CHAPTER - I

INTRODUCTION
In the early period of the primitive men in society, there was no particular place or institution called jail or prison house. The infliction of punishment to individual was solely individual's responsibility, but there were no collective efforts, as history could tell us. Elliott (1952) the actual measures early man used in punishing offences which were condemned by primitive law and custom are lost in obscurity. In respect of the above proposition, Reckless (1971) said, "from the monographic studies of extant primitive tribes made by competent, modern anthropologists, one gets the impression that punishment as we have defined it, is infrequently used and sometimes practically absent." This was as a result of undisturbed social control in the society then compared to our present modern society.

Reckless further said, "that in case they do occur, some are undoubtedly overlooked and others are merely subject to ridicule and ostracism rather than to kinship or tribal

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action. Taft and England (1964), "in at least one curious way primitive man deludes himself less than his literate brethren, he seeks revenge against those who wrong him and makes no attempt to embroider his motive. As a result of latter development to give cognizance of state power, Reckless said in the evolution of punishment in primitive era, family and clan groups frequently do seek blood revenge and satisfaction from the kin group of the offenders. Kinsmen are frequently collectively responsible for the injuries by one of their members on a member of another kinship group. It is a gradual process when man in society try to pool common efforts to arraign the wrong doer. With this attempt in mind every responsibility shifted to the community that he belongs. The collective efforts of the entire community to deal with any crime occurrence started to gain momentum on a slightly unrecognised manner. So, Lowie (1925) concluded that the majority of primitive communities recognize not merely wrongs inflicted by individuals upon individuals and precipitating a dispute between their respective kins but over and above the

3Ibid, p.492.
5Ibid, p.492.
law of torts, there is generally a law of crimes of outrages resented not by a restricted group of relatives but by the entire community or its directors.\textsuperscript{6}

However, the accepted theory of the evolution of punishment states that crimes such as witchcraft, treason, violation of sex taboos were the responsibility of the tribe in general.\textsuperscript{7} From here we can see the commonalty of the primitive man given cognizance to crimes that endanger the community, therefore the community efforts in general will be raised against the offender or group of offenders.

During the latter early period the most type of common punishments that were prevalent after the above stipulated forms were as follows: physical torture of any nature, mutilation of limbs, outlawry from the community one happens to belong. Generally, capital punishment as a system of punishment was not well known at this particular time.

\textsuperscript{6}Robert, H.L.(1925), Primitive Society, New York, Bon and Loveright, p.425.

\textsuperscript{7}Ibid, p.492.
modern prisons, a means of putting men away at hard labour.\textsuperscript{8} Wines (1919) propositioned that the treatment of the criminal offender had undergone through four stages (i) the era of vengeance or retribution (ii) that of repression (iii) that of attempted reformation or rehabilitation (iv) that of prevention.\textsuperscript{9} Watson\textsuperscript{10} that as early as 18th and 19th centuries, men and women were herded together like animals in filthy dungeons and brutalising hulks. At this stage of prison development there was no regard accorded to human dignity, all were treated mercilessly and hopelessly like animals. But crimes are still existing no matter the toughness of the punishments imposed. It is quite right to say crime and human beings had unbreakable relationship, the harder the punishment the harder the crime commission.

"Prison or imprisonment" are the terms popularly applied to what is more correctly but more cumbersomely classified as custodial treatment.\textsuperscript{11} It was noted that previously criminals

\textsuperscript{9} Frederick H.W. (1919), Punishment and Reformation, New York, Crowell, pp.6-7.
\textsuperscript{11} Michael, W. (1967), Prison, London
guilty of heinous as well as of petty offences such as debtors insane persons were all lodged in detention without any consideration of their conditions. Loniel (1952) optimistically described the conditions of jails in the later days as thus the goals were dens of lechery, debauchery, moral corruption and pestilence.¹²

In contrast, as we continue to know the development of imprisonment as method of protecting the society and also to give protection to those anti-social elements in society we will witness the stages in which each type of punishment was mostly employed and why they employed it. Leon Raozinowicz (1950) has also given a good detail account of the greater application of capital punishment in the later part of the progression of human knowledge about self protection in the society. Some Englishmen were not fully satisfied that imprisonment and transportation system are as deterrence as the capital punishment which eliminates the offender instantly.¹³

Moreover, Leon said those who own property that dominated that period of public life felt much wise to use capital

punishment in order to protect their property against any crime commission in future. Transportation of offenders to penal colonies is a modern attempt of another system of penal practice. Barnes (1955) the system came principally amongst the important European nations that had acquired distant colonies. It was an easy way or means to rid the community of the offender without either depriving him of his life or maintaining him, whereas taking and utilizing his labour services he contended. Tappan (1763), that a French Ordinance of 1756, coupled transportation to Corisca with confiscation and civil death. Barnes (1930) that England was sending about two thousand convicts annually to the American Colonies by 1775. The interruption of the system of transportation imposed a serious burden upon the goals of England and led to the use for many years of the notorious prison bulks, former war vessels. Prisoners were sentenced there for a term of years, without knowing when to come out or

discharge, all in the hands of property owners.

However, the system of transportation of criminal offenders came to an abrupt end in the year 1850. Many opposition against the system were out to take appropriate measure, the Australians and some British penologists were vanguard of this movements. ¹⁹ According to Rusche (1939) transportation originated because of the need to import labour into colonies when this ceased to be profitable and the colonists reacted to convicts the practice had to be abandoned. ²⁰

From the above analysis of stated views and opinions it is clear that the stages of punishments from time to time just to find the most suitable means to harbour the offenders in and outside the community. After all trials the transportation system of prisoners emerges the imprisonment system of inmate as consequence to the failure and difficulties of transportation of prisoners to distant colonies also dropped down.

By all indication, it may be presumed that the imprisonment of the individual within a given radius remains

¹⁹Ibid, p.72.
²⁰George Rusche and Ottokirchiteimer (1939), Punishment and Social Structure, New York, Columbia University Press.
high in the mind of the public. Demonstrating as the best method to apply to contain any erring member in the society i.e., a special place for them. According to Tappan (1960), "the original purpose of imprisonment was detention, a means of assuming that the offender would be accessible for sentence and for the infliction of his penalty. He as well asserted that how early this particular practice became formalized as to justify the establishment of specific places for detention is unknown and in oblivion. But nevertheless, it is reasonable to believe that once private revenge gave way to public punishment some form of 'goal or keep' was required so that the criminal might be produced at the proper time as needed.\textsuperscript{21} Imprisonment as understood then was not an end in itself but by way of punishment only. It was used to compel the offender to pay the fine or to spend the period between arrest and trial or between conviction for a capital offence and its execution. 

Thus, the system came as a major weapon and instrument which superseded all the other methods of confining the inmates to serve their sentences time there. The system

\textsuperscript{21}Ibid, pp.597-598.
provides lasting solutions and equally brings the committer to submission before the law, yet crime still persists in society.

India, in either way round, has something to offer, regarding the processes of the development of jails. According to Bhattacharya (1968), "the jail in India, in the comparatively modern sense may be said to be creation of the 19th century. Indian prisons will be studied as a child of the 19th century." Yet with the characteristics of the afore mentioned complexities that occurred in other western countries too, Ram Ahuja (1992), maintained that the conditions in Indian jails were totally horrible upto 1919-1920. The prisoners were confined and kept under chains and heavy loads. Whipping of the criminal was the right method to torture them physically. That it was after the recommendations of 1919-1920 Indian Jails Reform Committee that changes such as classification, segregation of prisoners, education, recreation, assigning productive work and opportunities for maintaining contacts with family and society were introduced.

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22 Bhattacharya, B.K. (1958), Prisons, Calcutta, Sarkar and Sarkar & Sons, p.3.
in maximum security prisons (being Central Jails). These are the prevailing conditions in Indian Jails before the emergency of modern principle of reformation of the individual inmate.

The variation of people's behaviour in society tends to change with the demand of the period. Penology is primarily the study of the objectives and modes of punishment of an offender in society. That is to say, somebody who has committed a crime against somebody, property crime etc. in the free society. It is in this sense, the execution of punishments in places like prisons and other such institutions or fortresses were established. The pragmatic evidence to note from the psychologist, the educationists and the social case worker, more often than not attend to individual and group counselling in order to act as an incentive to motivate, educate and reform their clients. The early attempt on the reclaiming the offender aimed at breaking his will, by putting him in jail the prison inmate is totally powerless to rule the free society.

24 Ibid, p.298.
At present events however, the conception of treatment lay more solid emphasis on the inculcation of useful habits such as thriftiness and industriousness, the acquisition of social and occupational skills. The positive school of penology profounded the theoretical base that the criminals were sick rather than bad. To that effects, therefore, their sickness drove them to commit crime in society. In the opinion of Madan (1989), in order to make a better person out of the convict, the prison authorities must be totally engaged with him directly through admission on interview, orientations, interpretation of rules or actions taken, classification for special treatment, etc. readjust on the programmes and preparation for release.²⁵

In reality and the actual facts, many are the problems faced by man (as individual), in the free society today. These are: social, psychological, political, economical and scientifical problems always taken control of his thinking. And yet again, the culture and customs which permit and induce an individual to determine his goals in society. All these

internal and external forces are always at war with man, those who could not exercise restrain will fall prey and there comes the anti-social elements, who may likely end-off in what is now known as prison house.

As a known fact, jail is a unisex world whereby every individual prisoner is stigmatised going along their routine under tightly scheduled activities with unknown fellow. The prisoners are practically deprived of everything i.e, liberty, privileges, social and emotional security and lastly hetero-sexual relations.

It is the ambition of the researcher to concentrate on the individual inmate reformation and re-habilitation while still in the jail house so that by the time of his release he has achieved something more than expected by him.

THE THEORETICAL SUPPORT OF THE STUDY IS THE STRUCTURAL FUNCTIONAL ANALYSIS THEORY (BY MERTON, R.K. (1949))

Every study has its own theoretical background, which will support its observations and findings and helps to determine and define the scope of the study. In the present study, an attempt has been made to apply or use the structural functional analysis by Merton (1949) as the main base of the study, to identify how far the prison institution functions as
both punishment and reformative centre of those convicted criminals.

As per the new ideology, there is a shift in establishing the prison system, as a place to receive positive punishment to that of a place to redirect, rechannel and reorient the interests of the inmates committed to reside in the prison. A place to help the convicted inmates to emerge out as a new person.

Consequently, the correct interpretation of the theory depended on triple alliance, i.e., theory, method and data but these are not the concern of the present work. In pursuance of the central viewpoint of the present study, we will try to consider the manifest and latent functions which are very essential to design what the present study tries to explore in the jail institution as individual inmate reformation home. According to Merton (1949), the manifest functions are those objective consequences contributing to the adjustment or adaptation of the system which are intended and recognised by participants in the system.26

While the latent functions, correlatively being those which are neither intended nor recognised. In both of the concepts as postulated by Merton, they are necessary concomittant to the present work, manifest and latent functions of prisons had their own roles to play when the need arises.

Briefly on the manifest functions, it is being re-established in the mind of the convicted prisoner that he is being punished for his previous acts, therefore he had to concord to any rising situation presented to him in the jail.

The contrary is the case in the latent functions, the convicted criminal inmate never expected to gain something while going to prison. But getting inside the jail he saw (different) arrangements made for his future life if he endures to adjust within the scope of the rules and regulations of prison.

From the onset the major functions or roles of prison as a social system is to impose torture either physical or mental on the individual inmate, but it is not for good.
The general opinion prevailing then was that whomsoever happens to enter inside prison in respond to his acts should come out neither with a change in mood of behaviour towards that particular acts that leads him there; nor being matured, adamant to commit more evil or crime as a result of the knowledge he had acquired in the jail.

Therefore, keeping what prison is for in the past in mind and what it ought to be today, with the historical background of the structural functional analysis theory, we will try to see how far these objectives attach in the prison system as treatment home is taken care of patiently by both parties.

The present study is for individualised treatment of the committed criminal prisoner through scientific approach in the jail.

Before we will proceed along with the study, one investigator may like to give explanation to some concepts which will always come across in the study and they are necessary within the scope of the work.

THE CONCEPTS DEFINED

In Chambers 20th Century Dictionary edited by E.M.Kirkpatrick (New ed. 1983) defined the three inseparable or synonymous terms or concepts as follows:
a) Prison: a building for the confinement of criminals or others a jail; any place of confinement.

b) Jail: a prison; imprison

c) Imprisonment: to put in prison; to shut up; to confine or restraint.

d) Treatment: The act or manner of treating, management behaviour to anyone; way of applying remedies.²⁷

Therefore in the present study, the four concepts will be used or applied interchangeably as they present or depict the same meaning.

Basically, to comprehend the aim and purpose of prison on any social set up the investigator tries to present some definitions of prison. Ordinance of 1894 defined prison as a particular building complex set up and maintained by the government for keeping on a temporary or permanent basis the convicts and under trials.²⁸

Fairchild offered a definition, the prison house is a penal institution operated by either the state or the federal

²⁸Ordinance of 1894.
government and used only for adult offenders whose sentences exceed one year.  

This definition of Fairchild carries with it three outstanding implications to know actually the main objectives of the uses of prison as an institution.

i) The prison house is set up and maintained by the state or central government.

ii) Only adults are lodged there and they must have been proclaimed offenders by the courts.

iii) Only those offenders are kept in the prison whose sentence exceeds one year.

Lionel also defined prison as follows: (a) custodial for the unconvicted (b) coercive for those who can secure release by paying what they owe and (c) correctional for the convicted.

However, after due observations of the above stipulated definitions, noting their scope and limitations for the modern objectives of prison, the researcher would like to present his

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Prison house or institution is a penal field created and established by the legal processes of the state or federal government, to manage and care for the welfare of those individuals committed temporarily or permanently by the Court of Justice.

Keeping in mind, what is meant by the term prison, it is sensible to know the main objectives and purpose why the state or federal government established prisons in society.

1) It is for the purpose of exhibition of state power to the wrong-doers in society.

2) It aims at inspiring fear in the general public, alerting the violators of the law if they are caught for similar behaviour pattern and the state will exercise her superiority over the individuals.

3) It is purported to cause psychic pain on individuals. People like to maintain and keep their personal honour and respect. Suppose such honour and respect are tempered by attachment of social stigma, it is believed the individual will not feel happy as the prison is associated with the connection of carrying social dishonour, disgrace and social stigma.
4) It is in good attempt to eliminate grave crime, some crimes go with extreme punishment in order to deter others for same offence.

5) It aims at reformation of the criminal, as criminologist and penologist affirmed. Criminals are not born but are the product of social environment. In this context, they agreed that a criminal could be made into a formal person by affording him some changes in the social circumstances around him. This will be done through reorientation of his mind and heart in the right manner before release.

6) Lastly, to protect the criminal and the society that he exists, the most magnitude of prison is to provide protection to the criminal from the wrath of the general masses. Suppose the convicted or unconvicted criminal is not given any protection by the state by confining him within the parameter of the four walls. It is probably the aggrieved party may take law into their own hands and plan attempt to harm the criminal.

These are the major important consideration of imprisonment. But the objective of correction, rehabilitation and reformation of the individual criminal inmate has taken the central point at any discussion on prison.
THEORIES OF PUNISHMENT:

There are two schools of thought in penology. These are, the Classical School, pioneered by Cesare Beccaria and the Positivistic School, which was championed by Cesare Lombroso. The offender according to the Classical School, has to be punished. Punishment should always be quick and harsh, severe and in proportion to the gravity of the offence committed, irrespective of the individual. The Positivistic School of Cesare Lombroso and his disciples positioned themselves on "the individualisation treatment of the convicts". The inmate should be taken into consideration, the total personality, the circumstances, either social, environmental or psychological problems must be analysed step by step. However, the first school advocates the 'crime' first and forgets the individual that was involved. The second school however, upheld the "treatment belief of the individual inmate". Theoretically, from the above opinions expressed by the two schools of thought, some theories of punishment were formulated. The four theories of punishment are the following:

i) Retributive theory. In the sense that punishment should be in proportion to the gravity of the offence committed.

For example, eye for an eye.
ii) Deterrence theory. It is a measure designed and envisaged to discourage people to avoid crime and to behave.

iii) Preventive or Incapacitation theory. The opinion expressed here originated from the common saying, "Prevention is better than cure". The assumption behind it is that, the processes leading to any act of or which is deemed to endanger or lead to anti-social behaviour should be prevented from the outset. Before the occurrence or formation of such unwanted acts. The wrong-doer should be incapacitated at any cost to serve as an example to others.

iv) Reformation theory. This theory which stresses on the need to be sympathetic and humane towards the convict. It is an integrated theory which combines all the humane behaviour sciences as a means to understand the inmates. Knowing and understanding the problem will enable the reformer to provide a remedy to stop it.

Consequently, each of these four theories contribute either singularly or plurally to bring about how to maximise or minimise the rate of crime in society.

OBJECTIVES AND SCOPE OF THE STUDY:

The present work centres around the functional aspect of the present day jail system. It is said that in recent years
the emphasis is very much shifted from punitive aspect to reformatory aspect.

The earlier jails were meant for punishment and unproductive labour. Now it is realized that the criminal is one who has somehow lost his adjustment into the society. The earlier ideologies based on the prevailing theories emphasized punishments as the only way of dealing with the so-called criminals. Moreover, punishment is based on different motives as emphasized by different type of theories.

The mere punishment which is based on the previous ideology does not help, for the readjustment of criminals with the society. As it does not show any positive direction for the reclamation of the criminal.

As such, the emphasis is shifted from punitive aspect to reformative or rehabilitative aspect. Hence the present work focuses its attention on the structural functional aspect of the present day jails.

In recent years, it is realized and agreed upon by scholars that crime is the product of the society. Merton in his book 'Social Theory and Social Structure' discussing an "Anomie" has made it clear that "crime is inherent in the social structure".
Carl (1950) while discussing in his book 'Delinquency Control' on crime talks about "deviation pressures". Deviation pressures are those adverse conditions, social or otherwise, which induces individuals to engage in the deviant activities. They create a situation which resemble a whirlpool. As the person who is caught in the current is quite likely to succumb in that except those who have developed strong self control or as Rockless makes it clear in his "Containment Theory".

The same is the case with individuals who are surround by deviations pressures. Therefore, this present research is carried out based on the following objectives:

i) For the reformation of the criminals what is going on day by day in the prison?

ii) What is needed and what is provided to the criminals?

iii) What is the reaction of the criminals to the present day provisions?

iv) How far the presumptions of reformation are materialized in the prison?

v) What type of criminals respond early in the direction of reformation?
These and its related aspects are focused in the present work. The present day prisons are built and function on the presumptions of present ideologies. How far the presumptions happen to be true?

With all these ideas the present study mainly deals with the Mertonian concept of latent functions. It is on this model of latent functions the present work is carried out.

SCOPE OF INQUIRY:

As it is already made clear the present research deals much with structural functional aspect of modern day prisons. Structure and function almost go hand in hand but here the emphasis is put more on the functional aspect rather than the structural aspect, in the sense it deals with the thorough analysis of functions as the researcher intends to do.

It is presumed that how far the type of activities which are supposed to be rehabilitative or reclamative really help in the transformation of the convicted people in the modern sense of the term. Hence the emphasis is not put here on themes, such as prison administration, prison re-organization etc. Hence the scope of inquiry is delimited only to the thorough probing of all those vital functions to be reclamative or rehabilitative.
Secondly, female offenders, Terrorists And Disruptive Act (TADA) offenders as well as under-trials do not fall under the purview of the research undertaken here.

METHODOLOGY AND PROCEDURE:

The primary source of information has been gathered from 200 offenders convicted for various type of criminal activities, whose age ranges from 25 and 65 years. And who were found to be the inmates of Hindalga Central Jail at the outskirt of Belgaum city during four months period from October 1995 to January 1996. In this study, the principal instrument of data collection is a structured interview schedule with which each of the subjects was interviewed within the premises of the prison.

Regarding the structure of the schedule, it was first contemplated to use more of open-end questions in order to obtain data from the subjects without the limitations of structural responses. But this experiment introduced for the pilot study did not give the type of responses that were expected of.

On the other hand, answers were so varied and so unrelated to one another that the task of classifying the
responses was extremely different. Moreover, the task of transforming the qualitative responses into quantitative facts was found to be extremely difficult and confusing. In fact, the investigator required quantitative facts in a tabular form for empirical type of research. Hence, in the place of open-end questions, structured questions have been used in the schedule.

The schedule is prepared in such way as to cover every significant aspect of the research theme. The present work is the micro level study, being the microcosm of the macrocosm. Therefore, it was decided to select one central jail having adequate number of convict inmates to work with. After the consensus taken out from all the Central Jails in the state, it was found that Hindalga Central Jail, Belgaum is having sizeable number though the number fluctuates from time to time as each jail is characterised by mobile population.

There is provision to admit under-trials as well as female convict population. Both of these sections are given up for study as there is no guarantee that under-trials will definitely be proved as having committed the offence. Secondly in case they are convicted there is no guarantee that they will serve time in the Hindalga Central Jail only.
Regarding the female offenders the number was so small as neither it was useful for drawing the generalizations not for the comparative study. With these considerations, both under-trials and female offenders were left out from the purview of the present research work.

Ultimately, in all, information was gathered from two hundred convicted offenders belonging to all age-groups and new entrants as well as old timers. With all fears and precautions it is inevitable to reveal the fact that the present investigator is a person belong to a different nationality.

This being the case, his knowledge about Indian languages is almost minimum or nil. He can exchange views only with those persons who can speak English language though the accent of both nationalities regarding English language is different. Moreover, India is a nation having multiple languages. Hence, at one stage he found the difficult of conducting interviews with the respondents. As per the instructions of research guide, he could take the help of research scholars in Sociology Department in Belgaum only, where there is a post-graduate centre belonging to parent
University in which the investigator has undertaken the research work.

With questions and cross questions, my fellow investigators tried to obtain real information as much as possible as the convicts have the tendency to hide real facts as the responses to some questions are stigmatic on their part. Because obtaining information is not as easy as from the prize winners who can present their achievements with pride conducting interviews was found to be a herculian task.

V WORKING HYPOTHESIS

This is necessary in order to facilitate the search for the real and actual facts relating to the study. Keeping in view the main objectives of the study, the following hypothosos are adopted.

1) Prisoners at low level of education are more responsive to reformatory programmes than those prisoners who have higher level of education.

2) The reformation of prisoners is positively related to the length of time spent in the prison irrespective of the nature of their offences committed by them.
3) The higher the rate of involvement in work, the higher the speed of their reformation.

4) Prisoners from rural community reform faster than those from urban community.

REVIEW OF LITERATURE:

In order to know more of the present study and the central view points to be considered theoretically attempts will be made here to review some related literatures and works. Taken note of their scopes and limitations will be possible to proceed ahead unhindered and to establish some explicit channel of understanding of what line of action we shall adopt.

CODE OF HAMMURABI (187 B.C.):

According to Elliott (1952), the Code of Hammurabi has long been known to have existed but was not discovered until December, 1901, when archaeologists unearthed it on the site of Sura an Ancient Persian City. If by going traditional method of handling the criminals in the early period one could certainly start with the said code of Hammurabi of Babylon.

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The code dictates the application of punishment to various offences committed in the society.

As asserted by Elliott that it was perceived that this particular code probably bears the outcome of the Jewish and Roman legal codes. In those early days, which even today retains some aspect in most of the criminal codes, he said, "many of our laws governing family inheritance and property, contract and criminal, have their roots in this code." But it is criminal code and punishment aspect that concerns the present study. Retaliation either in kind or by composition is the characteristic penalty provided for in the code of Hammurabi. With variations in the penalty based upon status. Filial ingratitude was one of the most important offences and false witness in a capital case was a capital offence. A man paid a substitute to serve for him in the army might be slain, anyone stealing from a house which was on fire might be thrown into the same fire. A person who made a false accusation was to be branded the brow etc.

These and so many other types of punishments were named in the Code of Hammurabi. This was most needed in order to

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32 Ibid, p.413.
keep the individual away from any problem which would endanger the community.

The code profounded by King Hammurabi was too avengence and retaliation. The code always superseded human thinking. Nobody wants to know why crime is committed and the personality that committed it. Finally, retaliation graduated according to the status of the offender and that of the victim. As well characterised the nature of the penalties under the ancient regime. 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 that 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. Scholars agree rather generally that the Mosaic Code (as found in Exodus Chapters 10-23, the Book of Deuteronomy, Leviticus Chapters 17 and 26, all part of the pentateuch of the old

\[33\text{Ibid., p. 414.}\]
testament) was drawn up after the Jewish people fled from Egypt into the Canaan ... after the reign of Hammurabi. The Mosaic Code was more severe than the Babylonian Code. This was true of the civil code and as well as the criminal code, disobedient to Jewish rituals was for example severely punished whereas there was no persecution for religious offences in the Babylonian Code.

According to the same author, the Mosaic Code was based purely upon "philosophy of vengeance, "an eye for an eye", and "a tooth for a tooth". There was no provision to forget and forgive any wrong violator in the code; once caught the code must take its actual course. Nevertheless, the coming of Christianity fostered a new development towards the direct approach to the evil-doer or convict. This is as we read from the Christian Holy Bible, to "Love one's enemy, do good to your enemy, visit those in prison and treat everybody in prison as your own self". The Christian religion has some vital impact on the criminal law, its effect has given locum

34 Ibid, p.414.
of imprisonment for both physical and mental torture of the individual.

The Mosaic Code also has no position in the present day system. It was the earlier conception of many to follow the code so that crime may not exist in society. After long advocacy, it was found that, it has no tangible effect on others not committing offence. The code paves the way for the Christian doctrines of human sympathy on every anti-social element in society. It thus bears some reformative views toward the wrong doer, sometimes, it may possess some sense of prevention of criminal activities by others. But now, no place for the code to exist, reformation, rehabilitation is the way the society is aiming at to combat any criminal incidence in society.

CASARE BONESANA MARCHES BECCAARIA (1738-1794)

In order to accept warmly the reasons of Beccaria brief essay, first one ought to comprehend the nature of the society under which he presented his views on crime and punishment. Cesare Beccaria was an Italian whom—many considered to be the architect and the proponent of the classical school of Ponology, and his book on the subject, "Crime and Punishment" is well recognised all over the world.
The view points of Beccaria on Crime and Punishment were mostly motivated and based on the Philosophy of hedonism i.e., every action of man is motivated by the urge for pleasure.

Men by nature are self-seeking and motivated to gain all that they can from one another. These self-seeking or centred individualists, must however be apt within bounds of the society they willingly created to endure. How essential then according to the opinion of Beccaria to find a suitable method in order to achieve this particular objective in mind.

Beccaria strongly held that the primary purpose of punishment is to ensure the continued existence of society. Brief summary of Beccaria's proposition on punishment in society, is presented below.

1. In order to escape war and chaos individuals gave up some of their liberty and established a contractual society. This established sovereignty of a nation and the ability of the nation to create criminal law and to punish offenders.

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2. Criminal laws placed restrictions on individual's freedom but they should be restricted in scope.

3. Complete criminal code should be written and defined all offences and punishments in advance.

4. Punishment should be based on retributive reasoning because the guilty had attacked another individual's rights.

5. The severity of the punishment should be limited and it should not go beyond what is necessary for crime prevention and deterrence.

6. Criminal punishment should correspond with the seriousness of the crime, the punishment should fit the crime, not the criminal.

7. Punishment must be a certainty and implicated quickly.

8. Punishment should be administered to set an example, neither should it be concerned with reforming the offender.

9. The offender should be viewed as an independent and reasonable person who weighed the consequences of the crime, offenders who should be assumed to have some power of resistance as an offenders.
10. For Beccaria, the aim of every good system of legislation was the prevention of crime. He reasoned it was better to prevent crime than to punish them (38: 24-25).

On the whole, Beccaria maintained that the amount and nature of punishment inflicted against transgressors should vary on proportion of the degree to which an act of an individual which endangers the existence of society. Punishment is thus, looked upon as an education process and the types of punishments selected and how they are imposed should always be done so as to make the greatest impact and the most enduring impression on all members of society. While inflicting the least pain on the body of the offender. Finally, according to the classic views of Beccaria, the wrong-doer should eat what he sow, evil treatment for evil. There is relativity in punishing the offender, others should learn from the one punished and change their mind towards criminal activities. This is no longer era for Beccaria's Philosophy of punishment, the individual first and the crime last is the slogan now.

38 J. Robert, Frances T., Richard A. Ball, Criminological Theory context and consequences, pp.24-25 (1990), Sage Pubs. (The Inter. Prof. Pubs., 1 Newbury Park, London.)
Joromy Bontham view points on crime and punishment (1748). He is a strong believer of the classical school of penology. His views are critical on punishments. In the days of Jeremy Bentham, the following are the type of punishments executed on any erring offender: fines, pillory, transportation and assignment to prison hulks. The ethical principle which Joromy Bentham laid on was the "utilitarianism". Joromy maintained that an act is not to be judged by an irrational system of absolutes but by a supposedly verifiable principles.

"The greatest happiness for the greatest number" or simply the greatest happiness, was his motto. An act assested Bentham possessed utility if it tends to produce benefit, advantage, pleasure, good or happiness. All this in the present case come to the same thing to prevent the happiness of mischief, pain, evil or unhappiness to the party whose interest is considered. Therefore, to measure the goodness or the badness of an act, Bentham introduced the

A pseudo-mathematical concept of felicity calculus. He vows that all human action is reducible to one simple formula of motivation. The pursuit of pleasure and the concomitant avoidance of pain. "Motive necessarily refers to action". He wrote, pleasure, pain or other sort of events prompt the action. Punishment is considered an evil but a necessary evil to prevent great evils being inflicted in society and thus diminishing happiness. Never use a preventive means of a nature to do more evil than the offence to be prevented. This is the caution of Jeremy Bentham.

On imprisonment, he stated "an ordinary prison is a school, in which wickedness is taught by surer means than can ever be employed for the inculcation of virtue united by a common interest, the prisoner assisted each other in throwing off the yoke of shame. Upon the ruins of honour is built a new honour, composed of falseness, fearlessness under disgrace, forgetfulness of the future and hostility".

According to Jeremy, that provision of penalty or punishment is a very essential feature of any adequate theory of

\begin{footnotes}
\footnote{Gilbert Geis, Ibid, pp.56-58 (1949).}
\footnote{Ibid, p.61.}
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crime. Hence, without punishment there could be no effective check on antisocial tendencies of man in society. He lastly asserted that, the quality and quantum of crime should bear direct relation with the quality and quantum of punishment, light punishment for light crime.

While going through the opinion of Jeremy Bentham, though critical toward the criminal offender, it is still similar to the classical thinkers. Jeremy devoted his time more on the crime, and no attention closer to the personality of the criminal. There was no intention even to know the circumstances that motivated the criminal to resolve to such criminal activity. Instead, he was more obsessed on the pleasure philosophy stated to be derived by the criminal elements. Therefore he should as well derive some pleasure to face the consequences of his antisocial act. Criminal is in the centre stage and not on the outside view again.

The views of Henry Maudsley, on the punishment of offenders. He was a staunch member of the classical school of penology. According to Henry "Criminals are extremely Unlovable beings he writes" not they but the honest workman who prefers partial starvation to the yielding to temptation" deserves our zealous expression of sympathy. Henry maintained
that the criminals go criminals as the insane go mad because they cannot help it, vice, crime, disease and death are just as natural and necessary events as virtue, health, growth and life.\footnote{Ibid, p.153 (1960).} His conception on the imposition of punishment varies with classical thinkers but maintained their common background. Henry frequently opposed to the imposition of harsh punishment on the wrong-doer. He said the law ought to show or have some pity on these defective beings suffering as they do under an irremediable bad organisation. Henry subscribed to the notion that the objective of punishment was neither the feeling of revenge nor the reformation of the criminal offender. Henry upheld that the actual purpose of punishment was to check the criminal intentions of an individual. That the fear of being punished sometimes keeps a man away from committing crime and learn to behave well. However, he finally sums up his ideas on punishment of the offender on the following propositions. Punishment therefore is properly inflicted not out of revenge for the wrong done, which would benefit nobody nor many times with any reasonable expectation of reforming the wrong-doer who radically unsound. Nature would often need to regenerate, but as a stern
admonition to other not to do wrong and incure a similar fate. Justice to Henry must be prompt stern and summary, inspiring a wholesome fear on the criminal. The good of society is of a larger interest than larger interests of the individual. Henry Maudsley truly upheld that the social important of punishment was the social welfare of the people in society. Although punishment is severe yet it serves as an example, it induces fears of crime commission among the public. It serves as a means to minimise the frequency of crime occurrence, here the society stands to gain peace.

The views of Rouseau on the administration of punishment. Rouseau as a vanguard supporters of the classical school of penology, his utterances on punishment are not too far from others. In the early period Rouseau attempted to incorporate punishment with his 'Social Contract' Theory. As he submitted that the need and magnitude of punishment came up in society as to protect the interest of the collective body. Its essentiality lies in the fact that if there is no such provision of punishment, the interest of the society at large would be imperiled according to him.

Therefore Rousseau as a philosopher explicitly and distinctly put forward three main ideas in order to establish his theory of punishment. Initially he propounded a special philosophy of law of just to drag home his point. The next that followed is the “free-will theory” and the third the principle that each person is mostly responsible for his action and that the punishment for wrong action is morally justified.

On the aspect of the theory of “free-will” crime according to Rousseau is the result of man’s own thinking and action that there are no social or political compulsions which may be said to motivate him for crime. That the criminal and the criminal act both are mostly products of free-choice of man in society.

Rousseau claimed that man had willingly accepted the need of the punishment for the simple reason of protection and harmony in society in general. Consequently punishment to him was theoretically valid and just on moral and legal ground or policy. Every individual being in society was morally responsible for his own action directly or indirectly. This was in fitness of things that the wages of sin should be death.
The position of Feurbach on Punishment. He was also a prominent supporter and advocate of the ideology of the classical school. He cleaved to the belief in the priori method of establishing punishment on the basis of the abstract crime. Feurbach held that "there was no punishment without law and no crime without law". In order to read meaning into his work on the administration of punishment, the following context and quotations will up his ideas. "Every just punishment in the state is logically consequence/or breaking a law based on the necessity of preserving order. Every violation of the law must be a perceptible offence menacing to the order".  

The sole aim of law in any given society is the total maintenance of social harmony. The next step is to inflict penalty on any person who breaks the law. Because breaking the common law creates intranquility and social disharmony in society.

According to Feurbech, criminology and penology were complimentary to each other. Then, he lastly maintained

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similar ground of his colleagues. Punishment is necessary to bring about reduction of crime rate. Punishment should explicitly fit the crime committed and consideration should be given to the crime first and not the circumstances and the personality that involves in committing the offence.

The criminal according to the classical school, was of no consequence and the court was concerned with the crime alone.\textsuperscript{47}

Here also a similar attempt will be made at this juncture to review the works, and concepts of the postivist school of penology. As it has been done on the thoughts of the classical school of penology. They are the pioneers that saw the right and the wrong approaches adopted and applied in those early days on criminals. By knowing their thoughts and what they propagate in those days, the modern man is able to make some amendments and build his own stand.

It is generally agreed and believed by some that "old is gold". So, it is previous work done in the field that will be enlightening the current work better. Lombroso of the Postivist School has been accredited as the father of the

\textsuperscript{47}Sethna, M.J. (19\textsuperscript{ }), Society and the Criminal, p.69.
individualistic treatment of the offender of the modern time and this is true from all indication of the study of the scientific individual treatment.

According to Rockless, the Positivist theory maintained that environmental and psychological forces determined all of human behaviour and that all understanding of these forces will provide an understanding of all of human behaviour. Lombroso, Ferri and Garofalo and others are the authors or founders of the positivist school of penology. They declared that the criminal could not be regarded as a normal person who commits crime simply from perversity. According to them criminals are of different grades, who are gradually be transformed into normal individuals. Even Sutherland and Cressey said that the positive school denied individual responsibility and reflected an essentially non-punititive reaction to crime and criminality. Since the criminal was held to be not responsible for his acts, he was not to be punished. The adherents of this school maintained that a crime as any other act, is a natural phenomenon, just like a

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49 Ibid, p.70.
Therefore in dealing with the offender, we are much more concerned with his mental, physical and character traits, than with his crime. According to Confucius, crime is mainly due to stupidity and ignorance, and the only mode of preventing crime is that of educating the people.

The view points of Cesare Lombroso on crime and punishment. He was the leader of the positivist school of Penology. The initial attempt made to comprehend the individual personality of the convicts were made by Lombroso in about 1876. That is, to think of his physical and moral traits in Penology. Cesare Lombroso published the results of his research in criminal Anthropology in 1881. Previously, Lombroso hold that criminals represented a peculiar physical type distinctively different from non-criminals.

Anyway the aspects that mostly concern the present study is his view on punishment and on the criminal offender. On the theories of punishment, Lombroso maintained that social

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51 Day, B.L. Our Heritage of Thought, p.195.
welfare should be considered before the criminal, but that the criminal and his victim should both be considered before the crime.52 Furthermore, Lombroso was of the notion that punishment should vary with the personality of the offender. In consequence he indicated that the man guilty of repeated murders, the death penalty might be applied. Criminals of passion, remorse itself constituted the greatest punishment. Fines, reprimands or removal of the criminal from the environment of the person injured would be thought constituted adequate means of protecting society.53 Punishment of the insane criminals, Lombroso believed it to be unjust instead he insisted that such person should be retained in asylum until admittedly aired.54 Lombroso felt that there should be nothing like imprisonment, rather the culprits should be sent to exile. Lombroso (1876) it was basically observed that the sociologists emphasised on the external factors, whereas the psychologist stressed on the internal aspects, but he concluded that both had similar denominator i.e, the "Individual", the individual should be the focal

52 Ibid, p.442.  
point to start with crime prevention and reformation in society.

Raffaele Garofao (1852-1934), his ideas on crime and punishment: Garofalo is a strong supporter of the positivist school of penology and he contributed a lot to improve on the tenets laid down by his predecessor. He maintained in his published book, "Criminology", that the purpose of punishment was to bring about the disappearance or at least the progressive diminishment of criminal phenomenon. 55

With self conviction he agreed with Lombroso that punishment alone must be imposed to the wrong doer. 56 Garofalo formulated two methods of imposing punishments. These are (i) Elimination and (ii) Reparations. The grosser offenders i.e., the murders who kill for egotistic motives for brutal enjoyment or rape, he held that they should be reformed as they lack in all moral sense. The violent offenders whose acts were frequently due to false notion of honour did not require vengeance such might later be eliminated by maroning in an island or in a penal colony. For habitual offender he proposed

56 Ibid, p.408.
Garofalo moreover declared that the levying of fine is supported by the necessity for maintaining prisoner and of providing expenses for their prosecution and for compensating the aggrieved party. That it is a form of punishment which may be resorted to in dealing with casual offenders and first offenders whose crimes are not grave enough for institutional dealing. His ideas are not too far from that of Cesare Lombroso the individual offender is the most focal ground, how to make him a better individual to fit back in the free society. How to eliminate those multiple opportunities before the criminal which lures him to criminal activities in his environment. Reformation and rehabilitation of the convicted inmate in the jail was the main thing he projected in his days.

Enrico Ferri's (1850-1929), views on crime and punishment; In his book "Criminal Sociology" (1917), Enrico was an inner circle disciples of the great Lombroso, the man who directs all thinking and attention towards the individual offenders instead of the crime. According to him, punishment

should be based on the psychological motive prompting the criminal, rather than on other considerations. Social protection however, must always be the fundamental reason for punishment by the state, in his estimation. Ferri, laid down three fundamental bases for establishing a positive system of social defence. a) Segregation of criminals for an indefinite period. b) Reparation in damages and c) the choice of defensive means according to the various types of criminals. In tune with the first principle, and absolute indeterminate, sentence should be imposed. In establishing the limits of the sentence both the conditions under which the offence took place and the personality of the criminal to be considered with the dangerousness of the criminal to be the deciding factor.

Reparation according to the second criterion should be made in order that the injured party might be indemified. At the same time penalties should not be too severe. By the third principle Ferri sought to abolish uniformity of punishment substituting punishment based upon the type of criminal.

61 Ibid, pp.502-520.
Conventi

Ferri found individualization of punishment acceptable in theory but he held that complete individualization was not possible or practicable, under the modern system. This is so, he maintained the number of convicted inmates are too big. Secondly prison staff have no adequate notions of criminal biology and psychology. However, he said so far as these hurdles are there, there is less chance to achieve the total object of the convicted individual inmate treatment in prison.

According to Kiberg, the main characteristics of the doctrine of the positivist school of penology are as follows.

1. Punishment as preventive measures are for protection of society against the harm resulting from crime.

2. The dangerousness of the offender and his character determine principally the form of judicial reaction against crime.

3. The difference between penalty and preventive measures disappear.

4. The discretionary powers of the court are increased.  

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5. The general trend of the present is towards the individualisation which the positivist school outlined.63

Walter C. Reckless, "Containment Theory" (1967):

We may look at this theory in two aspects, which are the outer or external containment and the inner containment as Reckless would classify the theory.

According to Reckless the outer containment represents the state of society, the tribe, the village and the other nuclear groups, etc., which are able to hold the group within the boundary of the accepted norms and expectations. b) In a simple sense, it means holding power of the group. To Reckless, Groups, Organisations, Associations, Bureacracies to operate or stay in existence provide or set of reasonable ground rules of behaviour and they must expect reasonable conformity to their rules.64 He continued to insist that society and groups face the problems of providing individuals with meaningful roles and activities.

They may be in the form of occupational roles, recreation roles, educational roles, performance roles or task roles. It is generally known that our modern democratic society hardly provide any such services to our teenagers. Meaningful roles in a society are defined, distributed and followed roles defined the range and limit of behaviour.\textsuperscript{65}

Secondly, another component of the outer containment in a modern, urban, mobile world consisted of several complementary variables such as reinforcement by groups and significant supportive relationships acceptance, the creation of a sense of belonging and identity.\textsuperscript{66} As a matter of fact, these containing elements are never given attention by the larger society like the nuclear groups and small organisation, which normally see the individual as a essential product and determine to provide some social base in order to arrest his interest. In conclusion of this outer containment views. He said, he who finds a sure of belonging acceptance, ego, bobtering and support is apt to follow the norms of his society and to internalize a favourable image of himself, roles expectations, roles and people. These components of

\textsuperscript{65} Ibid, p.471 (1967).
\textsuperscript{66} Ibid, p.471 (1967).
external containment can also be called incorporate or integration of individual.\textsuperscript{67}

The inner containment which is a complement of the external containment duly represent the ability of the individual to go according to the expected norms, to channelize himself. It normally manifested itself from strong to weak control of self. According to the author, as social relatives become more impersonal, as society becomes diverse and alienated, as people participate more and more for longer period of time away from a home base, the self becomes more and more important as a controlling agent.\textsuperscript{68} Reckless more ardently insisted that our interest is on these compliments of the self which provide it strength to resist deflection and give capability for direction those ingredients of self which make it possible for individual to contain himself in the modern mobile world.\textsuperscript{69} He pinpointed out that one of the components of capability of self is favourable.

\textsuperscript{67}Ibid, p.475 (1967).
\textsuperscript{68}Ibid, pp.475-6 (1967).
\textsuperscript{69}Ibid, pp.475-77 (1967).
Self image, self concept, self perception nevertheless

the four listed above components of self attainment overlap
and reinforce each other. Self concept, goal orientations,
frustration, tolerance and retention of norms. On the whole,
the containment theory of W.C.Reckless was an attempt to
particularised on the individual as the target to magnify
social effects of the modern industrialization and
urbanization. Crime and delinquent activity of the individual
is an urge to respond to the sense of pressures from the pulls
and pushes which have enveloped the people around. Of course,
many could be able to resist such urge. Whereas others could
not, this is where Reckless theoretically wants society to
focus attention on the individual who stands at the cross-road
to drift away at any given moment if unchecked, uncontrolled.
Consequently the individual convict inmate has been processed
through the judiciary systems of the land and finally dumped
in the prison institution. Let it be the duty of the entire
society now to control, prevent and reform the individual
convict inmate inorder to eschew future involvement in a
similar act within his own environment.
According to John Howard (1929), there are prisons in which whoever looks at the inmates at first sight, he will be convinced that there is some great errors in the management of them. The prisoners have neither tools nor materials of any kind, but spend their time in sloth, profaneness and debauchery to a degree which in some of those houses that he has seen is extremely shocking. Accordingly he said or complaint of what is pervicious to their morals and that is, the confining of all sorts of prisoners together, debtors, felon, men, and women, the young beginner and the old offender. It was only in some few prisons that he had visited that separated men and women in the day time. Sometimes, he saw boys of 12 or 14 years eagerly listening to the stories told by practical and experienced villains, of their adventures, successes, stratagems and escapes. Prisoners according to John Howard might be loaded with heavy irons unless they would pay to be allowed lighter ones. They might be kept in damp dungeons and darkness, the living were sometimes locked with the death. This was the nature of prisons and prisoners in the days of John Howard. But, today

a lot of changes have surface towards prison administration and prisoner reformation treatment and improvement.

At present individualized treatment of the convict inmate is the new philosophy amongst penologist of the contemporary time.

Donald Clemmer (1940)\textsuperscript{71} is a well known sociologist and as well as a penologist who was the first to initiate a serious study of the prison convict inmate. Clemmer in his work has defined prisonalisation as the process of assimilation of the prison culture by inmates as they became acquainted with the prison world. After the inmate is stopped of most of the symbols of personal identity he begins to watch and attach new meanings to all the conditions of life which were previously taken for granted. These new meanings are provided, by the prison culture. Every inmate Clemmer claimed is exposed to the "Universal factors" of personalisation. Clemmer reported further that the population of his prison was divided into three general and relatively vague aggregates which he called the "elite class, the middle class" and the "boosier class".

\textsuperscript{71} Donald Clemmer (1940), The prison Community, Holt Rinehart and Wilston, New York.
Lastly Donald listed out some conditions which minimizes prisonalization. They are as follows:

1. A sentence of many years, thus a long subjection to the universal factors of prisonalization.

2. Readiness and capacity for integration with a prison primary group.

3. A blind or almost blind acceptance of the dogmas and mores of the primary group and the general penal population.

4. A chance of placement with other persons of similar orientation.

5. A readiness to participate in gambling and abnormal sex behaviour.

6. Others.

Clemmer reported that value and normative ingredient of prison culture are essentially as described above, but by and large, prisoners are isolated. Donald concentrated his work on the processes of the convicted inmate sociologist in the prison institution, which he later term prisonalisation. He makes us to know how prisonalization of the prison inmate would affect other processes of the convict life in the fact. But he did not elaborate if such assimilation will also further rehabilitate the individual convict inmate.
As other studies equally pointed out, excess of prisonization by the convict inmate might result in revolt. Thereby the tendency to reform the individual convicit inmate in the institution will be defeated. Therefore, it is the aspect of the present study to cater for the individual convict as the sole goal of change directed towards his behavioural transformation before his release. This aspect, Donald overlooked.

Hans Toch (1971), his book illuminated the relationship that looks environment to the persons who must live and work to them. This he did by presenting the maximum security prison as a living environment, and illustrating the personal impact prisons have on individual inmates. Hans also provides a total blueprint for reform, a practical solution to the problem of making prisons and other settings, more effective and more humane. Living in prison offers a comprehensive inmates eye views of prison life. Set against a backdrop of objective information which helps us to understand how individual prisoners relate to and cope with their environment. The study of environmental impact in the prison

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72 Hans Toch, "Living in Prison" (1977), The Free Press.
according to Hans, since prisons are designed to deter criminal misbehaviour, society has no compunction about confining people there, away from their loved ones, in very limited space and in stifling routines. Prisons are meant to be prisons according to Hans (i) not blatantly inhumane and if not psychologically harmful. Most of all, society, wants prisoners to be secure, so as to keep inmates depending inside. This goal determines the isolated location, guarantee insolation, and fortress architecture of prisons and shapes custodial staffing patterns.

Bhattacharya B.K., (1958) makes an attempt to effects an historical aspects of prisons in India and other foreign countries.

The objective side of prisons has been sought to be dealt with simply and realistically without sentimentation. Historical development has been stressed, as subjective effect of imprisonment on human personality. Bhattacharya said causes of crime are multiple and complex, the root of crime be deep in the social system and the criminal is more often than not a "Product". The choice is not always free and fear of punishment alone. It is not capable of turning out good citizen. Public opinion, uninformed about causes and care of
antisocial conduct. It is responsible for a medieval approach to crime and punishment, because it is a stage by concepts of revenge. It is not strange in this unnatural atmosphere, the prisoner will develop antisocial attitude and a spirit of revenge. A long list of points and the rule of silence accentuate the situation more according to Bhattacharya. The particular vicious circle made by broken treatment in prisons, should be reformative and punitive.

Any penal system must aim at changing the habits of inmates through training and inculcation of ethical values. By creating sounder attitude towards family rights of others and towards law through canalisation of impulses. The work of Bhattacharya frankly speaking, carries the high ideas of modern reformatory weapons and solutions for the extrication of the languishing individual convict inmates in the prison institution. Those individual inmates are punished according to Bhattacharya because of their uncontrollable behaviour pattern in the free society. The free community should always try to bring out these people changed in their attitudes behaviour pattern and other social activities. However, Bhattacharya's work still remains to simplify his study with regard to the needs of each individual inmate that demands
more and more attention. The personality must be studied first in order to know how to apply the necessary treatment programme and this is the concern of the present study.

John Galtun's (1968)\(^7\) in his research work, analyses the social functions of the prison. Galtun states the significant of sociological problems as the determination of "Work limitations the one critical function of resocialisation sets for the choice of prison structure". Whether these limitations are such that resocialization and the remaining functions of the prison are of same structure. Galtun makes a distinction between resocialization and the more popular term "rehabilitation" in his work. By the latter, the individual abstains from criminal acts simply because the opportunities for such acts are not prevalent in his general sphere of action. Resocialization on the other hand, according to Galtun means that the individual does not engage in criminal acts even when the opportunities are present.

Newly internalised normative constraints prevent him from engaging in such acts that would violate his new standards of

proper and expected behaviour. According to these explanations of Galtun majority of our direct correctional efforts end at the rehabilitation level. Since resocialisation implies a level of efficacy in techniques of induced changes that the social, psychological and psychiatric discipline have yet to offer. In the discussion of the social functions of prisons Galtun made us to know the essentiality of the two commonly terms normally used, 'rehabilitation' and 'resocialization'. He said, Peno-correctional researchers normally depend on rehabilitation. Galtun's work is more generally concerned with the functionary roles of prison institution, he never paid attention to close minute details to any particular programme of the institution as it supposed to be done in any of his studies of individual convict inmate reformation.

S.P.Srivastava (1977), in his work, mentioned that the chief objective behind prison is to view the jail institution or organisation as analysis to other type of social organisations where hundreds of men live and work together.

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74 S.P.Srivastava, The Indian Prison Community, (1977), Pustak Kendra, 72, Hazratgant, Lucknow, India.
However, he also highlights on the total functioning of prison community from all possible analysis. The most alarming focus of his inquiry directed towards an understanding patterns and parameters of inmates society and the inmates behavioural problems of institutional adjustment that arises inside there. This occurred while trying to confirming to the normative and structural demands of the administrative organisation of the prison. Every detail of the prison routine has been carefully analysed with a view to determine the nature of restraints and constraints which prisoners experienced in their being subjected to the custodial coercive and corrective requirements of the prison system. Nonetheless, S.P. Srivastava lastly identifies the major areas of prisoner’s grievances which continue to have accomplish prison reforms and rehabilitation of prisoners.

Significantly enough S.P. Srivastava’s work is also a trial made towards improvement in administration, of prison activities. The work of S.P. Srivastava is mostly centralized on the functioning and structural organisation of prison community in India, whereas he neglected the "Products" that are there inmates. Hence, his work aims to provide valuable sociological foundation for others. He made no attempt to know how to improve life of the unfortunate individual inmates.
there. Hence, it is the total objective of the present study to project the interest of the individual convict inmate to renew his ways right in the treatment home before his discharge.

Hugh J. Klare (1973)\textsuperscript{75} while investigating into the effects of institutional life in today's prisoners, he examines the nature of prison and prisoners, their backgrounds, their offences and the link they retain with the outside world. Hugh described the special culture of prison life with its routine and hierarchical, the role and functions of prisoners, discipline, work and leisure, the problems of long sentenced and many other aspects of prison life. He explores the complex web of feelings how prisoners and staff and examine the interaction between individuals and groups in prison.

According to him, prison life tends to undermine the prisoner's sense of identity, he however stressed on the role, function and the influence self-awareness. If prisoners are to act acceptably, he must himself feel acceptable and to this

\textsuperscript{75}Hugh J. Klare, People in Prison (1973), Pitman Publishing, London.
end certain reforms are suggested. Klaro's philosophy is that individuals who feel alienated will not act in a socially acceptable fashion. A person can generally best help himself by helping others. The work of Hugh gives some green light on the mode of reformative and resocialization of the prisoners. He said it was the attitude of the public that many a time on rehabilitation programme while in the jail. Although Klaro tried yet his work lacks in some certain aspects, therefore it will be the place of this work to first try to local the interest of individual inmate convict scientifically before assigning him on any treatment programme.

Mrs. Ramkumari (1963)\(^76\) devoted her time to study women offenders to assess their trauma while in the walled world and their general feelings. Her work predominantly and essentially focussed on the psycho-social study of women convicts and undertrail prisoners in Uttar Pradesh Jails. She tried to analyse how woman convicts attempt to react and readjust to the prison environment and how the traumatic effect of being send "inside" determinates their immediate

\(^76\)Mrs. Ramkumari, Women offenders (1963), S.Chand and Co., New Delhi.
opportunity to adjust and withstand the prison social stigma after being released.

Mrs. Ram Kumari highlights on the total failures on the women convicts to easily adjust, and the effects of prison always hindered their progress to get reformed. But her study is concerned with the general observation of the women convicts, because she never made an attempt to assign any work to them and then check the results. Readjustment of inmate woman convicts is not something that will occur overnight.

It is a gradual process the convicted inmates are human beings that require time to adjust under proper counselling.

Ashley Weeks (1958)\textsuperscript{77}, stated that the objective of all correctional procedures is the permanent protection of society through rehabilitation of the greatest possible number of convicted offenders. That recidivist rates in society should be a general measure of the effectiveness of a correctional programme. He continued further that persons who have experienced correctional training, may be favourably affected by the treatment only to have the good effects discounted. By

the fact that they are return to the same family, the same
neighbourhood, and the same detrimental social groupings and
influences which contributed to their antisocial behaviour in
the first place. He indicated clearly that whether or not
they subsequently get into further trouble with the law, the
treatment they receive, if effective should alter their
attitude, values and opinions and this alteration should be
observable at the time they leave the treatment facility.

The short-term treatment programme should bring about
changes in values, attitudes and opinions. Guided-group
interaction sessions amongst the inmates should encourage the
participants to recognize their problems in terms of their
behaviour alternative solutions to their problems. Attitudes
and values serve to motivate certain kind of behaviour and
inhibit other kinds. Ashley on his practical work emphasised
on the essential part of getting the individual inmates
reclaimed, through the good co-operation promoted by the
institutional authorities. The individual convicted inmate as
other human beings also seeks and wants fervent encouragement,
supervision in order to be effective to do any assigned
treatment programme and that is the most outstanding aspect of
the present work which the study of Ashley lacks.
Mir Mehraj-ud-din (1984) in his substantial work has contributed a lot to the field of penology in India. As he upheld that rehabilitation and resocialization of the offenders is the main objective underlying the modern correctional penology.

It is now generally believed that the criminal is not born to such but his criminality is mainly the product of social, economical and political inequality. Social forces to a great extent contributed in precipitating criminal tendency. The basic premise of Mir-Mehraj-ud-din study is to examine the adjudication of the guilty, award of the punishment and influence of the prison community and their impact upon the correctional process aimed at resocialization of the offenders. That all the step involved in the criminal justice process from arrest to release of an offender contribute on moulding his behaviour. According to him, the future of an ex-prisoner is shaped by the way in which an offender is treated in his journey from community to police, police to court, courts to correctional institutions and lastly corrections back to the community.

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Therefore, attempt is been made by him to unfold the impact of judicial processes upon the resocialization of the long-term prisoners. He also intended to investigate the efficacy of the prison visiting, difficulties in the visiting and impact of the frequency of such unit upon the resocialisation of the long-term prisoners.

Secondly, to evaluate the prison vocational trainings of his institution of study, examining their impact upon the resocialisation process have been brought within the purview of the study as well. Finally he crowned his study with the exposition that, this present study supports the fact that a sentence conceived in accordance with the individual needs paves the way for resocialization of the offenders. Moreover, disparity in sentences affects the process of resocialisation according to him. The study by Mir Mohraj-ud-din, is centered on the long-term prisoners only neglecting the short terms.

Reformation of the convicted inmates in any set-up should involves with long and short terms together. His work even though it carries with it the modern principles of reformative think-tank, yet it is very exclusive and inclusive to be regarded as "Step-toward the right direction".
Lloyd Ohlin (1956)\textsuperscript{79} opined that the central task of penal administration is to effect changes in the criminal value system of the inmates. Until those inmates who express a willingness to control their prison behaviour in terms of conventional value system feel safe in doing so.

Lloyd said to fulfil this dimension require reorganisation of the formal and informal social structure of the prison system. The solidarity of conventionally oriented inmates must be encouraged and protected. In most prisons today, the inmates spend a major part of his close contact with his inmate fellow. The situation places a premium on getting along with one's fellows so that prison time may be passed as comfortable as possible. Lloyd further explained that, to structure the prison organisation to protect those inmates striving for a conventional value orientation. It would appear necessary to employ classification and segregation procedures whose major operating criteria are based on the susceptibility of the inmate to shift in value orientation.

The administrative manipulation of records, favours, privileges and punishment with a view to promoting changes in value identification which would be a cultural administrative objective. Finally he remarked the thorough involvement of inmates in interest provoking and educative activities have proved beneficial in restricting, the dissemination of the criminally oriented prison culture by limiting the amount of the time spent in idleness and prison chatter.

Lloyd maintained that, it is likely that marked personal conflict will take place before an individual inmate is prepared to make a major shift in value system identification. It must be crystal clear to the inmate that adherence to a criminal system is defeating and frustrating experience. Whereas behaviour controlled in terms of conventional norms not only will receive the support of the inmate body but will lead to the satisfaction of personal needs to status and prestige rewards and to the achievement of goal switch are culturally supported and sanctioned. This study of Lloyd, is basically a scientific attempt to restore the lost value of the individual convict inmate in the jail. This should be through patient and encouragement developed by the prison authority at the time of treatment, it serves a good
initiative. Hence it targeted the readiness of the individual convict inmate to get or receive what is prepared for him in the institution. His approach to the problem and that of the current study may not be same.

Devakar (1989) states in his work by posing the following questions to drag or bring home his point of prison resocialization 'who inhabits a jail'. Law enforcement authorities called them convicts but of late are trying to do away with ahhorrent term. The general public still has a dread of a person who is inside the jail which continues even when the man is released. Jails stand for hardships, regour, regimentation, seclusion and denial of the most desired thing in life according to Devakar. Devakar emphasised that history is greatly reflected with existence of physical cruelty, mental degradation and moral deprivation of the prisoners. Jail has been accused to be the greatest school of crime and largest brooders of criminality where heinous plots of brutality, crime and revenge are hatched. According to the work of Devakar, in the jargon of penology today, prison institution is reffered to as a "Correctional Institution".

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Devakar claimed that what ailed or pained a prisoner is what the administrators called happy surroundings and he said the present century has seen a great amelioration of the conditions inside jail. He attempted in his treatise to provide a canvas in which the drama of socialized prisoners enacts itself in the changing socio-political scene. The trial and error experimentation with penal practices under the influence of conflicts at the administrative, economic, emotional and social levels is brought forward by Devakar.

According to Clarence Schrag, the focus of traditional prison policies is the enforcement of compliance and obedience despite the expected opposition of inmates. Strict surveillance and punitive actions are deemed necessary to show the prisoners that society is stronger than the individual.

The prison as reported by Schrag, is previously seemed in the world as a world of conflict between forces of good and evil. Prisoners are expected to exercise their anti-social propensities if they can get away with it. Officers are

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82 Ibid, p.334.
expected to be the sentiments of the good society who carry the full authority of the official community, in their relationships with inmate caste. Furthermore, he said the strategies for "reforming", 'rehabilitating', "treating" or "correcting" criminals in institutions are greatly influenced by the assumptions of person in the broader society and these assumptions have been importantly revised during the course of correctional history.

Early efforts were to be aimed at "breaking the will" of the offender. Current conception of treatment place greater emphasis upon the inculcation of custodial useful habits such as thriftiness, industriousness and acquisition of social and occupational skills. Thus, the treatment function of the prison is to make available to inmates a variety of facilities including programmes of academic and vocational training, medical care, religious instructions, counselling and parole planning to mention only the standard treatment devices.\textsuperscript{83}

Schrag highlights the import of placing the individual convict inmate on the limelight of reformation always. All plannings should be according to the social needs of the

\textsuperscript{83}Ibid, p.336.
individual, his paper really touches on the tenets of prisoners rehabilitation in general.

Indra J.Singh (1979), in his revolutionary work, said thus, "the institution of prison is no more a 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. Further Indra acquainted, that the life of a convict inspite of all, could be distinguished by two stark realities, that is, deprivation of normal requirements of freedom, sex, food and expression. The next is the totalitarian power exorcised by the custodians. The problem of study of Indian prison is two-fold, one is a alignning theoretical and methodological imperatives in proper perspectives of the problem which in turn depends upon the development and maturity of social sciences. The crux of Indian prison problem rests on the given context of the character of the relationship between the inmates and the custodian is the objective of the work of Indra J.Singh.

84 Indra J.Singh, (1979), Indian Prison, New Delhi, Concept Publication Co.
The area of study covered in his work were as follows:

(1) The formal structure of the prison organisation, routine and administration etc. (2) The informal structure group among the inmates and the custodians the 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., (5) The external influence-educational provision, prison visitor, research or workers, family visitors etc. While scanning through the work of Indra, the entire study portray the genesis of the study of prison community in Indian context. He said, he was motivated by the work of Donald Groom to do similar work in India.

Gresham Sykes (1959), proclaims that of all the painful conditions imposed on inmates none is more immediately obvious than the lost of "liberty". The prisoner now must live in a world shrunk to thirteen and a half acres and within this restricted area his freedom of movement is further confined by a strict system of passes. The military information in moving from one point within the institution to another and the

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demand that he remains in his cells until given permission to do otherwise. In short, the prisoners lost of liberty is a double one-first by confinement to the institution and second, by confinement within the institution. As he strongly asserted that, the more fact that the individual's movements are restricted, however is far less serious than the fact that imprisonment means the inmate is cut off from family, relatives and friends, not in the self isolation of the hermit or the misanthrope but the involuntary seclusion of the outlaw. A genuine gesture, such as visiting and maintaining privileges, somewhat partially relieve, the prisoner's isolation. If he finds someone who will remember him in the free society. So, many inmates are aware that once they are in the wall world and all links outside the free community are sealed off for him.

Sykes stressed that it is not difficult to see this isolation as painfully depriving or frustrating in terms of lost emotional relationships, of loneliness and boredom. That what makes this pain of imprisonment life most deeply is the fact that confinement of the criminal represents a deliberate, moral rejection of the criminal by the free community. The signs painting to the prisoner's degradation are many, the
anonymity of a uniform, and a number rather than a name, the shaven head etc. Finally Sykes affirmed that the wall which seals off the criminal, the contaminated man is a constant threat to the prisoner's self conception and the threat is continually repeated in the many daily reminders that he might be kept apart from 'decent men'.

According to Lloyd W McCorkle, Richard Korn (1954), the concept "socialization" implies group membership. So the derivative conception "resocialization" implies changes in group members.

They said, there are many findings in the social origins of individual behaviour which suggest that the problem of reshaping the anti-social attitudes and values of offender is related to the possibility of uttering the pattern of group members which they bring with them into the prison. To what extent does the prison community provide opportunities for altering the group memberships and reversing the socialization process which contributed to the criminal behaviour of those incarcerated in it.

Prison is a physical structure in a geographical location where a number of people living under highly specialized conditions, utilize the resources and adjust to the alternatives presented to them by a unique kind of social environment.

They claimed that observation suggests that the major problems which the inmate social system attempts to cope up with the theme of social rejection.

In many ways, the inmate social system may be viewed as providing a way of life which enables the inmates to avoid the devastating psychological effects of internalising and converting social rejection into self-rejection. This provides the inmates an avenue to reject its rejectors rather than himself. The first and obvious characteristics of the inmate social system is the absence of escape routes from it. The offender is not only incarcerated in a physical prison without exist. He is enmeshed in a human environment and a pattern of usages from which the only escape is psychological withdrawal. Another aspect of the inmate social system is its rigidly hierarchical character in which vertical mobility, while possible is highly difficult. The two authors, Llyod and Korn, mentioned the processes and effects of socialization
that the individual convict inmate brought with them into the prison house. How the prison authority should try to understand the personality of the individual inmate before signing him to any treatment programme. They should try to resocialized the convict inmate before his discharge from the institution.

According to the work of Vidya Bhushan (1970), which focused more on the administrative set up of prisons in India. In the said work of Bhushan, he discusses the recruitment procedure, training aspect of the prison officials. So his analysis mostly lacks analytical depth. His study based on secondary sources of information, is an amalgum of quotations from western texts and reports of Indian Commissions and Committees on Prison Reforms. This is the views of many studies against the work of Bhushan. Nevertheless so little the work would contribute toward the modern ideology of individual inmate resocialization, re-education, redirection and finally resulted to his resocialization and rehabilitation.

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87 Vidya Bhusan (1970), Prison Administration in India, New Delhi, S.Chand and Co.
The evolutionary study of Khan (1990), is an attempt in the area of institutional correction with due thought to related policy issues. It focuses on a segment in the wide range of correctional programmes, namely 'work' by jail inmate. The emphasis all along is on 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 compact of work programme on the inmates.

According to the work of Datir (1978), which he indicated that prison society is a separate world by itself. Datir went very deep to describe every aspect of the jail administrative set up, classification of prisoners, architectural work of the prisons, prison discipline, prison labour, prison education, prison hygiene and open prison etc. The social control in prison, stresses and strains between the ruling groups and subordinate groups. Treatment of prisoners to meet the end of 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. The general

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perspective of the research of Datir is of a contemporary in nature but it cannot be associated as a leading work with aim and objective on the modern principle of individualization of treatment of the prisoners in the institution.

Jaytilak G. Roy (1989), made a substantial study on prison which he pointed out in his work that the goal of punishment have been undergoing radical changes. Further, he adds that the wider awakening of the rights of even wrong doer make their conscious of their rights. According to Jaytilak crime is the outcome of a disease mind and jail must have an environment of hospital for treatment and cure of mental disease. Roy maintained that this particular approach eschew the deterrent and retributive elements of punishment and strongly advocated for the reformative approach. The author has vividly drawn attention to the myriad problems that call for prison reforms. He said, "open air jail is being experimented with what is forgotten is the sentence which attaches social stigma on the individual criminal forever. Even after he suffered the sentence and repays the debt to society, the social stigma remains intact ineffaceable with

89 Jaytilak G. Roy (1989), Prisons and Society (A Study of the Indian Jail System), New Delhi, Mann Publishing House,
him." This particular approach as he asserted requires reevaluation, classification of prisoners based on the so-called social status, strikes at the root of equality principle. The findings of the work of Roy somehow touch the ideas of modern notion on individual criminal treatment in most aspects. The current wave of individual prisoner treatment is purely based on scientific classification and diagnosis, once admitted in the treatment home. Therefore, any programme placed before the individual prisoner without considering his personality needs after his discharge is no reformative at all.

Llyod W.McCorkle (1956), opined in his article that custody is frequently dismissed to a rather sordid and punitive operation, consisting chiefly of keeping inmates perpetually locked, convicted and controlled.

According to correctional views, treatment and welfare are described as attempt to introduce freedom and dignity into custody's restrictive, punitive context by the provision of recreation, education and counselling.

90Lloyd W.McCorkle Guard-inmate relationships Social Structure in a Prison, Welfare Reporter, 1956, 8, 3-8,13,15.
Lloyd asserted "the welfare of the individual inmate to say nothing of his psychological freedom and dignity does not importantly depend on how much education, recreation and consultation he receives but rather depends on how he manages to live and relate with the other inmates. Who constitute his crucial and only meaningful world at this point of time." It is what he experienced in this world, how he attains satisfactions from it, how he avoids its pernicious effects, how in a world, he survives in it, determines his adjustment and decides whether he will emerge from prison with an intact or shatter integrity. The evaluation must rather be made in terms of how the prison authorities are affecting the social climate successfully.

The effective and efficient custodian now, according to Lloyd, emerges from the role of restractor and becomes the one who safeguards inmate welfare. This article of Lloyd, establishes the need for mutual understanding of relationship between the prison officials and the prisoners. In order to facilitate the reformative process of the prisoners.
V.V.Devasta, Leelamma Devasia (1992)\textsuperscript{91}, in their book substantiate the need of treatment and correction of the criminal as well as the victim. Emphasis is given on rehabilitation 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 discharge. They maintained that punishment honours the offenders as a rational being and gives him what it is his right to have.

George H. Grosser,\textsuperscript{92} provides an introductory view of the prison as a social system through a general discussion of its relationship to larger society. Its internal dynamics including patterns of deviance and control and some implications in its organisational structures to the stated goal of treatment, are his philosophy of imprisonment. Prisons today should reflect the idea of resocialization and correction both in the external and internal portray of the jail. That the prisoner can easily adjust within the

\textsuperscript{91}V.V.Dovasia Leelamma Devasta, Criminology.

\textsuperscript{92}George H. Grosser (1959), External Setting and Internal Relations of the Prison, Reading in Criminology and Penology, Ed. David Dressler, Columbia University Press, New York.
environment that he feels he is cared for. No matter, his movements are still restricted.

Richard A. Cloward, demonstrated the pressures towards deviance which emerge from status degradation ceremonies and especially to suggest to the thesis that social control processes in the prison often "generate the very behaviour they were to avert". A system of incentives intended and supported by conformity actually induces and supports deviant behaviour. Simply because these incentives are maintainable for the majority of inmates. Cloward focusses attention on the function of individual inmates systems to the maintenance of the total organisation. It is still a stepping stone which is directed towards improvement on the reformative aspect of the prisoners.

Santan Wheeler, reexamines the problem of how and to what extent the newly admitted inmate integrates with the general inmate social system. Through his empirical tests of the socialization process, he suggested refinement of Donald

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93 Richard A. Cloward, Social Control in Prison (ed.), Theoretical status in the social organisation of Prison, New York, SSRC.
Cl comunor's original concept of prisonalisation and relates the resulting reformation to other characteristics of prisons.

As one of the central conclusions of his findings, Wheeler found that the level of inmate integration does not increase on a simple linear fashion. As the inmate passes through his prison term but responds convincingly low at entrance to the institution and again when release is anticipated, high during the middle stages of the prison term.

Donald R. Cressey, attempts to examine the existence of a relatively new and unrecognized goal of the contemporary correctional institution. He notes variations in achievements of his goal between the treatment and the custodial-oriented institution. He suggests that the variations reflect opposed conceptions of deviance as the inability to conformity of the custodial view.

Gillin John, (1945), in his book "Criminology and Penology" pointed out that resocialization and rehabilitation of the individual criminal offender was much important than imposing punitive measures.

The prison institution should be made as a place where wrongdoers are committed to receive moral treatment instead of
total punishment. That harsh treatment to the criminal always harden their mind and thereby resulted to more dangerous crime once discharged from the institution. He said, "punishment is necessary but reformation of the prison inmate is more necessary than merely award of punishment and dumping the criminal in jail house."