

Chapter 10

Overview of Correctional Reform in India: A “Different” Approach to Offender Rehabilitation

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ABSTRACT

Today, every prison around the world requires a correctional programme so that rehabilitation and reintegration of offenders can be done successfully. Correctional reforms is a serious issue and has been taken seriously even internationally. In India, many attempts have been made to improve the condition of prisons and prisoners, but little changes have been seen at the root-level. There is a scope of modifications in the correctional reforms to meet the present-day needs of the criminal justice system. The chapter will give an overview of the correctional reforms in Indian prisons and after reviewing the existing literature will attempt to identify the limitations of the correctional programs which need to be addressed for effective rehabilitation and reformation of prisoners. Lastly, the chapter will conclude with a number of suggestions and with a comprehensive model for rehabilitation.

INTRODUCTION

The correctional system of any nation is deeply rooted in history and tradition and represents societal attitudes formed by changing legal, ethical, and societal cultural norms. The inception of the idea of prison reform can be attributed to two factors- recidivism and the prison system's failure of effectively rehabilitating prisoners (O'Brien, 1995). The term 'Reform' is derived from the word "reformatio" in Latin, which refers to changing or amending what is wrong and unacceptable.

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Overview of Correctional Reform in India

This chapter will focus on the correctional reforms concerned with rehabilitation, and reintegration of the prisoners and attempt to identify the gap for effective rehabilitation of prisoners and skillful training to the prison staff, proper and efficient reform for juveniles, women, and adult offenders to minimize the re-offending rate and efficient functioning of the prisons in India.

In the history of the “reformation and rehabilitation” of offenders in India, numerous committees have been formed to effectively rehabilitate and reintegrate offenders. Sable (2020) in his paper Yerwada Jail visit discussed the report of the Indian Jail Reform Committee (1919-1920) involved in reforming the Indian prison which is as follows:

The Pakwasa committee, 1949 suggested a system of utilizing prisoners as “labor” without any vigilance over them. This is when the system of wages for prisoners’ labor was introduced in India. They also introduced the system wherein the prisoners who adhered to the rules and regulations of the prison and did not violate the norms of the prison and showed exemplary behavior in the prison were rewarded by reducing their prison sentence (Ahmed, 2016). This was the big step towards prisoners’ rehabilitation and reformation. Lalli (2019) in his paper attitude to Prison reforms discussed the historical background of Prison Reforms which states that in 1951 the Government of India invited Dr. W.C. Reckless, an expert in the field of correctional reforms of offenders from the United States, for a study on Indian prison administration. Dr. W.C. Reckless recommended that prisons should be transformed into reformation centers and outdated prison manuals should also be updated (Ahmed, 2016). The recommendations given by Dr. W.C. Reckless were approved during the 8th conference of the Inspector General of Prisons held in 1952. In 1957 the Government of India appointed the All-India Jail Committee and in 1960 All India Jail Committee submitted their report.

Thereafter, in 1980 the Indian government established a committee under the chairmanship of Justice AN. Mulla. The prime aim of this committee was to rehabilitate the prisoners. The Mulla committee gave numerous recommendations and some of the most important recommendations from the Mulla committee included that prisoners should get access to proper clothing, food, and sanitation. Prison staff should be trained and organized and people who were still under trial should be kept separate from the convicted prisoners. The committee also suggested that the trial period should be reduced, and the courts should come to a decision at the earliest and bail provision should be made available for undertrials to reduce the prison population. The Mulla committee also recommended that the Government should provide financial resources to prisoners. (Secretariat & Delhi, 2014).

Another committee, Justice V.R. Krishna Iyer Committee, 1987 was appointed to understand the situation of women prisoners in India. Recommendations that were made by Krishna Iyer Committee were that the Government of India should recruit more women in the police force to deal with issues related to women prisoners and child offenders (Model Prison Manual, 2003).

The committees also recognized that prisons could disrupt and damage many factors which enable an individual to desist from crime. Imprisonment can harden criminal attitudes, enhance criminal identity, and remove individuals from positive cultures and networks, disrupting their employment, accommodation, and family support. Therefore, safe, decent, and rehabilitative prisons cannot only mitigate these factors (and their cost to society) but provide a better foundation for rehabilitative success. A rehabilitative culture is beneficial for the lives of prison staff and prisoners in the establishment and for reducing re-offending (O’Brien, Marshall, & Karthaus, 2014).

Training of prisoners in various skills in the prison institutions has been given great attention by the Prison Department of Government of India and facilitated further by the Bureau of Research and De-

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