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Rebooting Criminals: Reformatory Theory vis-à-vis Restorative Justice

HAMDA AKHTARUL ARFEEN¹

ABSTRACT

Crime and society can never be set apart from each other. It is the aggravation of crime in society that has led to the formation of more stringent laws on both national and international level. But, is crime existent in society because of the society? Can criminals never improve? Doesn't everybody deserve a chance? These questions are asked by prisoner's right activists who aim for humanistic treatment of these criminals.

The article aims to provide data on how far the reformatory theory of punishment has been able to reach its aimed goal. India follows the reformatory theory of punishment but, what is the sustainability of this reformation of criminals? The law of the country provides for mechanisms that help establish a reformatory system of punishment but is that sufficient? This article has covered various ways used by other countries for better and effective reformatory techniques which help control recidivism in the criminals. This article aims to broaden the idea propagated by Fyodor Dostoevsky's "Crime and Punishment". The article attempts to answer the question, "Are criminals born or are they formed?" Did Durkheim put it the right way, "If there is something wrong in the society, criminality is a response to that?"

This article attempts to make criminal justice system more than about crime and punishment and promote internal and mental healing of all involved in a criminal activity.

I. INTRODUCTION

Crime is unavoidable in every society because there's always some violation or other of a prescribed code of conduct for each society. The concept of crime is embedded in man's rudimentary attempts to differentiate between right and wrong in his interaction with other humans.

The basic problem in criminology concern is that the definition of crime. The Black Law's Dictionary defines crime as an 'act committed or omitted in violation of the law, either

¹ Author is a BALLB Graduate from Aligarh Muslim University, India.

forbidding or commanding it; a breach or violation of some public right or duty thanks to an entire community'. On the opposite hand, the dictionary of Behavioral Sciences² which defines crime as a serious transgression of the law which is punishable is equally ambivalent. The Indian legal code doesn't define crime intrinsically, but contents itself with defining an offense as a thing "made punishable by the code".

Different societies, through ages, evolved and applied various sorts of punishment of which death, imprisonment for all times, banishment, mutilation; branding, pillory, flogging, forfeiture, fines, and confiscation of property are well recognized.

Greenhut³ was of the opinion that there are three components: must convince the offender that crime doesn't pay. Second, after punishment, the offender must have a good chance of a clean slate. And third, "the state which claims the proper of punishment must uphold superior values which the offender can reasonably be accepted to acknowledge."

Previously, the state-enforced the concept of "a **tooth for a tooth**", "**eye for an eye**", "**life for a life**". With the expansion of the facility of the state, the state began to act as a judge to assess liability and impose penalties. It had been not a regulator of personal vengeance. Even within the prison, the essential idea isn't to inflict pain or suffering but to show the convict the methods and techniques including technical training, to form the prisoner a law-abiding citizen.

The punishment is inflicted on an offender to show him a lesson in order that he might not commit the crime again. The second aim of the punishment is to open the eyes of would-be criminals that they're to be addressed likewise just in case they enjoy criminal activities. The infliction of the offender also is an ointment on the wounded feeling of the society because whenever a criminal offense is committed, it's not only the victims that suffer thereon score, but the conscience of the whole nation is shaken to its very foundation and there is hue and cry that the offender should be delivered to book. It's that stage where the State applies a soothing balm on the injuries of the society by punishing the offender. Punishment for reform is meant to profit the offender and society by changing the offender into a contributor to society.

Punishment as deterrence is meant to profit in society by discouraging would-be offenders. Punishment to extract compensation is meant to profit the victim of the offender. Retribution is that the only motive for punishment that's primarily intended to harm the offender. Those

² Venu Gopal Rao, Dynamics of Crime, 149, (Indian Institute of Public Administration, New Delhi, 1981)

³ Monica Chawla, Criminal Attempt & Punishment, 164 (Deep & Deep Publications, 2006)

that advocate punishment as a way of reform or as a way to discourage certain activities use social engineering arguments. Those that advocate punishment for retribution or to compensate the victim of an offense, argue supported individual rights.

II. HISTORICAL DEVELOPMENT OF THE NOTION OF PUNISHMENT

Philosophy of punishment is as old as man himself; when Adam and Eve violated God's commandment, they had been descended Earth as punishment. The notion of punishment is as old as humans.

India saw the development of punishment in three phases i.e. Ancient, Medieval & Modern. The Hindu Law originated from the Vedas. The bud of criminal jurisprudence came into existence in India at the time of Manu who wrote the famous book of Hindu code 'Manusmriti'⁴. Manusmriti contains not only the ordinances relating to the law but is a complete digest of the then prevailing religion, philosophy, and customs practiced by the people. Manu has recognized assault, battery, theft, adultery, gambling, homicide, etc. as crimes. According to him, the gravity of the offense varies with the **caste and creed** of the criminal and so does the sentence. The punishments were imposed with severe nature, such as mutilation of limbs, the punishment of pain afflicted by whipping, flogging, or humiliation by shaving the offender's head, rod on an ass, or making him patrol in front of the public in villages and cities⁵. Kautilya⁶ in his book 'Arthashastra', insisted on the scientific study of the subject of '**Dandniti**'(**Rule of Rod**). It is the duty of the king to consolidate the position of the state through *Danda*. Law is believed to be the voice of the deity, and its eventual objective is not merely general happiness but spiritual prosperity.

The situation under Islamic law was not that much different, as the retaliation assumed to be the basic justification for most of the penal sanctions. Retaliation under Islamic Criminal Shari'ah law⁷ is referred to as "*Qisas*", and other known types of punishment recognized by this law. The prescribed punishment is called "*Hudoud*", discretionary penalty as "*Taazir*" and the blood money penalty "*Diyat*" is based on the principle of retaliation and vengeance.

In modern times there are 4 theories of punishment which are applied for handling crime and criminals:

- Retributive theory

⁴ Manu Institute, Ch. VIII, on Judicature and on Law, private and criminal, w.44.380.

⁵ Dutta M, "Political, Legal and Economic Thought in Indian Perspective", In: Moore (Ed.), Philosophy & Culture-East and West, University of Hawaii, USA (1962)

⁶ R.P. Kangle (Tr.), Kautilya Arthashastra, Pt. II, 9-10, (Bombay, 1972)

⁷ Sanaz Alasti, "Comparative Study of Stoning Punishment in the Religions of Islam and Judaism", 1-38, Justice Police Journal 4(1) (2007)

- Deterrent theory
- Preventive theory
- Reformatory theory

After the retributive, deterrent, and preventive theories couldn't reduce crime in society, a new theory called reformatory theory was introduced at around the 18th century. Especially after the humanist movement under thinkers like Beccaria and Bentham, the new theory began to evolve. According to Roman jurisprudence, punishment shouldn't be for the sake of punishment; rather it should be for reform. Hence, the criminal is treated not as a criminal but rather as a patient⁸.

III. REFORMATORY THEORY OF PUNISHMENT

Reformists perceive sanction as an instrument of rehabilitation and attempt to mold the behavior of criminals propagating the idea that 'criminal isn't born but made by the environment of society'. The thought has been that *'Let us provides a human touch to legal code and reduce the brutalities of punishment is today's philosophy of law'*⁹.

According to this theory, the thing of punishment should be the reform of the criminal, through the strategy of individualization. It's supported the humanistic principle that albeit a wrongdoer commits a criminal offense he doesn't cease to be a person's. While awarding the punishment the judge should study the character and therefore the age of the offender, his early upbringing, his educational environment, the circumstances under which he committed the offense, the thing with which he committed the offense, and other factors.

The increasing understanding of the social and psychological causes of crime has led to prominence on reformation instead of deterrence. Less frequent use of imprisonment, abandonment of short sentences and plan to use prison as training instead of pure punishment, and greater employment of probation, parole, and suspended sentences are evidence of a reformatory trend. The aphorism that: if every saint has a past and every sinner has a future: is tested philosophy concerning human life.

The reformatory theory is additionally referred to as **rehabilitative sentencing**. Sentences are consequently tailored to the requirements of a private offender, and typically include aspects of rehabilitation like community service, compulsory therapy, or counseling. The pre-sentencing report by the probation officer or psychologist plays a key role in supplementing

⁸ Neetij Rai, "Theories of Punishment with special focus on Reformatory Theory", (6th May, 2010), SSRN, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1600858

⁹ Sutherland Edwin H & Cressey Donald, "Principles of Criminology", 317-320, (The Times of India Press, 1985).

the judicial officer to reach an appropriate sentencing decision. But giving inmates an education or vocational education means nothing if there are not any jobs or opportunities for economic mobility within the communities they return to¹⁰.

Rehabilitation emerged as a philosophy of punishment within the late 1800s when **Zebulon Brockway, the warden of New York's Elmira Reformatory**, popularized it. Elmira's nationally acclaimed indeterminate sentencing system released inmates before the top of their sentence if they demonstrated adequate rehabilitative progress. This is often because Brockway believed that some people were "**born criminals**" destined to steer lives of crime thanks to biological defects which impeded their capacity for moral and rational thought. These individuals required longer terms and harsher punishment.

A real commitment to reducing crime has got to recognize that criminal behavior isn't just a function of the private agency which will be solved by fixing people—it is additionally a product of the **social and economic inequities**. A jail program with rehabilitative motivations can pacify prisoners and emphasize personal responsibility in ways in which overlook the structural causes of inequality and mass incarceration. Rehabilitation's narrow specializes in personal improvement obscures how failing schools, crippling joblessness, and government neglect contribute to crime within the low-income communities most offenders hail from.

International Law has also taken a step towards this. Adopted after the 13th **United Nations Congress on Crime Prevention and Criminal Justice, the Doha Declaration** highlights the importance of supporting measures to support the rehabilitation and social reintegration of prisoners into the community. UN Office on Drugs & Crime (UNODC) helps the Member States in breaking the cycle of re-offending by providing prison administrations with technical guidance on the way to initiate and/or enhance rehabilitation programs, in close coordination with other (non-)governmental stakeholders, including civil society and therefore the private sector. UNODC has made a '**Roadmap for the event of Prison-based Rehabilitation Programmers**', which provides practical guidance for prison administrations to help them in developing high-quality and sustainable rehabilitation programs that meet international standards¹¹.

Narotam Singh v. State of Punjab, the Supreme Court has held that "Reformative approach

¹⁰ TanuPriya, "Reformative Theory of Punishment", September 2, 2014, Academike, <https://www.lawctopus.com/academike/reformative-theory-of-punishment/>

¹¹ UNODC, The Doha Declaration, <https://www.unodc.org/dohadeclaration/en/topics/prisoner-rehabilitation.html>

to punishment should be the thing of legal code, to market rehabilitation without offending community conscience and to secure social justice."

J. V.R. Krishna Iyer, has taken points to ornately fresco the reformatory profile of the principles of sentencing in **Mohd. Giasuddin v. State of A.P.**¹² the subsequent passage deserves a special mention during this context:

"If the psychic perspective and spiritual insight we've tried to project is valid, the police bully and therefore the prison drill cannot minister to a mind diseased, 'now tone down the strain, release the repression, unbend the perversion, each of which shows as debased deviance, and violent vice and behavioral turpitude. it's a truism, often forgotten within the hidden vendetta in human bosoms, that barbarity breeds barbarity, and injury recoils as injury, in order that if healing the mentally or morally maimed or malformed man (found guilty) is that the goal, awakening the inner being, quite torturing through exterior compulsions, holds out better purity hopes."

Reformation should hence be the central objective of punishment and through imprisonment; every effort should be made to make an honest man out of a convicted person. An assurance to him that his hard labor will eventually contribute as saving for his rehabilitation will help him to beat the misery and desperation in his mind while toiling through his time in jail.

Padmarthi Subrahmanyam v. The State of Republic¹³ within the case, the court was of the view that *"The divergent views in penology concerning the punishment of deterrent theory and reformatory theory are sufficiently good old and little question, despite sweeping changes within the times, there's a component of criticism that the reformatory theory had met failure a minimum of in checking the rate within the society. The real reforms and certain methods introduced to reform the prisoners had proved to be fruitful. The crime is against society, they're generally classified as trivial crimes and grave crimes. The deterrent method of punishment may make the criminals more hardened and such criminals ultimately even after serving the sentence might not join the mainstream of the society. It can't be said that reformatory theory in criminal jurisprudence is merely a futile exercise"*.

The Reformatory methods have proved useful within the case of juvenile delinquents, first offenders & women. Sex-psychopaths also seem to reply favorably to the reformatory method of punishment. More recently, the reformatory theory is being extensively used as a way of treatment of mentally deprived offenders. This present trend is to treat the offender instead of

¹² AIR (1978) SC 1542

¹³ AIR (1977) SC 1926

to punish him.

IV. SCHEMES UNDER REFORMATIVE THEORY

An Israeli criminologist **Natti Ronel**¹⁴ and his research team developed conceptual approaches that are well connected to **restorative justice theories and practice**. Positive criminology and positive victimology both emphasize social inclusion and on unifying and integrating forces at individual, group, social and spiritual levels that are related to the limiting of crime and recovery from victimization. They argue that a special approach is viable, supported three dimensions-**social integration, emotional healing, and spirituality** that constitute positive direction indicators.

Modern times understand the necessity to reform the criminal and he commits crimes due to social inequalities and injustice that are poverty, illiteracy, squalor, and disease. This purpose could also be achieved through the agencies of **parole and probation** which are accepted as modern techniques of reforming the offenders all round the world.

Parole is “conditional liberation.” it's getting to be stated that parole could also be a selective release of prisoners who show a bent to reform during the quantity of their incarceration. The grant of parole might be a quasi-judicial function performed by the Parole Board. Before recommending a prisoner's release on parole, the Board must confirm that the parole incorporates an appropriate abode to live in & employment.

In India, the power to release the prisoners on parole is exercised by the chief under the respective laws operative within the State. Premature release from prison is conditional subject to his behaving in society & accepting to live under the guidance & supervision of the Parole Officer.

It seems the word "Parole" which suggests a term to designate conditional release granted during a penal institution" within the encyclopedia of the social sciences, is employed in several senses in several States. The State of *Uttar Pradesh* , *Madhya Pradesh*, *Punjab* & *Haryana* have legislation on this subject. A group of Model Parole Rules are framed sometimes ago by the Crime advisory board on correctional services to preserve a basic uniformity of approach within the country.

The word probation has its origin within the Latin word '*probare*' which suggests to prove or to check. The discharge of offenders on probation is yet one more reformatory technique devised as an alternate to the traditional incarceration of offenders in prison. During this

¹⁴ NattiRonel & Ety Elisha, A Different Perspective: Introducing Positive Criminology, International Journal of Offender Therapy & Comparative Criminology, 55(2),

technique, the offender is released on probation with or without conditions & is allowed to measure within the community for his self-rehabilitation. His release on probation could also be on condition that he could also be placed under the guidance or supervision of an office holder. The Probation of Offenders Act, 1958 has been passed with an identical object in sight. About the act, the Supreme Court observed in **Rattan Lal v. State of Punjab**¹⁵ that the Act may be a milestone within the progress of the modern liberal trend of reform within the field of penology.

The law concerning Probation of Offenders in India is contained within the Probation of Offenders Act, 1958 which is comprehensive legislation on probation law. Spelling out the thing of the discharge of offenders on probation, the Supreme Court in **Ramji Missar v. State of Bihar**,¹⁶ observed:

"The purpose of the discharge of youthful offenders on probation is to prevent their conversion into stubborn criminals as results of their association with a hardened criminal of mature age. Modern Criminal Jurisprudence recognizes that nobody is born criminal & that an honest many crimes are the results of the socio-economic milieu. Although not much is often finished hardened criminals, yet a substantial emphasis has been laid on bringing about reform of juveniles who aren't guilty of very serious offenses by preventing their association with mature criminals."

Thus it's a reformative technique of treatment & rehabilitation of offenders.

The government of India passed in 1960 the children's act which was amended in 1978 and eventually replace by the **Juvenile Justice Act, 1986**. This Act makes special provisions for the care, protection, development & rehabilitation of delinquent offenders. The Act empowers the State Governments to free children from the clutches of jails & to determine Juvenile Homes for the reception of neglected juveniles & Special Homes (Observation Homes) for the reception of delinquent juveniles. Justice Bhagwati in **Munna v. State of U.P.**,¹⁷ *"delinquency is, by and enormous, a product of social & economic maladjustment...The law throws a cloak of protection around juveniles & seeks to isolate them from criminal offenders because the stress placed by law isn't incarceration but on reformation"*.

In **Musa Khan v. State of Maharashtra**¹⁸ the supreme court observed that this act may be a

¹⁵ AIR 1965 SC 444

¹⁶ AIR 1963 SC 1088

¹⁷ AIR (1982) SC 4

¹⁸ AIR 1976 SC 2566

piece of social legislation that's meant to reform juvenile offenders to stop them from becoming hardened criminals by providing an educative and reformatory treatment to them.

V. SUSTAINABILITY OF REFORMATION

Recidivism is that the act of somebody repeating an undesirable behavior after they have either experienced negative consequences of that behavior or are trained to extinguish that behavior. It's also used to seek advice from the proportion of former prisoners who are rearrested for a uniform offense.

The **US Department of Justice** released new recidivism data that follows offenders 9 years after release from prison. The new data shows that the overwhelming majority of nearly 85% of offenders are rearrested within that 9-year window of release. 80% are rearrested within 6 years. In April 2011 report by the Pew Center on the States, the common national recidivism rate for released prisoners is 43%.

William R. Kelly¹⁹ in his book '*From Retribution to Public Safety: Disruptive Innovation of American Criminal Justice*' recommended **organizing an unbiased panel of psychiatrists, neuroscientists, psychologists, dependency medicine professionals**, et al. who can use evidence-primarily based totally diagnostic protocols for assessing and diagnosing the amount one disorders and impairments and co-morbidities offenders gift with, additionally to their danger of re-offending, determine eligibility for diversion, then develop remedy plans and oversee remedy. It's essential that those panels are unbiased of the prosecution and defense, that they create hints to prosecutors concerning diversion and intervention, and there be sufficient community-primarily based totally remedy capacity for the huge quantity of involve anticipated.

Most studies concerning recidivism show that those ex-inmates that attain employment after launch from jail have a bent to possess decrease costs of recidivism.

In one study, it becomes discovered that even though marginal employment, specifically for ex-inmates over the age of 26, is obtainable to ex-inmates, those ex-inmates are much less possibly to dedicate crime than their counterparts. Although studies are apparent that acquiring employment can lessen recidivism, one need to intently check out the capacity of ex-inmates to achieve employment as soon as launched from jail²⁰. When inmates use academic programs whilst inside incarceration they'll be quite 43% much less possibly to

¹⁹ William.R. Kelly, "The Unmaking of Criminal Offenders", Psychology Today, (24th May, 2018), <https://www.psychologytoday.com/us/blog/crime-and-punishment/201805/the-un-making-criminal-offenders-0>

²⁰ Tripoli, Stephen J. Kim, Johnny S. Bender, Kimberly, "Is employment associated with reduced recidivism?: The complex relationship between employment and crime" 54(5), International Journal of Offender Therapy and Comparative Criminology.

recidivate than those who acquired no schooling whilst incarcerated. Inmates, with regard to participating in academic programs, can enhance cognitive capacity, paintings skills additionally to being capable of additionally their schooling upon launch²¹.

The current criminal justice system focuses on the front (arrest and incarceration), and largely ignores the tail-end (and preparation for the tail-end), which incorporates rehabilitation and re-entry into the community. In most correctional facilities, if planning for re-entry takes place in the least, it only begins a couple of weeks or months before the discharge of an inmate. "This process is usually mentioned as release planning or transition planning and its parameters could also be largely limited to helping an individual identify an area to remain upon release and, possibly, a source of income".²²

Recidivism has born to the thought of Restorative Justice. Restorative justice is an approach to justice during which the response to a criminal offense is to arrange a facilitated dialogue or meeting between the parties involved, including the victim and therefore the offender, and sometimes with representatives of a wider community present also. **Victim –offender- mediation (VOM)** can dramatically change that dynamic. **The aim of restorative justice in prisons is to help with the prisoner's rehabilitation and eventual reintegration into society.** By repairing the harm to the relationships between offenders and victims, and offenders and therefore the community that resulted from the crime, restorative justice seeks to know and address the circumstances which contributed to the crime.

A 2007 study also found that it had the very best rate of victim satisfaction and offender accountability of any method of justice. Consistent with other studies performed by Vicky De Mesmaecker, for restorative justice to become publicly accepted, there must be effective public relations collaboration between the media and therefore the criminologists²³.

VI. TECHNIQUES USED FOR RESTORATIVE JUSTICE BY VARIOUS COUNTRIES²⁴

Most restorative programs manifest itself outside prison. There are several reasons for this. One is that it's far easier for offenders to form amends if they're not in prison. One more reason is that restorative justice is usually community-based, which suggests that the programs work with victims and offenders within the community. The reason has been the

²¹ Department of Justice, Justice and Education Departments Announce New Research Showing Prison Education Reduces Recidivism, Saves Money, Improves Employment(August 22, 2013)

²² Reentry Policy Council, Charting the Safe and Successful Return of Prisoners to the Community, New York: The Council of State Governments (January, 2005)

²³ Mesmaecker, Vicky, Building Social Support For Restorative Justice Through The Media: Is Taking the Victim Perspective The Most Appropriate Strategy?, 13(3), Contemporary Justice Review

²⁴ Daniel W. Van Ness, Restorative Justice in Prisons, PFI Centre for Justice and Reconciliation Prison Fellowship International, <http://restorativejustice.org/am-site/media/restorative-justice-in-prison.pdf>

hope of policymakers that **restorative justice is going to be a way of reducing court and prison overcrowding**. It's going to contribute thereto if the people sent to restorative programs would otherwise have gone to prison. However, there have also been efforts to explore how restorative justice might fit into the context of jail, and further, whether it might be possible to imagine a restorative prison regime.

One is when groups of prisoners have decided that they need to seek out ways to form amends and to satisfy with their victims. A second is when leaders in correctional services in their countries become champions of restorative justice (two good examples are often found in Canada and therefore the US state of Minnesota). As restorative ideas are tried successfully within the community, these leaders have decided to ascertain whether the programs might be useful inside a jail. The third is when people performing on prisoner rehabilitation have discovered that it's necessary to affect prisoners' responsibilities to those they need to be harmed as a part of their reintegration process. A fourth is when victims of great crime decide that they might wish to meet with their offender. This is often usually years after the crime happened, and therefore the offender will have skilled the criminal justice system and been sent to prison.

In **Australian Prisons**, they use different incentive programs that cash in of the many therapeutic opportunities that arise by looking closely at prisoners' social functioning and day-to-day interactions. They actively encourage offenders to assume responsibility not just for their behavior except for that of others. However, rehabilitation today is nearly always related to cognitive-behavioral therapy. Programs also dedicate tons of your time trying to vary personality traits, like low self-control, hostility, pleasure- or thrill-seeking, and lack of empathy²⁵.

Norway has all-time low incarceration and recidivism rates of the globe; their method is so effective other countries use the "Norwegian model". Norway prefers to use alternative penalties, also referred to as "**penalties in society**". Penalties in society mean, that the offender will serve their time out of jail, they're going to need to meet with an officer a specified number of times as per ordered by the court. Reciprocally then can stay out of prison if they follow the order by the court, in most cases, they keep their current employment, or the court orders employment, they get to continue being with their families (children, spouses, etc.), they will often continue their normal life but without crime. The punishment utilized in the correctional system is that the restrictions of liberty, no other rights

²⁵ Andrew Day, Crime & Punishment & Rehabilitation: A smarter Approach, The Conversation, (26th June 2015) <http://theconversation.com/crime-and-punishment-and-rehabilitation-a-smarter-approach-41960>

are detached from the individuals. Due to this belief, an offender inside a jail will have an equivalent right as a standard citizen²⁶.

A remarkable **Canadian** program, now utilized in **England** also, is named **Circles of Support** and Accountability. These programs aid within the reintegration of heinous sexual offenders, usually men who are pedophiles, into communities. There's apprehension on the part of both the communities and therefore the released offenders. The Circles work with the offender, social services, local enforcement, and community members to arrange a treatment program and to barter conditions associated with community safety and security.

The International Centre for Prison Studies within the UK initiated a “restorative prison” project in three prisons. One of the four key objectives was to make opportunities for prisoners to perform community service projects in and out of doors of prisons, like reclaiming public parkland.

The idea of **Virtuous Prison**, during which restorative justice and rehabilitation would be combined in an attempt, they write, “to foster ‘virtue’ in inmates, which is typically defined as ‘moral goodness’ or ‘moral excellence. Prisons should be considered moral institutions and corrections in an ethical enterprise. Inmates should be seen as having the requirement to become virtuous people and to manifest moral goodness. This statement announces that there are standards of right and wrong in which offenders must conform to the within and out of doors of prisons. The notion of a virtuous prison, however, also suggests that the correctional regime should be organized to satisfy the reciprocal obligation of providing offenders with the means to become virtuous.

At one particular **Brazilian** jail, local judge, Jose Henrique Mallmann, thought of a sentence reducing program. For every three eight-hour days riding the bikes, criminals have at some point in sentence shaved off. **The jail inmates are cycling the bikes to get electricity.** “It’s a win-win situation. People who normally are on the margins of society are contributing to the community and not only do they get out sooner reciprocally; they also get their self-esteem back,” Gilson Rafael Silva, the prison’s director, said. The program has been so successful so far, that the prison plans to feature even more power-generating bikes to assist further reduce sentences. The extra bikes are going to be ready to provide enough light to illuminate a whole street or town square.

²⁶ Christina Sterbenz, Why Norway’s Prison System is so successful?, Business Insider (Dec 12,2014), <https://www.businessinsider.in/law-order/why-norways-prison-system-is-so-successful/articleshow/45483042.cms>

As a part of Heritage Month, Correctional Services Minister Sibusiso Ndebele officially launched the **Reading for Redemption campaign and opened an Integrated Resource Centre (IRC) at St Alban's Correctional Centre in Mandela Bay in South Africa.** Ndebele called on all organs of society to donate constructive books to assist the department's path towards the rehabilitation of offenders. Ndebele said, *"Reading is one among the simplest ways to create a character. The books are going to be wont to instill a culture of reading and learning among the offenders. The stress of Correctional Services is on correction and every one folk is often corrected. We must create an environment in correctional facilities that contributes to offenders becoming better than what they were, thereby ensuring a far better South Africa,"* IRCs were established at various correctional centers so as to foster a culture of learning, reading, and knowledge sharing for both offenders and officials.²⁷

VII. CONCLUSION AND SUGGESTIONS

The reformative institution of prison is supposed to serve the dual purpose of keeping away criminals from society to make sure public safety and reformation of criminals and their subsequent rehabilitation. This objective is achieved under an institutional treatment whereby the system endeavors to scientifically eliminate all possible conditions, which are found liable for converting a private into a criminal.

Crime & conflict end in harm to people, **Restorative Justice seeks to heal & right the wrongs, that specialize in the requirements of the harmed & those liable for the harm. It encourages accountability, healing & closure for all.**

The commitment to reducing crime means reforming our public education system in order that inmates don't need in-prison GED programs within the first place. It means public investment in poor neighborhoods to spur growth and make jobs where returning offenders can put their education or vocational education, to good use.

Rehabilitation seeks to cause fundamental changes in offenders and their behavior. As within the rehabilitation generally works through education and psychological treatment to scale back the likelihood of future criminality. In terms of the idea, offenders largely commit crimes due to psychological factors, personality defects, or social pressures.

Sentences are consequently tailored to the requirements of the individual offender, and typically include aspects of rehabilitation like community service, compulsory therapy, or

²⁷ Reading for Redemption Campaign taken to Correctional Centre's, South African Government News Agency, <https://www.sanews.gov.za/south-africa/reading-redemption-campaign-taken-correctional-centres>

counseling. This theory favors the humanitarian sentiments of the age.

Therefore it becomes imperative to implement a rigorous process of criminal reboot that kills the crime and releases back an individual to rejoin society as a citizen. Some integral measures which will be implemented during this direction for the successful reformation of criminals are thus:

Family mulaqat system: The family meetings of prisoners in jail are often effectively used as a way to supply moral and psychological motivation to the offender Education and skill training: to place the energy and capacities of a criminal to raised use, it's only logical to supply education and skill training to the offenders as a part of the program. A reliable education can ensure hope for future success and thus deter recidivism by reforming the criminal and opening up a far better window of opportunity for him/her.

Employment opportunities: A step ahead and another measure to the already existing apparatus of reform in jails are often government initiative to make sure equal job opportunity to the reformed inmates by providing career counselors who monitor the offender's educational and a vocational endeavour throughout his/her sentence then ensures that they're competent enough to hitch various government-run industries or offices.

Spiritual training: Some penologists advocate the necessity for the spiritual training of the prisoners, for reformation. The act of soul cleansing, reflection, and retrospection that form the backbone of spiritual adventures are great tools to reform the spirit of the offender by leading him/her to self-realization. Yoga sessions and meditation can thus be incorporated into the reformation regime.

Aftercare programs: The present-day penal philosophy suggests the prisoners' after-care service also which correctional service presupposes active help and guidance to the discharged prisoners through counseling and surveillance. The method is titled '**Released Person's Convalescence**'.

In a country like India, where mental health is still a topic of taboo onto that giving relevance to the mental health of criminal would be a far-fetched thought. Then the whole discussions around the issues of funding for improving jail conditions will always remain. But it is discussion and being aware about new ideas and developments which would result in a better justice system and ultimately a better society for our generations.

The problem of rehabilitation of reformed prisoners is additionally another part of the larger problem of social integration. Thus the crux of all speculation rests on increased awareness amongst the masses about giving a good chance to the reformed criminal who has been

cured. It's the attitude of the society towards these criminals that never change which tends to push them again towards the planet of crime. We as a society should take responsibility for these criminals a far better life. It's once we start taking responsibility as an entire we'll move towards a crime-free society as Havelock Ellis says, "*Every society has the criminals that it deserves.*"
