

# **REHABILITATION OF RELEASED PRISONERS IN INDIA THROUGH AFTER- CARE PROGRAMMES AND SERVICES: AN ANALYSIS**

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## **Abstract:**

The process of after-care and rehabilitation of offenders is an integral part of institutional care and treatment. After-care and follow-up service is not required by each and every inmate leaving the prison. A large number of prisoners coming from the rural area and agrarian and business communities are generally accepted back into their family. They are re-assimilated into the social milieu without much difficulty. They require only some continued contact with their kin and some pre-release counseling to bridge the gap between their life in the prison and that in the free society. The main object of after-care is to extend help, guidance, counseling, support, the removal of any social stigma and protection to all released prisoners whenever it necessary.

## **1.1 Introduction:**

After- care plays an important part in any integrated programme of crime prevention. In the absence of proper after care and a strict follow-up the best of penological practices will be meaningless. The hardest part of punishment that ex-prisoners, particularly young ex-prisoners, will have to face is when they come out of the correctional institution.<sup>1</sup>

After-care as a micro- constituent of the principle of social defence, which is term used in the correction frame of reference. In modern connotation, social defence is thus a reaction against the retributive system and based on the substitution of treatment for retributive punishment.

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1. B. K. Bhattacharya, *Violence Delinquency Rehabilitation*, 1<sup>st</sup> edn. (Bombay: N. M. Tripathi Private Limited., 1977). at 88.

The new thinking is based on the essential premise that since crime is social fact and human act, the process of dealing with a criminal does not come to an end after the offence has been legally defined and penalty imposed on the offender in accordance with law. It is also necessary to understand the crime as a social and individual phenomenon and the need to prevent its commission or repetition by adopting an attitude conducive to the re-socialization and reformation of the criminal.<sup>2</sup>

The term 'After-Care' refers to the programme and services organized for the rehabilitation of inmates from correctional institutions. In the opinion of the Advisory Committee on After-Care Programmes, the concept of 'after-care' is, however, a broader one and need not be limited to the specific programmes and services organized for the rehabilitation of individuals discharged from correctional institutions. In fact, the term 'after-care' can be used to refer to the programmes and services organized to complete the process of rehabilitation of socially or physically 'handicapped' individuals or groups which have been begun and carried up to a particular stage in an institutions.<sup>3</sup>

After-care has two connotations. In its narrow sense, it is somewhat like probation i.e., the released person is put under the care of a probation officer performing the role of a social worker. In its wider sense, after-care implies all efforts to enable the prisoner to overcome all the various social, economic and psychological problems after his release. Under the treatment philosophy, the after-care work, in a way, should commence as soon as the convict begins his prison life in its very rudimentary form, it simply means that at the time of departure the prisoner is given some money by the state or his savings, made out of the wages earned in the prison, and a set of clothes to equip him for the 'new life'.<sup>4</sup>

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2. Ananya Das Gupta, " *After-Care of Institutionalized Juveniles in Historical Perspective*" in N. K. Chakrabarti, Ed. *Institutional Corrections, In the Administration of Criminal Justice*, (New Delhi: Deep & Deep Publications Pvt.Ltd, 1999) at 16.
  3. Central Social Welfare Board, Govt. Of India, Report of the Advisory Committee, *After-Care Programme*, (1974), at 1.
  4. Ahmad Siddique, *Criminology, Problems & Perspectives*, 4<sup>th</sup> end. (Lucknow: Eastern Book Company., 1997) at 178-179.

After-care, thus, is a continuation of the reformatory and rehabilitative endeavours for the help, service, guidance, counseling, support and protection of persons released from juvenile and

adult institutions. They are socially and physically ‘handicapped’. The main aim of after-care services, therefore, is to reconstruct and restore institutionalized person to social positions of self-respect and also to enable them in settling down as law-abiding citizens in the community.<sup>5</sup>

### **2.1 Concept of after-care:**

The term ‘after-care’ refers to the programme and services organized for the rehabilitation of inmates released from correctional institutions. It presupposes a period of stay and treatment in an institution which may be reformatory, certified school, Borstal, home or a prison. The concept of after-care has got widened with the passage of time and now measures taken to rehabilitate persons suffering from physical or social disabilities also fall within its ambit. The report of the Advisory Committee on After-care sponsored by the Central Social Welfare Board suggests that after-care services should extend not only to ex-inmates but also to those suffering from physical or social handicaps.

Thus ‘after-care’ may be defined as any programme or services organized for the rehabilitation of (a) inmates released from institutions or (b) persons suffering from physical or social handicaps on account of circumstances beyond their control. It is voluntary when the ex-inmate or the destitute can by his free volition accept or reject it. It is compulsory where the law makes it obligatory upon an ex-inmate or a destitute to come under the supervision of the after-care organization. After-care has not been compulsory in India as there is no legal compulsion for an ex-inmate or a destitute to accept the services provided by an after-care institution. The position is, however, different in the United Kingdom where the law provides for compulsory after-care for certain categories of offenders.<sup>6</sup>

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5. Government of Uttar Pradesh, Report of the United Provinces Jail Reforms Committee, at 54.

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

### **3.1 Characteristics of after-care service:**

After-care service has the following characteristics:<sup>7</sup>

- It is a service intended for persons who have undergone a certain period of ‘care’ and ‘training’ within an institution.
- It is a facility for person or group of persons who has been found to be in special need by reason of a social, physical or mental handicap.
- It is intended to complete the process of rehabilitation of an individual and to prevent the possibility of his/her relapse into a life of dependence or custodial care. This would involve the strengthening of his/her moral and emotional fiber and the removal of any stigma that may be attached to his/her previous institutionalized.

Therefore, an ‘after-care programme is a programme which follows upon a programme of ‘care’.

#### **4.1 Objects of after-care:**

The Model Prison Manual (2016) has outlined the objects of after-care service as:

- Extending help, guidance, counseling, support and protection to all released prisoners, whenever necessary.
- Helping a released person to overcome his/her mental, social and economic difficulties.
- Helping in the removal of any social stigma that may have been attached to the inmate or his/her family because of his incarceration.
- Impressing upon the individual the need to adjust his/her habits, attitudes, approaches and values to a rational appreciation of social responsibilities and obligations and the requirements of community living.
- Helping the individual in making satisfactory readjustment with his/her family, neighborhood, work group, and the community.

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7. Government of India, Central Social Welfare Board, New Delhi, *Report of the Advisory Committee on After-care Programme*, (1955), at 1.

- Assisting in the process of the individual’s physical, mental, vocational, economic, social and attitudinal post-released re-adjustment and ultimate rehabilitation.<sup>8</sup>

#### **5.1 After-care in United Kingdom:**

The concept of after-care of prisoners in the United Kingdom can be traced as far back as 1776. In that year a prisoner released became entitled to monetary assistance along with clothing under an Act. The concept received impetus towards the end of the eighteenth century when voluntary societies sprang into existence to render assistance to discharged prisoners.

The Discharged prisoners' Aid Society was created. The main objects of Central Society were:

- To encourage the maintenance of Discharged Prisoners' Aid Society in connection with every prison in England and Wales.
- To provide a centre of information as to the best means of assisting youthful and other offenders.
- To concert means for the reclamation and after-care of discharged prisoners.
- To educate the public with regard to the value and importance of the work of the discharged prisoners aid society in general.
- To assist the Local Discharged Prisoners' Aid Societies by making grant, by giving advice and by rendering such assistance as may be asked for.

The National Association of Discharged Prisoners' Aid Societies came into existence in 1936. The administration expenditure of the association is financed by public funds but it is managed by a committee elected by the local societies. As a result of the recommendations of a joint committee of the Association and the Prison Commissions appointed in 1951, the aid societies concentrated on individual after-care of selected prisoners.

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8. Government of India, Ministry of Home Affairs, New Delhi, *Model Prison Manual*, (2016) at 212 para 22.04.

Another important recommendation which was implemented was the appointment of trained and qualified social case-workers as prison welfare officers by the association. These welfare officers are responsible for attending to the social and domestic problems of prisoners during their sentences and planning their future on release.

All prisoners who have served a sentence of four years or more are given a complete outfit of clothing and those who have served lesser sentences have the deficiencies in their clothing made

up. The Ministry of Labour takes the primary responsibility of finding employment for the discharged prisoners' through the Employment Exchange.

In 1958, the Advisory Council on the Treatment of Offenders' recommended, inter alia, that (a) there should be compulsory after-care defined by statute for certain categories of prisoners; (b) the prisoners who receive compulsory after-care should be selected by the sentencing court or by a case committee with earlier as a consequence.

The categories of prisoners to receive compulsory after-care should be in a order of the following priorities:

- Adult prisoners serving a sentence of imprisonment of twelve months or more who have served only one previous sentence of imprisonment.
- Adult prisoners serving a sentence of four months or more.
- Adult prisoners serving a sentence of more than three months who have served only one previous sentence of imprisonment.
- Adult prisoners serving a sentence of imprisonment of twelve months or more who have only two previous sentences of imprisonment.
- Adult prisoners under 26 at the time of conviction and serving a sentence of more than three months.
- Adult prisoners serving a sentence of imprisonment of twelve months or more who have one or more previous sentences of imprisonment.
- That compulsory after-care should be applied to categories (i) and (ii) above immediately and gradually extended to other categories.
- The period of after-care should be twelve from the date of release in every case.
- The condition of the license should be less peremptory, although stated with precision.
- A breach of the conditions should make the licensee liable to be recalled to prison by the Prison Commissioners.<sup>9</sup>

In 1967, The Central After-care association was abolished and probation officers became directly responsible for all form of compulsory supervision for discharged offenders. This responsibility was again extended in 1968 to persons released on parole, a new form of conditional released in the Criminal Justice Act, 1967. This development led to the establishment of one



statutory service. The probation and after-care, responsible for the welfare service within the prisons and all form of help and supervision on release. The Department of Health and Social Security has the general responsibility for meeting the financial needs of discharged prisoners. Where a discharged prisoner or a young person released from Borstal institution has asked for after-care on a voluntary basis, which cannot be met from other statutory or charitable sources, financial assistance may be made from the befriending fund. Where a person is released from an institution, he is placed under supervision for two years from date of his release. Probation officers are responsible for the supervision and after-care of the released inmates.<sup>10</sup>

Therefore, it appears that the after-care service in England is fairly comprehensive and embraces all stages of the rehabilitation process of the institutionalized individuals.

### **6.1 Juvenile after-care in United States of America:**

In the United States juvenile after-care is defined as the release of a child from an institution at a time when he can best benefit from release and from life in the community under the supervision of a counselor.<sup>11</sup>

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9. Supra note 6 at 529-530.

10. Supra note 2 at 23-24.

11. The President's Commission on Law Enforcement and Administration of Justice, Task Force Report, *Correction*, at 149.

The existing system for the after-care of juvenile varies from state to state. For the year 1964-1965, approximately 59,000 of those released were females. The period of after-care varies, from less than one year to one year or more. The after-care work is diverse and ranges from superficial supervision consisting of a juvenile monthly written report to sophisticated innovations.

In 1965, a special Committee on Correctional Standards was appointed by the Staff of the President's Committee on Law Enforcement and Administration of Justice. The following are some of their recommendations relevant for juvenile after-care:

- The law should provide that commitment to a training institution is for an indefinite period (i.e., the child shall not be required to serve a specified minimum length of time before being released on after-care).
- The law should give the agency having legal custody of the child the right to determine when the child shall leave the institution.
- Diversified after-care services and facilities should be available for children returning to the community. They should include foster homes, foster group homes and resident homes for children or those children who are unable to return to their own homes or the homes of relatives or foster families.
- The programme of training in the institution should include the preparation and counseling of youths for their return to the community.
- Every child entering an institution should be released under an after-care programme.<sup>12</sup>

### **7.1 After-care programmes in India:**

In India, the after-care work was done for a very long time by philanthropic organizations which, in spite of some good work done by them, had all the limitations which such private organizations tend to have in this country. The Indian Jail Conference of 1877 for the first time discussed the question of helping ex-convicts but did not take any positive steps to implement it.

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12. Supra note 6 at 531.

However a Discharged Prisoners Aid Society was organized as a non-official agency in U. P in 1894. Similar societies were organized in Bengal in 1907 and in Bombay in 1914, but these societies could not continue to function for want of government support and public sympathy. Like U. P Jail Reforms Committee 1946, some committees were established in few states in order to help the prisoners on their release. Simultaneously, steps were taken by the provincial governments to help the discharged prisoners and the Discharged Prisoner's Aid Societies were formed in many provinces in the country. Mainly the object of such societies was to help the released prisoners in their social and economic rehabilitation in the community.



Various Jail Committees in their reports emphasized the need for having effective after-care programmes but hardly anything was achieved. The All India Jail Manual Committee, 1957, observed:

“After-care is the released person’s convalescence. It is the process which carries him from artificial and restricted environment of institutional custody to satisfactory citizenship, re-settlement and ultimate rehabilitation in the free community. Institutional training, treatment and post-release assistance is a continuous process. After-care service, therefore, should form an integral part of correctional work.”

As a consequence of the Gorey Committee’s report on the subject, a comprehensive after-care programme was envisaged in the second and third Five- year Plans at the instance of the Central Government. A few after-care homes and shelters were set up in some states but because of lack of sustained interest and paucity of funds, most of them closed or become defunct. As could be expected, the Jail Committee, 1980-83 has pleaded for the revival and re-strengthening of these programmes and several recommendations have been made for the development and functioning of after-care programmes.<sup>13</sup>

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13. Ministry of Home Affair, Government of India, All-India Jail Reforms Committee, (1980-83) at 108 para 9.1.

Besides emphasizing the role of voluntary agencies and the need for proper counseling and adequate financial assistance to the prisoners at the time of their release, some other recommendations have also been made:

- After-care programmes should be a statutory function of the Department of Prisons and Correctional Services. At district level, the probation officer is to be in charge of these programmes
- After-care and follow-up units should be created for the assessment of the needs of the released prisoner.
- Legal assistance to be provided to those whose land has been grabbed.

- Material assistance in the form of food, clothing and journey expense for reaching their destination to be provided to the prisoners on their release.<sup>14</sup>

## **7.2 Constitutional provisions and after-care:**

Article 39 (f)<sup>15</sup> of the Constitution of India specifically states that the state shall, in particular, direct its policy towards securing that ‘the children are given opportunities and facilities to develop in a healthy manner and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.’ The article specifically requires the state to ensure of its people adequate means of constitutional-maker envisaged development in social, economic and political fields, they did not desire that it should be a society where a citizen will not have the dignity of individual.<sup>16</sup>

The philosophy of the concept of after-care is reflected in Act. 39 (f). The after-care homes are built with an objective to help the institutionalized juveniles, not in the fixed four walls of any boundary, but in an atmosphere where they are given the facilities to develop and grow in a healthy manner with their freedom and dignity.<sup>17</sup>

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14. Supra note 4 at 179.

15. Subs. By the constitution (Forty-Second-Amendment) Act, 1976, section 7 for clause (f) (w.e.f.3.1.1977).

16. Keshavananda Bharati v. State of Kerala, AIR 1973 SC 1461.

17. 17. Supra note 2 at 21.

## **7.3 J. J. (care and protection of children) Act, 2000 and after-care:**

The Juvenile Justice (care and protection of children) Act, 2000, provides guidelines relating to process of rehabilitation, after-care organization and co-ordination for juvenile.

### **7.3.1 Process of rehabilitation and social reintegration**

Section 40, of J. J. Act, 2000 states that the rehabilitation and social reintegration of a child shall begin during the stay of the child in a children’s home or special home and the rehabilitation and social reintegration of children shall be carried out alternatively by: (i) adoption; (ii) foster care; (iii) sponsorship; and (iv) sending the child to an after-care organization.

### **7.3.2 After-care organization**

Under section 44 of the J. J. Act, 2000, the state Government, may, by rules made under the Act, provide:

- (a) For the establishment or recognition of after-care organizations and the functions that may be performed by them under this Act;
- (b) For a scheme of after-care programmes to be followed by such after-care organization for the purpose of taking care of juveniles or the children after they leave special home, children homes and for the purpose of enabling them to lead an honest, industrious and useful life;
- (c) For the preparation or submission of a report by the Probation Officer or any other officer appointed by that Government in respect of each juvenile or the child prior to his discharge from a special home, children's homes, regarding the necessity and nature of after-care of such juvenile or of a child, the period of such after-care, supervision thereof and for the submission of report by the Probation Officer or any other officer appointed for the purpose, on the progress of each juvenile or the child;
- (d) For the standards and the nature of services to be maintained by such after-care organizations;
- (e) For such other matters as may be necessary for the purpose of carrying out the scheme of after-care programme for the juvenile or child:

Provided that any rule made under this section shall not provide for such juvenile or child to stay in the after-care organization for more than three years:

Provided further that a juvenile or child over seventeen years of age but less than eighteen years of age would stay in the after-care organization till he attains the age of twenty years.

### **7.3.3 Linkages and co-ordination**

The State Government, under section 45 of the J. J. Act may make rules to ensure effective linkages between various governmental, non-governmental, corporate and other community agencies for facilitating the rehabilitation and social reintegration of the child.

### **7.4. After-care and Model Prison Manual, 2016:**

The Model Prison Manual, 2016 provides guidelines relating to the process and planning and functioning of after-care and the role of Probation/Welfare/Correctional Officer:

#### **7.4.1 Process of after-care:**

- After-care services should be extended to all needy persons released from prisons, conditionally or unconditionally or on license. While after-care services should be provided to all needy prisoners, at the very least, prisoners having served a minimum of five years of imprisonment shall necessarily be entitled to after-care services.
- After-care problems of an individual should be treated in their totality and not in isolation. Not only the individual but his/her whole social situation must be tackled at the same time.
- After-care work should broadly be phased as follows:
  - (i) While the individual is under institutional care and treatment.
  - (ii) Immediately after-care release from the institution.
  - (iii) Post-released period.
- There should be full co-ordination between the Correctional Services and after-care services.
- It is the responsibility of the state to devise and develop mechanisms for rehabilitation of released convicts. For this purpose, 'Discharged Prisoners' After-Care and Rehabilitation Committees will be set up at the district or state level. Such committees will inter alia devise the mechanism for rehabilitation and after-care assistance for released prisoners. While devising the mechanism and extending help, special attention will be paid to the protection and post-released care and help of children, adolescents, women, sick, old, infirm and handicapped persons. Special emphasis should be laid on the after-care of habitual offenders, if they so request.<sup>18</sup>

#### **7.4.2 Planning of after-care:**

- Planning for after-care should be initiated immediately after an inmate's admission in the institution.
- After-care should be in the interest of the individual, and based on his needs. While planning post-release assistance, factors like the inmate's personality, his weaknesses

and strengths, limitations and capabilities, and his rehabilitation needs should be taken into consideration. The inmate's desires for post-release help should be considered on a practical and realistic basis.

- From the time of a prisoner's admission into prison, consideration should be given to his post-release needs and he should be encouraged and assisted to maintain or establish such relation (with persons or agencies outside the institution) as may promote the best interests of his family and /her own social rehabilitation. Special attention should be paid to the maintenance and improvement of such relations between a prisoner and his family, as are desirable in the best interest of both.<sup>19</sup>

#### **7.4.3 Functioning of after-care and the role of Probation/ Welfare/Correctional Officer:**

- An officer of appropriate rank is to be appointed as Probation/ Welfare/ Correctional officer in each prison. The Probation/ Welfare/ Correctional officer should contact the inmate during his/her admission-quarantine period. Such an early contact will be helpful in planning over-all help for the inmate and his family. The Probation/ Welfare/ Correctional officer should meet the inmate at least once a month throughout his stay in the institution.

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18. Supra note 8 at 213 paras 22.05-22.09.

19. Supra note 8 at 213 paras 22.10-22.13.

- The Probation/ Welfare/ Correctional officer should extend all possible assistance in maintaining the inmate's continued relationship with his family, employer and community. The welfare of the family members and departments of offender, as well as of their victims, should be looked after.
- The Probation/ Welfare/ Correctional officer should be associated with the prisoner's welfare services at the headquarter level.<sup>20</sup>

#### **7.4.4 After care and the rule of N.G.Os/ industry associations:**

- The participation of approved N.G.Os in the rehabilitation programmes should be extensively encouraged. Voluntary organization, which wishes to help the government in rehabilitation projects, should be given necessary financial and other help. Their services should be given due appreciation by the Inspector General of Prisons.

- The public should be educated about the need for rehabilitation of ex-prisoners through print and audio-visual media.
- Continuous liaison should be maintained with the agencies/ individuals which are willing to give employment to the released prisoners.
- Companies that are required to spend 2% of their net profit on CSR activities under the Companies Act, 2013 should be encouraged to contribute funds towards rehabilitation of prisoners. Appropriate steps may be taken by the State Government to facilitate tax-deductibility of donations made for this purpose in terms of Section 80G of the Income Tax Act, 1961.<sup>21</sup>

#### **7.4.5 Scope of after-care assistance:**

The scope of after-care assistance will be determined by the District Committee and may include the following matters:

- Subsistence money to cover initial expenditure after release, till such time as the released person reaches his/her family or obtains employment.
- Provision of food.

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20. Supra note 8 at 214 paras 22.10-22.16.

21. 21. Supra note 8 at 214 paras 22.17-22.20.

- Temporary accommodations till housing arrangements are made.
- Stay in a District Shelter/After-care Hostel/ State Home, wherever available.
- Assistance in securing housing in urban areas.
- Assistance in securing apprenticeship in a workshop/technical institute/Industry.
- Supply of artisan's tools or trade equipment.
- Assistance in starting a cottage industry, any small business, a small trade or a stall.
- Assistance in getting employment.
- Assistance in getting land, agricultural equipment, draught or milk cattle and seeds for those opting to take up agriculture.
- Assistance in starting a small dairy, poultry, duck, or sheep farm/piggery/ vegetable garden/ Seri-culture/ bee-keeping.



- Liaison with and assistance to prisoner's family during the period he/she is serving a prison sentence.
- Help in maintaining continuity in relationship with family, neighbours, employers and community.
- Preparing the family, employer and neighbours for receiving the individual after-release.
- Guidance in getting married and setting up a home and resettling in life.
- Liaison with local police so that he/she is not harassed unnecessarily.<sup>22.</sup>

#### **7.4.6 After-care and family adjustments:**

The following adjustments would be required:

- Explaining to the police the background and problems of the individual and getting help and co-operation from the police in the process of re-settlement.
- Communicating to the Panchayat/ Community Development Authorities about the background, problems and needs of the released person. Getting the co-operation and help of the panchayat, Community Development Officer, National Extension Service Worker and Gram Sevak, in the re-settlement of a prisoner.

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22. Supra note 8 at 215 para 22.21.

- Reference to a Social Service Organization in the neighbouring area where the prisoner is likely to settle after release.
- Assistance in continuation of education and vocational training.
- Creating interest in education and study. Motivating them to acquisition and improvement of skills, healthy recreation, and constructive use of leisure.
- Encouragement in building good habits.
- Help in planning and balancing his budget.
- Encouraging thrift and savings. Making them leave costly habits.
- Medical treatment on long-term basis for tuberculosis, venereal diseases, leprosy and cancer, in an outside hospital.

- Posting the released person under the care of a person or family interested in his welfare and re-settlement.
- Protection from getting associated with anti-social groups, agencies of moral hazards (like gambling dens, drinking places and brothels) and with demoralized and deprived persons. Help in establishing contacts, acquaintance and friendship with reliable neighbours, co-residents or co-workers.<sup>23</sup>

#### **7.4.7 Legal-aid and protection:**

The following aid and protection may be required for released prisoners:

- Help in all matter relating to the re-settlement and rehabilitation of the released person. The after-care agency should be closely associated with the planning of the after-care programme for the inmate.
- The plan of after-care of a prisoner should be subject to such changes as would be found necessary by the after-care service.
- The Probation/ Welfare/ Correctional Officer should intensify his work during the pre-release period. He should maintain all the prescribed records under the direction of the Superintendent.

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23. Supra note 8 at 216 para 22.22.

- After released from the institution, the case of a released person should be followed up for a period ranging from one to five years according to the requirements of each case.
- The Probation/ Welfare/ Correctional Officer shall establish follow-up study through interviews or correspondence. A six monthly report evaluating the released person's adjustments and re-settlement should be prepared by him and copies of it should be sent to the correctional institution where the individual had undergone treatment and to the record branch in the headquarters organization.
- The record branch in the headquarters should maintain all the case files and follow-up reports according to the central indexing system.<sup>24</sup>

#### **7.4.8 Formulation of schemes for after-care:**

Formulations of schemes for released prisoners are:

- The Industries Department of the government should formulate schemes for the employment of released convicts in small scale industrial units.
- Big industrial houses should be motivated at the level of the Prisons Headquarters to give preference in jobs to released prisoners in the interest of their rehabilitation and social adjustment.<sup>25</sup>

### **7.5 Probation, Parole and After-care should complement each other:**

The ultimate object of probation, parole and after-care is the re-socialization of an offender by individual treatment. Though they are intended to serve the same objective there are significant differences amongst them.

Probation is a treatment programme in which final action in an adjudicated offender's case is suspended so that he remains at liberty, subject to conditions imposed by or for a court, under the supervision and guidance of probation officer.<sup>26</sup>

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24. Supra note 8 at 216 paras 22.23-22.28.

25. Supra note 8 at 216 paras 22.29-22.30.

26. D. Dressler, *Practice and Theory of Probation and Parole*, (New York: Columbia University Press, 1959) at 6.)

If he contravenes the conditions imposed, the court may terminate the probation and inflict an appropriate penalty. As compared to that:

Parole is a treatment programme in which an offender after serving part of a term in a correctional institution is conditionally released under supervision and treatment by a parole worker.<sup>27</sup>

Whereas both probation and parole are applicable to an offender before the expiry of his term determined by the court, after-care begins after he is discharged from a correctional institution at the completion of his sentence. The former are conditional upon the observance of regulations set by the court or parole authorities. Their breach can lead to termination of liberty of the probationer or parolee. As compared to that, after-care is not conditional as its rejection by the ex-inmate does not lead to any penal consequences for him unless there is compulsory after-care as in England.

Dissatisfaction with the punitive system gave rise to probation. After-care was necessitated due to dissatisfaction with failing of prison system.

The underlying philosophies of probation and after-care were influenced by their origins. Probation was a form of extramural treatment which holds the offender in a carefully controlled situation of restraint and avoids the stigma of institutionalization. After-care released the offender from confinement to comparative freedom. It had nothing to do with the court or the sentence.<sup>28</sup>

Their approach is also different. A probation officer has to investigate and diagnose as nothing or very little is known about the offender. On the other hand an after-care agent knows quite a bit about him even during the pre-released period and can establish quick rapport with him to smoothen the rehabilitative process.<sup>29</sup>

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27. Ibid. at 44.

28. J. J. Panakal “&” K. K. D. Ghe, *Probation*, (Bombay: Tata Institue of Social Sciences) at 19.

29. Supra note 6 at 519.

Above all, the programmes and services of probation, parole and after-care are organized for rehabilitation or re-socializations of inmates after released from correctional institutions.

#### **7.6 After-care and the rule of police:**

The basic functions of police being prevention and control of crime, the police cannot afford to ignore after-care services of offenders so long they help directly in matter of preventing and controlling crimes by way of rehabilitating criminals in the society. The police who remain mostly busy with their multifarious duties relating to management of law and order situation, V I P. security, enforcement of major laws etc., tend to believe that prevention of crimes through correctional treatment and rehabilitation of offenders are the sole responsibility of correctional officers and social workers only and they have got nothing to do in this sphere. But it is not true. In view of the fact that the police are the first and foremost agency which comes into contact with the criminals, the society has got enormous dependence on them relating to the protection of society against antisocial. The police cannot afford to ignore this responsibility; rather it becomes imperative for them to share this task in close collaboration with correctional officers and social workers to yield the best result.<sup>30</sup>

## 7.7 After-care programme and Delhi Prisons:

Taking a leaf from the ambitious project of ‘Pradhan Mantri Kaushal Vikas Yojana’ (PMKVY), Delhi prisons in association with the Ministry of skill Development and Entrepreneurship, Govt. of India, started programme of skill development for the inmates of Central Jail, Tihar. On successful completion of the course, the trained inmates will be provided a certificate from Govt. of India which will help them in finding a suitable job opportunity after their released. These trained inmates may also get loan facility under ‘Pradhan Mantri Mudra Bank Yojana, which will help them to set up their own business as self employment.<sup>31</sup>

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30. M. R. Ahmed, *After-care and rehabilitation of released prisoners: An Indian perspective*, paper presented (at 5<sup>th</sup> National Conference of Heads of Prisons of States & UTs on Prison Reforms, Convention Centre, NDCC, New Delhi, 29-30 september, 2016) BPR&D.

31. Prison Statistics India, 2015 at 178.

## 7.8 Central Home for Men, Baripada in the district of Mayurbhanj, Odisha:

*“The institution is supposed to prepare the offenders to return to society. What happens to them when the prison gates close on them is worth knowing?”*

During my visit to Central Home for Men, Baripada to study the hardest part of punishment, (that ex-prisoners and ex-borstal boys,) have to face to build their future. When they come out of the institutions (closed gate), the time of release is the most critical period for them.

Mr. K. K. Jena, Superintendent, district probation officer and along with other staff had participated with me for analyses the rehabilitation works and programme which have provided among the inmates in day to day affair on Central Home for Men.

### 7.8.1 Statistic of inmates on Central Home for Man at the end of 2009-14:

Table - I

As on	Sanctioned capacity	Total number of inmates admitted from 1 <sup>st</sup> January to 31 <sup>st</sup> December	Total number of inmates released from 1 <sup>st</sup> January to 31 <sup>st</sup> December	Total number of inmates rehabilitated from 1 <sup>st</sup> January to 31 <sup>st</sup> December	Total number of inmates to whom financial assistance Govt./NGO from 1 <sup>st</sup> January to 31 <sup>st</sup> December
31/12/2009	25	19	15	10	Nil
31/12/2010	25	23	30	22	Nil
31/12/2011	25	09	12	07	Nil
31/12/2012	25	10	08	10	Nil
31/12/2013	25	14	12	12	01(Govt.Rs.10000)
31/12/2014	25	15	13	11	Nil
31/12/2015	25	04	06	06	Nil

Source: Central home for man, Baripada

It is evident from the above table; the population of inmates is not over populated at the end of 2009 to 2014. Only one inmate was provided financial assistance Rs. 10,000/- by the State Government in the year 2013 for rehabilitation.



**7.8.2 Present station senior inmates:**

Table - II

Sl No	Convict No	Name of the inmate	Sentencing Under P.O.Act	Sections	Allotted trade/work at the period of sentence	Financial assistance through Govt./NGO	Period of Staying this institution
1	1327	Ashis Naik,S/O Tapan Naik	On probation	U/S 376 IPC	Tailoring	Not provide	2 years
2	1333	Daman Marndi,S/O Chhunu Marndi	On probation	U/S 363/376(1)IPC	Tailoring	Not provide	1 years &6 months
3	1337	Narasingh Naik, S/O Late Sadhu Naik	On probation	U/S 376(D)/506IPC	Tailoring	Not provide	2 years
4	1338	Malaya kumar Samraj,S/O Ram Chandra Samraj	On probation	U/S 364/302/201/34IPC	Carpentry	Not provide	2 years & 6 months
5	1340	Kamal Naik, S/O Kali Charan Naik	On probation	U/S 493/313 IPC	Carpentry	Not provide	1 years &10 months

Source: Central home for man, Baripada

The above table indicates that the most of the inmates remained in the custody for sexual offences and they were provided trade/work in tailoring and carpentry and no one was provided any financial assistance by the government. They are staying in the said home for the period of 1 year to 2 year.

### 7.8.3 Last released inmates from this institution:

Table – III

Sl No	Convict No	Name of the inmate	Date of admission	Date of released	Sentencing /Section	Allotted trade/work at the period of sentence	Which type of assistance to inmates for rehabilitation
1	1301	Gyanendra Behera, S/O Debendra Behera	04.05.2012	03.05.2013	P.O.Act,U/S 376 IPC	Carpentry	Financial assistance of Rs.10000/- by Govt.
2	1313	Jagannath Murmu, S/O - Late Barial Murmu	17.06.2013	17.06.2014	Acquitted (for the period sentencing)	Tailoring	Vocationally & Socially
3	1314	Basudev Ho-Soy, S/O Pandu Ho-Soy	29.06.2013	29.06.2014	P.O.Act, U/S 376 IPC	Carpentry	Vocationally & Socially
4	1323	Sonu Munda, S/O Narayan Munda	28.11.2013	27.11.2015	P.O.Act, U/S 376 IPC	Carpentry	Socially
5	1331	Balaram Tudu, S/O Meghrai Tudu	12.05.2014	11.11.2015	P.O.Act, U/S 376 IPC	Tailoring	Socially

Source: Central home for man, Baripada

The above table shows that the most of the inmates are offenders under sexual offence. The maximum period of staying in the said institution is 1 year to 2 year. The trade/work provided to them is tailoring and carpentry.

#### **7.8.4 Observation:**

I observed that the case worker post was abolished and his work, (to follow of contract the released prisoners for a period of three years for rehabilitation of the released prisoner,) has been vested to the district probation officer. The superintendent is unable to pay required interest in the work of the cash worker as it becomes an extra burden to him. It is observed that the maximum inmates belong to young, tribal and economically backward. The trade (tailoring & carpentry) provided to them, while they were in the institution, is not sufficient for their economically socially rehabilitation after their release. The Government is found reluctant in providing fund to each and every needy inmate for rehabilitation.

#### **8 1 Conclusion and suggestions:**

The need and philosophy of after-care programmes has been convincingly summed up by J.P. Marin in these words:

“An effective penal system must aim for the re-integration of prisoners into society. In the last resort this is because there is a moral argument for after-care. It is simply that no man is so guilty, nor is society so blameless, that it is justified in condemning anyone to a lifetime of punishment, legal or social. Society must be protected but this is not done by refusing help to those who need it far more than most of their fellow citizen.<sup>32</sup>

The Advisory Council appointed in the United Kingdom considered all the possible methods of selecting who need after-care most and those who are most likely to profit from it and recommended that the categories of prisoners to receive it should be defined by the statute and their priorities should be fixed. In India, it is recommended an expert committee consisting of representation and non-official bodies working in the field of correction and after-care should be appointed to determine the categories of released prisoners for whom statutory after-care should be made compulsory.

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32. J.P. Martin, *After-care in Transition*, (1964).

The existing communication between released prisoners and after-care institutions is practically inadequate to bridge the gap between what the institutions can offer and what a released prisoner can really avail him of those services one hand. It is the lack of proper co-ordination between the Prison Department and voluntary efforts in matter of organization after-care services in another hand.

After-care programme in India was started during 2<sup>nd</sup> and 3<sup>rd</sup> Five Year Plans at instance of the Central Social Welfare Board and a few after-care homes and shelter were setup in some states. The All India Committee on Jail Reform (1980-83) strongly recommended that after-care of prisoners discharged from prison and allied institutions should be the statutory function of the Department of Prison and Correctional Services. All these recommendations, plans and scheme, neither adequate infrastructural nor stabilized organizational have evolved.

After-care programmes and services need to be streamlined to assist pre/post released prisoners includes like proper counseling, adequate financial assistance, campus placement, follow-up units ready to accept, avoid the unnecessary harassments in local police and society accepted without social 'stigma'. Therefore, after-care programmes and services should be an integral part of correctional work in prisons system and in the field prevention and control of crime.