

REFORMATIVE AND REHABILITATIVE TREATMENTS OF OFFENDERS: A GENERAL OVERVIEW

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Abstract- In a utopian state of affairs there could be crime even though not according to the standards of law but to morality. Since the beginning of the polity system or probably even before that it is has been a part of human endeavor to make the standard of living safer and secured at all levels. But in modern days this part of human endeavor has touched a different standard altogether. Aspects of it came to the picture from the beginning of the twentieth century, when besides the protective role, the welfare role of the government assumed extensive prominence. This welfare role of the government in the private as well as the public sectors of life makes it incumbent on the government, not only to perform its duties under the statutory books of the criminal justice administration but also to perform certain constructive responsibilities towards the society. This constructive aspect of government responsibility includes treating the offenders as potential human resources and not like a fringed human waste, so that they can be reformed and re-integrated into the society again. The reformatory and rehabilitative approach of treatment of offenders, in this regard, assures the possibility that the criminality of criminals, and in turn crime, can mostly be removed from our society. There are various services, programs, therapy and treatment facilities which makes the implementation of this approach possible. Some of these are discussed in this paper along with its concept and origin.

Keywords: Criminal, Reformation, Re-integration, Society

I. Introduction

“To put people behind walls or bars and do little or nothing to change them is to win a battle but to lose a war. It’s wrong. It’s stupid. It’s expensive.” Warren Burger

(Former Chief Justice of US Supreme Court)

Putting a criminal behind the bars in order to prevent him from doing any more crime or to punish him with exemplary punishments in order to deter the future criminals, is an age old & fruitless approach in dealing crime and criminals. It only provides a temporary solution to the problem. And besides, it’s absolutely unjust to award punishment to someone for the purpose of deterring another possible criminal because human beings are ends in themselves and should not be used as a means to an end even though that end benefits a society.

Individuals should be categorically evaluated. So the government must treat the offenders not as a labeled criminal but as a patient who requires help to be cured. They must be treated as the possible human resources who are presently acting deviantly because of the adverse situation in which they are in. the criminal justice administration must as much as possible take the reformative and re-integrative approach in dealing with criminals. If one agrees with the point of view that no human being is biologically criminal minded or born criminal then he cannot deny the fact that committing a crime of any nature does not make him demon from a human. One needs to analyze the mental conditions, factual situations and events which caused such criminals to commit crimes. Evil is not the person himself but the situation around him. By taking care of the situation one can actually take care of the person and stop him from becoming a criminal. So by taking care of these situations and also of the criminal who is the real victim here one can endeavor to dream of a crime less society. These are the various aspects of the reformative and rehabilitative approach of thinking. If one claims the fact that rational and proportionate punishment symbolizes the growth of human civilization then the reformative and rehabilitative approach can be considered as the peak of human civilization in terms of criminal justice administration.

II. Correctional Services in General

In the present world the welfare government has many important functions to play. It has to provide all possible and accessible basic needs to every human being of the society or state. But the primary goal of the government is to protect its citizens from those who would harm them. Military protects from the foreign military invaders and criminal justice system protects from the domestic ones. The criminal justice system is roughly divided into three parts: law enforcement, court and corrections – the so called '*catch, convict and correct trinity*'. Correction is thus a system embodied in a broader collection of public protection agencies, ones that comes into play after the accused has been caught by the law enforcement, prosecuted and convicted by the courts.

Correction is a genetic term covering variety of functions carried on by the government and agencies having to do with punishment, treatment, supervision and management of the individuals who have been convicted of crimes. These functions are implemented in prison, jail and other secure institutions as well as in community based correctional agencies such as probation and parole departments. As the term implies the correctional enterprise exists to correct amend or to put right the attitude and behaviour of

its clientele. This is a difficult task because many offenders have psychological, emotional or financial investment in their current lifestyle and have no intention of being corrected.

III. Reformation of Offenders

Reformative efforts are an attempt, through treatment or programming, to stop offenders from continuing to offend. While other preventative programs attempt to sway youth away from getting involved in violence and delinquency before they have done so, reformative programs target youth who have already engaged in delinquent or violent behavior. Reformative approach is also known as tertiary crime prevention. Reformative programs can be provided within or as part of another criminal justice sanction, such as incarceration or probation, but this is not a requirement of rehabilitative programming.

The basis of reformative correctional process is very much different from the other processes like preventive or incapacitation. The justification for apply the various types of reformative correctional services is that *firstly*, the offenders have correctable deficiencies that means this process believes that the offender has some deficiency which could be mental of physical , out of which they commit crime and *secondly* they believe that the deficiencies can be corrected. The main idea or the main purpose of the reformative theory is that they offer treatment to offenders to reduce offender's inclination to reoffend. This correctional service actually focuses on the needs of the offenders. The image of offenders in these correctional services is like a good person who has unfortunately gone astray but will respond to treatment.

During the process of reformation the authority actually tries to purify the mental condition of the offender. It means correction of all the deformities in the criminal in terms of his behavior, habits, values, thinking addictions and insights also. It is done by various programs of and treatments based upon scientific techniques. Besides these treatments and health related programs they also provide in some cases educational facilities, job oriented, vocational and skill development trainings which eventually will help them in constructing their life after they finish with serving their sentence. These programs help the offender in doing their best in making positive changes in their lives by avoiding the destructive and unproductive thinking. Whatever helps the criminal with the self realization by providing them with reformation actually helps the society or the community in itself.

IV. Rehabilitation of Offenders

Webster notes that “rehabilitation is a crime prevention strategy rooted in the notion that offenders can change and lead crime-free lives in the community”. Reformation is only one end of the whole approach. The other is the re-integration or the rehabilitation of the offenders in the society. After getting reformed at the correctional facilities when the offenders go back to the society, they are again exposed to the same conditions which caused the criminality in them in the first place. So besides reforming them it is also extremely necessary to make it sure that they continue with their reformed personality when they are re-integrated to the society like a normal being. In order to achieve that purpose the re-integration or the rehabilitation approach must be followed the responsibility of rehabilitating them well in the society lies not just with the government but also with the society itself.

The role of external service providers in this context is to provide community based support to offenders. Ironically the group which received the least attention or an assistance of short-term is the group with both the highest levels of social need and the highest rates of reconviction. So the authorities as well as the society need to concentrate more on them.

Most of the offending populations had been unemployed before going to prison, had no qualifications and were involved in substance misuse due to the failures by mainstream agencies to meet their needs. Some of them had no accommodation to return to after their release. In other words, the problem of re-offending is located primarily in the exclusion of ex-prisoners from effective services to meet their practical needs.

V. Development of Reformative & Rehabilitative Approach

During the Medieval period the punishments were cruel and retributive in nature. In many respects, that was the position till the 18th Century. Punishments like hanging, drawing and quartering, beheading, boiling, pillory and placing an offender in the stocks were designed only just to cause pain but also to humiliate such offenders in front of the whole society. So during those days there was no question of reforming or rehabilitating the offenders. But the humanitarian attitude towards punishment was slowly developing. In England in 1814 the sentence of hanging, drawing and quartering for treason was modified to the cutting down and disemboweling. Only in 1870 was quartering formally abolished. In 1815 the pillory was abolished for some offences and, finally, altogether in 1837. In 1820 the whipping of females was abolished. In 1822 the practice of dissecting the bodies of

murderers was done away with. In 1857 transportation was abolished. In 1872 the last offender was placed in the stocks. The public executions were not finally abolished until 1868.

But the standard of the criminal justice administration started to change eventually due to the enlightened contributions of various thinkers. Some of them are discussed below:

VI. Cesare Beccaria: On Proportionate and Humanized Punishments

Reform was, in the first instance, a product of the Enlightenment period. The reformer who led this was an Italian noble man and Professor of Law Cesare Bonesana Marchese di Beccaria, or commonly known as Cesare Beccaria. Arthur Koestler has written of Beccaria that 'there was perhaps no single humanist since Erasmus of Rotterdam who, without being attached to a definite political or religious movement, had such a deep effect on European thought.' He published his great work 'On Crimes and Punishments', (*Dei delitti e delle pene*) in 1764. Within a year his fame was worldwide. 'On Crimes and Punishments' was the first serious work devoted exclusively to the question of criminal justice. The book was a passionate plea to humanize and rationalize law and to make punishment just and reasonable.

Beccaria did not question the need of punishment but he believed that laws should be designed to public safety and order but not to avenge crime. He also took the common practice of secret accusations arguing that such practices led to the general deceit and alienation in society. He argued that accused person should be able to confront their accusers, to know the charges brought against them. Besides that he even argued for the public hearing of cases before an impartial judge as soon as possible after arrest and indictment.

Beccaria's main contribution in the field of correctional services is that he was the first person to assert that the punishment should be in proportionate to the harm done. Beccaria emphasized the importance of certainty and of promptness in punishment if it were to be effective. According to him there must be a reasoned balance between the seriousness of the crime and the punishment imposed.

He asserted that the punishment should be identical for identical crimes. It should be applied without the reference to the social status of either the offender or the victim. He opposed the Doctrine of Maximum Severity. In Beccaria's view maximum severity only hardened criminals and bred impunity. That doctrine had been greatly favored especially in

England upon the view that the sole object of criminal punishment was prevention. Whether the penalty was proportionate to the offence was of no great consequence. But he again said that the punishment however must be certain and swift to make a lasting impression on the criminal and to deter other criminals.

To ensure a rational and fair penal stricter punishment for specific crimes it should be decreed by a written criminal code. The duty of the judges was to determine the guilt or innocence of the individual and then to impose the legally prescribed punishment if the accused was found guilty.

The positive effects of Beccaria's works are as follows:

- During his lifetime his proposals were embodied in the laws of Russia, Sweden, Austria, Tuscany and Greece.
- Beccaria greatly influenced Frederick the Great and as a result of Frederick's personal zeal the Prussian Criminal Code was revised and rationalized. The death penalty in Prussia was greatly reduced.
- On 22 August 1772 Gustavus III of Sweden abolished torture and thereafter comprehensively revised the Criminal Code, which came into effect on 20 January 1779.
- Maria Theresa of Austria did not accept Beccaria's ideas but her sons Joseph and Leopold did. Joseph II who succeeded his mother thoroughly revised the Austrian Code. The revised code came into force on 13 January 1787 and was the first to abolish capital punishment for every offence other than treason or murder. Leopold, Grand Duke of Tuscany passed an edict putting Beccaria's ideas into effect. In 1791 the French reflected his influence in a new penal code.

VII. Samuel Romilly: Against the Doctrine of Maximum Severity

Retributive approach in early English societies was uninfluenced by Beccaria's works and therefore England was one exception to these general developments. As **Koestler** has written that for more than a century England ran against the current.

During the 17th Century there was about 50 offences for which capital punishments was awarded in England. Between 1660 and 1819 this increased greatly and 187 offences were

enacted with capital punishment. Death was the only punishment for these offences although many differed greatly in its seriousness. To avoid uncertainty the Courts were allowed no discretion for extenuating circumstances. This extremity even extended to children. During the 18th century, transportation was the only alternative to death for most offences.

Samuel Romilly (1757–1818) who had been greatly influenced by Beccaria, strongly criticised the Doctrine of Maximum Severity. But at the end of the 19th century the ‘bloody code’ was still intact. The struggle for its repeal took place between 1808 and 1837. In 1808, when Romilly was contemplating his great campaign, the number of offences punishable with capital punishment stood at 220. He proceeded cautiously. In February 1810 he introduced separate Bills to repeal three Acts, all of which imposed the death penalty:

1. The first was for stealing privately in a shop for 5 shillings (a form of British money);
2. The second for stealing in a dwelling house to the value of 40 shillings and
3. The third for the same amount on navigable rivers.

In 1811 Romilly re-introduced the three Bills which had failed and introduced two others, one of which sought the repeal of the death penalty with 10 shillings in the case of stealing. Romilly's Bill for repeal of the death penalty for stealing in a shop to the value of five shillings was passed by the Commons, but defeated in the House of Lords on six occasions (1811, 1813, 1816, 1818 and 1820).

Romilly did not live to see the Bill passed. In the course of his life he succeeded in getting only three capital statutes repealed. He committed suicide a few days after his wife's death in 1818. But soon after, resistance began to crumble. Petitions from enterprises concerned were held in a number of acquittals, forced a Committee to be set up in 1819, in order to review the whole issue. Its recommendations were moderate but still the Lords held out. In the end it was not until 1837 that the death penalty was substantially reduced but by 1861, it was imposed in the case of only four offences which were treason, murder, piracy and arson in the dock yards.

VIII. Jeremy Bentham: For Panopticon Penitentiary of Criminals

Jeremy Bentham (1748–1832) was an English philosopher, economist, and theoretician. Among his many works was “The Rationale of Punishment (1830)”, in which he proposed a utilitarian rationale for punishment. Mankind, according to Bentham, was governed by two

fundamental principles: the pursuit of pleasure and the avoidance of pain. These two aspects should be utilized to deter criminal behavior through a careful application of criminal law.

Jeremy Bentham's contribution in the establishing a correctional institution can be comprehended from his famous work "Outline of the Plan of Construction of a Panopticon on Penitentiary House". In this he suggested for a construction of a structure like prison for panopticon penitentiary of criminals. Panopticon means a prison in which all the prisoners can be seen or monitored from one place. But although the finding of this was not signed off by King George III.

IX. Zebulon Brockway: Crime as a Moral Sickness

Rehabilitation was the goal of early American prison reformers such as Zebulon Brockway and researched the pinnacle of its popularity from about 1950 to 1970s, when the medical model of criminal behavior prevailed in corrections. The medical model viewed crime as a moral sickness that required treatment and were to remain in the custody under indeterminate sentences until cured. Never the less it was during this period that classification system of individual and group counseling of therapeutic milieus and college classes were added to the usual rehabilitative fare of labor, basic educational and vocational training.

x. Robert Martinson: The Criticism of Nothing Works on Recidivists

However, in this period correctional administrators throughout the world have witnessed many changes and indeed challenges to the ethos of rehabilitation. In the 1970s the rehabilitation tide turned after New York sociologist Robert Martinson (1974). Martinson wrote an article "What Works? Questions and Answers about Prison Reforms" on the basis of his review of 231 studies, which were conducted between 1945 and 1967, and ultimately concluded that 'with a few and isolated exceptions the rehabilitation efforts that have been reported so far have no appreciable effect on recidivism'. Martinson's work was widely interpreted as "*Nothing Works*" when it comes to offender rehabilitation.

But in general if one expects a complete and absolute reformation by using the rehabilitation services then it will be for sure 'nothing works'. A program designed to change people is not like a machine that either works or does not. Human nature being what it is nothing works for everybody; some things work for some people at some of the time and nothing will work for anybody all of the time.

Martinson said nothing works when it comes to rehabilitation because in his study the authority is actually providing the services but not in a proper and useful manner. They are doing it for name sake only therefore there is no result. He surveyed in variety of correctional services and identified the various reasons for its being unsuccessful. Some of these defaults in the administration of rehabilitative correctional services are mentioned below:

1. There are some correctional services which relied only in some specific methods like psychoanalysis. Even though it is one of the important methods which is used in rehabilitative services but completely basing on this method will not serve the purpose of all the offenders who need rehabilitation.
2. The authorities most of the times use their rehabilitative correctional services to change those behaviors of the offender which are not the actual cause of their deviant act.
3. In most of the rehabilitative correctional services the employees who offer these services are not adequately skilled enough to provide those services.

In Martinson's view in order to change the conception of 'nothing works' for the offender under rehabilitation, these above mention defaults have to be properly taken care of by the correctional authorities.

XI. Mark Lipsey and Francis Cullen: From "Nothing Works" to "What Works"

The second half of the 20th century was the period in which many scholars tried to pin point the problems or defaults and identify the elements which *will work* for the offenders under the rehabilitative correctional services. A few among those scholars were Mark Lipsey and Francis Cullen. According to them the actual problem in the rehabilitative correctional services can be summarized as below:

1. The rehabilitative correctional services are not scientifically up to date at many a times.
2. The authorities do not use the available research to determine what works of a particular criminal and then implement the same on that particular criminal.
3. The third most important issue is that the attitude of the staff members of these services. These staff members merely relay on their own convenience in treating the

offenders. They only use the customary techniques in these services and justify it by saying that “we have done it in this way and there is no reason to change it”. They also relay on some ill ideologies or mindsets like “the criminals are scumbags, why waste time and money on them.

So according to them these issues must be resolved first in order to make the reformative and rehabilitative approach successful.

XII. Reformative and Rehabilitative Services: Therapy, Treatments & Programs

The reformative and rehabilitative correctional services basically concerned with the reduction of the risk that the offender poses to the society but not to improve the offender’s live. Of course the two goals are not incompatible; if more offenders can be taught to walk the straight, the risk community members being victimized by them is reduced proportionately. Even though the programs are typically run on the financial shoestring, prison officials like it because it keeps the inmates busy and out of trouble. Inmates also like it because it gives them something to do outside of their cells and looks good on their parole board records.

The identification of various types of defaults in the correctional services gave way to a more advanced and *criminal based* rehabilitative and reformative treatment and care programs. Some of these are discussed below:

XIII. Evidence Based Practices

Evidence based practices (or EBP) simply means that in order to reduce offenders recidivist nature corrections or reformations must implement practices which have constantly been proved to be effective. In other words treatment should be based on the previous successful results. Implementing EBP in the criminal justice administration the officials and workers must have to assess the offender’s nature & personality, and then prioritize intervention based on them. If offenders are to be responsive to treatment then the authority must have to be aware of the offender’s temperament, learning style, values, motivational factors and culture when assigning them to programs in order to enhance their motivation to succeed.

Cognitive Behavioral Therapy

Cognitive behavioral therapy (CBT) uses exercise and instruction that are designed to alter the dysfunctional thinking patterns exhibited by many offenders. CBT helps people to become aware of the existence of their *dysfunctional thinking patterns* or automatic negative thoughts, attitudes expectations and beliefs, and to understand how these negative thinking patterns contribute to unhealthy feelings and behaviors. As such, CBT focuses on one of the most robust correlates of crime, anti-social attitudes.

Risk Need Responsively

In case of recidivism the “Risk-Need-Responsivity” (RNR) is to certain extent an effective treatment. RNR treatment is the primer treatment model in corrections today, especially in United States and in many other countries. The *Risk Principle* refers to the notion that offenders who are at higher risk of reoffending should be given greater levels of treatment, whereas lower-risk offenders should be given lesser level of treatment. The *Need Principle* refers to the notion that criminogenic needs, which are dynamic or changeable, should be targeted. Examples of criminogenic needs include anti-social attitudes and negative peer associations. The *Responsivity Principle* refers to using methods of treatment that are capable of bringing about the desired changes in offenders and that are matched with the learning styles of offenders.

Substantive Abuse Programming

Alcohol is our most popular and out most deadly way of drugging ourselves. Police offender spent more than half of their enforcement time on alcohol related offences. It is the biggest curse of the society. Alcoholics who start drinking at an early stage became more rapidly addicted to it and exhibit many character disorders, behavior problems, and criminal involvement both prior to and subsequent to alcoholism. Substance Abusing Program (SAP) trains the alcohol related offenders how to avoid this habit. They are taught various techniques which help them to control their desire of taking alcohol. It is extremely difficult to treat the offenders because they are already addicted to it. .

Anger Management Programs

Anger management programs consist of a number of CBT techniques through which someone with problems controlling their anger can learn the cause and consequences of that anger, reduce the degree of anger and avoid anger indulging triggers. Anger is often central to violent criminal behavior. Anger management classes are taught in group and at individual level and are designed to increase offender's control over their emotions. It also teaches them how to avoid the situations which triggers their anger. The anger management classes also teach such skills as rational thinking, to increase the offender's ability to react to frustration and conflict in assertive rather than aggressive ways, and to develop effective communication skills.

Therapeutic Community Services

The Therapeutic Community Services (or TCS) are residential setting for drug and alcohol treatment that use the community spirit generated by the influence of peers and various groups, which helps the individuals to overcome their addictions and develop effective social skills. Most such communities offer long term, typically 6 to 12 months, residence in which opportunities for attitude and behavioral change operate on the hierarchal model where by treatment stages reflect increased levels of personal insight and social responsibility. Interactions of the residents are both structured and un-structured but always designed to influence attitude and behaviors associated with substance abuse. TCS provide dynamic "mutual self help" environments in which residents transmit or reinforce one another's acceptance of and conformity with the highly structured and stringent expectations of the community.

Residential Substance Abuse Treatment Community

When the Therapeutic Community Services (TCS) operate within prison walls are most often known as the Residential Substance Abuse Treatment (RSAT) communities. These RSATs typically last 6 to 12 months and are composed of inmates in need of substance abuse treatment and whose parole dates are set to coincide with the end of the program. RSAT inmates are separate from the negativity and violence of the rest of the prison; are provided with extensive cognitive behavioral counseling and attend Alcoholic Anonymous (AA) and Narcotics Anonymous (NA) meetings as well as many other kinds of rehabilitative classes.

Majorities of participants of these RSATs are positive about many aspects of their experiences, with most inmate listening cognitive self change programs as the strongest positive aspect of their treatment.

Pharmacological Treatment

According to Allan Leshner addiction is a brain disease and a ‘prototypical psychological illness, with critical biological, behavioral and social context elements’. An addiction is basically a brain chemistry problem and pharmacological treatment with drug antagonists, which means that drug which work by blocking the effect of other drugs, stabilizes brain chemistry and renders addicts more receptive to psychological counseling. Proponents of pharmacological treatment emphasize that it is not a magic bullet and that its arguments do not replace the traditional treatment methods. There are many drugs antagonists but only one has claimed success in curbing both alcohol and drugs addiction – *Naltrexone*. The drug *Naltrexone* reduces craving among alcohol and dangerous drugs, abstains addicts and reduces the pleasurable effects from those who continue to use.

Multi-Systemic Therapy

Scott Henggeler’s Multi-Systemic Therapy (MST) has received much attention for producing a model that works to reduce recidivism. The main goal of MST is to assist parents in dealing with their child’s behavior problems. Examples of these problems include poor school performance and hanging around deviant peers. The program serves youth in both the social service and youth justice systems. MST is usually administered in natural settings, such as the home or school or in the community. The duration of the treatment is four months, including 50 hours of time with a counselor. In addition to the 50 contact hours, counselors are on call for emergency service.

MST works with the family to help parents with effective parenting and building social support networks. This approach encourages the extended family to participate, in addition to teachers, school administrators and other adults who interact with the youth. It has also been named as a “model” therapy by the *Surgeon General’s Report* in the United States. MST has been shown as an effective treatment for delinquency even for serious and violent youth.

Multidimensional Treatment Foster Care

Multidimensional Treatment Foster Care (MTFC) puts delinquent youth into a foster home, either by themselves or with one other adolescent. Foster parents are trained and use behavioral parenting techniques prior to taking a youth into the home. During the youth's stay, foster parents engage in daily phone calls with a case manager and attend group meetings once a week that are run by a case manager. Youth are treated by an individual therapist while another therapist works with the natural parents. There are no group sessions and youth are discouraged from associating with delinquent peers.

Functional Family Therapy

In Functional Family Therapy (FFT), treatment is delivered to youth between the ages of 11 and 18 who have engaged in delinquency, violence or substance abuse. Essentially, the program works on relationships between family members in order to improve the functioning of the family unit as a whole. FFT equips families with tools for problem-solving and effective parenting in addition to building family bonds. Service delivery of FFT consists of a hierarchical structure whereby senior therapists/trainers supervise and monitor teams of four to eight other therapists.

Applicability and Authenticity of Reformative and Rehabilitative Services

The reformative and rehabilitative approach can be symbolized as a radical change in the field of penology if compared to that of the retributive approach. Definitely one can hope for a positive outcome from the application of this approach. Every offender has a potential of becoming a good and a valuable asset of the society. This approach certainly aims at providing an adequate platform for crystallizing this potential.

Human beings are the servants of the situations that surround and direct them. These factual situations have both physical and psychological impact on human beings. Its adverse impact can be seen in the socially, economically & educationally backward countries especially like India. One cannot deny the effect of these conditions on criminal behavior. So in this regard two things need to be done. Firstly, the adverse impact of these situations on offender's psychology must be vindicated. Secondly, it has to be made sure that the offender after the vindication does not get affected by such situation again. It seems both of these objectives are fulfilled by the reformative & rehabilitative treatment approach.

But there are some issues of controversial nature which put a question mark upon the applicability and authenticity of this approach. Some of these issues are discussed below:

Firstly, the service that is being provided under the reformative and rehabilitative treatments is extremely costly in nature. Along with that the problem of infrastructure and human resource exists all the time. To avail these facilities the authority must have to hire highly skilled, knowledgeable and experienced professional and service providers which itself is a very lengthy process and does not come cheap. Besides that they have to be employed for a very long period of time which maximizes the expenditure. The real question is whether it is justified to spend the hard earned tax payer's money for the reformation of the criminals.

Secondly, in this approach, even after such expenditure of resources, time and money, it can never be claimed for certain that the offenders are reformed and will not indulge again in criminal activities. Specially, in case of mentally retarded and recidivist criminals who find criminality amusing & interesting, the authenticity of the application of this approach come into question.

Thirdly, it is not absolutely clear as to which type of criminals should be given this treatment. 'Potentiality of being reformed' is a vague ground to classify criminals for the application of this approach. Should it be the age factor, or be based on the mental condition, economic condition or gravity of the crime of the offender or on the previous criminal records of the offender or should all the criminals get this treatment irrespective of any reservation, is a problematic and controversial question to be answered. Uncertainty relating to these issues causes problem in the implementation of this approach.

Fourthly, the next controversial issue is related with the nature of the crime committed. The question is should the nature or the gravity of the crime have no impact on the selection of the criminals who will be given this treatment. If a person of young (below the age of 18 years) age commits rape of ten innocent women due to his power of privileged social status and sound economic condition then should he be included under this approach or should he be awarded a coercive penal sentence according to the statute books.

Fifthly, to what extent it is justified to provide specialized care and treatment to the criminal rather than the victim? The state is responsible for the protection of the people and not for the welfare of the criminals.

Conclusion

Besides all the condemnation, this approach can be applied against the public demand for a retributive nature of punishment against a hardened criminal. Is our society ready to accept such kind of treatment to offenders instead of a deterrent and protective one? This is the real question to be answered. Any ways this approach is certainly in the transformational period of its development and we can definitely hope for a more reasoned and crystallized form of it.

References

- Andrews, D. A., I. Zinger, R. D. Hoge, J. Bonta, P. Gendreau, and F. T. Cullen. (1990). Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-Analysis. *Criminology*, 28(3), P 374
- Bazemore, G. and M. Schiff (2005). *Juvenile Justice Reform and Restorative Justice: Building Theory and Policy from Practice*. Cullompton: Willan Publishing
- Crabbe, J. (2002). Genetic Contribution To Addiction. *Annual Review of Psychology*, pp 53, 435-462
- Cullen & Gendreau (2001). *Assessing Correctional Rehabilitation: Policy, Practice and Prospects*.
- Cullen FT and Gendreau P (2000). Assessing correctional rehabilitation: Policy, practice, and prospects. In: Horney J (ed.) *Policies, processes, and decisions of the criminal justice system: Criminal justice 2000*. Vol. 3, Washington, DC: US Department of Justice, National Institute of Justice,
- Eddy, J. M., R. B. Whaley and P. Chamberlain. (2004). *The Prevention of Violent Behavior By Chronic And Serious Male Juvenile Offenders: A 2-Year Follow-Up Of A Randomized Clinical Trial*. *Journal of Emotional and Behavioral Disorders*, 12(1), p 3
- Farrington, David P. And Brandon C. Welsh. (2007). *Saving Children from A Life Of Crime: Early Risk Factors And Effective Interventions*. Oxford University Press.; p 93
- Greenwood, Peter W. (2006). *Changing Lives — Delinquency Prevention as Crime-Control Policy*. Chicago: The University Of Chicago. p 72

- Harris, R. (1985). *Towards Just Welfare: A Consideration of a Current Controversy in the Theory of Juvenile Justice*. *British Journal of Criminology*, 25: pp 31–45
- Horney J. (Ed), NIJ Criminal Justice (2000). *Vol 3: Politics, Process and Decisions of The Criminal Justice System*. Washington DC: National Institute Of Justice; pp 109-175
- Howell, James C. (2003) *Preventing And Reducing Juvenile Delinquency: A Comprehensive Framework* Thousand Oaks: Sage Publications. p 235
- Howells, K., & Day. A. (1999). The Rehabilitation Of Offenders: International Perspectives Applied To Australian Correctional Systems. *Trends and Issues in Crime and Criminal Justice*, No.112
- Hubbard, Dana J. (2007). Getting The Most Out Of Correctional Treatment: Testing The Responsivity Principle On Male And Female Offenders. *Federal Probation*, 71(1), p 6
- Koestler, A: (1956). *Reflections on Hanging*. Victor Gollancz, p. 43
- Lawrence, R. (1991). “*Re-examining Community Corrections Models.*” *CRIME AND DELINQUENCY* 37(4): pp 436-449
- Lipsey, Mark W., and Francis T. Cullen. (2007). The Effectiveness of Correctional Rehabilitation: A Review Of Systematic Review. *Annual Review of Law and Social Science*; 3, p 9, 72, 302, 310
- Logan, C & Gaes, G (1993). Mate Analysis And The Rehabilitation Of Punishment. *Justice Quarterly*, 10, pp 245-263
- Pratt, J. (1985). Juvenile Justice, Social Work and Social Control: The Need For Positive Thinking. *British Journal of Social Work* 15: pp 1–24
- Radzinowicz, L. (1948 – 86) *A History of English Criminal Law* vol 1, Stevens. p279 pp. 497–498
- Stohr Mary, Anthony Walsh and Craig Hemmens (2013). *Corrections*. 2nd Ed; SAGE Publication Inc. Los Angeles, US. pp. 1, 432, 434

Webster, Cheryl, M. (2004). *Limits Of Justice: The Role Of The Criminal Justice System In Reducing Crime* In Bruce Kidd And Jim Phillips (Eds.). Research on Community Safety Toronto: Centre of Criminology, University Of Toronto. p 115

Wolfe, David A. (2007). *Acting Out: Understanding And Reducing Aggressive Behaviour In Children And Youth*. Toronto: Centre For Addiction And Mental Health. p 66