

Exploring Problems and Prospects of Probation Service in Bangladesh: A Qualitative Study

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ABSTRACT

Probation is a legal, non-custodial option that is intended to rehabilitate those whose record is in need of rehabilitation and to alleviate the problem of prison overcrowding. Although there is a legal framework on probation in the Probation of Offenders Ordinance, 1960, and the Children Act, 2013 in Bangladesh, probation is not effectively used in the country due to operational, institutional, and social barriers that hinder both the use of probation and the reintegration of offenders into society. The purpose of this study was to inquire on the following aspects (i) operationalisation of probation law and rules, (ii) capacity and coordination gaps and (iii) possibilities for scaling up probation in Bangladesh. This study applied qualitative approach in which four (04) probationers were selected purposively for case studies and two (02) key informants (legislators and probation officers) were selected for key informant interview. At the same time, the collected data were analysed using NVivo software, thematically. This study findings shows that there are probation laws but the rates are not uniformly applied, especially in cases of adults. There is increased adherence to procedures in juvenile cases and a shortage of staff, heavy workload, lack of training and manual systems on record keeping among DSS officers. Lack of inter-agency coordination, lack of infrastructure and social stigma are further limitations on compliance and reintegration. A number of issues emerge in the experiences of probationers: delays, irregular supervision, and economic barriers. Probationers and stakeholders see the potential of probation to reduce prison population and promote rehabilitation, but face significant challenges. Institutional strengthening, linking them with other non-custodial measures, NGO cooperation and public awareness will be necessary for good scaling up acceptance and implementation. Though the concept of probation is formally accepted in the Bangladeshi law, it is not effective in practice. It can be a viable, rehabilitative, non-custodial justice mechanism with targeted reforms in staffing, training, coordination and community support.

1. Introduction

For Bangladesh, the need to release prisoners in large numbers is a persistent problem because prisons are already far overcrowded – particularly pre-trial

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facilities where the majority of inmates are awaiting resolution of their cases and some have been incarcerated for years (Maysha, 2025; Penal Reform International, 2014). In this crisis, probation, which is one of the non-custodial punishment options available under the Probation of Offenders Ordinance, 1960 (with subsequent rules) and is also supported by the Children Act, 2013, has been very little used to-date, though it has the capacity to be a humane alternative to imprisonment (Alam, 2023). However, recent figures show a slight positive increase in probation activity as 171 offenders were placed on probation in 2017-18, rising to 5,695 in 2022-23 and currently some 11,138 offenders are on probation across the country. But this rise is not an indicator of strengths systemically. Probation officers (64 for 64 districts plus 6 metropolitan areas) are overwhelmed and are responsible for supervising thousands of people with little support (Yeasin, 2025). The shortage of staff, lack of specific funding, inadequate infrastructure and staff training are routinely identified as barriers to probation's expansion and effectiveness (BILIA, 2020).

In addition to its structural constraints, low awareness and entrenched stigma are also barriers to the uptake of probation. Many judges, lawyers and police have little awareness of the potential for probation, or of its rehabilitative efficacy, and the mainstream culture of the judiciary is punitive, especially when sentencing adults convicted of crime (HEER & ATHERTON, 2008). In parallel, civil society groups including BLAST and Penal Reform International have been pushing for reform and the need for increased training and involvement of stakeholders, and a revision of legislation, but the structural momentum has not turned. (BILIA, 2020). However, there are signs of momentum building, thanks to increased awareness of the role of probation. The government is working on Probation (Correction and Rehabilitation of Offenders and Convicted Children) Act-2023 to update the antiquated ordinance of 1960 and enhance institutional capabilities (Maysha, 2025). Experts and reform advocates emphasize that probation is in keeping with constitutional principles of proportionality and rehabilitative justice and that Bangladesh is moving towards complying with international standards such as the UN's Tokyo Rules (BDLex, 2024). This study therefore fills a timely void, exploring the implementation of probation laws, uncovering implementation gaps and determining whether probation is a feasible, scalable element of Bangladesh's overall noncustodial approach. In doing so, the research seeks to inform policy reforms which will strengthen capacity, overcome institutional limitations, and begin the process towards the improvement of justice delivery and ultimately rehabilitation.

2. Statement of the Problem

Bangladesh has a formal statutory framework for probation, the Probation of Offenders Ordinance, 1960 and child sensitive provisions under the Children

Act, 2013 in place, which institutionalise Social Inquiry Reports and probation-led interventions for juveniles (BLAST, 2014). Although the laws are the basis of community supervision and after care, they do not necessarily ensure that it is effective in practice (Ali, 2013). Meanwhile, the national prison system is under severe pressure of overcrowding, and highlights the need for policy to increase available viable non-custodial options. Based on international data, Bangladesh has tens of thousands of inmates in prisons, and a very high proportion of the pre-trial detainees who are conditions which are rationale and humane for the consideration of alternatives to imprisonment (World Prison Brief, 2025). However, despite these legal and policy requirements, there is evidence that probation is under-developed and poorly implemented in some jurisdictions, and barely exists in others. Capacity limitations of the Department of Social Services (DSS) are documented in government reviews and in sector reports and include the lack of qualified probation officers, role multiplicity of social service staff and poor budgetary provision for supervision and after-care. These restrictions make it difficult to prepare social inquiry reports, to carry out regular field supervision and to provide meaningful reintegration support (Shiblezzaman, 2024; DSS, 2025).

In addition to staffing shortages, a number of systemic barriers exist that limit the extent to which probation is taken up and are of poor quality. These range from weak inter-agency co-ordination (courts, DSS, police, and NGOs), to non-uniformed training of probation officers in risk assessment and rehabilitation methods, to a lack of a centralised case-management system and to poor transport and counselling systems in the field. The fact that judges are reluctant to use probation and its awareness of rehabilitative outcomes further limits the ability of the probation system to function as a diversionary mechanism, especially for adults (DSS, 2025). Institutional weaknesses are compounded by social and community-level factors. Stigma against persons under supervision, low support for livelihood and vocational activities and cost of reporting requirements make compliance challenging for a lot of probationers and reduce sustainable reintegration. Civil society actors have started to provide some encouraging supports but partnerships are informal and not institutionalised (Shiblezzaman, 2024).

These gaps—legal-in-practice, institutional, technical and social—combined create a critical evidence gap: When examining the implementation of probation, what do we know about the implementation of probation laws in practice; how do capacity constraints influence practice; how do probationers and families experience the experience of probation; and what are some pragmatic pathways for expanding probation while preserving public safety? If they lack this bottom-up understanding, reforms could be merely piecemeal and never really take hold. To help address this, this study seeks to bring the realities of probation to light,

document capacity and coordination challenges, and examine the realistically possible scope for probation as a viable, rights-respecting part of Bangladesh's non-custodial strategy.

3. Research Methods

Research Approach & Method

The present study aimed to explore the problems and prospects of probation services in Bangladesh through a qualitative approach to research. A qualitative design was suited to the research since this aimed to: find out the lived experiences of probationers and problems arising in the institutions, and to obtain the views of key stakeholders which is difficult to be measured quantitatively. Case studies and key informant interviews (KIIs) allowed for the detailed study, interpretation and contextualization of probation practice in the country.

Study Area and Location

The study was made in Dhaka city, the policy making, judicial and administrative centre of Bangladesh. The city of Dhaka was selected by purposive sampling for two reasons. One, the Department of Social Services (DSS) probation service is more concentrated in Dhaka, and can be accessed by various types of probationers. Secondly, relevant policy makers, legislators and probation officers are located in Dhaka (making it possible to obtain institutional and legislative information).

Sample Design and Respondents

A purposive sampling strategy was used to select participants that were able to yield information rich cases. There were two groups of respondents,

1. Probationers (Case Studies)-4 (04) probationers were chosen from the DSS records. Selection criteria included those who had served some of their probation sentence and who could provide meaningful feedback on their experiences. Consideration was also given to age differences, type of offense and personal background to assure diversity.
2. Key Informants (KIIs) namely one legislator who is active in the justice and welfare policy making and one probation officer who is directly charged to supervise probationers were interviewed.

These respondents were selected to give institutional and policy level insights to complement the lived experiences of probationers.

Data Collection Tools and Techniques

There were two main methods of data collection:

- **Case Studies:** Life histories and probation experiences were gathered from probationers, following a structured case study protocol. They emphasized struggles, difficulties with compliance, relationship with probation officers and reintegration into the community.
- **Key Informant Interviews:** Opinions of experts (legislator and probation officer) were obtained through semi-structured KII guidelines. Questions centered on the effectiveness of probation laws, institutional arrangements, problems in implementing probation, and the future of probation reform.

The interviews were conducted in person in Dhaka. The participants were informed about the aim of the study and they were assured of confidentiality before data collection and informed consent was obtained.

Data Analysis

To analyze the data thematically, the study used thematic analysis. Codes were both inductive and deductive, with deductive codes as guided by the research objectives and inductive codes as emerging from participant's narratives. The data was coded, retrieved and themed using NVivo software for the rigorous management and analysis of the data. This enabled the identification of themes that included institutional gaps, probationers experiences and policy prospects. A cross-case analysis was also carried out to identify similarities and differences between the cases of probationers.

Ethical Considerations

All procedures in the study were conducted ethically and with the care of the subjects' interests. Pseudonyms have been used to ensure anonymity and personal identifiers have been removed from the data, as probationers are a vulnerable group. Participants were given the option to withdraw at any time. Both verbal and written consent were obtained. The study was conducted with respect, confidentiality and with no harm.

Operational Definitions

Probation

In this study, probation means that the offender, especially the first time and minor offender, is placed under community control in lieu of incarceration by court order. It is operating in Bangladesh under the Probation of Offenders Ordinance, 1960 and the Child Act 2013, of the Department of Social Services

(DSS). Probation is a legal remedy and a community-based strategy for decreasing recidivism and prison overcrowding; it is operational in that probation officers monitor probationers' behavior regularly, probationers are expected to follow certain conditions imposed by the court, and probationers are expected to engage in a rehabilitative process of reform, counselling, and reintegration.

4. Results

The reality of probation laws and rules in operation by courts, allied agencies and the DSS.

There is a formal framework but it is not consistently implemented

The participants noted that the Probation of Offenders Ordinance and Rules, and the provisions of the Children Act give a proper legal framework for probation in Bangladesh; however, the use of probation is not consistent and courts and DSS apply provisions differently based on the nature of the case, judge and capacity of the DSS.

KII participant (Probation Officer) said that *“the law provided the tools and instruments such as Social Inquiry Reports and supervision schedules but, in practice, in some courts, probation was not used for adults because of the time it took to prepare the reports.”*

Case 3 (Probationer) reported, *“I went to court and they told me that I could go into probation, and it took a few weeks for someone from DSS to meet me and when they did the court had set conditions without involving us.”*

Juvenile cases are better handled in terms of adherence to procedures than adult cases are.

Children's cases appeared more procedure compliant: Social Inquiry Reports (SIRs) were requested and more likely to be prepared; court's showed awareness of child sensitive processes. For adults, diversion to probation was limited in criminal cases, despite the law to the contrary.

KII participant (Legislator) sited that *“Courts are more mindful towards young offenders, and magistrates do not routinely ask for a Social Inquiry Report, that is not the case regarding adult offenders.”*

In Case 1 (Young Probationer), they said that *“They had someone come talk to my family and school before the court made a decision, and that it was because I was young.”*

Operational constraints on the DSS: staffing, role-multiplicity, logistics

DSS officers reported limited human resources and competing duties (both probation duties and general social welfare duties), which led to delays in assessments, irregular visits, and limited follow-up after-care.

One officer covers many upazilas and is involved in other welfare programmes as well, said KII participant (Probation Officer), *“home visits are delayed, reports accumulate and follow-up is irregular.”*

Case 4 (Probationer) reported that *“My probation officer said that he was going to come see me once a month, but he only came twice in six months, since he had some other things to do.”*

Lack of coordination and communication between courts and DSS.

Participants noted difficulties with referral processes and lack of consistent information flow: SIR requests were sometimes late; court orders were not always specific about what to do; there was inconsistent feedback to courts on compliance.

“A court order may not have a timeframe or resources, and when given, we do not have a timeframe for compliance that creates friction,” KII participant (Probation Officer) said.

Case 2 (Probationer) showed how *“I did not always know what it was that the court wanted to know about when I came back, nobody told me properly.”*

Institutional Capacity and Coordination Gaps in Delivering Effective Probation Services*Low staffing and high caseloads*

One of the key issues was the lack of probation officers who were dedicated to their case load. Numerous DSS officers hold two jobs: probation and other social services. High caseloads and diminished quality of supervision are a result of this multirole burden.

“It would be impractical to spend the time on each case because there is over 40 probationers here and other DSS cases such as Disability allowance and Widow support too,” said KII participant (Probation Officer).

Case 4 (Probationer) stated *“I was told that my officer looked after many people and that is why he couldn't come every day, he only came to see me from time to time to check I was following the court order.”*

Specialized Training for Probation Officers (limited)

Training for probation officers is sometimes informal and generic, not specific to probation, risk assessment or counselling skills. The officers felt that their training was inadequate to deal with complex behavioural problems, mental health or rehabilitation of probationers.

“When I joined the DSS I had a basic orientation, but no training in probation techniques, sometimes I feel that I'm just learning on the job,” said KII participant (Probation Officer).

Case 2 (Probationer) commented that *“The officer was good, but not how to get the job or solve problems at home.”*

Weak Inter-agency Coordination

DSS, courts, police and NGOs lack coordination and are disjointed. Probation orders are sometimes not received by probation officers and conditions are not always properly conveyed and there is limited cooperation with NGOs for after care.

KII participant (Legislator) explained that *“There is no standing mechanism between the courts and the DSS, the courts and the local police; they are working in isolation. The law is clear.”*

Case 1 (Probationer) explained that *“At first, I didn't even know who my probation officer was. The court did not explain it very well, and a couple of weeks later I was called by someone at DSS.”*

Inadequate Data Systems and Record Keeping

Collection of data and case management are predominantly paper based and there is no central or digital tracking of probationers' progress. This leads to information gaps, duplication and challenges with compliance monitoring and the sharing of information with courts.

KII participant (Probation Officer) commented that *“Records are lost or delayed when a probationer moves to another district (office) – only paper records kept in District offices.”*

Case 3 (Probationer) demonstrated how *“When I transferred to a new location for work, the officer stated that my file was located in the old office, and no one had done anything to check on me for months.”*

Limited resources and infrastructure.

The quality of probation supervision is also limited because of limited budgets, the absence of transport facilities and of special spaces set aside for counselling

of probationers. Probationers are likely to be met by officers who are making use of personal resources.

A KII participant (Probation Officer) commented that *“Sometimes I do my own travelling to go and see probationers in remote areas, DSS doesn't have a dedicated fund for probation supervision.”*

Case 2 (Probationer) responded that *“My officer asked me to visit the DSS office but as it was far away I could not afford to make frequent visits, there was no other solution in the vicinity.”*

Prospects for Scaling Probation as a Core Non-Custodial Sanction to Decongest Prisons and Strengthen Justice Delivery

Recognizing the role of Probation in Decongesting Prisons.

Key informants and probationers agreed that probation is a promising tool for decreasing the overuse of incarceration. Stakeholders stated that probation for short-term offenders and juvenile offenders in particular would be a better alternative to their incarceration.

“If we are to reduce the pressure in our prisons without sacrificing public safety, then we need to expand probation,” said KII participant (Legislator).

Case 1 (Probationer) illustrated that *“If I'd been sent to jail I could have been a bigger pain in the ass, I was lucky to be on probation, I think other people deserve this chance”*.

This process requires strengthening the institutional capacities prior to scaling up.

Scaling probation is considered possible, provided there is sufficient funding by the Department of Social Services (DSS) and courts. The provision of staffing, training and infrastructure is currently inadequate and needs to be improved to avoid burdening the system.

KII participant (Probation Officer) observed that *“Yes, probation can be scaled up, but with the existing manpower there is no possibility. Government has to recruit more probation officers and train them specifically for probation before scaling it up.”*

Case 4 (Probationer) said that *“Sometimes I felt the officer had no time for me. What will happen then if more users get probation, how will they get along without more staff?”*

The ability of integration to a broader range of non-custodial measures.

Probation should not be used by itself, but rather as part of a comprehensive package of alternative, restorative measures that includes community service, diversion, and mediation. Such an approach would be in line with international standards and leave flexibility for courts.

KII participant (Legislator) noticed that *“Scaling probation is part of a bigger picture, we must develop a menu of sanctions, not just prison versus probation. Community service, restorative justice, these should all be options.”*

In case 2 (Probationer), he said *“If there were work programs or training, rather than just reporting, it would be valuable to people like me.”*

Potential for Partnerships with NGOs and Communities

Potential partnerships with community leaders, vocational training centres, and NGOs provide an additional boost to expansion opportunities. These arrangements may offer a probationer after-care support, skill building and reintegration that the probationer officer cannot.

Participant (Probation Officer) mentioned that *“Probation can truly work with the assistance of NGOs for counselling, training and employment, if they are brought in.”*

Case 3 (Probationer) said, *“Probation always accompanies such groups, if it didn't then more people would benefit and that is where one NGO assisted me to join a short training course.”*

Public Awareness and Attitudinal Change is required.

Low awareness and stigma of probation are a major obstacle to scaling probation. Probation is often perceived as a lesser consequence, rather than a program of conditions, by courts, communities, and sometimes families. Increase in awareness is a critical part of acceptance.

Legislator who participated in KII stated that *“Scaling probation will not be possible unless there is a change in the public perception of probation as a credible option rather than a soft option and a change in the thinking of judges, police and the community.”*

Case 4 (Probationer) commented that *“Neighbours still think I'm just a criminal and if probation is extended, society has to change the way they look at us.”*

5. Discussion

This study found that Bangladesh has a law, Probation of Offenders Ordinance, 1960 and Children Act, 2013 that has the scope and authority to implement probation, but this is not done uniformly. Probation is not universally used when it comes to adults, and staff from the Department of Social Services suffer from workload constraints which slows down Social Inquiry Reports (SIRs), and allied agencies, such as the police and NGOs, are underutilized. There was higher procedural compliance for juvenile probation cases compared to the adult probation cases. This aligns with another research that revealed limited institutional capacity and judicial consciousness, which led to weak enforcement of probation (Maysha, 2025). It contrasts with other studies, in which there is good court–probation coordination and NGO participation, which facilitates effective probation practices (Dooris et al., 2013). We found significant capacity constraints: DSS officers are responsible for many things and have high caseloads; there is very little training focusing on probation; data systems are manual and disjointed; and there is limited inter-agency coordination, which leads to problems with effectiveness and follow-up. This is in line with another study by Penal Reform International & BLAST that found similar resource issues, the absence of record-keeping, and agencies working separately to collaborate, making it difficult for probation (BLAST, 2014). This is in keeping with another study that found poor training and logistical support affecting the quality of probation (Shiblezzaman, 2024). Everyone recognized probation as a much-needed resource to help alleviate overcrowding in prisons and to ensure fair and compassionate justice. To scale, however, institutional strengthening (recruitment and training, infrastructure, and collaborations with NGOs) and a larger non-custodial sanction menu plus public awareness to mitigate stigma are necessary. It aligns with another study that calls for expanding probation in tandem with training, partnerships, and public trust to combat overcrowding in prisons (UNODC, 2024). It is in line with another study which recommended realistic institutional changes to have probation as a viable and scalable alternative in Bangladesh's justice system (Ali, 2013).

6. Conclusion

The aim of this study was qualitative in nature which aimed to investigate the issues and future of probation services in Bangladesh. The results show that although both legislation, the Probation of Offenders Ordinance, 1960 and the Children Act, 2013, provide for the law of probation, this system is underutilised, especially in adult cases. Gaps in implementation are large due to weak enforcement, limited judicial awareness, and over-burdened probation officers. The lack of coordination among agencies, poor record keeping, lack of staffing, lack of training and other institutional shortcomings further limit effective

supervision and follow-up. For probationers and their families, probation is more humane than prison and experiences are tainted by social stigma, economic burden and inadequate reintegration assistance. Similar issues were raised by community stakeholders, highlighting the importance of increased state–society linkages. However, the study identifies some opportunities that probation could provide that would address the issues of prison overcrowding, rehabilitation and bring Bangladesh in line with international trends that favour non-custodial sentences. To conclude, probation in Bangladesh is at a turning point and it suffers from a number of issues but there are also glaring solutions. If properly translated into the means of a more fair and efficient justice system, probation can become a central pillar of the system, which can be achieved through targeted measures in regard to capacity development, judicial practice, NGO cooperation, and awareness-raising.

References

- Alam, M. S. (2023). *The probation system of Bangladesh: A legal analysis with special reference to Rajshahi metropolitan area*. *EBAUB Journal of Law*, 3. https://ebaub.ac.bd/journal/ejl/files/vol3/lawjc3_2.pdf
- Ali, I. (2013). *The Children Act 2013: A commentary*. Bangladesh Legal Aid and Services Trust & Penal Reform International. <https://www.blast.org.bd/content/publications/The-Children-Act%202013.pdf>
- BDLex. (2024, September 6). *Overview of the probation system in Bangladesh*. LinkedIn. <https://www.linkedin.com/pulse/overview-probation-system-bangladesh-bdlex-manupatra-bkp5c>
- Bangladesh Institute of Law and International Affairs (BILIA). (2020). *Roundtable on probation as an alternative to imprisonment: Legal framework and current practice*. <https://www.studocu.com/row/document/university-of-chittagong/law-of-evidence/roundtable-on-probation-as-an-alternative-to-imprisonment/114589913>
- Bangladesh Legal Aid and Services Trust (BLAST) & Penal Reform International. (2014). *Development and use of the probation system in Bangladesh*. <https://www.penalreform.org/resource/development-probation-system-bangladesh/>
- Dooris, M., McArt, D., Hurley, M. A., & Baybutt, M. (2013). Probation as a setting for building well-being through integrated service provision: Evaluating an offender health trainer service. *Perspectives in Public Health*, 133(4), 199–206. <https://doi.org/10.1177/1757913913486036>
- Department of Social Services (DSS). (2025). *Probation and aftercare service*. Government of Bangladesh. <https://dss.gov.bd/site/page/18818e8e-76de-40bb-8585-4a91262819c3/Probation-&-After-Care>

- Heer, G., & Atherton, S. (2008). (In)visible barriers: The experience of Asian employees in the probation service. *The Howard Journal of Criminal Justice*, 47(1), 1–17. <https://doi.org/10.1111/j.1468-2311.2008.00502.x>
- Maysha, M. A. (2025, June 18). *Probation for a better tomorrow: A sustainable alternative to imprisonment in pursuit of humane justice in Bangladesh*. *The Asian Age*. <https://dailyasianage.com/news/339021/probation-for-a-better-tomorrow-a-sustainable-alternative-to-imprisonment-in-pursuit-of-humane-justice-in-bangladesh>
- Penal Reform International. (2014, January 24). *Seminar discusses how to increase the use of probation in Bangladesh*. <https://www.penalreform.org/news/seminar-discusses-increase-probation-bangladesh/>
- Shiblezzaman, M. (2024). Existing probation and aftercare services in Bangladesh. *The Journal of Social Development*. <https://jsd-iswr.du.ac.bd/view/24/file>
- United Nations Office on Drugs and Crime (UNODC). (2024). *Bangladesh: Expanding non-custodial alternatives to reduce prison overcrowding*. https://www.unodc.org/southasia/frontpage/2025/February/bangladesh_expanding-non-custodial-alternatives-to-reduce-prison-overcrowding.html
- World Prison Brief. (2025). *Bangladesh*. <https://www.prisonstudies.org/country/bangladesh>
- Yeasin, M. (2025). 70 probation officers in charge of 5,000 offenders on probation. *The Daily Observer*. <https://www.observerbd.com/news/414799>