

CHAPTER 3
REHABILITATION OF OFFENDERS
THROUGH RIGHT TO EXPUNGEMENT-
THE UNSEEN RELATIONSHIP

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REHABILITATION OF OFFENDERS THROUGH RIGHT TO EXPUNGEMENT OF CRIMINAL RECORDS- THE UNSEEN RELATIONSHIP

3.1 INTRODUCTION

Rehabilitative justice is a rapidly expanding state, national, and worldwide social movement that strives to empower everyone involved in order to alleviate the suffering created by crime.³⁷⁹ Alongside expanding social issues, rising chances of imprisonment, while proof that punitive measures are ineffective, this crucial social reform has been evolving.³⁸⁰

Terror, aggression, and communal downfall reactions are viewed as symptoms of damaged associations by restorative justice. It proposes an alternative approach, specifically, the application of reflective justice to repair the damage created by dispute, injustice, and persecution.³⁸¹ In a brief duration, rehabilitation has developed from a budding ideology into a worldwide force that shapes how we recognize and relate to wrongdoing and dispute in many communities.³⁸² Restorative justice is also receiving the greater interest of researchers worldwide.³⁸³ It has created a fast developing library of international research examining the processes and results of restorative justice laws and practices.³⁸⁴

However, Restorative justice is a concept that is decentralized. Forgiveness has developed by integrating personal law, participative or collaborative fairness, and

³⁷⁹ Pete Wallis and Barbara Tudor (2008), *The Pocket Guide To Restorative Justice*, London: Jessica Kingsley Publishers, p-8.

³⁸⁰ James Dignan (2004), *Understanding Victims and Restorative Justice*, London: Open University Press, p-38.

³⁸¹ Supra

³⁸² Ibid

³⁸³ Clifford K. Dorne and Ron Claassen (2006), *Restorative Justice in the United States: An Introduction, USA*: Prentice Hall, p-5.

³⁸⁴ Loren Walker and Katherine Van Wormer (2012), *Restorative Justice Today: Practical Applications*, (edition 1st), London: Sage Publications, p-7.

transformational or modifying equality into an all-encompassing philosophy that offers something for everyone.³⁸⁵ Restorative Justice enables the requirement for convicts to bear factors such as exposure for their acts which resulted in lesser victimization of victims. An attention on damage implies a stress on offender's authority and transparency in concrete, as opposed to conceptual, methods. Too often, we have regarded duty as a sort of violence – as a source of suffering inflicted to criminals in proportion to the harm they have caused.³⁸⁶

Restorative Justice emphasizes on "crime" as being fundamentally about harm, and responsibility is being pushed to realize that hurt and the repercussions of one's actions. In addition, it entails accepting responsibility for putting things right as much as possible, both literally and metaphorically. As our ancestors well understood, wrongdoing generates duties; assuming responsibility for these commitments is the first step toward true accountability.³⁸⁷

Sadly, under our existing system of criminal justice, this is frequently irrelevant or even harmful to responsibility. The criminal justice system provides little incentives for criminals to comprehend the repercussions of their conduct or to sympathize with victims. The antagonistic game, on the other hand, forces offenders to watch out for themselves.³⁸⁸

In our current criminal justice system, Abusers are prohibited from acknowledging their culpability and given minimal opportunity to act on it. The culprits' "solubilizing methods" – misconceptions and generalizations justifications they employ to remove themselves from the victims – are never questioned. Consequently, the judicial procedure and jail experience exacerbate the sense of

³⁸⁵ Daly, Kathleen and Russ Immarigeon, (1998), "The Past, Present and Future of Restorative Justice: Some Critical Reflections" *Contemporary Justice Review*, Vol.1 (1): pp. 21-45.

³⁸⁶ Mueller, G.O.W. (1965) "Compensation for Victims of Crime: Thought before Action" *Minnesota Law Review*, USA: Vol.50, p.221.

³⁸⁷ Schafer, S. (1970), *Compensation and Restitution to Victims of Crime*, Montclair, New Jersey: Patterson Smith Publication, p-127.

³⁸⁸ Smith, K.J. (1965), *A Cure for Crime: The Case for the Self-determinate Prison Sentence*, London: Duckworth publication, pp. 13-29.

estrangement from society felt by many criminals, as well as their sense of victimhood.³⁸⁹

If a sufferer or criminal could be engaged and effective citizens of society, reunification has occurred. To achieve this, inmates must choose societies with the following attributes: (1) interpersonal relationship for individuals in the neighborhood, (2) shared devotion to someone in the society, and (3) hatefulness for, although recognition of, aberrant behavior among key stakeholders. This happens only in the restorative justice system.³⁹⁰

3.2 BASIS OF RIGHT TO EXPUNGEMENT OF CRIMINAL RECORDS – INDIAN PRESPECTIVE

The sentencing policy of a country is largely depending upon the ideology that the country adopted & enshrined in its constitution. Such ideologies may be capitalism, communism, and welfare. In a capitalist model, the nation's main objective is to maintain of law & order and adopt the *policy of lezzis fair*. In a communist model, apart from maintenance of law& order, the means of production owns by the community.

In a socialist welfare model, according to Beveridge Report³⁹¹ nation's massive attack must be on the five giant evils- Want, Disorder, Misunderstanding, Abject Poverty, and Laziness. The eradication of these evils has been considered to be the prime requisite for securing social justice. The idea of equality encompasses the elimination of all unfairness's and the provision of true equality for all community members. As justice has to be future oriented, not to the past. Our job is to 'let justice roll down like water'- that is, to house the homeless, clothe the necked, feed the hungry, provide work for the jobless, rehabilitates the

³⁸⁹ Laster, R. E. (1970), "Criminal Restitution: A Survey of its Past History and an Analysis of its Present Usefulness" University of Richmond Law Review, Virginia, USA: Vol.5, pp. 80-98.
Greacen J. M. (1975), "Arbitration: A Tool for Criminal Cases?" Barrister, winter, available at: www.msbf.org/selfhelp/appendices/jmgresume.pdf accessed on 07/01/2022.

³⁹⁰ Van Ness, D. and Strong, K. H. (1977), Restorative Justice Practice, Washington, DC: Justice Fellowship, p-181.

³⁹¹ Beveridge, Janet (1954). Beveridge and his Plan, London: Hodder and Stoughton

convicts. To create a just society is not a matter of shooting some people and jailing others – it is a matter, rather, of recognizing that we are collectively victims of situation or a system, and to seek our universal liberation.³⁹² Thus, the welfare nation has responsibilities more than maintaining of law and order and it has to act as a provider, protector, facilitator and dispenser of justice and thereby contemplates system of laws and institution through which a government attempt to safeguard and strengthen the financial welfare of its citizens based usually on various form of social insurance against unemployment³⁹³, accidents, illness, old age and rehabilitation of convict.

In overall, punishment concept had already considered different objectives towards its particular topic, with punishment decisions based along both 'Utilitarian' or 'Retributive' principles. The utilitarian perspective has highlighted the welfare perspective and issues of rehabilitation, reintegration, reform, and therapy. Thus, the emphasis is the focus is on the lawbreaker as evidenced to the violent act, as well as the focus is to minimize the convict's sentence likelihood that he or she would commit "future crimes." It is believed that juvenile criminals merit this method. The welfare method attempts to include even more details on the perpetrator as feasible, especially his or her whole criminal history record and the prospect of redemption from his or her criminal records (both honourable acquittals and misdemeanours convictions).

The retributive' approach,³⁹⁴ on the other hand, focuses more on the crime than the criminal and based penalties on the severity of the offence and what would be an appropriate punishment. It would be less determined to stop "future crime" and more affected to offences that have already occurred already occurred and the proper sentencing for it. All most all progressive democratic state on the globe which cantered his administration of justice upon victim do also focuses on

³⁹² H.R. Khanna, Constitution And Socio-Economic Changes (1977) Page No. 18

³⁹³ H.R. Khanna, Constitution and socio-economic changes (1977) page no. 16

³⁹⁴ Hudson, B (1996) Understanding Justice: an introduction to ideas, perspectives and controversies in modern penal theory, Open University Press, Buckingham

rehabilitation and provides second chance to offenders in petty and grave offense if applicable. They strongly believe except recidivistic offenders that an offender if released after serving his sentence can be converted in law abiding citizens. Rehabilitation and reintegration turn the goals of these nations. Many developed countries as well as some developing country have expungement/Spent laws (whatever name by they call expungement) For example Australia, United Kingdom, United States, China, Israel, Russia, UAE,. All these countries constitute off fundamentally different philosophy of state machinery. Some are police sates, others are capitalist, but none are social welfare state like India.

India being a welfare nation needs to adopt sentencing policy which focuses on social utilitarianism and which embraces rehabilitation approach.³⁹⁵ Thus, the sentencing policy of India, a welfare state, must incorporate the mechanisms by which offenders are "resetled," "reintegrated," "rehabilitated," and "reformed."³⁹⁶ Whereas if two curved swords of stability are already in proportion, fairness can really be real justice, as one lance resembles the complainant and another denotes equality to the defendant. Although since beginning of human history, it has been evident in lawbreaker courts that, when restoring order, the tendency was always to favor the guilty party, and the right to a fair trial of the alleged perpetrator is frequently simply ignored. Such strategies have occurred in outrageous unfair treatment for numerous alleged individuals who were eventually resolved or vindicated. Now is the moment to broaden our conception of justice and provide access to criminals as well.

For the same, honourable Delhi high court recently commented the need for such kind of legislation which help in rehabilitation of ex-convicts. Court says that "*It is unfortunate that in India, the government does not come out with guidelines pertaining to the problems of rehabilitation of ex-convicts, with emphasis on the need for their employment under the government.*"³⁹⁷ Some of the notable progressive thought supporting restorative justice are fruitful in present context of topic.

³⁹⁵ Supra citation no. 3

³⁹⁶ All of there're' words imply that this group of people are in some way returned to some state that previously they had occupied.

³⁹⁷ Government of NCT of Delhi & Anr. Vs. Robin Singh, 171 (2010) DLT 705

Many adherents of rehabilitation programs lead to a new issues involving to start to appear as a result of the excellently of interaction, discourse, emancipation, and comprehension. These people in favor span from advocacy for young offenders to designers of most intricate commission of inquiry public procurement or structured public agencies, such as concern law. The statements stated in support of restorative justice are at once instrumental, gradual, and expansive:

- Restorative justice promotes comprehension of lawlessness and warfare's core causes;
- Rehabilitation outcomes are often more probable to be adhered include;
- Rehabilitation methods lower values of recidivism;
- Rehabilitation provides the opportunity to reclaim, heal, and reform outlaws and reintegrate they within constructive activities Participation in Rehabilitation procedures are often more prone to create a sense of community, empathy, moral responsibility, mutuality, and reciprocity Attracting a lot of interested parties participating in its discussions, rehabilitation procedures promote community building, norm creation, and democratic engagement. Rehabilitation enables more genuine, not official, and fewer formalized interpersonal connections as well as interactions, resulting in a deeper level of comprehension.
- Addiction treatment methods are more able to freely express a number of many competitive prosecution attributes concurrently of wrongdoing, acknowledgement of the implications of wrongdoing (conviction, sense of shame), remuneration to survivors, socialization and rejuvenation, kindness and compassion, and personal morality are perhaps more imaginative, adaptable, and indicative of a pattern of sensitive fairness that is painlessly tolerant and inclusive and not as rigid as official hostile equality strife.
- Rehabilitation-based approaches are often more complex and involves individuals in pledges to oneself and many others, as well as to develop identity and consciousness. The fundamental principles of rehabilitation

foster a restorative and corrective picture of society, with the optimistic assumption that sometimes the poorest between us could well be rehabilitated to care about the greater good and the greatest for other people.

- The consequences of collaborative rehabilitative procedures can be established with sufficient complexity, uniqueness, and transparency than that of the outputs of conventional and overloaded law system; Rehabilitation may be less expensive and more effective, both monetarily and in terms of deterrence, than typical penological techniques;
- If rehabilitation concepts are victorious, the judiciary would've been significantly modified (reduced repressive and also more sensitive), if not entirely overhauled entirely abolished.³⁹⁸

3.3 REHABILITATION OF OFFENDER AND PRISON ADMINISTRATION

Presently, the purpose of punishments is to secure community by keeping criminals in check and stopping crime from happening by imprisoning the guilty, community is safeguarded against offenses he may otherwise conduct, but this is only a temporary measure. Institutions, custody, and incarceration still have a place in the system, but they are now the least preferred or last resort. In reality, criminals can't be locked up forever, and it's clear that they can't be since the same laws that put them in jail also let them out. For corrections to be positive and really "corrective," offenders must be sent back as legislation, tax-paying members of society to achieve this objective, the activities of penitentiary programs and services should result to services and interventions, providing felons with the skills they have to return to normal life as legislation, valued workers. This will help the community accept and trust the offenders again. Even if a person has to go to jail, the goal should be treatment, not just keeping them there.

³⁹⁸ Menkel-Meadow, Carrie J. Restorative Justice: What is it and does it Work? Georgetown Public Law Research Paper No. 1005485; Annual Review, 2007. Available at SSRN: <https://ssrn.com/abstract=1005485>

This will make it easier for the person to get back into society. So, rehabilitation is the main goal of corrections. However, reintegration, or making sure the offender is accepted by the community, is a secondary, if not equally important, goal to prevent recidivism, which is a sign that rehabilitation didn't work. The above goals are what the current Modern judicial methods and activities are discussed on the basis objectives, which also indicate the path correctional development must take place.³⁹⁹

The Criminal Justice System has four parts: the legislature, the judiciary, the executive branch, and the correctional administration. Article 246 of India's Constitution says that prisons are the responsibility of the state. This is written in the Seventh Schedule, List II (State List), Entry IV that also states: Jails, Rehabilitation facilities, Constituency bursary Facilities, and certain other facilities of a similar appearance; agreements with other nations for including imprisonment and organizations. The Government of India passed the Prisons Act in 1894 and the Prisoners Act in 1900 so that all the State Governments would know how to run their prisons.

Section 59 of the Prisons Act of 1894 gave each State Government the power to make its own regulations for running their jails. If a state lacks its own imprisonment handbook, the Crimes Rule covers of 1894, which is a central law, is used. The Model Prison Manual from 1960 is used by the Prison Administration as a guide. Crime comes from sick minds, so jails need to be like hospitals where people can get treatment and care. "Prisoner is a ward and not the slave of the State" should be kept in mind".⁴⁰⁰

As the expression goes, inmates are put to imprisonment "not as penalty but as penance." However, inmates are mistreated as if they've been not only put to jail

³⁹⁹ Von Hirsh A, ed. 2003. Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms? Portland, OR: Hart

⁴⁰⁰ Dr. W.C. Wreckless in The Tamil Nadu Prison Reforms Commission, Vol. II Chapter XL, p.83.

"as penalty," and moreover "for prison sentence." The therapy procedure must commence as soon as the prisoner is brought in. A new prisoner has a lot of problems getting used to his or her new surroundings. Studying each prisoner, putting them into groups at first, making sure they are well cared for and safe, and having strict but fair rules in prison are all necessary steps before designing a care plan that is well-rounded. The set schedule of prison life, the way and when food is served, and worries about health, family, and home issues like land, lawsuits, etc. keep bothering him. He tries to get along with the other prisoners, the staff, and the work that has been provided to him the offender will feel a bit better whether these essential needs and concerns are investigated, identified, and addressed by empathetic correctional professionals. This also provides the jail staff a chance to get to know the inmate and get his help in putting the treatment plan into action. So, the way a prisoner is treated should be based on these goals of the Prison and Correctional Administration, i.e.

1. To keep society safe from crime by keeping prisoners in a safe place and teaching them discipline.
2. To give prisoners the kind of conditions that will help them change and get better.
3. To give prisoners the basic facilities they need to keep their human dignity.
4. To get the people who work in prisons to work toward the above goals when they run prisons. To reach these goals in this situation, a well-thought-out and skillfully made policy is very important. It shows the "organization intent" and gives people and groups a way to work together.

From these points of view, the parts and pieces of a prison treatment programme can be broken down into the following: a calm, positive, and constructive environment in the prison, Good relationships between staff and prisoners built on trustworthiness the examination of each convict; the first categorization; the maintenance and well-being of each convict. Strong and constructive regulation, meeting the convicts' instant and essential demands and difficulties, and meeting

their protracted requirements. Creating a fully diversified educational and rehab facility that incorporates various aspects of teaching, job, skills courses, recreational opportunities, and intellectual pursuits, etc.⁴⁰¹

Enabling the prisoner's continued interaction between his relatives, society, and an outside world. A great system of consciousness rewards, including such recovery, consider leaving, moves to semi-open and open organizations, and which was before start releasing; personal guidelines, consultation, and case collaborate; team projects, collective advice, as well as cooperative learning; cultural implementation of suitable routines, behaviour, and methods; and time to prepare for social and cultural norms. Counseling, Services are fully, strong individual influence of educational establishment staff members, relatively frequent evaluation of the project, reevaluation, evaluation of paragraph and which was before, trying to plan for discharge, or before preparatory work, after medical services and follow-up, and society reintegration are all aspects of effective correctional programme. Involvement.⁴⁰²

A countries law is the mirror of society which depicts the socio- legal and quality of justice dispensed by state. Indian criminal justice chiefly based on “R” Models which can be summarized in progressive way “Man's approach to criminals can be conveniently summarized as a succession of four R's. Revenge, Restraint, Reformation and Reintegration. With the addition of each ‘R’ important changes were made in correctional process.” Different correction institution worldwide including India points toward the last two perspectives combined. The model we chose has a history with great socio-legal philosophers’ contribution and concludes toward “Rehabilitation” mainly.

⁴⁰¹ P. Dawson and L. Cuppleditch, “An impact assessment of the Prolific and Other Priority Offender programme”, Home Office Online Report 08/07 (London, Home Office, 2007).
18C. T. Griffiths, Y. Dandurand and D. Murdoch, the Social Reintegration of Offenders and Crime Prevention (Ottawa, Public Safety Canada, National Crime Prevention Centre, 2007).
19S. Farrall, Rethinking What Works with Offenders: Probation, Social Context and Distance from Crime (Cullompton, Devon, Willan Publishing, 2002), p. 212.

⁴⁰² Report of the All -India Committee on Jail Reforms (Mulla) 1980-83 Vol.1, Chapter X, Treatment Programme p.124

The basic objective of offender recovery is “to make the transition from the prison community to the free community as smooth and painless as possible by giving the prisoner financial and material assistance and psychological instruction, counselling and guidance and by offering or imposing some degree of continuing supervision where this is desirable. Help may be needed in obtaining employment, in obtaining accommodation, in re-establishing his position in the family, in settling various debts incurred while he was in custody or prior thereto, and in countless other directions”.

Incredibly valid is the Standard Incarceration Guidelines observation thus: *“Aftercare is the released person’s convalescence. It is the bridge which can carry him from the artificial and restricted environment of institutional custody, from doubts and difficulties, hesitations and handicaps, to satisfactory citizenship, resettlement and to ultimate rehabilitation of the free community”*⁴⁰³

The Objectives of Prisons and Correctional Administration could be classified as proposed by researcher into two broad categories. Entry and exit of offenders into prison. The entry of offender starts by incarceration and remain throughout the journey while he is in the prison. The real claim that rehabilitation works could be studied by the consequences it follows when an offender re-enters into society. This should be the chief aim of correction institution and for the same the researcher is focusing on “real rehabilitation by accepted re-entry of offenders.” present study by researcher aims for the same. The whole process could be summarized by following headings –

- (A) Physical conditions of jails - Overcrowding and congestion, sanitary conditions, and other fundamental necessities
- (B) Conditions of inmates - Pretrial, Convicted, and Detained
- (D) Prison Personnel - Total growth of Prison Personnel, Training

For the present study and research first two headings are important though in general but not for present context as this is the stage of Entry level. The two

⁴⁰³ Bureau of Police Research & Development 2002

chief remaining components must be discussed in the light of Employability of the offenders and in general also. Before discussing it, the researcher ought to consider the role of two important institutions namely police and correctional officers.

The police cannot neglect aftercare services for offenders so long as they contribute directly to by restoring convicts in the society, we can avoid and manage criminality, given that crime prevention and control are their primary tasks. The police, who are primarily occupied with managing Individuals make the assumption that preventing crime including custodial care and recovery of prisoners is the unique duty of preventive officials and counsellors, and because they have no part inside it in this area. But this is false. Due to the reality that the cops are the main authority that interacts with criminals, the protection of society against antisocial behaviour is reliant on them to a great extent. The police cannot afford to neglect this role; rather, they must collaborate closely with corrections officials and social workers to achieve the best possible outcome.⁴⁰⁴

The period immediately following the release from correctional facilities is a particularly tough one for criminals, and all the efforts of correctional staff would be in vain if sufficient aftercare were not provided. It is really the job of criminal administration to guarantee the efficacy of all program conducted in detention centers to maintain adequate communication with outside agencies in order to provide the released criminal with the required aftercare. In many countries, there exist programmes when public members are addressed by institutional authorities following release in order to offer the inmates with the required assistance and supervision that is also the responsibility of prison officers to inform the public about the relevance and use of inmates' public reintegration. If the culprit continued to be rejected by community and denied a second look, he would probably return to a criminal life. All of the money and effort put in intervention

⁴⁰⁴ Thakre, Amit, Impact of Community Policing in Nagpur - An Empirical Study (February 2, 2014). Thakre, A, G, (2014). Impact of Community Policing in Nagpur- An Empirical Study. Indian Journal of Criminology. . Available at SSRN: <https://ssrn.com/abstract=2421478>

programs would've been squandered if this occurred. Considering the fact that a significant lot of ideas and solutions have been produced on the development of after-care services for inmates in our nation over the course of the previous century, nothing has been accomplished the current state of these programmes paints a bleak image.

In this regard, services have been confined to providing temporary housing and financial aid to a relatively small number of recently released inmates. There are, of course, some released prisoners' assistance organizations throughout the nation, but with the exception of a few, they are all in dire financial straits and without public and official backing.⁴⁰⁵

3.4 CORRECTIONAL ADMINISTRATION

The right to personal liberty precludes harsh or humiliating punishments. The right to freedom of movement, as provided by the Constitution Article 19, may be curtailed only in accordance with the method provided by legislation in the interest of the people at large. If all the Indian society desires to have fewer criminals, it must take a two-pronged strategy to addressing the crime problem.

First, to combat the socioeconomic conditions that lead to the birth of crime, and second, to give all necessary assistance and cooperation to the treatment programmes that enable a criminal to reintegrate into society as a regular citizen. The period immediately following a former prisoner's release is one of the most crucial times of his life. The longer he is incarcerated, the less favorable his chances of rehabilitation become. The regular rituals of a confined lifestyle completely misguide someone for community interaction in a public world. His buddies have abandoned him and his family is in chaos. He lacks both resources and a support system. His land may possibly have been taken. The fact that he has been incarcerated has caused others to dislike him. The stigma of his incarceration and his criminal notoriety follow him everywhere he goes.⁴⁰⁶

⁴⁰⁵ National Crime Record Bureau, Prison Statistics 2013, Ministry of Home Affairs, Government of India, New Delhi, retrieved from www.prisonstudies.org.

⁴⁰⁶ Devarmani, Nandini, Institutional Treatment for Juveniles in India (February 2, 2017). Available at SSRN: <https://ssrn.com/abstract=2910226> or <http://dx.doi.org/10.2139/ssrn.2910226>

He seeks employment but is met with mistrust wherever he goes. He chooses to enroll in a service and fills out a form, but becomes confused when he reaches the question, "*Have you ever been arrested or convicted? Nobody is prepared to acknowledge that he has overcome the consequences of his violent record* and can now lead an honest and hardworking life. He lacks the bravery to inform others that he has emerged from a humiliating past and is making new and honest efforts to live a regular citizen's life. The humiliation of jail life frequently robs an individual of self-respect and independence. His mental faculties begin to weaken; he vacillates between thoughts and conclusions. His life is tight and difficult. He is like a crippled person recovering from a crime-related accident and attempting to regain his mobility. He requires assistance; he requires aftercare and rehabilitation.

The idea of reformation and rehabilitation of criminals imposes upon the prison administration the duty of utilizing the term of incarceration for offenders' treatment with the goal of reforming their behaviour for as seamless a reintegration with mainstream society as possible. The daily schedule of convicts must be organized such that their lives tend to progress toward the ultimate goal of their rehabilitation in society.

The whole prison environment, including the conduct of prison staff, should be imbued with good values, and convicts should be exposed to a wholesome setting in which they may self-reflect and be inspired to rehabilitate. Such a conducive environment is a prerequisite for the implementation of any sort of rehabilitative treatment. The convicts must get individualized treatment plans based on their treatment requirements and personality traits. In this part, the researcher describes the progression from education training to other methods aimed at rehabilitation and reintegration into society.

3.5 EDUCATION- A TOOL OF REHABILITATION

Education is the balanced and complete growth of psychosomatic abilities. It is a strategy that may be used to mold the offenders' skills, attitude, and behaviour.

Teenagers' education empowers them for socialization. It assists the offender in acquiring knowledge and skills that will aid in his recovery into community. Education is also a process of adapting to social surroundings. It is a procedure through which prisoners can be assisted in their eventual reintegration into society.⁴⁰⁷

Education is creating character via precept and example.⁴⁰⁸ Correctional officers should foster among inmates' positive practices and healthy mindsets. To this purpose, each prisoner should be provided with an education programme that will aid in his socialization and rehabilitation. To fulfil these goals, it is necessary to offer a trained teaching staff and minimal infrastructure amenities such as classrooms, libraries, and equipment. The education of illiterate juvenile and adult convicts is mandatory. Educational programmes will get special attention from Correctional Administration. Due to the vast differences in intellect ability and inclinations among inmates, it is necessary to construct a wide range of educational initiatives to meet their needs. After release from jail, prisoners need be reeducated in order to undertake regular responsibilities in society.

The educational curriculum should include content that assists the convict in becoming a productive member of social groupings. The curriculum should also aid in the development of the comprehension of the reasons and repercussions of misbehavior by inmates. The integrate technology at an organization should be appropriate to the quantity and make-up of the incarcerated population, and long enough time should be allotted for the course programme.⁴⁰⁹

The education of inmates must be interwoven with their rehabilitation with as little difficulties as possible. Additionally, educational programmes should be

⁴⁰⁷ Acemoglu, Daron and Angrist, Joshua. "How Large Are Human Capital Externalities? Evidence from Compulsory Schooling Laws." in B. Bernanke and K. Rogoff, eds., NBER macroeconomics annual, Vol. 15. Cambridge, MA: MIT Press, 2000, pp. 9-59

⁴⁰⁸ Veselak, Kristina M. "The Relationship between Educational Attainment and the Type of Crime Committed by Incarcerated Offenders." *Journal of Correctional Education* (1974-), vol. 66, no. 2, Correctional Education Association, 2015, pp. 30-56, <http://www.jstor.org/stable/26507656>.

⁴⁰⁹ Supra

linked to aftercare keeping in mind the specific requirements of prisoners, literature for inculcating a new set of values and attitudes in them should be developed, and every prisoner (including those awaiting trial) should be provided with an appropriate educational programme throughout his time in jail. Education should be a mandatory jail activity. At least one hour every day should be set up for this.

Every Central and District jail should feature a regular school where inmates can take lessons on a rotating basis. For under trial inmates and for convicts condemned to short durations of jail in the yards/enclosures where these inmates are incarcerated, studies by providing should be given. This would facilitate the formation of formal learning courses for prisoners who are required to participate in short - term and long, medium-, or long-term training materials.

3.6 VOCATIONAL TRAINING

Punitive measures are employed as a kind of punishment. Historically, arduous, unproductive labour was emphasized, and attempts meant to be as awkward as possible. In the reparative method, torture is not utilized as an aim in itself though, but rather as a way to develop particular talents in the offender. That, in addition to disciplining him, will assist him in finding a vocation that will enable him to this will allow him to maintain themselves post discharge, as well as make profit while he is incarcerated. In spite to these arguments, some prison officials consider it from a pragmatic perspective since it contributes to prison budgets. The prisoner is able to contribute to his support while incarcerated.⁴¹⁰

Skills education is among the best components for the upliftment of incarcerated individuals in penitentiaries. In India, apprenticeships courses provide incarcerated individuals with the opportunity to indulge in valuable uses for the period of respective imprisonment. This teaching not only compensates inmates for actual

⁴¹⁰ Ahmad Siddique, *Criminology, (Problems & perspectives)*, (India: Eastern Book Company, 1997) “at 158”.

efforts, but also leads to the formation of their cognitive functioning, allowing them to seek a career following their liberation.⁴¹¹

During 2015 in India: (1) in numerous jails, 52,105 inmates were deployed in different terms of work experience. (2) The maximum number of prisoners educated in woven fabrics was 8,473, accompanied by woodworking (5,762), reshaping (4,744), and livestock farming; (3) the largest amount of violent offenders skilled in garments, handloom, and soap & phenyl production; (4) the largest amount of prison officers educated in detailing, weavers, and body wash & phenyl production were reported from Punjab, with 906,919 and 214 inmates, respectively.⁴¹² At the end of 2015, 937 convicts in Odisha were educated through multiple apprenticeships projects in developing prisons. Including 20 inmates in carpentry, 130 in tailoring, and 390 in weaving, 45 in producing soap and phenyl, 211 in handloom, and 141 in others.⁴¹³

In 1950, during the twelfth International Penal and Penitentiary Conference, "work" was advocated as the greatest way to manage the talent of prisoners toward a constructive end. Maintaining the convicts' participation in productive labour would be beneficial for their physical and emotional health. It would also boost their self-esteem, allowing them to consider returning to society as law-abiding citizens. As indicated by the Penitentiary Conference, the biggest benefit of putting convicts to work is that they may use their income to assist their families and dependents. Thus, it would be advantageous for prisoners and profitable for the state. Further, it is proposed that human dignity ideals are upheld.⁴¹⁴

Amongst the most essential components of incarceration is rehabilitation has been found to be vocational training. The goals of giving inmates vocational

⁴¹¹ Jail Administration in India, Dr. Walter C. Reckless Commission Report, 1952, The All India Jail Manual Committee 1957-59, All India Committee on Jail Reforms, 1980-83 (Mulla Committee).

⁴¹² Sources: Prison Statistics India, 2015.

⁴¹³ Sources: Directorate of Prisons, Odisha.

⁴¹⁴ Barnes "&" Teeters, *New Horizons in Criminology*, 3rd Ed. "At 541".

training are: (a) to train and equip them for long-term vocational adjustment and rehabilitation; (b) to teach peoples employment abilities, career etiquette, skill - based practices as well as phases, expertise, and methodologies; (c) to enhance about their employees' skills, key competencies, job satisfaction, career insight, and exquisite, getting ready people for hours of employment around the work force; and (d) to establish an energetic community of learners. Community for them.⁴¹⁵

The Supreme Court of India was asked to decide whenever inmates who are required to perform as portion of their sentence are to be compensated for their labour, it should be at the levels established by the Fair Labor Standards act. This is a really vital question. In response to "yes," lawsuit *Judicial Branch of the Gujarat and Others v. the Honourable High Court of Gujarat* was filed.⁴¹⁶ No prisoner can be forced to work without getting paid for it. This is not only the right thing to do, but also a social and moral obligation. When you take someone's job without compensating people in every way, it reminds me of slavery and the beggar system.

3.6.1 TYPES OF VOCATIONAL TRAINING IN INDIAN PRISONS:

In all Indian prisons, prisoners can get training in building projects, concrete blocks, furniture making, electronically controlled fixtures, customizing, fully prepared clothing production, snakeskin take a job, travelling, local police, farming, gardening, beverages, livestock, ornamental plants, repairs of diesel, preservation of air compressors, farm equipment mending, vehicle handling and patching up, walking stick take a job, bowl trying to make, ceramics, chapter adhesion, texting., computing, etc. Now, prisoners in Tihar Jail who work in factories get paid at the rates set by the government of Delhi. (1) Qualified professional: Rs 52 each day. (2) Medium put to work: Rs 44 each day. (3) Under

⁴¹⁵ Ministry of Home Affairs, Government of India, All India Committee on Jail Reforms, Volume-I, 1980-83, at 143, 148, 149, 158, 159, Para 11.3, 11.19, 11.20, 11.24, 11.25, 11.33.45, 11.33.46, 11.33.47 & 11.33.51.

⁴¹⁶ Civil Appeal Nos. 8443-44/83, W.P.(CRL) Nos. 1113-1122/83 W.P.(C) No. 14150/84,

skilled employee: Rs 40 each day. In Odisha, inmates are offered professional employment such as agriculture, woodworking, embroidery, hand-weaving detergent and perfume, as well as other activities. The vocational training facilities in a jail are mostly determined by the availability of raw materials, the needs and wants of the local market, and the marketing of finished products.⁴¹⁷

Vocational training is an important part of helping prisoners get back on their feet in social and economic ways after they get out.⁴¹⁸ But there are steps that need to be taken to make it work better. There should be enough, realistic, and unofficial accommodations in detention centers to accommodate the educational and vocational training needs of prisoners, so that they can get back on their feet socially and economically as soon as they get out of jail.⁴¹⁹

The inmates should be compensated equitably for their good labour. Every five years, the salary should be examined by a "Review Board." As required, a percentage of the salary shall be paid into a sufferer benefit fund to compensate the descendants of trafficked persons monetarily.⁴²⁰ To aid a prisoner's rehabilitation after release, arrangements must be made for the issuance of certificates upon completion of vocational training/education, and links utilizing Statewide Academic Programs must be established to assure continuation in training immediately following.

Not just in India, but also in the United States and the United Kingdom, the national wages legislation prohibits paying convicts. In addition this has been declared that perhaps the court decisions and other prisoner panels have directed and suggested that the remuneration must be suitable and impartial, and thus should be modified to help in the restoration of prisoners of released inmates.

⁴¹⁷ Government of India, Ministry of Home Affairs, Model Prison Manual, 2016, at 169, Para 15.27.

⁴¹⁸ Mohammad Giasuddin v. State of A.P - AIR 1977 SC 1926.

⁴¹⁹ Gurudeva Singh V. Stae of H.P. - AIR 1992 SC 776.

⁴²⁰ Bureau of Police Research and Development, Government of India, Ministry of Home Affairs, Draft National Policy on Prison Reforms and Correctional Administration, Part-III, 1stDecember,2005, at 184.

3.7 AFTERCARE AND REHABILITATION: THE RESULT OF RE-ENTRY

At this time, there is no automatic legal help for freed prisoners from the government or other organizations. A legislation comparable to Japan's "Law for Offenders Rehabilitation Services" (1995) or comparable legislation prevalent in other industrialized nations might contribute significantly to the expansion about treatment programs.

In 1983 The All-India Committee on Jail Reforms highly recommended that now the Administration of Prison systems and Community Corrections be contractually established responsible for the aftercare of convicts released from prisons and related facilities. From the first days of incarceration, prison guards should be instructed on how to assist inmates with their rehabilitation.⁴²¹ They should always be furnished with preventive and rehabilitative abilities to accommodate access to justice for indigenous detainees, enable the others in trying to maintain contact with friends and family, convince their own neighborhoods to recognize them again, and maintain cordial relations with non-profit organizations which might support in the convicts' healing.. In order to help the reintegration of released inmates into society, police personnel, particularly at the local level, should also be taught in how to interact with them.⁴²²

In every state's capital, a team of well-trained officials should be stationed to review, supervise, and coordinate rehabilitation efforts. They will keep constant communication with nonprofit groups employed in the production of post-release treatment and recuperation for formerly incarcerated individuals. As soon as a prisoner is in, preparations for aftercare should be made. In addition, Expand the amount of recovery establishments to satisfy the all freed offenders from the

⁴²¹ Ananya Das Gupta, "After-Care of Institutionalized Juveniles in Historical Perspective" in N. K. Chakrabarti, Ed. *Institutional Corrections, In the Administration of Criminal Justice*, (New Delhi: Deep & Deep Publications Pvt. Ltd, 1999) at 16

⁴²² Central Social Welfare Board, Govt. Of India, Report of the Advisory Committee, After-Care Programme, (1974), at 1

nation's prison establishments have recovery concerns.⁴²³ Both non-profit and government organizations involved in aftercare and follow-up activities should be sufficiently prepared infrastructural and technically in order to carry out their responsibilities. Volunteers involved in aftercare should be provided with the required training, encouragement, assistance, direction, and rewards in order for them to carry out their duties effectively and maintain their motivation.

As long as prison cells keep going to be ruled by inadequately, poorly, cheap – anti staff, most of whom are dissatisfied with their exhausting work stress, have seemed to be afflicted by demotivation, and essentially exist to support with their time behind bars as ceremonial individualists to the holding cells legislation and requirements, the jail's safety and security will proceed to be compromised efforts to achieve reform ideals will always be futile. The bulk, if not all, prison guards are the lowest of the low. Some of them interact with the detainees in a nasty, harsh, dirty, and corrupt manner. Such security officers disregard the power of the custodian and start abusing the systems and its budgies to the greatest detriment by all the parties. Therefore, As far as corrections officers stay illiberal, it is apparent that bars cannot be altered collective.

To change corrections officers, it is required to conduct a massive employee strategic plan in institutions and to push a hiring attitude that seeks to pick individuals who are compassionate in their view, incorruptible in their conduct, and respectful towards inmates. Undoubtedly, such individuals are difficult to locate, but it is hoped that they will be accessible if the pay ranges for the various types of prison-keeping duties are sufficiently appealing, commensurate with their technical or professional degrees. Our prison staff, like our inmates, have their own tragic stories to tell. Therefore, it is imperative that any efforts to change the prison system should not focus solely on the convicts' perspective.

Efforts to improve prisons should also seek to understand whatever lies beneath the 'central defenders' and recommend a big dose of change to alleviate the

⁴²³ R. Deb, After-care Organization, Journal of Indian Law Institute, Vol. 13:4, (1971) at 518)

condition of these dissatisfied captives. The solution of upliftment is not restricted to criminal justice officials. It is actually the responsibility of penal authorities and judges who continue to feel that their duties are best served if the offenders they catch and convict are sent to jail.⁴²⁴

In their view, the jail is a repository for human trash that society wishes to remove from public view and consciousness. This approach to crime prevention and offender treatment is now being appropriately critiqued, and effective alternatives to incarceration are being sought. Only when the bulk of short-term inmates and minor. After paying the penalty, criminals are either released on parole or cleared penalties will the jail population be decreased. A liberal parole policy would also result in a considerable decrease in the jail population. The most recent call of "correctional facilities" is a hopeful sign that'd solve a number of difficulties with India's current criminal justice system.⁴²⁵

3.8 INVOLVEMENT OF COMMUNITY

The public's involvement in corrections can take two forms: (i) community-based treatment programmes for deviants, and (ii) community involvement in institutional correctional labour, aftercare, and rehabilitation of offenders.

The purpose of each of these types of public engagement is the same: to encourage and assist the criminal in his reintegration into society upon his release. The emergence of the first type of public involvement, community-based correctional programmes, is the result of a shift in criminal philosophy from one of punishment to one of rehabilitation.⁴²⁶

It is believed that the purpose of protecting society can be accomplished more effectively by recovering the offender than by putting temporary or permanent

⁴²⁴ Supra

⁴²⁵ K.D. Gaur, Commentary on the Indian Penal Code, 1860(Universal Law Publishers, New Delhi, 2016)
Dr. Krishna Pal Malik, Penology, Victimology & Correctional Administration in India42 (Allahabad Law Agency, Allahabad).

⁴²⁶ M. Borzycki and T. Makkai, "Prisoner reintegration post-release". Available at <http://www.ibrarian.net/navon/page.jsp?paperID=6084622&searchTerm=prison+reintegration>

constraints on him. The only justification for isolating the perpetrator from the community is to ensure public safety. Community-based punishment necessitates that the treatment of the offender be conceptualized within the natural interactions of a free society. Community-based correctional programmes include any activity in the community directly directed at the offender and designed to assist him in becoming a law-abiding member of society. Such a programme may operate under public or private sponsorship. It may be administered either directly by a correctional agency or by a non-correctional provider.

We will be successful in controlling crime if we generate public awareness regarding the role and responsibility of the community in violence detection and care of prisoners through systematic and sustained efforts of basing the treatment of offenders in the community itself and by encouraging community participation in the criminal's rehabilitation process.⁴²⁷

The community owes him the responsibility of instilling in him a greater resistance to evil and an attitude of self-reliance. Through examples, precepts, and regular social interactions, the society may demonstrate to him that he can obtain what he needs through moral and lawful ways. Society should be made aware of the role it can play in violence detection and care of prisoners through an aggressive public education campaign. The Public Relations Cell at the Prison Headquarters should be given responsibility for the public education campaign, and the whole correctional staff should participate.⁴²⁸

3.9 CRIMINOLOGICAL THEORIES -REENTRY IN SOCIETY AND THE PROBLEMS

Much of the challenges faced by ex-offenders upon their reintroduction to these societies may very well be anticipated and managed. The issue that for too long, the practice has been to treat ex-offenders without assistance or with minimal or

⁴²⁷ Dawson and L. Cuppleditch, "An impact assessment of the Prolific and Other Priority Offender programme", Home Office Online Report 08/07 (London, Home Office, 2007).

⁴²⁸ C. T. Griffiths, Y. Dandurand and D. Murdoch, the Social Reintegration of Offenders and Crime Prevention (Ottawa, Public Safety Canada, National Crime Prevention Centre, 2007).

no assistance or direction. An essential first step in resolving the tangled issues faced by ex-offenders is to acknowledge openly that they share shared challenges. Given these obstacles, it would seem sensible to develop a plan for former offenders to follow. In establishing a strategy to handle the tangle of re-entry challenges confronting returning offenders, it is important to additionally consider gender and location.⁴²⁹

As a first step toward coordination, one can examine the multiple channels of communication the criminal has across the continuity from imprisonment back release. This review would surely imply a function for imprisonment authorities before to the accused's discharge. Effective organization of activities for the culprit includes analyzing the accused's requirements while confined and delivering different types of services to which the offender may have access upon release. At a bare minimum, for instance, prison authorities may verify that, upon release, offenders obtain state-issued identifications that are appropriate.

Medical services, addiction rehab centers, and employment aid will all be interconnected from facilities to localities, so ex-offenders have a sort of road map to follow, therefore reducing disruptions and providing a management system as individuals start reintegration.. Still, the ex-most offender's important difficulties are those that impede his or her capacity to become a productive member of society.

The communities that get the greatest many of the ex-criminals are also the most frequently at danger, therefore collaborative initiatives must take this into account.⁴³⁰ The high imprisonment rate has contributed to the burdens of poor minority populations While the offender is jailed, the elimination of teenage male minimum wage workers and family believe has a significant effect on the

⁴²⁹ Bureau of Justice Statistics. (2002). *Recidivism of Prisoners Released in 1994*. (Index No. NCJ 193427). Washington, D.C.: Author.

⁴³⁰ James P. Lynch & William J. Sabol, *Prisoner Reentry in Perspective*, Crime Pol'y Rep. (Urban Inst. Justice Policy Ctr., Washington, D.C.), Sept. 2001, at 4, 15, http://www.urban.org/UploadedPDF/410213_reentry.pdf.

development framework of impoverished communities.. Later a criminal's release, unemployment and a lack of significant community connections may continue.⁴³¹ What can and ought societies to provide support for returning ex-criminal if conditions continue to deteriorate? Appropriate would be, at quite a minimal, a concerted investment to produce public research campaigns tailored to people and societies regarding the consequences of re-entry and the necessity to offer assistance.

These programmes should identify the difficulties that every ex-criminal in the society face. Those categories of ex-criminals who might have special challenges, such as women with children or ex-criminals along with certain ongoing health challenges, societies must encourage broad assistance. One of the studies done by The Ministry of the U.K has described three paths to recidivism which increase the chances of relapsing into offence or follow the path of recidivism. Attitudes and behaviour, health, education and employment – This is of the utmost importance in the former offender's fight against recidivism, finances and debt, abuse, prostitution, housing, drugs and alcohol, children and families in order to successfully reenter society. The unintended ramifications related with such a felony conviction constitute a system of worsening loss for ex-prisoners striving to avoid a back to criminality behaviour.⁴³² For the theoretical point of view the researcher want to through some light upon popular perspectives of criminological theories which explain possibilities of relapsing ex-convicts into crime again.

3.9.1- STIGMA, EX-OFFENDER AND SECOND-CLASS CITIZEN

Being labelled a stigmatized individual has significant consequences is that what people think and feel about themselves because what people deserve to be treated by someone in their environment.⁴³³ As per psychologists, stigmatizing behaviors

⁴³¹ John Hagan & Ronit Dinovitzer, *Collateral Consequences of Imprisonment for Children, Communities, and Prisoners*, in *26 Prisons: Crime and Justice* 121, 121–22 (Michael Tonry & Joan Petersilia eds., 1999).

⁴³² Freudenburg, N., Daniels, J., Crum, M., Perkins, T., & Richie, B. (2005). Coming home from jail: The social and health consequences of community re-entry for women, male adolescents, and their families and communities. *American Journal of Public Health*, 95, 1725–1736.

⁴³³ Link, Bruce. G., Frances T. Cullen, Elmer L. Struening, Patrick E. Shrout, and Bruce P. Dohrenwend. 1989. "A Modified Labelling Theory Approach to Mental Disorders: An Empirical Assessment." *American Sociological Review* 54:400–423.

can impede performance and lead to relapse in crime, poor mental health, and difficulty engaging in charity work.⁴³⁴

Empirical research consistently demonstrates these links in non-correctional populations, while research on offenders is limited. Offenders are ostracized by temporary and there are occasionally temporary restrictions on elections, property, cash assistance, work, as well as other fields of social engagement. The structural hurdles impacting the community reintegration of criminal offenders have been explored in detail elsewhere. The psychological responses of offenders to stigma may be essential to comprehending their reintegration into the society following their start releasing from imprisonment or exile.

The stigma associated with criminal offenders has been researched largely through the perspective of Labeling Theory.⁴³⁵ In criminology, Labelling Theory asserts that being lawfully designated as a criminal (e.g., being incarcerated or possessing a guilty verdict) leads to the assimilation of stigmatizing attitudes, withdrawal from mainstream society, and the adoption of a delinquent personality. Various studies applying this concept contrasted realistic parties of criminals who have been guilty or continued to serve time behind bars to someone who had conviction overturned, occasionally indicating that the majority of participants (i.e., stigmatized persons) are more likely to commit future crimes to recidivism than the latter group.⁴³⁶ Despite being labelled with a stigmatized identity, psychological research indicates that not all members of a stigmatized group have adverse outcomes.

Ongoing psychological study shows that someone being tagged alone does not imply negative results; rather, functionality is determined by variances in how

⁴³⁴ Inzlicht, Michael, Alexa M. Tullett, and Jennifer N. Gutsell. 2012. "Stereotype Threat Spillover: The Short- and Long- Term Effects of Coping with Threats to Social Identity." Pp. 107-123 in *Stereotype Threat: Theory, Process, and Application*, edited by M. Inzlicht and T. Schmader, New York: Oxford University Press.

⁴³⁵ Lemert, Edwin M. 1974. "Beyond Mead: The Societal Reaction to Deviance." *Social Problems* 21:457-468.

⁴³⁶ Worrall, John L. and Robert Morris. 2011. "Inmate Custody Levels and Prison Rule Violations." *The Prison Journal* 91:131-157.

individuals perceive and react to being branded and how much they expect future discrimination.⁴³⁷ Because of this, the Modified Labeling Theory may be used to design a psychological process via which stigma influences the behaviour of criminal offenders.

When individuals becoming members of a marginalized community (and are thus legally categorized), engrained social prejudices may be perceived as pertinent, resulting in internalization of shame (identity changes, negative self-views, etc.). This drives individuals to predict shame and adopt diverse coping methods for their stigmatized identities that may even be detrimental and worsen dysfunctional behaviour. The modern studies show the relationship between from perceived stigma which results into probable relapsing behaviour.

Sociological and psychological research demonstrates that stigma influences individual behaviour via additional information concerning involving organizational impediments which marginalize minorities (systemic issues), communities' prejudices and racism (cultural norms), and individuals' reactions to such considerations (self- factors). Experiences of discrimination seems to be the initial step along the way through whom prejudice impacts an individual's' behavior according to a complete model of the many stigmatizing aspects. Perceived stigma refers to people' impressions of stigmatizing sentiments and unfavorable preconceptions held by the general public against a group.⁴³⁸

The term felt stigma was derived the bulk of studies on stigmatization has used tag's stereotyping scale to measure the concept of diversity in psychiatric patients. It is considered that the perception that someone whose group is disregarded by the community has a negative aspect of self and personality, which would in turn

⁴³⁷ Major, Brenda and Laurei T. O'Brien. 2005. "The Social Psychology of Stigma." *Annual Review of Psychology* 56:393- 421.

⁴³⁸ Corrigan, Patrick W., Jonathon E. Larson, and Sachiko A. Kuwabara. 2010. "Social Psychology of the Stigma of Mental Illness: Public and Self-Stigma Models." Pp. 51-68 in *Social Psychological Foundations of Clinical Psychology*, edited by J. E. Maddux and J. P. Tangney. New York: Guilford Press.

impacts prospective relationship hopes, tolerance, psychological wellbeing, and conduct. Investigation throughout non-correctional forms of prejudice (e.g., person with psychiatric condition, sufferers, and inhabitants who are using narcotics) shows because the more people perceived that their own community is diminished by the audience, the further they suffer adverse personal and behavioral symptoms of depression and anxiety, poor social interactions, and low perceived community integration. Actual indicators of dysfunctional activity, including joblessness among those Suffering from a mental disorder and drug abusers, have been connected to stigma perceptions.⁴³⁹

3.9.2- LIFE COURSE THEORY AND PRISONER REENTRY

The association between age and crime is one of the criminology "facts" that has been studied the most. In addition, it has been — and continues to be — one of the most disputed subjects, with experts holding divergent opinions on its interpretation and significance.⁴⁴⁰

In particular, the strength of the relationship connecting aging and criminality begs the dilemma that if the cumulative trend displayed by the maturity level graph is more or less comparable to the trend of professional achievements. A significant amount of information has been generated addressing the onset, endurance, and deviance of illegal activity across the service life. This acknowledges the ancient record of professional interest in the point in life relationship. In a similar manner, this extensive study has encouraged the creation of Concepts of criminality which have been presented by several social scientists fields.

In addition to describe the variations in illegal activity throughout lifetime period, these theories also give hypotheses as to how and why people' engagement Injustices may change during significant phases of growth. In the study of crime,

⁴³⁹ Prince, Pamela N. and Christopher R. Prince. 2002. "Perceived Stigma and Community Integration among Clients of Assertive Community Treatment." *Psychiatric Rehabilitation Journal* 25:323-331.

⁴⁴⁰ Farrington, D. P. (2003). Developmental and life-course criminology: Key theoretical and empirical issues. *Criminology*, 41, 221-255.

there is also an open dialogue over the relative importance of complying individual qualities and flexible exterior social circumstances in describing an individual's chances of involvement in crime. On the one hand, there will be some who argue that individuals overcome criminal and other comparable tendencies early in childhood and therefore these tendencies stay generally relatively enduring proposes that differences in society contacts across a whole person's life can impact his or her subsequent offending despite earlier criminal backgrounds, highlights the opposite viewpoint. Law enforcement experts have recently become interested in the phenomenon of convict re-entry, which has strategy implications. According to the United States Department of Justice, 635 000 prisoners were released from state and federal prisons in 2000.⁴⁴¹ It is anticipated that these figures will rise in the future years.⁴⁴²

This shows a significant proportion repatriation of offenders to their former areas. Anything occurs to all these individuals upon their release from jail is of considerable significance not just to criminologists, but also to the police, the courts, and the population of the towns where they reside. If these individuals are able to effectively possibility of reintegrating into community and leading active lifestyles of future criminal behaviour may be lowered. However, if individuals stay ostracized and unable to properly integrate themselves into some type of productive living, their likelihood of committing more crimes increases, at least according to those who argue that transformation is significant. As indicated, the theoretical framework given by Sampson and Laub provides a basis for testing the differential ability of released criminals to effectively reintegrate into society.

For study and intensive reasons, it is vital to get acquainted with illegal jargon careers in order to comprehend what crime across the life course truly entails. A criminal career is, in its simplest form, a description of the longitudinal series of crimes committed by a single offender. As the term longitudinal indicates,

⁴⁴¹ Bureau of Justice Statistics, 2002.

⁴⁴² Sampson, R. J. And Laub, J. H. (1993) 'Crime in the Making: Pathways and Turning Points through Life', *Crime & Delinquency*, 39(3), pp. 396–396. Doi: 10.1177/001128793039003010.

criminal careers have an intrinsic temporal dimension. In addition, this shows analysts can determine the length of a law enforcement career since there are identifiable starting and finishing moments.⁴⁴³ The illegal profession model identifies that certain persons begin committing crimes at a given age, continue to conduct a variety of offences for a length of time, and eventually cease committing crimes. In light of The lawbreaker professional life approach implies analyzing the causative factors and predictors connected with because then when people start disrespecting (onset), where and how they proceed disrespecting (preservation), how as well as whether inappropriate behaviour is becoming more frequent (aggression) or specialized, about why and when they prevent disrespecting (termination) (desistance).

3.9.3- SOCIAL CONTROL THEORIES AND CRIMINAL PATHWAY

The concept of social bonds dates back to Durkheim (1951, 1897) and emphasizes the effect of forces outside the individual that affect the behaviour of individuals. According to Durkheim, persons are embedded in social relations in a manner that causes them to conform to the behaviour of the group. The extent of this embeddedness has a direct effect on whether an individual will behave in ways that are against the mores of the culture in which that person is (or is not) embedded.

Durkheim used the action of suicide to demonstrate his perspective and showed that levels of embeddedness could predict rates of suicide in a macro-level analysis. He hypothesized that Protestants were less embedded in their religious institutions than were Catholics, and correspondingly found that Protestants committed suicide at a higher rate than Catholics. Likewise, he found the persons who were married were less likely to commit suicide than unmarried persons.

⁴⁴³ Barnett, Arnold; Blumstein, Alfred; and Farrington, David P. "Probabilistic Models of Youthful Criminal Careers." *Criminology* 25 (1987): 83–108. Blumstein, Alfred; Farrington, David P.; and Moitra, Soumyo D. "Delinquency Careers: Innocents, Desisters, and Persisters." In *Crime and Justice*, Volume 6. Edited by Michael Tonry and Norval Morris. Chicago: University of Chicago Press, 1985.

The key to Durkheim's approach was that persons were constrained from doing something by forces outside themselves, by forces that existed in society at large and exerted an influence upon the individual due to the nature of his or her relations⁴⁴⁴. This was different from the classical trait theories discussed earlier that contended that persons were constrained from crime by forces within themselves. As such, Durkheim's notion was a radical departure from pre-classical theories that argued that criminals were primarily evil or insane. Durkheim's theory remained at the macro level and did not delineate micro-level processes regarding crime.

He was more concerned with behaviour in general, which he argued was affected by the two forces of integration and regulation. Integration was described as a level of bondedness or embeddedness that an individual had with a social group and measured how one subsumed the beliefs and attitudes of the group. Proper integration resulted in the internalization of the collective conscience, or the will of the group. When integration failed, an individual's social bonds were weakened, leading to a more individualized manner of thinking and acting that would, in turn, more often open them to the possibility of crime. Regulation on the other hand, is the combination of externalized forces that keeps individuals in line. Regulation becomes more important in advanced societies, according to Durkheim, as levels of integration fail. Regulation is important because it serves as a constraint on behaviour. For example, an individual may not agree with the regulation at hand, but they are likely to agree with the social order and recognize the need for regulation. As a result, they comply with the regulation.

As social order breaks down or loses its legitimacy, however, the force of regulation is weakened, increasing the likelihood of individualized ways of acting, including crime. While Durkheim's discussion of crime was as a macro level mechanism used to define the limits of acceptable behaviour, his focus on how

⁴⁴⁴ Durkheim, E. (1951 (1987)). *Suicide, a study in sociology*. Translated by Spaulding, J. A. and Simpson G. Glencoe, New York: The Free Press.

social processes influence individuals has led to one of the strongest traditions in criminology; that of social control.

Durkheim laid the groundwork for what would develop into the various theoretical perspectives that exist under the umbrella of control theory, even though he never laid out a theory of how social forces worked at the individual level. A series of theorists beginning in the 1940s advanced Durkheim's ideas, developing them further, adding elements and refining others. Sampson and Laub are thus standing on the shoulders of a long tradition. The section that follows discusses the evolution of this theorizing.

Albert Reiss picked up where Durkheim left off with the publication of *Delinquency as the Failure of Personal and Social Controls*.⁴⁴⁵ Note that Reiss refers to both personal and social control in his title. Personal controls referred to the individual's capacity to meet goals in ways that did not conflict with the goals and norms of the community. Social control, on the other hand, was the ability of the community to ensure that its goals and norms were effective. In some ways, then, social control can be seen, according to Reiss, as a mechanism for instilling personal controls. Reiss drew his conclusions from the examination of the probation records of 1,100 White male juveniles. He found that probation was more likely to be revoked among those whose tests showed weak ego or superego scores on psychiatric examinations, or who did not attend school regularly and were labelled problematic when they did so. He suggested that the two were related, and the weak ego scores indicated a lack of personal control, while the poor school performance was evidence of poor social control. Although Reiss has been criticized for drawing tautological conclusions from his data (probation revocations came largely from the recommendation of the psychiatrist, so to say that the score on the exam was an independent predictor of the revocation is tautological) and for ignoring a host of factors related to personal and social

⁴⁴⁵ Reiss, A. (1951). "Delinquency as a failure of personal and social controls." *American Sociological Review*, 16:196-207.

control that showed no effect on probation revocation, his contribution was extremely important for the development of social control theory because it outlined a criminological approach that differed from the social disorganization and differential association theories popular at the time.⁴⁴⁶

The control approach was further advanced by F. Ivan Nye. Nye was the first to turn the delinquency question on its head, suggesting that conformity is what needed to be explained, not nonconformity.⁴⁴⁷ Nye also suggested that theorists did not need to seek the process that caused people to become delinquent, but rather those that constrained them from practicing what would be a normal course of action. He assumed that individuals who were not constrained would naturally seek those courses of action that most benefited them.

Nye's assumption was that when those factors that constrained an individual from nonconforming behaviour were functioning properly, he or she would act in accord with the norms of society. When, on the other hand, constraining factors were not functioning properly, deviance became a possibility. Nye argued that the family was the most important agent of social control. He suggested four mechanisms of control that influence people: Direct, Indirect, Internalized and that which occurred through the availability of alternative means of need satisfaction. Direct control was manifested by outside pressure from parents, but also from teachers and the police if necessary. This involved actual restraint from performing unallowable behaviour, and punishment when those in control discovered behaviour against the rules.

Indirect control resulted from affection for and integration of the individual into the group to which he or she was supposed to conform. The effect was largely in the family, and Nye argued that those who were close to their families and felt affection for them were less likely to be deviant. The effect was indirect in that no

⁴⁴⁶ Vold. G. B., Bernard. T. J., & Snipes. (1998). *Theoretical Criminology*. 4th Ed. New York: Oxford University Press

⁴⁴⁷ Nye. F. I. (1958). *Family relationships and delinquent behavior*. New York. John Wiley.

one forced the person to behave or necessarily punished him or her when they did not, rather, they acted in a fashion that would not antagonize those they were close to. Internalized control was that which the individual used over him or herself. Very similar to the conscience or superego, Nye claimed that persons differed in their ability to override their natural tendencies to act in an impulsive and nonconforming manner. This could occur absent any direct authority or in a situation where the indirect control was ineffective (for example, if the family were certain to not discover the action). Lastly, Nye claimed that a culture that allowed individuals multiple routes to success, and multiple definitions of success exerted a form of control on persons by not forcing them into an overly constrained social situation.

A society with a larger number of acceptable means of satisfaction created an environment in which nonconformity was less necessary for more people. Nye tested his ideas on a sample of 780 juveniles aged 9 to 12. He used a survey instrument to ask about their family lives and their involvement in minor forms of delinquency. He scored 25% of the group in the most delinquent category and compared this group to the remaining 75%. He found that those in the delinquent group had more freedom compared to the non-delinquent group. He found a host of measures associated with parental discord to be more prevalent in the delinquent group, as well as those who felt rejected by their parents. He also found that children of single mothers were more delinquent, and that older or eldest children, children from smaller families and rural children were less delinquent than their otherwise situated counterparts. Based on these results, Nye concluded that there was overwhelming evidence that the more delinquent children were less controlled in a large variety of ways.

Although Nye came under a scathing attack by *Jackson Toby* (1957), his approach both reflects the influence of Durkheim and holds the seeds of all control theories

that followed⁴⁴⁸. Toby, meanwhile, had advanced an approach that is sometimes included under the umbrella of control theories. Toby was concerned with a person's stakes in conformity. He argued that the more a person had to lose as a result of crime, the less likely they were to commit one. While not stating his ideas as a control theory, the investment one has in conformity can be seen to act as a constraining force keeping a person away from nonconforming behaviour. This idea would be taken up later as a key element of Travis Hirschi's social bonds theory.

In 1967 Walter Reckless published the fourth edition of his book *The Crime Problem*, in which he advanced his Containment Theory of Delinquency. Reckless had been investigating the social-psychological aspects of delinquency causation for nearly two decades, publishing with his colleagues a host of papers investigating why so many persons in neighborhoods plagued by supposed crime causing conditions were not criminals⁴⁴⁹. Much of this work focused on the self-concept and argued that persons in these neighborhoods who avoided crime were insulated by a conception of themselves as law abiding, conforming citizens.

In his *Containment Theory*, Reckless⁴⁵⁰ (1967) argued that there existed pushes and pulls towards criminal behaviour. These could take many forms. Pushes could be caused by structural conditions such as poverty or from psychological or even biological factors that pushed one towards the idea of delinquency. Pulls were things such as illegitimate opportunities to commit delinquent acts and were said to pull a person towards the possibility of delinquent behaviour. Reckless and his colleagues contended that everyone experienced these pushes and pulls to a certain degree. What Reckless was interested in was why some people succumbed to these

⁴⁴⁸ Toby, J. (1957). "Social disorganization and stake in conformity: complementary factors of the predatory behaviour of hoodlums." *Journal of Criminal Law, Criminology and Police Science*, 38:12- 17.

⁴⁴⁹ Scarpitti, F. R., Murray, E., Dinitz, S., & Reckless, W. C. (1960). "The good boy in the high delinquency area 4 years later." *American Sociological Review*, 25: 555-558.

⁴⁵⁰ Reckless, W. C. (1967). *The crime problem*. 4th edition. New York: Appleton-Century-Crofts.

forces and some did not. He argued that persons have both inner and outer containments that must be broken down in order for delinquency to occur. Outer containment referred to those things that bond a person to a group, such as meaningful roles, reasonable limits on those roles and behaviour, and reinforcement of the roles and limits by meaningful others in a manner that created a sense of belonging. Interestingly, Reckless pointed out that these factors were important in modern, industrialized societies, but suggested the idea that other factors might replace these in cultures with different organizing principles. Reckless' key focus, however, was on inner containment. Outer containment could shift or dissolve as a person moved through life, but inner containment, once established, was much more viable. Reckless identified four inner confinement factors: Self-perception, achievement goals, emotional control, and normative preservation. The subconscious was seen as a strong inner constraint. Once a person developed a self-concept as a non-criminal or non-deviant, they were very unlikely to engage in deviant acts, in spite of exposure to various pushes and pulls towards it. Goal orientation was described as having a sense of direction in life that involved the desire for legitimate and reasonably obtainable goals. Goal orientation was balanced to some degree by frustration tolerance.

Reckless recognized that people's opportunities for successfully reaching their goals were often blocked or at least disrupted, and that this would obviously create frustration. Yet not all frustrated people would turn to deviance. This was partially explained by differing levels of frustration tolerance, the ability of an individual to cope with disappointing life circumstances. Norm retention consisted of a person's "adherence to, commitment to, acceptance of, identification with, legitimation of, and defense of values, norms, laws, codes, institutions and customs."⁴⁵¹

Norm retention was viewed as the acceptance of legitimate means, while goal orientation was viewed as the acceptance of legitimate ends. Reckless saw norm

⁴⁵¹ Ibid

retention as the norm and was more concerned with norm erosion or the process by which people came to lose their faith in the legitimacy of formally accepted means. It is important to note that Reckless was hypothesizing that people's level of inner containment, at least regarding norm retention, was fluid, that is, it could change throughout one's life.

When the conflict between static theories and Sampson and Laub's age evaluation of sociological theory are compared, this changing effect of different causal mechanisms, or the lack thereof, will become more important. Reckless and his colleagues tested their ideas on samples of mostly on white boys in high delinquency areas. The only part of the theory to be thoroughly tested was the self-concept⁴⁵² Results indicated that boys with non-deviant or good self-concepts were less likely to be in trouble. They concluded that the self-concept could neutralize the pushes and pulls that were inherent in high delinquency areas, which they assumed to be constant across the population of that area. They were unable to test the other factors in containment theory, but most of the concepts laid out by Reckless and his colleagues became incorporated into other control theory perspectives, where they have generated a fair amount of support.

3.9.4- GRESHAM SYKES AND DAVID MATZA: TECHNIQUES OF NEUTRALIZATION

While *Gresham Sykes and David Matza (1957)* did not propose a control theory per se, their "Techniques of Neutralization" are often considered part of the control tradition. Sykes and Matza argued that delinquents were not totally nonconforming in nature, but rather, were persons who obeyed the rules most of the time.

Delinquents and non-delinquents alike were largely held in check by the norms of the society in which they lived. In order for these more or less rule obeying individuals to counter the constraining force of social norms, they developed techniques to neutralize the guilt or pressure they felt when they violated strongly

⁴⁵² Scarpitti, F. R., Murray, E., Dinitz, S., & Reckless, W. C. (1960). "The good boy in the high delinquency area 4 years later." *American Sociological Review*, 25: 555-558.

held social norms. These neutralizing strategies consisted of denying injuries, denying blame, denying the victim, condemning one's accusers, and appealing to higher loyalties. By invoking any one of these, an offender could neutralize the force that society imposed upon them not to deviate, which then left the possibility of deviance open to them.

3.9.5- TRAVIS HIRSCHI: SOCIAL BONDS THEORY

Perhaps the most well-known approach in the social control tradition is Travis Hirschi's theory of social bonds.⁴⁵³ This may be due to the fact that Hirschi incorporated much of what those before him had argued into one broad theoretical perspective. Where Hirschi differed was on his denial of internal controls, a position he would completely reverse twenty years later. In his book *Causes of Delinquency* (1969), Hirschi contended that the internal control of Nye and the internal constraint of Reckless were merely manifestations of externalized forces on the individual. It is essential to recognize global governance sociological theories evolution since Durkheim has largely been a move from his macro level ideas towards the more micro-level theory of Hirschi and his counterparts. Hirschi suggested, following the long Durkheimian tradition, that crime was likely to occur when an individual's bonds were loosened.

A key difference between Durkheim and Hirschi is that Durkheim was referring to the bond to society, which Hirschi rejected outright. Rather, Hirschi was referring to much more localized bonds, such as those to parents, to school personnel, and to peers. Another point that should be illuminated is what Hirschi did not say. He did not fully agree with philosophers such as Hobbes who contended that men lacked morality. Rather, he said that people differed in their degree of morality, and that some people who were not constrained by social bonds would deviate, not that they all would.⁴⁵⁴ He was clear, however, that other criminological traditions, notably strain and cultural theorists, had overstated the

⁴⁵³ Hirschi, Travis (1969): *Causes of delinquency*. 3. Print Berkeley, University of California Press.

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foundation that people were inherently moral and needed to be “caused” to become delinquent.

Hirschi’s theory of social bonds, then, was designed to explain conformity among those with a tendency to deviate. Conformity can be explained, Hirschi argued, by four interrelated factors; attachment, commitment, involvement and belief. Beginning with attachment, it is important to note that Hirschi was not referring to an internalized attachment in some social-psychological sense. He argued that to pursue this line of reasoning is to liken the result of attachment to the superego or conscience. If one has an internalized attachment to society and wishes to act in a manner pleasing to it, then the attachment becomes an internalized moral compass; *“I behave in a certain way because by being attached to all these relations, I have adopted the norms of society.”* Hirschi claimed this does not stand up to changing circumstances. Noting that suicide and forgery are both known to increase after a divorce, Hirschi argued that if we attribute attachment to an internalized affect, we would have to argue that people lose their conscience as a result of divorce.

Attachment’s effect is thus direct. It is the state of being attached that causes conformity. When this state is lacking, conformity is lacking, and deviance is more likely to occur. Teenagers with stronger attachments to their homes are more likely to perceive their appearance than those who are less attached. This demonstrates the essence of Hirschi’s social bond. The child is not bonded to society in some Durkheimian sense; he or she is attached to his or her parents. It is what they wish, how the child thinks they will react, the punishment they will install that guides the child, not some overarching moral reasoning about what should be done.

Hirschi also maintained that attachment of parents to children resulted in more surveillance, both because such a family was more likely to enjoy spending time together, and because the level of caring by the parent would lead them to watch over their child. In fact two of the questions Hirschi used to measure parental

attachment were the extent to which the mother knows where the child was and who they were with.

Commitment for Hirschi was much like Jackson Toby's⁴⁵⁵ stakes in conformity. In fact, he even calls it. According to this aspect of the theory, the more invested one is in those things that society approves of, such as education, occupation and what Hirschi calls the passage to adult status, the less likely one is to engage in deviance. Involvement received the least amount of attention in Hirschi's work, possibly because it is the most troubling aspect of the theory in terms of his data. Engagement in most activities thought to prevent delinquency, like reading and watching television, were positively correlated with delinquency. Time spent studying was the only thing Hirschi found that had a negative impact on delinquency. He acknowledged that this is in part a measure of attachment and commitment, but the effect remained even after partially controlling for these factors. An interesting discussion in this short section of the book concerns opportunity. Crime, Hirschi points out, takes very little time. Even the most delinquent of children probably spend only a few hours a year actually committing crimes.

This makes the "idle hands are the devil's workshop" argument problematic because for those who want to commit crime, it is not very time demanding, and for those not predisposed, crime is unlikely to "fill the hours" of a bored child. The last element of Hirschi's bonds theory is belief. This again is a negative statement; it is the absence of beliefs that prevents conformity not the adherence to some belief system that causes delinquency. This argument was primarily directed toward subcultural theories that suppose children adhere to some different belief structure. Hirschi argued that the more one aspired to conventional action, that is, believed that getting a job and a wife or husband and

⁴⁵⁵ Toby, J. (1957). "Social disorganization and stake in conformity: complementary factors of the predatory behaviour of hoodlums." *Journal of Criminal Law, Criminology and Police Science*, 38:12- 17.

a house were worth doing were less likely to become delinquent than those whose interest might lie elsewhere.

He further argued that belief is a direct result of attachment and commitment. Youngsters who are devoted to their family and traditional institutions will be more likely to hold pro-social beliefs than their less attached and committed counterparts. There are some interesting points to note about Hirschi's approach to bonds. First is Hirschi's concern with how social bonds affected people differently over the life course. He argued extensively that attachment needs to be conceptualized as an external effect, because to do otherwise was to deny its variability. He noted on page 88, "Attachment may easily be seen to be variable over persons and over time for the same person." This is a foreshadowing of Sampson and Laub's theoretical approach, which is largely focused on how adult social bonds change over the life course. It is also interesting in light of the theory that Hirschi would propose twenty years later with Michael Gottfredson in which they would argue for the stability of criminal propensity and for the unimportance of changing levels of attachment.

The other point is that of motivation. Hirschi, like all control theorists is said to turn the causal premises on their head and argue against a "moral man."⁴⁵⁶ As mentioned above, this is not entirely correct, and Hirschi returns to the point when discussing the relationship of delinquent peers, which was strong, positive and significant in his data. This relation he said, showed that some level of motivation seemed required; that if no moral persuasions were needed, then delinquent peers should have dropped out of his models when other control variables were entered, which they did not. There is thus room in Hirschi's original bonds theory for factors such as learning, opportunity or self-control. Hirschi later lamented making this allowance (1995), because so many theorists used it to deny the validity of his theory. It should be noted that in addition to

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Sampson and Laub's age graded theory, other perspectives in the social control school have continued to be advanced.

For example, John Hagan's⁴⁵⁷ (1989) Power- Control theory focuses on the differential child raising practices of upper- and lower-class families and how class differences in terms of patriarchy result in different child raising practices for boys and girls. Charles Tittle⁴⁵⁸ (1995), in his Control Balance theory, argues that persons are both the observers and the providers of power.. When the amount of control exerted upon a person is in balance with what that person exerts, the chances of delinquency are low. When control gets out of balance, Tittle argues, the chance of delinquency occurring increases. While these perspectives are interesting and of much theoretical value, they are largely beyond the scope of this project are included here only to point out that the control tradition is moving forward on multiple fronts, including the path laid out by Sampson and Laub, to whom we now turn.

3.10- EMPLOYMENT AND RECIDIVISM- THE INVERSE RELATIONSHIP

Recidivism and employment have a strong correlating factor between them because when an offender managed to get into a labour market which ultimately decreased the risk factor of recidivism. In many industrialized nations, such as the United States, the United Kingdom, the Nordic countries, and a few European nations, financial assistance is provided to meet the basic requirements of those returning to their communities.

Developing countries like India instead of paying financial aid, prisoners are giving skill development training and employability training; also help prisoners to get employment before releasing from the prison through various employment schemes like campus placement drive, self-employment through vocational training etc. This portion of research is set to analysis and discusses the concept of

⁴⁵⁷ Hagan, J. (1989). "A power-control theory of gender and delinquency." In *Structural Criminology*. Hagan, J. Ed. New Brunswick, New Jersey: Rutgers University Press.

⁴⁵⁸ Tittle, C. R. (1995). *Control Balance: Toward a general theory of deviance*. Boulder, Colorado: Westview Press

recidivism and an overview on *“how employment contributes to reducing recidivism among the offenders in the context of India scenario.*

Re-offending (recidivism) is the continuation of criminal behaviour following punishment or intervention for a prior offence.⁴⁵⁹ Reoffending is measured by delinquent behaviour that led in re-arrests, re-felony, or re-incarceration, even without a new offense term, within three years after a prisoner's release. Reducing or preventing recidivism is one of the most important issues that criminologists and sociologists have been focusing on in recent years, while addressing new perspectives to do so. The majority of researchers have acknowledged that, following release from prison, convicts often experience significant challenges, and indicates the i.e. pre status probably influences recurrence significantly.

There are numerous reasons that contributed to rehabilitation, but only a few are examined in reoffending studies. Relatives, profession, social factors (social exclusion, stigmatization, or shaming), inadequacy of Recovery and incarceration programmes, how ex-criminals are addressed by the legal system, and a nation's identifying relevant are the most important factors in determining recidivism. Causal factors that researchers around the world are focusing on. Researchers have known for a long time that economic reasons or employment are one of the key causes of recidivism, despite the fact that there are several incidental factors.

Numerous theoretical perspectives, including ideas on social control,⁴⁶⁰ rational choice,⁴⁶¹ and changed identity,⁴⁶² assume that work prevents crime. To reintegrate into a law-abiding lifestyle, one must locate a legal source of income, preferably a stable job.⁴⁶³ In addition to various other rehabilitation activities,

⁴⁵⁹ National Institute of Justice, 2010.

⁴⁶⁰ Laub, J. H., & Sampson, R. J. (2001). Understanding Desistance from Crime. *Crime and Justice*, 28, 1-69. Doi: 10.1086/652208.

⁴⁶¹ Ehrlich, I. (1973). Participation in Illegitimate Activities: A Theoretical and Empirical Investigation. *Journal of Political Economy*, 81(3), 521-565. Doi: 10.1086/260058.

⁴⁶² Maruna, S. (2001). Making good: How ex-convicts reform and rebuild their lives. Doi: 10.1037/10430-000.

⁴⁶³ Harrison, B., & Schehr, R. C. (2004). Offenders and Post-Release Jobs. *Journal of Offender Rehabilitation*, 39(3), 35-68. Doi: 10.1300/j076v39n03_03.

employment is one of the important efforts that would assist convicts lead law-abiding lives and prevent recidivism.⁴⁶⁴ Profession and familial ties are both highly associated to criminal violating or recidivism; the greater the relationship towards job and family, the lower the likelihood of criminal offending or recidivism. The author refers to this as the "turning moment." Employment is without a doubt one of the most important aspects of social integration in contemporary countries.⁴⁶⁵ Employment is one of the most important aspects of life for individuals all over the world. Despite there are numerous published papers written and evaluations on the topic of recidivism, only a small number of studies incorporate information on the job status and economic well-being of ex-offenders after their release. In actuality, there is a lack of proof and an unsolved mystery exist namely "*whether ex-convicts are able to enter the legal labour market?*" *And if they really do gain access, "can they maintain their position?"* This section of the research will present an overview of recidivism and the role of work in lowering recurrence among former inmates in India.

The ultimate aim of prison and correctional administration is to rehabilitate offender and reduce the number of offenders to relapse into prison. Indian prison system and the correctional administration has initiated many innovative programs and schemes to rehabilitate the offender, some programs and schemes have successfully rehabilitated the offender and some failed to do so. Over the time, Indian prison system and correctional administration recognized that employment or economic factor has a huge impact on the re-offender behaviour apart from any other factors. Now a day, most of the prisons in India are focused on rehabilitating the offender by providing employment, vocational training, and also higher education. Some of successful employment programs and schemes in Indian prison system:

⁴⁶⁴ Bushway, S. D., & Reuter, P. (N.D). Labour markets and crime risk factors. Evidence-Based Crime Prevention, 198-240. Doi: 10.4324/9780203166697_chapter_6.

⁴⁶⁵ Latessa, E. (2012). Why Work Is Important, and How to Improve the Effectiveness of Correctional Re-entry Programs that Target Employment. *Criminology & Public Policy*, 11(1), 87-91. doi:10.1111/j.1745-9133.2012.00790.x.

- **VOCATIONAL TRAINING:** Indian prison system provides for more than eight vocational training namely Handloom, tailoring, agriculture, canning, carpentry, soap & phenyl making, weaving and others. In the process of training, the prisoners also produce and manufacture many products which are sold to customers. According to the annual report “Prison Statistics India, 2015” by the Crime Records Bureau (NCRB), Tamil Nadu got the maximum substantial amount of sale earnings made by convicted criminals at Rs 4,787.5 crores, followed by Delhi (Rs 3,113.6 crores) and Kerala (Rs 2,290.2 crores).⁴⁶⁶
- **FREEDOM BAZAAR OR PRISON BAZAR:** One of the most innovative schemes which are launched by the Tamil Nadu prison administration. Under which prisons in Tamil Nadu will have a Bazaar type outlet, fast food outlet, a vegetable stall and salon as a part of the prison, where prisoners are allowed to work and all products are produced and manufactured by prisoners only. This helps the prisoner to social reintegration, remove the stigma attached to them and also the employment strengthens the economic factor.
- **CAMPUS PLACEMENT DRIVE:** This program is one the milestone approach towards the rehabilitation of prisoners and socially reintegrates prisoners completely. Under this program, private companies from different sector conduct “Campus Placement Drive” inside the prison for the prisoners based on their educational qualifications and skills. In 2011, the campus placement drive was first initiated in Tihar prison, Delhi and now almost one-third of the prison in India has adopted this program. 67 prisoners got placed in different private company with a salary ranging from Rs. 8000 -35000 in the campus placement drive conducted in Tihar prison, 2014.

⁴⁶⁶ National Crime Records Bureau. (2015). Crime in India. Retrieved from <http://ncrb.nic.in/>

- **HIGHER EDUCATION IN PRISON:** Prisons in India are providing for literacy or education programmes to uneducated prisoners and also providing for higher education in conjunction with the National Institute of Open Schooling (NIOS) and IGNOU (Indira Gandhi National Open University). This enables inmates to finish their sentences their education in all level which ultimately helps in rehabilitation of the prisoner. Apart from this prisoner are encouraged to pursue technical education through Industrial Training Institute (ITI) which includes many skill developments courses and also employability training course.

In India, people have been shaped deeply from their childhood to follow and practice the cultural values. Indian culture has been largely influenced by the concept of dharma i.e. social norms, right moral, duties and behaviour which also have a large impact on reducing the risk of re-offending behaviour or recidivism. In a research study, it has been proved that Vipassana (a meditation technique rediscovered by Gautama, the Buddha is a technique of self-realization through self-observation) played an important in reforming the prisoner. Currently, this meditation technique is utilized as a rehabilitative strategy in jails in India, the United States, and several other nations. With the aid of Vipassana,⁴⁶⁷ convicts have the potential to be a leader an even more acceptable and moral life in the community after their leaving prison.

⁴⁶⁷ “Vipassana is an ancient mindfulness meditation technique. It involves observing your thoughts and emotions as they are, without judging or dwelling on them. Though more studies are needed, research to date has found that Vipassana can reduce stress and anxiety, which may have benefits for substance use.”