

Question

Define the term Probation and discuss the conditions of Probation?

Answer

INTRODUCTION

"Probation is about changing, if you are not ready for change, you are ready for prison"

Probation is a non-custodial sentence where an offender is allowed to remain in community under supervision of Probation officer and condition imposed by court. Probation is an efficient method for rehabilitation rather than punishment. In Pakistan, probation governed by Probation of Offenders Ordinance 1980. It provides the conditions under which offenders realized for re-socialization and second chance.

Definition of Probation:

"A method of dealing with selected offenders under supervision and conditions imposed by the court instead of imprisonment"

Donald taft

History of Probation

Probation was started in England when offenders were allowed to rejoin community under supervision for the purpose of giving them second chance. The father of probation was John Augusteess. In 1841, he rescued an offender who was convicted on the charge of drinking.

Law of Probation

In Pakistan, Probation governed by Probation of offenders ordinance 1960

Who can award Probation

- A high court
- A court of session
- 1st class magistrate

These bodies hold a power to award Probation.

Objectives of Probation

- Rehabilitation and reformation
- For minor offence, second chance to offenders
- Promoting reformation rather than punishment
- Advantage for community, as individual

- return back to join social affairs
- reducing load of jail and trial court from minor-offenders.

Conditions for offenders

There are several conditions for offenders in Probation Process

→ First-time offender

He/She must be a first time offenders, if he/she committed couple of crimes than they are not allowed to fit under Probation process.

→ Maintain Peace and build character

A offender must work on his/her character and change themselves. Moreover, maintain peace and harmony in society through their actions and behaviours.

→ Not-Applicable for Death and life Imprisonment.

Probation is not for those who are sentence to death or life imprisonment. It is only for those who commit minor offence or did crime first time.

→ Reporting to Probation officer

The offender must report his actions and next step to officer. Provide week reports to officer for Justifying their good behaviour and requirement of court.

→ Restricted residence

An offender shall be restricted to stay in a fixed residence approved by court and checked by supervisor.

An offender cannot change his residence again and again without court permission

→ Counseling and treatment

If offender need counselling or treatment than Proper training seminar and counselling given to offender to treat them.

Mental and psychological treatment should given to offender who faces psychological issues

→ Submission of bond

It is also conditional in probation that offender will not commit any crime during or after probation as he signed a submission of bond.

→ Restriction of travelling

Offender is not allowed to travel into any city or out the country without court permission. An offender is restricted to travel during Probation.

→ Revocation of the order

If an offender commit a sin/crime again then Probation order will be revoked and Probation will be finished.

→ Supervision of Probation officer

Probation officer supervise the offender and keep an eye on offender and his actions. He will check on offender every week for his progress and protection of society.

Conditions by Probation of offenders

ordinance 1960

- Offender shall follow the Probation officer and remain under his supervision
- He shall maintain peace and good character in community
- Restricted residences approved by court
- If need counselling, then join training

and counselling sessions.

- If employed, then inform employers and court to join job
- If commit a crime again then Probation will over and imprisonment punishment
- An offender will not free from conviction during Probation.

Conclusion

Probation considered in the positivist modern perspective, where rehabilitation is promoted and punishment is avoided. Probation is an effective way of criminal Justice system. Probation plays a significant role in transforming the offender and providing him a second chance to correct himself.

"Probation is not leniency - it is a structured second chance"

satisfactory

answer is relevant and to the point

write complete 7 8 pages add flow charts too

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