



**ORIGINAL RESEARCH PAPER**

**Law**

**PROBATION OFFICER : KEY LIMB OF THE THE PROBATION OF OFFENDERS ACT, 1958**

**KEY WORDS:**

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**INTRODUCTION**

The units of any system are responsible for the success and failure of that particular system and probation system is no exception to that. Probation system has four units/agencies which are responsible for the achievement of the main object of the system i.e. reformation and rehabilitation of the offenders. These agencies include Courts, Probation Officers, Lawyers and Probationers.

The Probation Officer plays an important role in the probation system, rather he is the epicenter of this system. Before looking into the role of probation officer, let's take a brief look on the concept and definition of probation.

**CONCEPT OF PROBATION :**

Probation is the method of releasing an offender on his good behavior. This release is done only after the selection of offenders by the court on the basis of pre-sentence enquiry report prepared by the probation officer, under whose guidance and supervision, the offenders are released into the community. The offenders under probation live in their homes with their family and can become a useful member of society.

**DEFINITION OF PROBATION**

The word Probation is derived from the Latin word "probo" which means "I prove my worth". In the correctional frame of reference, probation is a treatment method designed to facilitate the social readjustment of offenders.

The American Bar Association defined Probation as follows :  
 "Probation is a sentence not involving confinement which imposes conditions and retains authority in the sentencing court to modify the conditions of sentence or to resentence the offender if he violates the conditions."

National Probation Association of the United States of America defined probation "as a procedure of social investigation and supervisory treatment used by the courts for selected individuals convicted of law violations. During the period of probation the offender lives a normal life in the community and regulates his conduct under the conditions imposed by the court and subject to the supervision and guidance of a probation officer.

The definition of probation reveals that the role of probation officer is of vital importance to achieve the desired goal of probation system.

Carney also observed that "the key to effective probation lies in the quality of professional staff that implements the probation service. However, the agency must provide the climate, resources and philosophy that will allow the staff to perform at a high level.

Probation officer plays an important role for two agencies of probation i.e. the Courts and the probationers. Section 13 and 14 of the Probation of Offenders Act, 1958, specifically talks about the persons who can be appointed as probation officer and their duties and responsibilities respectively.

Section 13, specifies that the probation officer shall be appointed for the purpose by the –

- (I) State Government; or
- (II) Society recognized in this behalf by the State Govt.; or
- (III) in any exceptional case, any other person who in the opinion of the court, is fit to act as a probation officer in special

circumstances of the case;

- (IV) The district magistrate of the district where the offender resides, could appoint any person as probation officer in place of the person named in the supervision order.

When the court asks for the report of any offender whose release on probation is under consideration, it orders the probation officer to submit a social investigation report. The Probation Officer makes direct inquiries regarding the character, the social and environmental conditions of the offender and the financial conditions of the family, the circumstances responsible for the commission of the offence or any other enquiry about the facts which the court directed him to enquire into.

The probation officer acts as a friend and guide of the probationer. This role starts when the offender gets release on probation. The probation officer has to supervise the probationer for a certain period. This period should not be less than one year. For this purpose he calls the probationer to meet with him at stated intervals so that he keep a close touch with the probationer. Probation officer makes arrangements for the meetings so that the probationer do not face any type of hardship. The terms and conditions of the supervision orders are explained to the probationer by the probation officer, it is also explained that what should be the conduct of the probationer.

The Probation Officer use to visit at home, occupational place/school/college of the probationer.

While performing supervision work, if the probation officer considers that the probationer has made sufficient progress and further supervision is not necessary, he may make an application to the court for discharging the surety bonds entered into by the probationer. In such a situation, the probation officer has to find out suitable employment for the probationer. The Probation Officer has to assist the offender and advise him to pay any sort of compensation or costs ordered by the court under section 5 of the Act. He may also have to perform miscellaneous duties assigned by the court in the interest of offender and society.

The Probation Officer is required to maintain contact with the family of the probationer and in the community where probationer resides. He must check out the rehabilitation plan in cooperation with the offender in such a way that offender himself compels to select his own path of rectification acceptable to the community.

But the Probation Officers have not been given unbridle power to act whimsically. He is subject to the control of the District Magistrate of the District in which the offender for the time being resides. The legislature has made the provision of this clause with a view to saving the offender from the biasness of the probation officer.

**CONCLUSION :**

The multi tasking of Probation Officer endows upon him the role of an agent and mediator between the accused and the court as well as society. But the actualities do not permit the Probation Officer to play his role effectively. The probation system lacks basic facilities which are required to educate the probationer. There are inadequate funds to mitigate exigencies in implementing the probation programs.

**SUGGESTIONS :**

- (1) As the job of Probation Officer is highly sensitive and technical

in nature, it is suggested that he is required to be armed with professional skill. As he is the mental and physical instructor of the offender, provisions should be made for his theoretical and practical training. There should be pre service training, in-service training as well as periodical seminars and workshops.

- (2) The number of Probation Officers should be enhanced as there is one Probation Officer for each district.
- (3) The probation officers are generally overburdened with the implementation of different government policies and are lacking basic infrastructure and mostly are not even having sufficient staff for the proper execution of the probation programme and therefore it is necessary that State Governments must provide sufficient staff and other infrastructure and must have provision in the budget itself for the implementation of probation programme.
- (4) There should be some provisions of female probation officers for the female offenders so that the male probation officers should not exploit them.
- (5) The probation officers must have periodical meetings with the concerned Magistrates /Judges for proper implementation of probation programme.
- (6) There must be special trainings to the probation officers to understand the psychological behavior of the offenders so as to exercise their discretion as to whether an offender is a fit person to be released on probation or not.
- (7) The NGO"s /Gram Panchayat" should be involved to facilitate the probation officers in supervising the offenders during the probation period so that innovative techniques for the rehabilitation and reformation may evolve.

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