

FUTURE AGENDA FOR CORRECTIONAL ADMINISTRATION

Dr. Mridul Srivastava¹

I. Introduction

Prison is a very old and universal form of penal institution which has changed its structure, functions and objectives from time to time in keeping with the growth of human civilization, social values and changing concepts of crime and punishment. Originally, prison was used as a place for the detention of persons pending trial and non-payment of debts. Later, it was meant for the punishment for the law-breakers. A retribution and deterrent philosophy had been the underlying policy of prison administration. In the modern times, the prison functions as an agency of the criminal justice system with a dual responsibility for protecting the society by segregating offenders and providing treatment to them to reform themselves and to become law abiding citizens. The scientific diagnosis and appropriate treatment are basic constituents of correctional programme.

Criminal justice practitioners and policy makers have been repeatedly informed that offender reformation and rehabilitation has been a failure; in the words of Martinson (1974) *“Nothing Works” But the goals, practices and the entire outlook of correction can be adequately explained through the following of its major contemporary trends:*

1. Thinking of the offender as a human being and not merely of his offence.
2. Humanization of treatment.
3. Individualization of treatment.
4. Diversification of methods of treatment, probation, institutional treatment, parole etc.
5. Increased use of probation and parole as economical and socially constructive ways of treating carefully selected offenders.
6. Diversification of institutions to meet individual and group needs.
7. Variation in degrees of custody with increasing emphasis on minimum and medium rather than maximum custody.
8. Utilization of same methods and techniques of training and treatment in dealing with offenders as are used in the society with people in general.
9. Design and construction of institutional plants to provide the

¹ Assistant Registrar (Academics) and Faculty in Criminology in Dr. Ram Manohar Lohiya National Law University, Lucknow, Uttar Pradesh

necessary facilities for programmes of rehabilitation.

10. Emphasis on fully qualified personnel as of paramount importance.

II. Some of the Major Problems of Correction in India

1. The first and foremost problem of correction in India is that the institutional programmes have hardly any follow-up measure to back them up. What happens here is that whatsoever attempts of correction are made during the institutional stay of the offenders and delinquents, they are not followed up after release. When the institutionalized offender comes back to society, he finds that the necessary community services are lacking and fails to find any proper place both socially and economically and sometimes even in his family, neighbourhood and community. The result is the shock and he sometimes again goes back to his old life of crime. This defeats the whole training of institutional re-education and resocialization which the institutional correctional personnel might have achieved with great pains.

2. The second problem which correction faces in India is the attitude of society towards the released prisoners. People in general still believe that prisoners cannot be reformed. They have no faith in the fact that after their (criminals) stay in any correctional institutional they are much changed and are not what they were. The stigma of being a prisoner remains irreparable and consequently the released offenders find socially antagonistic, condemning, spiteful rejecting and indifferent behaviour all around their social and economic life. This situation becomes much worse than it was before for them. In fact the real problem in India for criminals and juvenile delinquents arise not when they enter the prison but in fact, when they come out of it. Society disapproves, suspects and treats them totally unacceptable. This type of social attitude and the treatment meted to the released makes them stunned and they often revolt against this insinuating social situation violently and prefer to remain anti-social and anti-legal. Much of the recidivism in India is attributed to this social phenomenon.

3. Thirdly, the correctional institutions in India have not undergone any remarkable change and they are much less the same today. Only their physical structure has been changed but prison rules, practices and treatment policies have remained as they were in the past many years. I cannot deny the very existence of correctional potentials in the present day institutions but traditional approach to criminals in their treatment during the prison days still holds true. Most of the prison administrators and guards still believe that prisoners are for imprisonment and punishment, and not for the treatment and correction. This is a crushing blow to the whole correctional movement in India, which has yet to find fruitful expressions.

4. Fourthly, perfectly suitable, correctional institutions in India are

only a few and can be easily counted on fingers. Looking at the size and volume of crime and delinquency in the country, institutions are much smaller in number and have sufficiently large population to control. Overcrowding impedes the correction work and the individualization, which is the fundamental form of correction, is hardly possible. Not only the number of institutions are insufficient but their programmes are hardly suitable and good for any useful correctional work. Stereotyped and traditional programmes and practices are still prevalent and they have not been replaced by modern techniques of correction. Facilities are woefully inadequate and the correctional workers are only helpless spectators.

5. Fifthly, we find that prison institutions in India lack trained correctional personnel on their staff. For corrections we not only need prison superintendents, jailors, deputy jailors, assistant jailors, prison supervisors, and guards but also an integrated team of other professional workers like trained psychologists, psychiatrists, social workers, vocational counselors, doctors, educators, and rehabilitation supervisors.

6. Sixthly much of the correctional work in our prisons and reformatories is hampered because of lack of co-ordination and co-operation between the correctional and the administrative staff.

7. For correctional work in India, there is an acute shortage of trained and suitably oriented correctional personnel.

8. Another major problem which confronts correction is the problem of taking the implementing judicious and important decisions at the direct service level. The administrative organization of these correctional institutions like all our governmental organizations is too much full of red-tapism and bureaucracy. Both administrative and correctional staffs of the correctional institutions are the slaves of prison rules and regulations, their strict and blind adherence and implementation, in spite of being conscious of their inappropriateness and uselessness.

9. To the inmates the most important and most close officer is the prison guard and the supervisor who moves with a stick of authority in his hand and hardly cares about the humanitarian tenets of correction. Prison guards who are the key to the whole correctional process are simply ignorant, indifferent and careless about the scientific views of correction.

10. Correction in India suffers from acute budgetary limitations. The correctional programmes in India is mostly run through institutions, it will naturally have higher cost of maintenance. The budget of correctional institutions is limited and they cannot afford modern services needed for

effective correctional work. Although the introduction of open prisons, probation and parole services has reduced the cost much but still the earmarked money for correctional work in prisons is extremely inadequate.

11. Correctional workers in India still too much depend upon the western knowledge, skills and techniques and have no fund of indigenous principles and practices at their disposal.

12. Lastly the criminological and penological research is much behind in India to keep pace with western developments and to provide with new set of working principles, techniques and methods.

III. Rehabilitative Framework

A rehabilitation framework should have the dual goals of offender risk management and increase offender capabilities.

From the “**what works**” system, 12 principles will underpin the reformation and rehabilitation framework.

1. **Classify risk:** The higher the risk classification, the greater the likelihood of re-offending. More intensive programs target higher risk offenders (offence-specific programs) while minimal intervention target lower risk offenders (offence related programs).
2. **Meet Criminogenic needs:** characteristics associated with a reduction in re-offending are targeted through offence specific and offence related programs to manage offender risk. Non criminogenic needs will also be addressed to enhance offender capabilities.
3. **Matching learning styles:** effective programs meet the need of offenders. Active, participatory learning techniques provide a match between the learning style of offenders and staff. Standardized risk and need assessments and interventions should be applied in an individualized way to the offender.
4. **Increase Motivation :** lack of motivation can be a criminogenic need and should be the target of intervention rather than used to exclude offenders from programs.
5. **Deliver “Smart” punishment :** Punishment alone, without developing pro-social skills to address offending behaviour, is ineffective.
6. **Emphasise Community :** Programs based in the community are more effective because new skills learned can be immediately applied. However, Prison based programs can also be effective if

adequate reintegration into the community occur.

7. **Use effective treatment methods :** the most effective programs address a variety of problem areas (Multimodal methods), are skills-oriented (teach coping skills) and use cognitive behavioral methods (address thoughts, feelings and behaviour)
8. **Encourage Responsibility taking:** Offenders demonstrate accountability for behaviour and increase victim awareness.
9. **Use sound methodology:** A scientific, rational and empirical approach to research, development and service delivery is used.
10. **Maintain program integrity:** The stated aims are linked to the methods being used and adequate resources and trained staff availability. Program monitoring and evaluation systematically occurs.
11. **Apply professional discretion:** in addition to standardized methods, decision makers must also respond to moral, ethical, economic and legal considerations i.e. make normative judgments.
12. **Adequate programme development and implementation:** Effective consultation and organizational cultural change is crucial.

IV. Some Specific Recommendations

- The feeling of group increases the sense of belongingness and also to make them problem solving by themselves introduction of the **Self Help Group Concept** in the prison is needed. Bureaucratic structure should be changed into **cooperative structure** with a feeling of belongingness.
- Conditional Privatization of the prison like involvement of other organizations i.e. giving the reformation aspect to one organization, after care services to other, etc.
- More interaction with the **Non government organizations and to involve more NGO's by making liberal policies specially in U.P.** There should not be overlap in the programme and there is a great need to ensure that all aspects of overall development of convicts are covered.
- Regular **research studies for evaluation, monitoring and improvement** of the system and also implementation of any policy needs pretesting and should be followed by small research. For example, in model jail the meeting time reduce to half an hour from one hour.
- **Housing and employment problem** after release is very severe. The DUDA builds the low cost houses to the poor living in the slums.

If these houses can be given to the convicts after release so in the colonies they can also take up some self employment. This will be really a landmark step in reintegration into the society. The minimum contribution which they have to give can be met out from their wages.

- **Meditation, prayers, religious feeling** needs to be strengthened with the help of print and audio visual media
- To find out **the ways for economic growth and autonomy** of the prison. Actually the prison has sufficient manpower and infrastructure but there is a need to reorganize these and we should not forget in British period the prisons were made to be profit making. By making the strategy and technique to be labour intensive rather than capital intensive in order to decrease economic dependency.
- Encouraging the offenders to **perform community service** by making reparations to the victims for damage.
- More **operational flexibility**
- More **comprehensive planning** that is with more attention to the social aspects of development and greater control of resources that what has been attempted in the past with a view to attaining the objectives of equity, social justice and self reliance.
- More support and **follow up of programmes after release**
- Correctional research should be systematic enquiry aimed at strengthening the empirical knowledge concerning control of deviant behaviour and reintegration through corrective, protective and preventive devices.
- Relevant motivational factors to change the tendency of deviant behaviour
- Cultural factors associated with the criminal and non-criminal.
- Use of Autobiographical material from offenders by correctional counselors
- Factors in prison life that has greatest impact on the offenders residing there.
- Tools for selecting the convicts for correctional activities
- Meeting time should be increased and there must be **some hostel like transit homes** for the relatives coming from distant places and reaches in odd time on nominal payment basis.
- **Training in Micro enterprises** because in the trades like powerloom, paper industry etc. will not benefit them after release and even they can not afford to establish such set up. So the convicts

must be trained in the trades like tailoring, auto repair, typing etc so that they can take a self employment after release. **New Micro level activities according to the need and interest** of individual convicts

- **Public booth facility** under close watch can be provided to the convicts in order to make their contact with family regular. There is a reason that writing habit in the people reducing day by day and the convicts feel depressed when they did not get any letter from their family members.
- **Convicts must be encouraged to participate in the different Melas, Exhibitions etc.**
- It is important that the issue must not be considered in the context of a homogeneous group. The socio-cultural background of the inmates, the different criminal profiles and different social histories must inform the strategies for change.
- **Training, sensitization of prison staff** to the special needs of different groups of prisoners is important. Introduction of **training and development of prison officials** at regular interval so as to achieve the correctional aspect of the prisons.
- More **openness is needed**. The secrecy surrounding these places – like the prison makes them closed places and the staff becomes often inward looking. In most cases the families too want to hide the fact that they have a relative in prison, because of the social shame that imprisonment brings. So the potential for ill treatment on the inmates who are dependent on the authorities for all their basic needs is immense.
- The economic problem the prison face can not be ignored and as the result the effect on the reformation and rehabilitation programmes of the convicts suffers in the first priority. Prison has sufficient manpower and Space. There is a need to interlink the rehabilitation programme through **Business Process Outsourcing** in Prisons.
- **The rights of the prisoners should be display on the prison walls** so that they may aware about their rights.
- There must be some **awareness programmes of the govt. schemes** related to employment, women empowerment, education, housing etc. for the convicts also. This will solve the problem in two ways. One the family facing the problem outside can seek some help from these programmes and other is that after release the convict also can get the advantage of the govt. schemes.
- There must be **a proper system of allotment of prison labour**. The convicts must be allotted the work in which they trained. There

are examples that the convicts are trained in tailoring trade and put into the powerloom.

- There must be **some reward for the convicts shows good behaviour** and set example for the fellow convicts. Motivation and encouragement of these types of convicts is very necessary. It may be money or a thing or a certificate but with this system they will feel proud.
- **Wages entry system must be more transparent and proper.** In fact wages are the channel of corruption also.
- **Most of the convicts are from the poor family background.** This shows that the poor suffers even though he is innocent because he can not afford the cost of justice.