



# INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

## “A Study on Rehabilitation of Offenders: Whether it works?”

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### 1. Abstract:

*“To put people behind walls or bars and do little or nothing to change them is to win a battle but to lose a war. It’s wrong. It’s stupid. It’s expensive.”*

- Warren Burger.

(The Former Chief Justice of US Supreme Court)

Criminal Justice as one can define is a system of organizations which helps in maintain law and order in the country by punishing offenders for their misconduct by imposing punishment. Rehabilitation approach aims at the betterment of the society and transforming the offender into a better version of himself by providing the adequate help and guidance needed. Rehabilitation is based on the theory that come external or internal factors drove the offender to commit an act which would not have been committed had it not been for these factors. At times, society also plays an important in the actions committed by the offenders. Rehabilitation process aims at understanding the reason of the actions and the root cause of committing a crime and provides adequate help for the offender which helps in improving the standard of the society. The purpose is to help the offender develop a conscious to not repeat his mistakes and stop himself from committing any other crime in the future. This modern approach has gained importance even at an international level however there is a need for progress in the same. The paper suggests ways in which rehabilitative approach can be put to use in order to help offenders gain the benefits of the same.

**Keywords:** *Rehabilitation, Rehabilitative Approach, Psychology, Behaviour, Trauma.*

## 2. Introduction:

A society without does not exist and punishment for a crime is imperative in order to maintain the status quo of society. However, the research paper focuses on rehabilitation approach towards offenders and aims at understanding the effectiveness of the same. Punishment, initially was the conscious effort of making the offender pay for the wrongs committed. Although, the object behind punishment is to prevent the occurrence of the same crime again in the society. Rehabilitation approach understand the psychological understandings of an individual and the reasons for him behaving in a particular way. The research paper aims at understanding the modern approach to punishment and that merely imprisoning a person does not lead to change. Rehabilitation approach aims at understanding the mental, emotional capacity of the offenders and believes that there is room for improvement in the behaviour of the individual as well as capability to getting a life back into the society. Since the real purpose of sending prisoners into prisons is to reform them it is the duty of the criminal justice system to ensure that such reform is made and the change is acceptable by the society.

## 3. Research Problem:

- Whether the current approach towards offenders and their behaviour is in their best interest?
- Is there a need for a change in the working and addressing of offender's issues and psychology?
- Whether the different agencies involved should work in harmony in order to achieve a corrective approach?
- What is primary goal of punishment and is it being achieved in the current scenario?
- Will a new approach to punishment help in enhancing the standard of living of the offender in the future?

## 4. Objectives:

- To understand the psychology of using rehabilitative form of approach towards offenders.
- To understand the extent of impact of rehabilitative approach on offenders.
- To study the need for change in the current form of punishment.
- To examine the current scenario of offenders and suggest measures.

## 5. Hypothesis:

Null Hypothesis ( $H_0$ ): There is no need for a change in the current approach of punishment for offenders.

Alternative Hypothesis ( $H_1$ ): There is a need for change in the current approach of punishment for offenders.

## 6. Research Methodology:

The research paper follows a doctrinal as well as exploratory approach to understand the effectiveness of rehabilitation programmes and the impact it has on offenders. For the purpose of research, the researcher has relied on secondary source of data by reviewing research papers, online articles, journals, websites, thesis and books. The purpose of choosing this topic was to understand the psychology behind the cause of committing a crime and if punishment is the only way to go about it. Depending on the gravity and seriousness of the crime, appropriate punishment or help should be provided. Since the aim of punishment is to ensure the non-occurrence of the crime in the future it is imperative to understand the reason behind the occurrence of the crime. Many external as well as internal factors play a role in the mind of the offender to commit a crime and the paper aims at understanding what are these factors and how is rehabilitation the way forward. The paper also analyses many theories such as The Good Lives Model, the “carrot and stick” approach in order to understand the concept of rehabilitation and how effective is the impact on the mind of the offender. Since this approach is fairly new and does not have any concrete, path breaking evidence of its effectivity, society has been hesitant in adopting this approach since certain crimes cannot be neglected and a punitive approach has to be adopted. The researcher aims at understanding where the line can be drawn and is rehabilitation the future for helping offenders get a normal life back in the society.

## 7. Review of Literature:

- **Victoria Miceli (2009):** in the research paper “Analyzing the Effectiveness of Rehabilitation Programs” highlighted that due to the increase in repeat offenders the need for rehabilitation has become top priority as the punishment system has proved to be ineffective with the increase in time. A psychological understanding of the reason for occurrence of repeat offenders has come to be important. The paper mentioned that rehabilitation programmes that include academic education, vocational education, and behavioural treatment for sex offenders, and multi-systematic therapy for juveniles has proven to be effective. Studies of programmes that are successful have shown a characteristic among the offenders which can be addressed with the help of assessment tools.
- **Dr S. Sanyal (2010):** in the research paper titled “Rehabilitation of Prisoners: A debatable issue” explained that though rehabilitation is a dark and underexplored area of prison system it will not work unless the society forgives and forgets. In the paper, the author gives the example of Learco Chindamo, the killer of headmaster Philip Lawrence who progressed in all the prison activities and gave a positive response to his way of recovery by rehabilitation approach. However, all of it was for nothing since society did not accept him back. The prejudice remains that they are bad people and will continue to be a threat to the society. The author also mentions that the aim of prison management is to help in the rehabilitation process of the prisoner and help in reintegration into the society however the end goal, unfortunately, is not always achieved. The paper also highlights that criminal behaviour comes into existence due to faulty identification of child by his or her parents as it gives rise to antisocial impulses.

- **Clare-Ann Fortune et al. (2012):** in the research paper explains how offenders should not be seen as task or risks but as strength orientated individuals of the future. The paper mentions that the Good Lives Model (GLM Method) of rehabilitation is most effective. The GLM method uses the strength and positive aspects of offenders and keeps them responsive based on their interests, likes and dislikes. This is a more personalised approach and helps in understanding capabilities and internal and external factors which help in achieving goals of the individual. The practical implication of GLM model involves asking the offenders about their personal lives and what is of utmost importance to them. After identifying the goals, they are guided towards making a good life for themselves with the help of others.
- **Berenji B, Chou T, D’Orsogna MR (2014):** in the research paper “Recidivism and Rehabilitation of Criminal Offenders: A Carrot and Stick Evolutionary Game” introduce a theory called “the carrot v. stick” game where non-offenders are exposed to the option of committing a crime. The paper goes on further to explain the effectiveness of rehabilitation theory with the help of a mathematical model and concludes that social intervention along with punishment has proved to be effective in the prevention of committing a crime. The paper mentions that the offenders are first subject to the stick with is punishment and later introduced to the carrot which is the rehabilitation process which helps them realise their faults and aims at improving the approach of the offenders in converting them into a better human being. The paper also explains at optimal allocation of resources towards punishment and later rehabilitation has proved to reduce the crime rates and prevent reoccurrence of the crime.
- **Kaustubh Rote (2014):** the researcher in the research paper titled “Prison Reform and Social Change in India” explains the need to reform the current prison system. The paper states that due to an increase in the number of pre-trial prisoners the jails are getting overcrowded. Although they are innocent until proven guilty, they are detained in conditions much worse than the actual jails. The problem with overcrowded prisons is that there is no separation of offenders from serious offenders and that may influence the minds of others which would in-turn prove harmful to the society.
- **Tanu Priya (2014):** in the article explains that the objective of punishment is to reform the person into a better individual to not commit the same crime again. This form of approach is not only helpful for the offender but for the society as well as the state. According to the article, crime is committed due to external factors or societal pressure due to which the individual acts out of proportion and hence tends to commit a crime. Punishment is given to reform the offender himself and not for others and hence it is important to tailor it according to the needs of the offender including therapy as well as counselling. The article also mentions sociology and the need to improve social conditions for offenders to not resort to such means.
- **Grant Duwe (2017):** in the research paper “The Use and Impact of Correctional Programming for Inmates on Pre- and Post-Release Outcomes” stated that in order to bring a change in the behavioural aspect of prisoners it is important to move from “nothing works” to “what works” in order to get a constructive solution to problems. The paper highlighted that according to the study conducted many prisoners were not educated and a need for an educational programme is of great importance. There exists a relationship between low educational achievements and antisocial behaviour. The paper also

suggested the implementation of Cognitive Behavioural Therapy (CBT) which addresses the link between a dysfunctional thought process and the harmful behaviour among prisoners through timely used of reinforcements, punishment as well as skill-developing exercises. The article also mentions the importance of reformation among juveniles as their acts are due to external forces which could cost them their life.

- **Jhalak Shah and Shantanu Pachauri (2017):** in the research paper introduced the concept of “Principle of Effective Intervention” which states that the principal lays importance on making an effort to change those characteristics and circumstances that tend to have a relationship with crime. The first principle suggests that having a control on the impulse would affect the crime. Secondly, the treatment or method used should be that of behavioural in nature since that would help offender link faster as compared to any other method due to the personal contact to the particular behaviour. Third, rehabilitative programmes should be tried with high-risk offenders. This is because they are considered to not been receptive to change however with the right help, they can respond to the treatment and provide substantial proof of the effectiveness of these programmes. Fourth, the treatment should be well planned in order to yield fruitful results.
- **Sonia Mehta (2017):** in the research paper “Recent Scenario of Criminal Justice and Rehabilitation in India” mentioned that rehabilitation is a slow process and very subtle which starts from the time the offender is convicted and continues till he/she is taken back in the society. The rehabilitation process is based on three R’s: Reform, Re-socialise or Re-make. The paper pays special important to rehabilitation among minors since it is believed that children do not commit crime out of personal mala fide intention but due to the external factors that are at play.
- **Vidit (2017):** in the research paper titled “Correctional & Rehabilitative Techniques of Punishment: A Need for Legislative Reform in India” explains that rehabilitation theory is based on the concept that an offender tends to commit a crime due to unfavourable conditions and social circumstances and the society is obliged to intervene in order to help the offender to right the wrong done. The paper also highlighted two different philosophy of community orientations- Community incapacitation and Community rehabilitation. The paper further mentions the inadequate conditions of prison and prisoners and the need for a new and revised approach towards the behaviour of offenders. The author concludes by states that the Indian Prison System has proved to be counterproductive and it seems to have neglected the rehabilitative approach of punishment.
- **Dr. Banamali Barik (2019):** in the research paper “Rehabilitation of Released Prisoners in India Through After- Care Programmes and Services: An Analysis” explains the importance of after-care programmes and services. After-care is the process which helps a person released from prison to get out of the artificial, restricted world and adjust to life as a normal citizen in the society. The paper also lays emphasis on rehabilitation and after-care facility for juveniles as they have a long life ahead of them and need to be brought back to normalcy.
- **Nidhi Meena (2019):** in the research paper titled “Correctional Methods for Rehabilitation of Offenders in India” states the need for rehabilitation and mentions it to be a primary objective in any

correctional institute. The author states that imprisonment or punishment will help for the particular period of time however, in order to reform the offender into a law-abiding citizen it is important for the rehabilitation approach for the safety of both the individual as well as the society. The research paper while explaining the reformatory theory of punishment states that with the development in the field of criminal science there has been a shift in the way criminology was perceived. Individualized treatment is given importance to with the help of rehabilitation of offenders. There has been a shift in the way of thinking as the focus has now changed from punishment for crime committed to reforming the individual into a law-abiding citizen of the society. While reformatory theory has proved beneficial it cannot be adopted in all cases as hard core criminals continue to possess a greater threat to the society. The paper also states that the mental depravity that offenders face in prisons make it inevitable to provide them with corrective clinical treatment.

- **Brijesh:** in the article titled “Corrective measures in India” stated that nobody is a born criminal and it is due to external factors, bad company or other emotional or mental reasons due to which a crime is committed. The article also mentioned that it is important for prisoners to maintain links with the family because if the family tie is cut, the prisoner may become de-humanised and bestial. Society without crime does not exist and hence reformatory approach helps in turning a criminal into a human so that he does not commit or resort to such means again and contribute to the society in every way possible.
- **Dip Jyoti Bez:** in the paper “Reformatory and Rehabilitative Treatments of Offenders: A General Overview” breaks down the reformatory process into different steps. The first step being that an individual is suffering from some deficiency which can be physical or mental and the second step is that there is hope for the deficiency to be corrected. This form of approach believes that the offender needs a purification of mental disturbances or a habitual condition. Along with this providing educational facility and job opportunities could help revamp a new better, improved individual. The whole basis of his approach is that the individual was a good one until certain events occurred and hence need external, professional help.
- **Dr. Pritika:** in the research paper titled “A Reformatory approach towards Indian Criminal Justice” explains that though a human commits a crime against the society he does not cease to be a human and the rehabilitation approach is based on this concept. It is also highlighted that the reason the crime could be committed is because of the circumstances and not because of the real intention. There is possibility that such circumstances may not occur again and therefore the crime wouldn’t be committed in the first place.
- **Ms. Shalini Gupta and Sant Baba Bhag:** in the research paper titled “Correctional & Rehabilitative Techniques of punishment: A need for legislative Reform in India” stated that the goal of rehabilitation is to reintegrate a prisoner back into the society. The paper mentions that in certain cases the society is also responsible for the behaviour of a particular individual hence corrective action must be taken to ensure reestablishment of offenders back into the society. The paper further states that the treatment for all offenders cannot be alike and that there are a wide range of wrongdoers who need to be paid

attention to on case-to-case basis. Planning and personalised approach of treatment will help in yielding fruitful results.

## 8. Analysis of Data:

### The Concept of Rehabilitation:

The concept of rehabilitation lies on the theory that there are some factors at play which contribute to the criminal behaviour of an individual. There are many external as well as internal factors that contribute to the criminal behaviour of people. These factors could be lack of parental love, a traumatic childhood, insecurity, antisocial values, and lack of supervision, an impulse temper and others. The rehabilitation model mentions that crime committed by an individual is not “at the free will” of the offender but due to various factors which could have contributed to initiate such an act.

Due to the limited research the concept of rehabilitation is not used since its effectiveness is not defined or proven significantly. Though there seems to be a serious need to shift the focus of punishment from punitive to the rehabilitative approach. There needs to be a shift from “nothing works” to “what works” and help offenders get reintegrated into the society.

The Indian Penal Code, 1860 in Section 53 of prescribes only five kinds of punishment i.e., death, imprisonment for life, imprisonment with labour rigorous or simple, forfeiture and fine.<sup>1</sup>

The reformatory view of penologist recommends that punishment is only justifiable if it looks to the future and not to the past. They say that punishment should not be regarded as settling an old account but rather as opening a new one.<sup>2</sup> The end goal of rehabilitation to prevent re-occurrence of offenders (criminal recidivism) and understand the cause that leads to crime being committed so that corrective measures can be taken. The Prison Assessment and Proposed Rehabilitation and Reintegration of Offenders in its key recommendations, has recommended the establishment of a restorative justice program to minimize offenders being incarcerated for minor offences.<sup>3</sup>

V.R. Krishna Iyer, J. in *Mohammad Giasuddin v. State of Andhra Pradesh*<sup>4</sup> observed that reformation should be the dominant objective of a punishment and during incarceration every effort should be made to recreate the good man out of a convicted prisoner.<sup>5</sup>

### International Perspective:

The United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) states that imprisonment shall be used only as a measure of last resort and provides a list of alternatives for pre-trial or

<sup>1</sup> Jeremy Bentham, *CORRECTIONAL & REHABILITATIVE TECHNIQUES OF PUNISHMENT: A NEED FOR LEGISLATIVE REFORM IN INDIA* 20.

<sup>2</sup> KRISHNA PAL MALIK, *PENOLOGY, VICTIMOLOGY AND CORRECTIONAL ADMINISTRATION IN INDIA* (2012).

<sup>3</sup> A joint publication of the Government of Maldives and the United Nations Development Programme. Available at: <http://www.mv.undp.org/content/dam/maldives/docs/Democratic%20Governance/prisons%20report.pdf>

<sup>4</sup> *Mohammad Giasuddin vs State Of Andhra Pradesh* on 6 May, 1977, , <https://indiankanoon.org/doc/1850315/>.

<sup>5</sup> Bentham, *supra* note 1.

post sentencing stage and requires the member states to develop the alternatives to prison which would be more suitable for rehabilitation of offender within the community.<sup>6</sup>

The rules laid down describing correctional techniques:

Sentencing authorities may dispose of cases in the following ways:

- Verbal sanctions, such as admonition, reprimand and warning;
- House arrest;
- Economic sanctions and monetary penalties, such as fines and day-fines;
- Conditional discharge;
- Referral to an attendance centre;
- Status penalties;
- Probation and judicial supervision;
- Restitution to the victim or a compensation order;
- Confiscation or an expropriation order;
- A community service order;
- Suspended or deferred sentence;
- Any other mode of non-institutional treatment

The Post-sentencing dispositions include:

- Furlough and half-way houses;
- Work or education release;
- Various forms of parole;
- Remission;
- Pardon

### Indian Perspective:

Though the acceptability of rehabilitative approach in India is not a top priority, the Indian Judicial System is not completely void of its benefits to the offenders as well as the society. It has recognised that the purpose of criminal law is not to punish the offender but to reform him into an acceptable man in the society. Many committees have mentioned that the best way to bring about change is by providing new alternatives in law to deal with different situations. The same approach cannot be used with all offenders since no two offenders are alike and neither is their states of mind. The rehabilitative approach requires analysis of behavioural factors, likes and dislikes of the offender, interests and other aspects that he can easily relate to, the background of the offender, etc.

The Malimath Committee highlighted that there are no guidelines while awarding a sentence and the Judges are expected to use their discretion on the case hence a different approach towards awarding punishment is the

<sup>6</sup> crc.pdf, , <https://www.ohchr.org/documents/professionalinterest/crc.pdf>.



need of the hour. It has been pointed out that imprisonment is not always the best option of punishment and the aim should be to improve the well-being and state of mind of the offender.

However certain aspects need to be paid attention to before diving into rehabilitation approach:

- **Overcrowding of jails:** The overcrowding of jails has an impact on the minds of the others since the association with hard-core criminals could prove to be harmful for the minds of other offenders. The overcrowding of jails has neglected the standard of living of prisoners in jail and thus leads to human rights violation. The basic need of prisoners is jeopardised like food, healthcare and accommodation.
- **Disparity in Sentencing:** Due to no specific guidelines regarding the awarding of sentences, Judges have the option of wide discretion within their statutory limits to award a sentence.
- **Cost of maintenance:** In order to maintain status quo, prisons require huge infrastructure investment and personnel. The allocation of these funds leads to the neglect in allocating appropriate funds for the administrative staff.

All these aspects play a key role in highlighting the importance to change the current approach towards the criminal justice system and adopt other approaches which help in improving the quality of living, mental and emotional health of the offenders.

## 9. Findings:

It has been evident that the acts of criminal are due to some external factor surrounding them which played a role in their behaviour. Hence, the behavioural aspect has proved to be significant in understanding rehabilitative approach towards offenders. Due to this behaviour, the various treatments and theories suggest that behavioural aspect should be used in the course of treatment of offenders. This gives a personalised experience, helps relate and makes them feel more comfortable and receptive towards the help provided. Behavioural aspect also helps offenders in corrective their harmful or dangerous habits which led them to commit the crime in the first place.

Along with behaviour it is very important to accept offender for the wrongs they have committed and that they are capable of change. When society tries to shun offenders, they tend to resort to ways would are harmful. Society needs to focus on the statement of “forgive and forget” as this would help them in moving forward leaving their past behind and making a constructive and progressive change for the future. Rehabilitative approach believes in making a change in the future since the past cannot be changed however the crime committed has links to the past which need to be rectified and corrected effectively.

Understanding the psychology of the offenders to understand what led to him committing the crime is what rehabilitative approach focuses on. This could be due to neglect during childhood or insecurity faced by offender which drove him to the extreme. The psychological behaviour of the offender helps in preventing the re-occurrence of the crime and helps the offender lead a normal life in the society as he is entitled to. Everyone has the right to liberty and correcting the acts would help the offender in living the life he deserves. Psychology

also helps in understanding the reason for committing the crime. Had the reason not existed, the crime would not have been committed in the first place. Hence it is important to understand the reason for the crime being committed and work towards the correction of the same.

Another important finding was the important and emphasis laid on juveniles and the need for a rehabilitative approach towards them. There are a couple of reasons for the same. Most often than not, juveniles' resort to such acts due to factors such as mental or emotional aspect, insecurity, poverty or other external reasons and may not have the mental capability of understand the gravity of the act or the consequences of their actions. Due to this, their entire life is at risk which would in-turn hamper the quality of society. Juveniles or minors after committing a crime, if kept with criminals, would affect their thinking and convert them into criminals too. Most juveniles resort to crimes due to lack of education and poverty and find no other way to fulfil their needs and thus find it tempting to commit a crime.

Sociology is the study of understanding relationships between aspects and deals with the study of human and societal relationships. It opines that due to the external environmental factors the offender's resorts to commit a crime. For example, an individual commits theft. The basic understanding would be to punish the offender for the crime committed. However, sociological aspect analysis the cause of the crime committed. An individual resorts to theft as they are poor. The reason for the crime committed is poverty which is an economic and societal aspect. Hence, criminal sociologists suggest that we cannot prevent the occurrence of a crime unless there is an improvement in the social and economic condition of the society.

The General assumption of society is that rehabilitation works with low-risk offenders. However, studies have suggested that rehabilitation has proven to be effective with high-risk offenders and they should be given priority given the gravity of crime committed, the reason and cause behind their actions and to prevent them in the future. It is also stated that such rehabilitative programme proves beneficial and give constructive results when adopted with high-risk offenders. This also increases the credibility of this approach and measures for effective working can be taken based on the results obtained.

Along with other aspects, there are no appropriate guidelines which help the judges decide on the punishment. Judges are given a higher and a lower range of punishment and their discretion is required in determining the punishment. Research have highlighted that the judges should be provided with the background, psychological aspect and encouraged to consider the option of rehabilitation at the time of sentencing. This could speed up the process of taking corrective measures and proven beneficial for the mental and emotional state of the offender. These positive aspects play a crucial role in helping the offender adjust to the normal life in the society.

## 10. Suggestions:

- **Open-jails:** The concept of open-jails have proved to be beneficial for the prisoners and the cost of maintaining these jails is also reasonable. Open-jails given prisoners the ability to move around without confined areas. This serves both the purpose of punishment as well as making them bear the consequences of their actions. Since open-jails do not need a lot of security to watch over the prisoners, the operational cost incurred is significantly less than the normal jails. Open-jails also solve the problem of overcrowding of prisons since separation of prisoners is easier as compared to normal jails. Since human beings are social animals the prisoners inside the prison can socialise with other inmates which will not hamper their mental state which would be the case in confined jails.
- **After-care Programmes:** After the offenders has served his time the use of after-care programmes can ensure that he has responded positively and has not returned back to old habits. After care programmes also help in evaluating the effectiveness of rehabilitation programmes and how can they be improved. It helps to keep a check on the mental ability as well as emotional quotient of the offender since there is a big transition that takes place from the time of punishment to the time where the offender has completed his punishment. Since offenders are confined, they lose touch with the outside world and can need some time to get normalcy in their life. For this purpose, after-care programmes help in maintaining record and understanding the impact of rehabilitation and life after the treatment provided to the offender, his response towards the same so that further course of action can be strategically planned.
- **Co-ordination among all stakeholders:** When deciding the punishment of a crime, the various stakeholders need to unite in order to decide what punishment is fit for the crime. At the time of judgement, the judges must play equal attention to the circumstance that led to the crime being committed, the background of the offender and the possibility of rehabilitative approach. Evaluation of all these factors would help in finding the most appropriate punishment since all aspects would be included and the offender can be treated to improve his future. It has been highlighted that police consider the catching of the offender as their job and nothing further, however, a thorough background research could highlight the factors that triggered the offender to commit the crime. These aspects could later be included in the rehabilitation programme which consider behavioural aspect as a key feature.
- **Parole:** Parole is the release of a prisoner with the condition to adhere to certain duties and responsibilities, the violation of which would lead back to imprisonment. This approach can be beneficial to testing the effectiveness of rehabilitation programmes. Depending on the change in the behaviour of the offender after rehabilitation an adequate understanding can be derived. This would prove to be a “trial and error basis” in which the practical implications of the actions of the offender will prove whether the rehabilitation programme has proved beneficial or is there need for more improvement. Parole also helps offenders realise their mistake and that life is better on the outside. Hence, they would think twice before jeopardising their free ability to move after imprisonment.

- **Probation:** Probation is when the offender is released into the society for his self-rehabilitation before deciding the final judgement. Probation means delaying the process of final sentence in order to give the offender a chance to correct his behaviour and mistakes and help readjust himself back into the society. The purpose of release of offenders on probation is to prevent them from turning into hardcore, stubborn criminals due to the association of other criminals in the prison.
- **Educational and Employment Facilities:** According to research, most criminals are illiterate and have had no basic educational opportunities due to which they resort to committing crimes to feed themselves. Hence, there is a need to provide basic education to prisoners so that on completion of their punishment they have the opportunity to make right the wrong done by them. Due to high rate of illiteracy in India, providing educational facility has become a basic need. An increase in knowledge will help offenders have a better future and help get job opportunities. Brazil adopted a new technique which mentioned that reading 12 books will reduce a maximum of 48 days off the sentencing of the prisoner. Hence, countries are adopting effective ways to improve the standard of living of offenders.
- **Separation of Prisons:** It is important to separate hard-core criminals from under-trials, juveniles, and other offenders. One of the reasons being that the association with such criminals would affect the minds of others too which would prove harmful for the society. Another reason is that the approach used for different offenders is not the same. Some rehabilitative programmes may depend on behavioural aspect while some may depend on childhood traumas and insecurities. There are certain crimes which cannot be dealt with rehabilitative approach and a punitive one is the only appropriate option.
- **Adequate standard of living:** It is a preconceived notion that criminals are bad people and should be punished. There is a negative feeling associated with the word criminals and prisoners. However, the important thing to be noted is that everyone is entitled to a decent standard of living. Imprisonment is the punishment in itself and treating prisoners with dignity is the right of prisoners. Providing an adequate standard of living enhances the rehabilitation process and makes them more receptive to the programme as it makes them believe they have a potential future ahead of them. When prisoners are not treated with dignity and have no basic standard of living, it creates a negative impact in their mind and that does not fulfil the purpose of rehabilitation approach. Basic food facility and sleeping arrangements, basic amenities are factors which every prisoner has a right to enjoy.
- **Family Visits:** Many research papers have suggested that offenders should have family visits in jail often as the absence of same would make them de-humanised. The personal touch of family helps to keep the mental peace and positive thinking for the prisoners. A sense of belongingness and care is reflected through the same. Not only prisoners but the family members too suffer the absence of a family member. In special cases of female prisons, offenders should be allowed to meet their children for the mental health of both the mother as well as the child. An absence of a mother can have a negative impact on the child which is in-turn a part of the society.
- **Therapy and Counselling:** The first step of therapy is admitting that you need help. In rehabilitation approach the offenders must accept their fault as this would make the process a lot easier and the

offenders would be receptive to its changes. When offenders do not accept that they need external guidance, they view it as a burden or an imposition and develop a hatred towards the same. Hence it is important to first accept the help provided. Therapy and counselling help to understand why the offender committed the crime in the first place. Whether it was an external factor or an internal factor, whether it was an aggression built over the years or whatever other reasons. This helps in making constructive efforts to correct past behaviours and mistakes for the non-occurrence of the same crime. At times, all the offender needs is closure however, inability to attain it could lead to such a behaviour which is harmful for both the offender himself as well as the environment.

## 11. Conclusion:

The father of the nation, Mahatma Gandhi said “Hate the crime, not the criminals.” Criminals are not born over-night and turn into criminals due to external forces that play a role in inciting them to commit a crime. Those external factors could include any factor and at times the society also plays a role in helping those external factors come into play. However, with the progress in crime and the approach adopted towards the Indian Judicial System, the rehabilitation approach has opened new options and improvements in the behaviour of offenders. This approach is a subtle and silent approach which has many layers. Everyone should be given an opportunity to change and the cause of the crime committed is identified which helps the offenders in not repeating his mistakes. Hence, it can be concluded that there is a need for change in the current approach of punishment for offenders. The rehabilitative approach will help the society in many ways as well as the offender by giving him a chance to make good on the wrong committed by him.

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