CHAPTER IV

Concept of Reformation

'Re'means back and 'formare' means to form and so 'Reformation' means cause to form again. As per concise Oxford Dictionary 10th edition, "Reform" 'means make' changes in order to improve it, cause to relinquish an immoral or criminal lifestyle. 

Whereas reform means to change to a better state, form or to cause a person in abandon wrong/evil ways of life or conduct.

From the above two-dictionary meaning following are the basic features of the concept of the reformation in the eyes of the author.

a) Original formation of each human being is gentle and innocent.

b) Offender means the person who either has left his original track of the conduct or has lost his original elements of formation in full or part extent, which has resulted into commission of the crime by his hand.

63 – Webster’s encyclopedic unabridged Dictionary of English language
c) If instead of leaving the offender or criminal, if bad or immoral things are removed from his personality, it will be rather Re-formation of the gentleness, adhocly lost by the offender.

d) Reformation is a process of bringing the person to his origin in mind.

e) Reformation is a process to compel the offender to leave the immorality, criminality from his life.

f) Offender is a patient who is in need of treatment of reformation in Reformatory, which may be said as an institution to which offenders are sent as an alternate to prison or it is an institution to which offenders are sent tending or intending to reform.

In view of the present need of reformation theory, it's effective implementation coupled with its benefits which the criminals as well as society will accrue author is of the opinion that unlimited Reformers and Reformist are required who will nicely support for increase in decency, morality, honesty in the society and will make the society, pleasant and healthy.

Devotion of the Govt. as well as NGOS in this regard, particularly for research on this concept theme is anticipated in the interest of the society.
Dictionary meaning of reformation is to change for better. By way of distinct system of interpretation the word ‘re-form’ means to form again gentleness in the mind, which has lost it. Formation of thing previously owned again in the mind of human being may be called as process of reformation. No human being likes to commit an offence or to become criminal. No person also by birth may be criminal but due to the different reasons as already mentioned in primary chapter of this thesis, situation compels him to do that. So criminality is a disease which grabs or covers its dust and germs in the mind under specific situations and one ought to cure/save the patient from this disease. Infliction of punishment is attributed towards reformation. Useful punishment is only real punishment. Prisoners are also person and must be posited with human rights. Humanisation can solve the problem of criminality but stones walls and iron rods cannot solve the same.

The mind is having its own place and can make a hell of heaven and a heaven of hell. A crimeless heaven is not beyond us if our technology is geared to the goal of reformation instead of impotent punishments to the offenders, aggravating the malady. Man basically gains shanty and his nature is tranquility but when he hots up he becomes disordered and when he cools down he becomes a picture of underlines.
Infliction of international pain without benefit to individual or society even if
the state be the agent is a crime. “The punishment for crime becomes the crime
of punishment”. The only panacea for crime is to the mistor to the mind released
consciousness is at the core of human mind. Criminals are not born but made
and can be unmade and this humanist tryst and spiritual formula is the founding
faith of all civilizations. Crime is a disease of stress and stress related cause.
Whatever may be apparent motivation the causes which causes the crimes are
stress, tension suppression, anxiety, destruction, negations and neuro/psycholo-
logical syndrome etc.

Offender shall be put to educative and healthy or ameliorating influences.
Offender should be reeducated for transformation of offender to crimelessness
from crime fullness or delinquency is an essential aspect. To reduce criminality in
the criminals is basic aspect so character of criminals must be reshaped and put
once again in the furnace for being moulded. True reformation comes only with
the acceptance of the punishments by mind and heart, as the inevitable fruits of
the act, “The judgment of society upon the man must become judgment of the
man upon himself”, if it is to be effective as an agent in his reformation.

“Turn Jails into Hospitals” then only concept of reformation and its
objectives will play an important role in criminal era. The Jail reforms have
been mainly based on the ideas; Mahatma Gandhi has said “Hate the sin, not the sinner” and crime is nothing but a sin of the disease of mind and that an imprisonment should aim primarily at treating a prisoner’s diseased mind making him fit for society after release to lead an honest life.

In the process of reformation wrong must be buried. It is the process of reconciliation and rehabilitation. Individuals must be brought by way of this process in such a state of mind that they should not engage in criminal activities even when the opportunities are present. Correctional efforts are required to be made and it must be one of the objectives of punishment.

Reformation is a form of training, remoulding, redirecting as well as re-channeling of the drives of criminals. After reformation convict should be discharged in a better conditions in every way. Without reformation process Jails will remain as mere places for keeping the human beings who found themselves victims of some and other facts or circumstances when it is found crystal clear that “Circumstances makes human being criminal” though the main party behind creation of such circumstance whoever it may be is guilty will stay out of jail. The Criminals should be treated lightly without creating any pressure on their minds in respect of commission of offence and the punishment provided for the same because if unnecessary huge pressure is
created then it may affect badly on the mental condition of the criminal but it does not meant that criminal should be given full relaxation. Golden point will be that the circumstances, the situation, the aggrieved party, the offence and last the chances in future in respect of repetition of offence all these factors should be considered and then only it can be decided well that what type of punishment and in what manners should be given to criminals; otherwise the technical provisions of infliction of punishment may affect badly which may give us result in the form of unapproved formula ‘pain for pain’ ‘victim for victim’ or ‘Dark for Dark’ which no good law will permit.

If with technicalities in respect of punishment, criminals are dealt with badly by specific ignorance about the theories of crimes then there may not be any difference between criminal law and criminal and ultimately the very object of law i.e. to do Justice with the parties cannot be achieved at all. Consequently law will remain as “Law without Justice” and said law is nothing but a fruitless, useless and hopeless law.

The concept and process of reformation means and includes the following important aspects and so in the present era of marching and development it is substantive and essential.
1) With intent to trace out the theories of crimes.

2) With intent to fill up the lacunas which always creates circumstances encouraging criminal activities.

3) To prevent repetition of crime.

4) To prevent creation of such specific situations and ultimately to prevent the commission of offences at the hands of other members of the society.

5) To utilize the human power lying with the criminals in Jails for the welfare of society and criminals themselves.

6) To cause change in minds of criminals and to make them able to behave properly/nicely in the society.

7) To teach the criminals that how they should face to the peculiar situations if created in future and how to avoid crimes.
8) Reformed criminals will be definitely useful persons for the society because they will make propagandas in respect of the process of reformation and the good achievements sought by the Govt. and its good efforts. Ultimately criminal will not think himself a stamp of punishment, a person lower downed in the society. So remaining life after release will be hopeful and graceful for the criminal also and ultimately society also will welcome such personalities by forgetting his previous records. In the process of reformation only the changes of good achievements are available in more quantity and quality because during such process only there will be actual show and exercise of concept of humanity and same will be played by gentleman for the welfare of their brothers to whom situations made victims and so it will one of the symptom of ideal sociology of society.

9) During the process of reformation only good kind of brotherhoodness and love and affection can be achieved and maintained in between the prisoners during the period of their residence in the prisons.

10) End of reformation process is nothing but man making and so if I said, "With the process of reformation we are able to give new birth to the criminals with the best positive change and i.e. a good gentleman I may
not be wrong. So reformation is so material and important having power to create the batches of good citizens/gentleman and that is also from the groups of the criminals. Ultimately the most hard work to create fruits from the mud can be well achieved and done in the process of reformation.

11) Other points of necessity are referred in the other chapters and parts of this thesis whenever it is deem fit.

Concept of reformation is nothing but a name given to the process of 'Rehabilitation, Reindividualisation, Redirection of mind' of the criminals. So many steps are available during the process of reformation aims in the minds then it is always possible to form the good minds with good thinking in the hearts of criminals.
In 19th century prison farms were in existence in America and these prison farms were in the nature of open air prisons. These are also called as Prisons without bars.

First open prison was almost certainly established in Switzerland in 1891. Then in 1916 the Lorton Reformatory in the District of Columbia, USA was built without a containing wall.

Following are the famous American open prisons from 19th century.  

a) Californian institution for men at Chino in Southern California  
b) Open federal prison Seagoville (Texas)

The first warden of China was Kenyon scudder, an American penal reformer who developed remarkable training regime at chino and also contributed to the common store of ideas on the nature of open prisons and potentialities.

64 - Open Prisons- Howard Joins and Paul corners  
65 - Barnes and Teets - 1945
The convicts who were nearing the end of their sentence were generally transferred from conventional prisons to the open farms in forests as labourers; but it is experienced that these camps were called as 'Slave-camps' and not the 'Honour camps'. Majority of the prisoners brought to the prison farm could be trusted if engaged in corrective work outside the guarded enclosures under warmed supervisors. Thus there was risk of prisoners escaping from work site but the number of such incidents was negligible. Open air institution caused to develop self reliance and self confidence among the prisoner by resorting to minimum security measures.

Open-air prisons reduced the pressure on closed prisons due to overcrowding. These prisons offered better opportunities to convicts for their rehabilitation and self-reformation. This prison system is also economical.

Several open prison camps were in operation in Massachusetts and California in USA as early as 1915. When a Californian legislation suggested radical changes in prison reforms and thus real beginning of these institutions took place in the year 1935.

Following points were considered about the prisons and prisoners in 19th century in USA.
a) Prisoners should be treated as human beings.

b) Hopeful cases of prisoners should be separated from hardened ones.

c) Prisoners capable of moral rehabilitation and restoration to good citizenship should be separated from the hardened offenders.

d) The principle that “The Rehabilitation must come from within the individual and not through coercion.”

The California institution for men was opened on 10/17/1941 with 34 convicts of three officials.

e) The offenders are afforded adequate opportunity for outdoor life and sense of freedom brings them out as best citizens on release.

f) It is also deemed as day-parole or work release and stands in between probation and imprisonment.

g) Open-air prisons from USA are also used for initial prisoners / fresh prisoners.

67- Prisoners are People- Kenyon J. Scudder.
In 19th century back step has been done away within most prisons in USA but strict rule of silence is gradually fading out. State prisons, farms and country and the state chain gangs for roadwork were grown up. During this span an attempt was made to classify the prisoners and classification committee system has been introduced in to some prisons and other correctional institutions.

Open air prisons then became most famous and rather such places are called as places for reformation and not prisons.

1. The first American Reformatory for juveniles was opened at Randall's Island in New York. Another reformatory was opened in Boston and these reformatories gave rise to state controlled and state financed reformatory school at Westborough, Massachusetts in 1847.  

**Pennsylvania system**

Each prisoner was detained in an industrial cell making him live in complete silence with expectation that he would thereby find opportunity for reflecting over his wrongful act or omission and for coming to repentance. Due to keeping of each prisoner in an individual cell probability of habitual offenders with first offenders were found totally eliminated. However at the same time it is experienced that its disadvantage are serious.

---

68 – 500 Criminal Careers - Glueck S and Glueck E
In this system prisoners are deprived from outdoor life and work which ultimately affects on his health and so prisoners become living dead.

**The silent system** :-

This system still exists and basically it is known as The Auburn system. Towards some modification in Pennsylvania system this system provided that prisoners shall be confined in solitary cell during night time only and making him work in association during the day. Rules were made for behaviour of the prisoners and for observance of silence by them and so this system is also detonated as 'The silent system and it developed in the year 1816.'

**Elmira Reformatory in New York** :-

With sole plan of reformation of offender, restoration of the offender to society as a normal being the Reformatory system has been introduced. In 1876, the Reformatory System was adopted in the Elmira Reformatory in New York. In this system prisoners are graded by being given marks for their work and accomplishments in prison.

Indeterminate sentence was an exceptional feature of this system. Concentration on moral training and education was made in this system. Chief object of ‘Reformation of offender’ was tried to be achieved with different attempts vide this system, in early period.
The private lease system was in operation in USA but being it has been condemned, it lost its recognition. Further a system named as "Piece Price System" was also introduced for labour work to the prisoners.

Various labour work, production, sale system were in operation in USA i.e. The Public Work System, The State Use System, The Public Account System etc.

**Model Reformatory:**

Elmira reformatory was the model reformatory in 1877 the law introduced the principle of the determinate sentence and in said reformatory much more attempts are made for reformation. Prisoners were allowed to go on parole and every chance of reformation was given to them. Similar institutions with aims of reformation were developed all over the United States.  

**Penitentiaries Nacional at Buenos Aires:**

Penitentiario Nacional was established as more or less comfortable prison and for adult offenders. It was established at Buenos Aires and it was consisting the cells being like rooms used by students at Hostels with books and book shelves and stationery.

---

69 - The Criminal - Ell is H / Punishment & Reformation – wines/ The Repression of crime - Barnes H.E.
70 - Principles of Criminology - Pillai K.S.
Features of this reformatory:

1. Industrial and agricultural workshops with all up to date appliances, tools were arranged.

2. Selected prisoners according to their adaptability to handicrafts, agriculture work, and assignment of work were done.

3. After dinner the lectures on drawing, arithmetic, and languages were arranged.

4. The intellectual or moral progress attained by the prisoners is well recorded in the register.

5. Weekly lectures for the benefit and enlightenment are arranged.

Massachusetts Reformatory System:

The chief characteristic of this system was “Individualization of offenders” for the reformation of prisoners. This system was consisting

a) Visits to the home

b) Visits to the school.
c) Visits to the office of the offender.

d) Wide and intensive investigation into the antecedents of the offender.

e) Psychiatric-Psychological examination of the prisoner.

f) Method of mental and physical hygiene for the offender’s self-education.

g) Mental efficiency test.

h) Ethical discrimination test.

i) Convincing to sexual offenders that sexual vices causes deterioration in character and causes criminality.\(^{71}\)

j) Shaping and moulding personality. Under New York plan prisoners are classified in five groups as follows.\(^{72}\)

---

71 - Law & Justice in Soviet Russia – Laski H.

72 - Curing the Criminal – Stutsman J.
a) The normal prisoner capable of learning a trade.

b) The normal offender more or less advanced in year, who can be helped by agricultural employment.

c) The insane delinquent requiring treatment of permanent nature.

d) The mentally defective patient for whom special institutional treatment is needed.

e) The Psychopath who will have attention suited to his individual needs.

Even with an intent to study the behaviours problems of females a psychiatric Hospital was opened in the New York state Reformatory in 1916.

It is observed by Glueck Brothers in USA that “Frequent contacts animated by personal interest in the progress of each inmate, would seem to be of the essence of the reformatory process.”

In this way in 19th century in USA, the entire concentration was made on the Prison-Reform as well as reformation of the offenders, in distinct way and so during this century the theory of reformation achieved importance throughout the world and in very short period this principle got fullest supporters from almost all the corners of the world.

The End