



SOCIAL WORK IN A CORRECTIONAL SETTING IN INDIA

Associate Professor Sanjoy Roy
University of Delhi, India
Corresponding Email: sanjoyroy30@gmail.com

Abstract

Social work emerged as a 'profession' in the 20th century and today is the profession motivated with fulfilling the social welfare mandate of promoting wellbeing and quality of life especially for the disadvantaged which is also highlighted in the recent definition of social work (2014) i.e. "Social work is a practice-based profession and an academic discipline that promotes social change and development, social cohesion and the empowerment and liberation of people. Principles of social justice, human rights, collective responsibility and respect for diversities are central to social work. Underpinned by theories of social work, social sciences, humanities and indigenous knowledge, social work engages people and structures to address life challenges and enhance wellbeing". Operationally in India, the Correctional setting under Criminal Justice System is a combination of four major sub-systems i.e. police, prosecution, judiciary and the correctional services. Each sub-system is expected not only to play its own statutory role to contribute towards the achievement of the main objectives of the Criminal Justice system as a whole, but also to strengthen each other's role in a strenuous manner. But the ground reality shows that each of these sub-systems usually tend to function as a system of its own and, many a time, works at cross purposes with the other segments of the Criminal Justice System. India's criminal justice system has not been able to deliver on what is anticipated of it and is, in fact, under mammoth sprain because of the problems in all the components law enforcement, adjudication and correction and, therefore, the need for reforms is the question of the hour.

Therefore, social workers play prominent roles in administrative and practice positions in correctional setting with all the law enforcing agencies to prevent this kind of social problem so that it does not have future implication in the society and also to provide and secure social justice. The article will focus on the correctional setting under criminal justice system in India, its objectives, components, loopholes and probable social work's roles to perform today.

Keywords: Correctional Setting, Social Work, Criminal Justice System, Social Work and Law Enforcement, Social Worker's Intervention Cycle

1. Introduction

According to the CASW Code of Ethics (1991 Preamble), "social workers are dedicated to the welfare and self-realization of human beings... and to the achievement of social justice for all." The term "corrections" refers to the system response to individuals (women, men, and young persons of both sexes) who have come into conflict with the law and have been convicted of a crime. The correctional system is one component of the larger criminal justice system and is dedicated to improving public safety by helping offenders to become law-abiding citizens, while exercising secure and humane control. Most of the social workers believe that *community safety* can be best achieved in a system that places emphasis on individual accountability and answerability through personal development and intensification, as well as equal emphasis on accountability of the system. Social workers within corrections have to continually balance the

needs and interests of the individual in conflict with the law.

A social work ideal is to value the dignity and intrinsic worth of every individual and to be reverential and respectful of diversity, while perpetuation an individual's right to self-determination. Maintaining this ideal can prove challenging within the field of corrections, which involves working with individuals who have caused harm. Social workers believe that all individuals have the capacity for self-improvement and this can be facilitated within correctional systems. The skills that social workers bring to the field of correctional setting is increasingly in demand especially in USA and other European countries, though in India still needs to evolve those kinds of system like them, due to the greater focus on the mental and physical health care needs of individuals in conflict with the law. The "*person-in-environment*" perspective that guides social work interventions, which considers external influences, is unique and invaluable given that other professions in corrections tend to focus primarily on the "individual". Therefore, a social worker's scope of practice within corrections today is highly dynamic and self-motivated and includes intense workloads, management of sensitive information, participation on interdisciplinary teams, and building community partnerships, with opportunities to contribute to the advancement of evidence-based practices as well as strength-based practices.

Social Work emerged as profession in the 20th century and today, it is charged with social welfare mandate of promoting welfare and wellbeing of vulnerable people as well as the community with a greater quality of life. Thus, social work encompasses activities directed to improving human and social conditions and alleviating human distress and social problems. On the other hand, social work as care giver or caring profession work with people to enhance their competency level and social functioning and to create humane and responsive social services and by dint of these the social structure is expanded to create an opportunity for the community in specific and society at large. Since the birth of the prison, the criminal justice system has been criticised for inhuman treatment to its prisoners and various aspects of its failure to make criminals into law-abiding citizens all over the world. In this article, the discussion will be on, there has been a growing element of help and support alongside the punitive aspects.

2. Correctional Setting and Social Work

A Correctional setting (or Criminal justice social workers or prison social workers which are synonymous) as they are sometimes called are social workers whose clients are, have been or may soon be imprisoned or incarceration. Social workers in correctional or criminal justice settings have two basic ethical and professional obligations: (1) to ameliorate the mental health needs of their clients, to return individuals to the community who will be productive, and (2) to serve the interests of public safety. In America's criminal justice system, a clear need to provide rehabilitative services and change policy to better help inmates. Prisons are a challenging place to work and social workers have had to fight in order to win a measure of influence in this complicated environment. Social workers can play a key role in reducing recidivism. Correctional or Criminal justice social work includes:

1. Providing mental health and substance abuse counseling;
2. Finding alternatives to incarceration, such as rehabilitation programs for low-level offenders;
3. Helping formerly incarcerated individuals negotiate successful reentry into society;
4. Working with clients to change patterns of criminal behavior;
5. Advocating for clients within the criminal justice system;
6. Advocating for policies that address both clients' interests and need for public safety;
7. Work in the areas of Parole Programme and Juvenile Courts
8. Working with communities to eliminate the root causes of criminality.

3. Overview

Indeed, social workers' views about their clients and their preferences with respect to courses of action have differed time to time. Many have viewed the poor and dependents as victims of social disorder, social injustice and social change. As social reformers, they confronted the root causes of problems, modified societal structures, and engaged in advocating policy and legislative changes to improve environmental conditions and create opportunities. Others viewed the poor and disadvantaged populations as supplicants contemptible, powerless, and in need of personal reform. Social-work services have been offered in prisons/correctional setting for nearly a century in USA and were advanced by the advocacy efforts of Kenneth Pray, the former dean of the University Of Pennsylvania School Of Social Work (now the School of Social Policy and Practice). Pray's impassioned pleas for social-work involvement with prisoners is a must read for every social worker who wonders why our involvement is necessary and what we would do while there (Pray, 1943; Pray & Towle, 1945). Unfortunately, despite Pray's efforts, social work has assumed an ambivalent stance toward its work in prisons, perhaps because of the conflicting values of the profession and the institution. However, the explosion in the prison population experienced since the 1980s, along with the federal court actions described above, has created an ever-expanding need for the unique set of professional skills that social workers bring to correctional institutions.

The NASW's *Social Work Speaks* (2012) recognizes the importance of providing quality services to the incarcerated population in its policy statement related to social work in the criminal justice system. *Social Work Speaks* is a comprehensive collection of policies adopted and revised by the NASW's key policy-making body, the Delegate Assembly, and, in relevant part, the policy recommendations vis-à-vis the incarcerated population challenge social workers to do the following:

1. Provide ongoing advocacy to address the disproportionate rate of incarceration of racial or ethnic minorities, juveniles, women, and undocumented individuals;
2. Provide culturally competent treatment to and intervention for the growing populations of inmates with mental illness, substance issues, or co-occurring disorders;
3. Seek access to quality health care, medications, nutrition, treatment, and rehabilitation programs for inmates;
4. Identify appropriate educational and vocational opportunities to assist incarcerated individuals with transitioning back into their communities; and
5. Provide advocacy and social-work leadership to establish national policy on criminal justice issues.

According to the ***American Heritage Dictionary***, the criminal justice system is defined as “*the system of law enforcement, the bar, the judiciary, corrections, and probation that is directly involved in the apprehension, prosecution, defense, sentencing, incarceration, and supervision of those suspected of or charged with criminal offenses. The principal objective of a criminal justice system is to impart a sense of security to the people*”.

Operationally in India, the Criminal Justice System is a composite of four major sub-systems, that is, the police, prosecution, judiciary and the correctional services. Therefore, the correctional setting is within the gamut of criminal justice system. Each sub-system is expected not only to play its own statutory role to contribute towards the achievement of the main objectives of the Criminal Justice system as a whole but also to reinforce each other's role in a concerted manner. But the ground experience shows that each of these sub-systems usually tend to function as a system of its own and, many a time, works at cross purposes with the other segments of the Criminal Justice System. India's criminal justice system has not been able to

deliver on what is expected of it and is, in fact, under immense strain. There are problems in all the three components – law enforcement, adjudication and correction – and, therefore, the need for reforms. Criminal Justice refers to the agencies of government charged with enforcing law, adjudicating crime, and correcting criminal conduct. The criminal justice system is essentially an instrument of social control: society considers some behaviours so dangerous and destructive that it either strictly controls their occurrence or outlaws them outright. It is the job of the agencies of justice to prevent these behaviours by apprehending and punishing transgressors or deterring their future occurrence. Although society maintains other forms of social control, such as the family, school, and church or related religious Institutions, they are designed to deal with moral, not legal, misbehaviour. Only the criminal justice system has the power to control crime and punish criminals in the society.

4. Genesis of Professional Social Work in Correctional Setting Under Criminal Justice System in India

‘Social work’ is generally understood in India as charitable work done by individuals or organizations driven by humanitarian and/or religious values, as a subsidiary or voluntary activity. A more professional and systematic approach to social work was initiated with support from (Sir Dorabji Tata Trust) SDTT in the early-1930s. At that time, through an institution called ‘Neighbourhood House’, a young American missionary, Dr Clifford Manshardt, carried out a number of non-religious activities for the benefit of children and adults in Nagpada, a densely populated lower-class area in the heart of Mumbai. Recognizing the need for professional social workers, Manshardt decided to hold six-week courses for bright young people interested in social work. Subsequently, with assistance from SDTT, he started a full-fledged school for social work. Established in Neighbourhood House, in 1936, as the Sir Dorabji Tata Graduate School of Social Work, it changed to the Tata Institute of Social Sciences (TISS) in the 1940s, and moved to its present campus in Deonar in the 1950s.

Juvenile delinquency, crime and criminology were among the subjects of study at TISS, right from the early days. In 1952, an effort to provide specialized training for correctional work was initiated. With the help of the Ministry of Home Affairs, Government of India, and two experts made available by the United Nations, TISS offered a six-month programme to prison officers deputed by various state governments. In 1953, a separate Department of Criminology and Correctional Administration (CCA) was created, giving full recognition to the professional training requirements in this field. The department became TISS’s Centre for Criminology and Justice, in 2006.

Till the 1970s, most students of the CCA department were candidates deputed from departments of prisons, social welfare, and women and child development across the country. After finishing their MA degree in social work with specialization in criminology and correctional administration, the deputed officials would go back to their departments to work as prison officers, social welfare officers, and probation officers.

Over the years, many state governments developed in-house training facilities, and deputation of candidates to TISS gradually stopped. Among the first students of the department who did not come from a government service background was Dr. Sanober Sahni, who later joined the faculty of the CCA department. Sahni did her PhD on women undertrial prisoners. In the course of collecting data for her thesis, she felt the need to provide services to undertrial prisoners. And so, in 1990, she initiated a TISS field action project called Prayas. Prayas began by offering services in the female and male youth sections of Mumbai Central Prison. Over the years, both the target group and location of services have expanded. Prayas has guided the setting up of similar efforts at other locations in Maharashtra and around the country.

Even though, the intervention of social work profession has been relatively of recent origin in India, efforts have been made systematically with each components of the criminal justice

system in the country for better justice to needy or especially under trials. However, the intervention has been mainly on the part of Non-government organizations. As we know, there are glaring inadequacies in the functioning of Law and order machinery in India, the idea of a system of social work interventions operating from police stations assumes significance. In India, Tata Institute of Social Sciences (TISS) with the support from Sir Dorabji Tata Trust (SDTT) has been pioneering institution making significant contributions within the Criminal Justice System in the country. TISS set up the first Special Cell for Women and Children way back in 1984 in the office of the Police Commissioner of Mumbai with two trained social workers. The major concern was to render professional social work services to women and children who approached the police for help and also to work on the issue of violence against women and children. The Second Cell was set up in 1988, at Dadar Police Station; and the third one commenced operation in the Kandivali Police Station in 1994. The mission of the Special Cell is to work towards ensuring that women are recognized as individuals, with equal rights and opportunities in society, including the opportunity to live a peaceful, violence-free life (SCWC, 2004, p. 2). In 2001, the intervention system in the context of the criminal justice social work in the police set up in Maharashtra comprised three Special Cells in Mumbai and eight in Nagpur. (Menachery, 2004, p. 129). It was around the same time that this initiative got a fillip when TISS signed a memorandum of understanding with UNIFEM and the Government of Maharashtra and Police to expand the work of special cells across the state of Maharashtra. The Department of Women and Child Development, Government of Maharashtra took over the responsibility of Special Cells in the state in 2005. With the support of the UNDP and the Government of India, Special Cells also began operations in Dhar in Madhya Pradesh and Ambala and Jind in Haryana in the year 2007 (Ganesh, 2007, p. 12-13).

5. The Main Objectives of the Criminal Justice System Can be Categorized as Follows:

1. To prevent the occurrence/episode of crime.
2. To punish/penalize the transgressors and the criminals.
3. To rehabilitate the transgressors and the criminals.
4. To compensate the victims as far as possible.
5. To maintain law and order in the society.
6. To deter the offenders from committing any criminal act/activities in the future.

Of late, the relevance of our criminal justice system both substantive and procedural i.e. a replica of the British colonial jurisprudence, is being seriously questioned. Perhaps the criminal judicial system is based on the laws that are arbitrary and operate to the disadvantages of the poor. They have always come across as law for the poor rather than law of the poor. It operates on the weaker sections of the community, notwithstanding constitutional guarantee to the contrary. There are hardly any people to advocate for the new laws to help the poor; there are practically none to pressurize the government and the legislature to amend the laws to protect the weak and the poor. Even after five decades of independence, no serious efforts have been made to redraft penal norms, radicalize punitive processes, humanize prison houses and make anti-social and anti-national criminals etc. incapable of escaping the legal coils. The criminal justice system is cumbersome, expensive and cumulatively disastrous. The poor can never reach the temple of justice because of heavy costs involved in gaining access and the mystique of legal ethos. The hierarchy of courts, with appeals after appeals, puts legal justice beyond the reach of the poor. Making the legal process costlier is an indirect denial of justice to the people and these hits hard on the lowest of the low in society. In fact, the legal system has lost its credibility for the weaker section of the community.

Of course, the judiciary in recent years has taken a lead and has come forward with a helping hand to give some relief to the victims of criminal justice in a limited way. Some of the recent developments that have taken place during the last few years in our judicial delivery system to

seek redress and accord justice to the poor are worth mentioning. The importance of these developments to the delivery system of justice can't be ignored. They have revolutionized our judicial jurisprudence and will go a long way in giving relief to the large masses and the common man.

In view of the importance of the subject matter, it is proposed to explain in brief some of the important areas of the criminal justice system that have attracted the attention of the courts in recent years in India. These are:

1. Public interest litigation.
2. Bail justice jurisprudence.
3. Prison justice.
4. Compensation to the victims.
5. Legal aid and legal services.

5.1 Public Interest Litigation

Public interest has its origin in the United States. It was during the 1960s that public interest litigation emerges as a part of the legal aid movement primarily aimed at protecting the rights of the weaker sections of the community, such as the women, children, physically and mentally handicapped and the like. In India during the last few years, a new wave of public interest litigation has struck the courts. It is being argued that some quarters that public interest litigation has opened a floodgate of litigation and by such action, the Indian judiciary seems to be projecting itself as the upholder of the freedom of people. This over act of the judiciary is regarded as nothing but interference in the action of the executive, which is making a good and effective government impossible. It is pointed out that the judiciary might collide head on with the other organs of the State-the executive and the legislature- in which event, being the weakest, it would collapse.

5.2 Bail Justice System

Bail is a generic term used to mean judicial release from custodial legis. The right to bail- the right to be released from jail in a criminal case, after furnishing sufficient security and bond- has been recognized in every civilized society as a fundamental aspect of human rights. This is based on the principle that the object of a criminal proceeding is to secure the presence of the accused charged of a crime at the time of the inquiry, trial and investigation before the court, and to ensure the availability of the accused to serve the sentence, if convicted. It would be unjust and unfair to deprive a person of his freedom and liberty and keep him in confinement, if his presence in the court, whenever required for trial, is assured.

5.3 Prison Justice

Justice delayed is justice denied. This is more so in criminal cases where the liberty of an individual is at stake and in jeopardy. The irony of fate is that in all such cases, it is the poor and the weak who are the victims of the criminal justice system, and not the rich who are able to get away.

The plight of under trial prisoners for the first time came to the notice of the Supreme Court of India in the landmark case of **Hussainara Khatoon v. State of Bihar** in 1979, wherein it was disclosed that thousands of under trial prisoners were languishing in various jails in the State of Bihar for periods longer than the maximum term for which they could have been sentenced, if convicted. While granting a character of freedom for under trials who had virtually spent their period of sentences, the court said their detention was clearly illegal and was in violation of their fundamental rights guaranteed under Art.21 of the Constitution of India. The court further said that speedy trial is a constitutional mandate and the State can't avoid its constitutional mandate and its constitutional obligation by pleading financial or administrative

inability.

In Sanjay Suri, a trainee newspaper reporter initiated a public interest litigation by moving a writ petition in the Supreme Court of India to gather information about seven juvenile prisoners locked up in Tihar Jail, Delhi, whose conditions were reported miserable. The Court, after getting a thorough investigation conducted of the matter, came to know that the prisoners were living in pathetic conditions in prison and there was overcrowding in jail. The court accordingly issued a number of directions to the jail administration under the provisions of the Indian Prison Act, 1884 to undertake corrective measures, so that the prisoner could be provided with facilities available under the law and were not put to harassment and inhuman torture.

There is however, hardly any change in the condition of the jails and the attitude of the jail administration, and in spite of constitutional mandate for speedy trial, there are over two lakh prisoners, convicts and under trials who are endlessly awaiting an early hearing of their cases. It may be noted that the liberal remissions and grant of frequent paroles to the prisoners to spend time with their families would help to inculcate self confidence in prisoners and reduce the intensity of some of the prison vices. As Kuldeep Singh and B.L. Hansaria, JJ said: Unless there is introspection, the part of all concerned with the criminal justice system, issues relating to jail reforms, improvement in the prisoner's condition, and better administration of justice will continue to remain on paper. It is possible to reduce the backlog of criminal cases if the judiciary and lawyers together resolve to refrain from unnecessary and repeated adjournment.



5.4 Policing

The first contact a defendant has with the criminal justice system is usually with the police or *law enforcement* system who investigate the suspected wrongdoing and make an arrest, but if the suspect is dangerous to the whole nation, a national level law enforcement agency is called in. When warranted, law enforcement agencies or police officers are empowered to use force and other forms of legal coercion and means to effect public and social order. Police are primarily concerned with keeping the peace and enforcing criminal law based on their particular mission and jurisdiction.

5.5 Courts

The courts serve as the venue where disputes are then settled and justice is administered. With regards to criminal justice, there are a number of critical people in any court setting. These critical people are referred to as the courtroom work group and include both professional and non professional individuals. These include the Judge, Prosecutor and the Defence Attorney. The judge, or magistrate, is a person, elected or appointed, who is knowledgeable in the law, and whose function is to objectively administer the legal proceedings and offer a final decision to dispose of a case.

The prosecutor, or district attorney, is a lawyer who brings charges against a person, persons or corporate entity. It is the prosecutor's duty to explain to the court what crime was committed and to detail what evidence has been found which incriminates the accused. The prosecutor should not be confused with a plaintiff or plaintiff's counsel. Although both serve the function of bringing a complaint before the court, the prosecutor is a servant of the state who makes accusations on behalf of the state in criminal proceedings, while the plaintiff is the complaining party in civil proceedings.

A defence attorney counsels the accused on the legal process, likely outcomes for the accused and suggests strategies. The accused, not the lawyer, has the right to make final decisions regarding a number of fundamental points, including whether to testify, and to accept a plea offer or demand a jury trial in appropriate cases. It is the defence attorney's duty to represent the interests of the client, raise procedural and evidentiary issues, and hold the prosecution to its burden of proving guilt beyond a reasonable doubt. Defence counsel may challenge evidence presented by the prosecution or present exculpatory evidence and argue on behalf of their client. At trial, the defence attorney may attempt to offer a rebuttal to the prosecutor's accusations.

5.6 Corrections

This is the area where main focus of social workers will be considered, especially in Indian scenario. Offenders are then turned over to the correctional authorities, from the court system after the accused has been found guilty. Like all other aspects of criminal justice, the administration of punishment has taken many different forms throughout history. Early on, when civilizations lacked the resources necessary to construct and maintain prisons, exile and execution were the primary forms of punishment. Historically, shame punishments and exile have also been used as forms of censure.

The most publicly visible form of punishment in the modern era is the prison. Prisons may serve as detention centers for prisoners after trial. For containment of the accused, jails are used. Early prisons were used primarily to sequester criminals and little thought was given to living conditions within their walls. Punishment (in the form of prison time) may serve a variety of purposes. First, and most obviously, the incarceration of criminals removes them from the general population and inhibits their ability to perpetrate further crimes. A new goal of prison punishments is to offer criminals a chance to be rehabilitated. Many modern prisons offer schooling or job training to prisoners as a chance to learn a vocation and thereby earn a legitimate living when they are returned to society. Religious institutions also have a presence in many prisons, with the goal of teaching ethics and instilling a sense of morality in the prisoners. If a prisoner is released before his time is served, he is released as a parole. This means that they are released, but the restrictions are greater than that of someone on probation.

There are numerous other forms of punishment which are commonly used in conjunction with or in place of prison terms. Monetary fines are one of the oldest forms of punishment still used today. These fines may be paid to the state or to the victims as a form of reparation. Probation and house arrest are also sanctions which seek to limit a person's mobility and his or her opportunities to commit crimes without actually placing them in a prison setting. Furthermore, many jurisdictions may require some form of public or community service as a form of reparations for lesser offenses.

Execution or capital punishment is still used around the world. Its use is one of the most heavily debated aspects of the criminal justice system. Some societies are willing to use executions as a form of political control, or for relatively minor misdeeds. Other societies reserve execution for only the most sinister and brutal offenses. Others still have outlawed the practice entirely, believing the use of execution to be excessively cruel or hypocritical. Here the main roles of social worker come to play from different perspectives.

5.7 Law Enforcement

According to Bureau of Police Research and Development (BPRD, 2012), the Police in India “suffer with a variety of organizational, procedural, personnel and behavioural ailments and paradoxes”. The ‘Draft National Policy on Police Training’ identifies major dimensions of change and challenges as regards the police organization: rise in white collar and organized crimes, economic changes and socio-political instability resulting in public protests, demonstrations and mass violence; social disparities, anomalies, lawlessness and permissiveness, leading to a higher rate of juvenile delinquency, alcoholism, and social disorder; acceleration of social mobility giving birth to new patterns of criminal acts, declining standards of morality and degeneration of ethical values; proliferation of social legislation and increasing burden of social responsibilities of the police leading to gradual decline in respect of law, rampant corruption, increasing materialism at all levels, increased police stress, and an aggressive approach among police officers themselves for solution of their problems; smuggling, espionage, subversive activity along the international borders, terrorism and threat to national security and integrity; increasing communal and caste intolerance; information technology revolution resulting in the growth of cyber crimes; and increasing public expectations (Ministry of Home Affairs, 2012). However, the numbers of policemen have not caught up with the mounting challenges. Statistically, the number of policemen per 100,000 people in India is 137.8 as against the minimum UN norm of 220. Poor quality of policemen is partly due to lack of proper training. Lack of proper equipment like weapons, gadgets, protecting gears and communication devices for police personnel is yet another issue. Police constables are poorly armed and the firemen lack protection. There has to be routine upgradation of equipment as per world standards. Use of the state of the art technology is important to have an edge over terrorists.

5.8 Adjudication

The main problem in this component of criminal justice system is huge backlog of cases due to resource and manpower constraints. By mid-2012 there were 61,876 cases pending in the Supreme Court. Of these, the number of unresolved cases older than one year has increased to 40,658 from 35,909ⁱ. The total number of pending cases in the High Court and subordinate courts was around 3.2 crore as on 31 December 2010 of which around 85 lakhs cases were more than five year old. Pendency has increased by 148 percent in the Supreme Court, 53 percent in High Courts and 36 percent in subordinate courts in the last 10 yearsⁱⁱ. There were 3,146,326 cases for investigation during the year 2011 including the pending cases from previous year (National Crime Records Bureau, 2011).

Due to this, there were enormous delays in the adjudication, increases in litigation costs, loss or diminished reliability of evidence by the time of trial, and unevenness and inconsistency in the verdicts that ultimately are reached at trial. Consequently, large numbers of under trials languish in jails while awaiting trial. In many cases, the detention under trial even exceed beyond the maximum periods to which they could be sentenced if convicted. Justice delayed is of course justice denied. Such incapability of the judiciary in delivering justice on time has the danger of reduction of faith in the justice system among the people; low conviction rate has created a perception that crime is “low-risk, high-profit business” (Ministry of Home Affairs, Committee on Reform of Criminal Justice System, 2003).

5.9 Correctional system

It is widely known that Indian jails are overcrowded. As on 31 December 2011, total capacity of jails in the country is 332,782 as against 372,926 jail inmates. The occupancy rate at all-India level works out to 112.1 percent. Ironically, the number of under-trials stood at 241,200, constituting 64.7 percent of total inmates- people who have not yet been proven guilty of their alleged crimes (National Crime Record, 2011). Years spent in a CJI — deservedly or undeservedly — not only isolate the person from society; they impact him/her in other ways too. Kerala High Court observed, is a person who “loses his identity”. Known “by a number”, s/he not only loses personal possessions but also personal relationships. Loss of freedom, status,

possessions, dignity and the autonomy of a personal life lead to psychological problems, the court noted in *A Convict Prisoner in the Central Prison vs State of Kerala* (1993 Cri LJ 3242). Unless they are from privileged backgrounds, people who are confined in CJIs suffer even after their release; the tag of a criminal is heavy, long-lasting and difficult to erase. Friends, colleagues and acquaintances stay away. Past or potential employers want nothing to do with the person. In many cases, even families disown the so-called 'criminal' member. Without emotional and financial support to lead a productive, satisfying life there are good chances that a one-time offender is pushed into taking up criminal activities, associating with criminals, or leading a life marked by addiction or destitution.

At best, state efforts at rehabilitation are restricted to providing training in income-generation activities and advancing small business loans to prisoners after their release. Continuous and regular support to all released under trials is not formally recognized or offered by State agencies.

The Justice Malaimath Committee on 'Reforming Criminal Justice System' rightly observes that "The entire existence of the orderly society depends upon sound and efficient functioning of the Criminal Justice System." Unless it is made sure that criminal justice system functions with speed, fairness, transparency and honesty, it is difficult to bring down prevailing "crisis of legitimacy". Improving law and order requires cooperation across all rule-of-law institutions. Police reform alone would not suffice to quell crime if police capture criminals and then corrupt judges release them and if prisons allow convicts to enlarge their criminal empires while behind bars, or if laws do not exist to keep them in jail for adequate periods of time.

Although there are a number of legal provisions and judgments in favour of people confined to CJIs, there is no system of ensuring that these provisions and judgments are fully observed. Former Prime Minister Manmohan Singh pointed out a glaring example of the gap between the law and its implementation in his address to the conference of chief ministers and chief justices of the states, in New Delhi. Many under trials, he said, "have been in jail for periods longer than they would have served had they been sentenced!" It is in this context that the trained social workers can play a critical role especially for the benefit of poor inmates, minors and women separated from their families.

6. What are the Social Worker's Roles in Correctional setting reference to India?

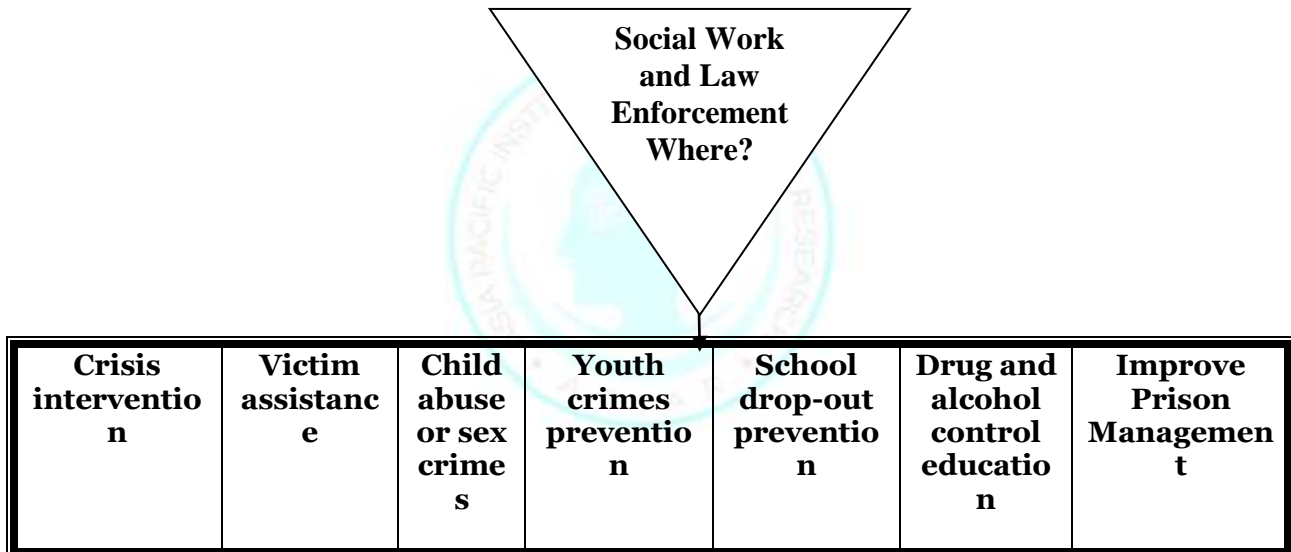
The concept of social justice is central to the practice of social work. It is one of the core values of professional social work all over the world. According to the National Association of Social Workers, social justice is an underlying guiding principle of social work which essentially involves promoting equal economic, political and social rights. They try to fight against inequality and oppression in a number of important ways, with a general focus on helping those who have the most pressing needs. In Criminal justice System, social workers may work in jails, prisons, community-based organizations and primary health care agencies that serve ex-offenders, and in the courts. Social workers are committed to social justice on both the micro, or individual, and macro, or large-scale, levels. Practitioners on the macro level usually focus on helping groups, communities and society as a whole. This is why promoting social justice is often linked with macro practice. Macro-level social workers try to promote equality among all people regardless of gender, race, religious beliefs or economic background.

Social work positions within corrections encompass a wide range of skills and specialized services, including discharge planning, case management, program delivery, individual/family/group counselling, crisis intervention, negotiation and mediation, teaching, community capacity building, and advocacy (individual and systemic). There is a tendency for social workers within the field of corrections to set priorities for services to sub-populations that require specialized care and consideration, including persons with physical or mental health

challenges, developmental disabilities, or other cognitive impairments, seniors, youth, women, Aboriginal peoples, and offenders convicted of sexual or violent offences. Service delivery has to consider the increasingly adversarial, challenging, and litigious nature of the field of corrections today. Services are often delivered in autonomous and isolated settings, without access to practice-specific leadership. Social workers help an offender's reintegration into the community by arranging community services for those with mental and physical health needs, including infectious diseases. Through their advocacy and coordination role, social workers ensure the continuity of health care services for offenders as they return to the community. Overall, social workers consult with other health care and non-health care professionals regarding an offender's criminal risk and health status. They are involved in a wide range of tasks, including, but not limited to:

- comprehensive needs assessment
- individual and group counselling/group therapy
- program delivery
- education and awareness
- discharge care planning
- community capacity building

Social Work and Law Enforcement

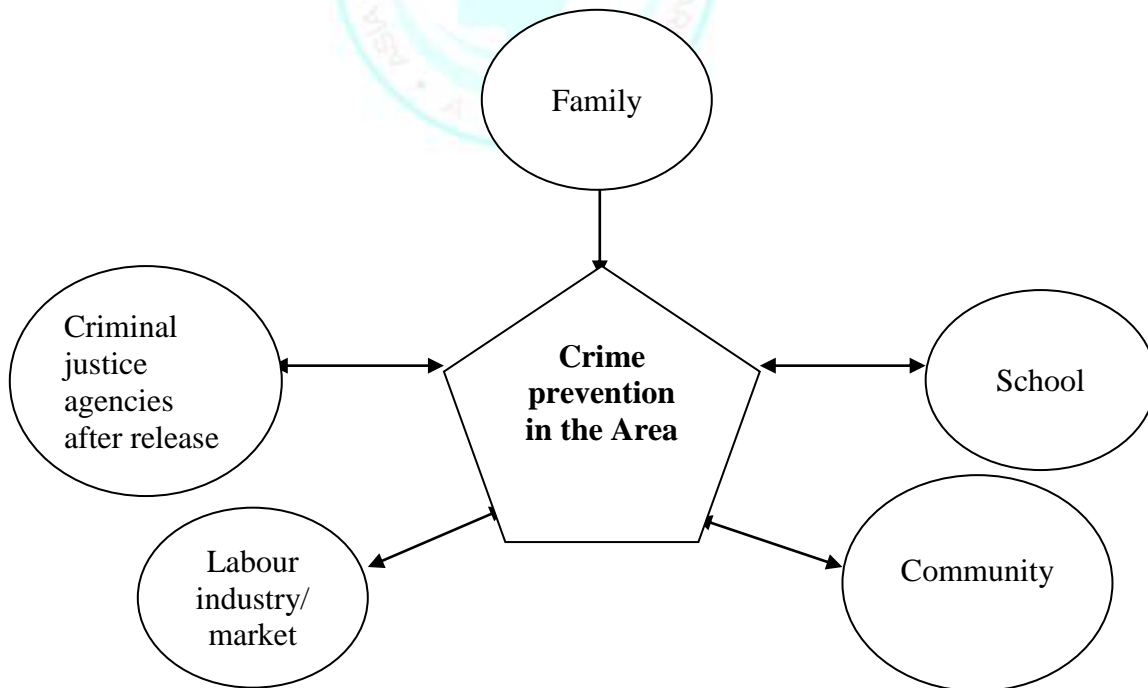


Social workers can play their interventional role through law enforcement agencies time to time in different areas mentioned in the above. Here, a social worker also plays their roles as mediator, catalyst, therapist, teacher, researcher, guide, communicator, liazoning, care giver etc. depending on the veracity of the crimes/issues.

Social Worker’s Intervention Cycle



Crime prevention in Different Areas by the Social Worker



Social workers act independently. They make decisions based on their experience, judgement, and clinical assessment skills. At the same time, they need to work well in a team setting to provide effective interventions and treatments that contribute to an offender's rehabilitation and safe return to the community.

7. Role of social workers through Strengths Perspective

At the heart of the strengths perspective is a belief in the basic goodness of humankind, a faith that individuals, however downtrodden or debilitated, can discover strengths in themselves that they never knew existed. The strengths or empowerment approach is a crucial part of effective therapy and increasingly articulated in the social work literature (Mullaly, 1993). No matter how little or how much may be expressed at one time, as Weick, Rapp, Sullivan, and Kisthardt (1989) explain, people often have a potential that is not commonly realized. A belief in human potential is tied to the notion that people have untapped, undetermined reservoirs of mental, physical, emotional, social and spiritual abilities which can be mobilized in times of need. This is where professional helping comes into play in tapping into the possibilities, tapping into not what is but what can be.

Deficit, disease, and dysfunction metaphors permeate treatment at every stage of the process, from intake to termination (Cowger, 1994). In the criminal justice system, clients often find their very selfhood defined by their crimes. For such persons, whose views of therapy and of all authority figures are apt to be decidedly negative, a positive approach is essential to establish the one crucial ingredient of effective treatment i.e trust.

8. The Other Probable Roles of Social Worker in Correctional Setting Under Criminal Justice System

Areas of Intervention for Social Worker	Probable Roles Play by Social Worker	Correctional Service Process
Rehabilitation of Prisoners	Broker Advocates	Admission ↓
Family Re-unification/Re-integration	Probation Officer Parole Officer Planner Catalyst Activist Outreach	Imprisonment ↓
Individual Therapeutic Intervention	Trainer Teacher Enabler Counselor	Sentence ↓
Community Involvement	Counselor Facilitator Advocate Broker Mediator Catalyst Consultancy	Re-union ↓
Crime Prevention	Mediator Consultancy	Pre-release ↓
Recidivism	Researcher Social Control	Release Integration with Family/Community
Need-Based Programs	Agent	

Conclusion

Correctional setting under criminal justice system, especially in India, need a strong second look by the concerned law enforcement authorities and also the roles supposed to play by the different stakeholders like social worker, layers, police, judiciary, community/family need to maintain their tasks with self-conviction. Also, the criminal investigation system needs higher standards of professionalism and it should be provided passable logistic and technological support. The greatest asset of the police in investigation of crimes and maintenance of law and order is the confidence of the people. Today, such public confidence is at the lowest recede. The police are increasingly losing the benefit of this asset of public confidence. Therefore, social worker play prominent roles in administrative and practice positions in correctional setting with all the law enforcing agencies to prevent this kind of social problem so that it does not have future implication in the society. Also, the social worker can work for rehabilitation through therapeutic intervention and need-based programme using the empowerment/strength-based and evidence-based approaches so that reunification of convicts becomes possible with the community as well as to provide and secure social justice.



References

- i. American Heritage, n.d. *American Heritage Dictionary of the English Language*. 4th ed. s.l.:American Heritage.
- ii. Bauserman, R. et al., 2003. HIV Prevention with jail and prison inmates: Maryland's prevention case management program. *AIDS Education and Prevention*, 15(5), pp. 465-480.
- iii. Bureau of Police Research & Development, 2012. *Indian Police: An Introduction & statistical overview*. [Online] Available at: [http://bprd.nic.in/write addition/linkages /1545442204-vol% 201.pdf](http://bprd.nic.in/write%20addition/linkages/1545442204-vol%201.pdf)[Accessed 4 November 2012].
- iv. Castro, A., 2013. *Inside California Department of Corrections and Rehabilitation News*. [Online] Available at: <http://www.insidecdcr.ca.gov/2013/05/csp-program-allow-inmates-to-read-for-their-kids/>[Accessed 7 June 2013].
- v. Covington, S. & Bloom, B., 2006. Gender-responsive treatment and services in correctional settings. *Women and Therapy*, 29(3/4), pp. 9-33.
- vi. DuBois, B. & Miley, K., 1999. *Social Work an Empowering Profession*. 3rd ed. s.l.:Allyn & Baco Epperson.
- vii. Gibelman, M., 1995. *What social workers do*. Washington DC: NASW Press.
- viii. Glaze, L. & Maruschak, L., 2010. *Parents in prison and their minor children (Bureau of Justice Statistics No NCJ 222984)*. Washington DC: Bureau of Justice Statistics.
- ix. Greenfeld, L. & Snell, T., 1999. *Women offenders*. Washington DC: Bureau of Justice Statistics, Heritage Studies.
- x. Indira, M. G., 2007. *Next Steps: Taking the Special Cell Process Ahead*. Mumbai: Tata Institute of Social Sciences.
- xi. Johnson, T., 2012. Mapping the critical service needs of adolescent children of prisoners. *Social Work in Public Health*, Volume 27, pp. 45-68.
- xii. Johnston, D., 1995. Effects of parent incarceration. In: K. Gabel & D. Johnston, eds. *Children of incarcerated parents*. New York: Lexington Books, pp. 89-100.
- xiii. Ministry of Home Affairs, Bureau of Police Reform, 2012. *Draft Policy in Police Training*, s.l.: Ministry of Home Affairs, Bureau of Police Reform.
- xiv. Ministry of Home Affairs, GOI, 2003. *Committee on Reforms of Criminal Justice System, para 1-3.*, s.l.: Ministry of Home Affairs, GOI.
- xv. National Association of Social Workers, 2012. *Social work speaks: NASW policy statements, 2012-2014.*, NASW Press: Wshington DC.
- xvi. National Center for Educational Statistics, 2004. *Literacy behind prison walls*. [Online] Available at: http://www.nces.ed.gov/naal/fct_prison.asp[Accessed 7 June 2013].
- xvii. National Crime Records Bureau, 2011. *Crimes in India*, New Delhi: National Crime Records Bureau.
- xviii. National Institute of Correction, 2001. *Provision of mental health care in prisons*, Longmont, CO: National Institute of Corrections Information Centre.
- xix. Pettus-Davis, C. & Epperson, M., 2014. *From mass incarceration to smart decarceration. American Academy of Social Work and Social Welfare, Grand Challenges Initiative Concept Paper*, St Louis, LO: Centre for social Development, George Warren Brown School of Social Work, Washington University in St. Louis..
- xx. Pray, K., 1943. Social work in the prison program. *Fed. Probation*, 7(4), pp. 3-7.

- xxi. Pray, K. & Towle, C., 1945. The place of social case work in the treatment of delinquency [with discussion]. *The Social Service Review*, 19(2), pp. 235-248.
- xxii. PRS Legislative Research, 2011. *Pendency of Cases in Indian Courts*. [Online] Available at: <http://www.prsindia.org/administrator/uploads/general/1310014291~Vital%...> [Accessed 8 November 2012].
- xxiii. Reamer, F., 2004. Social work and criminal justice: The uneasy alliance. *Journal of Religion & Spirituality in social work*, 23(1-2), pp. 213-231.
- xxiv. Roberts, L., Ivanoff, A., Tripodi, S. & Gilmer, C., 2013. To what extent is criminal justice content specifically addressed in MSW programs?. *Journal of Social Work Education*, 49(1), pp. 96-107.
- xxv. Rogers, C., 1951. *Client-centered therapy*, Boston, MA: Houghton Mifflin.
- xxvi. Sabol, W., West, H. & Cooper, M., 2009. *Prisoners in 2008*, Washington DC: .S. Department of Justice, Bureau of Justice Statistics.
- xxvii. SDTT (Sir Dorabji Tata Trust), 2011. *Social Work in India's Criminal Justice Institutions: Need, Experiences and challenges*, Mumbai: SDTT (Sir Dorabji Tata Trust).
- xxviii. Severson, M., 1994. Adapting social work values to the corrections environment. *Social Work*, 39(4), pp. 451-456.
- xxix. Severson, M., Postmus, J. & Berry, M., 2005. Incarcerated women: Consequences and contributions of victimization and intervention. *International Journal of Prisoner Health*, 1(2-4), pp. 223-240.
- xxx. Solomon, P., Draine, J. & Marcus, S., 2002. Predicting incarceration of clients of a psychiatric probation and parole service. *Psychiatric Services*, 53(1), pp. 50-56.
- xxxi. Toch, H. & Adams, K., 1986. Pathology and disruptiveness among prison inmates. *Journal of Research in Crime and Delinquency*, Volume 23, pp. 7-21.
- xxxii. Travis, J., Solomon, A. & Waul, M., 2001. *From prison to home: The dimensions and consequences of prisoner re-entry*. Washington DC: Urban Institute.
- xxxiii. Veysey, B., 1996. Effective strategies to provide mental health services to probationers with mental illnesses. In: A. J. Lurigio, ed. *Responding to the mental and substance abuse health care needs for persons on probation*. Seattle, WA: National Coalition for Mental and Substance Abuse Health Care in the Justice System.
- xxxiv. Veysey, B., 1998. Specific needs of women diagnosed with mental illnesses in U.S. jails. In: B. L. Levin, A. K. Blanch & A. Jennings, eds. *Women's mental health service: A public health perspective*. Thousand Oaks, CA: Sage, pp. 368-389.
- xxxv. Vijay, R., 2013. *Social work Intervention in Criminal Justice: Field-Theory Linkage, Social Work and Social Development*. [Online] Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2371809[Accessed 2 August 2013].
- xxxvi. Walmsley, R., 2009. *World prison population list*. 8th ed. London: International Centre for Prison Studies, King's College London, School of Law.
- xxxvii. West, H. & Sabol, W., 2008. *Prisoners in 2007*, Washington DC: Bureau of Justice Statistics, U.S. Department of Justice.
- xxxviii. White, T., Schimmel, D. & Frickey, R., 2002. A comprehensive analysis of suicide in federal prisons: A fifteen-year Review. *Journal of Correctional Health Care*, Volume 9, pp. 321-243.
- xxxix. Wilson, M., 2010. *Criminal justice social work in the United States: Adapting to new challenges*. Washington DC: NASW Centre for Workforce Studies.