



Notice for the PhD Viva Voce Examination

Mr Biju Joseph, Registration Number: 2270103, PhD Scholar at the School of Law, CHRIST (Deemed to be University) will defend his PhD thesis at the public viva-voce examination on Wednesday, 08 April 2026 at 10.00 am in Room No. 628, 6th Floor, R&D Block, CHRIST (Deemed to be University), Bengaluru - 560029, Karnataka, India.

Title of the Thesis	:	The Legal Regime on Probation of Offenders in India: A Study with Special Reference to the State of Kerala
Discipline	:	Law
External Examiner - I	:	Dr Aneesh V Pillai Associate Professor School of Legal Studies Cochin University of Science and Technology Kalamassery Kochi - 682022 Kerala
External Examiner - II	:	Dr Kaumudhi Challa Associate Professor Hidayatullah National Law University Sector 40, Uparwara Atal Nagar - Nava Raipur Chhattisgarh - 493661
Supervisor	:	Dr Shilpa M L Assistant Professor School of Law CHRIST (Deemed to be University) Bengaluru - 560029 Karnataka

The members of the Research Advisory Committee of the Scholar, the faculty members of the Department and the School, interested experts and research scholars of all the branches of research are cordially invited to attend this open viva-voce examination.

Place: Bengaluru
Date: 25 March 2026


Registrar (Academics)

ABSTRACT

Modern penology has transitioned from retributive punishment toward rehabilitative justice, positioning the Probation of Offenders Act, 1958 (POA), as a vital non-custodial cornerstone for achieving the UN Sustainable Development Goals (SDGs) and addressing human rights concerns, such as prison overcrowding and public health concerns due to pandemics like COVID-19. This study explores the mandatory provisions of the Probation of Offenders Act (POA). It presents an empirical evaluation of its implementation in Kerala, with a focus on its expanded application from 2016, following the Supreme Court's directive and subsequent reaffirmation that trial courts are duty-bound to consider probation as a sentencing option. By triangulating findings from an empirical survey of 149 stakeholders (including a 100% census of Probation Officers in the state of Kerala and 25% of trial court judges), the study uncovers several deficiencies, including supervision-related, systemic, and structural. The findings highlight a triple deficit: judicial, administrative, and probation service-related, which undermines the Indian constitutional vision. Focusing on the paradox of Kerala, where high literacy rates coexist with a higher prison occupancy rate, the research employs a mixed-methods framework to evaluate judicial discretion and operational capacity. Key findings include inconsistencies where trial courts exhibit diagnostic minimalism, neglecting socio-economic factors, despite surging appellate grant rates and insufficient financial support that renders rehabilitation unsustainable for the needy. A data void persists, characterised by an over-reliance on shadow indicators (the mere absence of recidivism) rather than proactive reintegration metrics. The thesis concludes that the POA remains a symbolic statute that defeats human rights concerns of the Indian Constitution unless revitalised through a reform framework featuring a National Sentencing Policy and an IT-enabled National Probation Service utilising risk-need responsivity (RNR) tools. To address these systemic inequities, the study proposes a multi-pronged strategy that encompasses legal reforms, institutional strengthening, and restorative probationer-centred practices, thereby transitioning India toward an evidence-based, human rights-oriented correctional framework.

Keywords: *Probation of Offenders Act, 1958(POA), Criminal Justice System, Rehabilitation, Judicial Discretion, Probationers, Restorative Justice, Recidivism*

Publications:

1. **Joseph, Biju & Shilpa M. L.**, A Legal Framework of Probation of Offenders in India: An Analysis with Special Reference to Australia and the USA, in *Comparative Law: Unraveling Global Legal Systems* (2024).
2. **Joseph, B. & Shilpa M. L.**, Beyond Incarceration; Optimising Probation Use in India through Legislative Reform and International Best Practices, in *Asian Journal of Human Services* (2025).
3. **Biju Joseph & Shilpa M. L.**, Probation as a Therapeutic Tool: Examining the Medico-Legal Framework for Promoting Offender Reintegration in India, in *Indian Journal of Natural Sciences* (2025).