

## Probation as a Sentencing Method in Criminal Justice Administration in Sri Lanka: A Critique

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In the field of criminal justice, probation means a sentence whereby a convict is released from confinement but is still under Court supervision. The development of community sentences reflects the search for non-prison punishment. The desire for such punishment has been justified by arguments based on cost-effectiveness, just deserts philosophy, and rehabilitation of the offender than the punishment of offenders. Probation can also be considered as an opportunity given to the offender to correct him/herself whilst in the society. Therefore, probation may be identified as a form of community correction. Probation as a community sentence was introduced to the legal system in Sri Lanka by enacting the Probation of Offenders Ordinance, No. 42 of 1944 to reduce the cost incurred, rehabilitate the offender, and reduce the crime rate. However, there is a question as to whether the law relating to Probation successfully achieved that intention of the legislature. The objective of this study is to ascertain the effectiveness of the law relating to probation in achieving its main goals. Both qualitative and quantitative modes are employed in this research. Secondary data such as published and unpublished printed and online literature, case law, and statutory provisions are critically and qualitatively analysed whilst the information received from Probation Officers is statistically analysed. In this study, it was found that dilemmas in the law relating to probation and the gap between the law and implementation/practice have led to the ineffectiveness of probation as a community sentence in Sri Lanka. Therefore, it is suggested to reform the Act to meet the objectives of probation as a community sentence.

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