



## BREAKING THE CYCLE: CORRECTION AND REHABILITATION IN THE FIGHT AGAINST RECIDIVISM

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### ABSTRACT

*Justice is not revenge. It cannot be repressive as it is for both the victim and the accused. We don't say justice is done unless and until, the matter of rights involved in the question of law, have been adjudicated properly. No one is born criminal; it is the circumstances around the criminal under which a person commits some offense. It has been seen that many offenders in the prisons of our country are those who have mistakenly committed some crime or had no knowledge for the nature of their act at the time of committing the crime. We are humans and we are bound to make mistakes. Now, some mistakes can be forgotten and forgiven but some mistakes are such that they just can't be ignored. The criminal justice system in India although speaks for "Bail is rule, jail is exception" but we don't see its implementation in the way as it was supposed to be. Accused are given detention, even when their trial is undergoing no matter how serious the offense is. Imagine serving a month in a prison cell even when your case is yet to be decided upon and you are already serving the jail time as under trial prisoner. This leads to the number of problems and lacunas that are present in our system which will be discussed later in this paper. This paper focuses on the problems that are persisting in the Indian Criminal Justice System while deliberately emphasizing on the topic of rehabilitation of prisoners, conceptual framework of rehabilitation, rehabilitative measures, and various strategies for combating the recidivism amongst the prisoners. In this paper, the author has utilized the notable publications, reports, and recommendations of various governments, organizations, and authors. The methodology employed in the research is based on non-empirical evidence.*

**Keywords:** Criminal Justice Administration, Rehabilitation, Open Prison, Pre-Sentence hearing, Human Rights, Victim Impact Statement.

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## **Introduction**

In India, the criminal justice system aims to combine punishment with rehabilitation. In Indian Constitution, individuals have the right to a just trial and are presumed innocent until proven guilty. Punishment in India is primarily in the form of imprisonment, fines, or both.<sup>34</sup> The severity of a crime committed is used to determine the length of the sentence. The Indian Penal Code (IPC) and the Code of Criminal Procedure (CrPC) are the primary legal frameworks used to regulate criminal offenses and their corresponding penalties. However, the Indian criminal justice system also recognizes the importance of rehabilitation in reducing recidivism and promoting social reintegration. Counselling, education and vocational training are the common rehabilitation programs that are provided to the offenders after they are being released from the prison in order to help them reintegrate in the society and to in leading a good productive life.<sup>35</sup>

Parole and Furlough are some of the statutory remedies that provides the prisoners a chance to get released from the prison early and reintegrate back in the society. For a prisoner to get release on parole in India, it is mandatory for prisoner to complete at least one-third of the prison time and that too while showing a good behaviour. Overall, while punishment remains an important aspect of the Indian criminal justice system, there is a growing recognition of the need for rehabilitation and reintegration of offenders into society.

The purpose of correctional law is to bring about social change, and a well-organized criminal justice system is essential for a functioning democracy.<sup>36</sup> It is the responsibility of the criminal justice system to effectively rehabilitate offenders. The goal of this study is to examine the role of rehabilitation strategies in the context of India for restoring the criminal justice system and reintegrating offenders, and to promote international best practices in the correctional system.

## **Objective Of The Study**

Each offender has the capability to reform himself. The only limitation to that note is that if the system allows the person to do so. The prison system in India needs some serious overlooking

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<sup>34</sup> Shyam Prakash Pandey, Kinds of Punishment under Indian Penal Code:A Critical Evaluation and Need for Reform, ISSN 2581-5369: Volume 4 Issue 1 : International Journal of Law Management & Humanities. 1699, 1703-1709 (2021).

<sup>35</sup> Vidit, Correctional & Rehabilitative techniques of Punishment: A Need for legislative reform in India, ISSN:2348-8212:Volume 4 Issue 1 : International Journal of Law and Legal Jurisprudence Studies. 114, 116-117(2014).

<sup>36</sup> Ankita, Critical Evaluation of the Imprisonment and Recidivism, ISSN 2581-5369, Vol. 4 Iss 5: International Journal of Law and Legal Jurisprudence Studies. 261, 268-270(2021).

and major reforms. We can't think of rehabilitating or correcting an offender of law if we don't have a proper prison system and administration in our country.

Our prison system in India was heavily influenced by the Britishers since and before the time of independence. Still, to this day, the prisons are considered as a house of captives where the prisoners must go through rigorous treatment as a result of the wrong committed by them rejecting all the basic human needs and reforms to them. This interpretation of prison is not just an imagination, in fact this is probably the closest to what every person thinks when it comes to prison. This stigmatised thinking needs to be stopped and measures and ways of rehabilitation of a prisoner must be created once again so that the criminal inside the mind of a criminal can be eliminated and a chance to start a new and better life must be given to such prisoners.

The present study would focus upon the Problems in the Indian prison system, meaning of rehabilitation of prisoners, strategies on promoting the victim-centeredness in the criminal justice system. The paper also substantiates upon How the implementation of Open prisons, victim-centric approaches including pre-sentence hearings and Victim Impact Statements impact the rehabilitation and punishment policy, and the potential benefits and drawbacks of these measures in terms of reducing recidivism rates and addressing the needs of victims.

### **Research Methodology**

To evaluate the effectiveness of rehabilitation programs on offenders, the research utilizes both a doctrinal and exploratory approach. The researcher gathered information from various secondary sources such as books, theses, research papers, online articles, and journals to conduct the study. The objective of selecting this subject was to comprehend the psychology behind why individuals commit crimes and whether punishment is the only solution. Appropriate punishment or assistance should be given according to the seriousness of the offense. In order to prevent future crimes, it is essential to understand the underlying reasons behind the occurrence of the crime, as the purpose of punishment is to serve as a deterrent. The research paper aims to identify the internal and external factors that contribute to an offender's decision to commit a crime and to investigate whether rehabilitation is a viable option.

### **Review Of Literature**

- Ms. Shalini Gupta's Paper titled "Correctional and Rehabilitative Techniques of Punishment: A need for Legislative reform in India" in which the author examines the role of Criminal Justice system in the prisoner rehabilitation process. In the paper, the

author gives insights about the problems existing in the system of rehabilitation and also suggest ways of overcoming it. The paper also mentions various alternatives to the imprisonment and how using these alternatives instead of detention will not only help maintain but also restore the rule of law in prisons where corrupt practices and violations of human rights are rampant.

- National Crime Records Bureau's Report which gives the statistics of the prisons in India. The report provides the information regarding the recidivism rates, inmates occupancy in the prisons and shows a clear picture of overcrowding in the Indian prisons.
- Paul Cassell's paper titled "In Defense of Victim Impact Statements". The paper thoroughly defends the use of victim impact statements during criminal sentencing by highlighting their significance to the victims of crime. Additionally, the paper argues that opponents of these statements do not adequately address the importance of these statements to those who have suffered harm.
- Suryansh Tiwari's paper titled "Concept of Open Prison System as a Correctional System" in which the paper aims to examine the origin of open prisons, analyze their effectiveness as a form of correctional facility, particularly in India's present circumstances, and offer suggestions for enhancement.
- Meagan Denny's paper titled "Norway's Prison System: Investigating Recidivism and Reintegration" in which the author talks about the higher recidivism rates in Western countries. The paper examines the unique qualities of Norway's prison system and investigates the reasons behind its notably low rates of repeat offenders, emphasizing the system's emphasis on reintegrating prisoners back into society through educational programs and normalization techniques, particularly in Norway's open prisons. This approach to incarceration is centered on rehabilitation, which is widely accepted by the majority of the Norwegian populace.
- National Institute of Mental Health & Neuro Sciences, Bengaluru-560029 handbook on "Dealing with Mental Health Issues in Prisoners during COVID-19". The handbook discusses the urgent requirement for the readiness, promotion of health measures, and handling of mental health concerns of both prisoners and prison personnel.
- Kaustubh Rote's research paper titled "Prison Reform and Social Change in India" in which the author argues that the current prison system in India needs to be reformed. The paper highlights the issue of overcrowding in prisons due to an increase in the

number of pre-trial prisoners who are detained in worse conditions than convicted prisoners despite being innocent until proven guilty. The lack of separation between different types of offenders in overcrowded prisons can lead to negative influences on other prisoners, which can be harmful to society.

### **Conceptual Framework Of Rehabilitation**

The concept of rehabilitation is justified by the idea that individuals commit crimes due to negative societal conditions. As a result, it is both a societal responsibility to intervene and assist the offender, as well as the offender's right to seek help from society.

Bentham's utilitarianism philosophy focuses on actions that aim for greater happiness for all the people. Also, the theory of rehabilitation advocates the practice of restorative justice.

A wide range of punishments does not mean that the criminal justice system of the country are rigid and inhumane. The astute of those who are in power reflects upon the diversity and the range of punishments. It has become important to deploy various methods of preventing the crime as the society gains more knowledge on the nature of crime, intention behind them and circumstances surrounding the crimes. Therefore, having diversity in the types of punishments available is a strength of a penal code.<sup>37</sup>

The conceptual framework of rehabilitation for prisoners is a multifaceted approach that aims to address the unique needs and challenges faced by incarcerated individuals in order to help them successfully reintegrate into society.<sup>38</sup> This framework is grounded in the belief that rehabilitation should be a central goal of the criminal justice system, as it can reduce recidivism and improve public safety.

The key components are as follows:

1. Treatment plan based on individual assessment: The needs of each of the prisoners are identified through an extensive assessment. Some prisoners require vocational trainings, some requires program on substance use and mental health. The extensive assessment helps in formulating a treatment plan for such prisoners.

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<sup>37</sup> Jeremy Bentham, Bentham on Utilitarianism, Journal of Liberal History. (Feb 23, 2023, 3:47 PM)

<sup>38</sup> Suryansh Tiwari, Concept of Open Prison System as a Correctional System: A Study in Light of Present Context, [ISSN 2581-9453] Vol. 3 Issue 4; International Journal of Legal Science and Innovation. 1025(2021).

2. **Holistic Approach:** A holistic approach is taken to address the physical, emotional, and social needs of prisoners. This may include access to healthcare services, mental health services, and educational and vocational training.
3. **Re-entry Planning:** Rehabilitation efforts begin as soon as possible and continue throughout the period of incarceration. A key component is reentry planning, which involves preparing prisoners for a successful return to their communities. This includes providing access to community-based resources and services, such as housing and employment assistance.

### **Rehabilitative Measures For Prisoners**

No society is crime-free. Crime will take place no matter, how adverse a country's law gets. We cannot just get rid of the criminals; it is their criminal mind that needs to be eliminated. For that purpose, the reformatory measures are required to eliminate the criminality within a criminal so that the individual gets a chance to live a normal life again. It is observed that the process of rehabilitation is not a single one and it doesn't stop at one point. It starts when the prisoner enters the prison and continues even after the prisoner is released.

In India, the most common form of punishment is the imprisonment out of all the other 5 kinds of punishment that are described in Section 53 of the Indian Penal Code, 1860.<sup>39</sup> Prisons have long been viewed as a powerful means of achieving the goals of punishment, but it appears that simply incarcerating individuals is not meeting these objectives in the desired manner. In order to achieve these objectives, prisons must serve to inspire and equip offenders for a life that follows the law and is financially independent after their release.

The main areas where prisons fall short in achieving these goals are in education and employment opportunities. The criminal justice system must prioritize the aspect of rehabilitation. Those who hold a reformatory perspective believe that punishment is only reasonable if it looks forward, rather than backward. They maintain that punishment should not be viewed as settling a previous score, but instead as an opportunity to start anew. The Supreme Court has also provided certain directives concerning the well-being and improvement of prisoners.<sup>40</sup> Some of those recommendations are:-

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<sup>39</sup> Indian Pen. Code, 1860, § 53

<sup>40</sup> PRISON REFORMS. Ministry of Home Affairs.

[https://www.mha.gov.in/Division\\_of\\_MHA/Women\\_Safety\\_Division/prison-reforms](https://www.mha.gov.in/Division_of_MHA/Women_Safety_Division/prison-reforms)

1. New inmates should be allowed to call their family members once a day for a few weeks upon arrival in order to help them adjust to prison life quickly.
2. It is necessary to provide modern cooking facilities and a canteen to the prisoners, as the current conditions are inadequate.
3. Video conferencing could be used for trials to take place remotely.
4. Due to overcrowding in prisons, more staff should be hired to better manage the situation.
5. Greater priority should be placed on providing speedy trials and establishing fast-track courts.

### **Challenges Confronting The Existing System Of Prison Rehabilitation**

It is important to discuss the problems with our prison systems before talking about the reformative measure for the prisoners. If we take a deeper look at our Indian criminal justice system, we can find thousands of lacunae in it. The increase in the prison population has led to overcrowding in prisons, which in turn has led to a rise in the cost of maintaining prisoners. Unfortunately, the budgetary allocation for prison administration has been consistently neglected, which has resulted in a significant decline in the quality of life for prisoners. In the post-independence era, the Indian government attempted to introduce significant reforms in prison administration. However, despite these efforts, there remain key areas where prisons are failing to adequately address the needs of prisoners, particularly in the areas of education and employment. Some of the problems with our prison system are: -

1. Overcrowding in prisons is the major problem in our country. The idle capacity of any prison to hold prisoners is being over utilized and more prisoners are kept in a single prison. The report of National Crime Records Bureau for the year 2021 showed that out of the 425609 available capacities of prisons, the inmate population of prisoners in the Indian prisons stood at 554034 taking the occupancy rate beyond normal at 130.2%.<sup>41</sup>
2. Another major problem in our prison system is that the prisoners are not distinguished from each other. The first lacuna in this is that the under-trial convicts are being locked up second lacunae is that these under trial prisoners are being kept with the convicted prisoners who are already serving their sentence. In fact, it is shocking to note that 77%

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<sup>41</sup> National Crime Records Bureau, Prison Statistics India Tables – 2021, Table-1.2 Capacity, Inmate Population and Occupancy Rate of Jails.  
<https://ncrb.gov.in/sites/default/files/PSI-2021/TABLE%201.2%20-%202021.pdf>

of inmates in the prisons of our country are under trial prisoners.<sup>42</sup> This factor plays a major role in the rehabilitation and correction of the prisoners in our country.

3. The existing rehabilitation system faces a significant challenge due to the absence of consistency in the sentencing policy across India. Judges in India have discretion in awarding sentences within the prescribed range of punishments for a particular offense. This discretion is exercised after considering various factors such as the nature and severity of the offense, the circumstances surrounding the commission of the offense, the age, gender, offender's social and economic status, and the impact of the offense on the victim. This discretion exercised by judges faces a lot of criticism. Judges have been accused that they either show leniency or become too harsh while prescribing the sentencing time in some particular cases. The sentencing process has also become a point of concern because of the political and external factors. In “Bachan Singh v. Union of India”<sup>43</sup>, the Supreme Court held an important ruling. The matter was related to the lawfulness of capital punishment in India, with a particular focus on whether it conflicted with the constitutional guarantee of the right to life. The Supreme Court concluded that although the death penalty was consistent with the constitution, it could only be applied in extremely rare circumstances where the punishment of life imprisonment would not suffice.
4. The National Crime Records Bureau's report on the reoffending rates of individuals arrested for all crimes under the Indian Penal Code during 2015<sup>44</sup> stood at 8.1% as compared to 7.8% for the year 2014<sup>45</sup>. The past trends also portray a similar picture of increase in the number of recidivists which is a major concern as it prima facie showcases that the punishment policy in India has failed to achieve its objective of reducing the recidivism among offenders.

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<sup>42</sup> 77% prisoners in India are under trials: NCRB. Money control.

<https://www.moneycontrol.com/news/india/77-percent-of-indias-prisoners-are-undertrials-ncrb-9142041.html>

<sup>43</sup>Bachan Singh v. Union of India (1980) 2 SCC 684.

<sup>44</sup> National Crime Records Bureau, Prison Statistics India Tables – 2015, Table-11.1 Recidivism Amongst Persons Arrested under Total IPC Crimes During 2015.

[https://ncrb.gov.in/sites/default/files/crime\\_in\\_india\\_table\\_additional\\_table\\_chapter\\_reports/Table%2011.1\\_2015.pdf](https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Table%2011.1_2015.pdf)

<sup>45</sup> National Crime Records Bureau, Prison Statistics India Tables – 2014, Table-11.1 Recidivism Amongst Persons Arrested under Total IPC Crimes During 2014.

[https://ncrb.gov.in/sites/default/files/crime\\_in\\_india\\_table\\_additional\\_table\\_chapter\\_reports/Table%2011.1\\_2014.pdf](https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Table%2011.1_2014.pdf)

## **Strategies For Combating Recidivism And Promoting Rehabilitation**

There has been a growing emphasis on victim-centric approaches to criminal justice, which prioritize the needs and concerns of victims of crime. The current scenario of the prison systems in India seems to put less emphasis on the rehabilitation of prisoners and the various problems stigmatizing the Indian prison system makes it an unattainable goal. The purpose of rehabilitation is to provide offenders with the skills and tools they need to lead productive and law-abiding lives after release. There are many strategies for promoting the idea of rehabilitation which, if followed correctly is believed to yield a better result. The use of open prisons, pre-sentence hearings, and victim impact statements forms the part of a broader strategy to promote rehabilitation and victim-centeredness in criminal justice policy.

### **A. Concept Of Open Prison System**

As the name suggests, the concept of open prison means prisons without bars and limitations. Apart from being less expensive, open prisons allow the government to make better use of the inmates' abilities. The financial returns are positive, and once operational, the open jails achieve financial self-sufficiency. Open prisons are also beneficial in reducing prison overcrowding, which is desperately needed in Indian prisons.

Certain prisoners require special handling to facilitate their reintegration into society, particularly those who are first-time offenders or who express a desire to reform. Open prisons serve as a means of addressing their needs and providing them with an opportunity to reintegrate into mainstream society. Open prisons have existed in some form or another in India for a long time. Around the 1960s, the first open prison was established in India, and presently there are 63 such facilities. These prisons do not have walls or stringent restrictions, but the prisoners are still penalized and encouraged to repent for their offenses, and the experience of freedom serves as the most effective means of rehabilitation.<sup>46</sup>

Only prisoners who have been sentenced to life imprisonment and demonstrate positive conduct, progress, and willingness to reform and rehabilitate are selected and transferred to these prisons. Various actions for open prisons have been carried out in some Indian states. The primary objective of these open prisons is to create an environment that is akin to a jail but not entirely confining. Although the prisoner remains in custody, their mind and body are afforded a degree of freedom. This approach aims to promote self-esteem, self-reliance, a sense of responsibility, and instil confidence in the individual, thereby reducing the

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<sup>46</sup> Suryansh Tiwari, Concept of Open Prison System as a Correctional System: A Study in Light of Present Context, [ISSN 2581-9453] Vol. 3 Iss 4; INTERNATIONAL JOURNAL OF LEGAL SCIENCE AND INNOVATION. 1025(2021).

likelihood of reoffending. Multiple Indian states have open prisons in operation. The benefits of open prisons are as follows:

1. It mitigates the adverse effects of criminal behaviour on both the offender and the community.
2. It addresses prison overcrowding concerns while also promoting humane living conditions.
3. Operational costs are lower because there is less of a need for security and guards because they are in open prisons.
4. Self-development and socialisation are encouraged so that they can maintain their place in society and avoid turning into sociopaths. They are also permitted to interact with others and communicate with their family.
5. Allowing inmates in open jail settings to find employment both inside and outside the prison gives them a confidence boost and allows them to earn money.

Research done by the Norwegian Correctional Service showed that the recidivism rates were quite lower in criminals in open prisons whereas it was high in the cases of traditional prison. Prisoners in open prisons were equipped with sufficient knowledge so as to allow them to secure employment and maintain a livelihood after they get released from the prisons.<sup>47</sup>

## **B. Pre-Sentence Hearings**

The purpose of pre-sentence hearing is to give the convicted offender the chance to discuss with the sentencing judge any elements of their past or character that might affect the type of sentence that will be given. However, there is evidence that judges are treating this provision indifferently or perfunctorily because they are unable to understand its intended purpose. The pre-sentence hearing is frequently scheduled by judges on the same day as the conviction, which leaves little time for the defendant's defence team to prepare a proper sentencing case.

Additionally, given that many sentencing decisions are made almost immediately after the hearing, there are signs that judges do not give themselves enough time to consider all the sentencing-related factors after the hearing. Mandatory sentences create another obstacle to following the presentence hearing's goals. While presentence hearings are

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<sup>47</sup> Meagan Denny, Norway's Prison System: Inv s Prison System: Investigating Recidivism and estigating Recidivism and Reintegration, Bridges: A Journal of Student Research(2016).  
<https://digitalcommons.coastal.edu/cgi/viewcontent.cgi?article=1032&context=bridges>

intended to consider factors that affect sentencing, mandatory sentences do not take any sentencing mitigation into account. Thus, mandatory sentencing often works against the presentence hearing's goals. Each judge must make every effort to enter the presentence hearing with an open mind and the intention to consider all the material and arguments given there before deciding on the appropriate punishment.

This is an advantageous approach for both victims and offenders. Research by the Australian Institute of Criminology showed that the satisfaction level in the victims was high who attended the pre-sentence hearings from those victims who did not. The recidivism rate in the offenders attending the pre-sentence hearing also reduced significantly.<sup>48</sup>

### **C. Victim Impact Statements**

Victim impact statements (VIS) are written or oral statements given by crime victims, or their families or friends, about the impact of the crime on their lives. These statements are typically given during the sentencing phase of a criminal trial and are intended to inform the court about the harm caused by the defendant's actions.

Studies indicate that victim impact statements can have a beneficial effect on both victims and the criminal justice system. For example, a study by the National Institute of Justice showed that, in the criminal justice process involving victim impact statement, the victims felt more validated and satisfied. Judges also get good assistance from Victim impact statement as it helps them in better understanding the crime and making the decision accordingly.<sup>49</sup>

Victim Impact statements also have a deterrent effect on the offenders. It was found in a study that offenders actually showed repentance for their actions.<sup>50</sup> Offenders get to know about the damage they have inflicted upon the victim and also to be accountable for their actions. Victim impact statements are effective way of making the offenders accountable for their actions and helping victims heal.

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<sup>48</sup> Edna Erez, Victim Impact Statements, AUSTRALIAN INSTITUTE OF CRIMINOLOGY.  
<https://www.aic.gov.au/sites/default/files/2020-05/tandi033.pdf>

<sup>49</sup> Victim Satisfaction With the Criminal Justice System, National Institute of Justice. (Jan 1, 2006).  
<https://nij.ojp.gov/topics/articles/victim-satisfaction-criminal-justice-system>.

<sup>50</sup> Paul Cassell, In Defense of Victim Impact Statements. (Vol 6:611 2009) OHIO STATE JOURNAL OF CRIMINAL LAW. 611, 616-619 (2009).  
[https://www.researchgate.net/publication/228187798\\_In\\_Defense\\_of\\_Victim\\_Impact\\_Statements](https://www.researchgate.net/publication/228187798_In_Defense_of_Victim_Impact_Statements).

#### **D. Mental health of prisoners**

The mental health of prisoners refers to the psychological well-being of individuals who are incarcerated in correctional facilities. There is a well-established fact that inmates are more likely to suffer from mental health issues, including depression, anxiety, post-traumatic stress disorder, and substance use disorders, in comparison to the general public. This can be attributed to a range of factors, including exposure to violence, trauma, and isolation, as well as limited access to mental health care and support services. Mental health care facilities like counselling and medications of prisoners must be provided by the correctional facilities.

Some of the strategies promoting the mental health of prisoners include identification and treatment of mental health problems of prisoners and helping the prisoners gain skills that would come to their use after releasing from prison.<sup>51</sup>

#### **E. Separate Prisons**

The differentiation of the prisoners is quite important for criminal justice system. The differentiation must be based on the basis of criminal record, age of the offenders. One reason for this is that the influence of hardened criminals can negatively impact other prisoners, leading to potentially harmful outcomes for society. Furthermore, different types of offenders may require different approaches to rehabilitation. For instance, some may need to address behavioural issues, while others may require treatment for past traumas and emotional insecurities. Certain crimes may also require punitive measures rather than rehabilitative ones. Therefore, separating prisoners is important to ensure that each inmate receives the appropriate treatment and that the prison environment remains safe and conducive to rehabilitation.

#### **F. Parole**

Everyone should get a chance to correct their mistakes. The same is the thought while granting parole to the offenders who are serving their sentence in the prison. Parole is a significant part of the criminal justice system. it refers to the temporary

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<sup>51</sup> Hegde, P.R ,Dealing with Mental Health Issues in Prisoners during COVID-19: A Handbook. National Institute of Mental Health & Neuro Sciences, Bengaluru, India. (2021).

or permanent release of a prisoner before the end of his/her sentence in view of good behaviour. Therefore, to put it simply, parole is the premature conditional temporary release of a prisoner on the condition that they abide by the conditions and observe certain restrictions in order to be granted the privilege of returning to the community and socialising with family and friends while considering correctional theory and preparing to resume their social lives. Simply deferring the execution of the sentence while maintaining its overall length. The paroled inmates risk being sent back to jail if they break the rules that govern their release. It helps in making the offenders deter from committing crimes by making them realise about the benefits of free living.

### **G. Probation**

A court-ordered period of supervision known as Probation serves as an alternative to jail. Although some jurisdictions permit probation periods of up to five years, it usually lasts one to three years. According to state legislation, if someone is found guilty of a serious crime like drug trafficking or sexual assault, their probationary period may be prolonged or potentially last for the remainder of their lives. The goal of probation is to let offenders live in the community as long as they follow the rules the court sets forth. In recent years, punishment and retaliation have received more attention than recovery, but trust in care and healing has resurged as a result of signs that certain things are "working," a concentration on policymaking based on "evidence," and other factors. As the person who started the process at the beginning, the probation officer's role is crucial in this process of treating and rehabilitating offenders. If he performs his duties honestly and fairly, the system can be reinforced in order to reduce the number of offenders in the future.

### **Conclusion**

The criminal justice system is a framework that regulates the operation of the courts, prisons, police, and other organisations that serve to provide victims with justice. Individuals are not born as criminals; it is always the circumstances surrounding an individual which makes him a criminal. These external factors can arise from different sources, including societal influences. Nonetheless, there have been developments in how the Indian Judicial System deals with crime by adopting a rehabilitative approach. This approach involves identifying the root

cause of the offender's behaviour and addressing it to prevent the offender from repeating their criminal activities. Rather than solely punishing offenders, rehabilitation offers them an opportunity to reform and make amends for their actions. Special Courts, fast track courts may help in achieving this goal. Both the offender and society are to gain various benefits from the rehabilitative approach pointing out the need for reform in the current criminal justice system.

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