

The the community,  
often on condition  
imposed



**ASSIGN  
BUSTER**

The term 'probation' is derived from the Latin word 'probare' which means 'to test' or 'to prove'. Etimologically, probation means 'I prove my worth'.

Homer S. Cunnings observed, " Probation is a matter of discipline and treatment.

If probationers are carefully chosen and supervision work is performed with care and caution, it can work miracles in the field of rehabilitation. Don M. Gottfriedson observed that " probation is a procedure by which a convicted person is released by the Court without imprisonment subject to conditions imposed by the Court. Thus probation is part of the decision-making process of Judges at the time of sentencing". The object of probation, as of all methods of treatment, is the ultimate rehabilitation of the offender in the community. Donald Taft has defined probation as the postponement of final judgment or sentence in a criminal case, giving the offender an opportunity to improve his conduct and to readjust himself to the community, often on condition imposed by the court and under the guidance or supervision of an officer of the court. In case of juvenile probationers, non-criminal procedure is adopted and it is less formal.

Thus, the system of probation involves restrictions on the liberty of probationer and refrains him from disapproved behaviour, or conversely, compels him to perform certain required acts which may be irksome or even painful to him. The basic purpose is to keep the delinquent away from evil consequences of incarceration and offer him an opportunity to lead socially useful life without violating the law. The philosophy underlying probation is based on the assumption that most persons who become criminals do so because of their environment and special circumstances and that in suitable

cases it is possible to change the conditions which led to a person's fall from proper standards and reclaim him as a sound normal citizen. Probation is a treatment reaction to law-breaking and an attempt to mitigate the rigours of the offender rather than making him suffer incarceration in the prison institution. Some penologists have defined probation as a method of dealing with specially selected offenders and consists of conditional suspension of punishment while the offender is placed under personal supervision and is given individualised treatment. Probation is often misconceived by some people as an easy let-off or a form of leniency and not a punishment. But this notion is rather misleading. Probation, whether it is for juveniles or adults, permits a more normal social experience than institutionalisation and makes possible varying degrees of control over delinquents together with the option of sentencing him to an institution if he violates probation conditions.

In other words, probation enables the delinquent to maintain contact with his family and other social agencies. It means a less routinised and more self-directed existence. Unlike imprisonment, it makes the offender independent and leaves him responsible for self-support. It enables the probationer to keep himself away from criminogenic atmosphere of prison and earn his living rather than leading an idle and wasteful life. He does not remain a burden on his family or society because he can earn his living himself.

In short, probation offers an opportunity for the probationer to adjust himself to normal society rather than leading an isolated and dull life in the prison.