BOOK ONE
THEORY OF OPEN-PENO CORRECTIONAL INSTITUTIONS

CHAPTER I Statement of the Problem for Study
CHAPTER II Philosophy of Correction: Social Goals of Punishment
CHAPTER III History of Research: About Prisons and Prisoners
CHAPTER IV History, Origin and Development of the Open Peno Correctional Philosophy
CHAPTER V Doctrine of Open Peno Correctional Institutions
CHAPTER I

STATEMENT OF THE PROBLEM FOR STUDY

The doors of prisons separate the prisoners from the outside world. They have no link with the other world no more years of waiting. For them life has almost ended whatever remains is living death.

The degree of civilisation in a society can be judged by entering its prisons. Many of our institutions are correctional in name only. They are antiquated over crowded and something in their very nature seems to produce tension, provocation and violence.

As a co-inmate Jawahar Lal Nehru has noted in his autobiography the plight of those who were undergoing long term sentences. "For years and years many of the lifers don't see a child or a woman, or even animals. They loose touch with the outside world completely, and have no human contacts left. They brood and warp themselves in angry thought of fear and revenge and hatred; forget the good of the world, the kindness and joy and live only warped up in the evil, till gradually even hatred looses its edge and life becomes a soul-less thing, a machine - like routine. Like automotors they pass their days, each exactly like the other, and have few sensations, except one of fear. From time to time prisoner's body is weighed and measured. But how is one to weigh the mind and the spirit which wilt and stunt themselves
and wither away in this terrible atmosphere of oppression? People argue against the death penalty and their arguments appeal to me greatly. But when I see the long drawn out agony of life in prison, I feel that perhaps it is better to have that penalty rather than to kill a person slowly and by degrees."

Gresham M. Sykes has given a vivid description of frustrations and threats posed by confinement in his essay on the "Pains of Punishment." One thing that disturbs the prison inmate is the deprivation of his liberty. Inmate is cut off from family, relatives and friends in the involuntary seclusion of the outlaw. Inmates' links with the persons in the free community get weakened as time passes by. Then in connection with deprivation of goods and services to the inmate Sykes finds many problems in attempting to compare the standard of living existing in the free society and the same in the prison. Again, there is deprivation of heterosexual relationship. The inmate suffers from a loss of autonomy in that he is subjected to a vast body of rules and commands which are designed to control his behaviour in minute detail.

Bruno Bettelheim in his study of the "Individual and Mass Behaviour - in Extreme Situations" has found inmates in constant danger of losing their identification with the normal definition of an adult and the inmate finds his
picture of himself as a self-determining individual being
destroyed by the prison.

Besides the inmate is deprived of security from
prolonged intimacy of thousand criminals for years who have a
long history of violent aggressive behaviour.

If the basic purpose of these institutions is to
protect society, then we have failed. Fully one-third of
those sent to prison for a serious offence are recommitted
within two years of their release. Our present system has
simply been unable to rehabilitate offenders. To the contrary,
prison-life itself often serves to harden criminals. Because
of this, society as well as the offender, pay a very high price
in economic loss and wasted lives.

According to Donald Clemmer prisonization on
assimilation of the prisoner by the group there indicates in
taking on the folkways, mores, customs and general culture of
the prison which disrupts his personality to such an extent
that a happy adjustment in any community becomes next to
impossible.

Jawahar Lal Nehru⁴ has rightly diagnosed the malady
of prisoners and suggested ways to cure it. He observed that
the minds of most men found in prison have been scarred and
twisted by circumstances. Great Stress has been placed on
custodial duties and the physical methods of controlling inmates in prisons. The more practical problem of prison today is corrective programme, the methods of influencing man by intelligence and leadership and the officers' direct part in treatment programme/process and their role in moulding the character and thinking of men with whom they deal, have been given too little attention. The inmate is influenced by manner, morale, habits, actions, relationship, principles and attitudes towards fellow-workers and supervisors, of the officers with whom the prisoner comes in contact. It is no wonder that we can control the attitudes and behaviour of human beings by changing their thinking process.

Every one has a need for a sense of personal worth and the desire to be useful in an accomplishment.

Neglect of fulfilment of psychological needs of the prisoners has to be seriously taken:

1. Give the prisoners a feeling of some independence and the ability to do some constructive thinking for himself and others.
2. Give him a feeling of ownership, if it is only a personal locker, a tool or a working place.
3. Industry today realises the importance of the individual by giving employees a voice in the business,
honouring the workers in innumerable ways such as reward or special contribution.

4. Don't write anybody off. There is always still hope. Even the inmate who apparently seems to be antagonistic to all authority can, by good influence and sound reasoning, lay bear the secrets of his soul and emerge out of his dark world into a brighter one with all its possibilities of good citizenship.

Let us consider their sentiments, let us give them understanding rather than censure, some measure of respect and some credit for intelligence rather than regard as non entities. Our aim is to develop a personal responsibility towards seeking and accepting attitudes and ideas in accord with those of societies.

Training and selection of correctional officer is of importance. Every personnel of the Jail is a contributor to moulding and shaping inmates.

Rationale

If prison is a necessary evil and no society can afford to dispense with it totally then a type of Jail is to be explored that suits both the worlds. Hence the open peno correctional institutions have been selected for this study.
Society and crime have always co-existed. As is evident from the foregoing discussion that though prisons are necessary institutions for any organised society yet punitive, mass, traditional institutional confinement in a closed prison has utterly failed to achieve the twin objectives of protection of society and treatment of offenders.

In this context the words of Joseph N. Ulman, Judge, Supreme Bench, Baltimore City (USA) are worth quoting. He said 'How stupid we are, society can lock a man away in prison for not less than $200 a year. While he is locked away he is deterred from the commission of crime. But sit in any court room and watch the procession of men on trial who have served already one, two, three or more terms of imprisonment and tell that imprisonment prevents crime, after the prisoner has served his sentence. Each time, that imprisonment fails to correct the crime-impulse. The ex-prisoner is arrested again, tried again and convicted again. Each time that happens, society pays the bill while he is in prison, society pays $200 or more a year to keep the prison-walls around him and to feed him and to clothe him. Meanwhile, some one else has to pay for the support of his dependents; all this goes on and the society pays the bill without a murmur.... It would be funny if it were not so tragic'.

Unfortunately, the fact remains today that correctional institutions are still fundamentally places of custody. This
is so despite well intentioned efforts by many prison administrators who are simply not equipped with sufficient tools to perform the rehabilitative service that they recognise would enhance their correctional system. Their personnel are usually under trained, under qualified and underpaid. The budgetary sums allocated for the prison industries as well as the available facilities restrict progress in providing relevant training and work. The permissible wage-scales do not permit an inmate to build a nest egg or to help his family. As a result of the long term confinement the inmate's family disorganizes.

In order to rehabilitate prisoners, our penal system must offer them hope—hope for self-respect, new opportunity and better life. And, if we are to protect society, we must be certain that the man or woman we return to it was changed and is a productive and law-abiding individual.

But experience shows that rigorous laws, stringent punishment, larger jail terms make a criminal a confirmed one. Instead of reforming him they dehumanise him by brutal force.

Open Peno-correctional Institutions are the only ray of hope because there lies a compromise. It is a community-based, open, individualised and modern type of treatment aimed at achieving rehabilitation of prisoners in the real sense of the term.
Concept

The concept of open peno correctional institutions involves two basic characteristics (a) the freedom from physical precautions such as wall, locks, bars and special guards and (b) the self-discipline of inmates and their sense of responsibility towards the group.

The purpose of such institutions is the final rehabilitation of offenders by employing them on works of public utility and to make them self-sufficient by employing under conditions and environment as close to the outside world as possible.

Research

To be scientific, research should be systematic controlled, empirical and critical investigation according to Kerlinger.\(^5\)

P.M.Cook suggests that research is an honest, exhaustive, intelligent searching for facts and their meaning or implications with reference to a given problem.

J.W.Best has broadened it. According to him research is more formal, systematic, intensive process of carrying on scientific method of analysis. It involves a more systematic structure of investigation usually resulting in some sort of formal record of procedures and a report of results and conclusions.
The present study is exploratory in nature and it can be categorized as a survey type of research. It is a field-experiment having direct reference to realistic situation as against laboratory experiment. This is an ex-post facto analysis of the working of open-peno correctional institutions. It is a socio-legal problem-oriented research effort.

Delimitation of Area of Study

To make the study intensive, objective, empirical, reliable, valid and more authentic a detailed functional study of the U.P. Sampurnanand Agricultural cum-Industrial Camps has been undertaken after reviewing the theory, experience and trends in the open-peno correctional institutions all the world over.

Correctional Research: Its Utility

Operational research contributes to the following:

(i) an assessment of the cost effectiveness of the benefits of both existing and experimental programmes,
(ii) future development of the correctional policy at the national level, and
(iii) the preparation of information that was valuable to staff in operational research, training and development, and the creation of better informed public opinion.
REFERENCES


CHAPTER II

THE PHILOSOPHY OF CORRECTION: SOCIAL GOALS OF PUNISHMENT

I. EXISTENTIALIST APPROACH

"JEAN PAUL SARTRE and HEIDEGGER insist that justice and punishment are subjective affairs for each individual, for no individual is like another, no one situation is comparable to that of another man's".¹

JEAN PAUL SARTRE

"Philosophy and law, like man himself, have always sought some norm of moral behaviour grounded in man himself. Though there is only one man, there are many sides to him, with as many moral absolutes: hedonism, stoicism, utilitarianism etc. Sartre concludes that the only absolute standard of human morality is that there is no absolute at all".² Man is a true subject of his own choosing, yet he is subjected to the artificiality of institutionalised standards and laws. Sartre feels that punishment reduces man's potentiality, limits his freedom, constrains his humanity. Imposition of punishment is the individual's loss of humanity.
"Sartre feels that every loss of freedom is a parallel loss of human dignity. In reality nothing is improper, nothing illegal, nothing punishable, except the infringement of man's freedom."

ALBERT CAMUS

Camus' theory of punishment emphasises the humanising values of reform and re-education and plays down the social benefits of deterrence and protection.

EXISTENTIALISM AND PENOLOGY

"Punishment intends to restore to the offended his mitigated freedom. Punishment thus seeks to safeguard and maintain rather than to minimise the criminal's freedom."

II. MARXISTS' JUSTIFICATION OF PUNISHMENT

Soviet Philosophers and legal theorists manifest neither the British concern over logical definition nor the Existentialist concern with the individual's freedom. Russian theorists see law and punishment in terms of the goals of a Marxist philosophy of history and lay emphasis on the Communist State. To them the line between the professional philosopher and the judge and the lawyer is not always clearly defined.
"The intentional severity coupled with the International ambiguity covering all 'Socially dangerous crimes' makes the Soviet Law an expression of Might rather than Right".  

Punishment, like law itself, finds its justification in the protective and deterrent values for a political ideology.

"Deterrence and punishment remain the guidelines of Soviet Penal Policy; very little to date has been said about rehabilitation and moral retribution".

III. CURRENT LEGAL DEBATES ON PUNISHMENT

(a) THE PROBLEM OF DEFINITION

"Legislatures put a label on a legal consequence as 'Criminal' and call that consequence 'Punishment'. But legislatures and courts have not been particularly careful with the labels. Confusion over labels has arisen with the use of related terms, such as punishment, treatment, sanction and the like".

Clarification of terminology is needed in practical techniques of handling those whose conduct is a threat to community. There is an appreciable gap between what was traditionally known as punishment and what
currently is meant by methods of coercing conformity. The change in public sentiment, the progress in science, the advent of a fullfledged police force, all have contributed to an adaptation of methods of punishment.

Prison is not the only punishing process. Punishment is possible in a variety of deprivations including the trial process itself. Public Coercion is applied to the individual in the name of health, education and general welfare.

To PROFESSOR JEROME HALL punishment is inclusive of the following six elements:

(i) Punishment is a privation (evil, pain, disvalue),
(ii) It is coercive,
(iii) It is inflicted in the name of the State (it is authorised),
(iv) It pre-supposes rules, their violation and a formal determination on that expressed in a judgement,
(v) It is inflicted on an offender who has committed a harm and this pre-supposes a set of values by reference to which both the harm and punishment are ethically significant and
(vi) Its extent or type is related to the commission of the harm and aggravated or mitigated by reference to the personality of the offender, his motives and temptations.

There is no crime without a law, nor any punishment without such a defined crime. Perhaps Professor Hall's description is too narrow by its inclusion of pain. Today there are many explicitly punitive sanctions which are neither painful nor disvaluing. For example, prisons now run a series of rehabilitative programmes for inmates which are required of them. A definition of punishment should be broad enough to include the actual practices of prison whether or not these practices are deprivatory.

PROFESSOR LOUIS SWARTZ has defined punishment in the following terms: "By the public institution of how we deal with offender, I mean to refer to the legal sanctions (consequences) applicable to the individual upon due determination that he is criminally liable for an offence, and the written and unwritten norms governing their use".

One's definition of punishment depends upon one's approach to the goals justifying punishment initially.
(b) **GOALS OF PUNISHMENT**

With the prison reforms in the past century the pain in punishment has withered away. While this is an exaggeration for purposes of emphasis, the human efforts of many to better the lot of the imprisoned offender are obvious.

"The growth of rehabilitationist school of penology is remarkable. The school of thought insists on the reform of the convict as the central theme of the criminal sanctions and excludes all other ends of punishment. REHABILITATION of offenders is regarded both by humanitarians and by scientifically minded penologists as more constructive than punishment. Punishment is incompatible with rehabilitation. The high rate of recidivism for prisons and reformatories is cited as evidence of the irrationality of punishment." [7]

The last decade has witnessed a rejuvenation of RETRIBUTION as an ideal of punishment. Although, in fact retribution is not antithetical to rehabilitation in the popular mind the two seem to contradict one another. While retribution has not displaced rehabilitation, it has created an adjusted picture of the multiple purposes behind any penal system. The popularity of utilitarianism
has given way to a rising concern for morality and a retributionist cast to the solution of problems of criminal punishment.

The third traditional goal of penal system is DETERRENCE. While its presence in all criminal codes seems a basic assumption, there is an equally basic fact which has prevented its full utilisation—ignorance.

Critics feel that crime cannot be prevented by making punishment less likely than not after commission, or less eligible for reward than the straight and narrow path of virtue. But the general status of deterrence is certainly a good deal lower than rehabilitation and only a notch above retribution in the eyes of the professional correction personnel.

REHABILITATION

"What sense is there in subjecting offenders to the frustrations of incarceration? If rehabilitative programmes are designed to help the offender cope with frustrations in his life-situation, which presumably were responsible for his non-conformity, imprisoning him hardly seems a good way to begin. To generalise the argument, the status degradation inherent in punishment makes it more difficult to induce the offender to play a
legitimate role instead of a non-conforming one. Whatever, the offender's original motivations for non-conformity, punishment adds to them by neutralising his fear of losing the respect of the community, he has already lost it. True, the recidivism rate of offenders who are fined or placed on probation, is less than the recidivism rate of offenders who are incarcerated. Presumably, more severe punishment is meted out of criminals who are more deeply committed to a deviant way of life. Punishment may be a necessary preliminary to a rehabilitation programme. 8

"The major form of punishment for serious offenders (Imprisonment) tends to generate a contraculture which denies that justice has anything to do with legal penalties". 9

"That is to say, it is too costly to confine large numbers of people in isolation from one another. Yet congregate confinement results in the mutual reinforcement of self-justification. Even those who enter prison feeling contrite are influenced by the self-righteous inmate climate, this may be part of the reason recidivism rates rise with each successive commitment". 10

"Punishment, as practised in Western Societies, is usually an obstacle in rehabilitation. Some exceptions to this generalisation should be noted. A few small
treatment institutions have not only prevented the development of a self-righteous contra-culture but have managed to establish an inmate climate supportive of changed values.  

In such institutions punishment has rehabilitative significance for the same reason, it has educational significance in the normal family; it is legitimate.

The social control functions of punishment include crime prevention, sustaining the morale of conformists and the rehabilitation of offenders. But punishment is generally an obstacle to the rehabilitation of offenders. Since the proportion of deviants is small in any viable system as compared with the proportion of conformists, the failure to rehabilitate them will not jeopardise the social order. Therefore, under these assumptions, sociological counsel would favour the continued employment of punishment.

Critics feel that rehabilitation has frequently been a cover for neglect. Persons put into penal incarceration in the name of social reform have been left there interminably because they were being cured.
Critics also feel that the treatment minded approach is an invitation to personal tyranny and denial of human rights. "All the treatment", according to C.S. Lewis, "is done in the name of the benevolent, but uncontrolled humanitarianism".

"Reform can only have a place within a system of punishment as an exploitation of the opportunities presented by the conviction of compulsory detention of offenders. It is also not an alternative General Justifying Aim of the practice of punishment but something the pursuit of which within a system of punishment qualifies or displaces altogether recourse to the principles of justice or proportion in determining the aim of punishment."  

PROFESSOR MORRIS suggests "Power Over Criminals' life should not be taken in excess of that which would be taken were his reform not considered as one of our purposes".

"All the science in the world cannot rehabilitate a person whose attitudes are anti-social. The only way to change a man is from the inside out, beginning with the heart."
Do criminals need psychotherapy, job training, education or do they have a more basic need to draw them from criminal way, a need for 'repentance' and 'forgiveness'?

What possible motivations can a social scientist give a prisoner when he is not interested in the prisoner as a person? Proper understanding of motivations in the personal sense is a pre-requisite of a good programme.

Can a rehabilitation expert give proper motivation when he himself has no commitment to the motives he insists on, or can he insist on the goals of 'normal' society when these are at best morally ambiguous.

Rehabilitation programmes have not been able to successfully formulate their own goals in human terms.

**DETERRENCE**

Deterrence is fundamental to any criminal law system:

**CRITICISM**

Punishing some to deter others – Social goals to be achieved do not in themselves justify the imposition of a penalty, no matter, how successful this punishment is in terms of decriminalising others. Deterrent
punishment has no limit. Its only purpose is to effect fear in the potentially dangerous and thus bring about social order. Thus punishing the innocent can serve the purpose of such a system of sanctions as easily as punishing the guilty.

Though deterrence is too successful, most people complain because it is not successful enough. Judges speak favourably of it (Courts favour neither the 'extreme' punishment nor rehabilitation). They follow the middle path of deterrence.

RETRIBUTION: THE RETURN OF THE NORMATIVE THEME

Retribution has shown a recovery from a once disadvantaged position as a goal of punishment. In legal field also this is emerging, until recently, it was popular to denounce retribution as sadistic, immoral, outdated, wasteful and sick.

REASONS

(1) According to PROFESSOR H.L.A. HART 'Application of pain is wrong'. Pain is a negative value. Criminal should be taken as a sick person needing treatment and not as a wrong-doer deserving punishment. (The Russian Philosophy is in terms of education. The Criminal is not a sickman, but an ignorant one who lacks in moral education.
He is an unfortunate person, who does not need 'treatment' but opportunities to learn. Either way something is wrong with the offender).

"In so far as retribution implies an exact equation between the crime and its punishment, it is dangerous and must be resisted".¹⁴

(ii) According to MAC CORMICK experienced penologists do not dismiss the idea of punishment. They recognise the fact that being sent to a prison, however, humanely it is operated, is punishment in itself. It is impossible to make a prison so pleasant that the prisoners will not consider their imprisonment punishment.

PROFESSOR COHEN advocated in 1940 a re-examination of our wholesale rejection of retribution. In 'Moral Aspects of Criminal Law' he remarked, "The Socialising of a natural tendency in man to strike back at one who has injured him should be fostered by allowing its expression in official criminal punishment".

PROFESSOR JAROME HALL defended retribution as an essential end of punishment in his book "The General Principles of Criminal Law". His thesis centres on moral quality of the criminal act i.e. the actors' intent to
harm another. Punishment is a price paid for the crime.

PROFESSOR H.L.A. HART defended in these words:
"Punishment can be viewed as the price one chooses to pay for disobeying the law".15

"American PROFESSOR HENRY HART, in his book "The Aims of Criminal Law" advocated the "moral" basis for criminal law and specifically a 'denunciatory' quality for punishment which served to revenge the Crime".

PROFESSOR HELEN SILVING describes two types of goals of punishment (a) Primary goals include only 'RETRIBUTION' and 'PREVENTION' (b) Secondary goals include 'REHABILITATION' and 'DETERRENCE'. The RETRIBUTION is not VENGEANCE but rather a symbolic assertion of a legal prohibition. In 'Free Societies' retribution is wholly "act oriented".

CONCLUSION

Two opposing approaches seem characteristic of the philosophical or legal mind. On the one hand, philosophers ask why we punish and attempt either a linguistic (definitional) answer or a more fully developed moral one. On the other hand, the lawyers and penologists
ask whether punishment is working or is efficient, does it deter or rehabilitate.

Punishment necessarily involves pain to the extent that it is coercive and follows upon some socially designated and judicially determined act by the one punished. Whether we call it treatment or punishment, it will not be a free choice. It is imposed by the State.

Finally, the tension between the State and the individual, between personality and authority, must be reconciled explicitly in developing philosophy of social relatedness. Somewhere between the monistic individual of Sartre and Pluralistic Soviet man, there must be a firm line drawn where the State must cease its quest for the common good and yet the individual cannot pass beyond in seeking his own peculiar good.
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3. Satre-Saint Genes, "Actor and Martyr (1965), Satre's enology to French playwright Jean Genes is motivated by the criminals' heroic independence from the objectivation and dehumanization of his prison confinement: he kept his criminality active despite his punishment.


5. Fuller, Pashukanis and Vyshinsky, "A Study in the Development of Marxian Legal Theory."


Criminological research, ever since Beccaria's classic work "On Crimes and Punishment" (1764) has been mainly concerned with introducing the reformation-elements in the custodial and coercive system at the penal institutions. Scholars have been trying to awaken the conscience of the world to humanizing conditions of prison-incarceration. This line of thinking owes its origin to John Howards' astonishing revelations of the day today functioning of the prison. In 1877, Howard shocked the world's conscience by his description of the state of prisons in England and Wales. Bentham and other western penal and legal reformers took the cause vigorously and ceaselessly, hammered the idea that prisons stand not for punishment but for confinement, where opportunities of treatment and rehabilitation for the inmates must exist as a necessary precondition. This world-wide clamour for improving the lot of prisoners served two purposes:

(i) humanising and improving the programmes and functioning of the prisons and

(ii) helping to produce an extensive amount of penetrating literature on the behaviour of the inmates in situations of internment and custody in totalitarian setting.
During the 20th century, a great deal of scientific sociological literature on prisons and prisoners was produced as an outcome of this new venture in the field of penology.

The main focus of social scientists' enquiry was to unravel the complexities of prison as a social organisation. Utilising the theoretical perspective of general sociological theory, "these studies have been concerned with describing and analysing the structure, content and inter-relationships of administrative and inmate social-system in the prison".

The earliest of the studies tended to be concerned with description and analysis of the inmate-world. Later studies have taken a broader view of the prison and penal practices. Attention had not only been drawn to administrative aspect of the prison but to the prison as a particular social organisation within a larger social-system of corrections and penal practices.

Donald Clemmer, an eminent American sociologist, was first to study a prison from prisoners' point of view. He produced a classic work on Prison Community in 1940 and suggested several new areas of research in the field of penology. These were the areas where Clemmer thought social scientists could penetratingly probe into the interesting as well as disgusting features of the inmate-community.

After Clemmer, Social Scientists from the disciplines of sociology, psychology, psychiatry, social-work, undertook
research and it is very difficult to review the related literature produced by them which is very voluminous and varied.

No doubt, there are many studies conducted on criminals highlighting the psychological, sociological and other factors, yet there exists a lack of empirical studies with scientific validity. The leading researches were conducted by Sykes (1958), Sykes and Messinger (1960), Wheeler (1961), Giallambardo (1966) and Wellord (1967).

Some Indian scholars too have contributed to the research in this field e.g. Sandhu (1968), Singh (1973), Srivastava (1977), Datir (1978), Singh (1979), Ahuja (1981) and Sanyal (1986) etc.

Regarding the open prisons very few studies were conducted in India or abroad. An elaborate study on open prisons was conducted by Jones, Cornes and Stockford (1977). Unsitalo (1972) studied the effects of open labour colonies of Finland on recidivism after release and found that it was decreasing as compared to recidivism among prisoners released from closed prisons. Hamiduzzafar (1977) presented an account of the Burewala open camp in Pakistan.

In India Bhushan (1970) discussed the historical development of Open Camps in Uttar Pradesh and their special features. Datir (1978) presented a brief history of open camps

In the present study while comparing the inmates of open and closed prison variables selected are anxiety, insecurity, guilt, self-esteem, attitudes towards family, co-inmates, authorities and society, extraversion, neuroticism psychoticism and social desirability. A brief review of related literature classified under these heads is given hereunder:

**Anxiety, Insecurity and Guilt**

Walter, Callagan and Newman (1963) studied longterm prisoners and concluded that the anxiety-level of the prisoners is high due to their isolation.

Schachter (1959), Gerard and Rabbie (1961), Sarnoff and Zimbardo (1961), Zimbardo and Formica (1963), Darley and Aranson (1966). have also found high anxiety among prisoners and their attempt to affiliate with non-anxious people.
Haythorn, Altman and Myers (1965) found that confinement created stress and consequently feelings of anxiety and insecurity developed in the prisoners.

Darns (1968) studied the association of attribute of socialization among inmates and delinquency and found that delinquents were more anxious and alienated from society.

Mukherji (1968) using Rorschach test on criminals-concluded that they had id-dominated impulsive patterns, weak ego and defective super-ego-status. They also showed high feelings of insecurity.

Balle and Akran (1970) studied the anti-social and pro-social groups of offenders. The pro-social group exhibited more guilt-feeling than the anti-social group.

Singh (1977) concluded that the offenders were rigid and anxious with emotional disturbances. Mohan and Jaspal (1982) found that anxiety was more among offenders of major crimes than those of minor ones.

Self-Concept and Self-Esteem

Clinard (1957) studied the criminals and delinquents and their development of self-concept. These people were found to have a distorted self-concept as if they were at war with the society.
Sykes (1958) made an exploratory study of the prison as a social system and found that prison-walls provided a constant threat to the prisoners' self-concept. They alienate themselves from decent people because they think of themselves as indecent and wretched ones.

Dintz, Reckless, Kay et al. (1956) studied the inappropriate self-concepts of delinquent boys. It was found that a healthy self-concept of good boys prevented them from becoming delinquents even though they lived in a high delinquency area.

Kodan, Frank, Hopkins and Robert (1970) correlated the high and low ego-strength of the prisoners with other variables and found that high ego-strength was correlated with low neurotic anxiety, high masculinity, high I.Q. and normal health. The low ego-strength was correlated with poor self-concept, moderate depression and pessimism.

Densinger (1973), on the other hand, derived a different result. His hypothesis that convicts have a negative self-concept was not verified in the experimental sample of 131 male convicts and 51 female convicts and the control group of 60 male and 60 female students. Results showed that self-concept of convicts in general did not differ considerably from the self-concept of the normal group.

Singh (1970) studied the self-concept of 82 female prisoners and 100 male prisoners from private frame of judgement
and social frame of judgement. The result showed that the prisoners had low self-concept on both the frames of reference. The difference between male and female prisoners were not very significant for the self-concept from private frame of judgement but highly significant for the self-concept from social frame of judgement as the female prisoners showed much lower social-esteem and higher social-conflicts.

Sinha and Singh\(^1\) (1968) concluded that criminals had a low self-esteem as well as low social-esteem both on desirable as well as undesirable traits; criminals had lack of self-regard and had low self-reputative attitude; they think that others in free society had unfavourable attitude towards them; they also felt anxious, irritable, unhappy, inadequate and insecure.

Singh (1973) observed that the prisoners had lower self-esteem, lower social-esteem, poor self-image than normal people.

**Attitude Towards Family, Co-inmates, Authorities and Society**

The criminals have special attitude towards objects, ideologies, institutions and issues which reflect their criminal personality.

Prasad (1934) found that criminals had less favourable attitude towards their parents and the government (both symbols of authority) than non-criminals. Raj (1963) concluded that
the prisoners had fearful attitude towards authorities compared to the control group. These findings were supported by studies of Nye (1958), Gluecks (1960), Kvaraceus (1960), Weshburn (1963), Weitman (1963), Myloanas and Reckless (1963). The prisoners have unfavourable attitude towards law and legal institutions and show anti-authority attitude. Maher, Watt and Cambell (1960) found intellectual criminals to have more positive attitude towards law and justice than non-criminals. The study by Johnson and Stanby (1955) failed to support the unfavourable attitude of delinquents towards parents, family and authority. Similar findings were those of Champman (1956) and Watt and Mahar (1958).

Clemmer (1940) expressed the view that attitude of the prisoners was modified as they spent more time in the prison milieu. This is supported by Cressey (1961) and Taft (1962). Brodsky (1970) studied the attitude of youth towards punishment and prison before and after exposing them to a talk of a prisoner. He found that the change in attitude was significant. Barry (1970) studied the impact of prison experience on attitude and found that recidivists showed less favourable attitude towards law and authorities. Heskin et al. (1974) studied the attitude of prisoner towards, prison-officers, prison-inmates, police, home, society, work and one-self through Semantic Differential technique. The results showed unfavourable attitude towards prison officers, law,
prison, police and father. The self-evaluation was also found to be on the decrease. Macht, Seidl and Green (1977) measured the inmates' morale inside prison and found that inmates had positive attitude towards co-inmates, institutions and prison-programme. Thruton (1985) used C.I.B.S. and P.L.O. to study inmates' attitude towards authorities as they perceived in the regime climate and found that unfavourable climate existed in prison.

**Extroversion, Neuroticism and Psychoticism**

Eysenck (1958) found that recidivist prisoners were high in Neuroticism than normal ones but there was no significant difference in Extroversion. Pitch (1962), Siegman (1962), Syed (1964) and Warburton (1964) also found Neuroticism associated with criminal behaviour. This is supported by the findings of Agarwal (1961) and Shanmugam (1962) in the Indian sample. Michael (1956) found that extroverts were more likely to commit crime than introverts and ambiverts. Eysenck (1964) reported two studies conducted by Sayed and Warburton that criminals tended to be more extroverts. Singh (1967) found that Neuroticism was greater among criminals and Extroversion was slightly higher among them. Eysenck attempted a personality-classification of adult offenders of five different crimes by administering EPQ to them. His main findings were as they follow: There is low P and N with high E for the criminals of fraud; the inadequates have high P and N
scores and low E scores; moderate scores in an ascending order is found on P.E.N. for the residual; moderately high P, low E and moderately high N is shown for the prisoners involved in theft; moderate scores in descending order are found on P.E.N. for criminals engaged in violence. It was also found by Eysenck (1977) that the prisoners had higher scores than normals on all the three dimensions of personality and lower score for L, indicator of dissimulation or social desirability. Singh (1979) found that there was significant difference in P and N among the offenders of minor crimes and major crimes. Singh (1981) further revealed that criminals were having both scores on impulsivity, Neuroticism and Psychoticism. Rangaswamy and Arunagiri (1982) studied the impact of these dimensions on normal prisoners and mentally sick prisoners and found that both the groups had high scores on P. E and N but failed to reach any significant conclusion. Gossop and Eysenck (1983) compared the scores P.E and N of 934 prisoners and 221 drug addicts and observed that prisoners had higher scores on E and L than drug-addicts and drug-addicts had higher scores on P and N than prisoners. Hussain (1983) reported no significant difference between criminals and non-criminals for P. E and N dimensions but found significant difference in L. Prisoners had a low score on L. Mc Evens and Knowles (1984) studied the interaction of age, conviction, type of offence and other situational variables on the scores of E.P.Q. and asserted that the heterogeneity of personality types within the prison community and supported the dispositional
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CHAPTER IV

HISTORY, ORIGIN AND DEVELOPMENT OF THE OPEN-PENO CORRECTIONAL PHILOSOPHY

The idea of open peno correction for prisoners is as old as the early 19th century when experiments were made in Bavaria and some other places in replacing the orthodox repressive programme by one of rehabilitation and reformation. Their study formed an additional feature of the programme of Social Defence of the United Nations at the Third Session of Social Commission and was approved by the Economic and Social Council in the Resolution No.155 (VII) dated August 13, 1948. At the Fifth session of the Social Commission in 1949 it received priority, the decision being to treat it as a priority topic in the subsequent session. The XII International Penal and Penitentiary Congress—held at the Hague in 1950 — discussed the question of the Open Peno Correctional Institution and possibility of its replacing the traditional prison. As a result, a comprehensive resolution was adopted. The Conference of the European Regional Consultative Group—held at Geneva in December 1952, the Latin American Seminar—held at Rio de Janeiro in April 1953, the Middle East Seminar held at Cairo in December 1953, the Asian and Far East Seminar—held at Rangoon in November 1954 and the World Congress—held at Geneva in 1955, gave increasing attention to the problem of open prisons.
These conferences accentuated the need for open peno correctional institutions and made many countries reformation-minded. Old labour-camps that functioned as semi-open institutions with little or no reformation programme yielded place to Open Peno Correctional Institutions where the convict is not looked upon as a violator of laws and values but as a 'weaker brother', who yields to certain temptations inherent in the maladjusted social order and who should be helped, by means of a rich correctional programme, to readjust himself to it and to settle down as a law-abiding citizen, after his release.


Open peno correctional institutions were organised in the United States and India much before the Congress on Prevention of Crime and Treatment of Offenders (1955), Geneva, Indian open peno correctional institutions contained long termer convicts in thousands with no bar or enclosure, with full freedom of movement and without guards. This was a novel experiment bolder than the Philippine's open colony.

Sir Lionel W. Fox, Chairman, Prison Commission for England and Wales observed, "of all the methods by which a
prison regime may hope to inculcate self-respect and self-responsibility and in other way prepare the prisoners for a national life in society, the institution appears to be itself the most effective”.

Open prison has emerged as a major innovation in the progressive treatment and rehabilitation of incarcerated offender. An open prison is characterised by the absence of the traditionally operated custodial and confinement devices and an organizational structure that fosters a sense of self-discipline and self-improvement among the inmates. In terms of its correctional value, the open prison bridges the gulf between the four walls of prison and open community and thus functions as a half-way-house for the prisoners to smoothly transit and to reintegrate them into the social main stream.

The present day concept of an open prison is different both in quality and content from the earlier system of deploying prison labour outside jails on public utility works. While the employment of prisoners in the open setting still constitutes the modal point in the open prison organization, it serves as a means to inculcate among them the values of self-help, constructive work and social usefulness whereas the old practice extracted from prisoners hard labour under dehumanising and humiliating conditions, the current system aims at generating a sense of dignity and a positive change in their attitudes and behaviour.
The open peno correctional institution marks an important step superior in stage in the development of modern prison systems and represents one of the most successful applications of the principle of the individualisation of penalties with a view to social-readjustment. The system of open peno correctional institutions would contribute to decreasing the disadvantages of short-term sentences of imprisonment.

The open system ought to extend to the largest possible number of prisoners.

The compilation of statistics supplemented by follow-up studies should be conducted in so far as possible to assess, from the point of view of recidivism and social rehabilitation, the results of the treatment in open peno correctional institutions.
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The First Congress was held at the Palais des Nations, Geneva, in 1955.


The Third Congress was held at Felkets Hus, Stockholm, the Government of Sweden acted as host, in August 1965.

CHAPTER V

DOCTRINE OF OPEN PENAL CORRECTIONAL INSTITUTIONS

(a) DEFINITION

For the rehabilitation and pre-release preparation the All India Jail Manual Committee has suggested the system of open camps. According to its considered view, "training of inmates in freedom, while in prison, is a peculiar problem in correctional work". In closed institutions the long term prisoners stand the risk of getting prisonised. If properly organised, semi open and open training institutions and open colonies should furnish some solution in this respect. In the treatment of offenders, emphasis has to be put not on their exclusion from society but on their continuing part of it.

In "DECLARATION OF PRINCIPLES OF CRIME AND PUNISHMENT" OF THE CINCINNATI, OHIO, meeting of the First prison Congress in 1870, it was observed: "The Supreme aim of prison discipline is the reformation of criminals, not the infliction of vindictive suffering".

An open prison is characterized by the absence of material or physical precautions against escape (walls, locks, bars, armed or speared security guards) and by a system based on self-discipline and the inmates' sense of responsibility towards the group in which he lives.

THE UTTAR PRADESH JAIL INDUSTRIES ENQUIRY COMMITTEE, (1955-56) observed as noted below:

"the ultimate objective of punishment is to make the anti social person a good citizen. A sense of cooperative social living can be better instilled into inmates under semi open or open training institutions than in closed prisons".

Inmates sentenced to long term imprisonment should have something to hope for. Their interest in life has to be maintained through a well regulated and balanced system of incentives ... correctional treatment has its own limits.... Once the long term offender has got the maximum benefit out of institutional programmes, his hopes and interests during the remaining part of his imprisonment have somehow to be kept alive. This can be done by transferring the inmates to an open penal correctional institution.

Defining operationally the open penal correctional institution in 1959, Dr.C.P. TONDON, the then Inspector General of Prisons, Uttar Pradesh stated:
"It is characterised by (a) the degree of freedom from physical precautions such as walls, locks, bars and special guards and (b) the extent to which the regime is based on self-discipline and the inmates' responsibility towards the group".

"The objective of an open peno correctional institution is to aim at the development of self-respect and sense of responsibility as well as useful preparation for freedom... discipline is easier to maintain and punishment is seldom required... tensions of a normal prison life are relaxed... conditions of imprisonment can approximate more closely to the pattern of normal life".

(b) OBJECTIVES

The treatment of criminal by society is for the protection of society. But since such treatment is directed to the criminal rather than to the crime, its greater object should be his moral regeneration. Hence the Supreme aim of correction is the reformation of criminals not the infliction of vindictive suffering."

Since hope is more potent an agent than fear, it should be made an ever present force in the minds of prisoners, by a well devised and skillfully applied system of reward for good conduct, industry and attention to learning. Rewards,
more than punishments, are essential to every good prison-

system.²

The prisoners' destiny should be placed measurably
in his own hands; he must be put into circumstances where he
will be able, through his own exertion, to continually better
his own condition. A regulated self-interest must be brought
into play, and made constantly operative.

A system of prison discipline, to be truly reformative,
must gain the will of the prisoners, who are to be amended,
but how is this possible with their minds in the state of
hostility? No system can hope to succeed, which does not
secure this harmony of wills, so that the prisoner shall choose
for himself what his officer chooses for him. But to this
end, the officer must really choose the good of the prisoner
and the prisoner must remain in the choice long enough for
virtue to become a habit. This consent of wills is an
essential condition of reformation.

The interests of the society and the interests of the
convicted criminal are really identical and they should be made
practically so. At present, there is a combat between crime
and law. Each sets the other at defiance, and as a rule,
there is little kindly feeling, and few friendly acts, on
either side. It would be otherwise if criminals on conviction,
instead of being cast off, were rather made the objects of
generous parental care i.e. if they were trained to virtue and not merely sentenced to suffering.

The prisoner's self-respect should be cultivated to the utmost, and every effort made to give back to him his manhood. There is no greater mistake in the whole compass of penal discipline than its studied imposition of degradation as a part of punishment. Such imposition destroys every better impulse and aspiration. It crushes the weak, irritates the strong, and indisposes all to submission and reform. It is tempering where we ought to raise, and is, therefore, as unchristian in principle as it is unwise in policy.

In prison administration, moral force should be relied upon, with as little admixture of physical force as possible, and organized pursuasion be made to take the place of coercive restraint, the object being to make up-right and industrious persons rather than orderly and obedient prisoners. Brute force may make good prisoners, moral training alone will make good citizens. To the latter of these ends, the living soul must be won; to the former, only the inert and obedient body.

THE DECLARATION OF PRINCIPLES OF THE AMERICAN CORRECTIONAL ASSOCIATION, (1960) reiterated that:

1. No law, procedure or system of correction should deprive any offender of the hope and the possibility of his
ultimate return to full responsible membership of the society.

2. To assure the eventual restoration of the offender as an economically self-sustaining member of the community, the correctional programme must make available to each inmate every opportunity to raise his educational level, improve his vocational competence and skills, and add to his information meaningful knowledge about the world and the society in which he must live.

3. To hold employable offenders in correctional institutions, without the opportunity to engage in productive work, is to violate one of the essential objectives of rehabilitation.

4. Recent research in the community aspect of the institutional population suggests the importance of the group approach to the problem of correctional treatment.

5. The correctional process has its aim the reincorporation of the offender into the society as a normal citizen. In the course of non-institutional treatment the offender continues as a member of the conventional community. In the course of his institutional stay, constructive community contacts should be encouraged. The success of the correctional process—in all its stages—can be greatly enhanced by the energetic, resourceful and organized citizen-participation.
(c) PHILOSOPHY

The United Nations Congress on the Prevention of Crime and Treatment of Offenders elaborated the philosophy of the Open Peno Correctional Institutions as under:

I. As an open peno correctional institution is characterized by the absence of material or physical precaution against escape (such as walls, locks, bars, armed or other special security guards), and by a system based on self-discipline, and the inmates' sense of responsibility towards the group in which he lives. This system encourages the inmate to use the freedom accorded to him without abusing it. It is these characteristics which distinguish the open peno correctional institution from other types of institutions, some of which are run on the same principles without, however, realizing them to the full.

II. The open peno correctional institution, in principle, ought to be an independent establishment, it may however, where necessary, form a separate annexe (supplementary building) to an institution of another type.

III. In accordance with each country's prison-system, prisoners may be sent to such institutions either at the beginning of their sentence or after they have served part of it in an institution of a different type.
IV. The criterion, governing the selection of prisoners for admission to an open peno correctional institution, should not be the particular penal or correctional category to which the offender belongs, nor the length of his sentence, but his suitability for admission to an open institution and the fact that his social readjustment is more likely to be achieved by such a system than by treatment under other forms of detention. The selection should, as far as possible, be made on the basis of a medico-physiological examination and a social investigation.

V. Any inmate found incapable of adapting himself to treatment in an open institution or whose conduct is seriously detrimental to the proper control of the institution or has an unfortunate effect on the behaviour of other inmates should be transferred to an institution of a different type.

VI. The success of an open peno correctional institution depends on the fulfilment of the following conditions in particular:

(a) If the institution is situated in the rural area, it should not be so isolated as to obstruct the purpose of the institution, or cause excessive inconvenience to the staff.

(b) With a view to their social rehabilitation, prisoners should be employed in work, which will prepare them for
useful and remunerative employment after release. While the provision of agricultural work is an advantage, it is desirable also to provide workshops in which the prisoners can receive vocational and industrial training.

(c) If the process of social readjustment is to take place in an atmosphere of trust, it is essential that the members of the staff should be acquainted with and understand the character and special needs of each prisoner and they should be capable of exerting a wholesome moral influence. The selection of the staff should be governed by these considerations.

(d) For the same reason, the number of inmates should remain within such bounds as to enable the director and senior officers of the staff to become thoroughly acquainted with each prisoner.

(e) It is necessary to obtain the effective cooperation of the public in general and of the surrounding community in particular for the operation of the open institutions. For this purpose, it is, therefore, among other things, necessary to inform the public of the aims and methods of each open institution, and also of the fact that the system applied in it requires a considerable moral effort on the part of the prisoners. In this connection, local and national media of information may play a valuable part.
VII. The United Nations Congress on the Prevention of Crime and Treatment of Offenders recommended that in applying the system of open peno correctional institutions each country - with due regard for its particular social, economic and cultural conditions - should be guided by the following observations:

(a) Countries which are experimenting with the open system for the first time should refrain from laying down rigid and detailed regulations in advance for the operation of the open institutions.

(b) During the experimental stage they should be guided by the methods of organization and the procedure already found to be effective in countries which are more advanced in this respect.

VIII. While in the open peno correctional institutions the risk of escape and the danger, that the inmate may make improper use of his contacts with the outside world, are admittedly greater than in other types of penal institutions. These disadvantages are amply outweighed by the following advantages which make the open institutions superior to the other types of institutions:

(a) The open peno correctional institution is more favourable to the social readjustment of the prisoners and at the same time more conducive to their physical and mental health.
(b) The flexibility inherent in the open system is expressed in the liberalization of the regulations, the tensions of prison life are relieved and discipline consequently improves. Moreover, the absence of material and physical constraints and the relations of greater confidence in prisoners and staff tend to create in the prisoners a genuine desire for social readjustment.

(c) The conditions of life in open institutions resemble more closely to those of normal life. Consequently, desirable contacts can more easily be arranged with the outside world and the inmate can thus be brought to realize that he has not severed all links with the society; in this connection it might perhaps be possible to arrange, for instance, group talks, sporting competitions with outside teams, and even individual leaves or absence, particularly for the purpose of preserving family ties.

(d) The same measure is less costly, when applied in an open institution than in an institution of another type, in particular because of lower building costs and, in the case of an agricultural institution, the higher income obtained from cultivation, if cultivation is organized in a rational manner.
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