CONCLUSION

The present day aim of punishment is protection of society and reformation of the offenders cannot be achieved by detention alone unless the offender is corrected and reformed while in custody by individualised mode of treatment so that on his return to society, he become self-reliant, and law-abiding citizen.

It is generally agreed that punishment and treatment are integrated and inseparable. However, it needs time to mould an anti-social person and make him readjust in society. Therefore, keeping a offender in prison for a short or long while serves no purpose. A reasonable period is needed for the ameliorating influences to become effective. This necessitates not only the awakening of the offender's conscience but also boosting up his morale - a fact which should be taken into consideration by those dealing with the offenders.

It is well known that the practice of awarding long-term sentence is a serious challenge to our present day system of administration of justice. With the mounting...
rate of crime the working of criminal justice is hamstrung. The thin resources available are thrust beyond limit by admitting more and more offenders in the correctional institutions. The stigma attached to the individual who is incarcerated is well known. The fact that an individual got lesser punishment or say a short or long spell as imprisoned considerably mitigates the stigma. From the angle of family such a long sentence is an un-necessary inconvenience to him. The dependents, specially the young ones in the family very often become vulnerable to deviancy. The consequences of life-term sentences are also equally harmful to the offender as he may loose a job if he has one. The society has to forgo the creative capability of a person for the duration when he is sent to jail.

When none of the experts has spelt out the time duration for correction of a normal individual, the long-termers whose magnitude is enormous in our jails does not lessen the formal workload on the functionaries. However, the minor violations may be, the judiciary has to take, in the present-day setting, all the formalities against such
offender. Considering the setting, the working of the
criminal justice system, the subculture, the infectious
atmosphere, and the like, it would be hardly healthy for
a person to stay as a prisoner in the jail even for a
single day. Apart from the undesirable implications,
the life-term sentence may at times, affect the psychology
and personality of the life-timer deeply. Such life-
timer instead of being corrected in a jail tend to become
criminal having imbibed the skills and tricks of the hardened
criminals. Thus in a way life-term sentences lead the petty
criminal to take to a career of crime. This is the problem
which cuts across the whole philosophy of correction.

Law and order is a pre-condition for secure demo-
cracies. Looking to the contemporary emphasis on correction
and rehabilitation should the trend of awarding the punishment
commensurate with the gravity of criminal act continue?
Therefore, there is a compelling need for revolutionary changes
to be made in sentencing and correction of life-timers.
As already pointed out life-term sentences may achieve the
fine abstractions of the law, but at the same time it may
concretely harm the individual. Had the sentences resorted
to adequate alternatives, many a life-timer could have
been at liberty, contributing positively his creative capabi-
ility to the social progress.

It is this paradoxical problems of long-term
sentencing, the sentenced, the sentencers and those
responsible to reform and rehabilitate the sentenced
which has been taken up in our study for a systematic
analysis. However, the substantive concern in the study
has been mainly the life-term offenders.

At this juncture, it may be pointed out that
there are few studies available on this problem in the
Indian setting. Many researchers however, have attempted
to analyse this problem in a systematic manner in other
countries. In the present study an attempt has been
made to understand the problems of life-term sentences by
eliciting necessary information from law-enforcement
agencies and the life-term offenders themselves. The
study has been focused on the cases in Central Jail, Tihar,
Delhi. The institution is of long standing and it is
supposed to have a competent correctional and custodial
staff. Apart from being situated in the capital city the prison population here is heterogeneous and provides analytical advantage. Besides, Delhi provided a better setting for obtaining the targeted subsample of judicial officers. The Union Territory of Delhi which has been selected for the present study has only a Central Jail with a Camp Jail functioning as an annex to it. In practice, the average population goes three times more than its normal capacity. No separate staff for manning the Camp Jail has been sanctioned.

To undertake and to gain familiarity in correctional work the prison officials' job experience assumes importance. We have found in our study that the average experience of an official is 13.26 years which appears to be quite satisfactory (see P.65). Taken in totality the training position of the prison officials seems to be very unsatisfactory as more than half of the staff are untrained. The effectiveness and utility of correctional institutions will depend upon the job satisfaction that prevails in the service. Most of the prison officials seem to be disinterested or disgruntled about their duties for want of adequate incentives. Furthermore,
considering the inmate population the quantum of personnel is insufficient to man the prison. It has been found that during the period of the present study, out of a total of 1445 prisoners sentenced to different terms of imprisonment 41.7% of them have been sentenced to a term of imprisonment ranging from one day to one year. The average population of the Central Jail, Tihar, Delhi remained 2242 per day including 627 undertrials. Central Jail, Tihar is overcrowded. It may be realised that overcrowding in prisons is not only hazardous to prison administration but also equally harmful to the inmates. Due to inadequate facilities available all the offenders irrespective of the length of sentence are housed together. There are instances in the recent past when the undertrials are also lodged with the convicts. Many of the prison officials are aware that there is a contaminating effect, but they are helpless as it is difficult to carry out proper classification. Many of the habitual offenders belong to organised gangs and they avail the opportunity to recruit and train more members from the life-term offenders.

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Communication channels between the superordinates and subordinates are unsound. Structural and functional inadequacies are found to be prominent.

The Jail Administration depends mainly on the convict overseers and convict watchmen, who are long-term offenders, on account of the non-availability of adequate staff.

An overwhelming majority of the prison staff who have long experience in service are of the opinion that the life-termers cannot be trained for rehabilitation during their stay in the prison firstly due to the little means available to deal with the long-term offenders and secondly, due to insufficient staff and resources.

It is difficult to examine the entrants medically on their admission due to inadequate medical staff and resources. There is no psychologist or psychiatrist available in the prison hence the administration of psychological test/psychiatric examination to a prison inmate and particularly to a life-termer is out of question. Prison officials are aware that classification
is a dynamic operation and entails a very long procedure. In order to develop and discover the latent talents of long-termers, recreational and cultural activities are necessary, but recreational facilities are provided to inmates and if a long-timer wants to avail of it he can do so, but he is not encouraged to take part in it. The jail rules speak of diagnostic facilities but it is in the rules only.

The offender since his admission has to languish in the prison on the mercy of the convict overseer who assigns him work. There is no choice for the long-timer to select a particular job. Most of them are allotted sundry duties. But many of the life-term offenders do not like to do kitchen duty as they consider it tedious and tiresome. The inmates who work in the kitchen are housed in the block attached to the kitchen and have to get up much before dawn to prepare the breakfast and other meals for the inmates of the prison. In any case life-term offenders irrespective of the type of sentence i.e. simple or
rigorous have to do the work thrust on them.

It is seen that some of the life-term offenders prefer to do sweeping or other maintenance work because such tasks provide them more freedom of movement. Life-termers who are sick, old or infirm and those whose have preferred appeal to the higher courts for review of their cases are not put to any work in the prison.

No evaluation on the progress of reformation is carried out due to inadequate manpower or due to other exigencies. Education is character building and is a preparation for social life and to inculcate good habits and healthy attitude, it is necessary to impart education to the prison inmates. Prison officials are fully aware that education is a pre-requisite for reforming an offender. The prison manual provides for the appointment of a teacher but we found that there is no such teacher in the Tihar Jail. Moreover educational facilities are not extended to the life-termers. No cases of release of life-term offenders are referred to social agencies. The study shows that no special attention is paid to life-term offenders in jail. From the attitude of the prison.

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officials it seems that they do not bestow any interest on them. It would not be incorrect, therefore, to state that the prison in question is functioning more as a security and custodial agency than a reformatory and rehabilitative agency. As things stand at present, it turns the petty offenders into hardened criminals. The Jail is simply a transit centre for life-term offenders where the officials function merely as security officers. There is no constructive institutional programmes which exist for those sentenced for a life-term.

Our study shows that there seems to be a practice of sentencing persons below 21 years of age who have involved in sex offences to long-terms and commit them to prison. In a way, the magistrates at Delhi are helpless as there is no special institutions to house the adolescent offenders. Hence they send them to prison. But the sentencers should be aware that there are chances for a young offender to mingle with the hardened criminals. It is the young offenders...
who pose a problem for the prison administrators as young offenders are very often a prey for homosexuals in the prison. We find that many of the life-term offenders are those who belong to scheduled castes and scheduled tribes or the lower caste groups and they usually commit crime against property. Such people dwell in slum areas and there are criminals in their families.

Most of the life-term offenders are recruited from amongst the vagrants and vagabounds. These people are in the look out of opportunities at bus stations, railway stations, cinema theatres and other crowded places.

Delhi being a metropolitan city attracts a large number of people from rural areas who are drawn towards the city in search of employment. Owing to divergent problems such as language, lack of education, failure to get any employment etc. drive them ultimately to take to criminal ways as a way to earn livelihood. It is likely that they fall prey to the anti-social people who often promise them to provide better

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employment and when such people find it difficult
to meet both ends meet they commit felony offences.
If the first incidence is favourable or if it goes
unnoticed they may be tempted to make a second or
subsequent attempt.

A large number of offenders belong to poor
economic strata. Most of the life-termers are
illiterate. The persons who are employed as rikshaw
pullers, casual labourers, unlicensed cobbles are
likely to commit grievous offences and the magistrates
award them long-term sentences.

Many of the life-term offenders are those who have
lost their parent in childhood. A large number of the
life-termers belong to broken homes, who were neglected
during their childhood. Many of the life-term offenders
particularly the young ones are employed as servants
in houses and restaurants in city where the masters
avail of their services for shorter or longer period
and invariably pay them insufficient wages. Such
persons when they demand their due wages or when their

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masters want to get rid of them for one or
the other reason, are beaten up and hand over to the
police on false charges. Generally these persons
specially those in the younger age groups come
into the clutches of anti-social persons. The
neighbourhood will have substantial influence on
the behaviour of an individual. Majority of the
long-term offenders are found to be from derelict
classes of neighbourhood (see Table 3.23).

The postulated hypothesis do not substantiate
that the socio-economic set up of the life-term offenders
are sound. It is the individuals who are from a
derelict classes of society who come before the
court and punished for long-term sentences. After
their first experience with the police third degree
methods and incarceration, many an offender lose
fear of these and have a fresh brush with the law.
There is every likely chance that they would commit
crime again. The infectious environment in prison
taints them more and more. Recidivists if at all

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released on bail do not comply with the
summons of the court and they often avoid
their appearance in the court either deliberately
or due to various other reasons.

A large number of persons are arrested
by the police with the reasons of arrest to the
persons concerned. It is seen that police arrest
persons without the knowledge of the court. If a
person is involved in a felony offence the police
arrest him without any arrest warrant or summons
of a court. The police very often arrest a person
on flimsy grounds, pick him up and charge sheet him
as having found in his person housebreaking implements
or as having denied to disclose his name and residence.
In such cases the court sentence him to a penal fine
and in default of payment he is sentenced to life
or long-term imprisonment. What good it would
yield if such person is sentenced for a long-term
by the sentences?
Irrespective the nature of offence the police interrogate the life-term offenders and use coercive methods of third degree. Though the confession thus elicited by the police is not taken into consideration by the court, the police continues to use such methods. Women offenders in our police stations are also not spared from barbarous modes of third degree. It is certain that even an innocent person would admit guilt before the police if he is physically tortured, so as to avoid further humiliation and physical pain.

If offenders who are involved in felony offences are threatened and/or admonished by the police there is less likelihood of their committing crime in future. But if processed through the long channel of criminal justice system they may come out worst. This undoubtedly calls for a better handling of the petty offender by the police.
Though the long-termers are involved in major offences they are not released on bail. But those who engage advocates or have persons standing surety for them are released on bail. However, the court do not release a long-term offender on self bond.

We found that 76.6% of the offenders remained in jail as remand prisoners for more than a month and as many as 16.4% of the termers remained in jail for more than six months till their cases were finally heard and disposed off by the court. It takes undue delay in putting up challans by the police in some offences (see P - 283) and it involves delay in court for disposing off such offences. But in other types of felony offences the court takes unduly long time. Delay is also involved in processing the cases under Arms Act and offences against person. There should not be any delay in providing justice.

If a person is penalised to pay a fine of rupees seven thousand or less cannot appeal to a
higher court (see Section 373 of Cr PC 1973).

But if the sentence is combined with fine he can appeal. Majority (84.7%) of the life-terms do not appeal to the higher courts for review on this account. But a very few of the first offenders who have committed offence against person and those who are economically well off appeal to the higher courts for review of their cases.

Now we turn our attention to the sentences.

Relatively few magistrates feel that rehabilitation be an aim of punishment. On the other hand, those who have internalised the feeling of deterrence is overwhelming. Deterrence being predominant collective attitude of the magistrates it is evident why even the preliminary reformative oriented decision are not taken. The tendency to resort to life-term sentences is, therefore, understandable because

If a magistrate pays visit to jail he may be able to get an idea about the reformation and
rehabilitation facilities available to long-term offenders. Not only this, he can also evaluate the extent of reformation for the cases he has sentenced. Though many magistrates pay visit to jail none of them take stock of the existing institutional programmes in prison and are thus quite unaware of the implications of long-term sentences.

While determining the severity of punishment, majority of the magistrates exercise their discretion in awarding life-term sentences. Most of the magistrates form an impression about the offenders before awarding life-term sentences.

The magistrates who have sufficient professional competence to their credit consider the gravity of offence for awarding life-term sentences. While some of them do so in some of the cases (see Table 5.22). A large number of the magistrates award long-term sentences to young offenders as they feel that the youngsters are to be dealt with leniently.

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Even though the magistrates are aware that the responsibility for the offence by males and females is equal most of them feel differently between sexes or in other words the female offenders are dealt with leniently. The magistrates consider short-term sentences as a lenient method of dealing with the offenders. In many cases they would like to award deterrent punishment to the offenders but they have no other alternative than awarding life-term imprisonment.

Many of the magistrates consider the personality of offenders while sentencing. Further, if the sentencers feel that the offender has committed an offence without any premeditation.

In India, there is a feeling among the people that justice is a costly affair and it is beyond the reach of lower strata of people. Surely the excessive court fees and the amount one has to spend in engaging advocates and the expenses that one has to incur for the witnesses are such that often one has to sell out all his belongings to get justice.
The sentences should be based on a view to the changing circumstances and the concept of social defence. In the social defence approach not only the offender but also the offences are to be taken into account by the sentencers, who should have guidelines for sentencing. The sentencers should be conscious about the individualization of punishments and they must also bear in mind that they are the participant in the process of providing adequate security for society and proper treatment for the offender.

Thus, the postulated hypothesis validate that in awarding life or long-term sentences personality of the offender, prior criminal record, offenders previous offence and his future conduct, sex etc. forms the basis for sentencing.

In India, three types of alternatives to long-term sentences are in existence. The first and most important is probation. But we find that the magistrates are reluctant to award
probation as an alternative to life-term sentences. Let us look into the aspect relating to compensation to the victim. We have not come across any case in the present study where the offender was ordered to pay compensation to victim. The court should consider a case to order maximum compensation to victim in those cases where the offender can afford such payment instead of just sending him to prison.

Looking to the effectiveness and impact of the alternatives mentioned above, life-term sentence can be replaced by those to a large extent.

Efforts may be made to segregate the hardened or habitual offenders from the casual offenders. Habitual offenders may be housed in a separate institutions and in such institutions the habitual undertrials may also be housed so that their mingling with the casual undertrials can be
avoided. Habitual offenders can be given training in any useful trade and a basic level of education if the sentencers award enhancement of punishment as provided in our statutes.

Habituales

Life-term sentence neither provide deterrence nor are sufficient for any reformatory or treatment programmes to be effective on them, and in order to give effective institutional programmes in prison an undisturbed period of more years are necessary. Therefore, the sentencers may award the maximum punishment provided in the statutes. Cases of prisoners should however, be reviewed by Prison Advisory board after their long stay in prison.

Bail may be granted to offenders on personal surety by imposing restrictions such as reporting to the police stations or probation officers every day or at frequent intervals. The conditions of the
bond thus needed for executing it for fetching bail may also be liberalised or relaxed according to the economic status of the individuals in order to minimise the influx of undertrials in prisons.

Every offender who makes request to the trial court may be provided with free legal-aid and the existing system of authentication may be dispensed with. The probation officers may be asked by the sentencing court to assist offenders who have a wish to prefer appeal petitions. Such appeals thus made by the long-term offenders may be reviewed by the reviewing court as expeditiously as possible. The long-term offenders who have appealed to the higher courts may be considered as undertrials and they may be segregated and housed alongside the other undertrials.

Due weightage may be bestowed by the trial courts to dispose off the cases of life-term offenders who have been languishing as remand prisoners in prison, as speedily as possible.
In order to have sufficient information about offenders' economic and social background, the court may call for pre-sentence report from the probation authorities, in all the cases and the court may be able to pronounce the best suited punishment to the offender concerned.

The automatic revocation and commitment to prison may be avoided. If a probationer is arrested on a new offence his probation should not be revoked until his charge is disposed off by the court. Minor violations may be ignored e.g. failed to report the probation officer on a particular day or particular time etc.

Minimum security prisons may be established in every states to keep the felony offenders and such life-termers who are housed in such institutions may be allowed to visit to their homes once in a week which will enable them to maintain cordial relationship with their families.
The railway offenders especially the ticketless travellers may be utilised in the railway stations for maintenance work for three to four days and released with them with railway ticket to reach their homes.

REFORMATIVE & REHABILITATIVE AGENCIES.

Half way home, community centres, corrective labour, periodic detention centres, work release centres may be established and tried in our country as these are prevalent in many countries as an alternatives to short-term imprisonments and long or life-term imprisonment.

HALF WAY HOME

The basic elements of the concept of half way home is to offer treatment programmes based on group approaches. The process of half way home is to to develop a sense of self control on the offenders. The main theme of the half home programmes are to enable the offenders into full

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'reformation, rehabilitation and reassimilation' in society. The half way homes may be manned with persons who have thorough knowledge on crime and criminals, social problems, social welfare and criminal psychology.

COMMUNITY CENTRES.

In such centres the beggars may be housed and looked after by providing them useful industrial training.

CORRECTIVE LABOUR.

It makes it obligatory for an offender to work for a minimum period in a work place with reduced remuneration. This would not only cultivate work habit but also make aware of the obligations towards the family.

PERIODIC DETENTION CENTRES.

The offender is not removed from the community to prison. It is attached with
with deprivation of full liberty as the offender has to work in such centres during night, on Sundays and Holidays. It is on the one hand is an alternative to long-term sentences but on the other hand the offender is made to suffer by way of rendering his services without any monetary gain thus attached to it.

**WORK RELEASE CENTRES.**

The offenders are forced to work without any wages but the wages are paid to the families directly. In such centres the person are to work during day time and to spent the night at less security prisons. It helps an offender for not to isolate from the natural environment.

As far as possible the life-term offenders should be sent to prison and instead they should be sent to the institutions mentioned above.
Having looked into various aspects relating to life-term sentences, it may be stated that the need for suitable alternatives is in order. A few of the alternatives have been tried elsewhere. Advance countries are even thinking to do away with culpability attached to minor violations. Not that the violators would be left free. They would be dealt with by methods other than imprisonment. We must also, in our country try to explore suitable methods of deinstitutionalisation for those guilty of felony infractions of law.

The first step towards this is, therefore, to throw more light on these offenders on the one hand and the mechanics of life-term sentencing on the other. The present study is only a modest beginning in this direction. We earnestly hope it will stimulate more research studies in this direction.
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