

CORRECTIVE LABOUR

Traditionally, the purpose of punishment for crimes has always been retribution and deterrence. This is evident in the types of punishments meted out to criminals in the past. Traditional punishments involve the offender being tortured and/or killed.

However, in contemporary times, the purpose of punishment has changed largely to the reformation of the offender. The idea is that 'the criminal is not born, he is made'. Thus, alternatives to traditional punishment systems are being implemented. Reformative programmes such as education for the offenders, open prisons, and forms of corrective labour are some of the popular alternative punishment systems whose purpose is the reformation of the offender.

Corrective labour as a system of punishment is a very interesting concept. It involves making the offender work as punishment outside prisons. Here, he is not imprisoned. In fact, he is not separated from his family as much as possible.

Corrective labour as an alternative for traditional imprisonment was first recommended by the Law Commission of India in its 42nd report.

Recommendations in the 42nd Law Commission Report regarding corrective labour

This report recommended the introduction of corrective labour as a form of punishment for non-serious crimes. Corrective labour was recommended to be a substitute for short term imprisonment so that the disadvantages of the traditional jailing system, such as petty offenders associating with hardened criminals, could be avoided.

The responsibility of awarding the punishment, according to the recommendations, lay on the court. The maximum period of corrective labour was to be one year while the minimum period was to be a month.

The focus of the punishment would be to make the offender work as close to his home and with as little deprivation of his freedom as possible. Thus, the work assigned to the offender would, as far as possible, be in his district of residence. He would also receive wages for his work but, at a reduced rate decided by the court.

Repeated evasion of corrective labour by the offender would authorise the court to punish him with normal imprisonment. Also, the period of normal imprisonment would be calculated such that, for every three days of the unserved term, there shall not be more than one day of normal imprisonment.

However, this scheme of punishment was not recommended for serious crimes. Thus, criminals convicted for offences punishable with death, imprisonment for life, and imprisonment for a term exceeding seven years would be given their normal prescribed punishments. Thus, persons convicted for crimes such as rape and murder, considered to be beyond reformation, are excluded.

The recommendations of the report, unfortunately, were not accepted by the government and thus not implemented.

Advantages of the use of corrective labour as punishment

Corrective labour, if used properly can be highly beneficial to the offender, the state, and most importantly, the society itself.

The offender benefits from this system as his personal freedom and liberty are not curtailed as much as they would be if he was imprisoned. He is given an opportunity to work and earn money, he is not separated from his family and most importantly, he is not exposed to the evils of traditional prisons. Prisons across India face serious problems such as overcrowding, unsatisfactory living conditions, prolonged detention of under trials, staff shortage, corruption, inadequate social reintegration programmes, poor spending on health and welfare among others. More often than not, former convicts find it difficult to reintegrate into society once they are released after serving their sentences and revert to their criminal ways. It is also not uncommon for persons convicted for petty offences to commit more serious crimes after coming into contact with other serious criminals while in prison.

The system of corrective labour, by avoiding the need for imprisonment of a bulk of the convicts, reduces the stress on the congested prisons. It also relieves the state from the burden of maintaining these offenders in prisons.

Society benefits from the system of corrective labour as it has been proven to reduce the rates of recidivism among ex-convicts. A 2015 study compared detainees in Belgium with sentences of between six months and three years, and found that the

subjects who completed their sentence at home wearing detectable ankle bracelets were less likely to re-offend than peers who had completed their sentence behind bars. A reduction in the rate of recidivism will go a long way in reducing the crime rates in a society.