

Rehabilitation v. Punishment: Evaluating Effectiveness in reducing Recidivism

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Abstract:

The study titled “Rehabilitation v. Punishment: Evaluating Effectiveness in Reducing Recidivism” critically analyzes the continuous conflict between punitive and rehabilitative measures within the criminal justice system. It traces the historical development of imprisonment from retaliation to correctional reform, examining the theoretical and conceptual foundations of punishment, rehabilitation, and recidivism. Under the Bharatiya Nyaya Sanhita, 2023, the study examines India’s current legal system, emphasizing both reformative measures like probation, parole, open prisons, and vocational training as well as punishment-based measures like imprisonment, fines, and the death penalty. The study also highlights the shortcomings of strictly punitive approaches in reducing reoffending through a comparative analysis and promotes a well-rounded, integrated strategy that include opportunities for reformation and reintegration with discipline. A paradigm shift towards restorative justice is reflected in recent legislative changes, such as the formal inclusion of community service as a punishment. The study concludes that in order to effectively lower recidivism and foster long-term social harmony and justice, offenders must be treated as reformable individuals who receive education, counseling, and skill development.

Keywords: Rehabilitation, Punishment, Recidivism, Criminal Justice System, Restorative Justice, Bharatiya Nyaya Sanhita (BNS), 2023.

Introduction

“A proper criminal justice system exacts justice - that is, punishes criminals for their crimes. Rehabilitation and deterrence are worthy goals, but they are secondary to retribution.”

-Michael J. Knowles²

Since the dawn of time, criminal activity has existed as a phenomenon among humans. Crime rates have been rising more than ever before for a variety of reasons, including economic disparity, no or lack of opportunities for the underprivileged, discrimination, violence, and division on the basis of class. Punishments like incarceration have been implemented to curb it in the hopes that people may reconsider their actions out of dread of pain. Naturally, the goal of criminal justice systems generally is to lower crime rates. Deterrence and rehabilitation are two of its primary objectives; if these ideas were successful in reality, society would be undergoing a dramatic transformation.³ Deterrence that prevents the convicted person from committing crimes as well as others who witnessed the convicted person's treatment.⁴ Rehabilitation is the process of changing a criminal's mindset or

¹ Practicing Advocate, Phagi, Jaipur, Rajasthan

² Michael J Knowles, Rehabilitation Quotes, BrainyQuote
(https://www.brainyquote.com/quotes/michael_j_knowles_1135604?img=4&src=t_rehabilitation).

³ Brenda de Oliveira Morsch, Retribution vs. Restoration: Tendencies of the Criminal Justice System, 2 Master of Arts in Humanities 1-3 (2019).

⁴ D.E. Duffee, Corrections practice and policy, Random House (1989).

available resources so that committing crimes is no longer a required or desired activity. This goal necessitates the provision of both an alternate source of income and a means of meeting internal demands.⁵

Choosing the right way to deal with rising crime rates is a challenging issue for public officials today. While some advocates - many of whom are real victims - push for tougher punishments, others vehemently support rehabilitation and more leniency in sentencing. Both lawmakers and the general public are unsure about the right course of action, and each side has its own research and reasons. Nobody knows the best solution, and public officials also rely on their gut feelings to some degree.⁶ For centuries, societies worldwide have grappled with defining the boundaries of justice, leading to the development of diverse ideas and approaches. Among these, restorative justice and retributive justice have become more popular. These frameworks reflect a number of concepts that influence how societies respond to criminal activity, carry out punishment, and try to restore peace.⁷

Prisons have been used for custodial purposes for a very long time. Their exact emergence date is virtually unknown. Nonetheless, imprisonment was generally acknowledged as a substitute penalty for crimes toward the close of the 18th century and the start of the 19th century.⁸ Through the enlightenment movement and the idea of a welfare state, the institution of jail infused every aspect of customary standards.⁹ It finally took the place of the majority of corporal punishments as a result of the persistent efforts of reformers like Voltaire.¹⁰ Bhutta and Akbar talk about how the rehabilitative concept of prisons eclipsed the punitive approach during the Dark Ages, and how incarceration replaced the harsh and terrible penal techniques of those times.¹¹ Raju has provided a more accurate description of the stages of this progression.¹² Marshall describes how incarceration was accepted as a possible tool for prisoner improvement in contemporary penology.¹³ The transition from insistence to torturing the body by excruciating annihilation, mutilation, or terrible pains constituted a fundamental change in and of itself.¹⁴ As a result of this change, new prisons were constructed throughout Western Europe and America. These facilities were intended to engage the offenders through a combination of work, discipline, and reflection. According to Foucault, jails were transformed from appalling, terrible places into centers of correction, reclamation, and soul healing.¹⁵

The term "rehabilitation programs" refers to "efforts, typically through non-punitive methods, to encourage law-abiding (or more law-abiding) behaviour in prisoners." When there is no recidivism as a result of the program, rehabilitation is considered complete. "Recidivism" refers to any conviction that occurs after being released. For the purposes of this discussion, non-recidivism that occurs without rehabilitation programs - whether due to age, unidentified variables, or the punitive consequence itself (special deterrence) - needs not be separated from rehabilitation (sometimes "rehabilitation" refers to retirement

⁵ D.J Champion, *Probation and parole in the United States*, Merrill Publishing Co. (1990).

⁶ Helmut Kury, Theodore N. Ferdinand & Joachim Obergfell-Fuchs, *Does Severe Punishment Mean Less Criminality*, 13 INT'L CRIM. JUST. REV. 110 (2003).

⁷ Priyanshi Purohit, *Comparative Analysis of Restorative and Retributive Justice Systems*, 2 Journal of Legal Research and Juridical Sciences 1-2 (2023).

⁸ Indra Jeet Singh, *Indian prison: A sociological enquiry*, Concept Publishing Company (1979).

⁹ *Ibid.*

¹⁰ S.T. Reid, *Crime and Criminology* Hinsdale, Dryden (1976).

¹¹ Mazhar Hussain Bhutta and Muhammad Siddique Akbar, *Situation of prisons in India and Pakistan: shared legacy, same challenges*, 1 South Asian Studies 171 (2012).

¹² L.P. Raju, *Historical revolution of prison system in India*, 5 Indian Journal of Applied Research 298-300 (2014).

¹³ Christopher Marshall, *Prison, prisoners and the bible*, 1 Restorative Directions Journal (2002).

¹⁴ J. Conley, *The Historical Relationship Among Punishment, Incarceration, and Corrections* (1992).

¹⁵ Michel Foucault, *Discipline and punish: The birth of the prison*, Vintage (2012).

from any occupation).¹⁶ Penologists usually inquire: "Do rehabilitation programs reduce recidivism?" Recently the effectiveness of all programs has been questioned. In turn, philosophers have debated a moral problem: "Should criminals be punished for their past crimes according to what is deserved, or should they be subjected to future-oriented treatment programs and released when rehabilitated?". Lately there has been a return to justice and away from the treatment model, at least theoretically, but the problem has not been resolved. Legislation and sentences continue to reveal an untidy compromise between rehabilitative (treatment) and justice (desert).

Typically, penologists ask, "Do rehabilitation programs reduce recidivism?" All rehabilitation programs' efficacy has recently been called into question.¹⁷ Philosophers, in turn, have discussed a moral dilemma: "Should criminals be subjected to future-oriented treatment programs and released when rehabilitated, or should they be punished for their past crimes according to what is deserved?" Though, at least in theory, there has been a recent shift away from the therapy paradigm and towards justice, the issue remains unresolved.¹⁸ Laws and penalties still show a messy mix between justice (desert) and rehabilitation (treatment).¹⁹

Theoretical and Conceptual Background of Rehabilitation, Punishment, and Recidivism

In terminology of criminal law, "imprisonment" means to deprive freedom and authority of individual within a certain or infinite period of time so that there is no expectance of freedom.²⁰ Therefore, prison is a facility where criminals and offenders are detained for a set period of time, either permanently or temporarily, by a written warrant issued by a court with the intention of treating, rehabilitating, and reforming social disorders. Therefore, one could argue that prison serves as a corrective mechanism for human reform.²¹

The four widely accepted goals that a criminal justice system should strive to achieve are: Deterrence, in which the convicted person and those who witnessed the convicted person's punishment are dissuaded from committing crimes.²² Punishment, inflicting either pain or loss on the culprit as recompense for the offense committed.²³ Incapacitation is the process of taking away or restricting a convicted person's capacity to commit crimes.²⁴ Rehabilitation is the process of changing a criminal's mindset or available resources so that committing crimes is no longer a required or desired activity. This final goal necessitates the provision of both an alternate source of income and a means of meeting internal demands.²⁵

It has always been contentious how democratic nations and kingdoms have decided to impose sanctions and punishments. Throughout the years, leaders of various regimes have had a propensity to dissuade through terror in an effort to establish and preserve an orderly society. Dissuasion has always been the focus of the tactics used. People have been discouraged from committing crimes because they fear losing something valuable (money,

¹⁶ Ernest Van Den Haag, Could Successful Rehabilitation Reduce the Crime Rate?, 73 The Journal of Criminal Law and Criminology 1022-1035 (1982).

¹⁷ D Lipton et al., THE EFFECTIVENESS OF CORRECTIONAL TREATMENT 516-558 (1st ed. 1975).

¹⁸ Isaac Ehrlich, Usefulness of Controlling Individuals: An Economic Analysis of Rehabilitation, Incapacitation, and Deterrence, 71 American Economic Review 307 (1981).

¹⁹ Supra Note 16.

²⁰ Amir Alahdadi, Prison and Its Impact on Recidivism, 9:5 J Pol & L 59 (2016).

²¹ Ankita, Critical Evaluation of the Imprisonment and Recidivism, 4 INT'L J.L. MGMT. & HUMAN. 261 (2021).

²² Supra Note 3.

²³ Supra Note 4.

²⁴ A. Blumstein, Selective incapacitation as a means of crime control, 27 American Behavioral Scientist 87-108 (1988).

²⁵ Supra Note 3.

health, honor, freedom, or even life) or because they fear being excluded from a particular society (either by being barred from it or labeled as unworthy).²⁶

Punishments of various kinds have been applied to villagers and citizens since the Middle Ages, and clearly much earlier, in an effort to keep them under control. Humanity has gone through terrible historical periods before arriving at the "humane" (from an ethical standpoint) point at which we are today with regard to criminal punishment. Over the past few centuries, there has been a clear need for an alternative that considers more than just deterrence and punishment for the sake of punishment. However, it has only been recently that concepts that have the potential to completely transform punitive systems have come to light.²⁷

All ancient legal systems prioritized the punishment of wrongdoers over the upholding of rights. Natural law dictates that a criminal must suffer the same loss and suffering as their victim in order to be punished. As a result, *lex talionis*, or "an eye for an eye," was a well-known principle in ancient law. Restorative justice initiatives began as an experiment in alternatives to criminal prosecution and conventional sentencing. Midway through the 20th century, the current restorative justice movement started to take shape. Researchers and professionals began to doubt the efficacy of punishing methods and sought other alternatives. Pioneers like Howard Zehr and Mark Yantzi started advancing restorative justice principles in the 1970s and 1980s, notably in the context of criminal justice.²⁸

There is no universally accepted definition of recidivism, however, according to the Merriam Webster Dictionary, recidivism means "a tendency to relapse into a previous condition or mode of behaviour; especially: relapse into criminal behaviour". The National Crime Records Bureau (NCRB) of India defines recidivism as the tendency of relapsing into crimes by criminals. Accordingly, a recidivist is a person who relapses into crime again and again after having been convicted on previous occasion(s).²⁹

Punishment Based Approaches in India

Punishment-based approaches in India are primarily guided by the Bharatiya Nyaya Sanhita, 2023 (BNS) [previously Indian Penal Code, 1860 (IPC)], the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) [previously Code of Criminal Procedure, 1973 (CrPC)], and various special laws. The justice system in India follows a mix of retributive, deterrent, reformative, and preventive theories of punishment.³⁰ The types of punishment mentioned under the Bhartiya Nyaya Sanhita, 2023, mentioned under section 4, includes:

- **Death Penalty** – This is the most severe punishment, awarded for the rarest of rare crimes (e.g., terrorism, brutal murders, and rape with murder). The state-approved killing of a natural person as a form of punishment for a crime is known as the death penalty or capital punishment. The act of carrying out a sentence that mandates someone to be punished with the death penalty is called an execution, and the sentence itself is called a death sentence. In India, the hanging method is used to administer the death penalty.³¹
- **Life Imprisonment** – In layman terms, "life imprisonment" means a sentence, awarded to a convict for the remaining of his natural life unless commuted or

²⁶ Supra Note 2.

²⁷ Ibid.

²⁸ Supra Note 6.

²⁹ Supra Note 20.

³⁰ Ellsworth Fersch, When to Punish, When to Rehabilitate, 61 American Bar Association Journal 2-4 (1975).

³¹ Shyam Prakash Pandey, Kinds of Punishment under Indian Penal Code: A Critical Evaluation and Need for Reform, 4 International Journal of Law Management & Humanities 1704 (2021).

remitted.³² In other words, the term "life imprisonment" refers to a sentence of confinement that lasts the remainder of a convicted person's natural life, or until their death, unless remitted or commuted by the government.³³ According to Section 5 of the BNS, 2023, the relevant government may commute a life sentence for a maximum of 14 years in jail.³⁴

- **Imprisonment** – *"Imprisonment means, at minimum, the loss of liberty and autonomy, as well as many material comforts, personal security, and access to heterosexual relations."*³⁵
- It aims to discourage people from committing crimes in the first place (universal deterrence) and to reduce the likelihood that people serving prison sentences would commit crimes when they are released (individual deterrence). It seeks to prevent criminal activity at the first place and to lessen the probability that incarcerated individuals would commit crimes after their release. It also emphasizes punishing or getting vengeance from those who have committed significant crimes, as well as the personal transformation of those who are incarcerated.³⁶ Imprisonment can be classified into two categories, Rigorous Imprisonment and Simple Imprisonment.
 - **Rigorous Imprisonment** – Rigorous Imprisonment includes imprisonment with hard labour such as digging soil, cutting wood etc. for crimes such as robbery, dacoity, etc.³⁷ Section 7 of BNS, 2023 states that in any case where an accused is guilty of detainment—which can be of either kind—the court that sentences the accused has the authority to specify in the sentence that the imprisonment must be entirely rigorous, entirely simple, or that some parts of the imprisonment must be rigorous and the remainder simple.³⁸
 - **Simple Imprisonment** – Simple imprisonment is awarded for the commission of small offenses such as wrongful restraint, defamation, public nuisance, etc. In simple imprisonment, the convict is not required to do any hard manual labour.³⁹
- **Forfeiture of Property** – Forfeiture refers to *"the act of relinquishing ownership of specific property without receiving any form of remuneration for doing something that is against the law."*⁴⁰ In some situations, such as in cases related to treason, the courts have the power to order that the accused person's property should be seized.⁴¹
- **Fine** – Fines are monetary penalties that can be applied alone or in combination with imprisonment. It is usually awarded for petty crimes, such as violation of traffic rules, etc.⁴² Section 8 of the BNS, 2023 states that fines are reasonable and proportionate to the offence. In addition, it also states about imprisonment in

³² Akanksha Bhardwaj, THEORIES AND TYPES OF PUNISHMENTS UNDER IPC: AN ANALYSIS, 5 Indian Journal of Law and Legal Research 8 (2023).

³³ T Muniyappa & Dr. Anu Prasannan, Kinds of Punishment in India: A Historical Perspective, 11 International Journal of Creative Research and Thoughts 347 (2023).

³⁴ The Bharatiya Nyaya Sanhita § 5 (2023).

³⁵ Deirdre Golash, Case Against Punishment: Retribution, Crime Prevention, and the Law 2 (1st ed. 2005).

³⁶ Supra Note 30.

³⁷ Supra Note 32.

³⁸ The Bharatiya Nyaya Sanhita § 7 (2023).

³⁹ Surbhi Chaudhary, Punishment: Philosophy and Law, 2 JUS CORPUS LAW JOURNAL 344 (2022).

⁴⁰ Sambeeta Dabral, Punishments in India and its Relationship with the Theory of Pain and Pleasure, 5 International Journal of Multidisciplinary Research 4 (2023).

⁴¹ Supra Note 31.

⁴² Manas Shukla and Tanu Agarwal, Types of Punishment under the Bharatiya Nyaya Sanhita, 2023: A Comprehensive Legal Analysis, 5 Indian Journal of Legal Review 145-146 (2025).

default of payment, determined according to the amount of the fine that has not been paid.⁴³

- **Community Service**⁴⁴ – The official recognition of community service as a form of punishment under the BNS, 2023 is one of the biggest changes made under the new criminal laws. This move reflects a shift towards restorative and reformatory justice system, particularly for first-time, minor, or non-violent offenders. Community service can include socially beneficial activities like working with NGOs, supporting public health campaigns, or cleaning up the environment. The goal is to instill the feeling of civic responsibility and correcting behavior without the use of jail.⁴⁵

Different theories of punishment that influence how criminals are treated under the punishment-based approaches:

- **Retributive Theory** – It is based on a maxim, “*an eye for an eye, a tooth for a tooth.*” This is based on the attributes of revenge and vengeance. Retribution simply ensures that the wrongdoer pays for his misconduct. The offender's enjoyment of the crime was therefore to be outweighed by the suffering that was to be inflicted upon him as a form of retribution. This viewpoint's proponents did not consider punishment to be a tool for ensuring the general welfare, rather they considered it as a tool for taking revenge.⁴⁶
- **Deterrent Theory** – This theory has been articulated by Jeremy Bentham. He based this theory on the concept of hedonism, which states that an individual will be deterred from committing any crime only if the punishment to be awarded is definite and severe. According to this theory, the nature of the punishment is evil, but it is very important to maintain law and order in a state.⁴⁷ The main purpose of the theory is to create a fear in the mind of an individual that if such a person commits a criminal act, then he will be severely punished with an exemplary punishment. Hence, it will act as a cautionary tale to the offender, which will stop him and others from committing the crime.⁴⁸

Rehabilitation based approaches in India

The Indian criminal justice system's rehabilitation-based strategies aim to change offenders rather than merely punish them. These methods acknowledge that a lot of people commit crimes because of psychological, social, or economic reasons, and that rehabilitation can assist them in becoming law-abiding members of society again.

Key Rehabilitation-Based Approaches in India

A. Probation and Parole

- Under the Probation of Offenders Act, 1958, first-time and minor offenders can be released on probation instead of being sentenced to prison.
- Parole allows prisoners temporary release for good behavior or personal reasons, helping them transition back into society.⁴⁹

⁴³ The Bharatiya Nyaya Sanhita § 8 (2023).

⁴⁴ The Bharatiya Nagarik Suraksha Sanhita § 4(f) (2023).

⁴⁵ Supra Note 41.

⁴⁶ Aditya M. Saran, Critical Analysis of Theories of Punishment, 3 LEGAL LOCK J. 13 (2023).

⁴⁷ N.V Paranjape, Criminology and Penology, Allahabad, Central Law Publications, 218 (2007).

⁴⁸ Komal Gopal Chavan, Theories of Punishment under Indian Penal Code, 5 INT'L J.L. MGMT. & HUMAN. 1341 (2022).

⁴⁹ Supra Note 6.

B. Reformation Through Education and Skill Development

- Many prisons in India offer educational programs, vocational training, and skill development courses to help inmates gain employment after release.⁵⁰

C. Open Prisons (Semi-Liberal Penal System)

- Open jails, allow prisoners to live with their families and work outside the prison premises, promoting social integration.⁵¹

D. Juvenile Justice System

- The Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act, 2015) focuses on rehabilitating minors through observation homes, counseling, and skill development rather than severe punishment.⁵²

Different theories of punishment that influence how criminals are treated under the rehabilitation-based approaches:

- **Preventive Theory** –The preventive philosophy (disability theory) of punishment is based on the proposition “*not to avenge crime but to prevent it.*” This theory is based on the assumption that the basic needs of society are the root cause of crime and its punishment. This theory aims at creating deterrence in society by taking preventive measures with respect to crime. It helps in maintaining social conduct in society as it discourages antisocial conduct.⁵³
- **Reformative Theory** – This theory aims at rehabilitating the offender while he is imprisoned. It believes that “*It should not be regarded as settling an old account but rather as opening a new one.*” Thus, the supporters of this view justify prisonization not solely to isolate criminals and eliminate them from society but to bring about a change in their mental outlook through effective measures of reformation during the term of their sentence.⁵⁴

Comparative Analysis of Rehabilitation and Punishment

Prisons, being places with custodial functions, are very old. The exact date of their emergence is almost unknown. However, Singh records that at the end of the 18th century and in the beginning of the 19th century, imprisonment was widely accepted as an alternate punishment for crimes.⁵⁵ The institution of prison pervaded the entire body of the conventional norms through the movement of enlightenment and the concept of welfare state.⁵⁶ In result of the persistent efforts by reformers like Voltaire, it eventually replaced most of the corporal punishments.⁵⁷ Bhutta & Akbar discuss how imprisonment substituted the brutal and harsh penal methods of the Dark Ages and the rehabilitative philosophy of prisons overshadowed the punitive approach during these times.⁵⁸

Marshall explains how imprisonment was admitted in modern penology as a potential means to reform prisoners. The journey from insistence to torturing the body by inflicting horrible pains, mutilation, or painful extermination to making upright citizens was in itself

⁵⁰ Ibid.

⁵¹ Peter Hall & Mark David Chong, A Prison's Social Climate, and Its Impact on Reintegration and Recidivism, 24 JAMES COOK U. L. REV. 231 (2018).

⁵² Supra Note 50.

⁵³ Supra Note 47.

⁵⁴ Prison Commissioners Report 24 (1912), Criminology & Penology 158 (Allahabad Law Agency 2004).

⁵⁵ Supra Note 7.

⁵⁶ Ibid.

⁵⁷ Supra Note 9.

⁵⁸ Supra Note 10.

a fundamental shift.⁵⁹ This shift caused building of new prisons across Western Europe and America and were designed to engage the inmates through a mixture of work, discipline and introspection. According to Foucault, the prisons became the places of correction, reclamation and cure of soul instead of horrible torturous places.⁶⁰

Prisons can either be incubators for violent ideology or institutions for reform. According to Manaworker, the purpose of imprisonment is to protect the society from the harm of the anti-social elements.⁶¹ The National Economic and Social Forum's Frederick Report divulged that prisons' goal to reduce the chances of reoffending are attempted in a number of ways: by making prison the worst places to live in and compromising human dignity; by confining people in prisons for as long as possible and put an extra burden on the economy of the state; or by making prison settings capable enough to prepare inmates for a useful and law-abiding life on release.⁶²

The rehabilitative prison management theory was a product of experiences that had consumed the two former approaches and emerged with the focus on inculcating the offender with the values and norms for a law-abiding and productive life, rather than intimidating him or her.⁶³ Tapscott argues that imprisonment has always been influenced by four: (1) State and society's will to punish the offenders; (2) State and society's will to minimize the chances of committing further offences by those who were undergoing sentences as well as by the would-be offenders; (3) State and society's will to protect the society from wrong doers; and (4) State and society's will to rehabilitate the offenders back into the society.⁶⁴ Rehabilitative approach has to ensure social tranquility and peace.⁶⁵

Integrated Approaches and Best Practices

In India's criminal justice system, integrating punishment with rehabilitation is essential for reducing recidivism and promoting societal reintegration of offenders. Recent legislative reforms and institutional practices reflect a shift towards balancing these objectives.

Legislative Reforms:

- Bharatiya Nyaya Sanhita (BNS), 2023: Replacing the Indian Penal Code, the BNS introduces several reforms emphasizing rehabilitation. Notably, it incorporates community service as a sentencing option for six specific offenses, aiming to reintegrate offenders through constructive societal contributions.⁶⁶
- Juvenile Justice (Care and Protection of Children) Act, 2015: This Act underscores a child-centric approach, focusing on rehabilitation and social reintegration of juveniles. It mandates individualized care plans, counseling, and vocational training to facilitate their return to society as responsible citizens.⁶⁷

Institutional Practices:

- Jail Industries: Many prisons have established vocational training programs, enabling inmates to acquire skills in trades like weaving, carpentry, and tailoring. For

⁵⁹ Supra Note 11.

⁶⁰ Supra Note 14.

⁶¹ M.B. Manaworker, Prison management: problems and solutions Gyan Publishing House 12-14 (2006).

⁶² National Economic and Social Forum, Reintegration of prisoners The National Economic & Social Forum Frederick House 69-72 (2000).

⁶³ Charles E. Torcia and Francis Wharton, Wharton's criminal law, 1 Clark Boardman Callaghan (1993).

⁶⁴ Chris Tapscott, study of best practice in prison governance CSPR Research (2005).

⁶⁵ Mary Wirtz Macht and José B. Ashford, Introduction to social work and social welfare Merrill Publishing Company, (1991).

⁶⁶ The Bharatiya Nagarik Suraksha Sanhita, 2023.

⁶⁷ Juvenile Justice (Care and Protection of Children) Act, 2015.

instance, Tihar Jail's 'TJ' brand markets products made by inmates, providing them with work experience and a sense of purpose.⁶⁸

Sentencing Reforms:

To address concerns over inconsistent sentencing, India plans to implement a standardized grading system. This initiative aims to ensure that punishments are proportionate to the severity of crimes, thereby reducing judicial arbitrariness and enhancing fairness in sentencing. These integrated approaches signify India's commitment to a criminal justice system that not only punishes but also rehabilitates, fostering a safer and more just society.⁶⁹

Conclusion

When the criminal justice system begins to treat inmates like "human beings," the true shift begins. The importance of the correctional and rehabilitative system is demonstrated by publicly available material. Although incarceration is seen as a key component of offender reform, it should not be used arbitrarily without first reviewing the research showing a link between recidivism and incarceration. It is crucial to consider the backgrounds of the target group of inmates and the special care that must be provided for them in accordance with their individual needs. This care may include education, programs for physical wellbeing like yoga and meditation, the formation of social groups for inmates to assist them in overcoming drug addiction, and vocational education programs that offer inmates diploma courses in yoga.

Apart from this, it should be mentioned that different aspects of imprisonment result in different outcomes for different groups of inmates. Therefore, the criminal justice system's authorities must judge the needs of a particular group, which will incur costs but will always be lower than the cost of recidivating inmates. Favorable outcomes will be produced by well-balanced policies and careful planning with research on these relationships between incarceration and recidivism based on future conditions.

⁶⁸ Supra Note 29.

⁶⁹ Andrew Ashworth, Responsibilities, Rights and Restorative Justice, 42 Brit. J. Criminal 578 (2002).