Crime is a social phenomenon and the crime problem is as old as the society itself. The avowed object of criminal justice, ever since, has been to eradicate crime from society for its protection which is a primary obligation of the state. To achieve this, relentless efforts are made; all available resources are deployed; and various types of punishment in all conceivable and severe forms are tried. The crime handling and disposing agencies like the police, judiciary, prison etc., are constantly strengthened, reorganised, modernised and reinforced. Inspite of all this what to talk of total elimination, even the minimisation of crime remains a goal yet to be achieved. The crime rate is increasing. Modern practices including automation and mechanisation and constant development of socio-economic measures have opened wide new avenues for criminal exploitation. The upward trend in the incidence of crime proves that punitive methods of handling crime are not effective in all cases.

Modern criminal jurisprudence recognises that no one is a born criminal. Crime does not originate from any single source but results from the interplay of diverse causes which are related to the stage of evolution of people, their economic and social development, and the individual psychological make up. If the ultimate object of criminal justice is the protection of society and prevention of crime then it becomes imperative for us to reevaluate our criminal sanctions.
in the light of the enlightened norms of progressive penology which rejects imprisonment as penal penances and calls for a better befitting method of dealing with most of the offenders. Probation has developed as an alternative to imprisonment out of a realisation that short-term sentences especially in case of young and first offenders are not only ineffective but harmful as these offenders come in contact with hardened and professional criminals in jail who pervert their mind, train and perfect them in the art of crime. When such offenders come out of prison after short terms, they resort to crime for career and become security risk for the society. A reclaimable offender becomes a habitual criminal. Imprisonment, therefore, fails to achieve its desired aim. On the other hand, Probation permits the offender to stay in the society subject to his observance of good behaviour for a specified period. In case, he fails to do so he is liable to punishment for the original offence. Projected plus points of probation are that it reduces overcrowding of prisons; it is far economical than the maintenance of prison, it removes the stigma of crime from the probationer; it allows the offender to remain with his family and support it or be supported by it; it protects loss of employment, education etc.; and above all protects society by preventing commission of crime through the reinduction of the offender in society as its law abiding member.

'Probation System' in India, at present, works under the Probation of Offenders Act, 1958. The Act empowers the court to release the offender on probation of good conduct for any offence
except the one punishable with death or imprisonment for life or those excluded under section 18. The release order may be with or without supervision by a probation officer. Originally section 6 of the Act put restrictions on the imprisonment of offenders below 21 years of age. Subsequently, section 161 of the Code of Criminal Procedure, 1973, made it obligatory for the court to state reasons for giving the benefit of probation. This has made probation as a general and normal case disposition method. Section 17 of the Act empowers the State Governments to make Rules to carry out the purpose of the Act.

(As probation is not meant for all types of offenders its successful working depends on the careful selection of reclaimable offenders by the court and requisite assistance and supervision provided to them during the probation period. This implies that the judges are well versed with the correctional approach of the Act and actual working of probation; there is a proper infrastructure of probation personnel to provide necessary supervision and assistance to the probationers for their rehabilitation in society; community has accepted probation as a viable alternative to imprisonment; and probationers neither misunderstand probation as a leniency of law nor encourage other prospective offenders to violate law with the high hope of getting the benefit of probation.)

There is no clear and concrete proof of the actual functioning of probation in the state. The reports are conflicting and contradictory. The increasing scope of probation adds to the imperatives of knowing its factual viability as an appropriate alternative to imprisonment. Hence, the
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Central Bureau of Correctional Services, Government of India,
New Delhi, after thoughtful and thorough consideration of
available material on probation, called for conducting of
empirical research in all states to assess the actual working
of the Probation of Offenders Act, 1918. So far, no such study
has been conducted in the state of Punjab. Therefore, it is
proposed to examine the working of Probation of Offenders
Act in Punjab i.e., how far the probationary process has
helped in implementing the reformatory and corrective measures
and in reducing the incidence of crime in the light of past
experience, the role of Courts in realising the goals of
probation, the steps taken by the state to accelerate the
probation services and the desirability of the application
of the Act to socio-economic crimes.

In order to arrive at correct findings and for
formulating concrete suggestions, it is endeavoured to arrange
the study in such a way that it gives clear view of all
aspects of the functioning of probation in the state. Besides
an overall study of concerned material, the Monthly and Annual
Administration Reports of District Probation Officers, reports
of the Chief Probation Officer, Punjab and The Director,
National Institute of Social Defence, Government of India,
New Delhi and reports of Jail Department, Punjab, especially
for a specific period of 5 years i.e., from 1975 to 1979 and
of subsequent years as per availability were studied. The
Relevant Court records and latest published notes on the
Administration of Criminal Justice in the State of Punjab were also consulted. To compare the official version with the factual position of probation, cases of 3,000 probationers under supervision in all the districts of the State were examined. A field study was conducted in the second half of 1980. The said cases cover a period of 2 years i.e., offenders released on probation under supervision of probation officer; since the end of 1977 to the close of 1979 and whose probation period expired by the fall of first half of 1980. Only 3,000 case files relating to the said period were available in the offices of the probation officers of the State. The Director, National Institute of Social Defence and all Inspectors-General of Prisons, Punjab from 1975 till date were extensively interviewed to know their views on the subject. To verify the veracity of recording in the case files of probationers, The Chief Probation Officer, the concerned probation officers, probationers, office staff and respectable members of the locality of probationers were interviewed. Some Judges, Court clerks and Counsels were also consulted. Frequent inquiries were made from the Chief Probation Officer and his staff at Chandigarh regarding the real working of probation in the State which was at cross roads with the official reports. The study is apportioned in 8 parts. Chapter I deals with the concept of probation and its historical perspective. The discussion analyses the half way adoption of probation in the Code of Criminal Procedure, 1898, need for separate legislation on probation, the processing of Probation of Offenders Act, 1958, the framing of Punjab Probation of Offenders Rules, 1963 to carry out the purpose of the Act.
and application of the Act to the State of Punjab.

Chapter II analyses the main provisions of the Act. Proper understanding of the Act, various defects and lacunae left therein is a prerequisite to appreciate its actual working. The object of the Act and its scope are appraised firstly. This is followed by the deliberation of various methods of dealing with the offender under the Act and restrictions on grant of probation. Next comes the appreciation of the legal position of presentence investigation report and its use by the courts, probation in appeal and revision, and the removal of disqualification attached to the conviction of the probationer. The contention of the Chapter is concluded with the comments on the denial of the benefit of the Act to offenders found guilty under specified enactments and exclusion of the operation of probation under the Code in the State.

The role of Courts in the realm of probation is highlighted in Chapter III. It points out the deficiencies of the sentencing judge in the administration of Correctional Justice and its adverse effect on the appropriate application of the Act in the State. This is fully borne out by giving tables formulated on the basis of field and other studies. Compensation to the victims of probationers and individual attitude of Judges towards probation is also projected in this Chapter.

Chapter IV spells out the actual application of the Act by the Courts of the State to the offences under the Indian Penal Code. Eligible and non-eligible offences for probation
are enumerated. For better comprehension of the subject and fair comments on it, district-wise position of probation is examined threadbare. Wide variation, inconsistency and irrationality in the use of the Act by the Court is vividly projected. Illegal grant of probation is clearly brought out.

The grant of probation to the offences under the local and special Acts is dealt with in chapter V. While analysing the application of the Act by the Courts, the scope and desirability of giving the benefit of probation to adult offenders found guilty of socio-economic offences, have been debated upon. The increasing role of the Act vis-a-vis the Excise, Opium and Arms offences in the state is prominently presented. Various steps to streamline the functioning of probation in the said context have been outlined.

Chapter VI brings out the role of probation officer in the working of probation. It pinpoints the essential attributes of the Correctional Case Worker, their absence in probation officers of the State and faulty administrative set up of Probation Services in the State. Manifold responsibilities of probation officer towards Court, probationers, District Magistrate, community etc., considered as sine qua non for proper functioning of probation, are enumerated and commented upon in the said context.

The actual working of probation i.e., after the release of offender on probation of good conduct under supervision of the probation officer, is depicted in Chapter VII.
of conditions of probation by the probationers and corresponding discharging of duties by the probation officers are shown with the assistance of tables. Rosy picture of the working of probation given in official reports has been falsified by producing concrete evidence of factual functioning based on empirical study. A case for revamping the substantive and procedural law relating to probation system in the State has been made out so that the cherished goals of probation incorporated in the Act are realised in letter and spirit. Various findings and suggestions, in this respect, are given in the last Chapter of the study.