

**The Tripura Probation of Offenders Rules,
1960.**

APPENDIX 23

TRIPURA

To the State of Tripura Central Act 20 of 1958 is applicable

THE TRIPURA PROBATION OF OFFENDERS RULES, 1960

TRIPURA ADMINISTRATION

JAIL DEPARTMENT

No. F. 9 (3)-Jail/58, dated 27th April, 1960.—In exercise of the powers conferred by Sec. 17 of the Probation of Offenders Act, 1958 (20 of 1958), read with the notification of the Government of India in the Ministry of Home Affairs No. 7/1/58-P-IV, dated 20th September, 1958, the Chief Commissioner of Tripura hereby makes, with the approval of the Central Government, the following rules, the same having been previously published as required by sub-section (3) of the said section :

I. Preliminary

1. (1) These rules may be called the Tripura Probation of Offenders Rules, 1960.

(2) They shall apply to whole of Tripura.

(3) In these rules, unless the context otherwise requires,—

(a) "Tripura" means the Union Territory of Tripura ;

(b) "Chief Commissioner" means the "Chief Commissioner of Tripura" ;

(c) "District Magistrate" means the District Magistrate of Tripura ;

(d) "form" means a form appended to these rules ;

(e) "Inspector-General" means the Inspector-General of Prisons, Tripura ;

(f) "probationer" means an offender on probation of good conduct under the Act whether or not a supervision order has been made by the court in respect of him ;

(g) "probationer under supervision" means a probationer in respect of whom a supervision order under the Act has been made by the court ;

(h) "section" means a section of the Act ;

(i) "Act" means the Probation of Offenders Act, 1958 (20 of 1958).

II. Appointment, Jurisdiction and Departmental Control of Probation Officers

2. (1) The number of probation officers appointed by the Chief Commissioner under Cl. (a) of sub-section (1) of Sec. 13 shall be such as the Chief Commissioner may fix from time to time.

(2) The Superintendent, Central Jail, Agartala, will act as Chief Probation Officer in addition to his own duties.

3. Subject to the provisions of the Act, the Chief Probation Officers and other probation officers shall be under the departmental control of the Inspector-General.

4. The headquarters of a probation officer appointed by the Chief Commissioner shall ordinarily be such place as may be specified in that behalf by the Chief Commissioner but the Inspector-General may, in consultation with the District Magistrate, fix any place as the headquarters of a probation officer. The jurisdiction of such probation officer shall cover the whole of the place in which he is posted, or any other place specified for the purpose by the Inspector-General with the approval of the Chief Commissioner. The headquarters of a female probation officer appointed by the Chief Commissioner shall be fixed by the Inspector-General and her jurisdiction shall cover such place as the Inspector-General may specify with the approval of the Chief Commissioner. The posting and transfer of probation officers appointed by the Chief Commissioner shall be made by the Inspector-General.

5. Every probation officer shall be furnished with an identity card as nearly as possible, in Form I, which shall be returned to the Inspector-General when the probation officer is placed under suspension or ceases to hold office.

6. A probation officer shall not unnecessarily disclose his identity or functions to those with whom he may come in contact in the course of his duties.

7. A probation officer shall not wear any badge distinctive of his office.

8. The Inspector-General shall, as soon as possible, give notice to all courts concerned, if any person ceases or is about to cease to be a probation officer or when a probation officer is placed under suspension.

9. The Inspector-General shall prepare and submit an annual report to the Chief Commissioner on the working of the system of probation. Such report shall contain, *inter alia*, the following particulars, namely, :

(a) The number of probation officers employed in Tripura, showing separately the number of probation officers (i) appointed by the Chief Commissioner, (ii) recognized by the Chief Commissioner, (iii) provided by a society recognized by the Chief Commissioner under Cl. (b) of sub-section (1) of Sec. 13, and (iv) appointed by the court under Cl. (c) of sub-section (1) of Sec. 13 ;

(b) the remuneration and other expenses paid to probation officers and the subsidy to the societies providing probation officers recognized by the Chief Commissioner ;

(c) the number of probationers, showing separately the number of probationers under supervision ;

(d) the number of cases which have been dealt with (i) under Sec. 8, and (ii) under Sec. 9 ;

(e) account of expenses incurred in connection with the working of the system of probation ; and

(f) such other particulars as may be directed by the Chief Commissioner to be supplied from time to time by order made in this behalf.

10. The Inspector-General may grant casual leave to the Chief Probation Officer and the District Magistrate may grant casual leave to other probation officers appointed by the Chief Commissioner under intimation to the Chief Probation Officer. The Inspector-General may grant other kinds of leave to the Chief Probation Officer, or any other probation officer on application made by the Chief Probation Officer, or by the probation officer through the District Magistrate and the Chief Probation Officer, as the case may be. In all cases the courts concerned shall be informed.

III. Duties of Probation Officers

CHIEF PROBATION OFFICERS

11. Subject to the control of the Inspector-General, the Chief Probation Officer shall departmentally supervise and be responsible for the due performance of the work of probation officers.

12. The Chief Probation Officer shall meet every probation officer periodically and shall examine the case records as far as practicable. In particular, he shall pay attention to the manner in which every probationer under supervision has been looked after generally, number of times he has been met and visited at home by a probation officer in office or in his place of employment, the nature of the work in which the probationer is employed, the manner in which his family and other difficulties have been handled, how he spends his leisure, who his associates are and what his earnings and savings are.

13. In carrying out his duties, the Chief Probation Officer shall have regard to the following matters, namely :

He shall see that the probation officers work properly and exercise their influence for the rehabilitation and reformation of probationers. He shall also issue necessary orders to this end and ensure that his orders are carried out. He shall endeavour to make his inspection helpful and shall not merely look for faults and defects but shall try to help the probation officers by giving them the benefit of his greater experience and wider view of life.

14. The Chief Probation Officer shall submit to the Inspector-General half-yearly, in January and July, reports on the work and conduct of probation officer during the half-year immediately preceding the date of the report and such other reports and particulars as may be called for by the Inspector-General from time to time.

GENERAL DUTIES OF THE PROBATION OFFICERS

15. Probation officers shall, in the exercise of their duties under the Act, comply with all orders passed by the Court and be subject to control of the District Magistrate as provided in sub-section (3) of Sec. 13.

16. Probation officers shall not divulge any information concerning their enquiries or work of probation to any person other than the authorities to whom they are required to report, except in so far as it is necessary to do so in the interest of the probationer.

17. A probation officer shall, before making any application under this Act to the Court in respect of probationer, inform the Chief Probation Officer and the District Magistrate and keep them apprised of the result of the application.

CHANGE OF RESIDENCE

18. (1) Where a probationer under supervision, consistent with the conditions of the supervision order, changes or proposes to change his place of residence and the place of such residence is outside the jurisdiction of the probation officer, he shall obtain the permission of—

(a) the probation officer, if the period of such stay does not exceed a fortnight ;

(b) the District Magistrate on the recommendation of the probation officer, if such period exceeds a fortnight but does not exceed three months ; or

(c) the Court on application made through the probation officer, if such period exceeds three months.

(2) Where the period of stay referred to in sub-rule (1) exceeds a fortnight, the probationer shall be required to report to a probation officer having jurisdiction in the changed place of residence on or before a date specified by the District Magistrate or the court.

(3) The probation officer in the changed place of residence shall send to the original probation officer a report of the arrival of the probationer and send copies of the reports and such other reports as may be required by the Chief Probation Officer to the District Magistrate, or District Magistrates concerned and to the Chief Probation Officer.

(4) Where the period of stay referred to in sub-rule (1) exceeds one month a new probation officer may be appointed under Sec. 13 (2) of the Act by the District Magistrate having jurisdiction over the changed place of residence, or by the Court.

19. Female probationers under supervision shall be placed under the supervision of female probation officer where the services of such officers are available.

Every case, where a female probationer under supervision is placed under the supervision of a male probation officer, shall be reported by the probation officer immediately to the District Magistrate and the Chief Probation Officer.

Comment

It has been provided under this rule that female probationers must be placed under the supervision and control of female probation officer. If the services of such officers are not available, then they can be kept under the male probation officer but the matter must be reported at once to the District Magistrate and the Chief Probation Officer.

20. A probation officer under whose supervision a probationer under supervision is placed shall, by warning and persuasion and by the exercise of personal influence, endeavour to ensure the observance of the conditions of the supervision order by the probationer under supervision.

21. All probation officers shall, subject to any directions given by the court (whether in the supervision order or otherwise, or if so required by the Chief Probation Officer visit the houses of the probationer under supervision. The probation officers shall supplement such visits by making enquiries in the neighbourhood.

22. A probation officer shall keep himself in close touch with every probationer under his supervision and shall, during the first month of probation, meet him as frequently as is necessary. Later the number of visits or meetings shall depend on the conduct and mode of life of the probationer, but shall not normally be less than once a month. The probation officer shall advise and befriend such probationer and, where necessary, endeavour to secure suitable employment for him. He shall also assist him in avoiding the company of undesirable persons and protect him from being harassed by such persons and to this end seek and secure the assistance of public authorities, if necessary.

23. In planning out the course of rehabilitation and reformation for a probationer under his supervision a probation officer shall have regard to the matters referred to under the heading "Circumstances of the case" in Form II. In the case of young probationers under supervision particular attention shall be paid to the family conditions and associations of the probationers.

24. A probation officer shall require every probationer under his supervision to report himself occasionally at the office of the probation officer. The probation officer shall also occasionally visit such probationer at his residence. The time and place of reporting shall be so arranged as not to cause unnecessary hardship to the probationer and to secure proper privacy and to avoid probationers associating with each other.

25. In the case of a probationer under supervision who is a school-going boy or girl, the probation officer shall make enquiries regarding such boy or girl from his or her teacher as to his or her attendance and progress, but the boy or girl shall not be visited in the school premises.

26. In the case of young probationers under supervision who are under sixteen years of age, a probation officer shall endeavour to secure for such probationers membership of some recognized organization for the care and protection of the young, such as, Sunday Schools, Clubs, Associations of Boy Scouts and Girl Guides or other similar associations.

27. A probation officer shall maintain a case record in respect of every probationer placed under his supervision in which shall be recorded every important event and significant change in the behaviour, activities, attitude and association of the probationer during the period of probation. If required by the District Magistrate, the probation officer shall maintain a special record in respect of any other probationer dealt with by him under the orders of the District Magistrate.

28. In recording cases, the probation officer shall be objective and factual. The records kept by him shall, as far as practicable, indicate all situations and developments affecting the probationer under his supervision

and such other probationer as may be dealt with by him under the orders of the District Magistrate. The source of information shall be clearly stated.

IV. Reports and Statements by Probation Officers

29. When a probation officer is required to submit a report to the Court whether under the proviso to sub-section (1) of Sec. 4 or sub-section (2) of Sec. 6, then, unless the court directs otherwise, the report shall be, as nearly as possible, in Form II.

30. When an offender is released on probation of good conduct and placed under the supervision of a probation officer by the Court under the Act, the probation officer shall, without delay, send to the Chief Probation Officer a statement as nearly as possible, in Form III containing the particulars of the offender entrusted to him.

31. A probation officer shall report on the conduct and mode of life of a probationer under his supervision and generally on his progress to the court before which such probationer is bound by his bond, in accordance with any directions given by the court. Copies of the report shall also be sent at the same time to the Chief Probation Officer by the probation officer. Report shall be made, unless otherwise directed by the court, once every month; they shall be marked secret and addressed to the presiding officer of the court by name. They shall not be published.

32. If a probationer under supervision fails to observe any of the conditions of the bond and supervision order, and if the failure is not such as can be ignored or if the matter cannot be set right by the personal influence of the probation officer without the intervention of the court, the probation officer shall report the matter to the court before which such probationer is bound by his bond and pray for the court's order. A copy of the report shall also be sent at the same time to the Chief Probation Officer by the probation officer. A copy of the court's order when passed shall also be sent by the probation officer to the Chief Probation Officer.

33. A probation officer shall send to the court and the Chief Probation Officer a final report on the conduct and progress of each probationer under supervision on the termination of the period for which he is placed under supervision.

Comment

It is duty of the probation officer to send the report to the Court and the Chief Probation Officer on the conduct and progress of each probationer. It is mandatory to him to send the final report on the termination of the period for which a particular probationer was placed under his control and supervision.

34. Every probation officer shall submit such reports, statistics and other information to such authorities as may be specified by order of the Chief Commissioner.

35. The Inspector-General or the Chief Probation Officer may, at any time, call for a special report on any probationer under supervision from the probation officer concerned.

V. Records

36. Every probation officer shall maintain the following records, namely :

(1) A diary showing his day-to-day work including preliminary enquiries, attendance at courts, visits to probationers under supervision, contact made in connection with probation and other duties. A copy of the diary shall be submitted to the Chief Probation Officer every week. The diary shall be closed on the 31st December each year and deposited as a confidential record in the office of the Chief Probation Officer ;

(2) separate files in respect of each probationer under supervision containing a history-sheet for each recording all important events during the period of his probation and reports including copies of preliminary report submitted by him and orders passed by the court during the period of probation. If in case such a probationer is permitted by the court to live in another place, the file relating to him shall be transferred to the probation officer concerned of the other place and a report sent to the Chief Probation Officer ;

(3) an index card and chronological record in respect of every probationer under his supervision as nearly as possible in Form IV ; and

(4) such other records as may be directed by the Inspector-General from time to time.

37. The District Magistrate or any other officer, not below the rank of an Additional Sub-Divisional Magistrate, duly authorized by him, may inspect the work of any probation officer and any record in the office of the probation officer working within his jurisdiction.

38. After the expiry of the period of probation, the history-sheet shall be maintained in the office of the District Magistrate and in the office of the Inspector-General. The history-sheets, index card and chronological record shall be maintained as "B" class records and preserved for twelve years. Other records mentioned in rule 36 shall be preserved for three years.

39. A probation officer may, for due discharge of his duties, apply to the appropriate court having assets to the records of his cases and also cases dealt with under sub-section (1) of Sec. 4. He may also ask for permission to take notes or copies of the recorded particulars and reports relating to his cases for use in the performance of his duties. Where such permission is granted, he shall, in no circumstances, communicate the contents of the records to any other person without the specified sanction of the court.

VI. Miscellaneous

40. Unless the court orders otherwise, the bond referred to in sub-section (1) of Sec. 4 to be entered into by an offender ordered to be released on probation shall be as nearly as possible in Form V and the bond referred to in sub-section (3) of Sec. 4 to be entered into by an offender placed under supervision shall be as nearly as possible in Form VI.

FORM I

[See rule 5]

(Front Cover)

TRIPURA ADMINISTRATION
PRISONS DIRECTORATE
IDENTIFY CARD

(Back Cover)

INSTRUCTIONS

1. This card is meant for establishing the identity of the holder as a probation officer.
2. The holder shall keep the card in his personal custody and shall be responsible for the safe custody thereof. Any loss or subsequent recovery of this card must be reported immediately to the Inspector-General of Prisons, Tripura.
3. This card shall be returned to the Inspector-General of Prisons, Tripura, when the holder ceases to hold office or placed under suspension.
4. Disciplinary action will be taken against the holder if the card is misused in any way.

(Inside)

Serial No.....
(Machine numbered)
Issued to Probation Officer

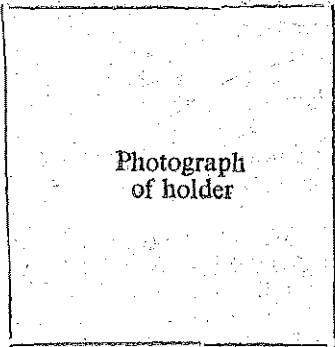
Sri/Smt.....
(in Block letters)

(Signature).....

*Inspector-General of Prisons,
Tripura.*

Date.....

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(Photograph to be embossed by the seal of the Tripura Administration).

Full signature of the holder.....

Date.....

FORM II

(See rules 23 and 29)

Report to the Court

Serial No.....under the Tripura Probation of Offenders Rules, 1960

In the Court of the.....Magistrate

.....(Place).....(District)

C. C. No.....of 19.....Date of hearing.....

*Offence ;

State.....(Police Station).....Crime No.....19.....

**Name of offender.....

Address (Place of residence)

CIRCUMSTANCES OF THE CASE

Age :

Sex and religion :

Behaviour and habits (moral, recreational, etc.) :

Temperament (outstanding character and personality traits) :

Physical and mental history and present condition :

Leisure time activities :

School record and report of teachers, if available :

Employment history :

Present occupation and wages (give also conditions of labour, leisure, etc.) :

Report of employer, if any :

Associates :

Contact with social and religious organizations, if any.

Home conditions :

Family history of :

Father :

Mother :

Step-father :

Step-mother ;

Brothers :

Sisters.:

Wife ;

Children :

*Give section and brief description.

**In block letters.

Other interested relations, if any :

Economic condition of the family :

Any social agencies, institutions or individuals interested in the family :

Report of parents and relations :

Attitude of family towards offender and extent of its influence on offender :

Report of neighbours :

Home surroundings and general outlook :

Previous legal record :

Statement of the present offence and circumstances in which it was committed ;

Offender's own reaction to the offence and his attitude towards possible punishments :

SUMMARY

(a) The factual background of the offender and his environment and the offence ;

(b) Diagnosis (offender's attitude, defects in character or family, motivations and other factors regarded as casual factors for the offences) ;

(c) Prognosis (Treatment considered most suitable and estimates of chances of improvement) ; and

(d) Recommendation (if asked for by court).

Name and address of the probation officer.

Station.....

Date.....

Probation Officer.

Nature of disposal of the case

Date of disposal.....

FORM III
(See rule 33)

No.....19

Statement of persons placed under the supervision of (name).....

.....Probation Officer.....(District).....

(Under rule 30 of the Tripura Probation of Offenders Rules, 1960)

Serial No.	Name of probationer and father's name	Age, religion, etc.	Offence and sentence	Court passing the supervision order and case No.	Date of supervision order and period of supervision	Preliminary report submitted or not*	Employed or unemployed, if employed, nature of employment and wages	Remarks of the probation officer
1	2	3	4	5	6	7	8	9

Station

Date

Probation Officer.

*Note.—Office copy of the preliminary report should be submitted to the C. P. O., along with this statement for perusal and return.

FORM IV

[See rule 36 (3)]

Chronological Record of Persons Placed on Probation

[Under rule 36 (3) of the Tripura Probation of Offenders Rules, 1960]

1	Serial No.
2	Name of the probationer, father's name and address.
3	Sex, age, religion, etc.
4	Offence and sentence (give sentence and brief description of offence)
5	Court passing supervision order and Case No.
6	Date of supervision order and period of supervision
7	Name of probation officer
8	Preliminary enquiry report submitted or not (if submitted, give P. F. No. and date)
9	Name and address of sureties and amount of surety
10	Occupation, if any, and wages, name and address of employer, if any
11	Any variation in the original order of probation and date of such variation
12	*No. of visits paid
13	*No. of visits received
14	*No. of reports submitted
15	*Result of probation and remarks of probation officer, if any
(a)	First year
(b)	Second year
(c)	Third year
(d)	Fourth year
(e)	Fifth year

Subsequent history after completion of probation

16

*To be filled in after the expiry or termination of probation

FORM V

(See rule 40)

[Bond executed under sub-section (1) of Sec. 4 of the Probation of Offenders Act, 1958 (20 of 1958).]

In the Court of.....Magistrate

Case No.....of 19

Whereas I,....., s/d/w/o....., an inhabitant of.....(village/town, P. O. and district) have been found guilty under Sec.....of.....and have been ordered to be released by the said court on condition of my entering into a bond to appear and receive sentence when called upon during a period of.....

I hereby bind myself during such period—

- (1) to appear and receive the sentence when called upon to do so ;
- (2) to keep the peace and not to commit any act that may occasion a breach of the peace ;
- (3) to be of good behaviour.

In the case of my making any default in respect of any of the aforementioned conditions, I hereby bind myself to forfeit to the Administration the sum of Rupees.....

Dated this.....day of.....19

Executed before me.

(Signature).....

Magistrate.

Sureties:

I/We,....., s/d/w/o....., of (village/town, P. O. and district) do hereby declare myself/ourselves for the abovenamed that he will observe the aforementioned conditions in the bond and in case of his making default therein I/we bind myself/ourselves jointly and severally to forfeit to the Administration the sum of Rupees.....

Dated this.....day of.....19

(Signature)

(Signature).....

Executed before me.

Magistrate.

FORM VI

(See rule 40)

[Bond executed under sub-section (4) of Sec. 4 of the Probation of Offenders Act, 1958 (20 of 1958).]

In the Court of.....Magistrate

Case No.....of 19

Whereas I,....., s/d/w/o....., an inhabitant of.....(village/town, P. O.

and district) have been found guilty under Sec.....
.....of.....and have been required
by the said Court to enter into a bond to observe the conditions specified in
the supervision order passed in my case and such additional conditions as the
Court thinks fit to impose.

I hereby bind myself as follows during the period of..... :

- (1) That I shall remain under the supervision of the probation officer named in the supervision order or of any other probation officer appointed in his place ;
- (2) that I shall observe the conditions specified in the supervision order passed in my case ;
- (3) that I shall observe the following conditions, namely :

In the case of my making any default in respect of any of the afore-mentioned conditions, I hereby bind myself to forfeit to the Administration the sum of Rupees

Dated this.....day of.....19 .

(Signature).....

(Signature).....

Executed before me.

Magistrate.

Sureties :

I/We,, s/d/w/o....., of (village/town, P. O. and district) do hereby declare myself/ourselves for the abovenamed that he will observe the aforementioned conditions in the bond and in case of his making default therein I/we bind myself/ourselves jointly and severally to forfeit to the Administration the sum of Rupees.....

Dated this.....day of.....19 .

(Signature).....

(Signature).....

Executed before me.

Magistrate.