
ROLE OF PROBATION IN REDUCING RECIDIVISM IN INDIA

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ABSTRACT

In societies where growth is evident yet opportunities are unevenly distributed, crime inevitably embeds itself into its fabric. The persistent increase in new forms of criminality presents significant challenges for the criminal justice systems worldwide. Amidst the continuing discussions about punishment and reformation of offenders, there is a shift of ideology from subjecting offenders to a detrimental life in prison towards Reformation and Rehabilitation through means that could address the root causes of criminal behaviour to reduce Recidivism. Originally, rooted in the ideas of reclaiming young offenders into society and their rehabilitation, Probation today has emerged as an efficient mechanism to reduce re-offending and act as a pathway to strengthen the Restorative justice system. The implementation of Probation varies across different countries with regard to how it is organised and used to reintegrate the offenders.

To provide a comprehensive understanding, this paper explores the statutory frameworks, judicial interpretations to highlight the role of probation to control recidivism rates, some key gaps persisting in probation system in India and suggest some best practices to be opted through a model bill to enhance the effectiveness of Probation as a Reformative measure.

Keywords: Probation, Rehabilitation, Reformation, India, Recidivism, Restorative Justice System, Re-offending.

INTRODUCTION:-

Social Disadvantage is the primary cause of offending. Poverty, Lack of education, unemployment, addiction to illegal substances has led many to indulge in illegal acts. Without sufficient support, it is difficult to re-instate an offender back into its normal living. However, every man is capable to reform under appropriate guidance. Probation as a practice aims not at Retribution but at Rehabilitation and Reintegration through adequate Supervision. It is a conditional suspension of imposition of sentence by the court in certain cases to test the tendency of an offender to live in a society and provide a chance to choose a productive life without violating law. It promotes socialisation as a way to control Criminogenic practices rather than relying on institutionalization. In essence, it serves an effective tool to reduce jail overcrowding ensuring imprisonment is granted to those who truly deserves to be subjected to custodial sanctions. Stigmatization, isolation and lack of support after release increases the chances of Recidivism. In such a case, Probation serves as a significant measure granting supervised freedom with rehabilitation to reduce re-offending through correction than punishment. In the Indian criminal justice system, probation is widely recognised as an alternative to Detention. A well-structured Probation system has more potential to work towards Transformation of Offenders into civilized persons.

Although the theoretical underpinning brings a conformity that Punishment are vital mechanisms to deal with the nuances of crime yet it is believed that criminal tendency can only be controlled if the basic needs that forced an offender to involve itself into the crime are fulfilled to an extent. While probation primarily focuses on rehabilitation of offender, it indirectly contributes to societal peace through reducing the incidence of Recidivism and promoting public safety. The Probation of Offenders Act, 1958 and the relevant provisions under BNSS, 2023 governs the Probation System in India. Probation, a non-custodial alternative to incarceration acts as a transformative tool for the offenders, especially the young and first offenders to serve their sentences within the community under Supervision thereby preventing the negative repercussions of imprisonment such as recidivism while fostering the reintegration of offenders as responsible citizens. This measure upholds the dignity of the individual while ensuring societal protection.

HISTORICAL DEVELOPMENT OF CONCEPT OF PROBATION:-

In India, Probation is used as an institutional method of treatment which is integral ingredient

of the concept of crime. The history of Probation can be traced back to the concept of 'benefit of clergy', 'judicial reprieve' during the middle ages in England and America to escape the severity of the criminal law.¹ John Augustus, born in Massachusetts, a cobbler of Boston and member of a society working against alcoholism, is regarded as the 'Father of Probation'. In 1841, he one morning in the court came across a man who was charged as a common drunkard, who promised Augustus that he would never touch alcohol if he is saved from the house of correction. Thereafter he was bailed by Augustus. To the astonishment of all present, when the man later appeared, his behaviour had completely changed. Thereafter, Augustus used to propose in the court regarding the progress of rehabilitation for criminals reformation. In 1878, the law of probation was passed for the first time in Massachusetts followed by Vermont in 1898. With the coming of Juvenile court movement, probation gained more popularity. By 1925, the system was available in all states for juveniles and by 1965 for adults. In India, Madras first had law on probation then The Central Probation Act, passed in 1958, established the probation system.

ETMOLOGY AND DEFINITION OF PROBATION:-

The term "*Probation*" has been derived from the latin word "*Probare*" which means '*to prove*'. In simple words, the Probation provides an opportunity to the offender to prove to the satisfaction of court regarding their adherence to expressed laws and rules, such that their presence is not harmful to society & there is adequate reformation in their outlook. One of the widely accepted definition of probation includes:-

- **Sutherland and Cressey:-** "*Probation is the status of a convicted offender during a period of suspension of sentence in which he is given liberty conditioned on his good behaviour and in which the state by personal supervision attempts to assist him to maintain good behaviour*".²

OBJECT OF PROBATION:-

Probation is always considered as a viable alternative to imprisonment as it aims to bring a constructive reformation in the behaviour of an individual through appropriate rehabilitation

¹ N.V. Pranjape, *Criminology and Penology* 525 (18th ed. 2019)

² Sutherland and Cressey, *Principles of criminology* 422 (6th ed.1968)

methods. It aims to curb the anti-social tendencies through community engagement.

In the case *Jugal Kishore Prasad vs State of Bihar*³, Hon'ble SC has explained that, “*the very purpose of probation is to curb the transformation of young offenders into habitual offenders by preventing their association with hardened criminals of enough maturity when kept under the four walls of the jail. Probation reflects the philosophy of modern criminal jurisprudence that emphasizes reducing recidivism and transform prisoners into law-abiding persons.*”

STATUTORY FRAMEWORK OF PROBATION IN INDIA:-

In India, the probation got recognised statutorily through the passage of The Central Probation Act in 1958. Thereafter, the Code of Criminal Procedure of 1898 which outlines on probation under Section 562 and then under Section 360 of the CrPC, 1973, the provisions on probation were included, followed by Probation of Offenders Act of 1958.

Scope of laws regarding probation ⁴

- **First Time Offenders:-** These are individuals who have no criminal antecedents and has committed a crime as per section 360 of CrPc. These offenders get lenient treatment on the basis of their character, history, circumstances, etc.
- **Leniency on the Basis of Age:-** Any person below the age of 21 years are not sentenced for life or death penalty, neither their criminal records are ever revealed.
- **Probation for Good Conduct:-** On appearing in court, if the court considering the essential factors like nature of crime, offenders character and observing the behaviour of the criminal deems necessary then it may release an offender on probation on the verge of good behaviour. **Release of an offender after admonition:-** If a person is found guilty of an offence for which punishment is not more than 2 years or fine or both and has no record, court can release it after proper warning considering its age, offences, circumstances etc.

Position of probation under the code of criminal procedure, 1898 and 1973

In India, first legislative piece on the probation was introduced in the CrPC, 1898. Section 562

³ Jugal Kishore Prasad vs State of Bihar, AIR 1972 SC 2522

⁴ S.S. Bhati, *Probation of offenders-An analysis*, 3 JCLJ 945 (2023)

of the code made a provision for the release of certain offenders on probation. Section 562 of the code provided that the first offender, who has committed minor offence, punishable upto two years of imprisonment may at the discretion of the court be released on Probation through a bond, with or without sureties and during the period, not more than one year, shall appear before court when directed to do so.

In 1923, when the Criminal (Amendment) Act came in, it extended the year from two to seven years of imprisonment both under IPC and other local laws. In case of women and children under the age of twenty-one years offenders extends to all the offences except those punishable with death and life. In trivial offences, admonition was also granted.⁵

Position of probation under the code of criminal procedure, 1973 (now bnss, 2023)

CrPC (Now BNSS) being a procedural law, acts as a central legislation in all criminal trials. Herein, it addresses regarding Probation of offenders through following provisions:-

- **Section 360 of CrPC (Now 401 of BNSS)** :- It grants discretion to the court to release offenders, including women & young offenders on probation of good conduct or after due admonition before sentencing them to imprisonment considering the relevant factors like age, character, facts of the case and criminal history.
- **Section 361 of CrPC (Now 402 of BNSS)** :- It states that, “Whenever court decides not to extend the benefit under Section 401 of BNSS, it must state special reasons in its judgement regarding such grounds of denial”.

The Probation of Offenders act, 1958⁶

This act was passed by parliament in 1958 to emphasize the rehabilitation of offenders and help them overcome their criminal tendencies. The Act subject to fulfilment of certain requirements grants an opportunity to the offender to be released before imprisonment for their individualised correctional treatment within community during which the sentence remains in abeyance.

⁵ Krishna Pal Malik, *Penology, Victimology & Correctional Administration in India*, 161 (2021)

⁶ The Probation of Offenders Act, 1958, No. 20, Acts of Parliament, 1958 (India)

In the case of *Abdul Razack vs Food Inspector, Cochin*⁷, the Hon'ble Kerela HC explaining the scope of the act reiterated that the coming of this act has made an all India law on probation making the probation applicable to all offences except where life and death punishment are involved. The probation of offenders Act is no-doubt a milestone as it has brought reformation in penology. Its application must be done with high scrutiny considering the security of the society as a concern.

The Key Provisions under the Probation of Offenders Act, 1958 are as follows:-

- SECTION 3: Power of the court to release certain offenders after admonition when a person is found guilty of offence not punishable with imprisonment more than two years considering the relevant factors like nature of offence and character of offenders, previous criminal records, facts leading to such offence, etc.
- SECTION 4: Empowers the court to release offenders on probation of good conduct and may place him under supervision of a probation officer and impose stringent conditions on his conduct and residence.

In the case of *Phul Singh vs The State of Haryana*⁸, the court held that provision under Section 4 must not be applied in undeserving cases where the nature of crime is heinous and there are no reasonable grounds for release of defendant on good conduct.

- SECTION 5: When an offender is released either under Sec. 3 or 4, the court may also order him to pay compensation to the victim for injury caused as fine under CrPC.
- SECTION 6: Restrictions on imprisonment of persons committing crime below 21 years. Probation must be prioritised, if not, reasons be given in writing.
- SECTION 7: Report submitted by probation officer is confidential.
- SECTION 9: Issuance of Summons or Warrant for arrest in case of failure to comply with bond.

⁷ Dr. Vandana Thakur, *Legislative framework of Probation in India*, 12 JETIR 669 (2025)

⁸ Phul Singh vs The State of Haryana, AIR 1980 SC 249

- SECTION 13: Appointment of Probation Officers by State Government, Societies and other person who are public servants.
- SECTION 14: Outlines duty of Probation Officers in inquiry, supervision, advise, assistance, etc. to help the court to determine the case.
- SECTION 16: Deals with regard to protection against acts done in good faith by officers and authorities under the act.

JUDICIAL PRECEDENTS ON PROBATION IN INDIA :-

- **Mohd. Aziz vs State of U.P.**⁹

The court here held that “*the purpose of sentencing is not to punish but to help offenders to reform. Probation is a better roadway to justice than imprisonment which grows criminal behaviour more among individuals*”.

- **Chellammal and Anr. vs State represented by the Inspector of Police**¹⁰

The Hon’ble SC in this case stated that, “No person can claim Probation as a right but it a mandatory duty of the court to check upon whether the conditions for probation are fulfilled in a particular case before deciding. Report of Probation Officer may be also considered and if court decides in negative, it must cite reasons for it and if it allows, it shall impose the conditions for effective implementation of probation”.

EFFECTIVENESS OF PROBATION IN REDUCING RECIDIVISM :-

It is a fact that, “*Nobody since birth is a criminal*”. Every individual are born with positive and negative attributes. It is the circumstances that makes a person to act differently to satisfy their needs.

Recidivist means “habitual offender”. Exposure to hardened criminals, institutionalisation, restrictions on earning and stigmatisation together creates an environment that affects a person’s behaviour and identity pushing them further towards criminogenic practices. Prison

⁹ Dr Vikas Sharma, Piyali Dutt, *Probation Rights in the Indian Criminal Justice System: A Path Leading to Reformative and Rehabilitation*, 11 Int. J. Environ. Sci 2724 (2025)

¹⁰ Chellammal and Anr. vs State represented by the Inspector of Police, 2025 INSC 540

System undoubtedly forms an integral part of the criminal justice system to curb anti-social activities and reduce rate of crime yet it becomes the breeding ground for encouragement of further criminal acts through exposure and social alienation. Since the goal of the criminal justice system is dual, i.e, to provide justice to victim yet curb the criminal tendencies of an offender for protection of society, Probation is employed by it to extend services that address the root causes of criminal behaviour.

Probation has been effective to control the recidivism rates due to the following reasons mentioned below:-

A. Focuses More on Socialisation than Deterrence:-

Traditional measures like imprisonment of criminals worked on the philosophy that deterrence inculcates fear within criminals that brings a change in their behavioural pattern to indulge in further illegal acts however probation reduces the likelihood of reoffending by addressing the root causes that leads an individual to further criminal act like isolation, stigmatization, etc. It brings behavioural reform through re-integration of offenders into society under adequate supervision and make offenders release the consequences of their own acts.

B. Minimizes Exposure to Criminogenic environment:-

Majority of prisons today are overcrowded with hardened criminals who have no scope for improvement and lags behind in providing adequate rehabilitation facilities. With the rising backlog of cases, it takes years to prove whether an individual is innocent or has committed a crime. Within such period, when a person remains in the prison, it is exposed to the antisocial attitudes and criminal skills and even creates new illegal networks which the probation avoids by segregating each offender from other under supervision and affords a second chance for improvement with association with families and helps for future employment, thereby reducing recidivism.

C. Targeted behavioural monitoring:-

Unlike traditional measures, under the probation system, Probation Officers are deployed for individualized treatment of each offender through regular monitoring and measuring the scope of behavioural change of each offenders personally. They make regular home visits, assists the offenders in their working. All this help in risk assessment at an early stage and helps offenders

to correct their maladaptive behaviour through appropriate counselling.

D. Proactive identification of High-Risk Offenders:-

Probation identifies the offenders who have the risk of escalating into criminal behaviour in future. Through early identification, adequate treatment are reinforced that brings a behavioural reform and thereby reduces the crime rate. This cannot be done in Prisons easily.

E. Probation is Humanitarian:-

Rehabilitation is easy when there lies a conducive environment where the probationers recover without any exclusion and are provided with resources that encourages them to realise their potential and walk away from path of criminality. Probation ensures this as it normalizes the life of offenders through allowing them to remain in community while undergoing correction thereby preserving the offender's dignity.

ROLE OF PROBATION OFFICERS IN REDUCING RECIDIVISM:-

The major role for success of Probation lies in the functioning of the Probation Officer. He is a healing mechanic to the psychological depressed personality of the offender and is regarded to be freed in need of the Probationer. They are usually the trained staff of the government who assist the government as to when probation be revoked and identifies and assess the risk of reoffending of each offender when there are serious lapses by the probationers.¹¹

S. 14 of the Probation of offenders Act, 1958¹² outlines the duties of the Probation Officers in India. In a nutshell, it can be stated as, Probation officers play a vital role :-

- Conduct Inquiry with regard to the circumstances leading to offenders, their criminal history, if any, and find all details of offenders to assist the court to decide the best possible way of correction for their welfare & Supervise the Probationers as per the conditions laid down by the court.
- Maintain a record of conduct and compliance of the offender and render advice to them as

¹¹ S.S. Srivastava, *Criminology, Penology & Victimology*, 465 (6th ed. 2021)

¹² The Probation of Offenders Act, 1958, No. 20, Acts of Parliament, 1958 (India)

required and assess their attitudes, opinions and personalities which are anti-social.

- Plans and Provides all rehabilitative measures for improvement of the behaviour of offender to reduce re-offending through balancing enforcement of court orders with support.
- Makes regular checks and keeps a track on progress of improvement through communication, addresses any challenges faced by the offender and assist them by motivating them to understand the importance of abiding by law.
- Furthermore, Probation officers creates a supportive network for addressing any underlying issues, providing opportunities and helping probationers to develop a sense of belongingness.

IDENTIFICATION OF AREAS OF INTERVENTIONS:

Based on the research opted by the author through a broad analysis of the existing status of Probation in India, the following key areas for improving the system have been identified:-

1. Need of an Improved and uniform Legislation

Current Status:- The existing legislation on probation is not sufficient for its effective implementation as it has not been amended on regular basis as per the current criminological requirements and lacks clarity with regard to accountability and working of probation officers, digital involvement for supervision and modernized means of rehabilitation like electronic monitoring, etc.

Intervention:- Policies for probation must be updated as per the latest trend to incorporate best practices & to keep a track on progress of probation and monitor its effectiveness.

2. Standard Operating Procedures

Current Status:- In India, there is no mandatory imposition upon probation officers to present inquiry reports to the courts which could promote better decision making. Neither there is some specific mention of the conditions for conduct of probation nor any mechanism to classify the offenders benefitted from this.

Intervention:- There must be comprehensive and detailed procedures with regard to Probation and courts must mandate the submission of pre-sentence reports by probation officers in prescribed forms within time limit for informed decisions and conditions upon release on probation must be clearly established by courts.

3. Infrastructural and Technological Updates

Current Status:- India suffers from insufficient infrastructural support as there are lack of counselling centers, rehabilitation based service centers, etc. There is no provision for digital monitoring of offenders and their record keeping.

Intervention:- Establishment and appointment of trained staffs in the institutes devoted to address the underlying causes of criminal behaviour and help them to recover. Usage of digital mechanisms for record keeping of success of probation to reduce recidivism must be inculcated through a state wise digital database to raise awareness and effectiveness of this correctional method.

4. Well-trained Probation Officers

Current Status:- India lags behind with regard to critical role played by probation officers for reforming the criminals. Since there is no well defined criteria as to who can be appointed as Probation Officers, this creates a confusion in their appointment often ending up in handling over responsibilities to officers overburdened with other stuffs leading to shortage, poor supervision and impacting recovery of probationers. No body lies to oversee probation related matters.

Intervention:- Specific departments must be established to check and keep a track upon probation activities. Well-trained and qualified officers with adequate training must be appointed to supervise and assist the offenders and be made accountable for their actions to the concerned department and penalised for irregularity.

5. Insufficient utilisation of Probation

Current Status:- India still rests on the philosophy of Deterrence to curb anti-social acts although probation is accepted on paper. There is lack of knowledge and awareness among people regarding its usage and implementation.

Intervention:- Through creating awareness among officers and common man, it can be ensured that no individual get punished without getting a chance to improve their behaviour. This can be done through seminars, legal aid camps and preparation of a detailed guideline for implementation of probation or declaration of probation awareness month.

6. Resource Allocation

Current Status:- Infrastructural development for Probation could not be done due to shortage of resources such as funding and manpower for its effective execution.

Intervention:- Ample resources must be allocated for universalisation of Probation and establishment of sufficient rehabilitation centers to avoid reoffending and crime.

SUGGESTIONS AND WAY FORWARD:-

There is a pressing need for a uniform legislation on Probation for its effective implementation. Considering the current challenges faced by the Probation today, leading to its underutilisation, few suggestions for its effective implementation are provided in way of a model bill for improvising the Probation System in India.

The Proposed model bill on Probation is as follows:-

THE PROBATION OF OFFENDERS (AMENDMENT) BILL, 2026

A bill to Provide an effective framework for the rehabilitation and reformation of the offenders released on probation or after admonition through social re-integration and for other matters incidental thereto.

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.-

(1) This Act may be called as the Probation of Offenders (Amendment) Bill, 2026.

(2) It shall extend to whole of India.¹³

(3) The Provisions shall come into effect on such date as prescribed by concerned State governments, by notification in the Official Gazette.

2. Interpretation Clause.- Unless the context otherwise mandates-

(a) **Court-** Means the court with appropriate jurisdiction to decide the matter;

(b) **Offender-** Any Person acting against the established standards of law;

(c) **Probation-** A correctional method opted as an alternative of imprisonment allowing for conditional release of offenders on good conduct or admonition under supervision of officers called the Probation Officers for the purpose of rehabilitation, reformation and reintegration into society is Probation.

(d) **Probation Officers-** Persons appointed under Section 7 of the act for supervising the probationers and assisting the court in administration of justice.

(e) **Pre-Sentence Report-** Investigation Reports disclosing the necessary details of offenders released on Probation, including the risk assessment.

3. Application and Overriding effect.-

(1) Notwithstanding anything contained in any other law for the time being in force, the provisions of this act shall apply.

(2) In Special cases dealt with by any other law, the provisions of such other law shall be applicable to the extent of inconsistency.

CHAPTER II

RELEASE ON PROBATION

4. Who may be released on Probation

(1) Any person who, in the opinion of the court is not found guilty of any offence which is a threat to the public interest or security and has not committed any offence for which death penalty has been prescribed under the BNS, 2023, must be released on Probation before sentencing by executing a bond to appear before court whenever called upon and maintain good conduct on release.

¹³ The words “except state of Jammu and Kashmir” omitted by Act 34 of 2019 and the fifth schedule, w.e..f. 31-10-2019

(2) In cases of Juveniles, court must pass any decisions considering the best interests of the child and consider the report submitted by the concerned officer.

5. Conditions of Probation

(1) Any person may be released on Probation for good behaviour or after admonition for such period subject to that prescribed by the concerned court imposing such conditions considering-

(a) Nature of Offence and Manner of Committing Crime;

(b) Circumstances Leading to Crime:

(c) Character, Age and Criminal Antecedents of Offender, etc.

(2) Such conditions imposed must be proportional for the rehabilitation and reassessment of behaviour of offender on probation and balance victim and offenders rights.

(3) Subject to the interests of offender and public in general, conditions may be varied by the concerned court.

(4) Any anti-social acts committed by a released offender in violation of conditions of Probation shall lead to:

- i. revocation of probation by concerned court, by affording reasonable opportunity to offender before sentencing;
- ii. In case of non-obedience for first time, a penalty not exceeding fifty-thousand be imposed.

6. Period of Probation

(1) The Court may, on application and report presented by Probation Officer, having regard to the progress and conduct of offender on Probation, reduce or extend the period of probation for reasons to be recorded in writing ;

(2) No Probation shall continue beyond period of three years and shall not be less than one years unless the circumstances mandates to do so.

CHAPTER III

APPOINTMENT, DUTIES AND POWERS OF PROBATION OFFICERS

7. Appointment of probation officers

(1) A Probation Officer shall be appointed by:-

- (a) Recommendations of the concerned NGOs or Societies;
 - (b) By the concerned state governments;
 - (c) By the authority of the court as per the qualifications prescribed under Section 8.
- (2) There shall be appointment of a Probation Superintendent, specialised probation officers and other officers as may be required to assist and conduct the probation proceedings in every states and shall have the duty as prescribed under Section 9.
- (3) The Salary, terms of service and other conditions shall be such as may be prescribed by the State Government.

8. Qualifications for appointment of Probation Officers

Any person who holds knowledge and qualifications in law, psychology, criminal justice or any specialised subjects related to law like mental health, etc may be appointed as officer.

9. Duties of Probation Officer

A Probation Officer Shall comply with the duties prescribed-

- (1) Monitor and Supervise the Offender;
- (2) Address the root cause of criminal behaviour through appropriate surveillance and establishing positive relationship with probationer and make early detection of risk associated with any Probationer.
- (3) Enquire into the details with regard to the offence committed by offender as per directions of the court.
- (4) Prepare and submit the pre-sentence investigation report to the court within the prescribed time period as per the Procedure laid down under Sec. 12.
- (5) Advise and Assist the Offenders with regard to any decision concerning any matter while on Probation.
- (6) Provide all the best possible rehabilitative services to the Offender and monitor their impact on victim's behaviour.
- (7) Advise and Assist the court as and when required;
- (8) Perform such other duties as may be prescribed.

Provided that, any action by the probation officer bringing distortion to the process shall make

the officer liable to the authority of the court.

10. Powers of Probation Officer

- (1) To reprimand an offender in case of any violation of conditions of Probation;
- (2) To submit application to the court for extension or revocation of Probation, by writing, through reasons recorded.
- (3) To make inquiries and obtain information necessary for supervision
- (4) To make regular visits to the place of offender and keep a check on its movement and progress, through electronic monitoring as well.

CHAPTER IV

PROCEDURE FOR CONDUCT OF PROBATION

11. Supervision by Probation Officer

- (1) The court shall appoint an officer as a probation officer considering the need of specialisation to reform an offender.
- (2) On appointment, the court shall lay down certain conditions of supervision and shall require the probation officer to initiate the rehabilitation process.
- (3) The Period of Probation shall commence from the date of execution of bond, with or without sureties by offender.

12. Preparation of Pre-sentence investigation Reports

- (1) The Probation officer is required to prepare individualised plan for each offender under its supervision which he shall communicate to the offender, subject to modifications as and when required.
- (2) The Probation Officer is required to prepare a report through detailed investigation of offenders personal details like its criminal antecedents, if any, its behavioural patterns, etc and has to submit it to court before the procedure of sentencing mandatorily;
- (3) The Probation officer is required to prepare report each month assessing the progress of change in offenders which shall include:
 - a) Offenders participation in rehabilitation program and counselling sessions
 - b) Tendency of Offender to Re-offend in Future or any violations exhibited by offender;

- c) Compliance with the orders of Probation Officers
- d) Any other details as and when required;
- (4) The Copy of such progress shall be furnished to the offender and court on regular basis.
- (5) Any such reports or documents prepared by Probation Officer shall be confidential.

13. Order of the Court

- (1) On completion of Period of Probation or may on request of Probation Officer, the court shall decide whether further sentencing is required or not.
- (2) The court shall, upon consideration of the reports submitted by Probation Officer pass such orders as it deem fit.

CHAPTER V

MISCELLANEOUS PROVISIONS

14. Rehabilitation Programs

- (1) Every State Government shall ensure for allocation of adequate funds and resources for the encouragement & establishment of rehabilitative services Programs in every district.
- (2) The procedures for the appointment of the trained staffs for extending the rehabilitative programs like community service, counselling, etc. shall be the duty of State Government.
- (3) The State Government shall constitute a board to oversee whether the provision is being executed as per the established law by the Probation Officer.
- (4) A digital Database shall be maintained by the State Government to keep a track upon the percentage of offenders improving through rehabilitation.

15. Power to make Rules

The State Government shall in consultations with the central government as and when required, frame such rules required for execution of the provisions of this Act.

[The aforementioned model bill has been proposed, taking into consideration the loopholes in the existing system of Probation in India.]

CONCLUSION:-

This paper on Probation sheds light on the effectiveness of Probation as a correctional tool which has the potential to rehabilitate and reform an offender through early detention of its criminal attitude, thereby emphasizing the urgent need to have suitable legislative framework. One significant aspect highlighted in this paper is how Indian Probation System lags behind due to inadequate legal structure and weak implementation. This necessitates a change in policy and bringing up adequate guidelines for implementation of comprehensive legal reforms and improved coordination between countries.

Rise in criminal threats through various forms demands robust action and a shift in strategy. Of all the correctional methods, probation serves a dual purpose as it enables to test the tendency of an offender to live in a society as normal being. This paper has analysed every aspect of Probation and has highlighted how Probation is a viable alternative. Although Indian Judiciary has upheld the merits of this system in their landmark judgements yet this is not sufficient until a cohesive effort is exhibited for acceptance and universalisation of Probation. Therefore, through adoption of proactive measures, its effectiveness can be increased.

In conclusion, the model bill attached with this paper shall assist the lawmakers to an extent to enforce adequate strategies which would be capable to protect and preserve both victim and offenders Right with continued Reformation.

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