

RECIDIVISM AND CRIMINOLOGY

Anuja Chaudhury & Shreya Choudhary

ABSTRACT

The article views recidivism from a criminological perspective and seeks to explore the ambit of habitual offenders, their offences and laws within India. The objective behind this article is to issue a clarion call to primarily the legislators and judicial officers - first, to focus on the forces that drive offenders to repeat offences while making laws; and second, to introduce such rehabilitative measures that prevents them from doing so. It introduces crime and criminology briefly and draws a connecting link between recidivism and criminology. It analyzes recent statistics on habitual offenders and their crimes to give an insight into the nature and causative factors behind the repetitive commission of such crimes. It provides a thought-provoking glimpse into the psychological mindset of an offender by exploring the factors inciting recidivism and substantiates the reasoning with well-informed data and illustrations. Then, it elucidates preventive measures to check the rampant increase in recidivism rates and discusses the history of such programmes and measures in detail. Further, the article draws a timeline of various legal provisions formulated and incorporated in various laws in India to curb recidivism. However, in addition to the existing Indian legal framework, it provides suggestions from foreign models to check the problem. On a concluding note, it sums up the facts submitted, ideas proposed and shifts the focus to the need of the hour.

CRIME AND CRIMINOLOGY

Crime is an intentional act or omission in violation of criminal law, committed without defence or justification, and sanctioned by the laws as felony or misdemeanor.¹ Justice Dalveer Bhandari of the Supreme Court in the case of Mohd. Shahabuddin v State of Bihar² observed that every criminal act is an offence against the society. It further observed that the crime is a wrong done more to the society than to an individual. It involves a serious invasion of rights and liberties of some other person or persons. As per the juridical conception of crime, it is “an act which the group (social) regards as sufficiently menacing to its fundamental interests, to justify formal reaction to restrain the violator.”³ A leading exponent of the Italian School of Criminology, Raffaele Garofalo has expounded the sociological notion of crime. He has defined natural crime as “acts which offend the basic moral sentiments of pity (revulsion against voluntary infliction of suffering on others) and probity (respect for property rights of others).”⁴

Professor H.L.A. Hart has asserted that two questions must be answered in the affirmative before declaring an activity to be criminal. Firstly, whether the activity which offends moral feeling is harmful, independently of its repercussions on the general moral code? Secondly, whether the whole moral fabric of the society would go to pieces if the offending act is not made criminal?⁵

Criminology is the study of crime and criminal behavior. Edwin Sutherland, one of the best known criminologists of this century, suggested that criminology consists of three “principal divisions” : (1) the sociology of law, (2) scientific analysis of the causes of crime, and (3) crime control.⁶ Another well-known criminologist, Clarence Ray Jeffery, similarly sees three components of the field: (1) detection (of the offender), (2) treatment, and (3) explaining crime and criminal behavior.⁷ In its narrower sense, criminology involves the study of crimes that is the forms of crimes, their extent and the causative factors responsible for them. In its wider sense, it also includes penology, the study of punishment and of similar methods of dealing with crime,

¹ Paul W. Tappan, “Crime, Justice and Correction”, 10, (New York: Mc Graw Hill 1960).

² Mohd. Shahabuddin v State of Bihar, (2010) 4 SCC 653 (India).

³ Elmer Hubert Johnson, Crime, Correction and Society.

⁴ Francis Allen, “The Borderland of the Criminal Law: Problems of ‘Socialising’ Criminal Justice”, 67 (June 1958).

⁵ Professor H.L.A. Hart, “Immorality and Treason”, 162, The Listner (30 July 1959).

⁶ Edwin Sutherland, “Principles of Criminology”, 1, New York: J. B. Lippincott 4th ed., (1947).

⁷ Clarence Ray Jeffery, “The Historical Development of Criminology, 458 in Herman Manheim, ed., Pioneers in Criminology Montclair, N.J., Paterson Smith (1972).

and of the problem of preventing crime by non-punitive measures.⁸ Penology and correction are fit subjects of criminology only if scientific methods involving studies, predictions and experiments are employed in these areas.⁹

Recidivism and Criminology

Recidivism can be defined as the tendency of habitual offenders to commit crimes. Recidivism is a tendency to relapse into a previous condition or mode of behavior; especially: relapse into criminal behavior.¹⁰ It is the tendency of criminals to revert back to their previous criminal habits and behaviors. Involvement in the same crime after release, relapse into the same condition of behavior, reconviction or punishment for the same offence more than once comes under the scope of the term.

This concept of recidivism is an important component of criminology because this pattern of behavior of criminals can be attributed to the causative factors that drive them to do so. These causes/ factors form the study of criminology and are very essential to be figured. This will help us arrive at conclusions and outcomes to check the increasing rate of crimes, committed specially by recidivists.

The causational factors behind recidivism can be varied. However, In India, in the year 2014, 37,90,812 people were arrested out of which 34,94,966 were new offenders.¹¹ Among the old offenders, 2,34,896 had served a prison sentence once, 47,884 went to jail at least twice and 12,930 were convicted more than thrice. Over all, the percentage of recidivists is 7.8¹². The state of Tripura has the highest percentage of recidivists of around 54%.¹³ This indicates that the laws in force have not been effective enough to check recidivism. What lacks in these laws is the in-depth insight into the criminological behavior of prisoners, lack of understanding on a moral

⁸ Hermann Mannheim, "Comparative Criminology", 3, Boston: Houghton Mifflin, (1965).

⁹ Marvin E. Wolfgang, "Criminology and the Criminologist", 54, Journal of Criminal Law , Criminology, and Police Science, (June 1963).

¹⁰What is Recidivism?, Merriam-Webster Dictionary,
Available at <https://www.merriam-webster.com/dictionary/recidivism> .

¹¹"Recidivism in India, All India and State-wise",National Crime Reports Bureau, (2014) available at <http://mospi.nic.in/statistical-year-book-india/2016/206> (India) .

¹² Ibid.

¹³ Ibid.

level, poor police surveillance on an administrative level etc. Some corrective moral and administrative measures can be taken to check recidivism greatly.

Causes of Recidivism

1. Intensive Supervision Probation:

A study by the National Institute of Justice, United States and RAND corporation evaluation for the Bureau of Justice intended to answer the question of how intensive supervision probation (ISP) relates to recidivism.¹⁴ The demonstrations found out the ISPs are not very successful in reducing recidivism (new arrests and technical violations). ISP programs were found to be effective in surveillance and as intermediate programs. The study came to two conclusions why such alternative mechanisms are not effective in stopping recidivism.

- a. Overworking of the probation officers
- b. Escape of the offenders under regular surveillance programmes due to the lack of the strict supervision on them

2. Unemployment:

Unemployment forms one of the major reasons for probation failure and the increase of the offenders slipping back to the crime culture again. Unemployment inevitably ends up being the cause and effect of recidivism. An unemployed probationer is unable to meet the probation fees, court costs, etc., gradually ending up violating the probation. To seek recourse, he may choose to earn by engaging in the same illegal means, which gradually results in high recidivism in offenders. It's a general observation that the unemployed have little commitment to conformity, i.e. they have little to lose while committing a new crime after their probation. The fact that most of the convicts have garnered little to no skills and have a scant employment history, they often fall in the unskilled or semi-skilled categories making it extremely difficult for them to get jobs. The criminal status also plays negatively with their ability to obtain jobs.

3. Substance Abuse:

Influence of drugs and alcohol are the main instruments for the commission of crime. Most cases that are reported before the police authorities comprise of Driving under

¹⁴ Joseph, Jennifer, "Characteristics of Recidivism among Intensive and Regular Probationers." (2001).Electronic Theses and Dissertations, 64, available at <http://dc.etsu.edu/etd/64> .

Influence, Driving while intoxicated or boating while intoxicated. The National Crime Records Bureau of India reported that in the year 2015, a total of 42% of Drunk Driving cases were reported which ended rather fatally.¹⁵ Most of those people who are heavily dependent on the drugs seek the route of crime to obtain the money that is required for drugs. Drugs and alcohol takes three forms in the life of a convict:

- a. As a lubricant, it brings predisposition to criminality for an offender, for e.g. drugs makes a sex-offender more vulnerable into relapsing and committing the crime again.
- b. As an engine for the commission of the crime.
- c. As a motivation for one seeks to have a source of income by drugs or either to obtain drugs thus making him sort to illegal ways to obtain them.¹⁶

4. Criminal History:

In 2014, the National Crimes Records Bureau reported that almost 7.8% of the total old offenders were of a kind who had been convicted more than three times for the same crime or a different offence of the same nature.¹⁷ Various remedies such as ‘Three strikes, you’re out’, ‘Standard offender’ laws have often been applied in the foreign jurisdictions but have had no concrete results. Various jurists and researchers put emphasis on the judiciary taking into consideration with its intuitiveness and wisdom those convicts which appear to be career criminals so as to provide them with larger space and proper prison systems so to prevent them to relapse into committing crimes after their sentence has ended.

5. Seriousness of the offence:

Researchers have found in a RAND study that those involved in crimes such as theft, burglary, robbery and property theft crimes are most likely to commit recidivism for the sole reason that the aftermaths of such offenses are not as severe as the serious offences.¹⁸ The persistent non-

¹⁵ “Drunk Driving in the States: What the Number Show”, Deeptiman Tiwary, The Indian Express, (April 5, 2017, 7:13a.m.GMT) available at: <http://indianexpress.com/article/explained/drunk-driving-accidents-in-states-what-numbers-say-4599876/>.

¹⁶ *Supra note Characteristics of Recidivism among Intensive and Regular Probationers*, 14.

¹⁷ *Supra note, NCRB Reports*, 11.

¹⁸ *Supra note, Characteristics of Recidivism among Intensive and Regular Probationers*, 14.

violent criminality of the nature of the offense makes it more likely to lead offenders to continue criminality.

A contradiction in this aspect is the rise in the rates of sex offenders despite the severity of its offense. But as sexual offenses are committed in the brink of lapse of rationality for the personal gratification of needs, it makes it easier for a sex-offender to relapse into recidivism.

6. Age/Gender/Education:

The age, gender and education of a convict are very relevant to be considered while predicting whether that person is likely to relapse into recidivism. The likelihood of a male, who has not completed his high school with a prior arrest record to slip back to previous offences, is more likely than others.¹⁹ The basic understanding of the courts in India are that the women of whatever age or background, are care-givers and are needed more at home by either the spouse or child and thus are less likely to be sent to the prisons. As they make up less in the parole population, it reduces the tendency for them to relapse into the previous crimes.

The fact that most concerns the jurists, legislators and social welfare workers is the rising tendency of juvenile delinquents returning back to the dangerous crime culture after they have served their time in care and protection centers or in community service. The tendency of juveniles relapsing increases, following a multitude of factors, such as dropping out of schools and other educational institutions, lack of support from family members, the easy availability of income source through crime based activities, etc. The recent amendment in the Juvenile Justice (Care and Protection) Act, 2015, with its increased strictness to start treating juveniles as adult offenders in courts, lacks in its fundamentals to deal and provide correctional and remedial methods for juvenile sex offenders, juvenile recidivists and girls who have committed serious offences.²⁰

Preventive Measures to Control Recidivism

Repetition of offences is a major crime that has varied detrimental consequences in the society. This crime needs to be prevented and curbed to ensure that a crime of similar nature by habitual

¹⁹ *Ibid.*

²⁰ "The Juvenile Justice System in India and Children who commit serious offences – Reflections on the Way Forward", Arlene Manoharan and Swagata Raha, Recommendations to Justice J. S. Verma Committee (January 14, 2013) available at <http://www.nls.ac.in/ccl/cclpositionpaper.pdf>.

offenders is not committed again and the offenders are released to become better citizens and contribute in the harmonious working of the society. Preventive measures need to be adopted in the criminal justice system to control recidivism. Some of them, as categorized in broad heads are-

1. Effective Integrated Reforms and Treatment Programmes

Prison Programmes are an effective way to facilitate conditions to prisoners that ensure their reformation and rehabilitation after their release. These programmes can also cater to such development and growth of these prisoners that they become skilled in a short period of time and become able to maintain their livelihoods post release.

2. Effective Prison Administration

Prison administration needs to be checked at regular intervals. It should facilitate security of prisoners on the basis of different security requirements with basic minimum facilities to all.

3. After-care and Rehabilitation Programmes

These programmes entail a period of necessary recovery for a released prisoner who suffers from such psychological damage that puts him in a trauma of social ostracism.

History of After-care and Rehabilitation Programmes

After-care is the process which carries a prisoner from artificial and restrictive environment of institutional custody, from doubts and difficulties and from hesitations and handicaps²¹ to satisfactory citizenship, resettlement and to ultimate rehabilitation in the free community.

In England, in 1949, Central After-Care Association involving three sections- Men's After-care Section, Women's After-care Section, Borstal After-care Section was established to provide for supervision and after-care of released prisoners.

In United States of America, after-care agencies serve to- first, provide some continuity with education and training programmes begun in correctional institutions; second, assist the offender in obtaining adequate employment; third, increase utilization of community resources; and fourth, provide needed support during difficult initial period of adjustment.²²

²¹ Government of India, Model Prison Manual for the Superintendence and Management of Prisons in India (2003), 220.

²²B.S. Griggs, G.R. Mc. Cune, "Community based correctional programmes: A survey and analysis", 12, Vol. 36, Federal Probation (June 1972).

The history²³ of After-care Programmes in India can be traced from 1870s. In 1877, Indian Jail Conference took place with an aim to provide aid to former convicts but efforts for its implementation failed. In 1894, 1907 and 1914, Discharged Prisoners Aid Society was established in Uttar Pradesh, Bengal and Bombay respectively. These societies were non-official agencies with the objective of helping the released prisoners. These could however, not function successfully. In 1946, a Jail Reforms Committee was formed in Uttar Pradesh and in many other states subsequently. In 1954, the Central Social Welfare Board appointed an Advisory Committee on After-Care under the Chairmanship of Professor M.S. Gore to study the nature, size and scope of such after-care programmes for released prisoners. In 1955, its report illustrated the characteristics fundamental to after-care services in detail. In pursuance to Gore's Committee Report, in the 2nd-3rd Five Year Plan, a comprehensive after-care programme was planned. In 1972-73, a working group was constituted by the Government of India to define correctional after-care as the essence of criminal justice system. In 1980-83, an Action Plan by the All India Committee on Jail Reforms emphasized on the need of establishment of After-care Homes. They also recommended after-care of prisoners discharged from prison and allied institutions should be the statutory function of the Department of Prison and Correctional Services. Furthermore, the 7th Five Year Plan prepared and circulated a well-rounded and detailed scheme for welfare of prisoners in terms of rehabilitation and after-care. Since then, statutory provisions in India have taken into account preventive measures to combat recidivism.

Statutory Provisions

It would be pertinent to note that despite the rampant data showing the steady rises in the rates of recidivism in India, the Indian Legislature has still not come across a constructive solution in the form of regulations and laws that are not discriminatory or stigmatizing in nature to deal with the issue. Scraps of laws citing to how habitual offenders are to be governed and prosecuted can be found in between the various central criminal laws and state laws, none of which provide an active solution on how to deal with the issue; rather all provide a myriad of definitions for their identification and their punishment.

²³"The Phenomenon of Recidivism- Its implications on the reformatory theory of Punishment in Criminal Jurisprudence", Bindoo M. Nambiar, PhD Thesis for the award of Doctorate in the field of Philosophy in Mahatama Gandhi University, (June 2007)
available at- <http://www.mgutheses.in/page/?q=T%201482&search=&page=&rad=#171>.

The Indian Penal Code: S. 75²⁴ provides that if a person is convicted a second time of an offence punishable, under Chapter X- C, D and XIV of new Code with three years' imprisonment and upward, he is liable to a greatly enhanced sentence. However it is not absolutely necessary to impose an enhanced punishment in every case of this description. The general principle to be applied is that the Section is only meant to be used as a deterrent only when the provided punishment is considered inadequate in view of the antecedents of the offenders.

S. 310²⁵ of the IPC defines a thug as anyone who has been habitually associated with any other(s) for the purpose of committing robbery or child-stealing by means of or accompanied with murder; with a punishment of imprisonment for life along with a sum as fine.

S. 376(e)²⁶ of the IPC was recently introduced which provides for punishment for repeat offenders for rape or sexual assault which extends to either life imprisonment or death.

S. 413²⁷ of the IPC specifically deals with people habitually dealing with stolen property, punishing them with life imprisonment along with the imposition of fine in some cases. This section severely punishes the common receiver and dealer in stolen property. A person cannot be said to be a habitual receiver of stolen goods if he receives the proceeds of a number of different robberies from a number of different thieves on the same day. It must be shown that the property was received on different occasions and on different dates.

Indian Evidence Act: The Indian Evidence Act in its S. 53²⁸ and 54²⁹ gives reliance to the past character of the accused while prosecuting him. The fact that the accused is of good character is of great relevance in the trial, but only when the evidence to show that is presented before the court. Exception 2 to S. 54 provides that a previous conviction is relevant as evidence of bad character.³⁰

State Laws on Habitual Offenders: Following the repeal of the Criminal Tribes Act, the Habitual Offenders Act, 1952 was introduced by the Central Legislature, following which various states

²⁴ Indian Penal Code, § 75, 1860 (India).

²⁵ Indian Penal Code, § 310, 1860 (India).

²⁶ Indian Penal Code, § 376(e), 1860 (India).

²⁷ Indian Penal Code, § 413, 1860 (India).

²⁸ Indian Evidence Act, § 53, 1872 (India).

²⁹ Indian Evidence Act, § 54, 1872 (India).

³⁰ Bai Chaturi and Ors. v. State, (1960) AIR 5, (Guj.) (India).

themselves came with individual state laws to deal with the issue of recidivism in their states. Almost all the state laws on the habitual offenders presently follow broadly a similar pattern. Each Act is divided into four parts, where the definition of Habitual Offenders is to be found. The second part describes the registration of habitual offenders and the procedures that are to be followed on their movements. The third part comprises of the restrictions that are to be imposed on their movements and the fourth part provides corrective measures for the training of habitual offenders. Penalties are also prescribed in the Act in case of non-compliance with the restrictions imposed under the Act.³¹ The Punjab Habitual Offenders Act was the first Act on habitual offenders. This Act has been largely followed by other states.

The definition of Habitual Offenders: According to the Punjab Habitual Offenders (Control and Reforms) Act, 1952,³² habitual offender is “a person who, during any continuous period of five years, whether before or after the commencement of this Act, has been convicted or sentenced to imprisonment more than twice on account of any one or more of the offences mentioned in the Schedule of the Act committed on different occasions and not constituting parts of the same transaction, and who has, as a result of such convictions suffered imprisonments at least for a total of 12 months period.” Similar definitions with changes in the term have been provided by other State laws, such as U.P. Habitual Offenders Act, 1952³³, Bombay Habitual Offenders Act, 1959³⁴, etc.

Restrictions on the Movement of the Habitual Offenders: The Punjab Act requires the person identified as habitual offender to report regularly to the police authorities for informing his presence in the area. If the authorities feel that restrictions need to be imposed on such person, then it may pass an order. However the Madras Act³⁵ provides that the restrictions that are imposed on such identified habitual offender happens after giving due consideration to the nature of the offence that the said person has been convicted for.

³¹Specific Laws of Habitual Offenders: Habitual Offenders Act, available at http://shodhganga.inflibnet.ac.in/bitstream/10603/127684/16/12_chapter%204.pdf (herein known as “Habitual Offenders Laws”).

³² The Punjab Habitual Offenders (Control and Reforms) Act, §. 2(3), 1952 (India).

³³ U.P. Habitual Offenders Act, 1952 (India).

³⁴ Bombay Habitual Offenders Act, 1959 (India).

³⁵ Madras Restriction of Habitual Act, 1943 (India).

Reformative measures: All the Acts recognize the need for the state to provide for corrective measures in the form of reformative settlements for the habitual offenders. The State Governments may establish and maintain industrial, agricultural or other settlements for the purpose of reforming of habitual offender.

Classes of Habitual Offenders under State Laws: The Habitual Offenders may be grouped as under:³⁶

- a. Offenders under Personal Liberty: Offenders guilty of kidnapping or abduction or allied offences or their aggravations.
- b. Offenders tending to disturb the peace and order of the community: Offenders who commit offences involving breach of peace, either directly or by abetment.
- c. Offenders committing offences against property: Offenders committing theft, dacoity, no use-breaking and allied offences, extortion, cheating, forgery or mischief, etc.
- d. Economic Offenders: Offenders who habitually commit offences relating to coins, government stamps, bank notes and currency notes, offences under laws relating to essential commodities or laws against hoarding, profiteering and allied subjects, or offences under laws regulating foreign exchange or laws relating to custom duties.
- e. Social Legislation: Offenders who repeatedly transgress the provisions of specified social legislations, such as laws dealing with beggary, gambling, prohibition, prostitution, protect of civil rights, or similar anti-social acts that have their genesis in deep-rooted social prejudices requiring firm action.

Other Statutory Provisions: Various other Acts in India recognize the issue of recidivism in India.

1. **The Arms Act, 1959-** S. 7³⁷ and S. 14³⁸ puts a restriction on the obtaining license by persons whom the Licensing Authority has reason to believe that they have been prohibited by the Act or some other law prevailing in the country from acquiring or having in his possession or carrying any arms and ammunitions. S. 31 provides that if a

³⁶ *Supra note, Habitual Offenders Laws, 34.*

³⁷ The Arms Act, §. 7, 1959 (India).

³⁸ The Arms Act, §.14 , 1959 (India).

person is again convicted of an offence which he had already been convicted under this Act, then he shall be awarded penalty double of that provided for that offence³⁹.

- 2. The Prevention of Corruption Act, 1988-** S. 14⁴⁰ of the Act describes an habitual offender as any person who habitually commits the offence as under S. 8⁴¹, S. 9⁴² and S. 12⁴³ of the Act and provides a punishment of maximum seven years along with fine.

Suggestions to control recidivism

Certain suggestions⁴⁴ could be complied with in order to curb repetition of offences by habitual offenders. Some of them are-

- 1. Effective Assessment Procedures**

Effective assessment procedures could be followed in terms of risk, need and responsiveness. These procedures would involve selection of appropriate and reasonable treatment for appropriate offenders. This would meet the varied yet understandable needs of offenders and their cultural eclecticism. Such assessment procedures would help in keeping a good account of the prisoners' behavior in the prison, and accordingly treat them with care and security.

- 2. National Rehabilitation Strategy**

A National Rehabilitation Strategy needs to be sought by the Rehabilitation Unit of the Department of Prison to ensure prevention of repetition of offences. Correctional Services could be sought to help former prisoners, facilitate public safety and proper rehabilitation. Such integrated and nationalized strategy will provide a holistic and uniform preventive outline to recidivism and will produce an overview of the rehabilitation programmes in the country.

- 3. Community or Coterie-based Treatment**

A treatment that works on a collective whole, rather than one which provides help individually will be more effective to avoid social stigma attached to incarceration. In the long run, a community-based treatment will provide a better approach to preventive

³⁹ The Arms Act, §.31 , 1959 (India).

⁴⁰ The Prevention of Corruption Act, §. 14, 1988 (India).

⁴¹ The Prevention of Corruption Act, §. 8, 1988 (India).

⁴² The Prevention of Corruption Act, §. 9, 1988 (India).

⁴³ The Prevention of Corruption Act, §. 12, 1988 (India).

⁴⁴ Dr. B.V. Trivedi, "Presentation on Meaning and Reducing Recidivism" , Consultant, Bureau of Police Research and Development, Ministry of Home Affairs, Government of India, (August 7, 2013).

measures associated with recidivism. It is more likely to produce better results and outcomes.

4. Public Awareness

Public awareness can also serve as a major help factor to curb recidivism. Criminal psychology should be understood and brought to light in the public so that they are not ostracized after release and they are accepted fairly. This public awareness is to be dealt with respect to three shareholders- first, police to understand the mindset of prisoners and treat them accordingly; second, prisoners to know what, why and how they are being treated; and third, commoners to understand the reason behind the criminal activities taking place around them.

5. Recourse to Different Models in the International Arena

a) Brazil Model

In light of the Brazil Model, there is a need to evolve Best Practices Treatment Models based on the concept of human valorization and consist of cost-effective non-government treatment of offenders to reduce recidivism.

This Brazil Model would serve as an efficacious deterrent to recidivism in India and would check the criminal justice system effectively.

b) Thailand Model

In light of the Thailand Model, there is a need to start a project to bridge the period of transition from prison to community and allow well-behaved inmates who have high chance of reintegration to restart their new lives in the community under some forms of supervision or monitoring more quickly. This shall help the former prisoners to maintain acceptable behavior until they successfully settle in mainstream community.

This Thailand Model would ensure treatment during the necessary period of convalescence from mentally or physically challenging events.

c) Malaysian Model

In light of the Malaysian Model, there is a need to formulate human development plan for all convicted prisoners based on spiritual and physical aspects in terms of discipline department and pre-release programme, balancing elements of attitude, skills and knowledge.

This Malaysian Model would provide a human-centric humane plan to focus on the moralistic and psychological nature of offenders which incite them to commit offences repetitively.

CONCLUSION

It is very necessary for the legislators and other judicial officers to realize the triggering factors that are responsible for convicts into relapsing and committing the similar offences again. The need of the hour is not only the recognition of these factors but also introduce special rehabilitative and reformative measures to deal with the same. Recidivism slows down the entire judicial process and reflects the fallacies of the judicial system of a country. The basic feature of any judicial system is to create a deterrence effect not only on the people of the country, but also to the convicted offender, preventing him/her from committing such offence again and increasing recidivism rates only prove that the judicial system is not able to achieve the aim for which it stands for. It is also pertinent to know that the recidivists be provided with financial or employment facilities and a non-stigmatizing culture post-probation, so as to encourage the habitual offender to break from the vicious cycle of crime and offer its contributions to the society. Recidivism is to be understood as a psychological and social behavioral phenomenon which can be dealt with a change in the behavior and thought process of such a convict who is most likely to relapse into committing crime again.