

4. Bangladesh Probation of Offenders Rules, 1971.

LABOUR AND SOCIAL WELFARE DEPARTMENT

NOTIFICATION

No. S-IV/2R-7/71/470—24th November 1971—In exercise of the power conferred by section 14 of the Probation of Offenders Ordinance, 1960 (Ordinance No. XLV of 1960), the Governor is pleased to make the following Rules, namely:—

THE BANGLADESH PROBATION OF OFFENDERS RULES, 1971.

1. **Short title and commencement**—(1) These rules may be called as the Bangladesh Probation of Offenders Rules, 1971.

(2) They shall come into force at once.

2. **Definitions**—In these rules, unless there is anything repugnant in the subject or context,—

(a) "Form" Means a form appended to these rules :

(b) "Ordinance" means the Probation of Offenders Ordinance, 1960 (Ordinance No. XLV of 1960);

(c) "Probationer" means a person in respect of whom a probation order has been made by a Court under section 5 of the Ordinance.

3. **Qualifications of Probation Officer**—No person shall be appointed as probation officer unless—

(a) he is more than 20 years and less than 30 years or age at the time of his first appointment as Probation Officer.

(b) he is an Honours graduate in Social Welfare or Social Work or an M. A. in Social Welfare or Social Work from a recognised University;

(c) he possesses a good character and is in good mental and physical health :

(d) He is a citizen of Bangladesh and a permanent resident of Bangladesh, or domiciled therein.

4. **Duties of Probation Officer**—(a) A probation officer shall perform his duties within such local area or in respect of such cases or class of cases of probationers as may be specified by the Director.

(b) A probation officer shall—

(i) 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 warning, endeavour to ensure the observance thereof by the probationer;

- (ii) in the first two months of probation, meet the probationer at least once in a fortnight, and thereafter, subject to the probation order or any general or special order of the Director keep in close touch with the probationer, meet him frequently, make enquiries into his conduct, mode of life and environment, and wherever practicable, visit his home from time to time;
- (iii) If any probationer under his charge be out of employment, endeavour to find suitable employment for him and assist, befriend and advise him and strive to improve his conduct and general condition of living;
- (iv) Encourage every probationer placed under his supervision to make use of any recognised 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;
- (v) Where a probationer under his supervision, who has executed a bond with sureties under section 5, is found to have committed breach of the terms of his bond or to have otherwise misconducted himself, bring such breach or misconduct to the notice of the Court and the probationer's Sureties;
- (vi) maintain the books and registers and submit reports prescribed under these rules; and
- (vii) subject to the provisions of these rules, carry out the instruction of the Court in regard to any probationer placed by the Court under his supervision.

5. Registers, diary, etc.—(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 an yearly basis in which shall be recorded from day to day such matters as his visit 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 case file for each probationer under his supervision wherein he shall keep an accurate and dated record of all contacts and interviews with the probationer and his families or other persons related to the case and copies of all correspondences and reports related to the case; and
- (d) such other records as the Provincial Government or the Director 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) The diary and the case files prescribed under clauses (b) and (c) of sub-rule (1) shall be checked and initialled at least once in a month by the Director or such officer as may be authorised by the Director in this behalf.

6. Resignation and Removal of Probation Officer—(a) A Probation Officer can resign from his service by giving one month's notice to the Provincial Government.

(b) A probation Officer may be removed from service on the grounds as mentioned, and following the procedure as laid down in the East Pakistan Government Servants (Efficiency and Discipline) Rules, 1960.

7. Information to District Magistrate—(1) The Director shall forward to every Court empowered to exercise power under the Ordinance the name, address and headquarters of every probation officer within its jurisdiction and shall without delay inform it when any person ceases or is about to cease to be a probation officer within its jurisdiction or proceeds on leave other than casual leave.

8. Inspection of judicial record—The 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 the Court.

9. Remuneration—A probation officer shall be appointed on the pay scale of Rs.350—20—450—25—650 per month.

10. Copies—(1) A Court making a probation order shall, without payment of costs, furnish to the probation officer, the probationer 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 proceeding, relating to the probationer as the Court may deem fit.

11. Entrusting offender to the charge of the probation officer—(1) Where a Court decides to place an offender on probation under section 5, it shall entrust the offender to the charge of the probation officer.

(2) If the probation officer is 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.

(3) No female offender shall be placed under the supervision of a male probation officer.

12. Report by probation officer to Court—A probation officer shall, without unnecessary delay, report to the Court any failure on the part of a probationer placed under his supervision to observe any condition of the bond executed by such probationer.

13. Report by the Director to the Government—Before the 1st day of May of every year, the Director shall submit to the Government a report for the previous calendar year on the working of the Ordinance in the country.

Appendix

FORM A.

PROBATION REGISTER

(Card) Case No. P/.....

Probation Officer..... Probation Area.....

Probationer..... son of.....

Permanent address.....

Current address.....

Religion..... Age..... Relatives.....

Charged with..... on..... wife.....

Place..... Children.....

Probation Order issued on..... Period.....

Conditions of Bond.....

Names and Addresses of Sureties.....

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Date of expiry of Probation Order..... Final Report.....

Date of Probation Order invalidated..... Reason and Authority.....

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Sentence: Date..... Penalty..... Institution.....

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