CHAPTER-6

REFORMATION OF PRISONERS

The word “Jail” was first used in England for punishment during sixteenth century. According to the prevailing usage in India, the term “Jail” is a generic term; which applies to penal institutions, housing both prisoners, awaiting trial and prisoners, committed to sentences. Consequently, the jails perform the function of remand institutions and prisons. The Prisons, in India, constitute the largest area of penal administration. There are about 1,200 prisons of various types.

However, today, the Prison agency is said to be in the state of crisis. They are marked by worsening living conditions, overcrowding, lack of sensitivity, weak motivation and rampant corruption amongst the prison functionaries. The main reasons for such a state of affairs are: First, low priority accorded to prisons at political and social levels. Second, lack of transparency and visibility of the prison system in public eyes and third, inadequate training and orientation of the Prison officials.

Prison administration has been criticized by the press and social reformers alike and has been under attack in forums like the Parliament and the judiciary. Inadequacy of treatment programs, lack of initiative on part of the prison officials in implementing such programs and their indifferent and even inhuman approach has often attracted the attention of critics. The philosophy of vengeance and punishment gave way to the philosophy of reformation and rehabilitation of offenders. Similarly, the traditional thinking that prisons are somewhat isolated, strange and dreadful institutions,
where the offenders are confined for having committed offences, underwent considerable changes, the new thinking considers that prisons are not isolated institutions but are a part of our social system which should not only be understood by the community properly but also should stimulate public interest and support. Because these isolated prisons were not yielding desired results, rather they were producing unintended results. A majority of inmates were coming out of these prisons with more offensive nature. This made the government and prison administrations look into the prevalent appalling conditions in Indian prisons and bring about necessary reforms. This led to the constituting of various commissions and committees to enquire into different aspects of prison administration for the purpose of affecting improvements. Some social and political agitations, too contributed to the initiation of reforms. Consequently, a number of reformatory and welfare measures were initiated. Now, modern penologists, sociologists in general and modern penal philosophers in particular, have accepted that the reforms and rehabilitation of the offenders is the inevitable necessity of the contemporary society. Offenders are considered as patients and it is suggested that they require individual treatment. Correlated to this, a correctional officer or a social worker is considered as a doctor, who is supposed to treat the offender as a patient. The diagnostic process, thus, becomes very crucial in view of the existence of doctor-patient relationship. The correctional officer/social worker has to act patiently, cautiously, sympathetically and ultimately to generate a certain degree of confidence in the mind of the prison officials and inmates.
Ironically, a section of people still argues that reformation of the offenders is impossible and investment on correctional programs is a non-productive investment. It is further argued that in a developing country like ours, where a majority of people still live below the poverty line, talking of reform of offenders through huge investment is not justified, as there is no guarantee that those reformed prisoners will prove to be beneficial members of the society in future. Whenever, it is suggested to rehabilitate the offenders by giving them employment after release from prison, it is generally resented. It is argued that there is unemployment for deserving law-abiding citizens, then why give employment to those law-breakers. Further, when common man has the problem of sufficient accommodation, why special homes or shelters be created for the ex-prisoners, but nobody pays attention to the causes of crimes and impact of the prison life on the offenders. The prison experience often acts as a stigmatizing one, after prison life the prisoners find that society labels such prisoner as an undesirable and untrustworthy person despite the fact that inmate may have been reformed and rehabilitated.

There seems to be no basis in the arguments of the critics against the better treatment to offenders, as they ignore the fact that the prisoners are sufferers of the society. It is the society, which in fact, is responsible for making the ordinary person a criminal. Further, prisoner's liberty is curtailed by putting him in prison. He/she is made to sacrifice all the amenities of life, which one otherwise enjoys in a free society. We should not lose sight of the fact that by rehabilitilitating the offender, the society is rehabilitilitating the entire family, as by punishing the offender, we are punishing the
family as well. If an offender is economically rehabilitated after release, he will earn livelihood for his family. Thus his interest is linked with the interest of the society as a whole. Further, by reforming and rehabilitating the offenders, the society is highly benefited. Society is like a human body and people of society are like limbs of that body. If any part of body gets injured, it should be cured not amputated. A reformed and rehabilitated offender may be put in a position to serve the society and his nation fruitfully, if handled properly.

In present chapter an effort has been made to study the reformatory measures being adopted/to be adopted for betterment of somehow neglected part of the society i.e. prisoners. Reformatory measures can be of two types i.e. institutional & non institutional.

(A) **INSTITUTIONAL REFORMATORY MEASURES:**

Some measures are termed as institutional; as they aim at reforming the prisoners during the period of their imprisonment by way of extending certain concessions, so that the prisoners are able to compare between the facilities of normal civilized life and harshness of prison life. It motivates them to come close to the normal civilized life. The main institutional reformatory measures are: parole, furlough, remission system, Probational release of good conduct prisoners, gratuity scheme and system of convict officers etc6.

1. **PAROLE**

There is no denying the reality that confinement for a pretty long time breeds resentment among prisoners and proves fruitless and oppose to the idea of reformation. Correctional measures like parole stress upon reform and rehabilitation rather than reprisal and punishment.
Parole simply means a release from prison, given to a prisoner before his verdict has expired, on condition of future good conduct. The verdict is not set aside and he remains under the supervision of a parole board. Parole is based on a thorough study of the personality and environment factors of the offenders and envisages provision for guidance and supervision. It is purely an administrative action. The system of parole has been an integral part of our prison administration for over a century.

Like other countries, the system was adopted in India as a intermediary step from mere custodial incarceration to reformative handling of offenders. Under this system good behavior and constructive work were considered as barebones for reducing the term of captivity in individual cases. Parole system appears to have originated from the system of "Ticket of leave", which was in force in the province of Punjab for good conduct prisoners during the nineteenth century.

In Punjab, parole is governed by the Punjab Good Conduct Prisoners' (Temporary Release) Act, 1962. The Act provides that any prisoner of good conduct can be released on parole after the completion of one year of his sentence of imprisonment. But in emergent cases a prisoner can be granted emergency parole in relaxation of the stipulation of having undergone one year of imprisonment. Such an application can also be made by any adult member of prisoner's family. Parole cannot be claimed as a matter of right by a prisoner. It depends upon the discretion of the releasing authority. It can only be granted to a prisoner for a specified period, when the authorities, in consultation with District Magistrate, feel satisfied that:
a) A member of the prisoner’s family has died or is seriously ill.

b) The marriage of prisoner’s son or daughter is to be solemnized.

c) The temporary release of the prisoner is necessary for ploughing, sowing or harvesting or carrying on any other agricultural operation on his land and no friend of the prisoner or a member of the prisoner’s family is prepared to help him in his absence.

d) It is desirable to do so for any other sufficient cause9.

According to the instructions of government no prisoner can avail parole twice in a year. Only those prisoners are entitled for parole, whose conduct in the jail is good. Parole can be granted to a prisoner because of the death of some near relative or serious illness of the near relative, in such cases the certificate of illness by the govt. doctor or by Panchayat or by M.L.A. or any concerned authority must be sent with the case. Parole can be granted to a prisoner for agriculture purpose too. If any prisoner tries to get parole by making false statement, that should be considered a jail offence under para 609(6) of Punjab Jail Manual and he stands to be punished under para 612/613 of Punjab Jail Manual10.

The system of parole has its limitation too. Some of the jail inmates have used it as an escape route. From January 1, 2005 to July 6, 2011, over 300 prisoners, who were out on parole, did not return to their respective jails even after their parole term expired. While the police managed to re-arrest over 100 fugitives, the remaining 200 were absconding. Many of these prisoners allegedly committed serious crimes like murder and robbery while being out on parole11. There is little chance anyone will ever be held responsible for
this. The law provided for parole, but the fact is that the law also provides for an assessment of the character of the prisoner before granting him parole. That is where the entire chain from the jailer to the district authorities to courts is responsible. This appraisal is either not done with due care or considerations other than merit are at work, political interference included. In many cases, parole is known to have been granted by courts taking a liberal humanitarian view against the recommendation of the district police. To lose the convict in this manner is utter waste of policing resources, as many criminals are put behind bars only after months of chase and investigation. Thereafter follows the process of getting them convicted, which itself is a challenge. In Punjab, the conviction rate in robbery and dacoity cases is under 40 percent as on year 2012. In most cases, it is professional criminals, as opposed to those involved in family disputes or crimes of passion, who jump parole. Once granted parole, it makes little sense for them to return to jail. If they are re-arrested, they just serve their remaining sentence, as the conviction for jumping parole is only to get them a sentence that would run concurrently and if not re-arrested, it is simply a lucky break\textsuperscript{12}.

To prevent this gross misuse of a humane provision in law, which could trigger extreme reaction, in which even convicts genuinely on the mend are denied parole, the executive as well as the judiciary have to apply rigorous assessment. A professional criminal is best denied parole, unless the authorities have definite reason to believe he would not misuse it. Law too needs to be amended to make provision for greater liability on the part of the guarantor, who vouches for the prisoner. Criminals cannot be allowed to walk free just because they submitted an application\textsuperscript{13}.  

\textsuperscript{12}
On the contrary, the process of availing parole for deserving candidates was nothing less than climbing a mountain. The prisoners were being denied this facility or process was being slowed due to unavailability of record of their parole record or poor maintenance of the said record by the jail officials. Inmates and their relatives were made to suffer by jail officials. Keeping in view their difficulties, Jail administration has made a database in the office of DGP/Jails, Chandigarh and the same has been uploaded online and additional staff has been deputed for this job. Prisoners can get knowledge of their parole and status of their application in this regard. As per Sh. R.P. Meena, DGP, Jails, Punjab there were 28,000 inmates detained in jails in state of Punjab, out of which around 10,000 were under-trial, who could not be granted parole. Jail administration has gathered the database of 18,000 prisoners to ease the process of parole.

2. FURLOUGH

Furlough, too, like parole is a conditional and temporary release from prison. It is also governed by the Punjab Good Conduct Prisoners' (Temporary Release) Act, 1962.

Furlough is meant for good conduct prisoners and they earn it by virtue of their good conduct, while staying in prison. Period of furlough is counted towards the total period of sentence of imprisonment undergone. According to the provisions of the Act, the State Government or any other officer authorized by it in this behalf may, in consultation with the District Magistrate and subject to such conditions and in such manner as may be prescribed, release temporarily, on furlough, any prisoner who has been sentenced to a term of imprisonment of not less than five years, and who:-
(a) has immediately before the date of his temporary release undergone imprisonment for a period of three years, excluding remissions and

(b) has not during such period committed any jail offence and has earned at least three annual good conduct remissions:

provided that nothing herein shall apply to a prisoner who:-

(i) is a habitual offender as defined in clause (3) of section 2 of the Punjab Habitual Offenders (Control and Reform) Act, 1952, or

(ii) has been convicted of robbery or dacoity or such other offences as the State Government may, by notification, specify.

The period of furlough for which a prisoner is eligible under sub-section (1) shall be three weeks during the first year of his release and two weeks during each successive year thereafter. If, on the report of the District Magistrate, the State Government is satisfied that a prisoner's family cannot bear the expenses of his journey from and to the prison after his temporary release under this Act the expenses may be borne by the State Government to such extent and in such manner as may be prescribed. Subject to the provisions of clause (d) of sub-section (3) of the section 8 the period of release referred to in sub-section (1) shall count towards the total period of sentence of a prisoner. For the purpose of calculating the period of temporary release of a prisoner under section (3) and (4), the days of departure from and arrival at the prison shall be excluded. Notwithstanding prescription in section 3 and 4, no prisoner shall be entitled to be released under this Act if, on the report of the District Magistrate, the State Government or any officer authorized by the government in this behalf is satisfied that prisoner's release is likely to
endanger the security of the State Government or the maintenance of public order. Notwithstanding anything contained in section 3 and 4, it shall not be necessary to consult the District Magistrate where the State Government is satisfied that the prisoner maintained good conduct during the period of his earlier release under any of the aforesaid sections. On the expiry of the period for which a prisoner is released under this Act, he shall surrender himself to the Superintendent of the Jail from which he was released. If a prisoner does not surrender himself as required within a period of ten days from the date on which he should have so surrendered, he may be arrested by any police officer without a warrant and shall be remanded to undergo the unexpired portion of his sentence. If a prisoner surrenders himself to the Superintendent of the Jail from which he was released within a period of ten days of the date on which he should have so surrendered, but fails to satisfy the Superintendent of Jail that he was prevented by any sufficient cause from surrendering himself immediately on the expiry of the period for which he was released, all or any of the following penalties shall, after affording the prisoner reasonable opportunity of being heard, be applied to the prisoners by the Superintendent of the Jail, namely:—

(a) A maximum cut of five days' remission for each day of overstay.
(b) Stoppage of canteen concession for a maximum period of one month.
(c) Withholding concession of either interviews or letters or both for a maximum period of three months.
(d) The period of temporary release on furlough of the prisoner under section 4 shall not be counted towards sentence.
(e) Warning.

(f) Reduction from the status and grade of "Convict Watchman" or "Convict Overseer".

Any prisoner, who is liable to be arrested under sub-section (2) of section 8, should be punishable with imprisonment of either description which may extend to two years or with fine or with both. The punishment in this section is in addition to the punishment awarded to the prisoner for the offence for which he was convicted.

The State Government may; by notification make rules for carrying out the purposes of this Act. In particular, and without prejudice to the generality of the foregoing power, such rules may provide for:-

(a) The execution by the prisoner (including the sureties) of bond for his good behavior during the release period and for his surrender on the expiry of such period.

(b) The amount for which and the form and manner in which such bonds shall be furnished.

(c) The forfeiture of the amount of bonds in case of breach of any of its terms.

(d) The conditions on which and the manner in which prisoners may be released temporarily under this Act.

(e) The manner in which the District Magistrate shall be consulted before a prisoner is released.

(f) The extent to which and the manner in which journey expenses of poor prisoners shall be borne by the State Government.

3. **REMISSION SYSTEM.**

Remission implies reduction in the period of confined on the basis of good conduct and behavior of prisoner. It is one of the most
reformative steps. The system which came as a transitional step from mere custodial confinement to reformative treatment of offenders in which good behavior and constructive work were considered essential pre-requisites for reducing the term of imprisonment on an individual basis, has been an integral part of our prison administration for over a century now.

Remission of a part of a prisoner's sentence is the most valuable privilege a prisoner can earn by good conduct and industry. The main object of remission is to promote good conduct and encourage habits of industry. Remission is by far the most powerful incentive to reformation in Indian jails. It has a very healthy and salutary influence on prisoner's conduct and acts as a powerful brake on misconduct and misbehavior in jails.

In course of time the scope of the concept of remission has further been widened by the introduction of certain new forms of remission such as special and state remission.

At present there are following four types of remission of sentences namely:
1. Ordinary remission.
2. Annual good conduct remission.
3. Special remission.
4. State remission.

Each type differs from the others in respect of the criteria for eligibility, procedure, award and the authority competent to grant the same. The first three i.e. ordinary, annual good conduct remission and special remission are also called jail remission since these are granted either by the Superintendent jail or Inspector General of Prisons or
both. State remission is also called government remission as it is granted by the State Government on some special occasions.

**ORDINARY REMISSION:**

Ordinary remission can be granted to any prisoner whose term of sentence is not less than three months. Prisoners, in whose case the State Government or the Inspector-General of prisons orders that remission should not be granted, are not eligible for the grant of remission.

Ordinary remission may be granted to the eligible prisoners according to the scale shown below:

a) Four days per month, i.e. twelve days per quarter to those good conduct convicts who work in jail factories.

b) Five days per month, i.e. fifteen days per quarter to those good conduct convicts who volunteer for sweeper's work of that of a cook.

c) Five days per month, i.e. fifteen days per quarter is allowed to convict night watchman (C.N.W.)

d) Convict overseer are allowed six days remission per month, i.e. eighteen days per quarter.

e) Convict warders and convict teachers get seven days remission per month, i.e. twenty one days per quarter.

Remission is calculated from the first day of the month following the date of the prisoner's sentence. It is awarded quarterly, i.e. on 1st of January, April, July and October.

The Superintendent Jail is empowered towards ordinary remission to any prisoner, who is eligible otherwise.
ANNUAL GOOD CONDUCT REMISSION (AGCR)

Fifteen days annual good conduct remission is granted to any prisoner, eligible for ordinary remission, who has committed no offence whatever for a period of one year reckoned from the date of his sentence or the date on which he was last punished for a prison offence. Thus, it gives a fair chance to those convicts who had committed prison offence(s) earlier, for restraining from violating prison rules. Annual good conduct remission is a continuous incentive for continuous good conduct as sixty days remission is granted for good conduct at the end of third year to a prisoner who completes three years of his sentence and is not punished during that period for any prison offence. It is in addition to fifteen days good conduct remission granted for each of the two years. Here it may be recalled that earning three annual good conduct remission (AGCR), i.e. fifteen days each for the first two years and sixty days at the end of the third year is pre-requisite for the grant of furlough to a prisoner. Superintendent Jail is the competent authority to grant annual good conduct remission.

SPECIAL REMISSION

Special remission is awarded to a prisoner as a reward for special services. Thirty days special remission can be awarded by the Superintendent to any prisoner in one year. The Chief Probation Officer is empowered to grant thirty days special remission to a prisoner released on license under the provisions of the Good Conduct Prisoners Probational Release Act, 1926. The Inspector-General of Prisons is empowered to grant sixty days special remission. The same prisoner can be the beneficiary of remission granted both by the
Superintendent Jail or Chief Probation Officer and the Inspector-General of Prisons. In such cases a prisoner receives ninety days special remission per year. It may be added that the provision of special remission is a positive step to persuade prisoners to help the prison administration in maintaining order.

**STATE REMISSION**

Remission granted to prisoners by the State Government is called as State remission. In common terminology it is termed as government remission. State remission is awarded to such prisoners or category of prisoners as the State Government may decide. Usually state remission is granted on some national or state occasions such as Independence, Republic Day, Birthday of the Father of the Nation. Sometimes it is granted to all and sundry and at some other times it is granted keeping in view the age of the inmates or some other considerations. Now-a-days the granting of state remission seems to be politicized, for the visit of a Minister or some other state dignitary is sometimes considered an occasion for the award of state remission.

However, total remission awarded to a prisoner should not generally exceed one-third of the part of his sentence and even in special cases it should not exceed tow-fifth part of the total sentence.

**PROBATIONAL RELEASE OF GOOD CONDUCT PRISONERS**

Probational release of good conduct prisoners is another reformative and rehabilitative step. The release is governed under the Good Conduct Prisoners' Probational Release Act, 1926. It provides for the conditional release from prison of good conduct prisoners of certain categories before the completion of the term of imprisonment. It has been provided "where a person is confined in a prison under a
sentence of imprisonment, and it appears from his antecedents or his conduct in prison that he is likely to abstain from crime and lead useful and industrious life, if he is released from prison, the State Government may by license permit him to be released on the condition that he be placed under the supervision of a Government Officer. The license so granted may remain in force until the date on which the person released would have been discharged from prison on the completion of his sentence or until the license is revoked, whichever is earlier.

The District Probation Officer in consultation with the Superintendent of concerned Jail prepares a list of such prisoners and forwards the same to the Inspector-General of Prisoners with recommendations for their release. He on receipt of police report through the District Magistrate decides the cases of release. He is empowered to release all or any of such prisoners, in whose cases police report is not adverse, by license. Prisoners so released are placed under the supervision of a probation officer and sent to employers who enter into an agreement with the Reclamation Officer in writing embodying the conditions of employment.

The period of absence from prison under the provisions of this Act is reckoned as a part of the period of imprisonment to which he was sentenced, for the purpose of computing the period of his sentence and for the purpose of computing the amount of remission of his sentence which might be awarded to him, under any rules in force relating to such remission. This provision facilitates the final release of the prisoner on the completion of his sentence of imprisonment from the places of his employment provided that license of release is not revoked earlier.
GRATUITY SCHEME

The Punjab Jails Department introduced Gratuity Scheme in all the Central/District jails including Borstal Institution and Juvenile Jail on 1\textsuperscript{st} January 1965. It was in pursuance of the recommendations of the Jails Committee (1888-89) and that of the Indian Jails Committee (1919-20), which had observed that the prisoners should be given gratuity as a reward for work. Under this scheme those convicts who work in the Jail factories are paid gratuity at the rate of Rs. 2, Rs. 1.50 and Rs. 1 for skilled, semi-skilled and unskilled job respectively per day for the task assigned during the day. It helps the prisoner to pay his fine, if any, to purchase canteen coupons for his petty needs. If a prisoner accomplishes more than the work allotted to him, he is paid gratuity at the double the rate for extra portion of the work performed. However, it may be added that the Gratuity scheme is meant for those convicts who work in Jail factories.

CONVICT OFFICERS

Jail administration is always short of watch and ward staff. Some convicts are entrusted with certain tasks of prison administration. The Superintendent, jail is empowered to appoint certain convicts as convict officials in accordance with the provisions of the Jail Manual and other rules and regulations in force. Any prisoner of good conduct who has undergone one-third of the period of his sentence of imprisonment (excluding remission) is eligible for such appointments. Maximum number of convict officers can be to the extent of 10 percent of the inmate population of the jail. This system of convict officers dates back to 1900. It was perhaps started as a measure of economy and also seems to have evolved as a reformatory
measure to envisage compensation and status within the hierarchy of prisoners based on demonstrably good conduct and other conditions. However, over the years the system has become controversial and presently seems to have acquired some undesirable features. The Indian Jails Committee and other committees and commissions set up by the Central Government and State Government from time to time have strongly recommended the abolition of the system of convict officers, as the system is said to have a corrupting influence on the prison administration. The Mulla committee held, "We appreciate that it may not be possible to abolish the system all at once due to financial constraints, we feel that it should be replaced in a phased manner by warder staff over a period of five years". The group of officers also held the same views on the system of convict officers. They recommended the abolition of the system of convict officers with immediate effect. The system may have some merits but suffers from several maladies. It tends to dilute the sense of responsibility of the regular staff. The group also observed that acute shortage of warder staff, financial implications, help which the convict officers render in times of crisis like riots and valuable intelligence provided by them to prison authorities are some of the main reasons of not dispensing with the system.

**WELFARE PROGRAMS**

Welfare programs in prisons form a part of reformatory influences and it may not be easy to clearly differentiate welfare programs from reformatory measure. However, those measures which aim at the welfare of prisoner directly and their reformation indirectly can be said to be welfare programs. These programs include confining
the life convicts in central jails nearest to their home towns, educational facilities, prisoners’ canteen, prisoners’ panchayat, recreational activities etc. In this study only two welfare programs, i.e. prisoners’ canteen and prisoners’ panchayat have been discussed.

a) With the object of providing all authorized articles, as per rules, to prisoners and to minimize, if not eliminate, the chances of smuggling in unauthorized articles prisoners’ canteens were established during 1963. These canteens are located in the jails. They are being run by the jail administration under the supervision of welfare officers. This system is said to be continue to work well and has not only eliminated middle man’s profit on the articles supplied but has also reduced the number of prison offences connected with smuggling of such articles as per prisoners used to obtain through under-hand means along with the articles of their daily requirements. The profits received from canteens is utilized for the welfare of prisoners, i.e. in celebrating national and religious functions as well as in arranging other recreational activities (Cinema shows, dramas, etc) for the recreation of inmates.

b) Prisoners’ Panchayat system has become a regular feature of our jail administration. The system was introduced in prisoners with the object of strengthening democratic and voluntary participation of prisoners in matters of self-improvement and discipline. Only the convicts are associated with prisoners’ panchayat and under-trials are not given representation due to the uncertainty of their stay, although their (under-trials) number in most of the prisoners is much higher than that of the prisoners. Member of the panchayat are elected by
group of prisoners or/and nominated by the Superintendent of jail who happens to be the chairman of the panchayat. The panchayat members help the administration in matters like sanitation, hygiene, cleanliness, running of kitchens, distribution of food and organizing recreational/cultural activities. The main object of the panchayat in jails, according to a group of officers, is to seek cooperation from prisoners in jail administration and not to promote enmity between them and the jail staff.

WORK IN PRISONS

Reformation, rehabilitation and welfare of prisoners through reformatory and welfare measures is further ensured through work in prisons. When life is inconceivable without action, work becomes an essential part of human existence. For prisoners the work is also considered essential not solely because of any work while economic proposition, but with the idea of keeping the prisoners busy and engaged and thereby avoiding all such problems for the administration as may result from the prolonged idleness of a group of people who are normally criminal in their behavior and outlook and could at any time create mischief and promote disorder.

The community of prisoners generally comprises of convicts and under-trials. Political prisoners who are detained in prisons may be added to this list. The convicts may be further divided into two categories i.e. convicts imprisoned with hard labour are made to work in factories of jails or allotted the work in jail farms, provided they are medically fit to perform such hard labour. The prison authorities usually claim that work programs in prisons are both reformatory and rehabilitative.\(^{15}\)
During informal talks Sh. Rajan Kapoor, Deputy Superintendent in Central Jail, Patiala told that prisoners work in factory situated in the jail. They perform work related to furniture, printing press, sewing, power-loom & welding etc, which keeps them busy. Also work in jail factory gives them the required experience, so that they are able to earn their livelihood after release from jail.

The researcher during visits to the Central Jail, Patiala also observed prisoners working in factory inside the jail.

(B) **NON-INSTITUTIONAL REFORMATORY MEASURES:**

The nineteenth century witnessed another innovation in the field of penal reformation as there have also evolved non-institutional reformatory measures (probation of offenders) along with institutional ones. Probation of offenders is a non-institutional measure as it aims at reforming a convicted offender without sending him to a prison. Under this system an offender is given a chance to reform himself by leading a normal life in the community.

**PROBATION:**

Probation is a method of dealing with offenders and is an alternative to imprisonment. It is more liberal in nature for it aims at reformation and rehabilitation of the offender without recourse to regular imprisonment. It saves him from the stigma of prison life that comes in the way of a prisoner's reconciliation after his release from jail\(^{16}\).

The underlying object of probation is to achieve the celebrated goal of criminal justice viz protection of society and prevention of crime by rehabilitating the offender in the society as its useful member through the reformatory community based non-institutional treatment\(^{17}\).
The word 'probation' is derived from a Latin word 'probare' which means a period of proving or trial. It has been variously defined. In the words of E.H. Sutherland, "probation is the status of a convicted offender during a period of suspension of sentence to maintain good behavior\textsuperscript{18}. According to Dr. Jyotsna Shah, an Indian criminologist and former Director, Central Bureau of Correctional Services, "Probation is a method of dealing with specially selected offenders. It is a conditional suspension of punishment and the offender is placed under personal supervision of an officer. It developed as an alternative to punishment applicable to cases where guilt was established but where the judiciary considered imposing of prison sentence would do no good"\textsuperscript{19}.

**PRISONS AS MODERN CORRECTIONAL INSTITUTIONS:**

Punishment is a mean of social control. It is penalty for a criminal acts or offence. It is as old as the crime itself is and from times immemorial society has accepted it as an essential feature of maintaining order and harmony. Kautilya in his Arthshastra has projected punishment as vital instrument of social order. If the punishment is kept in abeyance, it gives rise to the law of fishes, as in absence of the fear of punishment the strong will swallow the weak\textsuperscript{20}.

In the present context, the general principles enunciated many centuries ago, but modern science and systematic research have added new dimensions, which recommended for more liberal approach to attain the same objective. Suffering is required to be inflicted in a purposeful and meaningful manner. The rationale of punishment is based upon a number of objectives, like retribution, deterrence, social protection and correction. The theory of retribution is based upon the

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principle of "Lex tation" i.e. eye for an eye, tooth for a tooth. The success and failure to criminal justice system are measured in the field of corrections. The word correction envisages that there is some fault in the system and that has to be corrected. When we talk of correction of prisoners, it pre-supposes that there is some fault in the person who has been brought to a prison. He did not conform to the norms of behavior as laid down by the society and followed by majority of the persons of the society. Such person who deviates from norms or suffers from some sort of fault or deficiency, some sort of corrective individual or group interventions by knowledgeable people is required. Just as for physical ailments, we require hospitals, for repair of vehicles we need workshops, for behavior deviations, institutions in the form of prisons and corrective homes have been provided. The essence of the house of correction was that it combined the principles of the poor house, work house and penal institution. Its main aim was to make the labour power of unwilling people society useful. By being forced to work within the institution, the habit to work developed in them and at the same time they would receive vocational training. When released from correctional houses, it was hoped that they would voluntarily swell the labour market.

Prison should be reformatory. The object of punishment ought to be nothing else but the destruction of vices and the saving of men. According to the reformation theory a criminal is to be studies like a patient, keeping in view his socio-economic background to understand the factors leading to his criminality and then an attempt has to be made to reform, treat and rehabilitate the offender. Prisons have to work as hospitals, where such sick people are to be treated. The
correctional process has its aim to rein corporation of the offender into the society as normal citizens. A modern correctional institution offers a variety of programs. These include individual or group therapy sessions, scholastic education, trade and vocational training, maintenance work, recreational and social activities and industrial employment\textsuperscript{22}.

The philosophy of reformation and rehabilitation of offenders casts upon prisons the responsibility of utilizing the period of imprisonment of offenders for their treatment with a view to modify their behavior to resocialise them. The entire atmosphere of the prison including the behavior of prison personnel should be charged with positive values and the inmates should be exposed to a wholesome environment in which they can reform themselves. The main things that are necessary for correction and reformation are as follows:

**IMPORTANT THINGS FOR PRISONERS’ CORRECTION AND REFORMATION**

1. **PROPER ENVIRONMENT:**

   In order to achieve the ends of reformation, the prison must cater the proper environment, training and education of staff as well as prisoners, so that the activities running in the prisons could become economically viable. The environment of jail can be improved if the staff is properly trained. There should be facility of good clean prison building. The jail building should have proper ventilation and the environment should be such which can improve not only the mental and physical state of the inmates but also create a sense social relationship among them. Environment plays an important role in shaping the personality of human being to achieve the aim of reformation.
Keeping the above patterns in view, Bureau of Police Research & Development and Institute of Correction Administration, Chandigarh, after visiting and checking various jails of State of Punjab have recommended to declare the Central Jail of Patiala as Model Jail 23.

2. **IMPORTANCE AND VALUE OF CULTURAL EDUCATION:**

Moral and cultural education plays important role in correction and reformation of prisoners in the jail. No good house of correction can afford to neglect the moral education and the well being of its inmates, if they are to be made fit for becoming useful and harmless citizens. Art, music, gardening and moral instructions through lectures, cinema/films of instructive values all these play healthy influence on the criminal and go a great way in reshaping his emotions, which have been ruined, maladjusted and distorted. Therefore, ideal education is a very important factor in development of respect for society within the individual.

3. **PERSONAL CONTACTS WITH PRISONERS:**

There must by contacts of prison officers with the prisoners. If the officers will remain in touch with the prisoners, it will help them in solving their day to day problems and will create a sense of good relationship. Prisoners appreciate sympathy and prison personnel must by sympathetic persons, capable of understanding the psychology of the prisoners under the psychology of the prisoners.

4. **CORRECTION THROUGH PROVIDING EMPLOYMENT AND VOCATIONAL TRAINING:**

All the prisons should manage to provide employment to all the prisoners. Government should allow the private sector to open the industry in the jail. It will help prison personnel to provide work to all
the prisoners. It will use the prisoners' time in a constructive manner. Ludhiana Central Jail has set an example in this regard. In the year of 2013-14, inmates of Ludhiana Central Jail have helped the Jail management in earning the revenue of more than 1 crore. Private sector is also coming forward there in shaping the future of inmates by imparting training to them. Punjab Halwai Association (PHA) has promised to train inmates in working in the bakery section and Indian Institute of Architects, Ludhiana Centre (IIALC) has promised to provide the latest designs of the furniture and certain other products. Vocational training in prisons plays a very important role in the institutional treatment program. Vocational training aims at inculcation of work habits among the inmates and preparation for a gainful living after release from prison. The prisoners should be motivated to earn their livelihood through decent means. They can be made to develop interest in various activities like horticulture and agriculture etc.

5. **Scientific Classification:**

Scientific classification is the basis of modern prison administration. Classification in India as it exists today is primarily based on age, sex, status, length of sentence and whether offender is a casual or a habitual type. The object and idea of classification is meant to create conditions conducive to suitable reformatory treatment to each group on the basis of individualization, intensive, homogeneous reformatory treatment. The object and importance of classification is to provide and make a definite contribution to the reorientation of inmates. The classification helps in formation of a program of correction. An ideal classification is one, which is not
merely according to the social status and positions in life of the offenders but according to the character and moral antecedents of the offenders, his environment, his education and needs for reformatory treatment.

6. BORSTAL INSTITUTIONS:

Borstal institutions are opened for the young offenders, who are at the age of 18 to 21 years. It must be remembered that children often become delinquent by force of circumstances and not by choice. It is possible to reform the anti-social attitudes of children by improving the unfavorable environment and giving them suitable training. It will not be a good practice to keep the young offenders with hardened criminals. If they will be kept together it will have bad effects on the behavior of young offenders. Therefore, of old penologists thought about their separation from adult prisoners. They suggested to open borstal institutions for them. Borstal have been established in India under the Borstal school and reformatory school act, 1897. At present 12 states namely Andhra Pradesh, Haryana, Himachal Pardesh, Karnataka, Kerla, Madhya Pardesh, Maharashtra, Orissa, Punjab, Rajashthan, Uttar Pardesh and Tamil Nadu have one Borstal school under their respective jurisdiction. These institutions provide adequate educational and vocational training for young offenders. Borstal institution prepares the offender for the normal life in society by providing them facilities for industrial training and disciplined life.

7. CORRECTION THROUGH EDUCATION

Education moulds the personality of a person and helps him to adjust to his social environment. A sustainable educational program,
if executed properly, can go a long way in reforming an offender. The Model Prison Manual lays down that a diversified education program aims at:

- Providing opportunities to the illiterate inmates to achieve at least a minimum level of education.
- Extending facilities to literate inmates to advance their education standards.
- Developing a better understanding of the duties and obligations of a citizen, improving the attitudes of inmates towards society and encouraging the development of a desire to live a good citizen.
- Assisting the development of good social and ethical habits and attitude so that the inmates may properly adjust his life in the community; helping the inmate to improve his personality for social adjustment through individual and group guidance in social living.
- Delivering points of view which will make apparent to the inmates the futility of a criminal way of life, making the inmates aware of a law abiding life.

The objective of prison education in its broader sense should be the expressional activities with emphasis on individual inmate needs. The objective of this program shall be the return of these inmates to society with a more wholesome attitude towards living with a desire to conduct themselves as good citizens and with the skill and knowledge which will give them a reasonable chance to maintain themselves and their dependents through honest labor\textsuperscript{26}.

Education is an important component of correctional treatment. In the context of prison and prisoner program, education should be taken in its broader prospective. Prisoners should be allowed to study
during the spare time and be permitted to appear in regular examinations conducted by Boards and Universities. Teachers should be appointed in Juvenile and Borstal institutions. All India jail manual committee recommended that educational activities in prison should be provided to the inmates such vital channels for the development of attitudes and outlook.

In Indian prisoners, where overwhelming majority of prisoners are illiterate or semi-literate, the provision of education for convicts is of fundamental importance. The Indian jail committee (1919-20) observed that even ability to read and write and cipher is of definite advantage to Indian prisoners in gaining an honest living on release. The committee, therefore, found education for Indian prisoners desirable and recommended that educational facilities should be provided in Jails for such prisoners as are capable of benefitting by them.

It was found that in Central Jail, Patiala, free education in collaboration with I.G.N.O.U. and Punjab School Education Board (through Open School system) is being provided to the prisoners. The prisoners can pursue their studies from other Boards and Universities as well, but for that they have to bear the expenses from their own pocket. There is no upper limit on education. The prisoner can pursue their studies as much as they wish. They can even continue their studies after release from jail.

8. **CORRECTION THROUGH PROVIDING RECREATIONAL FACILITIES:**

Life in prison is extremely monotonous, routinized and regimented. The prisoners have to undergo a very depressive
experience. Recreational facilities assume a special significance to overcome the depression and monotony of prisoners. Recreational and medical facilities play important role in correction and reformation of prisoners. These recreation facilities include sports, radio, television and cultural activities help to restore the energy of inmates.

During visits of researcher to Central Jail, Patiala, S. Ramandeep Singh Bhangu, Deputy Superintendent, Central Jail, Patiala told that Bhagra and Gidha teams of jail inmates have been made, who gave their performances on various occasions, a separate music room has been made available to the prisoners for practice of music. The government of Punjab has started organizing Punjab Jail Sports Meets and in 2015 it was going to be organized for 3rd time. Facility of Television with cable channels was made available to inmates, who could watch it upto 11.00 PM. A library was also available to the prisoners for their study in free time.

9. COMMUNITY INVOLVEMENT IN CORRECTIONAL SYSTEM:

Community involvement in the correctional system can be great help for training and rehabilitation of prisoners. Various department of the Government like Industries, Ayurveda, Forest, Agriculture and non-government organization can provide technical assistance to the prisoners in production activities. The government can even consider privatizing prison industries. Voluntary associations of social workers can do a credible job in this direction. The press and retired political and non-political leader should come forward to organize their voluntary association to educate public opinion and help the jail administrators in substantial manner.
10. INFLUENCING PRISONERS THROUGH RELIGIOUS PERSONALITIES:

The word 'Religion' is derived from the Latin term *religere* which means – to bind or unite again. As a candle can lit several candles without losing its own light, similarly a great personality can make several other personalities to follow his path. Our divinities, philanthropists and social workers should visit prisons for inspiring those who have deviated from the path of purity. These religious personalities can do a lot in the prisons for correction and reformation of prisoners through their divine personality. They can even change the hardened criminals who sometimes seem incorrigible.

Religious ideas help the individual in rising above the selfish interests, for the satisfaction of which he may sometimes resort to certain anti-social activities. These ideas make him realize that it is essential for him to recognize social norms and common interest above individual-interest for the survival in this world as an ideal-being. The intellectual elevation through religion results in his habits, beliefs, attitudes and behavior getting transformed into those proper for his race. With this transformation, feelings are generated in him about his oneness with all, his responsibility towards all and his concern for the well-being of all.

It has been established that man is not what he seems to be. His conscious behavior is not everything. The unconscious-self holds the key to the understanding of man. Thought is the real action and this originates in the unconscious-self of a man and if man is to be changed, his thoughts should be changed.

Through their social behavior prisoners learn the habits, beliefs and norms to discriminate between right and wrong, which are
essential for their effective participation in the social environment. Religion can influence their habits, beliefs and intellect and can compel them for voluntarily changing their social behavior. Religion can help in developing following qualities in the inmates:

- Mutual trust and harmonious relationship.
- Spirit of forgiveness.
- Cultivation of universal brotherhood.
- Nurturing a growing-together approach.
- Developing a habit of self-analysis.
- Feeling of usefulness to others.
- Curbing fundamentalism.
- Nurturing a never loose a hope attitude.

All the above attributes are somehow interwoven and inseparable. It can’t be denied that cultivation of these qualities has the capacity to transform prisoners' beliefs, habits, way of thinking and norms to discriminate between good and bad.

11. **NO OVERCROWDING:**

For effective correction and reformation of prisoners, it is necessary that there should be no over-crowding in the jails. There must be speedy trial of the offenders. If there will be prisoners more than the capacity of the jail, it will become tough for the prisons to start the correctional activities effectively. The Central Jail, Patiala is a good example in this regard, where more than 2,500 inmates are lodged as on year 2013; against sanctioned strength of 1,200 only. It creates a mess there. It becomes extremely tough for a handful of personnel to control the prisoners, what to talk about reforming them. With scarcity of space and other amenities, prisoners form gangs of their own to grab the facilities and quarrels take place there often.
12. **SPECIAL CELEBRATIONS OF FESTIVALS:**

Festivals and other ceremonial occasions should be celebrated among the prisoners. Special arrangements like cleanliness, decoration and special dishes etc should be made on these days with the participation of prisoners. These days should be celebrated through rejoicing and other meaningful programs so that the prisoners can at least momentarily forget that they are leading a fettered life. In such an endeavor on 13-04-2013 Punjab Government had decided to reduce the jail term of 33 convicts on the eve of Baisakhi. 20 convicts were released on that very day. Some of the remaining convicts were unable to pay the fine to get out of jail. In this situation, as a goodwill gesture one of the minister of Punjab Government paid the fine on behalf of the convicts, from his own funds to ensure their release29.

13. **PRISONERS’ PARTICIPATION IN MANAGEMENT:**

Prisoners should be allowed to participate in the functioning of management. They should be taken in consideration while taking decisions. It will be a good step towards correction of prisoners, because only that person knows where the shoe pinches, who wears it. Similarly prisoners know about their problems better than anybody else. They can give better suggestions to solve the problems as well.

14. **DRUG DE-ADDICTION AND ENCOURAGEMENT REGARDING GAMES:**

Drug addiction is a menace to the society. Drug addicted persons are more prone to crimes. They adopt wrong ways of living to fulfill their need of drugs and in this way drug addiction increases the
level of crime in society. Correction of drug addicted prisoners is way too tough as compared to teetotaler inmates. Government is doing its bit regarding drug de-addiction among the prisoners. During a recent visit to Central Jail, Patiala the researcher came to know that Government is running a drug de-addiction centre in the Jail, where various methods like counseling sessions, movies and congregations are performed. In another move government has started organizing games in the jails for improving the health of prisoners and drug de-addiction purpose as well. Games in the jail have taken form of mini Olympics and government has decided to give relaxation of two months in imprisonment to the prisoners, who perform exceedingly well in these games.30.

15. REHABILITATION AND AFTER CARE:

The period which immediately follows the release of a prisoner from prison is the most crucial period in his life. In the words of Dr. Bhattcharya, "The most terrible moment in a convict's life is not that in which the prison door closes upon him shunting him out from the world, but that in which it opens to admit of his return to the world, having lost his character and standing among men. A prisoner coming out of Jail is not welcomed and he carries the stigma of being an ex-prisoner and not easily accommodated or employed, so there should be a successful reintegration of prisoners into society after his release from the prison. An important corollary of the rehabilitative deal is the establishment of after care facilities to treat the prisoner after his release and during his readjustment to the community.31.
CORRECTIONAL PROGRAMS INITIATED IN CENTRAL JAIL, PATIALA:

1. Morning prayers and P.T. for the Jail inmates have been introduced.
2. Yoga and music sessions have also been introduced.

Photo No. 14 Prisoners at a music session in Central Jail, Patiala

3. Jail department is providing the common recreation facilities to the Jail inmates like T.V., movies, music and Jail sports meets etc.
Photo No. 15: *Prisoners participating in Sprint at Sports Meet in Central Jail, Patiala*

Photo No. 16: *Prisoners participating in “RASSA-KASHI” at Sports Meet in Central Jail, Patiala*
4. Programs for providing training in weaving, beauty parlor work and carpentry etc for the future earnings have been initiated.

5. Free education facility with collaboration with I.G.N.O.U. and National Institution of Open Schools has been introduced in the Jail. The inmates can attain as much as education as they want, on their own expenses from other Boards and Universities as well.

6. Cultural activities and congregation etc are being organized on regular basis to bring awareness among the inmates.

7. Human rights awareness camps from faculties of Punjabi University are organized for awareness of inmates.

8. A library for study of prisoners has been provided in the Jail.
9. Counselors have been deputed to the Jail for stress management of prisoners.

10. A computer lab has been established in Central Jail, Patiala, wherein the prisoners can learn computers for their earnings after release from the Jail.

Photo No. 18 *Prisoners learning computers in Central Jail, Patiala*

11. According to Sh. Ramanjit Singh Bhanghu, Deputy Jail Superintendent, Prisoner Call System has been stated in Central Jail, Patiala, wherein the prisoners can make phone calls on any of pre-loaded four phone numbers twice a week. These four phone numbers are shown at the screen of the system, when thumb impression of prisoner is taken on machine. Out of these four, two phone numbers are allowed to be of family and friends, one phone number relates to Head Office of Jail department at Chandigarh and one number
belonging to lawyer of the prisoner. The prisoners, in this system, can make phone calls for five minutes on single instance and in totality; they can make phone calls for forty minutes in a month.

Photo No. 19  A prisoner making call from Prisoner call system in Central Jail, Patiala

CONCLUSION

From the above discussion; it can be concluded that institutional and non-institutional reformatory measures like parole, furlough, remission system, probational release, gratuity scheme, work in prisons and welfare programs etc are good tools for reformation of prisoners. Further; things necessary for correction and reformation of prisoners are: proper environment, education and cultural education in particular, personal contacts with prisoners,
employment and vocational training, scientific classification, borstal institutions, recreational facilities, drug de-addiction, games and system to avoid over-crowding. Central Jail, Patiala has started certain correctional programs like prayers, P.T., Yoga and music sessions, T.V., prison call system and Jail sports meets etc. But these programs need greater frequency to reform the prisoners.
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