



Reformative Theory of punishment and Principles and Practices for

Probation Laws : A Review

Bindu Bansal, Research Scholar, Department of Public Administration,
Panjab University, Chandigarh

Abstract : Reformative Theory of punishment has achieved worldwide support in recent years and all civilized nations and more particularly socialistic and the democratic countries of the world have adopted various measures and statutory enactments, to apply correctional method of punishment. Reform the criminal and not punish him, is the consensus of the opinion of the modern Criminologists all over the world these days. The modern criminal jurisprudence has emphasized that no one is a born criminal. Man turns into a criminal by force of the circumstances like abject poverty and the other circumstantial and environmental conditions, and not by choice. Thus, Reformative Theory of Punishment is more applicable to a civilized society. Release the offender on probation is one kind of Reformative process – whereby the needs of the community are balanced with the best interests of the offender.

ISSN 2454-308X



9 770024 543081

Probation Laws :

The probation laws that appears to be the enactment of Section 562 in the Criminal Procedure Code, 1898 and when, in 1974, Code was recast and freshly enacted as the Criminal Procedure Code, 1973, this provision is dealt in Section 360. In 1958, in pursuance of International Agreement, Indian Parliament enacted the comprehensive law – Probation of Offenders Act, 1958. Before passing of this Act of 1958, the only Central Law on Probation was contained in the Section 562 of Criminal Procedure Code, 1898, which ceased to apply after the passing of Probation of Offenders Act, 1958.

Besides, the Juvenile Justice (Care and Protection of Children) Act, 2000 also provides for the release of children, who have committed offences, to be released on probation of good conduct and placed under the care of any parent, guardian or other fit person, on such parent, guardian or fit person executing a bond, with or without surety or any fit institution as the Board may require for the good behavior and well being of the juvenile for any period not exceeding three years.