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CAPITAL PUNISHMENT AND REHABILITATION METHODS IN GANDHIAN VIEWS ON THE PRISON SYSTEM

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I. ABSTRACT

The relationship between the death penalty and rehabilitation in the Indian criminal justice system is examined in this study, with a particular emphasis on Gandhian ideas. Despite ongoing discussions on its morality and legality, India has maintained the death sentence for the "rarest of rare" cases over time. According to Amnesty International (2021), there is insufficient proof to conclude that the death penalty deters significant crimes, despite its intended deterrent effect. Meanwhile, rehabilitation has become a more constructive and humane option. Programs including skill training, education, and counselling have been implemented in several Indian jails to reform offenders and lower the number of repeat offences (NCRB, 2022). The emotional and social effects of the death sentence on prisoners and their families are also highlighted by this study; these effects frequently result in social shame and chronic trauma. However, when done correctly, rehabilitation allows successful reintegration into society, better mental health, and personal transformation (UNODC, 2020). Additionally, the paper discusses the growing popularity of restorative justice techniques, which emphasize reconciliation and accountability above punishment. Mahatma Gandhi was adamantly against the death sentence, and his opinions form the basis of a significant portion of this study. He held that the goal of the legal system should be to heal, not to damage, and that no one is beyond reform. Gandhi's focus on self-improvement, non-violence, and moral growth makes a strong case for meaningful rehabilitation in place of the death penalty (Gandhi, 1931). His theories urge society to view prisons as venues for change rather than as sites of retaliation. In light of contemporary criminal

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policy, this study revisits Gandhian ideas to make the case for a more humane and reform-focused approach to justice in India.

II. KEYWORDS

Capital Punishment, Prison Rehabilitation, Gandhian Philosophy, Restorative Justice, Criminal Justice Reform

III. INTRODUCTION

Capital punishment has remained a contentious aspect of the criminal justice system across the world. In India, though its application is rare and limited to the “rarest of rare” cases as laid out by the Supreme Court in *Bachan Singh v. State of Punjab* (1980), the practice continues to raise serious legal, moral, and human rights concerns. The irreversible nature of the death penalty, the possibility of judicial error, and its disproportionate impact on marginalized groups have intensified global and domestic debates on its relevance (Amnesty International, 2021). The question that emerges is whether retribution through capital punishment serves justice or whether the criminal justice system should prioritize the rehabilitation and reintegration of offenders into society.

As a concept, rehabilitation is rooted in the belief that individuals who commit crimes can reform if given the proper support and guidance. In recent years, the Indian prison system has begun to integrate various rehabilitative programs such as vocational training, educational opportunities, psychological counseling, and religious or spiritual instruction. These initiatives aim to reduce recidivism and prepare inmates for productive lives post-release (NCRB, 2022; UNODC, 2020). Research has consistently shown that rehabilitation benefits the individual, enhances public safety, and reduces the long-term costs associated with incarceration (UNODC, 2020). The philosophy of Mahatma Gandhi offers a powerful critique of capital punishment and punitive incarceration. Gandhi believed in the principles of *Ahimsa* (non-violence), *Satya* (truth), and the essential goodness of every human being.

He maintained that even those who commit crimes should be allowed to self-purify and undergo moral regeneration. Gandhi's famous words, "Hate the sin, not the sinner," reflect his deep faith in the possibility of inner transformation through love, forgiveness, and self-reflection (Gandhi, 1931). He did not view prisons as places of punishment but as institutions where individuals should undergo introspection and spiritual reformation. Gandhi's time in various prisons during the freedom struggle, such as Yerwada, Sabarmati, and Aga Khan Palace, influenced his views and helped shape his broader vision of justice based on compassion and reconciliation (Parekh, 1997).

This study explores the historical, legal, and moral dimensions of capital punishment in India while critically analyzing the current rehabilitation methods practiced in Indian prisons. It also examines the psychological and social consequences of punitive versus rehabilitative approaches for both inmates and their families. Through a Gandhian lens, the study seeks to challenge the legitimacy of retributive justice and advocates for a shift toward a system that prioritizes human dignity, reform, and societal healing. By merging modern criminological insights with Gandhian thought, the research aims to contribute to the ongoing discourse on criminal justice reform in India.

A. RESEARCH OBJECTIVES

- To analyze the historical and legal evolution of capital punishment in India and its justification within the criminal justice system.
- To explore various prison rehabilitation methods and evaluate their effectiveness in preventing recidivism.
- To investigate the psychological and social impact of capital punishment versus rehabilitative approaches on offenders and their families.
- To assess the scope for integrating restorative justice practices as alternatives to capital punishment in the Indian penal system.

- To examine Gandhian perspectives on punishment and prison reform, focusing on his rejection of capital punishment and emphasis on non-violence and moral rehabilitation.

B. RESEARCH QUESTIONS

- How does the historical and legal evolution of capital punishment in India align with contemporary debates on its morality and necessity within the criminal justice system?
- In what ways do the rehabilitative methods currently implemented in Indian prisons, such as educational and vocational programs, contribute to reducing recidivism rates?
- What are the psychological and social effects of capital punishment on both offenders and their families, and how do they compare with the impact of rehabilitative approaches?
- How can Gandhian principles of non-violence and moral regeneration be integrated into modern criminal justice reform, particularly in relation to restorative justice and the abolition of capital punishment?

C. METHODOLOGY

- **Secondary Data and Evidence:** This paper utilizes secondary data, derived from a literature review and expert analysis. The necessary information has been gathered from various sources, including articles, journals, government reports, census data, and websites.

IV. EVOLUTION OF CAPITAL PUNISHMENT

A. ANCIENT PERIOD

The roots of capital punishment in India trace back to ancient times, where the legal systems were deeply intertwined with religious and moral codes. The Manusmriti, an ancient Hindu legal text, sanctioned the death penalty for a variety of grave offenses

such as murder, theft, and treason. This was seen as a means to uphold *Dharma* (cosmic law and order). However, punishment was often proportionate to caste and social status, reflecting a hierarchical society (Kumar, 2008).

Kautilya's *Arthashastra*, written around 300 BCE, also provided a comprehensive legal framework, justifying capital punishment for crimes such as espionage, assassination attempts on the king, and severe corruption among state officials (Rao, 2011). Interestingly, the *Arthashastra* supported a pragmatic and utilitarian model of justice, prioritizing the preservation of the state. Despite these strictures, Buddhism and Jainism, which emerged during this period, criticized capital punishment, advocating non-violence (*Ahimsa*) and mercy.

B. MEDIEVAL PERIOD

During the medieval period, the Indian subcontinent was significantly influenced by Islamic jurisprudence under the Delhi Sultanate and the Mughal Empire. Legal systems incorporated elements of Sharia law, which prescribed capital punishment for specific *Hudud* (fixed) crimes such as murder (*qatl*), adultery (*zina*), apostasy, and robbery. The criminal justice system operated under the concept of *Qisas* (retaliation) and *Diyya* (blood money), where victims' families could choose execution, compensation, or forgiveness (Habib, 2002).

Punishments were often harsh and public, meant to deter others from committing crimes. However, the administration of justice was inconsistent and often dependent on the ruler's discretion. For example, Emperor Akbar introduced several judicial reforms, reducing executions and emphasizing fairness and mercy. His successors, particularly Aurangzeb, reinstated more orthodox Sharia practices. Thus, during this period, the death penalty was used selectively, balancing deterrence, restitution, and sovereign authority.

C. BRITISH COLONIAL PERIOD

With the advent of British rule, India saw the emergence of a codified and formalized legal system. The Indian Penal Code (IPC) of 1860, drafted by Lord Macaulay, retained capital punishment for crimes such as murder (Section 302), waging war against the state (Section 121), and dacoity with murder (Section 396). The death penalty served multiple colonial purposes: it functioned as a control tool, primarily to quell resistance and uprisings.

It was often used as a political weapon; freedom fighters like Bhagat Singh, Sukhdev, and Rajguru were executed under laws designed to suppress dissent (Gupta, 2005). The Criminal Procedure Code (CrPC) of 1898 laid out the legal procedure for awarding and appealing the death sentence, thereby embedding capital punishment within the institutional structure of colonial criminal justice. The British justified its use based on deterrence theory, aiming to prevent crime by instilling fear. Racial and class biases were apparent, with Indians often facing harsher sentences than their British counterparts.

D. POST-INDEPENDENCE AND CONTEMPORARY PERIOD

After gaining independence in 1947, India retained capital punishment in its statute books. The Constitution of India under Article 21 guarantees the right to life and liberty, but allows the death penalty through "procedure established by law." The IPC provisions remained essentially unchanged. However, judicial interpretation over time significantly altered the application of the death sentence.

In the landmark case of *Bachan Singh v. State of Punjab* (1980), the Supreme Court held that the death penalty should only be imposed in the "rarest of rare cases," where life imprisonment is inadequate due to the nature and gravity of the crime. This doctrine has since guided Indian courts. The Supreme Court has also laid down safeguards such as individualized sentencing, consideration of mitigating circumstances, and a separate

sentencing hearing (Sarkar, 2014). Public opinion and legislative actions have occasionally influenced the discourse on capital punishment.

The brutal 2012 Nirbhaya gang rape case led to massive public outcry. It resulted in the Criminal Law (Amendment) Act, 2013, and later the Criminal Law (Amendment) Act, 2018, which introduced the death penalty for the rape of minors below 12 years. Meanwhile, India has also faced criticism from international human rights organizations and the United Nations Human Rights Council (UNHRC) for continuing to uphold the death penalty. Amnesty International consistently reports concerns regarding the lack of transparency in clemency procedures and arbitrary sentencing. Despite retaining it, India has rarely executed convicts in recent decades. The most recent execution was in March 2020, when the four men convicted in the Nirbhaya case were hanged (Menon, 2020).

V. JUSTICE, TRAUMA, AND HEALING

The psychological consequences of capital punishment on offenders are profound and devastating. Individuals on death row often endure what scholars call the "death row phenomenon," characterized by severe anxiety, depression, suicidal thoughts, and emotional deterioration due to prolonged isolation and the looming certainty of execution. According to Johnson (2016), many death row inmates experience psychological torture stemming from years spent in solitary confinement while awaiting execution.

Hood and Hoyle (2015) argue that the extended mental anguish inflicted by capital punishment may constitute cruel and inhumane treatment. In contrast, rehabilitative approaches focus on healing and personal development. Offenders participating in psychological counseling, skill-building programs, or restorative justice initiatives are likelier to experience emotional recovery, increased self-worth, and behavioral reform (Andrews & Bonta, 2010). From the perspective of families, the impact of capital punishment is equally traumatic. Families of condemned inmates often suffer from

prolonged grief, social stigma, and helplessness. The drawn-out appeals process exacerbates emotional suffering and can lead to what is known as “ambiguous loss,” where closure is impossible (King, 2006). The media coverage surrounding capital punishment cases can further isolate and traumatize families.

In contrast, rehabilitative models often engage families in the process of healing. Family therapy sessions, visitation rights, and support groups are integral aspects of many correctional rehabilitation programs. According to Zehr (2002), restorative justice mechanisms can offer a sense of closure and reconciliation to offenders and their families. The social consequences for offenders differ starkly between the two systems. Capital punishment permanently removes individuals from society, thereby eliminating any possibility of social reintegration or contribution to the community.

Sarat (2001) contends that execution ends all prospects for redemption, rehabilitation, and restitution. By contrast, rehabilitative methods such as educational programs, vocational training, and peer mentoring offer offenders the tools to successfully reenter society. Petersilia (2003) found that inmates who undergo such programs are more likely to secure employment, avoid recidivism, and reconnect with social networks. Families of offenders also experience divergent social outcomes based on the approach taken by the criminal justice system. Families of executed individuals often bear the burden of social stigma, community rejection, and economic hardship, particularly if the condemned person was a primary wage earner (Bessler, 2012).

In rehabilitative systems, however, families tend to benefit from the offender's efforts at reform. When rehabilitation succeeds, it reduces the economic and emotional toll on families and helps break intergenerational cycles of criminal behavior. Travis and Waul (2003) state that family-centered reentry programs can strengthen familial bonds and improve community outcomes by reducing recidivism and encouraging social cohesion.

VI. EFFECTIVENESS IN PREVENTING RECIDIVISM

A. EDUCATIONAL PROGRAMS

Education is widely recognized as a powerful rehabilitative tool. Literacy classes, secondary education, and higher education initiatives help incarcerated individuals develop cognitive skills, boost self-esteem, and expand employment opportunities post-release. Studies in the U.S. and U.K. have found that inmates who participated in educational programs were 43% less likely to return to prison than those who did not (Davis et al., 2013). In India, prison systems like the Tihar Jail have implemented formal and informal education systems with partnerships from NGOs and institutions like IGNOU (Indira Gandhi National Open University), yielding positive outcomes in inmate behavior and reintegration success.

B. VOCATIONAL TRAINING

Vocational and skill-based training equips prisoners with practical tailoring, carpentry, welding, plumbing, and computing knowledge. These skills increase employability and give inmates a sense of purpose. In Tamil Nadu, for example, the cooperative tailoring model for women prisoners has empowered many to earn post-release and support their families (SelvaKumar, 2024). Evidence suggests that prison industries and job-readiness programs contribute to lower reoffending rates, especially with community job placement support.

C. PSYCHOLOGICAL AND THERAPEUTIC INTERVENTIONS

Many inmates suffer from trauma, mental health disorders, and substance abuse issues. Psychological counseling, cognitive-behavioral therapy (CBT), and substance abuse treatment programs are essential in breaking the cycle of criminality. CBT programs focus on changing thought patterns and behaviors linked to offending and have been shown to reduce recidivism by up to 25% (Lipsey, 2009). Prison-based Drug Treatment Programs (DTPs), when combined with post-release aftercare, have demonstrated long-term reductions in relapse and reoffending.

D. RESTORATIVE JUSTICE PROGRAMS

Restorative justice (RJ) emphasizes healing for victims, offenders, and the community. It includes victim-offender mediation, family group conferencing, and apology reconciliation ceremonies. These approaches aim to create empathy in offenders and allow victims a sense of closure. RJ has significantly contributed to low recidivism rates in countries like Norway and New Zealand. Although still emerging in India, programs led by organizations like Prison Fellowship India have shown that RJ can foster accountability and behavioral change.

E. RELIGIOUS AND SPIRITUAL PROGRAMS

Spiritual rehabilitation through meditation, yoga, and religious teachings has been widely adopted in Indian prisons. For instance, the Vipassana meditation program initiated in Tihar Jail is known for improving inmate discipline and reducing aggression. These programs help inmates achieve inner peace, self-control, and personal transformation. Studies have reported a decline in prison violence and lower rates of reincarceration among participants (Kiran, 2015).

VII. RESTORATIVE JUSTICE IN INDIA

The Indian penal system, rooted in colonial and retributive traditions, relies heavily on punitive measures, including capital punishment, for the most serious crimes. However, this approach has faced growing criticism for failing to rehabilitate offenders or provide healing for victims and communities. Restorative justice, which emphasizes accountability, reconciliation, and reparative outcomes, offers an alternative framework that could be meaningfully integrated into India's criminal justice system. Unlike capital punishment, which is irreversible and exclusionary, restorative justice involves the victim, offender, and community in a dialogue that promotes healing, restitution, and reintegration. Scholars argue that the death penalty does not necessarily deter crime and often exacerbates trauma for both the convict's and victim's families (Batra, 2015).

In contrast, restorative justice offers closure, especially in cases where victims seek answers or emotional healing rather than retribution (Zehr, 2002). India's legal structure, while retributive, has shown preliminary openness to restorative principles, particularly in juvenile justice and community-based conflict resolution. The Juvenile Justice (Care and Protection of Children) Act, 2015, contains provisions encouraging rehabilitation and social reintegration rather than punishment. Similarly, the Legal Services Authorities Act, 1987, promotes Lok Adalats, which resolve disputes through conciliatory means. These initiatives demonstrate the feasibility of restorative practices within the broader Indian legal framework. However, for crimes currently punishable by death such as murder, terrorism, and rape restorative justice remains absent from policy discussions.

Critics argue that restorative justice may seem inappropriate for “heinous crimes,” yet international case studies, such as the Truth and Reconciliation Commission in South Africa, show that even grave crimes can be addressed through restorative frameworks (Llewellyn & Howse, 1999). Restorative justice is not about replacing the rule of law or letting offenders go unpunished, but rather about transforming justice from being solely punitive to being more human-centered. It aligns with Indian philosophical and cultural traditions such as Ahimsa (non-violence) and Sarvodaya (welfare of all) as advocated by Mahatma Gandhi, who believed in reforming even the worst offenders through repentance and societal acceptance.

Scholars such as Menon (2021) and Rao (2020) have argued that integrating restorative justice could reduce the overburdening of courts, minimize custodial deaths, and provide an avenue for healing without resorting to the finality of death. Legal reform would require changes in both penal codes and judicial attitudes. However, the evolving jurisprudence of the Indian Supreme Court, particularly the emphasis on the “rarest of rare” doctrine in death penalty cases, indicates a judicial willingness to explore alternatives. Thus, there is considerable scope for integrating restorative justice

practices as viable alternatives to capital punishment, provided there is legal, institutional, and societal commitment.

VIII. GANDHIAN PERSPECTIVES ON PUNISHMENT AND PRISON REFORM

Mahatma Gandhi's philosophy of punishment and prison reform is deeply rooted in the principles of non-violence (Ahimsa), truth (Satya), and the moral capacity for transformation in every human being. He viewed the criminal not as inherently evil, but as someone who has erred due to social, economic, or moral failings and thus deserves reform rather than retribution. Gandhi strongly opposed capital punishment, considering it a form of legalized violence that violates the sanctity of life.

For him, no individual or state had the moral authority to take a life, regardless of the crime committed. "I cannot in all conscience agree to anyone being sent to the gallows," Gandhi declared, expressing his belief that even the gravest wrongdoers could find redemption through sincere repentance and social reintegration (Gandhi, 1940). Gandhi's experience in prisons in South Africa and colonial India shaped his views on incarceration. He believed prisons should be spaces of self-purification and moral development, not instruments of cruelty or social exclusion. His vision of prison reform included humane treatment of inmates, vocational training, spiritual education, and the nurturing of self-discipline. He often cited the idea that punishment must be reformatory, not vindictive. Gandhi emphasized that the goal of punishment should be to awaken the wrongdoer's conscience and restore harmony between the offender, the victim, and society. He supported constructive work, prayer, and introspection within prisons to instill a sense of responsibility and compassion.

In contrast to the modern criminal justice system, which often emphasizes deterrence through harsh penalties, including death, Gandhi's approach prioritizes rehabilitation through empathy and dialogue. He firmly believed in the power of the inner transformation of the soul and that social justice cannot be achieved through violence,

even when state-sanctioned. Gandhi's model aligns closely with contemporary restorative justice frameworks, focusing on healing rather than punishment. His rejection of capital punishment and insistence on moral rehabilitation offer a compelling critique of punitive justice systems and present a philosophical foundation for prison reforms that uphold human dignity and non-violence.

IX. CONCLUSION

The evolution of India's criminal justice system reveals a complex interplay between retributive and reformatory approaches to punishment. While capital punishment has historically been justified as a deterrent for heinous crimes, its moral and legal foundations are increasingly questioned in light of global human rights norms and the emerging focus on rehabilitation. Rehabilitative methods implemented within Indian prisons, such as vocational training, education, and counseling, have shown measurable success in reducing recidivism and fostering social reintegration.

The psychological and social consequences of capital punishment extend far beyond the individual, deeply impacting families and communities through trauma, stigma, and moral dissonance. Restorative justice, emphasizing accountability, healing, and community involvement, presents a compelling alternative that prioritizes the needs of both victims and offenders. Its integration into the Indian penal system would align with global justice trends and resonate with deeply rooted indigenous philosophies.

Among these, Gandhian thought offers a timeless framework that upholds non-violence, forgiveness, and the potential for human transformation. By moving toward a more humane, inclusive, and morally grounded system, India can redefine justice in a way that genuinely serves society by restoring individuals rather than eliminating them.

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