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# Chapter 10

## Overview of Correctional Reform in India: A “Different” Approach to Offender Rehabilitation

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### **ABSTRACT**

*Today, every prison around the world requires a correctional programme so that rehabilitation and reintegration of offenders can be done successfully. Correctional reforms is a serious issue and has been taken seriously even internationally. In India, many attempts have been made to improve the condition of prisons and prisoners, but little changes have been seen at the root-level. There is a scope of modifications in the correctional reforms to meet the present-day needs of the criminal justice system. The chapter will give an overview of the correctional reforms in Indian prisons and after reviewing the existing literature will attempt to identify the limitations of the correctional programs which need to be addressed for effective rehabilitation and reformation of prisoners. Lastly, the chapter will conclude with a number of suggestions and with a comprehensive model for rehabilitation.*

### **INTRODUCTION**

The correctional system of any nation is deeply rooted in history and tradition and represents societal attitudes formed by changing legal, ethical, and societal cultural norms. The inception of the idea of prison reform can be attributed to two factors- recidivism and the prison system’s failure of effectively rehabilitating prisoners (O’Brien, 1995). The term ‘Reform’ is derived from the word “reformatio” in Latin, which refers to changing or amending what is wrong and unacceptable.

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## ***Overview of Correctional Reform in India***

This chapter will focus on the correctional reforms concerned with rehabilitation, and reintegration of the prisoners and attempt to identify the gap for effective rehabilitation of prisoners and skillful training to the prison staff, proper and efficient reform for juveniles, women, and adult offenders to minimize the re-offending rate and efficient functioning of the prisons in India.

In the history of the “reformation and rehabilitation” of offenders in India, numerous committees have been formed to effectively rehabilitate and reintegrate offenders. Sable (2020) in his paper *Yerwada Jail visit* discussed the report of the Indian Jail Reform Committee (1919-1920) involved in reforming the Indian prison which is as follows:

The Pakwasa committee, 1949 suggested a system of utilizing prisoners as “labor” without any vigilance over them. This is when the system of wages for prisoners’ labor was introduced in India. They also introduced the system wherein the prisoners who adhered to the rules and regulations of the prison and did not violate the norms of the prison and showed exemplary behavior in the prison were rewarded by reducing their prison sentence (Ahmed, 2016). This was the big step towards prisoners’ rehabilitation and reformation. Lalli (2019) in his paper *attitude to Prison reforms* discussed the historical background of Prison Reforms which states that in 1951 the Government of India invited Dr. W.C. Reckless, an expert in the field of correctional reforms of offenders from the United States, for a study on Indian prison administration. Dr. W.C. Reckless recommended that prisons should be transformed into reformation centers and outdated prison manuals should also be updated (Ahmed, 2016). The recommendations given by Dr. W.C. Reckless were approved during the 8th conference of the Inspector General of Prisons held in 1952. In 1957 the Government of India appointed the All-India Jail Committee and in 1960 All India Jail Committee submitted their report.

Thereafter, in 1980 the Indian government established a committee under the chairmanship of Justice AN. Mulla. The prime aim of this committee was to rehabilitate the prisoners. The Mulla committee gave numerous recommendations and some of the most important recommendations from the Mulla committee included that prisoners should get access to proper clothing, food, and sanitation. Prison staff should be trained and organized and people who were still under trial should be kept separate from the convicted prisoners. The committee also suggested that the trial period should be reduced, and the courts should come to a decision at the earliest and bail provision should be made available for undertrials to reduce the prison population. The Mulla committee also recommended that the Government should provide financial resources to prisoners. (Secretariat & Delhi, 2014).

Another committee, Justice V.R. Krishna Iyer Committee, 1987 was appointed to understand the situation of women prisoners in India. Recommendations that were made by Krishna Iyer Committee were that the Government of India should recruit more women in the police force to deal with issues related to women prisoners and child offenders (Model Prison Manual, 2003).

The committees also recognized that prisons could disrupt and damage many factors which enable an individual to desist from crime. Imprisonment can harden criminal attitudes, enhance criminal identity, and remove individuals from positive cultures and networks, disrupting their employment, accommodation, and family support. Therefore, safe, decent, and rehabilitative prisons cannot only mitigate these factors (and their cost to society) but provide a better foundation for rehabilitative success. A rehabilitative culture is beneficial for the lives of prison staff and prisoners in the establishment and for reducing re-offending (O’Brien, Marshall, & Karthaus, 2014).

Training of prisoners in various skills in the prison institutions has been given great attention by the Prison Department of Government of India and facilitated further by the Bureau of Research and De-

velopment which monitors the functioning of the prisons and provides funds for enhancing the existing resources inside the respective prison (Sanyal, 2019).

Several programs have been introduced in prisons to enable the offenders to meet the challenges of the outer world. These programs help them to develop skills that give a positive direction to their life and prove to be a source of employment upon release from prison (Khan, 1990). Furthermore, offenders are engaged in meaningful activities while in prisons and this reduces their indulgence in problematic behavior even while serving their sentence. Sanyal (2019) posits that the correctional system has shifted its focus from punitive measures to behavior modification ideology where several prosocial behaviors are taught to the offenders so that they can successfully be reintegrated into mainstream society.

The correctional method aims to reform and rehabilitate offenders irrespective of the nature of their offense. *“Prison is first a punishment - it removes the liberty of offenders, forcing them to comply with a structured, disciplined and tough regime where everyday choices that are usually taken for granted are removed”* (Ministry of Justice, 2010a: 6). Yet, to achieve the goal of reducing reoffending: *‘We need a tough but intelligent Criminal Justice System that punishes people properly when they break the law, but also supports them so they don’t commit a crime in the future’* (Ministry of Justice Report, (2013:5). The modern goals of the correction system are to reform and rehabilitate the offenders along with punishing them for their wrongdoing.

Significant advancements have been made in the correctional system across the globe to maintain the rights of the prisoners and to modify their maladaptive behavior so that they can be successfully reintegrated into society. Vocational skills training is provided to the prisoners and regular changes are made to these life skill programs to meet the needs of the prisoners. Few NGOs have also introduced some programs like Meditation, Counselling, Vipassana, have also been introduced to curb negative feelings and leading offenders towards holistic development in the central prisons of India (Sanyal, 2019). However, there is still scope for further improvements and changes in the correctional reforms to reduce recidivism and for effective reformation of prisoners (Dhanuka & Lamba, 2020).

## **LITERATURE REVIEW**

This section will review previous literature on prison reforms and prisoner conditions in Indian prisons. Through this section the authors attempt to give a brief outline of the various challenges present in the Indian prison reforms and rehabilitation of inmates by reviewing existing literature.

According to Chowdhury (2002), the prison law evolved into a reformatory law aimed at addressing the problems with the existing prison administration in India. The author urged for some suitable reforms to improve prison administration in India. By analyzing various prison laws in India, the author indicated that prison laws developed during the British colonisation era had a different perspective and did not align with correctional penological thinking and neither aimed at reform. This paper only evaluates those prison laws that contribute the least towards the reformation of inmates. As a result, he categorically criticized the Prison Act of 1894, Prisoners Act of 1900, and West Bengal prison code as being insufficient, and called for their revision.

In India, inmate reformation is heavily reliant upon the role of NGOs in conducting various correctional programs according to Doin and Andres (2013). Prison transparency can be achieved through the work of NGOs in prisons and therefore also complying to international laws. Primary objective in prisons is to protect the human dignity of inmates and prevent any abuse they may be subject to, in addition to

## ***Overview of Correctional Reform in India***

maintaining decent living conditions for them. Prisoners being treated humanely and having their basic needs met is imperative for effective reformation of inmates (O'Brien, Marshall, & Karthaus, 2014).

According to Kumar (2013) where he posits an idea that "human element" should be present in prison reform. The chapter also explains how the existing poor conditions violate Article 21 of fundamental rights. Prisons do not have proper food culture, sometimes there is no breakfast. Bad and unhygienic food inside the prison results in many health-related problems amongst inmates. Skipping breakfast and long fasting hours has many ill effects on the physical as well on the mental health of the prisoners. Therefore, prison reforms need a change so as to maintain the proper food culture inside the prison.

In addition, Fazal (2008) also conducts an analytical study about the health conditions of the inmates in Indian prisons. This study concluded that the number of inmates suffering from mental disorder, trauma and diseases are more prevalent than in the general population. There is also an increase rate of suicide amongst the prison population in India reflecting the deteriorating mental health of the inmates. Therefore, rehabilitative culture and psychological aid should be made accessible to the prison population.

Assessment done by Mitra and Pati (2011) highlighted the importance of prison reforms in India. This study confirmed that rights and the respect of the prisoners should be protected by introducing a more reformative approach to the penal system. They were proponents of the scientific way to the problem of criminal behavior and its consequences. The authors proposed that it is important to socialize offenders and teach them socially approved habits and norms so as to ensure their successful rehabilitation as a contributing member of the society. The paper also strongly suggested that protection of human rights is an integral part of prison reforms. Hence, reformation should be taken seriously by the prison administration and good and moral values should be inculcated in the prisoners.

Furthermore, M. Viji (2015) discusses the various issues existing in Indian prisons. The article referred to the National Human Rights Commission (NHRC) (1993-94) annual report about jail conditions in India. The common issues that are present in prisons are overcrowding, lack of proper sanitation, poor medical facilities, inadequate light, and food in many of the prisons of the country. There is also a severe lack of psychological aid and effective correctional programs in Indian prisons. Hence the commission has strongly recommended that the prison system is in dire need of reform. M. Viji (2015) states that these poor conditions are still prevalent in prisons in India. Therefore, there is an urgent need for improvement and reform policy changes in order to meet the modern aims of the prison system and to protect the fundamental rights of the inmates.

## **REHABILITATION / CORRECTIONAL REFORMS IN INDIAN PRISON**

This section will explore the various correctional programs present in the Indian prisons, in particular life skills programs that aim to make the prisoners learn new skills and be engaged in meaningful activities. Reformations have been made in the arena of correction all around the world to maintain the rights of the prisoners and successfully reintegrate them into society and help them lead a dignified life. Because of the importance of skills in society, vocational skills programs are continuously revised. In addition, with the aid of psychological techniques, meditation and counseling, an effort is made to improve the offender's personality.

Bell (2002) asserts that criminals do not suddenly stop engaging in criminal activity as a result of imprisonment. They continue to commit crimes while incarcerated and these are not confined within the prison walls. Criminal activity may even increase upon incarceration. Prisons no doubt harden criminal

attitudes and have become training grounds for the new inmates. Inmates test their criminal capacities against the corrections department and the community regularly.

Several programmes are present in Indian prisons such as educational programmes wherein one can complete their basic education, as well as vocational programmes and training in various skills are provided to increase their likelihood of employment in the future. Wage earning and Gratuity schemes and incentives are also used to reduce the financial burden on the convicts.

The correctional programmes have been introduced to bring positive change to the prisoners. Correctional programs bring about attitudinal change amongst prisoners. Correctional reformation should consider prisoners' needs to be effective (Tannenbaum, 1938). The experience of imprisonment leads the prisoners' identity to be diminished and they often feel lost and are subjected to disrespect and stigma. Imprisonment has a negative psychological impact and has also been equated to a traumatic experience (Haney, 2003). Therefore, correctional reforms are essential and should be implemented in prisons to not only maintain the mental health of offenders but also to reduce recidivism.

Correctional programs aim to bring about positive attitude change and equip the offenders with skills that will help them secure employment after release and become financially independent. In India, the jail administration provides training to the prisoners in accordance with their interests, skill, and aptitude so that they can relieve themselves of some of the financial burdens while learning new skills (Sanyal, 2019).

There is currently a more prominent accentuation on behavior modification, treatment, restoration, and mental development of offenders. The main aim is to prevent crime and reintegration of offenders into society. The reform comprises five primary components Vipassana, wellbeing, proficiency, social, and sports exercises (Department of Tihar Prisons, 2020).

Tihar Jail, New Delhi, one of the largest prison complexes in the world. It includes a population of 15561 against a total capacity of 10033. 13666 males and 362 females for under trials and 13 Male detainees, as of 30 September 2020. Tihar prison is known for its long history of reformation programs along with the latest correctional philosophy (Department of Tihar Prisons, 2020). Many correctional programmes such as educational programmes, spiritual programmes, vocational programmes, recreational activities are held where prisoners involve themselves in games or sports activities within the prison. Inter-jails, as well as Inter-ward sports competitions, are organized which boosts the prisoners' interest in sports and thereby physical fitness. Sports are organized in all prisons during winter sports festivals, which are generally referred to as "Tihar Olympics." Some cultural functions called 'Ethnic Tihar' are also organized from time to time where music, art, painting, qawwali, singing, dancing, are presented by the inmates. Sometimes, eminent personalities in the arena of sports and culture are also called to motivate the prisoners to take part in the competitions, which also improves the prisoners' mental and physical health; they also induce an interest in culture and moral values (Department of Tihar Prisons, 2020). Both religious and national festivals within the prisons are celebrated by all. The national flag is hoisted in all jails on Republic Day and Independence Day. All holy festivals are also celebrated. This is a major opportunity that allows the prison administration to express "We Care" to the inmates (Department of Tihar Prisons, 2020).

Educational programs are also conducted in prisons in India. Formal and adult education arrangements have been made for prisoners. Educational services are taken care of with the help of government support as well as NGOs' participation. Indira Gandhi National Open University (IGNOU), New Delhi, and the National Institute of Open Schooling (NIOS), Delhi provide Tihar Prison with education in which approximately 2640 and 1900 inmates are enrolled (Department of Tihar Prisons, 2020). Computer training is also available in Tihar prison for inmates (Department of Tihar Prisons, 2020). In Tihar Jail,

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the most important feature of the education system is that trained inmates willingly teach less educated inmates. This way one inmate helps the other inmate and develops a sense of helping each other which helps them grow with good conduct.

Many of the inmates who joined the 'Reformation by Education' course have been rehabilitated successfully. The government is responsible for the spending on tuition for Indira Gandhi National Open University (IGNOU)/Global Open School Institute (NIOS) courses. The study material like the notebooks and other stationery are also provided to the inmates for educational purposes by the jail administration.

Educational programs are a critical aspect of the Correctional programs of the Prison Department. The educational program is structured at multiple levels for distinct groups of prisoners such as illiterates, semi-literates, literates for those who would like to complete higher education. IGNOU from which a prisoner can pursue his studies and is offered and without specifying the place of test, i.e., prison, he is issued a certificate/degree for that course. Providing both formal and informal education is an essential component of the everyday life of prisoners. The Ministry of Human Resource Development's Department of Adult Education provides qualified prisoners with training to allow them to teach less educated and illiterate prisoners. The educational programmes in the prisons also help prisoners who are serving a short term by educating them to a level where they can print their name (Nargis, 2019).

Rehabilitation of prisoners was started in Indian prisons primarily because of the difficulties that are faced by the prisoners' post-release. Both for convicts and under-trials, a program for teaching different trades was launched in the prisons. This program involves the manufacturing of pen, bookbinding, manure making, screen printing, envelope making, tailoring, and cutting, shoemaking, which not only contributed to the learning of a new skill but also provided the prisoners with monetary benefits while in prison. The Social Welfare Department of Delhi Govt. provides loans to the inmates for setting up self-employed units, after their release from prison for successful rehabilitation (The Department of Tihar jail, 2020).

Regular exercises like Asans, Pranayam, Dhyana, Upasana, Yoga and Meditation also work as a correctional program inside the premises which inculcate the values, morals, discipline, and aid the inmates in developing a different approach towards life and changing their worldview. To bring a positive change in the aptitude of the prisoner, Yoga, and meditation classes are held to strengthen the mind and these programs have been started by various NGOs. These programs not only help the inmates but also the staff members of the prison to help them in releasing their negative energies and inoculates patience within them enabling them to tackle any demanding situations. Many centers within the prisons have been opened to impart moral education, counseling, and techniques of meditation to the inmates. (The Department of Tihar Prisons, 2020)

Creative Art Therapy also serves as a correctional program for the inmates inside the prison, it is psychotherapeutic and can be used in different settings and work as a reformatory process in the prisons (The Department of Tihar Prisons, 2020). It helps to express, channelize, and ventilate the feelings especially for prisoners who have tremendous anger, aggression, frustration, sense of helplessness, hopelessness, and emotional problems by encouraging and promoting creative art. Creative art also helps them in releasing their hidden emotions and realize their worth and bring a positive desire of improving themselves.

Societal participation in conducting reformation or rehabilitation for the prisoners by various NGOs, professors from renowned institutes such as IITs, psychiatrists, psychologists, teachers of various educational institutions are helping prisoners to reform. The presence of NGOs is primarily focused on the fields of schooling, vocational training, and therapy. Apart from formal education, classes in various languages are also held inside the prison. Today the correction system itself has seen many changes

and there has been a shift from deterrence to rehabilitation and reintegration (The Department of Tihar Prisons, 2020).

Vipassana has been embraced as a prison reform in Tihar Jail. The key aim in implementing correctional reforms is to change the focus from custodial to restorative methodology. This noteworthy advancement has started a more human approach in managing offenders.

Sanyal (2019) has mentioned in her book “Rehabilitation of the Adult Prisoners in the Country” that for successful reintegration back into society Sri Ravi Shanker has started a project in the prison that will provide vocational training to the prisoners so that they successfully assimilate back into the society and earn their livelihood. One such project is SRIJAN that was started in Tihar Jail and had engaged offenders in activities like paper bag making, diaries making, which were then sold across Art of Living centers in India. The profits that they made were deposited in a bank account and given to them upon their release.

However, while assessing correctional programmes, it must also be ascertained that the people who are part of various correctional programmes are benefiting from them or not. The programs should also be allocated to the prisoners based on their interest as well as after assessing their attitude and various other psychological needs.

Thus, the conclusive statement is that while ensuring correctional programmes are being successfully implemented inside the prisons, the prison department should also ensure that identification and classification of prisoners are done for undertaking various training and making reformation a success.

## **REHABILITATION/ CORRECTIONAL POLICIES IN INDIA**

Prison Management is an overly complex process. Prison management not only involves the implementation of various Acts, Rules, and processes but also requires the knowledge of psychology and human management. Most of India’s prisons were constructed during the British colonization period. To date prison management is still governed by the Prisons Act of 1894, which has become entirely outdated. The field of prison management has seen many changes in various developed countries of the world; however, India has not been able to bring about the required changes yet. (Bureau of Police Research and Development, 2019). The ultimate goal of the Prison Administration is the reformation of offenders and humanization of prisoners. The following statement of Mahatma Gandhi encapsulates the essence of rehabilitation and reformation of offenders.

“Crime is the outcome of a diseased mind and jail must have an environment of a hospital for treatment and care.”

The various Guidelines of the Supreme Court of India, the reports of different Prison Reform Committees, the Standard Minimum Rules for the Care of Prisoners, the Directives provided by the National Human Rights Commission (NHRC) and State Human Rights Commissions (SHRC), describe the urgent need to reframe new prison management policies and methodologies. (Bureau of Police Research & Development, 2019).

Emphasis was given to the reformist and human nature of prison administration. These also lead to the formation of the Reformatory theory of punishment. Reformation theory is also known as rehabilitative sentencing. This theory criticizes all kinds of corporal punishment. This approach focuses on “reforming the offender as an individual so that they can once again become part of society and comply with society’s laws and regulations” (Priya, 2014). The reformation theory proposes that the attention should be shifted from crime and the effects of punishment to the individual offender and their personality. (Priya,



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2014) Reformation theory also supports parole and probation as the best measures to get offenders back to society as a reformed person. The reformative approach has been proven to be beneficial for juvenile delinquents, women as well as first-time offenders. However, recidivists and hardcore offenders are not associated favorably with the reformist policy.

The main aim of the theory is to rehabilitate the prisoners in penal institutions to transform them into law-abiding citizens. It focuses on the human approach of offenders inside the prison. It suggests that an idle mind could be a dangerous mind, so engaging prisoners at work, education, or at vocational activities where they can learn the skills to successfully reintegrate themselves into the outer world in society after their release is essential.

The rehabilitation policies of India have been going through changes and modifications for a decade now. In the 5th National conference (2016) on prison reform, the Government of India announced an Rs. 4000 crore package for prison reforms as part of the National Prison Policy being implemented by the center (Sanyal, 2019). This will redefine prisons as detention homes where the focus will be on the reformation and reintegration of prisoners.

According to Delhi Prison Rules, 2018 it has been mentioned that state governments will be urged to auction detainment facilities present in “prime regions” to produce assets to make current structures somewhere else. These structures will have cells with padded beds and clean toilets, close circuit TV cameras, video-conferencing offices, and space for yoga, sports, and extracurricular exercises. The arrangement incorporates building 200 penitentiaries to add to the 1,300 that exist in the nation. The government has set up committees to investigate the matter and offer a remedy. The reports given by Justice Mulla Committee Report on Prison Reforms (1982-83) and the Justice Krishna Iyer Committee on Women Prisoners (1986-87) have given a broad view of what problems are faced in Indian jails and recommended various measures. The Bureau of Police Research and Development (BPRD) has issued the latest draft of National Policy on Prison Reforms and Correctional Administration, 2007. The draft strategy incorporates recommendations for some much-needed developments to the prison act of 1894. This includes the introduction of reintegration and rehabilitation programs and the arrangement of officials to provide legitimate guidance to detainees. The draft also recommended setting up a research and development wing and providing monetary help to NGOs working for the rehabilitation of detainees and community-based treatment. Raghavan, (2008) stated that it is not the jail structures, however, what goes on inside them, that needs a change.

One of the policies for prisoners’ reformation is that educational opportunities should be provided to the prisoners. Education of prisoners is considered important to change their faulty thinking, their perception towards life and also helps in reducing recidivism. In the present day, the jail manual states that every detainee should be given a program of schooling which will help the cycle of his socialization and restoration. To obtain these objectives properly trained staff and the facilities such as classrooms and libraries should also be provided inside the prison.

Other recommendations included adolescents should be given a chance to attend a regular school where they can continue receiving their formal education. The school should be a government-affiliated school, which is run by the Education Department of the State. The relevant resources such as trained teachers and study material required for successful learning of the juveniles should be provided. The staff recruited to impart education to adolescents in the prison should be paid well to motivate the staff for maintaining their interest in imparting their knowledge to them. In prisons in India, the school has classes for primary level, secondary and senior secondary.

Vocational training and work culture in all jails in India is looked at with a positive viewpoint. The new manual makes it necessary for all the states to have an advisory group to supervise the requirements and the interest of the detainees. The advisory group is also responsible for training the prisoners in skills of their choice, which will also in turn help them in earning their livelihood. Prison administration is also planning to provide these prisoners with the raw material so that they can engage in the work, even under-trial volunteers can be associated with the factories as proposed in the new manual.

Provisions for post-release care should be made available for effective rehabilitation and to reduce recidivism. Aftercare and follow up service is also an essential part of the rehabilitation process. Offenders should be able to seek help when they need it. For instance, support should be available for ex-convicts in case they require help with gaining employment or need a place to stay.

### **Rehabilitation Schemes of Different Countries**

This section will summarize the Rehabilitation Model of different countries as discussed in the book “Rehabilitation of the Adult Prisoners in the country” written by Dr. Sanyal, a comprehensive projection of the features of rehabilitation schemes in other countries. This is done to bring attention to how other countries all around the globe are working towards the common goal, rehabilitation of prisoners, and how correctional reform has now become the primary aim of the Criminal Justice system. The countries are taking it seriously and trying to curb down the graph of recidivism.

*Table 1. Recent changes in the correctional reforms in various countries*

1	Japan	Shimane Asahi Rehabilitation Program, the first correctional facility in an Asian country, started in Japan to direct the prisoners towards a healthy lifestyle to reduce reoffending and self-harm tendencies in them (Leighton,2014).
2	Hong Kong	The Department of Correctional Services maintains a rehabilitation unit that makes suggestions to the courts on the suitability of prisoners in one of the four types of prisoner centers for incarceration. It also advises on job programs for pre-release. Effective applicants in Hong Kong could be released immediately from jail for supervision or allowed to go out to work and live in a supervisory hostel. (Chung,1999)
3	California	California focuses on the rehabilitation of prisoners. With states under constant economic stress and data showing that most prisoners are rearrested within 3 years of release, the need for reform is recognized by policymakers. There is now widespread consensus that it is far from a solution for all crimes to lock up and mostly neglect criminals (Sanyal, 2019). The administration released the study “The Future of California Corrections” in April 2012 to upgrade the prison system. The study highlighted the improvement in the classification system of inmates to fit inmates into the most suitable housing conditions, facilitating more rehabilitative services. In contrast to the previous workload change model, a new funding model called uniform staffing for prisons has now been adopted. The paradigm of programming in jails has been diversion programs, reentry centers, and reentry facilities. (California Department of Corrections and Rehabilitation, 2021)
4	United Kingdom	As part of its program of reform offenders and reducing re-offending, the Government has in the last few years conducted several wide-ranging reviews of rehabilitation initiatives, work regimes operating within the prison estate, and of the role of custody. These reviews have proposed reforms to sentencing policy, the prison regime, and the management of offenders inside and outside prison. (Ministry of Justice, 2010).
5	Germany	The German Penal system is based on a few core principles: reintegration and rehabilitation of offenders, the principle of normalization (wherein life in prison will resemble general living conditions outside the prison as much as possible), and the principle of damage reduction (prison authorities will attempt to mitigate the damaging consequences of imprisonment) (Sanyal, 2019)

## **Overview of Correctional Reform in India**

The above table presents that the prison administration has started taking interest in rehabilitation and reintegration of prisoners to prevent recidivism and started working for the welfare of the offenders so that they can start a new life with a new perspective.

## **LIMITATIONS**

Next, the authors will demonstrate that even though there are a few correctional reforms in place, there still exists a need for the criminal justice system to assess, evaluate and take affirmative steps for effective rehabilitation of prisoners. This section will focus on the deplorable conditions present in the prisons and how that is leading to human rights issues for them.

In numerous public forums, prison management and prisoner rehabilitation have been a subject of considerable discussion and sharp criticism. In recent years, the Supreme Court of India has dealt heavily with the inhumane and degrading conditions in prisons. The problems of the dilapidated correctional facilities, overcrowding, and congestion, increasing numbers of prisoners under trial, the inadequacy of prison personnel, lack of adequate care and treatment of prisoners, have drawn the attention of the press and social activists. The plight of prisoners has emerged as a crucial issue of public policy with growing advocacy for the defense of human rights in varied backgrounds (Bureau of Police Research & Development, 2003). The main pain of incarceration from the psychological viewpoint is the isolation from children and the eventual loss of personal contacts with family members, apart from the deprivation of freedom and security. The most significant feeling that continually haunts their minds is their future. After their release from jail, they are overly concerned about where to go. The prisoners are wary that their family members will not accept them on their return due to social stigma and various family norms.

Despite the provisions in jail manuals, another significant point is that jail authorities often fail to provide food, clothing, and essential things for the survival of inmates, since most jails are overcrowded and lack basic facilities.

In addition to the modern-day problems present in the Indian prisons, the British government had implemented the infamous 'Indian Prison Act' in 1894. There are many gaps in the Prison Act of 1894, such as the act allowing for corporal punishment in instances where a prison crime has been committed. Actions such as 'willful defiance' to prison rules, the use of language threatening or intimidating unethical or indecent conduct, and 'feeling sickness' constitute a prison offense under this act. The Act leaves the control to the Jail Superintendent to grant such a sentence. Furthermore, the Act does not specify how to assess these offenses (Report on the National Consultation on Prison Reform, 2010).

As a response to this act, the Indian government formed a few jail reform committees to provide suggestions regarding improving the conditions in the prisons. The National Human Rights Commission (NHRC) was formed in 1993 and many other organizations at the state level were also created to make 'Jail reform'.

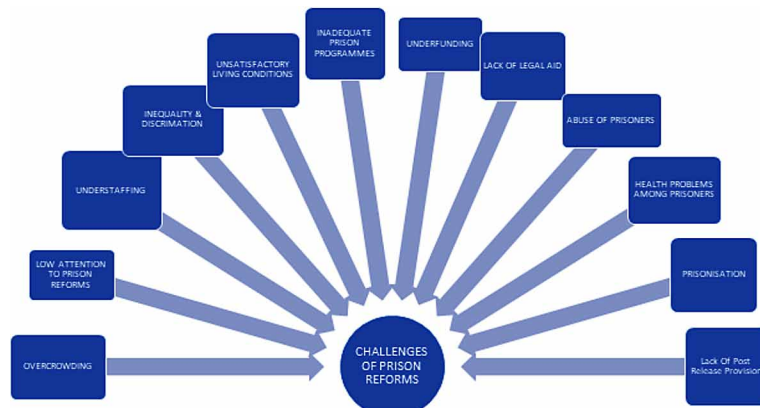
Nevertheless, jails constitute a crucial area of concern for human rights. In a civilized society, a person in detention should not be reduced to the status of a non-person, and the prison system must therefore provide conditions consistent with human dignity and conducive to social mainstreaming (Viji: 2015). Prisoners are still human beings who have human rights even though they have been imprisoned. Mahatma Gandhi, the father of our nation, also considered prisons to be a temple. He believed that prisons should function as reform centres, provide prisoners with certain skills, and impart moral values (Dr. Sarma, 2017). Gandhi said, 'Hate the crime, not the criminal.' He used his time very well in prison

studying new languages, reading the scriptures, discussing problems with fellow prisoners, and, above all, discussing issues related to moral education.

The conditions of prisoners in several states in India are now improving due to the rapid establishment of the Jail Reforms committee. A prison reform bill was suggested by the National Human Rights Commission in 1996. In 1998, the proposed bill was circulated to the states, several of which came out with new legislation. One such state is Rajasthan, which included in its 2001 Rajasthan Prisons Act a chapter on the rights and duties of prisoners. Similar attempts have been made in Madhya Pradesh to achieve 100 percent literacy among prisoners in some selected prisons. (Borah, 2018)

However, there is hardly any systematic work to continue reformation and rehabilitation after the offenders are released on bail or acquittal. The community needs to be involved in the rehabilitation program of correctional facilities because the rehabilitation of an offender becomes easy when there is community involvement (Bedi, 1983). After all, rehabilitation of prisoners will only take place if the community organizations are involved and support ex-offenders upon release from prison.

Figure 1. Problems faced by Prison reforms in India



## PRISON REFORMS AND COVID-19

According to the World Prison Brief database, India ranks 5th concerning prison population after the United States, China, Brazil, and Russia. Therefore, to curtail the spread of Covid-19, on March 16, 2020, the Supreme Court after analysing the situation of transmission of COVID-19 to prison inmates, prison staff, families of prisoners, and lawyers who were coming into the prison from outside, directed States and Union territories to submit steps which they would take to prevent the spread of the pandemic among prisoners and juveniles. On March 23, 2020, it was suggested that the prisoners who are convicted/charged with 7 years or less could be given parole or interim bail.

Tihar jail, the largest prison in the country, disclosed a plan to release 3,000 inmates (not hardened criminals) on parole after being directed by the supreme court to identify and understand which categories of prisoners could be released on a temporary basis to control the spread of COVID-19. Similarly, Maharashtra had released over 5,000 inmates and made COVID-19 screening mandatory for all the new prisoners. (Mallapur, 2020)

## **Overview of Correctional Reform in India**

Furthermore, the Delhi government had also taken the step on the same line and asked the Delhi High Court to amend their rules to ensure that prisoners who had served a one-year sentence, and those who were undertrial and had been in jail for 3-months were to be released on parole/ furlough in case of specific offenses. After analyzing all the above issues and amended policies, it can be concluded that less dangerous prisoners were released to avoid overpopulation in prisons and to prevent the spread of COVID-19. (Mallapur, 2020)

Similarly, other countries around the world had also taken steps to prevent the spread of Covid-19 in prisons. According to the Business Insider report on March 17, 2020, Iran had released 85, 000 inmates temporarily to prevent the spread of COVID-19. The Los Angeles Times reported on March 20, 2020, that countries of California had released inmates in fear of the spread of the virus, reducing inmates by 6% over 3 weeks. As per The New York Times on March 23, 2020, 1,000 prisoners had been removed from prisons in New Jersey.

As per the newspaper, The Hindu reported that in India, violence, and clashes had broken out between inmates and police at one of the central correctional centers in Kolkata because prisoners were not allowed to meet their families till March 31 due to social distancing rule that was implemented across every prison of the country due to the prevalence of COVID-19 in the nation.

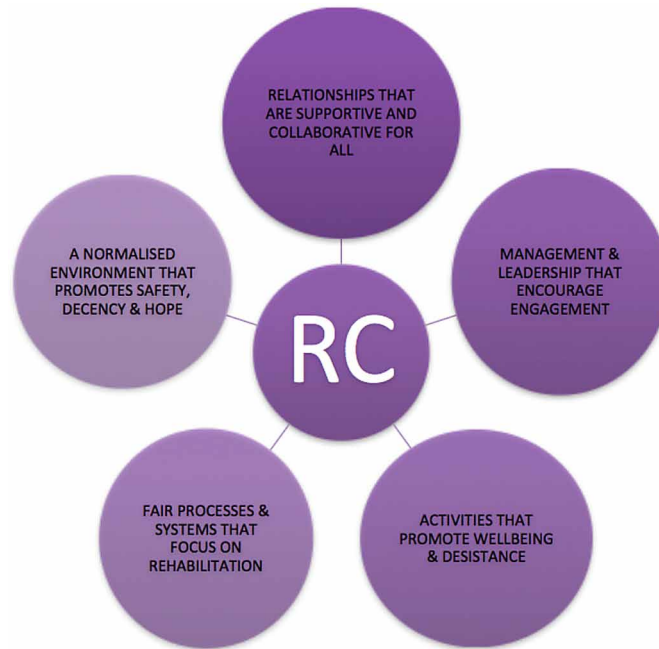
In response to the Apex court, many states had implemented screening, testing, quarantine facilities, testing, isolation wards for prisoners. Supply of masks, limiting outsiders, suspension of activities inside the prison for the offenders as a precautionary measure to avoid the spread of COVID-19.

As far as correctional programs are concerned inside the prison, it is lagging until vaccinations are not given to the prisoners and till the time they are not habituated to the do's and don'ts of the pandemic situation as in wearing of masks, social distancing, cleaning of hands and proper sanitization of prison from time to time. Proper training to the correctional and prison staff should be given to handling the current critical situation. There is also a need to think about alternative ways of reformation of prisoners and their families. Proper usage of idle time of prisoners should also be kept in mind so that they do not get involved in frequent fights and violence. The prison administration has realized that there is a dire need to focus on the problems existing in the prisons and the needs of the prisoners should be taken into consideration before any other pandemic-like situation arises again. (Mallapur, 2020)

## **RECOMMENDATION FOR PRISON CORRECTIONAL REFORMS**

In addition to the aforementioned programs, the prison administration should also divert their attention towards creating a rehabilitative culture (refer to Fig. 2) inside the prisons. Rehabilitative culture depends on leadership and strong staff engagement (Bennett & Shuker, 2010). The core staff team needs to be actively engaged and have meaningful involvement in an establishment and everyday interactions with prisoners should be motivational and support learning whenever the opportunity arises. Realistic encouragement can show someone that they are accepted and believed in, and this increases the chance of being successfully rehabilitated (Farrall & Maruna 2004). Rehabilitative prison culture is one where all the staff and service users agree that the purpose is to enable service users to turn around their lives and desist from future offending. A rehabilitative prison is primarily safe, decent, and secure; in addition, it provides constant and consistent formal/informal opportunities to enable individuals to make positive changes to how they think, feel and behave.

Figure 2. Rehabilitative culture



The prison system has three core functions – to punish, to protect, and to rehabilitate – which it is charged with undertaking humanely and transparently. Prisons serve well their basic function of incarcerating offenders, implementing the punishment handed down by courts. The prison system’s role of protecting the public is in part met through giving communities respite for some time. However, the prison population in India has grown by a staggering 71% (Dhanuka & Lamba, 2020). Overpopulation (due to a high number of undertrials in the prison population, NCRB, 2017), is one of the major shortcomings that hinder the correctional reformation in the prison in addition to a shortage of staff (the prison staff ratio at the national level in India was 7 inmates per staff in all jails, NCRB, 2017), lack of training and absence of essential services that hampers the reformative efforts of the prison officials (Dhanuka & Lamba, 2020). But just as the prison population has increased, so has the awareness that the system operates too much like a revolving door; challenging how effective our present strategy is in providing longer-term public safety and recovery (O’Brien, Marshall & Karthaus, 2014).

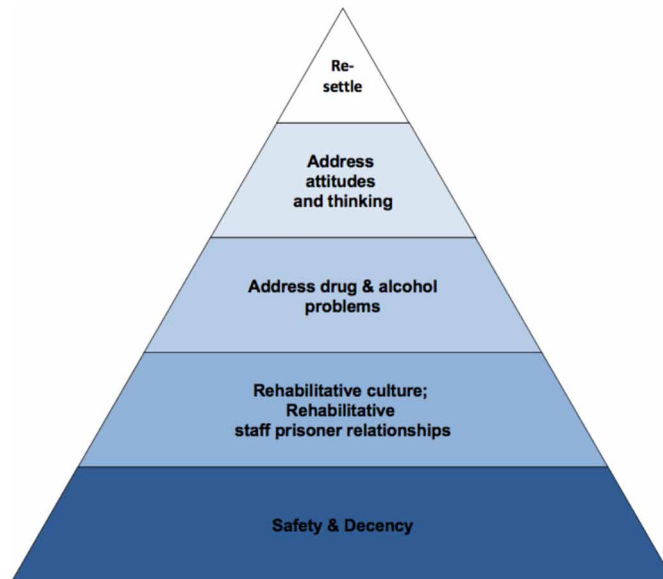
There is existing research on correctional reform however, they rarely provide solutions for the identified gap between effective rehabilitation of prisoners. Most previous research highlights the various shortcomings of the correctional reforms, focusing on the basic needs of the prisoners. Thus, there is little emphasis given on the Human rights violations faced by the inmates, and in this section, the authors will attempt to give an integrative framework that draws from previous research, to mitigate these issues and for effective rehabilitation. Mohan (2008) states that many reforms are required for the effective functioning of the Indian law and justice system, and prison reformation is one of the most important. Research in the field also recognizes that several issues need urgent attention for effective correctional reformation to take place. The researchers argue that the physical structure of the prison, condition of the prisoners, training, and reorientation of prison personnel, and better correctional administration and management are a few of the grave problems that require to be addressed (Sanyal, 2019). Also, an

## Overview of Correctional Reform in India

integrative multidisciplinary team should be appointed in the prison system in India for meeting all the needs of the prisoners and in turn for reducing recidivism and effective reformation.

*Figure 3. A rehabilitative culture in prisons is beneficial for both the prison staff as well as the prisoners and for reducing reoffending*

**Source:** O'Brien, Marshall & Karthaus, 2014.



There are also some important recommendations given by the Justice Amitava Roy committee to provide solutions for the failure of prison reforms. The committee suggests that to overcome the issue of overcrowding, Special Fast-Track courts should be set up to deal with petty offenses. It also recommends that legal aid should be given to every prisoner and for that to happen, the lawyer-to-prisoner ratio should be at least one lawyer for every 30 prisoners. To compensate for understaffing it also proposes the Supreme Court fill the vacant positions in the prisons. Suggestions also included things like videoconferencing to be used for trial purposes, to allow for the prisoners to make a free call to their family in their first week in prison. There is a need for exploring alternative punishments. (Prison Reforms in India, 2020)

The authors' emphasis would be on giving comprehensive solutions to the various issues faced by the prisoners in India. Researchers also recognize that psychological support is an important aspect to be considered that affects the reformation and reintegration of offenders. Research also asserts that prisons are becoming breeding grounds for offenders due to the lack of proper correctional reforms in Indian prisons (Palakkappillil & Prasanna, 2017). This shows that there is a need to explore and evaluate the effectiveness of the existing correctional programmes and try to identify the scope for modifications and make the programmes more effective.

The authors suggest that the Criminal Propensity Scale by Dr. Shubhra Sanyal - which is an Indian adaptation of the Eysenck personality questionnaire which measures Psychoticism, Neuroticism, and Extraversion should be used in all central and state prisons of India. This scale can tell about the mental

condition (state of the mind) of the offender to be released from prison and tells about the criminal propensity which can help in designing the rehabilitation program for the offender according to his responses.

Dr. Sanyal has explained in her manual of Criminal Propensity Scale, 2018 that high criminal propensity behavior with high social desirability inside the prison are less prone to rehabilitation than the ones with low criminal propensity and low social desirability. This is the first measure of its kind to be adapted and used in Indian settings. This scale will help the correctional department to segregate offenders with high propensity and in turn aid in determining the course of rehabilitation. It will also be useful in determining the types of vocational skills programs to implement and what reformative traits to be taught to the inmates. In the after-care program, ex-convicts' responses to criminal propensity will help decide the degree of their rehabilitation. (Sanyal, 2018).

Table 2. Criminal Propensity Scale outcomes

Criminal Propensity	Social Desirability	Bars	Intervention
High	High	Red bar, further treatment is needed (Low chances of rehabilitation)	Vocational programmes, sports, and games are needed.
Medium	Medium	Yellow bar, criminal tendencies, a habit of faking (chances of rehabilitation is low but higher than red)	Intense counseling, meditation, yoga, religious classes should be given.
Low	Low	The green bar, fit to be release	Counseling, other persuasive techniques can be used so that the person moves away from delusion to self-persecution.

The authors argue that the rehabilitation of prisoners will be effective only if the offenders are given appropriate vocational training so that they are employed after release. The educational facilities and vocational programmes should be updated to meet the demands of the ever-changing society. This will enable the offenders to gain relevant skills for gaining employment after release and lead an independent life. Srivastava (1977) states that once a prisoner is assured that he will be respected and lead a dignified life after release, he would believe in the rehabilitative purpose of the prison system.

Furthermore, prisoners should be given support even after release from prison and provisions should be put in effect so that they can easily access psychological or any other support that they require for leading an independent and dignified life. This will help in reducing recidivism. The correctional work nowadays seems to suffer a lot and responsibilities are lying more on the family and the society rather than the prison administration. So, there is a need to psycho-educate the family and society. This is also crucial as prisoners will face challenges once released from prison as well. Psychological interventions should be offered for the offenders as well as their families.

## CONCLUSION

The chapter concludes with a summary, a balanced assessment of the contribution of the correctional framework in prisons in India, and a roadmap for future directions. For successful rehabilitation and reformation of prisoners, there should be several provisions added to the correctional reformation pro-

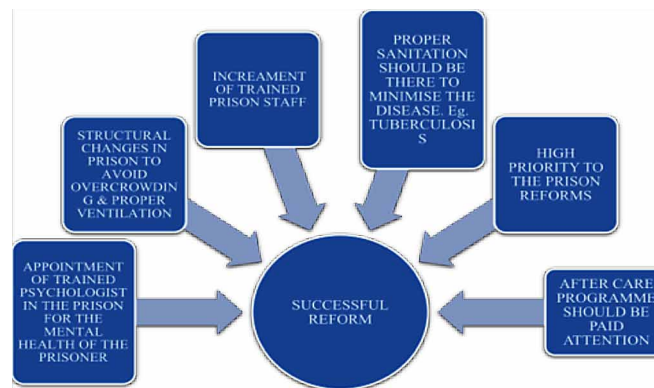


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grams. The correctional reforms include vocational training and aid the offenders to become skillful and gain employment after release from the prisons. Such correctional programmes help the offenders in their identity formation and provide them a sense of dignity and respect once they get reintegrated back into society. Correctional programmes are humane and provide opportunities for the prisoners to engage in work which helps them to overcome their maladaptive pattern of behavior and adopt positive and skillful behavior. Furthermore, psychological interventions should also be a part of the correctional programmes. Although the Indian Judiciary has emphasized progressive judicial interventions on reform, still more needs to be done to incorporate the necessary reforms and their implementation.

Above all, the aim of the prison reform should not only be limited to upgrading the correctional reform and to make the prisoners' life more independent but making prisoners more humane and sensible should be the priority of such reforms.

Figure 4. An integrative solution



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## **KEY TERMS AND DEFINITIONS**

**Correctional Programs:** Correctional programs are organised interventions that target predisposing factors directly linked to criminal conduct to lessen reoffending.

**Criminal Propensity:** It is the tendency of an individual to be inclined towards criminal behavior i.e., criminals show high on Psychoticism, Neuroticism and Extraversion and low on Social desirability on Criminal Propensity Scale.

**Prison Reforms:** Prison reform is an attempt to upgrade the condition inside prisons, to make the correctional programmes more effective for the offenders who are detained behind the bars, and to introduce the alternative of incarceration and to focus on the reintegration and rehabilitation of prisoners back to the society.

**Recidivism:** It can be defined as relapse of a convicted offender to offending behaviour. In other words, due to many factors such as financial deprivation, lack of support system, an offender might reoffend post release from prison. The act of reengaging in criminal behaviour after release is known as recidivism.

**Reformation:** Reformation is an improvement of the existing prison culture for the betterment of the offenders who are incarcerated or are behind the bars.

**Rehabilitation:** It is a transition of the offender from prison community to free community. It is a process of restoring offenders and helping them to grow and change and help mitigate the various environmental factors that led to engage in offending behaviour.

**Rehabilitative Culture:** An organisation or company is said to have rehabilitative culture when it allows its members to think about their futures with hope. It helps them to plan for a new lifestyle and prepare for it. It gives chances to modify their behaviours and attitudes and to try new identities. In rehabilitative culture people are appreciated for their charitable deeds.

**Reintegration:** It is the process of restoration of the offender successfully to the society. It is done through the introduction of various correctional and vocational programmes inside the prison which helps them assimilate back to the society successfully.

**Social Desirability:** It is a tendency of a person to respond in a manner that is more socially acceptable than their true self. It is generally done to project themselves in a more positive and socially approved light to avoid any kind of judgement or negative perception.

**Work Programs:** Work programmes are the programmes that help the offender in finding a job after his release from prison. These programmes help the prisoners in restoring their financial stability, to regain their lost identity and support them to reintegrate in the mainstream after release.