

WEST PAKISTAN PROBATION OF OFFENDERS RULES

[1st July, 1961]

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[1st July, 1961]

NOTIFICATION

No.5 (3) H(SOIII)-M/61- In exercise of the powers conferred by section 14, read with section 15 of the Probation of Offenders Ordinance, 1960(XLV of 1960), the Governor of West Pakistan is pleased to make the following rules, namely—

- **Title and commencement-** (1) These rules may be called the West Pakistan Probation of Offenders Rules, 1961.

(2) They shall come into force on 1st July, 1961.

2. Definition.-In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say:-

(a) "Assistant Director" means Assistant Director, Reclamation and Probation, West Pakistan

(b) "Case Committee" means a case Committee constituted (for a district) under rule 16.

(c) "Form" means a form appended to these rules.

(d) "Ordinance" means the Probation of Offenders Ordinance, 1960.

(e) "Probationer" means a person in respect of whom a Probation Order has been made by a Court under Section 5.

(f) "Probation area" means the area in the charge of an Assistant Director.

(g) "Probation Department" means the Department of Reclamation and Probation, West Pakistan.

(h) "Province" means the Province of West Pakistan.

(i) "Section" means a section of the Ordinance.

3. The Director, Reclamation and Probation.- (1) West Pakistan, shall for the purposes of the ordinance and these rules, be and exercise the powers of the Officer-in-Charge throughout the Province.

(2) The officer-in-charge shall be responsible for the overall control, supervision and direction of probation work in the Province.

4. The Officer-in-Charge shall be assisted in the discharge of his duties under the Ordinance.- (1) and these rules by Assistant Director, who shall be appointed by the Officer-in-Charge

(2) Subject to such general or special directions as Government may issue in this behalf from time to time, an Assistant Director shall be in charge of a probation area.

(3) Subject to any general or special orders of the Officer-in-Charge, an Assistant Director shall-

(a) Supervise, inspect and exercise general control over the work of the Probation Officers under him;

(b) be responsible for the organization of the Probation Work in the area under his charge; and

(c) advise the Case Committee for the area under his charge upon matters relating to probation work.

5. The Officer-in-Charge may appoint as many Chief Probation Officers.- (1) as the number of such posts are sanctioned by Government.

(2) A Chief Probation Officer shall be in charge of a district or such other area as the Officer-in-Charge may specify.

(3) A Chief Probation Officer shall-

- (a) be responsible for the organization and supervision of the probation work in the area under his charge, and the distribution of such work among the Probation Officers under him;
 - (b) guide and advise the Probation Officers under him in the performance of their duties; and
 - (c) perform such duties of a Probation Officer as may be assigned to him by the Officer-in-Charge or the Assistant Director to whom he is subordinate.
- 6. Probation Officers shall be appointed by the Officer-in-Charge, and shall exercise their powers and perform duties as such officers within such local area or for such class or classes of cases of probationers as may be directed by the Officer-in-Charge.**
- 7. No person shall be appointed as a Probation Officer unless-**
- (a) he is, at the time of his first appointment as a Probation Officer, more than twenty-three years and less than thirty-five years of age;
 - (b) he is at least a holder of ¹Master's Degree in the subject of Sociology, Social Work, Rural Sociology of a recognized University,
 - (c) he possesses good character and is in the opinion of the Officer-in-Charge competent by his personality, education and training to influence for the good probationers placed under his supervision; and
 - (d) he has a working knowledge or practical experience of social work.
- 8. The terms and conditions of service of Probation Officers and Chief Probation Officers, including their emoluments and allowances and the taking of disciplinary action against them, shall be regulated by the appropriate rules framed in that behalf by Government**
- 9. No officer or employee of the Jail or Police Department shall be appointed as a Probation Officer or a Chief Probation Officer.**
- 10. Duties of Probation Officers-A Probation Officer shall-**
- (a) explain to every probationer placed under his charge, the terms and conditions of the probation order made in respect of such probationer, and if so deemed necessary, by warnings, endeavour to ensure their observance by the probationer;
 - (b) in the first two months of probation of every probationer under his charge, meet the probationer at least once in a fortnight, and thereafter, subject to the provisions of the probation order and any general or special orders of the Officer-in-Charge, keep in close touch with the probationer, meet him frequently, make enquiries into his conduct, mode of life and environments, and wherever practicable, visit his home from time to time;
 - (c) If any probationer under his charge be out of employment, endeavour to find suitable employment for him and assist, befriend, advise and strive to improve his conduct and general conditions of living;
 - (d) encourage every probationer placed under his supervision to make use of any recognized agency, statutory or voluntary, which might contribute towards his welfare and general well-being, and to take advantage of the social, recreational and educational facilities which such agencies might provide;
 - (e) Where a probationer under his supervision, who has executed a bond with sureties under Section 5, is found to have committed any breach of the terms of his bond, or to have otherwise misconducted himself, to being such breach or misconduct to the notice of his sureties;
 - (f) Maintain the books and registers and submit reports prescribed under these rules; and
 - (g) Subject to the provisions of these rules, carry out the instructions of the Court in regard to any probationers placed by the Court under his supervision.
- 11. No uniform or distinctive badge shall be worn by a Probation Officer.**
- 12. (1) The Officer-in-Charge or such other officer of the Probation Department as the Officer-in-Charge may authorize in this behalf, shall forward to every District Magistrate the**

¹ Vide Government of the Punjab Notification No. SO(R&P)10(18)/87-Dir.Vol.II dated 6th May, 1992

name, address and headquarters of every Probation Officer appointed for or in his District, and shall without delay inform the District Magistrate when any person ceases or is about to cease to be a Probation Officer within the District or proceeds on leave other than casual leave.

(2) The District Magistrate shall communicate to every Court in his District having jurisdiction under the Ordinance, the information received by him under sub-rule (1).

13. A Probation Officer may, with the permission of the appropriate Court, inspect any judicial record in which any probationer under his charge was a party, and take notes from such record, but shall in no case communicate the contents thereof to any person, save with the permission of that Court or the Officer-in-Charge.

14. (1) Every Probation Officer shall maintain-

- (a) a register of Probationers in Form-A, which shall be kept in his office under his custody;
- (b) a diary on yearly basis, in which shall be recorded from day to day such matters as his visits to, and meetings with, the probationers under his supervision and their sureties, the work done by him for the betterment of the probationers and his observations with regard to their conduct and employment;
- (c) a book in which separate pages shall be allotted to each probationer under his supervision wherein he shall from time to time make entries regarding the progress or otherwise made by the probationers under his charge; and
- (d) such other records as the Government or the Officer-in-Charge may direct.

(2) The records required to be maintained under this rule shall be preserved for a period of ten years from the date of the last entry borne thereon.

(3) Entries in the registers prescribed under clause(a) of sub-rule (1) shall be initialed by the Presiding Officers of the Court passing the probation order:

Provided that where the Court passing the probation order is the High Court, it may direct the District Magistrate to initial such entries.

(4) The diary and the book prescribed under clauses (b) and (c) of sub-rule (1) shall be checked and initialed at least once a month by the Assistant Director.

(5) the diary to be maintained under clause(b) of sub-rule(1) shall be closed on the 31st of December and shall be deposited by the 15th January of the following year as a confidential record with such officer of the Probation Department as the Officer-in-Charge may direct.

(6) The Registers of Probationers and the diaries and books prescribed under clauses (a) and (c) of sub-rule (1) shall, when completed, be deposited in the manner prescribed in sub-rule (5).

15. If a Probation Officer fails to perform the functions and duties- imposed on him by or under these rules or the Ordinance, the Deputy Commissioner or the Court under whom such Probation Officer is working, may report the fact to the Officer-in-Charge, who shall take such action in the matter as he may deem fit and as he may be authorized.

16. Case Committees, their constitution and procedure-(1) these shall be constituted for each District in the province a Case Committee, with the following membership

- (i) The District Magistrate;
- (ii) All First Class Magistrates in the District; and
- (iii) The Assistant Director in-Charge of the District or such other officer of the Probation Department, not below the rank of a Chief Probation Officer as the Assistant Director may nominate in this behalf.

(2) The District Magistrate shall be the Chairman of the Case Committee.

(3) The Assistant Director or the Officer of the Probation Department nominated by him under the provisions of sub- rule (1) as the case may be, shall be the Secretary of the Case Committee.

(4) A Case Committee shall meet at least once in every three months at the Headquarters of the District or at such other place as may be fixed by the Chairman.

(5) The Chairman shall preside at the meetings of the Case Committee and in the absence of the Chairman, the senior most Magistrate present at the meeting shall preside at the meeting.

(6) The quorum necessary for the transaction of business at a meeting of a Case Committee comprising less than six members shall be two and for a committee comprising more than six members shall be one-third of its total number.

(7) The Secretary shall record the minutes of the proceedings of the meetings of the Case Committee, which shall be signed by the person presiding at the meeting, and shall be submitted, for approval at the following meeting of the Committee.

(8) Probation Officers dealing with cases to be considered by a Case Committee may be required by the Committee to attend its meetings at which such cases are to be considered, and if so required, they shall attend such meetings and give such information to the Committee as the Committee may require.

(9) Subject to the provisions of this rule, a Case Committee may regulate own procedure.

17. Case Committees shall.-

- (i) function as advisory bodies in respect of the case work within their respective District, and shall exercise general guidance over such work;
- (ii) receive and consider written or oral reports from the Probation Officers for or in the areas within their jurisdiction concerning probationers, and discuss with such Probation Officers the progress of the probationers placed under the supervision of such officers; and
- (iii) make such recommendations or communications concerning any probationers residing in the area under their jurisdiction, or require a Probation Officer to make, in respect of any such probationer, such communication to the Court which passed the Probation Order in respect of such communication, to the Court which passed the probation order in respect of such probationer, as the Case Committee thinks necessary.

18. Where a Court proposes to make a probation order.- (1) it shall require a Probation Officer, within such period as the Court may fix, to make preliminary enquiries as regards the character, antecedents, home surroundings and other matters of like nature of the offender; and the Court may postpone the passing of the final orders in the case until the Probation Officer has submitted his report.

(2) A Court requiring a Probation Officer to make enquires under sub-rule (1) may of its own motion or on the request of the Probation Officer, extend the time fixed by it for submission of the report by the Probation Officer

19. The bond to be executed under Section 4 or Section 5.- shall be in Form B or Form C as the case may be.

20. The probation order under section 6 shall in form D.-

21. A Court making a probation order shall.- (1) without payment of costs furnish to the Officer-in-Charge, the Probation Officer, the person in respect of whom the order is made and his sureties, if any, a copy of such order and shall also furnish to the Probation Officer a copy of the bond executed by the probationer and his sureties, if any, and copies of such proceedings relating to the probationer as the Court may deem fit.

(2) The conditions to be specified in a probation order or a bond executed under section 5, shall generally be such as will tend to the moral and social progress and development of the probationer.

22. Where a Court decides to place an offender on probation under section 5.- (1) it shall entrust the offender to the charge of the Probation Officer;

(2) If the Probation Officer be not present in the Court when an order of Probation is made by the Court, the Court shall issue a notice to the Probation Officer to attend the Court on a specified date and take charge of the offender, and in the meanwhile, the Court may either direct the offender to be kept in custody or may grant him bail, with or without sureties and in such amount as the Court, in the circumstances of the case, may deem fit.

(3) No females offender shall be placed under the supervision of a male Probation Officer.

23. A Court passing a probation order may require the Probation Officer to submit reports.- to it from time to time on the conduct and mode of life of the Probationer, and the Probation Officer shall comply with such order.

24. A Probation Officer shall, without unnecessary delay, report to his immediate superior.- any failure on the part of a probationer placed under his supervision, to observe any conditions of the bond executed by such probationer, and such superior officer shall, after making such personal enquiries into the matter, as the circumstances of the case may require forward the report of the Probation Officer with his remarks to the Court making the probation order.

25. Before the 31st of March of every year.- (1) the District Magistrate shall forward to the Officer-in-Charge a report for the preceding calendar year on the working of the Ordinance in his District.

(2) The report shall make special mention of the conduct in general of the probationers residing in the District; and the work in general of the Probation Officer appointed for or in the District.

26. Before the 1st of May of every year, the Officer-in-Charge.-shall submit to Government a report for the previous calendar year on the working of the Ordinance in the Province.

(FORM-A)

REGISTER OF OFFENDERS

(See Rules 14 of the West Pakistan Probation of Offenders Rules, 1961)

Name of the Probation Officer _____

Area for which _____ appointed _____

NoSr	Name, father's name, case, and religion of the probationer	Place of residence	Marks of identification	Offence for which tried.	Particulars of the court which tried probationer. Case number and date of final disposal of case by the court.	Period for which he is placed on probation.	Names and addresses of the sureties.	Date of expiry of the period of probation.	Initials of the District Magistrate the Magistrate passing the probation order.	Remarks.
1	2	3	4	5	6	7	8	9	10	11

FORM B

**BOND BY A PROBATIONER TO KEEP THE PEACE AND TO BE OF GOOD BEHAVIOUR
(See Rules 19 of the Probation of Offenders Rules, 1961)**

WHEREAS, I (name) _____ son of _____

Caste _____ religion _____

Inhabitant of (place) _____ District _____

Have been ordered to be released under section 4 of the Probation of Offenders Ordinance, 1960 by the court of _____ on the condition of my entering into a bond to appear and receive sentence when called upon during a period of _____ hereinafter referred to as the said period;

I hereby bind himself—

- (1) to appear and receive sentence when called upon to do so during the said period;
- (2) not to commit any breach of the peace or do any act that may occasion a breach of the peace; and.
- (3) to be of good behavior in all respect during the said period.

In case of my making default therein, I hereby bind myself to forfeit to the Government the Sum of Rupees _____

Dated this _____ day of _____ 20____.

Signature _____

(When a bond with sureties is to be executed) Add—

We _____ and _____

do hereby declare ourselves as sureties for the above named _____

_____ son of _____ of _____

_____ and undertake

- (a) that he will appear and receive sentence when called upon to do so during the said period;
- (b) that he will not commit any breach of the peace or do any act that may occasion a breach of the peace; and
- (c) that he will be of good behavior in all other respects during the said period.

In case of his making default therein we bind ourselves, jointly and severally, to forfeit to the Government a sum of rupees _____

Dated this _____ day of _____
____20____>

Signature and full address of sureties

(FORM C)
BY A PROBATIONER TO OBSERVE THE CONDITIONS OF A
PROBATION ORDER
(See Rules 19 of the Probation of Offenders Rules, 1961)

WHEREAS I (name) _____ son of _____

Caste _____ religion _____

Inhabitant of (place) _____

Tehsil/Taluka _____ District _____

Have been ordered to be released by the Court of _____

on the condition of my entering in to a bond to observe the conditions specified in the probation order make in respect of me by the court, during a period of _____
_____ hereinafter referred to as the said period;

I hereby bind myself as follows:--

(a) that I shall faithfully fulfill the said conditions;

(b) that I shall during the said period—

- i. Submit myself to the supervision of the Probation Officer appointed by the court in this behalf.;
- ii. keep the probation officer informed of my place of residence and means of livelihood;
- iii. live honestly and peacefully and endeavour to earn an honest livelihood;
- iv. abstain from taking intoxicants;
- v. appear and receive sentence whenever called upon to do so;
- vi. be of good behavior; and
- vii. carry out all such directions as may, from time to time, be given by the Probation Officer; either verbally or in writing, for the due observance of the conditions mentioned above;

(c) that I shall not during the said period—

- i. leave the District of _____ or the area specified in the probation order without the written permission of the probation officer or of any other officer appointed by the Court in this behalf;
- ii. associate with bad characters or lead a dissolute life;

- iii. commit any offence punishable by any law inforce in West Pakistan; or
- iv. Commit any breach of the peace or do any act that may occasion a breach of peace.

In case of my making default in any of the above conditions, I hereby bind myself to forfeit to the Government of West Pakistan, the sum of Rupees _____

in addition to any other sentence as may be ordered by the Court.

Dated this _____ day of _____ 20__.

Signature _____

(Where bond with sureties is to be executed) add—

We _____ and _____
do hereby declare ourselves as sureties for the above named _____

son of _____ of _____

and under take—

- (a) that he will appear and receive sentence when called upon to do so during the said period;
- (b) that he will not commit any breach of the peace or do any act that may occasion a breach of the peace; and
- (c) that he will be of good behavior in all other respects during the said period.

In case of his making default therein we bind ourselves, jointly and severally to forfeit to the Government of West Pakistan a sum of rupees _____

Dated this _____ day of _____ 20__

Signature and full address of sureties

FORM -D

PROBATION ORDER

(See Rule 20 of the West Pakistan Probation of Offenders Rules, 1961)

IN THE COURT OF _____

THE STATE

Versus

_____ Accused.

WHEREAS, _____ Son of _____
Caste _____ religion _____ resident of _____
_____ Police Station _____

District _____ who appears to the court to be of

_____ Years of age, has been found guilty of an offence _____

_____ (State description of
offence)

Under section _____ of _____

_____ and the court is satisfied that it is expedient to deal with the
offender under section 5 of the Probation of Offenders Ordinance(Ordinance No.XLV of
1960);

AND WHEREAS, the said offender has entered into a bond for rupees _____

*with _____ sureties for a period of _____ years, to commit no
offence and to keep the peace and be of good behavior during the period of the bond
and to appear and receive sentence if called upon to do so during that period.

It is hereby ordered that the said offender be placed on probation and kept under
the supervision of a Probation Officer for a period of _____ expiring on
the

_____ day of _____ 20 subject to the following
conditions, namely:--

- (a) that the said offender shall abide by the conditions of the bond executed by him;
- (b) that he shall reside within the limits as specified in the bond, and shall not leave
such limits without the permission of the probation officer, and

** (c)

Dated this _____ day of _____ 20.

**Signature of the Judge or
Magistrate**

* to be struck off if no surety is taken.

** (Here the Court may enter any other condition which it may consider fit to impose for preventing the repetition of the same offence or the commission of the other offences by the offender)

10 DRP—2000—1961 SGPWP Lahore.

