

- Define the term probation. Discuss conditions for probation.
- probation & parole

## Structure & Functioning alternative to imprisonment

- provincial directorates of Reclamation & Probation  
 ↓ headed by director R & P, assistant directors, prob + parole <sup>deputy dir</sup> officers

## Mandate of directorates

"Kill the crime, not the criminal"

↓ overcrowding

↓ expenditure

Rehabilitate + reintegrate

provincial differ<sup>in</sup> ~~in~~ <sup>distribution of</sup> ~~designate's~~ <sup>of</sup> ~~top~~  
overall functional identical & governed  
 by

- Probation of offenders ordinance XLV of 1960; and West Pakistan Probation of Offender's rules 1961

• The Good conduct prisoners' probational release Act 1926; and Good conduct prisoners' probational rules

• JJSD 2000

to facilitate offender that are seen able to reform & lead a productive life & not become hardened criminals



## Definition → Prob

under = 1960, prob is "suspension of imposition of a sentence of imprisonment or post ponement of final judgement in a court case"

Judicial warrants given to offender for non serious offences to reform himself/herself & commit no offences as well as be subject to additional conditions which may be imposed by court & under supervision & guidance of Prob Officer

Following courts empowered to exercise power; all in section 3

- High court
- court of session
- Judicial magistrate
- any other mag especially empowered

ordinance empowers em → conditions discharge probation

Major clauses section 4 = (1960) has 2 parts:

part 1:

If person convicted of a minor offense (punishable upto 2 yrs), no prior convictions, court can decide NOT to give punishment if certain conditions met



→ age, character, antecedents or physical or mental conditions of offender

- nature of crimes, any conditions & reasons that make person's actions less serious

If court finds probation order not appropriate, may discharge <sup>him</sup> after due admonition (record reason in writing)

or

discharge w conditions that he/she enters into a bond, w or w/o sureties, for committing no offence, usually for 1 yr.

B/f court decides to someone go w conditions, have to explain in simple terms, that if rules broken during conditional release period, they can be punished for original crime

However, most of the time it is section 5 of ordinance under which probation orders are issued

Subsection (1) of section 5 pertains to discretionary powers of court in cases involving male & female offenders specifically it applies to male



offenders whose offences do not fall within specific chapters of Pakistan Penal Code or are not punishable by death or life imprisonment.

For females, provision applies to those convicted of any offence not carrying penalty of death.

The court, under certain circumstances, taking into consideration

nature of offence

character of offender

may opt for "probation order" instead of immediate sentencing. Court must provide written justification for decision.

Crucially, b/f issuing probation order, offender must commit to a set of conditions commonly referred to as "bond"

- refrain from further criminal
- maintain good behaviour.
- be prepared for court if summoned during bond period.

Furthermore, a court can only pass probation order if it is convinced that offender or one of sureties has stable residence + regular employment.



within the local jurisdiction is able to maintain status during bond period.

## clause 2

subsection 2 of sec 5 grants court the authority to specify additional conditions within bond while issuing a prob order eg

- ↳ offenders residence
- ↳ social env
- ↳ abstinence from intoxicants

Addit. conditions designed to facilitate

- supervision of offender
- prevent recurrence of crime
- ~~detor~~ aid offender's rehab as law abiding citizen.

## Section 6

requires appointment of a probation officer to supervise & assist <sup>probati</sup> <sub>o-ma</sub> probationers must regularly report to prob. officer.

section 10 → determines max duration > court does so by circumstances of case

section 12 → allows review & modification of conditions



Section 13 → highlights circumstances of revocation of probation.

If probationer violates any of imposed conditions, court may order original sentence to be carried out.

Section 14 → Discharge after successful prob + record expungement under certain circumstances.