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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

REINTEGRATION OR REJECTION? EXAMINING THE PSYCHO-SOCIAL LANDSCAPE OF EX- PRISONERS IN INDIA

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Abstract

This research paper investigates the psycho-social effects experienced by ex-prisoners in India, shedding light on the complex challenges they face during the process of reintegration into society. With a growing incarcerated population and an increasing number of individuals returning to their communities after serving prison sentences, understanding the impact of imprisonment on their mental and social well-being is of paramount importance.’

The findings of this research indicate that ex-prisoners in India encounter substantial psycho-social challenges upon reentry. The paper highlights the prevalence of stigma and discrimination, often hindering their ability to secure stable employment and housing, access healthcare services, and maintain meaningful social relationships. These challenges are further compounded by the lack of adequate post-release support systems and policies.

The Health Stigma and Discrimination Framework explains how stigma surrounding health unfolds across different social and environmental levels, including economic contexts. This process can vary significantly depending on whether a country is low-, middle-, or high-income.¹

¹ NLM Article: The Health Stigma and Discrimination Framework: a global, crosscutting framework to inform research, intervention development, and policy on health-related stigmas

INTRODUCTION

The release of prisoners back into society is a pivotal juncture, signifying the intersection of the criminal justice system and the broader socio-psychological dynamics of a nation. When released, often with no prospects for employment, former prisoners are generally subject to socio-economic exclusion and are thus vulnerable to an endless cycle of poverty, marginalisation, criminality and imprisonment². The process of reintegration for ex-prisoners is a multifaceted and challenging journey, one that impacts not only the individuals themselves but also the communities to which they return. In the context of India, this dynamic is of particular significance as the nation grapples with an expanding prison population and the imperative to address the psycho-social effects experienced by ex-prisoners.

The concept of rehabilitation and reintegration of prisoners has gained increasing attention globally, underscoring the need to understand the psycho-social aspects that influence the lives of ex-prisoners. In India, the challenges faced by this population are nuanced, given the country's cultural diversity, economic disparities, and the unique blend of social, political, and criminal justice factors at play.

The psycho-social well-being of ex-prisoners, encompassing mental health, social integration, employment opportunities, and familial dynamics, has a profound impact on the successful transition from incarceration to productive citizenship.

The findings of this research are expected to shed light on the complex nature of reintegration and its psycho-social consequences for ex-prisoners in India. Ultimately, it is our hope that this study will not only highlight the challenges faced by this population but also serve as a catalyst for informed policy changes and the development of support systems that can facilitate a smoother, more successful reintegration process, ultimately contributing to a more just and equitable society.

² United Nations Office on Drugs and Crime Report on justice and prison reform

CAUSES FOR THE POOR PSYCHOLOGICAL EFFECTS ON THE PRISONERS

1. Prison overcrowding

-Overcrowding refers to the situation in which more inmates are staying than the sanctioned strength. In recent years, it is one of the biggest problems faced by prison inmates. Overcrowding results in poor hygiene, lack of sleep etc.

-Occupancy rate is defined as number of inmates staying in jails against the authorized capacity for 100 inmates. In other words, if occupancy rate of any jail is 100, it means the number inmates are as per authorized capacity of the jail. Overcrowding in jail means occupancy rate is more than 100.

Eight types of jails are in operational in India to cater to the needs to different categories of prisoners and they are classified under the following heads: Central Jails, District Jails, Sub Jails, Women Jails, Borstal Jails, Open Jails, Special Jails and Other Jails-According to the NCRB report 3,Dadra & Nagar Haveli has reported the highest overcrowding (276.7%) followed by Chhattisgarh (233.9%), Delhi (226.9%), Meghalaya (177.9%), Uttar Pradesh (168.8%), Madhya Pradesh (139.8%), Uttarakhand (136.4%), Kerala (118.3%), Punjab (117.8%), Jharkhand (114.3%), Maharashtra (112.8%), Himachal Pradesh (110.7%), Assam (109.7%), Haryana (109.3%), West Bengal (102.9%) and Rajasthan (102.4%).

Maximum overcrowding were reported in district jails (131.1%) followed by central jails (116.4%) in 2015.

2.Recidivism Rates

Recidivism refers to the tendency of a convicted criminal to reoffend or commit new crimes after they have been previously incarcerated, served a sentence, or undergone some form of correctional rehabilitation. It is a statistical measurement used to assess the rate at which individuals who have been in the criminal justice system return to criminal activities. High recidivism rates indicate that a significant number of offenders are returning to criminal behavior, while lower rates suggest a more successful rehabilitation and reintegration process. Recidivism can be measured over specific periods, such as one year, three years, or five years after an individual's release from prison or completion of

³Source—PSI Report of 2015, Pubmished by the National Crime Reports Bureau (NCRB),New Delhi

a sentence.

Provision of effective post-release rehabilitation for inmates leaving prison or correctional institutions can equip them for successful reintegration into society, allowing them to shed any feelings of inadequacy. Such support can instill hope, self-assurance, and self-esteem in the offender, facilitating their adaptation to the demands of everyday life in society. However, some individuals may prove resistant to rehabilitation efforts, and, in such cases, isolation measures might be necessary to separate them from other criminals.

Kerala stands out among the Indian states with the highest recidivism rate at 43.2%, whereas Chandigarh, among the union territories, reports the country's highest recidivism tendency at 26.5%, surpassing the national average of 10.4%.⁴

3. Stigma and Discrimination

Stigmatization and Discrimination: Ex-prisoners in India often face significant stigma and discrimination when attempting to reintegrate into society. This can manifest in various ways, including difficulty finding employment, housing, and social rejection.

Employment Discrimination: Many ex-prisoners encounter difficulties securing employment due to their criminal record. Employers may be hesitant to hire individuals with a history of incarceration, limiting their economic prospects.

Housing Challenges: Finding stable housing can be challenging for ex-prisoners, as landlords and property owners may discriminate against them based on their criminal history.

Social Relationships: Stigmatization and discrimination can affect ex-prisoners' social relationships, leading to strained family dynamics, the loss of friendships, and social isolation.

Psychological Impact: The psychological impact of social stigma and discrimination can contribute to mental health issues and a sense of hopelessness among ex-prisoners.

⁴ Source: CRIME IN INDIA– 1998, Published by the National Crime Record Bureau, (NCRB), New Delhi.

Community Reintegration Programs: Efforts have been made by governmental and non-governmental organizations to reduce the stigma and discrimination faced by ex-prisoners through community reintegration programs. These programs aim to change public perception and provide support for reintegration.

4. Media

The role of media in influencing the psycho-social effects on ex-prisoners in India is complex and multifaceted. The media, including print, broadcast, and digital platforms, plays a significant role in shaping public perception, attitudes, and behaviors, which can have both positive and negative effects on ex-prisoners' reintegration into society. After the legislature, executive, and judiciary, the media is widely regarded as the "fourth pillar of democracy."⁵ It is critical in raising awareness and changing people's perspectives in society. As a result, free and independent media is required to ensure democracy. Here are some key aspects of the media's role:

Negative side:

Investigative journalism has impacted negatively in various cases in India so far. One such case is the Jessica Lal murder case⁶.

Jessica Lal: Justice Served After Public Outcry

In 1999, model-turned-barmaid Jessica Lal was tragically shot dead in Delhi by Manu Sharma, son of a powerful politician. The murder sparked outrage as it occurred after she refused to serve alcohol to Sharma and his friends at an illegal bar. Initially, Sharma was acquitted due to weak evidence, but intense public pressure fueled by media coverage led to a retrial.

The High Court, reinterpreting witness testimonies, overturned the acquittal. Key evidence included Beena Ramani's identification of Sharma and his group, alongside her own experience of being harassed by them. This testimony, deemed crucial by the court, led to Sharma's life imprisonment sentence.

However, the case highlights potential flaws in media influence on justice. Premature labeling of

⁵ International Journal of Creative Research Thoughts (IJCRT)

⁶ Sidhartha Vashisht @ Manu Sharma vs. State (NCT of Delhi)(2010) 6 SCC 1; (2010) 2 SCC (cri) 1385

Sharma in the media could have impacted witness identification and potentially prejudiced the jury.

Stigmatization and Sensationalism:

Media often sensationalizes crime and portrays ex-prisoners negatively, reinforcing stereotypes and stigmatization. This sensationalism can perpetuate the view that ex-prisoners are dangerous, untrustworthy, or irredeemable.

Influence on Public Opinion:

Media reporting can shape public opinion about ex-prisoners and the criminal justice system. Biased or negative media coverage can affect how the public views ex-prisoners, potentially leading to discrimination and social exclusion.

Positive side:

Advocacy and Awareness:

On the positive side, media can raise awareness about the challenges ex-prisoners face during reintegration. Media outlets can serve as platforms for advocacy, shedding light on the need for reintegration programs and policy changes.

Stories of Redemption:

Media can highlight stories of ex-prisoners who have successfully reintegrated into society, emphasizing their personal growth and positive contributions. These stories can inspire empathy and support for ex-prisoners.

Advocacy for Criminal Justice Reform:

Investigative journalism and in-depth reporting can uncover issues within the criminal justice system, leading to advocacy for reform.

Media can influence public sentiment and policymakers, leading to changes in criminal justice policies.

Education and Awareness Campaigns:

Media outlets can partner with organizations to create educational content that challenges stereotypes and promotes understanding of ex-prisoners' experiences. Such campaigns can help reduce stigma and

encourage social reintegration.

Community Perceptions:

Media can influence how communities view the presence of halfway houses or rehabilitation centers for ex-prisoners. Community reactions, shaped by media portrayal, can affect the effectiveness of reintegration programs.

In summary, the media can have a profound impact on the psycho-social effects of ex-prisoners in India. It has the power to either reinforce negative stereotypes and stigmatization or contribute to a more informed and empathetic society that supports the reintegration of ex-prisoners. Media outlets and organizations can play a crucial role in promoting responsible reporting and advocating for criminal justice reform to address the psycho-social challenges faced by ex-prisoners in India.

SOLUTIONS

The 200th Law Commission Report⁷ has recommended enacting legislation prohibiting the media from reporting anything prejudicial to the rights of the accused in criminal cases, from the time of arrest to investigation and trial. According to the report, several pre-trial publications have a negative impact on the administration of justice and harm the institution of the judiciary.

Improving the psycho-social conditions of ex-prisoners in India is a multifaceted challenge that requires a comprehensive approach involving various stakeholders, including government agencies, civil society, and the community. Here are some key solutions to address this issue:

1. Rehabilitation and Reintegration Programs:

- Develop and implement comprehensive rehabilitation and reintegration programs that address the educational, vocational, and mental health needs of ex-prisoners.
- Provide counseling, therapy, and skill-building opportunities to help them reintegrate into society successfully.

2. Employment and Skill Training:

- Collaborate with private sector organizations to create job training and placement programs for

⁷ "Trial by Media: Free Speech versus Fair Trial Under Criminal Procedure (Amendments to the Contempt of Courts Act, 1971)"

ex-prisoners.

- Encourage employers to adopt more inclusive hiring practices, considering individuals with criminal records for employment.

3. Education and Literacy Programs:

- Offer educational opportunities within correctional facilities to improve the literacy and educational levels of inmates.

- Promote continued education for ex-prisoners upon their release.

4. Housing Assistance:

- Establish programs to assist ex-prisoners in finding stable housing, addressing homelessness or housing insecurity issues.

- Advocate for laws that limit discrimination against individuals with criminal records in the housing market.

5. Mental Health and Substance Abuse Support:

- Increase access to mental health services and substance abuse treatment within and outside correctional facilities.

- Develop post-release mental health and addiction support programs.

6. Community and Family Reintegration:

- Involve family members in the rehabilitation process and provide support to families dealing with the challenges of reintegration.

- Promote community acceptance and support for ex-prisoners to reduce stigma and discrimination.

7. Legal Reforms:

- Advocate for reforms in criminal justice policies, such as sentencing guidelines and parole procedures, to reduce the length of incarceration for non-violent offenses.

- Promote alternatives to incarceration, such as restorative justice practices, when appropriate.

8. Aftercare Services:

- Establish aftercare services that continue to provide support for ex-prisoners after their release.

- Ensure access to counseling, employment assistance, and other resources to prevent recidivism.

9. Awareness and Education:

- Conduct public awareness campaigns to reduce the stigma associated with ex-prisoners and promote understanding of their challenges.

- Educate employers, landlords, and the general public about the importance of giving ex-prisoners a second chance.

10. Professional Social Workers in Prisons:

- Recognize the value of professional social workers within the prison system to address the psycho-social needs of inmates.

- Train and employ social workers in correctional facilities to provide support, therapy, and rehabilitation services.

These solutions, when implemented collectively and collaboratively, can help improve the psycho-social conditions of ex-prisoners in India, reduce recidivism rates, and promote their successful reintegration into society.

CONCLUSION

There is a substantial likelihood that a released prisoner may be re-incarcerated for a new offense post-release. There have been instances where an individual, previously convicted for domestic abuse, served their sentence, was released, and subsequently committed a heinous act, such as spousal homicide. This raises concerns about the efficacy of punitive measures.

Research suggests that a considerable number of these individuals engage in such actions due to impaired impulse control or untreated psychological issues. However, a prevailing debate questions whether lifelong imprisonment is a sufficient solution. The concern is whether a substantial portion of these individuals comprehends the ramifications of their actions.

The absence of public awareness regarding mental health and the persisting stigma surrounding it has had a cascading impact on the increasing crime rates. Moreover, numerous individuals awaiting trial in the legal system end up being apprehended for actions that, while extreme, are genuine acts of self-preservation. The prolonged administrative processes needlessly subject these individuals to undue suffering.

THESIS STATEMENT

The Indian correctional system must recognize the role and significance of professional social workers within correctional facilities.

Correctional administrators should possess professional qualifications in social work.

The transformation of prisons into effective correctional institutions in India is contingent on the

inclusion of social workers within the system.

While prisons may advance their rehabilitation programs, they cannot truly serve as correctional institutions without the essential involvement of social work professionals.

KEY WORDS

Ex-Prisoners, Recidivism rates, Overcrowding rates, Rehabilitation, Media etc

