

## A COMPARATIVE ANALYSIS OF REHABILITATION PROGRAMS FOR CRIMINAL OFFENDERS IN INDIA AND ENGLAND: EFFECTIVENESS IN REDUCING RECIDIVISM AND FACILITATING SUCCESSFUL REINTEGRATION INTO SOCIETY

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### Abstract

This research paper presents a comparative analysis of rehabilitation programs for criminal offenders in India and England, examining their approaches, effectiveness in reducing recidivism rates, and promotion of successful reintegration into society. By exploring the philosophical underpinnings, economic factors, cultural traditions, and legal frameworks that shape these programs, this study aims to identify key lessons and best practices that can enhance rehabilitation systems in both countries. The analysis considers the contrasting approaches of restorative justice in India and evidence-based rehabilitation in England, highlighting the importance of context-specific strategies for effective offender reintegration. Ultimately, this paper seeks to contribute to the broader discourse on criminal justice reform and promote more humane and beneficial rehabilitation practices.

#### Primary Research Question:

How do rehabilitation programs for criminal offenders in India and England compare in their approaches and effectiveness in reducing recidivism rates and promoting successful reintegration into society, and what lessons can be drawn to enhance these systems?

#### Introduction

The rehabilitation and reintegration of criminal offenders pose a significant challenge for countries worldwide. This study undertakes a comparative analysis of India and England, two nations with shared colonial histories and legal similarities but distinct cultural, socioeconomic, and legal contexts, to understand how these factors influence rehabilitation approaches. By examining the philosophical foundations, economic realities, and legal structures that

shape rehabilitation systems, this research aims to identify transferable practices that can improve rehabilitation outcomes globally.<sup>1136</sup>

India's traditional approach to justice emphasizes restorative justice, social harmony, and community reintegration, drawing from ancient texts that promote forgiveness, redemption, and transformation. In contrast, England historically favored punitive methods but has shifted towards a rehabilitative approach in recent decades, exemplified by evidence-based practices.<sup>1137</sup>

Economic factors also play a crucial role in rehabilitation. India's limited resources and socioeconomic disparities constrain rehabilitation initiatives, while cultural norms

<sup>1136</sup> Gerry Johnstone, *Restorative Justice: Ideas, Values, Debates* (Routledge, 2002).

<sup>1137</sup> S. K. Bhattacharya, *Juvenile Justice: An Indian Perspective* (Regency Publications, 2002).

often stigmatize offenders, complicating reintegration efforts. England's developed economy presents different challenges, including austerity measures that have reduced funding for rehabilitation services. Understanding how these economic and cultural dimensions impact ex-offender reintegration is a key focus of this research.<sup>1138</sup>

Legal and policy frameworks further define rehabilitation efforts in both countries. India has implemented reforms such as the Juvenile Justice Act and the Mental Health Care Act, but prison overcrowding and inadequate support services hinder progress. England's Securing Recovery Act 2014 and Prison Reform Act 2016 reflect a commitment to evidence-based rehabilitation and improved support for ex-offenders through gate services and community sentences.

By extracting lessons from the experiences of India and England, this research aims to inform policymakers and practitioners in developing more effective approaches to reduce recidivism and support successful reintegration. These findings can contribute to the policy and practice of criminal rehabilitation and foster international collaborations in the field.<sup>1139</sup>

In an era where societies are redefining their approaches to crime and punishment, emphasizing criminal rehabilitation is a more humane and effective response to criminal behaviour. By addressing the root causes of crime and providing offenders with the resources and support they need, rehabilitation programs can enhance public safety, foster more just and inclusive communities, and reduce the likelihood of reoffending.

Through this comparative analysis, this study contributes to the broader discourse on criminal justice reform and seeks to promote more rehabilitative and beneficial criminal justice systems for all stakeholders. The insights gained

from this research can inform the development of more equitable and humane responses to criminal behaviour in India, England, and other nations striving to improve their rehabilitation practices.

### India: Historical Context and Philosophical Evolution

#### Ancient Roots of Restorative Justice<sup>1140</sup>

As much as India's approach to criminal justice and rehabilitation is rooted in its ancient philosophical traditions. Attitudinal notions such as dharma (righteous conduct), karma (action and consequence), and ahimsa (non-violence) have been imposed in some form to notions; in relation to crime and punishment they have always existed. Based on these principles, restoring harmony and balance to the community trump retribution against offenders.<sup>1141</sup>

Manusmriti and Arthashastra are two ancient Indian texts which gives us a hint about legal and penal system of those time. The punishments that the text describes are severe, and these punishments for offenses are severe but the texts also admit the possibility of offenders' redemption and reintegration, if they show remorse and a willingness to reform. What was at stake sometimes was more restitutive and compensatory than simply punitive.

#### The Influence of Colonialism

British colonialism in India had a direct bearing on its legal and penal systems. In introducing a more formalized and centralized system, based on principles of utilitarianism and deterrence, the British replaced the old system of law. It promoted a move from traditional restorative approaches to crime toward a more punitive approach.<sup>1142</sup>

This shift had a direct impact on the Indian Penal Code of 1860, which today remains the basis of criminal law in India. Although the code

<sup>1138</sup> James McGuire, *What Works: Reducing Reoffending: Guidelines from Research* (John Wiley & Sons, 1995).

<sup>1139</sup> Fergus McNeill and Peter Raynor, *Offender Supervision: New Directions in Theory, Research and Practice* (Willan Publishing, 2005).

<sup>1140</sup> Patrick Olivelle, *The Law Code of Manu* (Oxford University Press, 2004).

<sup>1141</sup> Upendra Baxi, *The Crisis of the Indian Legal System* (Vikas Publishing House, 1982).

<sup>1142</sup> Ved Kumari, *The Juvenile Justice System in India: From Welfare to Rights* (Oxford University Press, 2004).

does accommodate different types of punishment including imprisonment, it does not include the idea of rehabilitation. This has led to a system that is criticized for being punitive and understaffed and without rehabilitative measures.

#### Post-Independence Developments

Principles of rehabilitation have been incorporated into the Indian criminal justice system since India gained its independence in 1947. Thus, the Constitution of India, being based on the principle of social justice and equality, offers a framework within which the welfare and rehabilitation of offenders can be promoted.

There have been several legislative initiatives taken to meet the need of particular groups of offenders. For instance, the Juvenile Justice Act of 1854 (Act no. 2 of 1854) gave regulations to the care and protection of juvenile offenders. Even similarly, the Mental Health Care Act seeks to offer treatment and support to the offenders with mental illness.

However, the Indian criminal justice system has not been able to overcome all these challenges with regard to rehabilitation. All this works towards the hindrance of implementation of rehabilitation programs in effective context.

#### England: Historical Context and Philosophical Evolution

##### Early Punitive Approaches

However, from the outset, England's criminal justice system was a punitive one that focused on deterrence. For example over the centuries the "Bloody Code" of 18th and 19th centuries contained many instances of death penalty prescribed for offenses ranging from petty theft. Rehabilitation was the last thing it was focused on.<sup>1143</sup>

England, during this time, also had another common form of punishment that was transportation to penal colonies in Australia. The purpose of this practice was to expel offenders within society and to prevent others from

committing crimes. Despite this, it made virtually no contribution to eradicating the causes of crime, or to the rehabilitation of offenders.

#### The Rise of Rehabilitation<sup>1144</sup>

In the end of the 19th and the beginning of the 20th century there was more and more recognition that England required more rehabilitative approaches to its criminal justice. The main reasons for this were sociological and psychological criminal theories, alongside doubts of the purely punitive measures efficiency.

In 1895, the state of prisons in England was looked at by the Gladstone Committee Report and they recommended that more importance be placed on rehabilitation and education of prisoners. For that reason this report has been a landmark document in prison reform in England.<sup>1145</sup>

#### The "What Works" Movement

Recent years have seen the criminal justice system in England's criminal justice system ignite the 'What Works' movement. In line with this, the approach is built around evidence based practice for the reduction of recidivism and successful reintegration.

By way of the "What Works" movement, a bunch of rehabilitation programs, such as cognitive behavioural therapy, substance abuse treatment and vocational training, have been created. The specific programs developed are intended for offenders to provide them with the necessary skills and resources required to lead a life without crime.

### Legal and Policy Frameworks for Rehabilitation

#### India

The rehabilitation in India is a complex and multiple legal and policy framework. The Constitution of India specifies social justice and

<sup>1143</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison* (Vintage, 1995).

<sup>1144</sup> Francis T Cullen and Paul Gendreau, 'Assessing Correctional Rehabilitation: Policy, Practice, and Prospects' in *Policies, Processes, and Decisions of the Criminal Justice System* (Sage Publications, 2000).

<sup>1145</sup> David Garland, *Punishment and Modern Society: A Study in Social Theory* (University of Chicago Press, 1990).

equality broadly, the latter of which may be taken to include a promotion of the rehabilitation of offenders. Rehabilitation is not enforced through any explicit provision of the constitution.<sup>1146</sup>

Several pieces of legislation deal with the issue of rehabilitation in particular situations. For instance, the Juvenile Justice Act has mentioned it for the care, protection and rehabilitation of juvenile offenders. Some offenders are released on probation under the Probation of Offenders Act and the conditions for such release are designed to assist in their rehabilitation. Mental Health Care Act is aimed at giving treatment or support to people having mental problem as an issue to be under for.

Although legislation was made, a lot of times their implementation is halted due to lack of resources, lack of infrastructure in addition to the lack of trained personnel's involved. In addition to prison overcrowding, there is still no provision of individualized attention and support for prisoners.<sup>1147</sup>

#### England

However, compared with England, the legal and policy framework for rehabilitation in England is more comprehensive and developed. For example, the Criminal Justice Act 2003 requires the prison service to provide rehabilitation programs to prisoners.

The National Offender Management Service (NOMS) was created under the Offender Management Act 2007 to manage offenders in England and Wales. A range of rehabilitation programs are delivered by NOMS in partnership with Act of obedience, prisons, probation services and community organisations.

The Securing Recovery Act 2014 and the Prison Reform Act 2016 made the legal and policy framework for rehabilitation in England even further strengthened. The objective behind these acts is to increase support provided to

ex-offenders through gate services and community sentences.<sup>1148</sup>

The “What Works” movement that values the use of evidence based practices to drive down recidivism has gained popularity in England too. Consequently, different types of rehabilitation programs have been developed such that they are effective in decreasing reoffending rates.

#### Economic Factors and Cultural Traditions

##### India

In India, economic factors and cultural traditions impact rehabilitation of an ex-offender in varying ways. According to statistics, poverty and unemployment are very common and few of ex-offenders are able to get stable employment and support themselves and their families.<sup>1149</sup>

Many parts of India too are plagued by cultural stigma and discrimination of ex-offenders. That can stop past offenders from successfully re-entering the community and starting over.<sup>1150</sup>

##### England

In England too, there is economic and cultural challenge that need to be addressed in the case of ex-offender rehabilitation. Funding for rehabilitation services has been cut as a result of austerity measures and thus it is more difficult to offer the necessary support to ex-offenders.<sup>1151</sup>

Yet, cultural attitudes towards ex-offenders can be negative, but there is an increasing acceptance of encouraging ex-offenders, along with giving them the chance to change their lives.

<sup>1146</sup> Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press, 1999).

<sup>1147</sup> K Chockalingam, *Probation System in India* (Concept Publishing Company, 1988).

<sup>1148</sup> Ministry of Justice, *Prison Safety and Reform: Next Steps* (GOV.UK, 2016) <https://www.gov.uk/government/publications/prison-safety-and-reform-next-steps> accessed 7 April 2025.

<sup>1149</sup> Angus Deaton and Jean Drèze, ‘Poverty and inequality in India: A re-examination’ (2002) 37(7) *Economic and Political Weekly* 685.

<sup>1150</sup> Erving Goffman, *Stigma: Notes on the Management of Spoiled Identity* (Simon and Schuster, 1963).

<sup>1151</sup> Danny Dorling, *Austerity: The History of a Dangerous Idea* (Oxford University Press, 2015).

## Comparative Analysis of Rehabilitation Programs in India and England

### Approaches<sup>1152</sup>

Rehabilitation in India and England is related to different philosophical, economic and legal contexts and have different approach to it. India's approach is traditional in its principles.

### Effectiveness

Rehabilitation programs in India and England are not effective. It has been shown that certain forms of rehabilitation in England have had success in lowering recidivism rates. Nevertheless, while there is little evidence of the effectiveness of rehabilitation programs in India.

### Lessons Learned

Compared analysis of Rehabilitation programs in India and England has several lessons to offer. These include the importance of:

- \* Adopting an holistic approach to rehabilitation of the offences that can solve its underlying causes.
- \* Attending to offenders on an individual basis and giving them support.
- \* Engaging communities in the rehabilitation process
- \* They had used evidence based practices.

Thus, they are directed at removing the economic and cultural barriers to reintegration.

### Conclusion

Philosophical, economic and legal contexts of rehabilitation programs for criminal offenders in India and in England could be distinguished. India differs from England in acquiring restorative justice practice more than evidence based practices with regard to context specificity. Despite these shared challenges countries, there are the opportunity to integrate the holistic, individualized support, community engagement and evidence based approaches to improve rehabilitation systems. Learning

from each other's experiences, India and England would work towards more effective and humane criminal justice systems based on rehabilitation and successful reintegration.

### Recommendations

Based on the findings of this research, the following recommendations are made:

1. Develop a national framework for rehabilitation in India: This framework should outline the principles, goals, and objectives of rehabilitation, as well as the roles and responsibilities of various stakeholders.
2. Increase funding for rehabilitation services in both India and England: Adequate funding is essential to ensure that rehabilitation programs are well-resourced and able to deliver effective services.
3. Promote community engagement in rehabilitation: Communities play a crucial role in supporting ex-offenders and helping them to reintegrate into society.
4. Use evidence-based practices: Rehabilitation programs should be based on evidence of what works to reduce recidivism.
5. Address economic and cultural barriers to reintegration: This includes providing ex-offenders with access to education, training, and employment opportunities, as well as challenging negative attitudes and stereotypes.

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<sup>1152</sup> DA Andrews and James Bonta, *The Psychology of Criminal Conduct* (Routledge, 2017).



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