**ROLE OF PRISONS IN MODERN PENOLOGY**

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**1. INTRODUCTION**

Prisons and incarceration are widely used methods of punishment and rehabilitation for individuals who have been convicted of criminal offences or facing criminal trial. In recent years there has been growing concern about the effectiveness and fairness of modern prisons as well as their impact on individuals, families and society as a whole.

**2. MEANING OF PRISON**

Prison is a place in which persons are kept in custody pending trial, or in which they are confined as punishment after conviction. The term “Jail” is a generic term which is also applied to penal institutions housing both persons awaiting trial and persons committed to sentences. Prisons are established with a view to protect the law abiding citizens from different types of criminals.

## 3. MEANING OF PENOLOGY

The word “penology” is derived from the Latin words “Pena” meaning “punishment” and “logos” meaning “study.” Therefore, penology is the study of punishment. Penology is the scientific study of the punishment and rehabilitation of criminals. It is a multidisciplinary subject that aims to study and evaluate the application of penal sanctions to wrongdoers. It has broadly focused on the justifications, characteristics and effectiveness of penal institutions. Since the 18th century, many penologists have conceived of prison as a place with rehabilitative potential, emphasizing its role as a means of reducing reoffending or of instilling moral backbone into offenders. Penologists are interested in finding ways to rehabilitate prisoners and reduce crime rates.

**4. ROLE OF PRISONS IN MODERN PENOLOGY**

The modern concept of penology is to change the attitude of the offenders, their way of life so that when they return to the mainstream in community, they will become a useful member of the society. Modern penology emphasizes the importance of rehabilitating offenders and preparing them for successful re-entry into society. These approaches recognizes that simply punishing offenders without addressing the root causes of their criminal behavior is unlikely to prevent recidivism and may even exacerbate the problem.

The objective of prison is not to retaliate against an offender. It aims to make a prisoner a better human being so that he may become a good citizen and useful person for society in future. There are various measures to do so like prison labour, education, religious instructions, etc. Thus the prison system has a great role to play to achieve the objects of modern penology. The role of prisons under modern penology can be discussed under the following headings:

1. Rehabilitation of offenders
2. Restorative Justice in prison
3. Community Supervision of offenders
4. Re-entry programme of offenders
5. Incapacitation
6. Deterrence

**i) Rehabilitation of offenders**

Offender rehabilitation is a process that aims to help the offenders or the prisoners to re-enter society after serving their sentence. The goal is to reduce the rate of recidivism or the likelihood of reoffending by addressing the root causes of crime. The rehabilitative program which is carried out in prisons are:

* Vocational training and general education: Now-a-days prisoners are given vocational training and other general education so that after their release from jail, they can earn livelihood by applying their said education or vocational training.
* Mental Health: Prison authority treats the prisoners in a very gentle way so that prisoners can feel free to express their problems before the prison authorities. It is tried to reflect that prisoners have also human right. It is often seen that prisoners are given ample scope to represent them before the court by engaging advocate even for free of cost.

**ii. Restorative Justice in prison**

Restorative justice is an approach to justice that aims to repair the harm done to victims. In doing so, offenders take responsibility for their actions, to understand the harm they have caused, to give them an opportunity to redeem themselves and to discourage them from causing further harm. This approach emphasizes repairing the harm caused by a crime and involves the offenders, victim and community in the process. Restorative justice programs may include mediation, community service, etc., to amend the behavior of offenders. In a restorative justice programme, a meeting is organized between the victim and offender. This is sometimes done with representatives of the wider community. The goal for them is to share their experience of what happened, to discuss who was harmed by the crime and how, and to create a consensus for what the offender can do to repair the harm from the offences. This may include the payment of money given from the offender to the victim, apologies and other amends, and other actions to compensate those affected and to prevent the offender from causing future harm.

That prison system should play a very active role to carry out the restorative justice. Prison is one of the best places where face-to-face meetings between the offenders and victim can be organized to achieve the purposes of restorative justice. It is however, surprising to note that Indian prison system has done nothing to achieve the restorative justice. It may be due to lack of legislative sanction to do the same.

**iii. Community Supervision of offenders**

This approach involves monitoring offenders in the community rather than incarcerating them. Community Supervision programs may include house arrest, electronic monitoring and drug testing to ensure that offenders are complying with the terms of their sentence. The prison system is applying the concept of community supervision by releasing of prisoners/offenders on parole or furlough or probation. The community supervision process would help the Indian criminal system to ensure effective rehabilitation of the offenders.

**iv. Re-entry programs of offenders**

These programs help offender transition back into society after their release. Re-entry programs may include job training, housing assistance and mentoring to help the offenders to build a new life for themselves. The prisons are the best places where re-entry programs of offenders can be carried out. That by proving vocational training, general education, etc., in the prisons, a suitable situation is created for the re-entry of the prisoners into the society after release from jail.

**v. Incapacitation:**

Prison use security features to make it difficult for inmates to escape.

**vi. Deterrence:**

The fear of prison deters many members of society from committing crimes.

**5. CAUTION AGAINST EXCESSIVE REFORMATION**

Despite the fact that traditional methods of deterrent and retributive justice have fallen into disuse and they are now substituted by modern reformatory measures, it must be stated that excessive reformation is likely to defeat the very object of penology. If the difference between life inside and outside prison is narrowed down beyond a certain limit, it is bound to culminate into catastrophic results. The element of deterrence is as necessary for any penal program as reformation; otherwise, the very purpose of punishment will be defeated. It must be realized that the ultimate control and prevention of crime depends on the proper utilization of criminological knowledge to the needs of society. This accounts for the emerging importance of applied criminology in recent years. The focus of attention should therefore not only be the offender or his criminal act but the interest of society in general and the rights of the victim, in particular, which must be protected at all costs. It is only then that the real objective of penology would be accomplished. A balanced penal program justifying deterrence when it is absolutely necessary and reformation as a general model of treatment of offenders would perhaps be the best policy to achieve the desired ends of criminal justice administration. Justice must be prompt, stern, and summary inspiring a wholesome fear in the criminal. It must not be forgotten that the protection of society against crime and criminals is far more important than the personal gain of the individual offender in committing a particular crime. Therefore, it is the offender who must suffer in the larger interests of the community. Then only the real ends of penal justice can be accomplished. It must be remembered that punishment presupposes an offence and the measure of punishment must not be lesser than the offender deserves. It must be recognized that there is a strong and wide-spread demand for retribution in the sense of reprobation. It may have retreated that the faith and philosophy behind the administration of criminal justice is the attainment of social justice and not individual justice. Therefore, a blatant shift to absolute reformation cannot be accepted as our constitutional creed.

**6. CONCLUSION**

Thus prisons play an effective role under modern penology to protect to society from the offenders by applying various rehabilitative measures giving due consideration to the human right aspect of the offenders. The prisons are not merely centre for serving punishment, rather it is the centre of rehabilitation and reintegration in conformity with the modern penology.

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