

The essentially
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diagnostic formulation
of



The objective of the institutional treatment through probation is to correct the effects of the causative factors of criminality in the controlled atmosphere of probationary supervision, utilising the helpful factors in the offender's personality, his family situation, attitude etc. This approach helps the probationer to restructure his life-pattern with renewed vigour and adjust himself in the community through healthy inter-personal relationships.

The Indian probation law provides that judicial power should be solely vested in the judiciary. The reason being that if the power of probation is delegated to extra-judicial agencies which lack judicial techniques; it would create serious problems as these agencies will be guided by their own value considerations. That apart, sociologists and psychologists would be concerned only with the problem of offender's reformation and would not be able to appreciate the legal implications of reformative measures. Thus, entrusting probation service to social agencies will mean delegating judicial functions to non-judicial bodies which is against the accepted norms of justice. Even assuming that probation is highly skilled technique which needs to be handled by specialised agencies, the fact that it is subject to judicial review under Art.

226 of the Constitution of India, would make it obligatory for the Judges to finally take it up for judicial scrutiny. All correctional measures in the field of penology essentially involve individualised diagnostic formulation of each delinquent which will determine the nature of the control and treatment plan for him. This, in other words, equates an offender to a patient who needs to be cured rather than punished. Probation as a correctional measure undoubtedly lays greater emphasis on treatment methods. But from the <https://assignbuster.com/the-essentially-involve-individualised-diagnostic-formulation-of/>

legal standpoint it is not the question of putting the delinquent in a hospital, instead it is rather the question of initiating judicial investigation and surveillance in offender's case under a definite legal procedure.

The procedure established under judicial system requires that once a person is held guilty, the sentencing process in his case must begin forthwith.