two basic considerations which are taken into consideration while releasing the person on probation.

93. Every Court is required to complete certain units in a month as work load. Different units have been fixed for different stages in the completion of the case. A monthly report is sent to the High Court in this regard and on this dependents the efficiency of the magistrate.
Table VII-4

Showing number of Persons placed on Probation with Supervision by their Age-group and Sex

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Year</th>
<th>Under Sixteen</th>
<th>Between 16-20</th>
<th>21 - 30</th>
<th>31 - 40</th>
<th>41 - 60</th>
<th>61 and above</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
<td>Female</td>
<td>Male</td>
</tr>
<tr>
<td>1.</td>
<td>1983-84</td>
<td>31</td>
<td>0</td>
<td>112</td>
<td>0</td>
<td>240</td>
<td>10</td>
<td>191</td>
</tr>
<tr>
<td>2.</td>
<td>1984-85</td>
<td>8</td>
<td>0</td>
<td>24</td>
<td>0</td>
<td>50</td>
<td>2</td>
<td>60</td>
</tr>
<tr>
<td>3.</td>
<td>1985-86</td>
<td>42</td>
<td>0</td>
<td>116</td>
<td>0</td>
<td>70</td>
<td>3</td>
<td>132</td>
</tr>
<tr>
<td>4.</td>
<td>1986-87</td>
<td>23</td>
<td>0</td>
<td>72</td>
<td>0</td>
<td>93</td>
<td>1</td>
<td>193</td>
</tr>
<tr>
<td>5.</td>
<td>1987-88</td>
<td>47</td>
<td>0</td>
<td>198</td>
<td>2</td>
<td>119</td>
<td>5</td>
<td>198</td>
</tr>
<tr>
<td>6.</td>
<td>1988-89</td>
<td>39</td>
<td>0</td>
<td>172</td>
<td>1</td>
<td>125</td>
<td>3</td>
<td>191</td>
</tr>
</tbody>
</table>
(a) Quality of Supervision

The quality of supervision in the state is far from satisfactory. It has been observed that there are cases where probationers do not meet the probation officer within a stipulated period or even after third notice. Some of the probationers do not contact the probation officer at all. All such cases which violate the conditions of probation are not reported to the court and courts do not take action in all the cases of violation reported by the probation officer. During my interaction with some of the probationers, it was reflected that as and when they go to see the probation officer, they are required to please him by giving money, home made ghee or some other items like bottle of whisky etc. This makes them avoid meeting the probation officer as far as possible. It is only when water reaches its brims that they take the pain of contacting the probation officer. The crisp remarks made by one of the probationer are true reflective of the actual situation:

They are worst than police. It is better to stay in jail than to be released on probation with supervision. They ask for things like wheat, gur, ghee etc., when I go to meet him.

The case files, the probation officer is required to maintain concerning probationers present an awesome picture. This is so even in the cases of those probationers who are placed on probation with supervision. Except the name, address, name of court, section of the law date and period of probation and police station nothing could be found in the files. In cases where probationer is on probation with supervision, date of his contact with the probation officer is an additional information. The performa is having about 15 columns, in addition

To some factual information, but all these columns are left blank. No periodical progress report concerning the probationer is maintained. A sample of case file which is maintained make these assertions more clear and self-speaking. See Table VII-5.

To conclude we can say that the quality of probation services in the State is not only poor but it is oppressive and exploitative. Instead of being a considered a friend and advisor of the probationer he is a hatred man which is not totally unfounded. He is taken as a symbol of authority - an other wing of the police and jail department.

X. Probation and After Care

After care is traditionally described as the last point on the juvenile correctional continuum. Yet, because it is in some respects the last opportunity to achieve the correctional objective, planning for after care must be an integral part of institutional programme. Indeed it should begin immediately after commitment to an institution.

The role of probation officer in this respect is highly important. He serves as go-between among the correctional institution and the juvenile as his job starts before the actual discharge of the juvenile from the correction. For the successful execution of his efforts in this direction he is required to plan his strategy in advance. It is the last link in the process of rehabilitation and resocialization of the young delinquent and if it is weak the whole exercise will become futile and meaningless.

The object of after care can be achieved through two agencies, voluntary and state sponsored. The role of probation officer in managing the latter is

<table>
<thead>
<tr>
<th>Table VII -5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Showing Sample of Case Files maintained by the Probation Officer</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROBATION OFFICER'S CASE FILE</th>
<th>P.S. Patodia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Release</td>
<td>24-5-88</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Case No.</th>
<th>151/88</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Ram</td>
</tr>
<tr>
<td>Date of Birth</td>
<td>05-01-80</td>
</tr>
<tr>
<td>Address</td>
<td>123 Main St, New City</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Father's Name</th>
<th>Ram Patodia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupation</td>
<td>Labourer</td>
</tr>
<tr>
<td>Address</td>
<td>123 Main St, New City</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mother's Name</th>
<th>Smita Patodia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Occupation</td>
<td>Housewife</td>
</tr>
<tr>
<td>Address</td>
<td>123 Main St, New City</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Son's Name</th>
<th>Ravi</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>15</td>
</tr>
<tr>
<td>Address</td>
<td>123 Main St, New City</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Father's Signature</th>
</tr>
</thead>
</table>

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<table>
<thead>
<tr>
<th>Mother's Signature</th>
</tr>
</thead>
</table>

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<table>
<thead>
<tr>
<th>Son's Signature</th>
</tr>
</thead>
</table>

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<table>
<thead>
<tr>
<th>Burnt Case</th>
</tr>
</thead>
</table>

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<table>
<thead>
<tr>
<th>Baita Case</th>
</tr>
</thead>
</table>

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<table>
<thead>
<tr>
<th>Shett Case</th>
</tr>
</thead>
</table>

---

<table>
<thead>
<tr>
<th>Officer's Signature</th>
</tr>
</thead>
</table>

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<table>
<thead>
<tr>
<th>Probation Officer's Signature</th>
</tr>
</thead>
</table>

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<table>
<thead>
<tr>
<th>Probation Officer's Signature</th>
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<thead>
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<th>Probation Officer's Signature</th>
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<table>
<thead>
<tr>
<th>Probation Officer's Signature</th>
</tr>
</thead>
</table>

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25 5 8-7

पत्र रिपो 5% रेट

र— मरमित की?

(अ) अध्याय 4

पूर्वों नीता की तरह होता

अंदर या अंदर 8 और 3 ज़ेड कुछ विशेष

फळों, जैसे बारी टेड़।

अंदर निर्देश

—टेड बादल?

(स) ये पत्र जी बाद

अंक 4 ने पुस्तक

के ज्ञान अन्य चर मुनाफ़े, जैसे बारी टेड़, जैसे

ट्रिज-टीया

मह धरें
Record of the proceedings of the meeting between probationers and probation officers

<table>
<thead>
<tr>
<th>Date</th>
<th>Place</th>
<th>Problem</th>
<th>Conduct</th>
<th>Singh</th>
</tr>
</thead>
<tbody>
<tr>
<td>31. 12. 87</td>
<td>Office</td>
<td>First visit no problem</td>
<td>good</td>
<td>✔️</td>
</tr>
<tr>
<td>31. 7. 88</td>
<td>Office</td>
<td>no problem</td>
<td>good</td>
<td>✔️</td>
</tr>
<tr>
<td>3. 2. 88</td>
<td>Office</td>
<td>do</td>
<td>good</td>
<td>✔️</td>
</tr>
<tr>
<td>8. 4. 88</td>
<td>Office</td>
<td>do</td>
<td>good</td>
<td>✔️</td>
</tr>
<tr>
<td>16. 5. 88</td>
<td>College</td>
<td>do</td>
<td>good</td>
<td>✔️</td>
</tr>
<tr>
<td>23. 6. 88</td>
<td>Office</td>
<td>do</td>
<td>good</td>
<td>✔️</td>
</tr>
<tr>
<td>7. 7. 88</td>
<td>Office</td>
<td>do</td>
<td>good</td>
<td>✔️</td>
</tr>
<tr>
<td>27. 7. 88</td>
<td>College</td>
<td>do</td>
<td>good</td>
<td>✔️</td>
</tr>
<tr>
<td>29. 8. 88</td>
<td>Office</td>
<td>do</td>
<td>good</td>
<td>✔️</td>
</tr>
<tr>
<td>26. 9. 88</td>
<td>Office</td>
<td>do</td>
<td>good</td>
<td>✔️</td>
</tr>
</tbody>
</table>
absolute and individual while in case of the first he has a role to play as promoter, guide and well wisher.

This aspect of the probation services has yet to take off in the state. It is practically non-existent in the State. The institutional after care services which are working for the juveniles are custodial in nature and are nothing but another institutional stay for the juvenile. As seen in the chapter relating to 'corrections' probation services have not yet been extended in the cases of juveniles discharged from corrections. Even in the cases of community based treatment alternatives the role probation officer plays is negligible.

Voluntary after care organizations have not yet been encouraged in the State. The 'Prisoners Aid Society' working at Ludhiana is confined only to Borstal youths and has nothing to do so for juvenile offenders are concerned. It is in fact, through probation officer's efforts that such voluntary organizations can be established. But alas, no such effort has been made in this direction.

XI. Conclusions and Suggestions

Probation as an effective and viable method of dealing with juvenile offenders can work on selective basis. The selection of juveniles for probation rests on the quality of presentence/social inquiry report of the probation officer. Rehabilitation and socialization of juveniles depends upon the quality of probation services made available for the purpose. Research and evaluation of the working of whole system again depends upon the statistical records compiled and maintained by the office of the probation officer. Keeping in view the important role assigned to probation officer under the juvenile justice system it will not be wrong to conclude that the quality of juvenile justice system is
what the probation officer intends to make it. Thus the probation officer occupies and pivotal position in the whole process. He is a guide for the court, a responsible partner of correctional management and a friend and well wisher of juveniles. With his pronounced abilities he is expected to act as a case explorer, interviewer, motivator, educator, diagnostician, prognostician, a report writer, a community relation man, and above all a firm disciplinarian. The duties attached to the institution of probation officer under the Rules framed under Juvenile Justice Act, 1986 reflect these essential attributes clearly.

Looking at what is expected from the probation officer and the quality and quantity of probation officers in the state the task appears to be not only difficult but impossible. There is no probation officer in the state who possesses all the characteristics of the correctional worker. This is the fundamental weakness of probation system in the state. This is attributed to defective organisational set up of probation services besides the underqualified and unwilling persons working as probation officers. The probation services are an integral part of prison Department and possess an image of authority which is not conducive to the objectives of probation system. Their attitude towards the probationers is callous; it smacks of fear psychology. They are absolutely alien to the treatment and rehabilitative techniques required for the readjustment and resocialization of probationers. This is absolutely clear from the role performance of probation officers. There is thus immediate need to recast the whole juvenile probation system in the state in order to obtain desired results. Some of the practicable suggestions are listed below:

1. Probation service should be a specialized and full time service by training as well as by recruitment. It should be separated from the prison department because by the nature of job both services cannot be considered as compatible. Prison department, which in fact is a part of the police set-up, by habit and training believe in authority while probation service requires high sense of professional
commitment, service-oriented convictions and ability to sacrifice for the community cause.

It should be a civil service and its rights and duties should be clearly defined. They must be required to put-up result-oriented service. It will be better if probation service is attached with the department of Social Welfare.

To prevent exploitation of probationers there must be adequate administrative infra-structure. This is necessary to gain the confidence of court, probationer and the public which is absolutely necessary for the successful working of the probation.

2. There must be a close co-ordination in the working of probation and correctional services. Since the treatment and rehabilitation is a continuous process so independent working of both the services will not produce the desired results. It will be better if both the services are under the direction and control of the same department. This will facilitate more close and easy interaction between the two and thus will ultimately help in achieving the desired goal of juvenile justice system.

3. Periodical meetings and discussions between the many agencies through which juvenile justice operates i.e., police, courts correction and probation, should be arranged so that they can share their practical experiences and discuss their difficulties in the operation of the process. This will provide necessary guidance to all the agencies in tailoring their respective roles.

4. Juvenile probation service should have its distinct existence at the
operational level. Since juvenile probation is concerned with not only delinquent juveniles but also with neglected juveniles so the job of a juvenile probation service is more demanding and specialized job.

5. For the improvement in probation standards and goals, there is a need for the preparation of a comprehensive probation manual enunciating policies and procedures. The manual may help in (a) defining standards for the performance of supervision responsibilities, (b) establishing adequate reporting system to provide information on probation effectiveness, and (c) developing a plan to improve the delivery of technical assistance to field officers.

6. There must be a constant evaluation of the performance of the probation officers in regard to programme implementation and its effectiveness. Besides this necessary follow-up measures should be taken to ensure that programme deficiencies are adequately corrected.

7. Probation department should maintain detained information concerning the juveniles, departmental programmes and their implementation so that research in the area of probation becomes realistic and easy. New and experimental programmes can be devised only on the basis of proper field research for which information provided by the department will be a necessary feedback.

8. Keeping in view the high-pitched criticism of probation officer's role performance, it is incumbent on the system to apportion greater resources for recruitment and training of additional man power and to provide adequate educational and training opportunities for probation officers. In service orientation of the probation officers
should be made a regular feature so that they are acquainted with the latest developments in their area of duty. Special stress should be made in providing proper training to probation officers who are to work with the juveniles.

9. Organised efforts should be made to create greater public awareness about the objectives of probation system and the need of public participation in the treatment and rehabilitation of juveniles. Voluntary organisations should be encouraged and inducted in the rehabilitation process. Without the positive and active public support, the success of probation system shall be doubtful.

10. Qualified juvenile probation officer should be given the exclusive task of conducting the prosecution of juvenile offenders. He will be more objective in the discharge of his duties towards the juvenile and the juvenile justice system. For this purpose juvenile probation system should be reorganised in a manner that it meets the needs of juvenile justice.