CHAPTER – VI

INSTITUTIONAL TREATMENT AND

REFORMATION
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6.1. PRISON SYSTEM AND ITS REFORMS IN HISTORY

In recent times, the existing formalized legal codes and state administered procedures of justice adopted retributive punishment. The code of Hammurabi, the earliest known system of law, developed by the King Hammurabi of Babylon, in the Eighteenth century B.C., had the principle of retributive lex talons or "an eye for an eye" "a tooth for a tooth". Death was frequently employed means of dealing with law breakers, as was mutilation and monitory compensation. (Don. C. Gibbons, Society, 1970).

The code of Hammurabi has no place in the modern treatment of the offender, as the personality of the offender is taken into serious consideration today. This code only provides us the system of punishment that the people at the age applied to deal with and maintained peace in their community. It has no reformative motive.

The Mosaic code according to Elliott (1952) is one of the ancient codes in history showing when the knowledge of punishment imposition was implemented by the ruling authority.
According to John Gutlon (1968) resocialization means the individual does into engage in criminal acts even when the opportunities are present on the other hand rehabilitation means the individual abstains from criminal acts simply because the opportunities for such acts are not prevalent in his general sphere of action.

Gulton (1956) says, majority of our direct correctional efforts ends at the rehabilitation level, where as re-socialization implies a level of efficacy in techniques of induced changes that the social, psychological and psychiatric discipline have yet to offer.

According to Ashley Weeks (1958) that the objective of all the correctional procedures is the permanent protection of society through rehabilitation of the greatest possible number of convicted offenders. Persons who have experienced correctional training, may be favourably affected by the treatment to have the good effect discounted. By the fact that they are returning to the same family, the same neighbourhood and the same detrimental social grouping and influences with contributed to their anti-social behavior.

The individual prison inmate as other human beings, also seeks and wants fervent encouragement, to do any assigned treatment program and reformative measures to be effective the proper supervision is required on
the particular inmates. That is the most outstanding aspect of the present work which the study Ashley lacks.

Sri.S.P.Srivastava (1977) mentioned that the Chief objective behind prison is to view the jail institution or organization as analysis to other type of social organization where hundreds of men live and work together.

The most alarming focus of his enquiry is directed towards an understanding pattern and parameters of inmate’s society and the inmates behavioral problems of institutional adjustment that arises inside the four walls of prison.

However he made no attempt to know how to improve life of the unfortunate individual prison inmates with the four walls. Hence, the present study to project the interest of the individual convict inmate to renew his ways and way of his life, right in the treatment home after fully reformed himself with necessary reformatory measures provide for him before his discharge.

According to Hans Toch (1971), since, prisons are designed to deter criminal mis-behaviors, society has no compaction about confining people there, away from their love ones, in a very limited space and in stuffifying routines. Society wants prisoners to be secure, so as to keep inmate
depending inside this good determines the isolation location, guarantee insulation and fortress architecture of prisons and shapes custodial staffing patterns.

The work of Huge J. Klare (1973) illuminates on the mode of reformatory measures and re-socialization of the prisoners. He said that many a times prisoners while in jail on rehabilitation programme, it was due to the attitude of the public. But it is to be first find out and locate the interest of an individual inmate, scientifically before arranging him on any reformatory treatment programme.

According to Clarence Schrag (1961) the prison as reported by Schrag, is previously seemed in the world as a world of conflict between Forum of good and evil. Prisoners are expected to exercise their antisocial propensities if they can get away with it, on the other hand officers are expected to be the sentiments of the good society who carry the full authority of the official community, in their relationship with individual inmate.

Further, he said the strategies for ‘reforming’, ‘rehabilitation’, ‘treating’ or ‘correcting’ criminals in institution are greatly influenced by the assumption of person in the broader society and these assumption have been importantly revised during the course of correctional history.
The early efforts were to be aimed at 'treating the will of the offender, where as the current conception of treatment places greater emphasis upon the in calculation of custodial useful habits such as thriftiness, industriousness and acquisition of social and occupation skills. Thus the reformatory measures as the treatment function of the prison is to make available to in inmates a variety of facilities including programme of academic and vocational training medical care, religious institutions, counseling and parole planning to mention the standard treatment devices. Scharg, highlights the importance of planning the individual prison inmate on the limelight or reformation. All planning should be according to the social needs of the individual, his paper really touches on the tenets of the prisoners reformation and rehabilitation in general.

Mir-Mehraj-ud-din (1984) as he held that through proper reformative measures, rehabilitation and re-socialization of the offenders is the main objective underlying the modern correctional penology. The basic premise of Mir-Mehraj-ud-din’s study is to examine the adjudication of the guilty, award of the punishment and the influence of the prison community and their impact upon the correctional process aimed at re-socialization of the offenders that all the processes involved in the criminal justice process from arrest to release of an offender contribute on moulding his behavior, that the
future of an ex-prisoner is shaped by as the way in which an offender is treated in his journey from community to police, police to court, court to correctional institutions and lastly corrections to back to the society or a community.

Further, he even calculate the prison vocational training, examining their impacts upon the re-socialization process have been brought within the purview of his study as well. His work carries with the modern principles of reformative measures.

According to the work of Devaker, (1989) in the jargon of penology today, prison institution is referred to as a “correction Institution”. Where as Devaker claimed that what ailed and pained a prisoner is what the administrators called happy surroundings and he said the present century has seen a great admiration of the conditions inside jail.

Further, he attempted in his treatise to provide a canvas in which the drama of socialized prisoners enacts itself in the changing socio-political sense. Devakar by his work brought forward, the trail and error experimentation with penal practices under influence of conflicts at the administrative economic, emotional and social levels.
Indra J. Singh (1979) said that, “the institutions of prisons is no more resting ground in the legal processes where death penalty, punishment or transportation may be the verdict”. Instead the institution of prison has imbibed and is influenced by conventional norms, ideals and assumptions of humanitarian, enlightenment and the welfare state.

The area of study covered in his work were as follows: -

1. The formal structure of the prison organization routine and administrative etc.

2. The informal structure groups among the inmates and the custodians power and leadership role etc.

3. Communication, co-operation and conflict between various levels amongst custodians and between custodian and inmates.

4. The elements of prison culture, language, argot, attitude etc., and

5. The external influence educational provision, prison visitor, research or workers, family visitors etc.

India was fully motivated and influenced of the work done by Donald Clemmer in the similar work.

Vidhya Bhushan (1970), focused more towards the administrative setup of prisons in India. He discusses the recruitment procedure, training
aspect of the prison officials. His study based on secondary sources of information is an amalgam of quotations from western texts and reports of Indian Commissions and committee on prison reforms.

Datir, R.N. (1978), in which he indicates that the prison society is a separate world by itself, even Datir dive deep to describe every aspect of the jail administrative set up, classification of prisoners, architectural work of prisoners, prison discipline, prison labour, prison education, prison hygiene, and open prison etc. particularly towards the treatment of prisoners to meet the end of reformation and rehabilitation is the goal of prison. Who should be kept in prison, and how long should they be kept in prison to meet the requirement of the society.

Khan (1990) the evolutionary work, towards an attempt in the area of institutional correction with due thought to related policy issues. His work focuses on very segment in the wide range of correctional programmes, namely 'work' by jail inmate. The emphasis all along is in perspective specificity and policy delineation.

He tried to identify institutional goals and strategies governing work programmes as a means to fulfilling the correctional objectives and lastly to examine the concept of work programme on the inmates.
According to Jaytilak G. Roy (1989) crime is the outcome of a disease mind and Jail must have an environment of hospital for treatment and cure of mental disease, he maintained that this particular approach eschew the deterrent and retributive elements of punishment and strongly advocate for the reformative approach.

The current trend of prisoners reformation is purely based on scientific and diagnosis of inmates personality and its proper classification accordingly, once admitted to the treatment home like that any program of reformatory measures placed before the any prison inmate without considering his personality, is no reformative at all.

James Vadakumchery (1983), in his book of the title “Criminology and Penalogy” stressed more attention to the scientific classification of prisoners in India, if correction, reformation and rehabilitation is intended.

V.V. Devasia, Leelamma Devasta (1992) in (Criminology). Substantiate the need of treatment and correction of the criminal as well as the victim. Emphasis is given on rehabilitation is the ultimate goal of treatment, which is the restoration of an offender to a state of physical, mental and moral health, so that he can become a law abiding, constructive and self supporting individual after their discharge. They maintained that
punishment honors the offenders as a rational being and gives him what it is
his right to have.

Walter Reckless, Leonard Savitz, Marvin E. Wolfgang, contended
that, the goals of punishment have been undergoing radical changes along
with the growing awakened about the rights of even wrong doer. The trend
in modern countries has been towards humanizing punishment and towards
the reduction of brutalities. The emphasis is on the decreased use of capital
punishment, the introduction of amenities in to the modern prison by
enlighten penology and the increasing emphasis on non-punitive and
individualized methods of dealing with prisoners, e.g. probation, parole,
psychotherapy etc.

The idea that the punishment is basically for reformation and
rehabilitation, criminologist as well as psychologists and behavioral
scientists, and many thinkers. Consumed with the future personality and
conduct of an inmate offender, the behavioral approach replaces the justice
model of punishment with a therapeutic one.

Dr. Trivedi’s (1987) work provides necessary understanding of
problems and guidance as to how to attempt to solve them and also deals
with personal problems and development, the need for professionalisation,
institutional programmes, prison labour, infrastructural facilities within the
jails, individualized and particularly reformatory approach to inmates, working out of scientific priorities integral to effective prison administration in relation to ideals of correction, reformation and rehabilitation etc.

Ellis Havlok (1901) advocates particularly regarding the treatment of the criminal that, the use of re-educative methods after a thorough diagnosis of the personality traits of the individual offender. The need for the indeterminate sentence and reiteration that our prisons must be like hospitals.

Ahmed Siddique (1983) in his Criminology problems and perspectives, stressed on the importance of both prison reforms and parole and probation. He has given a word as therapeutic approach.

Mr. Justice Krishna Iyer, who has in a number of judgments pointed out the need for a sympathetic approach, has said that in a “scientific system the focus (is) not only on the crime but also on the criminal, and to personalize punishment the reformatory component is a much operative as the deterrent”.

In the light of studies referred to above, it is found that research problem needs to be probed and looked and looked into the details of it. To make study more meaningful social and physical anthropological aspects
like social setting, social organization of murderers and genetics and its association with criminal behavior have been added.

6.2. INSTITUTIONAL TREATMENT AND REFORMATION

Now a days prisons are being described as the reformatory institutions. It is also recognized that the inmates have to work and that work is useful for the reformation and rehabilitation. It expects the prisoners to learn some vocational trade which will enhance their chances of employment in the society after their release. It is also helped that habit of industry equips them for post release rehabilitation. At the same time, it is also expected to meet the prison expenditure thereby saving the tax payer's money.

During the British rule the work in the prisons aimed at productivity and profit. Efforts to improve the conditions of the prisoners and to provide necessary facilities have been made after independence. The U.P. Jail Industries Enquiry Committee of 1956 has suggested that “government should under no circumstances insist on profits first, otherwise all our proposals for reforming and rehabilitating the prisoners will be sacrificed by the jail administration for the sake of profits. Reformation and rehabilitation should prevail over all other considerations.”
But it is noticed that the institutions are teaching the prisoners in traditional trades and services. The researcher tried to find out whether the work programmes have any rehabilitative value in reforming the murderers?

In the history of prisons there has been various prison labour systems that are used as lease system, contract system, piece-price system, state-account system and state use systems. In India, the last two systems have been found in use. In the state account system, the state itself takes the responsibility for manufacturing the goods and the sale of the products. The state use system is similar to the state account system but the manufactured goods are for the use of state institutions. Besides manufacturing various goods are needed for prisoners themselves. They also manufacture goods which are sold outside.

It is found that only a few prisoners were assigned in carpentry, carpet making and trades. Most of prisoners are employed in agriculture and gardening. Since the majority of the murderers are from rural areas and agriculturist families, the prison work programme is unstable. This work is introduced to inculcate the habit of work amongst the inmates and also equip them with proficiency in the work which may come in handy after release. The respondents other than agriculturists do need any skill but only physical
capacity. In general it is found that the work programmes in jails are not primarily based on rehabilitation of the offenders after their release.

The work programmes are generally given as a policy matter. But the respondents view is shown in Table No.6.1 given below:

**Table No.6.1**

Response of the murderers to the question what are the main objectives to work in the prison?

<table>
<thead>
<tr>
<th></th>
<th>To pass time</th>
<th>To learn</th>
<th>To earn money</th>
<th>To follow work after release</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of inmates</td>
<td>159</td>
<td>47</td>
<td>36</td>
<td>88</td>
<td>330</td>
</tr>
<tr>
<td>Percentage</td>
<td>48.18</td>
<td>14.24</td>
<td>10.91</td>
<td>26.66</td>
<td>100</td>
</tr>
</tbody>
</table>

It is noted that 48.18 percent of the respondents mentioned that the objective behind is to pass time. 26.66 report that they have to work because they have to follow the orders of the jail authorities. That 74.84 percent of the respondents have no meaningful objective regarding the work provided to them.
Table No.6.2
Response of the murderers to the question whether you like to work in the prison?

<table>
<thead>
<tr>
<th></th>
<th>Like</th>
<th>Dislike</th>
<th>No response</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of inmates</td>
<td>235</td>
<td>71</td>
<td>24</td>
<td>330</td>
</tr>
<tr>
<td>Percentage</td>
<td>71.21</td>
<td>21.52</td>
<td>07.27</td>
<td>100</td>
</tr>
</tbody>
</table>

The respondents like or dislike the work allotted to them is shown in above Table No.6.2. On going through the Table No.6.2 it is seen that most of the respondents 71.21% like their work in the prison. A considerable section has stated that they dislike the job given to them.

The researcher further extracted the opinion of those respondents who have reported that they have liked the work and liked to do whatever that work had been assigned to them.

Table No.6.3.
Response of the murderers to the question “Why do you like the work given to you?”

<table>
<thead>
<tr>
<th></th>
<th>Easy Work</th>
<th>Utility of work</th>
<th>High quality</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of inmates</td>
<td>129</td>
<td>85</td>
<td>45</td>
<td>259</td>
</tr>
<tr>
<td>Percentage</td>
<td>49.80</td>
<td>32.81</td>
<td>17.39</td>
<td>100</td>
</tr>
</tbody>
</table>
It is seen from the above table No. 6.3 that 49.80 percent liked the work because it was easy work. 32.81 percent mention ‘utility of work’ and 17.39 percent ‘high quality’ of work as the main features of the work which made them to like the job given to them in the prison.

**Table No.6.4.**

Response of the murderers to the question “Why do you dislike the work given to you?”

<table>
<thead>
<tr>
<th></th>
<th>Uninterested work</th>
<th>Unsatisfactory work conditions</th>
<th>Useless work</th>
<th>Old age</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of inmates</td>
<td>25</td>
<td>23</td>
<td>15</td>
<td>08</td>
<td>71</td>
</tr>
<tr>
<td>Percentage</td>
<td>35.21</td>
<td>32.39</td>
<td>21.12</td>
<td>11.26</td>
<td>100</td>
</tr>
</tbody>
</table>

The respondents who ‘disliked’ the work assigned to them have been enquired why they disliked their work. 35.21 percent reported that the work was not interested. 32.39 percent found that the working conditions are unsatisfactory and 21.12 percent felt that the work was not useful.

The analyses of the above tables shows it is clear that though a majority of the respondents liked the work that had been assigned to them, at the same time the liking has been mainly on account of the nature of work being easy work. Hence there is no any significant objective in doing the
work provided to them. Thus it is clear that most of the cases who liked the work assigned to them did so because the nature of work being easy. However, they also felt that these work activities has no future utility.

The next enquiry shows how do the murderers feel about the work programmes as far as their reformation and rehabilitation is concerned?

**Table No.6.5**

Response of the murderers to the question “does one feel that in general programmes of prison help the offenders in their reformation and rehabilitation

<table>
<thead>
<tr>
<th></th>
<th>Mostly</th>
<th>To some extent</th>
<th>Not at all</th>
<th>Can not say</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number of inmates</strong></td>
<td>56</td>
<td>145</td>
<td>63</td>
<td>66</td>
<td>330</td>
</tr>
<tr>
<td><strong>Percentage</strong></td>
<td>16.97</td>
<td>43.94</td>
<td>19.09</td>
<td>20.00</td>
<td>100</td>
</tr>
</tbody>
</table>

From the above table No.6.5 the following observations being made of the respondents feel that prison work programmes help the inmates in their reformation and rehabilitation. These respondents are usually offenders. The reason given for such response is that the work in which they were engaged in prison has been similar to that of the occupation pursued in their homes. Hence their responses did have much importance.
Table No.6.6

Response of the murderers to the question “What type of facilities in their opinion provide to the offenders for their reformation for their reformation and rehabilitation?”

<table>
<thead>
<tr>
<th></th>
<th>Employment</th>
<th>Loan</th>
<th>House/Land</th>
<th>Yoga/Meditation/Bhajans</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of inmates</td>
<td>34</td>
<td>187</td>
<td>60</td>
<td>49</td>
<td>330</td>
</tr>
<tr>
<td>Percentage</td>
<td>10.30</td>
<td>56.67</td>
<td>18.18</td>
<td>14.85</td>
<td>100</td>
</tr>
</tbody>
</table>

The above table No.6.6 shows that (56.67%) majority of the offenders feels that the released offenders have to be provided with loan facilities. The reason for this is that majority of the murderers are having land and house, hence, they want to take up their own original occupation with the help of loan. 18.18% of the respondents feel that they have to be provided with land. The reason for this is that these offenders may not have the land and they may be agricultural labourers. This tendency shows that the murderers have a preference towards the reformation.

Offenders generally have contact with the police first when they commit murder. After release also there are again the chances of more encounters between them in the course of police duties in investigation and also patrolling. The police have therefore certainly some role in the
rehabilitation. It is believed that the police are more of a hindrance than help in the process of reformation.

**Table No.6.7**

Response of the murderers to the question “What is the attitude of the police towards them mostly?”

<table>
<thead>
<tr>
<th>Helpful</th>
<th>Unhelpful</th>
<th>Indifferent</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of inmates</td>
<td>159</td>
<td>53</td>
<td>118</td>
</tr>
<tr>
<td>Percentage</td>
<td>48.18</td>
<td>16.06</td>
<td>35.76</td>
</tr>
</tbody>
</table>

It is clear from the above table No.6.7 that most of the 48.18 percent of the respondents feel that the attitude of police is mostly helpful and 16.06 percent say that police have no concern with them in their reformation.

**Table No.6.8.**

Opinion of the offenders about the police

<table>
<thead>
<tr>
<th>Honest</th>
<th>Corrupt</th>
<th>Inhuman</th>
<th>Dutiful</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of inmates</td>
<td>45</td>
<td>145</td>
<td>71</td>
<td>69</td>
</tr>
<tr>
<td>Percentage</td>
<td>13.64</td>
<td>43.94</td>
<td>21.51</td>
<td>20.91</td>
</tr>
</tbody>
</table>

The above table No.6.8 shows that 43.94% of the offenders have an unfavourable opinion about the police. The reason for this is that the police have ill treated the offenders soon after the commitment of the offence. It is
also noticed that the police unnecessarily harass the other people of being ‘suspicous for collecting the money. Some have expressed that when they have visited their home or leave/parole the police have not behaved honestly with them.

Table No.6.9

Responses to the question “Does the inmates use the time in prison to improve their conduct?”

<table>
<thead>
<tr>
<th></th>
<th>Most of them</th>
<th>Some of them</th>
<th>None of them</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of inmates</td>
<td>104</td>
<td>149</td>
<td>77</td>
<td>330</td>
</tr>
<tr>
<td>Percentage</td>
<td>31.52</td>
<td>45.15</td>
<td>23.33</td>
<td>100</td>
</tr>
</tbody>
</table>

From the Table No.6.9 it is noticed that 31.52 percent of the respondents feel that most of the inmates use their period of punishment in the prison usefully towards improving their conduct. 45.15 percent of the respondents feel that most of the inmates do not use their period of punishment in the prison usefully towards improving their conduct.
Table No.6.10

Responses to the question “Are the authorities interested in the welfare of the inmates?”

<table>
<thead>
<tr>
<th></th>
<th>Most of them</th>
<th>Some of them</th>
<th>None of them</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of inmates</td>
<td>203</td>
<td>98</td>
<td>29</td>
<td>330</td>
</tr>
<tr>
<td>Percentage</td>
<td>61.51</td>
<td>29.70</td>
<td>8.79</td>
<td>100</td>
</tr>
</tbody>
</table>

It is observed from the Table No.6.10 that more than half of the respondents (61.51%) have stated that most of the authorities are interested in the welfare of the inmates. 29.70 percent of respondents have stated that some of the authorities are interested in the welfare of the inmates. Further 8.79 percent of the respondents replied none of them are interested in the welfare of the inmates.

Table No.6.11

Responses to the question “Do the prison officials help and guide inmates to improve their conduct?”

<table>
<thead>
<tr>
<th></th>
<th>Most of them</th>
<th>Some of them</th>
<th>None of them</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of inmates</td>
<td>196</td>
<td>104</td>
<td>30</td>
<td>330</td>
</tr>
<tr>
<td>Percentage</td>
<td>59.37</td>
<td>31.45</td>
<td>9.18</td>
<td>100</td>
</tr>
</tbody>
</table>

The above Table No.6.11 shows that 59.37% of the inmates have said that the prison officials help and guide inmates to improve their conduct and 31.45% of the inmates replied that some of the prison officials help and 9.18% of the inmates replied that none of the Prison officials help them.
Table No.6.12

Responses to the question “Whether offender forecast the type of punishment he/she would be awarded?”

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Not responded</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of inmates</td>
<td>205</td>
<td>88</td>
<td>37</td>
<td>330</td>
</tr>
<tr>
<td>Percentage</td>
<td>62.12</td>
<td>26.67</td>
<td>11.21</td>
<td>100</td>
</tr>
</tbody>
</table>

The above table No.6.12 shows that 62.12 percent of the respondents know that what type of punishment they would be awarded. 26.67 percent of the respondents replied that they don’t know what type of punishment they would be awarded. Most the murderers forecasted that they will be awarded life imprisonment. Only few of the forecasted that they are going to get death penalty. It is believed that the death penalty has become an unacceptable and ineffective method of punishment and has been replaced with imprisonment, in which the emphasis is being put more and more upon a scientific programme of rehabilitation. There is also growing interest that it is the desire to find love and security among relatives rather than the fear of legal penalties that keeps the majority of persons from violating the law.