

THE PUNJAB PROBATION AND PAROLE SERVICE ACT 2019

(Act XXXVI of 2019)

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THE PUNJAB PROBATION AND PAROLE SERVICE ACT 2019

ACT XXXVI OF 2019

[31st December 2019]

An Act to establish the Punjab Probation and Parole Service in the Punjab.

It is expedient to establish an effective and efficient probation and parole Service for assessing and managing offenders who have been or may be sent on probation or parole and for better coordination in the criminal justice system and for matters connected therewith or incidental thereto.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. **Short title, extent and commencement.** – (1) This Act may be cited as the Punjab Probation and Parole Service Act 2019.
(2) It extends to whole of the Punjab.
(3) It shall come into force at once.
2. **Definition.** – In the Act unless the context provides otherwise:
 - (a) “Act” means the Punjab Probation and Parole Service Act 2019;
 - (b) “Director General” means the Director General appointed under section 7 of the Act;
 - (c) “Government” means Government of the Punjab;
 - (d) “offender” means a person who has been convicted of an offence;
 - (e) “Parole” means release of a prisoner from imprisonment before the full sentence has been served in accordance with the provisions of section 2 of the Good Conduct Prisoners Probational Release Act, 1926;
 - (f) “prescribed” means prescribed by rules made under the Act;
 - (g) “Probation” means release of a convicted person through a probation order passed under the provisions of the Probation of Offenders Ordinance, 1960;
 - (h) “rules” means the rules made under the Act; and
 - (i) “Service” means the Punjab Probation and Parole Service.
3. **Constitution of Service.** – (1) The Government shall establish and maintain a Service to be called the Punjab Probation and Parole Service.
(2) The Service shall consist of a Director General and such number of officers and staff as the Government may prescribe.
4. **Superintendence.** – The superintendence of the Service shall vest in the Government and such superintendence shall be exercised in accordance with law.
5. **Government to determine priorities.** – The Government shall determine:
 - (a) the priorities of the Service; and
 - (b) the indicators against which the Service shall report.
6. **Board of Management.** – (1) There shall be a Board of Management consisting of the following:
 - (a) Additional Chief Secretary (Home) - Chairperson;
 - (b) Director General;
 - (c) two Directors of the Service; and
 - (d) four independent members including at least one female member to be appointed by the Government having expertise in relevant field in the prescribed manner who shall provide independent and professional advice.

- (2) The Board shall be responsible for:
 - (a) setting the vision of the Service;
 - (b) financial and human resource management: scrutiny of the allocation of financial and human resources; ensuring organizational design supports strategic objectives; ensuring controls are in place to manage risk including risk of inappropriate behavior; ensuring value for money;
 - (c) talent management: ensuring the Service has the people to deliver its mandate; and
 - (d) performance management: agreeing a business plan; monitoring and steering performance against a plan; scrutinizing performance and setting values; ensuring clear, consistent of and comparable performance; ensuring controls are in place on illegal and unethical behavior or conduct.

7. Director General. – (1) The Service shall be headed by a Director General who shall be appointed by the Chief Minister of the Punjab and shall have such qualification and experience as may be prescribed and until so prescribed as may be specified by the Government.

(2) The Director General shall be the officer-in-charge within the meaning of the Probation of Offenders Ordinance, 1960 (*XLV of 1960*) and the Director Reclamation and Probation within the meaning of the Good Conduct Prisoners' Probational Release Rules, 1927.

8. Functions and responsibilities of the Service. – (1) The Service shall be responsible for:

- (a) assessing the risks and needs of offenders;
 - (b) creating plans for working with offenders;
 - (c) managing the risk of offenders;
 - (d) maintaining and updating of data regarding offenders managed or evaluated by the Service;
 - (e) ensuring that conditions of release or license are fulfilled; and
 - (f) facilitating rehabilitation of offenders.
- (2) The Service shall also be responsible for setting up and maintaining such rehabilitation facilities as may be prescribed.

9. Probation and Parole Officers. – (1) The Service shall have such number of Probation and Parole officers as may be specified by the Government.

- (2) In addition to any powers or duties conferred by the Act or the rules made thereunder:
- (a) a probation officer shall have the powers and duties of a probation officer as mentioned in the Probation of Offenders Ordinance, 1960 (*XLV of 1960*) or such other law relating to probation of offenders as may be in force; and
 - (b) a parole officer shall have the powers and duties mentioned in the Good Conduct Prisoners' Probational Release Act, 1926 (*X of 1926*) or any other law relating to Probational release for the time being in force.

10. Parole Board. – (1) There shall be a Parole Board consisting of such persons as may be notified by the Government.

- (2) The Parole Board shall perform the following functions:
- (a) consider offenders for parole;
 - (b) recommend the release of such offenders to the Government as may be prescribed;
 - (c) recommend the conditions for offenders released on parole; and
 - (d) consider and determine applications for:
 - (i) variation and discharge of release conditions;
 - (ii) making of confidentiality orders;
 - (iii) imposition of special conditions on offenders; and
 - (iv) interim and final recall from parole.

11. Review. – (1) An offender may within thirty days of a decision of the Parole Board apply to the Parole Board for review.

- (2) The review under subsection (1) shall only be filed on the following grounds:
 - (a) that the decision was passed on the basis of incorrect information; or
 - (b) that the risk of re-offending was assessed in a mechanical manner; or
 - (c) that the decision was not made in accordance with law.
- (3) The Parole Board shall consider the application and where it finds the contentions of the applicant correct, it shall decide the matter again.
- (4) The Parole Board shall also consider the matter afresh whenever so directed by the Government.

12. Maintenance of Systems. – The Service shall at all times maintain the following management systems:

- (a) offender management system to assess the risks and needs of offenders and to create plans for working with them and managing their risk;
- (b) victim notification system to provide for such information as may be prescribed to victims of offences; and
- (c) offenders record management system to maintain information about offenders sent on probation or parole.

13. Certification and training. – The Probation and Parole officers shall undergo such trainings and obtain such certification as may be prescribed and until so prescribed as may be specified by the Government.

14. Annual report. – (1) The Service shall publish, at the beginning of each year, an annual report regarding its performance.

- (2) The report shall contain such information as the Government or the Board of Management may specify; provided that the following information shall always be provided:
 - (a) the number of offenders eligible for parole and probation;
 - (b) the number of offenders granted probation and parole;
 - (c) the number of assessments undertaken;
 - (d) the number of violations detected;
 - (e) the number of parole hearings undertaken; and
 - (f) the number of probation and parole orders revoked.

15. Code of conduct. – (1) The Government shall issue a code of conduct for Probation and Parole officers.

- (2) The Probation and Parole Officers shall act in accordance with the Code of Conduct.

16. Terms and conditions of Service of employees. – Subject to the provisions of the Act, employees of the Service shall be appointed and governed under the provisions of the Punjab Civil Servants Act, 1974 (VIII OF 1974) and the rules made thereunder.

17. Indemnity. – No suit, prosecution or other legal proceedings shall lie against a probation or parole officer in respect of anything done by him in good faith under the Act.

18. Removal of difficulties. – The Government may by order provide for the removal of any difficulty which may arise in giving effect to the provisions of the Act.

19. Power to make Rules. – The Government may make rules for carrying into effect the provisions of the Act.

20. Omission. – Section 12 of the Probation of Offenders Ordinance, 1960 (*XLV of 1960*) is hereby omitted in its application to the Province of the Punjab.

21. Conversion. – On commencement of the Act, the Directorate of Reclamation and Probation, Punjab shall stand converted into the Service.

22. Repeal. – The Punjab Probation and Parole Service Ordinance 2019 (*XIII of 2019*) is hereby repealed.