INTRODUCTION

Correctional machinery is an integral part of the criminal justice system. If the purpose of the system is to achieve prevention of crimes the system cannot afford to leave the correctional and rehabilitative aspect unattended. Both the French system and the common law system provide for the establishment of correctional machinery. But their approaches are different. While the French system seems to treat this machinery as part and parcel of the system both English and the Indian systems seem to treat correctional machinery as part of the Executive Branch of the Government. Naturally the Indian Cr.P.C. does not contain procedures dealing with such aspects as the French Cr.P.C. The Indian system takes care of such things in prison Act, prisoners Act, Jail Manual etc. It is interesting to see how the French Pondicherry differed from the Indian Pondicherry in the matter of correction and rehabilitation and what impact does this has on the public.
DEVELOPMENT OF CORRECTIONAL PHILOSOPHY:

Man's approach to criminals can be conveniently summarised as a succession of four R's. Revenge, Restraint, Reformation and Reintegration. With the addition of each 'R' important changes were made in correctional process.

Until about the middle of the eighteenth century, Revenge was the primary response to crime. Correction was motivated principally by punishment and retribution, the State taking upon itself the tasks of vengeance that earlier had fallen to a victim's neighbours or kinsmen. Banishment and corporal and capital punishment were techniques employed on offenders for their transgressions. It was also believed that corporal punishments and execution would exorcise the evil spirits that were seen as the cause of a person's criminal tendencies, thereby preventing harm and contamination of the innocent.

In the late eighteenth and early nineteenth centuries, an important revolution in correctional philosophy took place by the growth of western democracy and the influence of contemporary rational philosophers and legal scholars. Criminals came to be seen not as possessed by evil, but as persons who had deliberately chosen to violate the law because it gave them pleasure or profit.
The need for a rational and equitable correctional system was felt in the eighteenth century. Under such view, reactions to crime should be rationally based on a pleasure pain principle. Less punishment for less severe crimes and harsh punishments for serious crimes was the motto. Punishment commensurate with the severity of the crime came up in this context as the major correctional tool. It also posed a better substitute for corporal and capital punishment in the light of humanitarianism, which had become the prevalent approach of the time.

Then, correctional institutions became places for "reflection in solitude leading to repentance and redemption". Simultaneously, it was thought that institutionalisation would be a lessor, evil teaching that crime does not pay. Thus, Restraint was the correctional philosophy during this period, and the architectural designs of correctional institutions were such that communicating within and without were reduced to the minimum.

Reformation, the third was introduced in the nineteenth century and early twentieth century. The spirit of reformation was reflected as early as in 1870. When American prison Association (known as the American correctional Association) established as its goal: "reformation
not vindictive suffering, is the purpose of penal treatment”. This second revolution came about as a direct response to the inadequacy of institutionalisation, but it has gained impetus through the growth of Freudian psychology and the social sciences' Institutionalisation had not worked as an impartial and uniform reaction to crime. At the same time, the number of inmates confined continued to increase, resulting in increasingly overcrowded institutions. Treatment, rather than punishment, was called for; professionalism and specialization rather than a generalized response came to be accepted. The Reformatio movement thus introduced a complex approach to corrections extending far beyond just confinement and punishment. Many of today's correctional systems and programmes are the product of the Reformation era, although there are varying degrees of sophistication in their practices.

However, reformation is still part of the present approach in corrections, although it does not constitute the ultimate goal. A fourth revolution apparently has come, bringing in this concept of Reintegration. The general feeling is that focus only upon reforming the offender is inadequate and restrictive. Successful rehabilitation is a two-sided coin, including reformation on one side and reintegration on the other. Corrections must develop approaches which prepare the
offender to deal with compelling pressures that are exerted upon him by person living in his community, by social, educational and economic pressures, and by our overall culture and subcultures. Only by such preparation offenders will successfully return to society as productive citizens.

**Rehabilitation as a Primary objective**

The intended goal of corrections today is to protect society by controlling offenders and preventing crime. Restraining the offender in custody protects society from crimes which he might otherwise commit; nevertheless, the constraint is merely temporary. Incarceration, custody, or institutionalization still has a role in the system, but it has come to be the least desired or the last resort. Actually, offenders cannot be confined indefinitely, and this fact is obvious since the same laws which convict also provide for release. To be positive and truly "correctional", corrections must aim at returning offenders to society as law-abiding, tax-paying citizens. To achieve this end, the functions of correctional systems and programmes should lead to rehabilitation and reintegration equipping the offenders to return to society as productive, law-abiding citizens and, consequently re-establishing the community's acceptance and faith. Even when incarceration is inevitable, treatment...
rather than custody should be the ultimate objective during confinement, in order to facilitate the return of the offender to society.

Thus, rehabilitation is the primary objective in corrections; but in order to prevent recidivism which is a measure of failure in rehabilitation, a secondary, if not equally important, target is reintegration - community acceptance of the offender. The above objectives are the basis upon which the existing correctional systems and programs are constructed and they signify, too, the direction toward which correctional improvement must move.

**Correctional Process under the French System in Pondicherry**

It was after a finding of guilt that the courts in French Pondicherry convicted and sentenced the offenders. The courts could also suspend the sentence. The special chapter on correctional process in French Criminal Procedure Code was made applicable. There were two kinds of suspension of sentence; simple suspension and suspension with probation. The simple suspension might be granted when the convicted person had not been sentenced during the previous five years to a deprivational or infamous punishment or to a punishment of imprisonment above two months. Simple suspension might be granted in respect of sentence of correctional and regulatory
punishments for felony or misdemeanour violation. However, it was not applicable to punishment of imprisonment for less than 10 days or of fine of less than 600 francs or to complementary punishments. If during a period of five years the convicted person who was granted the benefit of simple suspension of sentence did not commit an act of felony or misdemeanour which carried a deprivational punishment or a correctional punishment without suspension of sentence, the sentence originally awarded with simple suspension was considered as cancelled ab intio and would not be shown in the extract of his casier judiciarie. On the contrary if he is convicted for the second time he is called upon to receive the first sentence which would be added to the second one. However in special cases, the court might by special decision rule that the new sentence would not entail the cancellation of suspension of sentence previously granted.

The suspension of sentence with probation may be granted in case of sentence for imprisonment for felony or misdemeanour. The period of probation would be of a minimum of three years and maximum of five years. The court would also decide that the suspension would apply only to part of the sentence.

1 Record report of cases.
Suspension of sentence with probation can be granted to a convicted person even previously sentenced to imprisonment for a period of six months or less. It could not be granted a second time for a person who was enjoying the benefit of such suspension for a previous offence. A person who was enjoying the benefit of a simple suspension of sentence may be granted suspension of sentence with probation for a new offence. In that case, the two sentence get joined and the suspension with probation becomes applicable to both.

Decision to modify the sentence - The Role Played by the French Courts

After pronouncing the sentence, regulatory and correctional punishments might be adjourned for a short period or allowed to be served by installments, for serious reasons of a medical, professional or social nature. In case of imprisonment, the decision was taken by the special judge if the period was less than three months, or by the court if the imprisonment was for a longer period.

Long-term punishments might be reduced in respect of an accused who showed clear signs of social readaptation. Such reduction was automatically given to all persons who pass academic or professional examination successfully. The sentence pronounced
might get modified by free pardon, amnesty, short-term adjournment, reduction of sentence and conditional liberation.

**Parole**  
**(Conditional Liberation)**

Parole might be granted to all prisoners who served one half of their terms. Repeaters might be parolled after serving two thirds of their terms. Persons sentenced to criminal detention (tutelle penale) might be parolled after serving three fourths of their terms. Those sentenced to life imprisonment might be parolled after serving fifteen years.

When the conviction imposed was below three years of imprisonment, parole might be granted by a judge of supervision (juge de l’application des peines) after hearing the commission on supervision (commission de l’application des peniner). Where the conviction exceeded three years, parole might be granted by Minister or Justice on the recommendation of the judge of supervision after hearing the commission.

Once the convict had served the term making him eligible for parole, his case was reviewed once in a year with a view to granting him parole. If parolled, he would be subjected to conditions and to
supervision. Normally the conditions imposed are that he should not commit new offences requiring conviction and not leave the permanent residence without informing the supervisor. Supervision would extend over the remainder of his term of imprisonment and may exceed it by one year. In case of parole granted to a person sentenced to imprisonment for life, supervision was imposed for a term between five and ten years. Where the paroled complies with all the conditions of parole, his release was final and his imprisonment was deemed to have ended on the day of his release on parole.

Where the paroled person does not comply with the conditions of parole or where he was convicted of a new offence, parole may be revoked in full or in part. He would then have to serve the remaining period or a part therefore of as determined by the particular authority that gave him parole.

Probation

The French Criminal Justice System gave maximum importance to the execution of sentences. In fact the system did not seem to have treated it as an executive function. The French allocated the work of supervision of execution of sentence to a special Judge. This special judge supervised probation. In each Tribunal de grande instance there
was a special judge to supervise probation. The duty of the special judge was exclusively to monitor and supervise the way sentences were executed and ensure better individualisation of the punishment taking into account the change in the behaviour of the convict. The special judge was assisted by a probationary commission over which he presided. There were a number of probation officers and special assistants in the probationary commission.

The duties of probation machinery were two-fold. One was supervision and the other was assistance. Supervision would consist of the obligation cast on the convicted person to appear before the judge or the probation officer whenever summoned. Measures of assistance were provided by the State to induce the convicted person to get resettled in life. It consisted mostly of facilities for education in the professional field.

The court would also, in addition to these general measures, prescribe for each convicted person special measures corresponding to his socio-economic condition and the offence committed by him. For instance, the court might direct to follow a course, academic or professional, to reside at a specified place, to subject himself to medical care or a cure of disintoxication, to pay maintenance to his family.
members, to pay damages to the victims of the offence etc. The court also would direct him not to drive certain types of vehicles, not to appear in liquor shops, race courses, night clubs, gambling places etc.

The probation conditions might be modified by the court whenever it appeared necessary. The court could also extend the period of probation when the convicted person had not satisfactorily behaved himself during the period of probation or when he became guilty of a fresh offence for which he was sentenced without the suspension of the previous sentence being cancelled. If the convicted person followed the directions carefully and if it appeared that normal resettlement in life had become a fact, the period of probation could be reduced.

During the period of suspension of sentence with probation, if the convicted person committed an act of felony or misdemeanour for which he was sentenced either to deprivation or correctional punishment the court could order cancellation of the totality or part of suspension previously granted. In that case the convict was called upon to undergo the portion of sentence for which suspension was cancelled in addition to the last sentence pronounced.
If the convicted person without committing any new offences during the probation period completes the period of probation satisfactorily the sentence suspended with probation was cancelled ab initio and the entry there-of would be struck off from the records.

If the convicted person did not behave well and omitted to follow the conditions imposed in the order of suspension during the period of probation, he would be called upon to undergo the sentence by cancelling the suspended sentence already ordered in his favour.

**Suspended sentence as a correctional measure**

There was a difference between probation and suspended sentence. In suspended sentence a sentence of imprisonment or fine was pronounced but the execution of it was suspended for a period. In the case of probation no sentence is mentioned. Therefore, the difference between a probationer and one under suspended sentence was that while the former did not know the exact punishment which would be inflicted upon him in case of violation of the terms of probation, the latter was fully aware of the nature and quantum of the punishment which could be enforced.
As already discussed, Suspended sentence was employed in Pondicherry. However, under the French system the use of suspended sentence was confined to offenders not previously imprisoned for crimes or delicts. Punishments like death sentence, banishment, loss of civil rights or certain types of long-term imprisonment could not be suspended. The period of suspension was five years, and if during this period the offender was not convicted of a further crime the conviction was wiped out and the sentence lapsed. If, on the other hand, he was so convicted, the sentence would be automatically enforced.2

**Indeterminate sentence**

For violation of various crimes maximum and minimum punishments were provided by law. It was the function of the courts to determine the length of imprisonment within the limits set up by the legislature after a person had been found guilty of an offence. In 'Indeterminate sentence' the courts let the question of the period of imprisonment to the discretion of the authorities executing the punishment. The decision to release the offenders at the appropriate time was to be taken by the prison authorities when satisfied that the offender had been reformed. In reality, the sentence was

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'indeterminate' only when no minimum or maximum period of imprisonment is laid down. But in actual practice the minimum and maximum limits were set out by the court before the commencement of the imprisonment. This technique of indeterminate sentencing was employed under the French system.

Correctional Services - in India

Correction remained a word almost unknown to most law abiding citizens, and there was also a tendency to think that imprisonment was the total correctional process. As such, corrections carried the immediate task of maintaining custody of the offenders and the long-range goal of treatment, rehabilitation, and reintegration. For these purposes, the correctional process offered three alternatives—probation, institutionalisation and parole. Each of these three facets of corrections involved a system of organisational and complex of administrative agencies, personnel, physical facilities, operational techniques as well as decision-making. In addition, either to fulfill specific ends or an alternative to institutionalization there were various programmes dealing with individual needs of the offender.

Under the modern correctional philosophy, it was believed that function of the penal institutions was to find out the means, so as to
reshape the interests, attitudes, habits and the total character of prisoners\textsuperscript{3} in order to reintegrate them in the society on their release from the penal institutions.

All these institutions, penal and otherwise were so organised that the elements within them could lead some sort of harmonious co-existence and not to degenerate into chaos. In addition to providing control and custody of offenders, penal institutions also undertook the task of their rehabilitation and re-socialisation. It is aptly pointed out by Justice Fazal Ali thus:

"... The modern concept of punishment and penology has undergone a vital transformation and the criminal is not now looked as a grave menace to the society which should be got rid of but is a diseased person suffering from mental malady or psychological frustration due to sub-conscious reactions and is therefore to be cured and corrected rather than to be destroyed...."\textsuperscript{4}

**Prison as a Correctional Institution in India**

In the beginning imprisonment was a mode of custody of undertrial persons. Under-trial persons were locked up for years together before they were put up for trial. In India Jails were established as early as in 1597. These jails were places where

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3. Tannenbaum, F: Crime and the Community (1951) 293.
4. Fazal Ali J.
prisoners were hurled up together. It was in the 18th century that
prisons were built of the cellular type. But as the prisoners could not
stand the tortures of solitary confinement, they were put in group
confinement, and thus an important change in the prison system took
place.

The main purpose of imprisonment are those of (a) disabling the
offender from being danger to society, by locking him up (b) preventing
prospective offenders by the threat of long term lock-up and (c)
reforming the offenders under healthy and transforming conditions. It
has been realized that imprisonment, in order to be an effective
reformation method of dealing with offenders, must be long term
imprisonment, or imprisonment for at least a sufficient time, so as to
give the prison officials sufficient opportunities of successfully dealing
with the offender for his reeducation and rehabilitation.

Short-term sentences are considered worse as they do not have
any correctional value. Moreover, short term sentence may lead to
congestion in prison and thus expose the offender to the danger of
contamination in prison by letting him come into contact with hard and
rough offenders. It is now felt that short term imprisonment may be
substituted by fine or by releasing the offender on probation under the advise of probation officer.

It has been suggested that treatment and rehabilitation oriented punishments should be encouraged by abolishing the short-term punishments. However, it is to be noted that in India even today we resort to short-term imprisonment.

Prisons and jails - are the most well-known correctional institutions. Despite the fact the other alternatives are considered more desirable than incarceration, treatment-oriented institutionalization is an indispensable part of the entire correctional system.

Most of the institutions in India are almost entirely custodial in a physical sense, and the constructions are such as to depersonalize and regiment the inmates. Traditionally these institutions are located far away from urban and populated centre, and are built of stone, steel and concrete, for security and custody. However in Pondicherry it was situated at the heart of the city. Internally, the architectural structure consisted of long corridors, repeated doorways, and desecrated cells or open dormitories. Water, lighting and sanitation facilities very poor.
All these culminate in adverse living conditions for the inmates. Overcrowdedness, noise pollution, inadequate ventilation, and monotony of colour and structure, aggravate the feeling of loss of freedom and independence and help to nourish rackets, violence, corruption, coerced homosexuality, and other abuses. In England, exhaustive enquires are made of the convict's family history, his past record and mental state and classification of prisoners is done on the basis of these details by a body of experts. In India we do not have such arrangements.

Prison Community: Some Judicial Pronouncements

Absence of a statutory framework providing for correction of offenders has led the judiciary in India to develop prison jurisprudence around constitutional provisions. The Supreme Court, very recently in a number of cases, has taken serious note of the prison brutalities and has denounced such practices. In *Sunil Batra v. Delhi Administration*, the Constitution Bench of the Supreme Court, brushed aside its attitude of passiveness towards prison administration. In *Rakesh Kaushik v. B.L. Vig, Superintendent Central Jail, New Delhi*, the petitioner alleged that

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7. Supra note 92.
his life in jail was subjected to intimidation, by over-bearing 'toughs' inside, that he was forced to be a party to misappropriation of jail funds by bribery of officers, that homosexual and sexual indulgence with the connivance of officials were going on, that smuggling in and out was frequent, that drug racket was common, that alcoholic and violent misconduct by gangs like those involved in bank robbery and other notorious cases were a menace to quieter prisoners, and that the reformation of prisoners was defeated by such super crime syndrome.

The court, in the light of these allegations observed:

"Making a large margin for unveracious dilution, still if a fragment of truth survives, something is rotten in the State of Denmark - This court's writ must remove from Tihar's face such indelible stain and incurable wound".

And it took some positive steps to overhaul jail administration through its judgments. Appreciating the perils of incarceration at times the courts avoided sending people to prison. It expressed its disgust in Abdul Qayum thus:

"... to sentence a person to imprisonment, would itself achieve the object of associating him with hardened criminals, which association, the courts thought, was a good ground for denying

8. AIR 1972 SC 214. The accused was approximately 18 years of age and was physically and mentally normal. Though he was illiterate, but he had vocational aptitude for tailoring and was working in the Bihar Tailoring works. The lower courts denied the benefit of probation to appellant on the ground that he is either a hardened or is associated with hardened criminals.
him the benefit of being released on probation... we have no doubt that if he is released on probation of good conduct, there is a hope of his being reclaimed and of offered the opportunity to live a normal life of a law abiding citizen...

The Supreme Court\(^9\) in respect of the influence of the prison community, remarked that the campus of correction had degenerated into a human zoo. The court admitted that the Tihar Jail, had come up for unhappy judicial notice too often in the past. The court further stressed:

".... the human rights of common prisoners are at a discount and, in our Socialist Republic, moneyed 'B' class convicts operate to oppress the humbler inmates. The court lastly raised the issue, can there be inequality in prison too on the score of social and financial status? Bank robbers in 'B' class, because they are rich by robbery and nameless little men in 'C' class. - Art.14 of the Constitution is suffocated if this classification is permitted, and that according to rule itself, is prevalent as this court has even in earlier cases pointed out. This court must act, will act, to restore the rule of law and respect the residual fundamental rights of any harassed petitioner... as to protect the caged inmates from torture, gross or subtle is the function and duty of the courts".

The penological purpose being to convert the offender into a non-offender, it will be a mockery of criminal justice if young lads are walled in and caged in the hope that cruelty will correct.\(^10\) In the prison, where all that happens is sex starvation, brutalization, criminal companionship, dehumanised cell drill under "zoological" conditions.\(^11\)

\(^9\) Rakesh Kaushik v. B.L. Vig. Supra note 92.
At the time of release, the prisoner comes out as an embittered enemy of society and its values with an indelible stigma as convict stamped on him. A potentially good person, is "successfully" processed into a hardened delinquent, thanks to the prison system in such cases. The court must restore the man.\textsuperscript{12}

The Supreme Court maintained this trend in a number of cases,\textsuperscript{13} and pin-pointed the effects of the long-term imprisonment, and has preferred the benefit of probation, in order to avoid the criminogenic influence of the sub-culture of the prison community\textsuperscript{14}. The court, in\textit{Daulat Ram v. The State of Haryana},\textsuperscript{15} also observed the avoidance of long-term imprisonment.

In short the imprisonment punishes the offender in a variety of ways, extending far beyond the simple fact of incarceration. Institutions form a set of harsh social conditions to which the population of

\begin{itemize}
  \item \textsuperscript{12} Ibid.
  \item \textsuperscript{13} \textit{Surender Kumar v Sate of Rajasthan} AIR 1978 SC 1048 and \textit{Kakoo v. State of Himachal Pradesh} AIR 1976 SC 1991.
  \item \textsuperscript{14} Ibid.
  \item \textsuperscript{15} AIR 1972 SC 2434. It is observed: "... In sentence of imprisonment, there is a grave risk, to the prisoners attitude to life, to which they are likely to be exposed, as a result of their close association with the hardened and habitual criminals, who may happen to be the inmates of the jail. Their stay in the jail in such circumstances might well attract them towards a life of crime instead of reforming them. This would clearly do them more harm than good and for that reason, it would perhaps also be to an extent pre-judice the larger interests of the society as a whole....".
\end{itemize}
prisoners must respond or adapt itself, failing which the days of imprisonment are multiplied and result in the breakdown of the prisoner.

Prisons in India are not governed uniformly, every State applying different rules and regulations. In 1959, a Model Prison Manual was prepared by the Government of India for the purpose of updating and revising the State Manuals. It was also meant to lead uniformity to rules and regulations as also to the procedure and punishment. Twenty years later, Inter-State Conference admitted that the Model Prison Manual had yet to be implemented in most of the States. Except in States of Karnataka, Andhra Pradesh and Maharashtra, the Jail Manuals have remained archival documents.

An overall view of the contemporary prison scene has proved it beyond doubt that prisons of today have miserably failed to correct the prisoners. They are victims to poor living conditions, unhygienic food and subject to various kinds of torture and limitation during the period of their incarceration. They suffer silently. No body knows what happens to the prisoner behind high walls and iron bars. The political leaders or high ranking administrative officials visit Jails casually. The occasion

for such visit is either ceremonial or official inspection. They get warm welcome, nice treatment followed by entertainment aporgramees. Rarely they get scope to know the hard realities of prison life. Therefore, it is necessary that press social workers and voluntary organisations should be give the chance to visit jails regularly. This may eradicate some evils of jail life.

**Fine and Correctional Administration**

Fine as an alternative to short-term imprisonment is a treatment measure, but as a source of state treasury it is an injudicious form of punishment. It should be assessed according to the means of the offender. Whenever the maximum or minimum limits are fixed, within which the country may adjust the amount of the means of the offender, these should be revised according to the changed conditions so that fines fixed retain their original values.17

A fine is a pecuniary penalty imposed upon a person convicted of a crime. The imposition of financial penalty in the form of a fine or forfeiture of property has been a common method of punishment since a long time in Western as well as Eastern civilization.18

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At first, Criminals were not fined by the court, but in some cases they were permitted to pay a certain sum as a substitute for the penalty imposed. This meant, in effect, 'that the offender made an end, finem facere to his imprisonment'.

The study also revealed that though the Probation system has effectiveness but the implementing agency in our country is not efficiently implementing the system. Therefore, for more effective and efficient working of the probation system is necessary in our country as an integral part of administration of criminal justice because it is a viable alternative to costly and less effective prison system.

Parole
Parole is the release of an offender from a penal institution after he has served part of his sentence, under supervision by the State and under prescribed conditions which, if violated, permit his reimprisonment. Parole, then, is one way to try to continue to remain in the community the correctional programme begin in the institution and

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19 Ibid.

20 The Probation systems and the administration of the same including admonition, releasing on probation have been discussed in detail in the early Chapter V - sentencing. Thus the same is not reproduced here. Refer Chapter V for probation system and other connected matters.

to help offenders make the difficult adjustment to release without jeopardizing the community. Supervision of the offender in the community by probation or parole without institutionalisation poses advantages of alleviating the burden on institutions, and being more community and treatment-oriented. Consequently, on the one hand there is the tendency that probation will be used increasingly in the future; on the other hand, indeterminate sentencing is becoming popular so that offenders can be placed under parole as early as possible.

The decision to release a person on parole is generally taken by a parole Board. In India, under the rules in force in some of the States the opinion of the police department is also given due consideration in taking the decision. The crucial question faced in making the decision, one way or the other, is to be able to make the prediction regarding the outcome of the release. This involves the examination of issues such as whether the convict had profited by his stay in the institution, whether he was so reformed that he was unlikely to commit another offence, what his behaviour was in the prison, whether any suitable employment awaited him on release, whether he had a home or other places so, whether he told the truth when he was questioned by the parole board, how serious his crime was and in which circumstances it
was committed, his appearance when interviewed by the board and what behaviour he had demonstrated if he was already on parole in connection with another imprisonment.

Courts and parole

Courts in India have shown increasing interest in the use of parole by issuing directives to the prison administrations in appropriate cases.

In Dharmbir v. State of U.P. the appellant had been awarded life imprisonment for the offence of murder. There was no scope for the reduction of period of imprisonment but the court found parole desirable in the circumstances of the case. According to the directions given to the State Government and the Jail Superintendent, the prisoners were to be permitted to go on parole for two weeks, once a year throughout the period of incarceration provided their conduct while at large was found to be satisfactory.

Under the French system the court involved itself at all stages of correctional process. The French Cr.P.C. stands proof to this. But,

22. (1979) 3 Sec. 645: 1979 SCC (Cri 862.)
Indian courts have been following a hands off doctrine so far as penal administration was concerned. As a result of several public interest litigation starting from Sunil Butra the Indian Supreme Court revolutionized its attitude towards correctional administration and brought new life to many a prisoner languishing in Indian Jails.

The Judicial system is involved with corrections from the time it passes sentence until that sentence is served. The operation of parole, probation and penal institutions all fall within the scope of its review. The court’s sentencing power gives the judiciary the right to ensure that its instructions are fairly implemented by the correctional board and authorities.

It is obvious that the judicial system depends on professional correctional administrators for its efficiency in terms of reformation and prevention. The recent decisions relating to the rights of the convicts constitute a minor revolution in the law. Judicial response to problems in corrections is of more than theoretical or academic interest. The response is important because of the impact it has had and will continue to have on the direction of penological practices.
As an integral part of the criminal justice system corrections must operate closely in conjunction with police and the judiciary. The practices of the above said two branches have significant bearings on the viability of correctional administration. The French system ensured concerted acts from all these branches to an appreciable extent. Now, because of the extensions provided by the decisions of the courts, it should be possible for the Indian systems to keep up what was left by the French System.