

Prison A Changing Concept from Institution of Punishment to System of Reformation and Social Re-Entry

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ABSTRACT: *Prison system has a unique position in the society in which organizations compete either for economic resources or for the loyalty and support of group members. It is non competitive in the sense that no other organization challenges it directly. No society can be crime free and criminals are found in all age groups, among both sexes and in all strata of society. Apparently, the prison represents the worst of the social system. The attitudes of those who reject these values or who actively oppose their maintenance are regarded as criminals. Thus, a criminal is a person found guilty of a crime. The prisons mandate from the community in recent years increasingly includes the demand for treatment and reform of the inmates through modern psychiatric and social work techniques. Under the existing social condition, general social reform has become primary pre-condition for crime prevention. Social re-entry prepares the peers for re-integration into society. The aim of social re-entry is to form of application of an ideal society as it exists outside prison. The post-release networking phase specifically aims at equipping the prisoner with the requisite knowledge and skills to “face the world” upon release.*

KEYWORDS: *Corrections, Prison system, Punishment, Reformation, Social re-entry*

I. THEORETICAL BACKGROUND OF THE STUDY

Prison system has a unique position in the society in which organizations compete either for economic resources or for the loyalty and support of group members. It is non competitive in the sense that no other organization challenges it directly (Grosser, 1968:11). Prison system is a closed or protected system. Members of the larger society (except for the relatives of the inmates, and official and non official visitors) have no direct stake in the prison in terms of ownership, goods, services or reciprocal relation of any kind. Thus, the prison is relatively protected from outside scrutiny. The prison system isolates criminals from general society so that they cannot commit crimes during certain period of times. Also, society wants retribution. The prison system is expected to make life unpleasant for people who, by their crimes, have made others lives unpleasant. Finally, society wants to reduce crime rates. The prison system is expected to reduce crime rates not only by reforming criminals but also by deterring the general public from behavior which is punishable by imprisonment (Sutherland and Cressey, 1960:461). No society can be crime free and criminals are found in all age groups, among both sexes and in all strata of society. Apparently, the prison represents the worst of the social system (Clemmer, 1953:313, 14).

II. PRISON IN ANCIENT PERIOD

The prisons of the ancient world have disappeared. Those of it antiquity and medieval Europe have fallen into ruin, have been recycled into other uses or have been preserved as Museums, their varied history usually explained only in terms of modern concept of penology (Morris,1995:3) . The first phase of ancient civilization in India when Dharma was Supreme, the offender was shown maximum tolerance, but that was gradually ousted by political party of the King in the middle ages (Chowdhary, 2002:13). The ancient period speaks of four methods of punishment (Danda) namely, by gentle admonition, by severe reproof, by fine, and by corporal punishments and declared that these punishments may be inflicted separately or together according to the nature of the offence.

III. PRISON IN THE MEDIEVAL PERIOD

The Muslim Law which was prevalent in the medieval period in India, it is revealed that imprisonment was not recognized as a form of punishment. During Akbar regime, Badayunm records that on birth of Prince Salim, the Emperor set out with all expedition on Agra and in the excess of his joy ordered all prisoners to be released (Chowdhary, 2002:24). During the late medieval period, the Christian Church had granted asylum or sanctuary to fugitives and criminals. These canon Courts were traditionally forbidden to shed blood (Chowdhary, 2002:25).

IV. PRISON IN THE MODERN PERIOD

In its present form, the prison is a relatively modern invention having been in existence for less than 300 years (Morris and Rothman, 1995). It has its roots in the north east of the United States and in Western Europe and has subsequently spread around the world, often in the wake of colonial expansion. Prisons as places of detention, where people waited to be tried, until a fine or debt was paid or until another court disposal was implemented have existed for many centuries. But the use of prison as a direct disposal of the court to any significant extent can be dated to a relatively recent period. It was not inevitable that prisons should have developed into the model which we have today.

V. PRISON AS AN INSTITUTION FOR PUNISHMENT

Theories of crime

The simplest most straight forward and most comprehensive definition of a crime is ‘a violation of law at a particular place at a particular time (Tarapore, 1936:1). An act forbidden by law and for performing which the perpetrator is liable to punishment. Crimes are divided by English Law ‘felonies’ and ‘misdemeanor’ (Varma, 1972:3). The former includes murder, robbery, arson, forgery etc. and are usually punishable by confinement in a State prison or death. The latter includes liable, assault, fraud and breaches of statutory obligations. These are less serious offences, punished by fine or jail (Clinnared, 1967). Sociologically speaking, observes (Reckless, 1940: 9, 10) ‘crime is fundamentally a violation of conduct norms which on contain sanctions, no matter whether found in the Criminal Law of a modern state or merely in the working rules of a special social groups’.

A crime ipso facto implies a disturbance in a social relationship. The nature of the criminal and non criminal conduct is determined by social values with the larger defining to consider important. The attitudes of those who reject these values or who actively oppose their maintenance are regarded as criminals. Thus, a criminal is a person found guilty of a crime. Criminalism may be the action of a person not yet criminal (Healy, 1927:3). And a crime is a deviation from a breach of a conduct norm. This deviation or breach is punished by society by means of its sanctions. But punishment is not the only criterion of value. Religion, art, education and other social logical agencies also reveal value (Pillai 1984:96 - 97).

Theories of Punishment

According to (Reckless, 1940:258) “punishment is the redress that common wealth takes against an offending member”. (Newman, 1978:6-7) although recognizing the difficulty of defining punishment presents thus: Punishment is a pain or other unpleasant consequence that results from an offence against a rule and that is administered by others, who represent legal authority, to the offender who broke the rule. From purely social point of view, and eliminating all considerations of sin, immorality or degree of criminality, crime is nothing more or less the failure on the part of an offender to adjust himself to the social surroundings in which he happens to find himself (Tarapore,1936:3). The system cannot simultaneously maintained regimented discipline and a therapeutic atmosphere characterized by a permissiveness and maximum regard for individual needs as stated by (Galtung, 1968:47).

The retributive theory is based upon the fulfillment of moral justice. A good action deserves to be crowned with a good reward and a bad action meets its own fate. (Mackenzie, 1938:376) says “if is only when an offender sees the punishment of his crime to be natural or logical outcome of his act i.e. he is likely to be lead to any real dependence: and it is only this recognition also that is likely to lead others to any real abhorrence of crime, as distinct from mere fear of its consequences.” It has been argued that revenge as a justification for

punishment is deeply ingrained in human nature and experience (Glenville, 1955:17). The reformatory theory implies that the offender should, while punished by detention, be put to educative and healthy influences. Reformatory punishment may mean either that the offender is reformed while being punished, or that he is reformed by punishment itself (Ewing, 1929:73).

VI. Prison as a Correctional /Reformatory system

Under the existing social condition, general social reform has become primary pre-condition for crime prevention. Society involvement in the prevention of crime cannot be conceived without self examination and self improvement by the community at large, this will have an indirect impact on crime and correction but that impact will be sure and lasting. "Community – based correctional programmes embrace any activity in the community directly addressed to the offender and aimed at helping him to become a law abiding citizen".

In Maharashtra the first Open Institution was started as an annex of Yeravda Central Prison in the year 1956 and the second one at Paithan in Aurangabad District in the year 1968. The starting of the Open Central Prison at Paithan is an important landmark in the history of prison administration of Maharashtra, as this Institution, foundation for the development of new correctional approach has been laid. The object is to save long term prisoners from the ill-effects of prisonisation and continuous exposure to criminal culture of close prisons, having traditional walls. To this end, an atmosphere of opportunities is created for education, vocational training and self discipline in open prison. The phases of treatment correction and rehabilitation of prisoners are indicated as follows: 1. Admission - quarantine – orientation 2. Study of the prisoners through: a) interviews, b) collection of social information, c) tests and examinations, d) observation, e) analysis of the collected material, compilation of report, preparation of the case file, central indexing, f) planning of training and treatment, implementation of the same and observation of response to treatment programme, g) review of progress and adjusting training and treatment programme to the needs of the prisoner's, h) planning post release rehabilitation programme in collaboration with the after care agencies, i) pre-release preparation, j) release. The correctional process of the prisoners starts right from the admission into the prison till release of the prisoner.

VII. SOCIAL RE-ENTRY

Following release from prison, inmates move directly from a very controlled environment to a low level of supervision or complete freedom. In order to minimize these effects, the social re-entry phase has been designed. "Very early in the process for reformation, we realized the fundamental fact that the prisoners were kept on changes-drastic ones at that- in the system. However, we had no ready-made magic formula for instant reform. Given the remote possibility of our discovery and instant blueprint for action, even if we did find one, the actual process would require the willing acceptance of the entire population of prisoners. Their participation would have to be voluntary and not coercive, in order to defeat the very purpose of the reforms" (Bedi, 1989). The greatest resource within a prison is its human resource. "In fact, the jail itself housed the greatest strength-human resource. The human beings confined within the four walls had all the time, energy and professional skills, which constitute the foundation of any vibrant society. What was easily required was an identification and recondition of this talent with direction and guidance as and when required. Here was a mass of human potential waiting to be entrusted with responsibility." (Bedi 1998).

Social re-entry prepares the peers for re-integration into society. The aim of social re-entry is to form an application of an ideal society as it exists outside prison. This has been experimented within Delhi and is part of the "New Delhi Correction Model" of prison reform (Sarangi, 1995). The three important elements of this model are

1. Bringing the community into the prison.
2. Formation of a self-contained unit in the prison.
3. Participative management.

The objectives of social re- entry:

1. Establish mechanism for sustenance of project activities beyond project life.
2. Involve family members to impart support to inmates.

3. Facilitate networking referrals- providing linkages to drug and HIV services
4. Establish linkage with social and governmental structures outside the prisons.
5. Activity providing assistance to prison inmates in formation of support groups and referral linkage.
6. Assistance in accessing services-review the set-up of the referral and a directory for each site, a valuable resource for the prison community and the 'to be-released' prisoner.
7. The intention of these activities is to create a facilitative environment.

VIII. CONCLUSION

Re- integrating with family and community following release from prison, inmates move directly from an extremely controlled environment to one with low level of supervision or complete freedom. They may immediately be exposed to high-risk places, persons, and situations. Prisoners approaching release often report anxiety about re-establishing family ties, finding employment, and managing finances on return to their communities. This condition has been referred to as "gate-fever". The limited research that has been conducted reveals that while very few prisoners ultimately find the experience of release debilitating, the heightened stress levels documented at the time of release reflected very real anxieties about successfully managing the return to the outside world.

Furthermore, studies have demonstrated, released offenders show ineffective or destructive ways of coping with everyday problems. In fact, research attempted to measure the coping process shows that some offenders are unable to successfully recognize and deal with problem situations, leading to increased stress levels and, often criminal, reactions. Thus, the "moment of release" presents opportunities for policy innovation and attention-to develop strategies that build a short-term bridge during this immediate transition period. The social networking phase attempts to address some of these issues. Empowerment of the prisoner in order to better 'prepare' him for release was addressed earlier in the intervention phase wherein life skills, vocational training, information, etc., were imparted. The post-release networking phase specifically aims at equipping the prisoner with the requisite knowledge and skills to "face the world" upon release .

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