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Reformative Theory And Women Offenders: A Comparative Study Between India And UK

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Abstract

Can a prison do more than punish? The reformative theory says yes. It rests on the idea that people who break the law are not beyond redemption and that, with proper support, they can rejoin society as responsible citizens. This article puts that theory to the test by looking at how two countries, India and the United Kingdom, deal with a population the justice system has too often ignored: women offenders. We examine the laws, the prisons, and the rehabilitation schemes each country has built, or failed to build, for women. The picture that emerges is uneven. Women enter the system carrying heavy baggage that most male offenders do not share: abuse histories, mental illness, childcare duties, crushing poverty (Gelsthorpe & Wright, 2015). Yet prisons in both countries were designed around men. In the UK, the Corston Report of 2007 forced a reckoning, and policy has since moved towards community-based solutions and gender-aware rehabilitation. India's reformative setup, by contrast, remains thin and patchy, varying wildly from state to state. We close by offering practical recommendations, drawn from the comparative evidence, for both jurisdictions.

Keywords: - Reformative Theory, Women Offenders, Rehabilitation, Comparative Criminal Justice, India, United Kingdom, Gender-Responsive Corrections

I. INTRODUCTION

Why do we punish? Philosophers and lawmakers have wrestled with this question for centuries, and their answers have never stayed settled for long. The oldest instinct is retribution: you harmed someone, so you must suffer in return. Close behind came deterrence: make the punishment frightening enough, and others will think twice. But sometime during the Enlightenment, a third idea crept in, one that asked a harder question. What if punishment could actually change a person for the better? What if the point was not to inflict pain but to turn an offender into someone who would choose, freely, not to offend again? That is the reformative theory in a nutshell. Hudson (2003) describes it as an approach that replaces vengeance with transformation through schooling, job training, counselling, and whatever other help the offender might need. Beccaria had argued as far back as 1764 that punishment should serve the common good, not satisfy a hunger for revenge. Bentham (1789) pushed the point even harder, insisting that social usefulness was the only legitimate yardstick for any penal measure.

Now apply this theory to women. Worldwide, women make up only about 4 to 5 per cent of all prisoners (Walmsley, 2017). Such a small share means they have historically been an afterthought. Policies are written for men, prisons are designed for men, programmes are tested on men. But the evidence is overwhelming that women's journeys into crime look nothing like men's. Domestic violence, sexual assault, drug dependence, mental health breakdowns, poverty so deep it leaves no legal options, and the weight of being the only parent available to a child: these are the threads that run through the lives of most women offenders (Corston, 2007; Bloom et al., 2003). If the roads into crime are different, it stands to reason that the roads out must be different too.

India and the UK share a common ancestor in English common law, making their comparison more than just an academic exercise. It throws into sharp relief how the same legal heritage can produce very different outcomes depending on political will and institutional investment. The UK was shaken into action by the 2007 Corston Report. Six women had killed themselves in a single prison, and the resulting inquiry laid bare just how badly the system was serving women. Since then,

British policy has tilted decisively towards community solutions and holistic rehabilitation. India has had no comparable watershed moment. Prisons are overcrowded, reformative infrastructure barely exists outside a handful of states, and the system, by and large, treats men and women as though their needs were identical (National Crime Records Bureau [NCRB], 2022). This article digs into both systems. We look at the statutes, the institutions, the programmes that actually run day to day, and whatever outcome data we can find.

II. REFORMATIVE THEORY: CONCEPTUAL AND THEORETICAL FRAMEWORK

Strip away the academic jargon, and the reformative theory makes a bet. The bet is that criminal behaviour is not permanent. People do not offend because of some unalterable flaw in their makeup. They offend because of what life has thrown at them: bad circumstances, psychological damage, toxic surroundings. Change those conditions, and you change the person (Ward & Maruna, 2007). This separates the reformative school from its rivals. Deterrence gambles on fear. Retribution demands an eye for an eye. The reformative approach says: treat the offender, do not just punish her. India's Supreme Court put this plainly in Pulicherla Nagaraju v. State of Andhra Pradesh (2006), stating that the "reformative approach to punishment should be the object of criminal law in order to promote rehabilitation of offenders as useful citizens of society."

Several academic models have tried to give this broad philosophy a workable structure. The most widely used framework is the Risk-Need-Responsivity (RNR) framework, developed by Andrews and Bonta (2010). The logic behind it is simple. Assess the likelihood that the person will reoffend. Identify the specific problems driving the offending: antisocial attitudes, drug abuse, chaotic relationships, and the like. Then deliver help in a way that suits that particular person's learning style. The RNR model has been enormously influential, but it was built mainly from research on male offenders, and scholars have questioned whether it fully captures women's realities. Covington and Bloom (2006) argued forcefully that any rehabilitation framework for women must incorporate relational thinking, an understanding of trauma, and a recognition of how central personal bonds are in women's day-to-day existence.

A newer model, the Good Lives Model or GLM, takes a different starting point. Ward and Stewart (2003) felt the RNR framework was too fixated on what is wrong with the offender and not enough on what could go right. Their idea was this: every human being pursues certain fundamental goods, things like belonging, purpose, inner peace, creative expression, community. When someone lacks the skills or the opportunities to pursue these goods lawfully, crime becomes a substitute. Rehabilitation, therefore, should be about building capabilities and opening doors, not just plugging deficits. This resonates with force in the lives of women offenders. Many of them did not choose crime in any meaningful sense. They fell into it because abusive partners, grinding poverty, or sheer desperation left them no visible alternative (Fortune et al., 2012). A framework that starts from strengths rather than pathologies speaks to their experience more honestly.

III. WOMEN OFFENDERS IN INDIA: LEGAL AND INSTITUTIONAL FRAMEWORK

3.1. Legislative Provisions

India's legal framework for women in prison is a strange assemblage. At one end sits the Constitution, with Article 15(3) giving the State an open mandate to pass special measures for women. That is a strong foundation, in theory. But the statute that actually governs how prisons run is the Prisons Act of 1894. Think about that date. This is a law passed under British colonial rule, more than 130 years ago. It requires that women prisoners be kept apart from men, and there its interest in women ends. Reformative programmes, vocational training, mental health support? The Act says nothing about any of this (Sapra, 2023). It was written to keep people locked up, and that remains its essential character.

More hopeful language appeared in 2016, when the Ministry of Home Affairs put out the Model Prison Manual. The Manual talks about separate women's prisons, crèches for inmates' children, vocational training, and counselling services. It reads well on paper. The catch is that it carries no legal force. A state government can adopt its recommendations, ignore them entirely, or cherry-pick whichever parts are cheapest to implement. Before the Manual, the Mulla Committee had recommended in 1983 that imprisonment should serve rehabilitation, not just custody, and that women warranted special treatment. The Justice Krishna Iyer Committee made similar points. Then in 2006, the Supreme Court stepped in directly through R.D. Upadhyay v. State of Andhra Pradesh, laying down specific orders about prenatal care, nutrition, and schooling for children living with their mothers inside prison walls. These are strong judicial statements. Translating them into everyday prison life has proved to be another matter.

3.2. Institutional Realities and Challenges

Walk into an actual Indian women's prison and the gap between policy and reality hits you immediately. The NCRB (2022) counted roughly 23,772 women behind bars, about 4.1 per cent of all inmates. But here is the number that really stings: 76 per cent of these women had not been convicted of anything. They were undertrials, stuck in the system waiting for a court date that kept getting pushed back. Some had been waiting for years. How do you "reform" someone who has not been found guilty? The whole concept loses its footing. And the infrastructure is desperately thin. Thirty-two dedicated women's prisons for a country of 1.4 billion people. Everywhere else, women occupy walled-off sections inside men's prisons (NCRB, 2022), which makes running any focused rehabilitation programme virtually impossible.

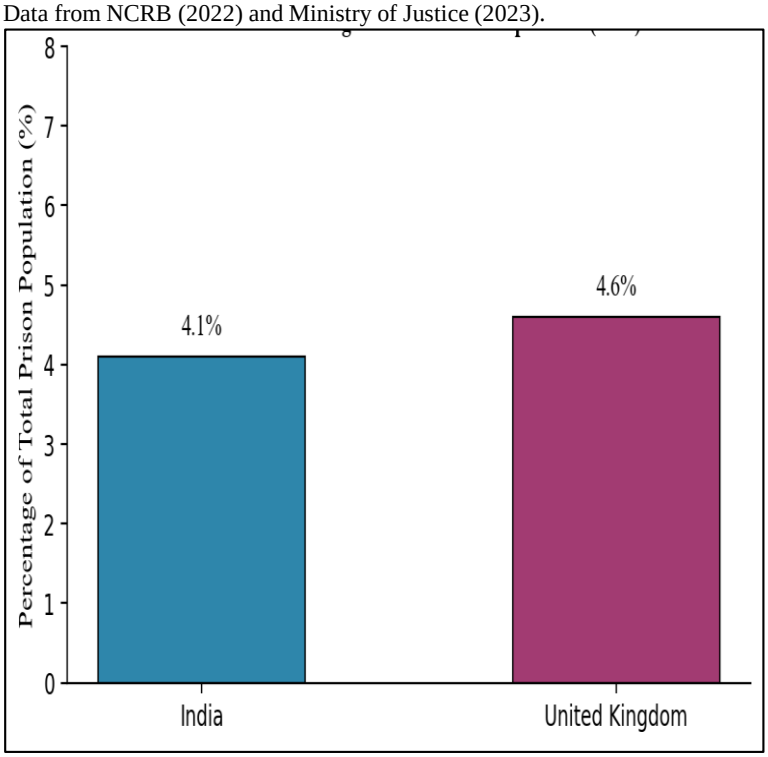
The vocational training on offer tells its own story. Sewing. Embroidery. Cooking. These remain the standard curriculum in most women's prisons, activities rooted in old gender stereotypes that prepare women for almost nothing in the actual job market (Sapra, 2023). Mental health support is, in a word, absent. The overwhelming majority of prisons lack a single trained counsellor, let alone a psychiatrist, even though studies have documented alarming rates of depression, anxiety, and trauma among incarcerated women (NCRB, 2022). What happens when a woman walks out of the prison gate? Almost nothing, in most cases. There are no structured re-entry programmes waiting for her. What does wait is social stigma, families that may no longer want her, and an empty bank account (Varghese & Raghavan, 2020).

Table 1. Key Statistics on Women Offenders in India and the United Kingdom (2022)

Indicator	India	United Kingdom
Total women prisoners	23,772	3,196
% of total prison population	4.1%	4.6%
Undertrial / remand proportion	76%	28%
Dedicated women's prisons	32	12
Average occupancy rate	118%	85%
Vocational programme coverage	~35%	~72%
Recidivism rate (women)	24.3%	18.9%

Note. Data compiled from NCRB (2022), Prison Statistics India; Ministry of Justice (2023), Offender Management Statistics, UK.

Fig. 1. Women as percentage of total prison population in India and the UK.
Data from NCRB (2022) and Ministry of Justice (2023).



IV. WOMEN OFFENDERS IN THE UNITED KINGDOM: LEGAL AND INSTITUTIONAL FRAMEWORK

4.1. The Corston Report and Its Legacy

Six women killed themselves at HMP Styal between 2002 and 2003. That is where the story of modern UK policy on women offenders really begins. The government asked Baroness Jean Corston to investigate, and her 2007 report landed like a bombshell. The system, she wrote, was failing women at every single stage. At arrest. At trial. In prison. And again when they came out. She made 43 recommendations, and the most radical was this: close women's prisons. Replace them with small, local, multi-purpose custodial centres embedded in the communities they serve. Expand community alternatives massively (Corston, 2007). That particular recommendation has not been fully acted on, but the Report rewired the policy conversation. After Corston, nobody in British policymaking could credibly argue that women offenders did not need a different approach.

The Female Offender Strategy followed in 2018. The government said, in writing, that it wanted fewer women behind bars. The tools would be early intervention, diversion away from prosecution where appropriate, and community-based support. There was a remarkably honest admission buried in the Strategy: for many women, a short prison sentence does more harm than good. A few weeks or months inside can cost a woman her flat, her job, her contact with her children, and whatever mental health treatment she had been receiving. And for what? The reductions in reoffending are negligible (Ministry of Justice, 2018). That candour marked something of a turning point. The official position was now that, for women, reformation should take priority over locking people up.

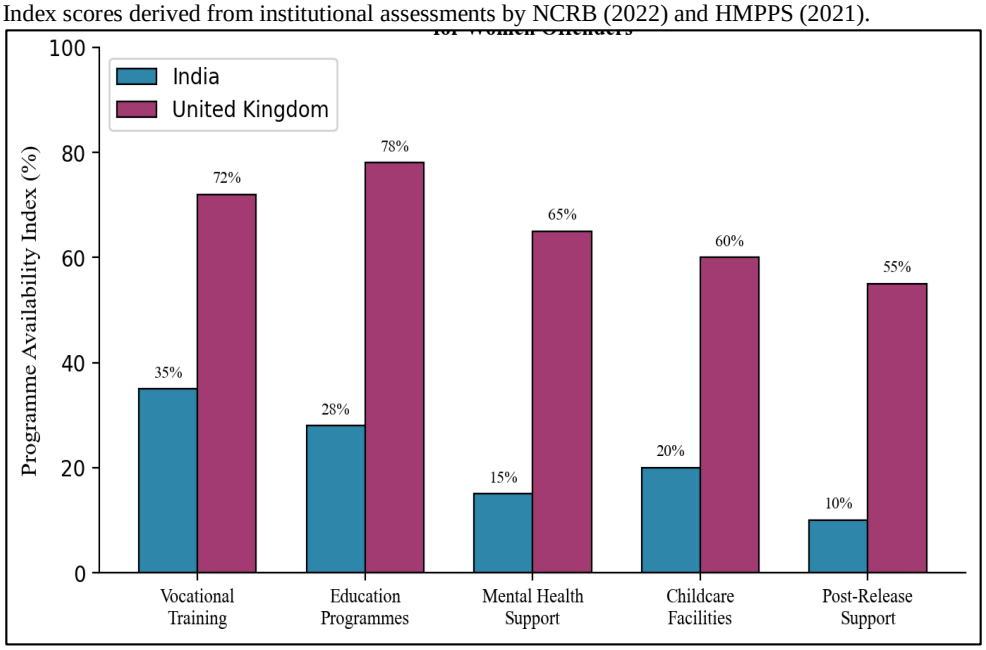
4.2. Institutional Mechanisms and Programmes

Britain runs 12 prisons exclusively for women. They are not perfect. Inspection reports flag problems regularly. But the range of rehabilitative work going on inside them is in a different league from what Indian women's prisons offer. HMPPS, the prison and probation service, delivers accredited programmes covering substance misuse, cognitive-behavioural change, domestic abuse recovery, and parenting skills (HM Inspectorate of Prisons, 2021). The Thinking Skills Programme works on the distorted thought patterns that lie behind much offending. Building Better Relationships tackles interpersonal violence. Both are grounded in research evidence.

The really distinctive part of the British model, though, sits outside the prison walls. Across England and Wales, a network of Women's Centres offers something that custody cannot. Picture it: a woman who might otherwise go to prison walks into a local centre instead. Under one roof she can see a counsellor, get help with a drug problem, sort out her debts, find somewhere to live, and attend a parenting course. The funding comes from a patchwork of government grants and charitable money. Gelsthorpe et al. (2007) tested whether these centres actually worked and found they outperformed short prison sentences at reducing reoffending among women. By 2023, more than 80 such centres were scattered across England and Wales, serving as critical stepping stones between the justice system and normal life (Women in Prison, 2023).

Lord Farmer's 2019 review added a piece that might seem obvious but had been overlooked: family. Farmer looked at how staying connected to family affects a woman's chances of not reoffending. His recommendations were practical. Better video-calling in prisons. Longer visits. Therapeutic work built around family relationships. Early signs suggest that prisons which adopted these changes saw improvements in women's mental health and in their willingness to engage with rehabilitation (Farmer, 2019).

Fig 2. Comparative availability of reformative programmes for women offenders in India and the UK. Index scores derived from institutional assessments by NCRB (2022) and HMPPS (2021).



V. COMPARATIVE ANALYSIS: INDIA AND THE UNITED KINGDOM

5.1. Legislative and Policy Framework

Set the two policy frameworks side by side and the contrast is stark. The UK has what amounts to a joined-up strategy: the Corston Report (2007) identified the problems, the Female Offender Strategy (2018) set out the government's response, and the Farmer Review (2019) filled in the family dimension. Together, these documents treat women offenders as a group with needs that differ from men's and that call for tailored responses. India has nothing comparable. The Model Prison Manual (2016) says many of the right things but nobody is required to follow it. Whether a woman offender gets access to vocational training, mental health support, or any reformative programme at all depends largely on which state she happens to be imprisoned in (Sapra, 2023). That is not a policy. It is a postcode lottery.

Sentencing tells a similar story. British courts are instructed, through the Sentencing Council's guidelines, to think carefully about what prison will actually do to a particular woman. Is she the sole carer for young children? Is she at risk of harming herself? These factors can, and should, tilt the balance towards a community order (Sentencing Council, 2019). India has no equivalent guidance written into law. The Supreme Court has occasionally signalled sympathy for reformative sentencing. In Mofil Khan v. State of Jharkhand (2021) it spoke of the need for a reformative lens. But one judgment is not the same as a statutory framework. Without binding guidelines, everything hinges on whichever judge draws the case. Some are reform-minded. Others are not. The result is wildly inconsistent sentencing for similarly situated women (Raghavan, 2014).

5.2. Institutional Infrastructure and Programme Delivery

The infrastructure gap tells its own story. Britain's 12 women's prisons sit alongside 80-plus Women's Centres and a well-staffed probation service. Together these form a chain of support that runs from inside the prison, through the gate, and into the community. India has 32 women's prisons serving a population twenty times larger across a landmass thirteen times

the size. Community alternatives of the Women's Centre kind simply do not exist. That break in the chain, between the prison and the outside world, is exactly where reformative efforts collapse.

The programme numbers are telling. Figure 2 and Table 1 lay it out: vocational training reaches 72 per cent of women in UK prisons versus 35 per cent in India. Education: 78 per cent versus 28 per cent. Mental health support: 65 per cent versus just 15 per cent. Post-release assistance: 55 per cent versus a dismal 10 per cent. But the gap is not only about how many women are covered. It is about quality and accountability. British prison programmes go through an accreditation process. They have to show an evidence base. They get evaluated periodically. Indian prison programmes for women, with a few exceptions, are unstandardised and unmeasured. Nobody is tracking whether they actually reduce reoffending (Sapra, 2023).

Table 2 . Comparative Legislative and Institutional Framework for Women Offenders

Dimension	India	United Kingdom
Primary legislation	Prisons Act, 1894; Model Prison Manual, 2016	Prison Act, 1952; Female Offender Strategy, 2018
Gender-specific policy	No unified national policy	Corston Report(2007); Female Offender Strategy (2018)
Sentencing guidance	No statutory guidelines;	Sentencing guidance
Community alternatives	Limited; ad hoc NGO initiatives	Women's Centres (80+); probation services
Family-focused reforms	Supreme Court directions (R.D. Upadhyay, 2006)	Farmer Review (2019); family contact provisions
Oversight mechanism	State Prison departments NHRC	HMPPS; HM Inspectorate of Prisons

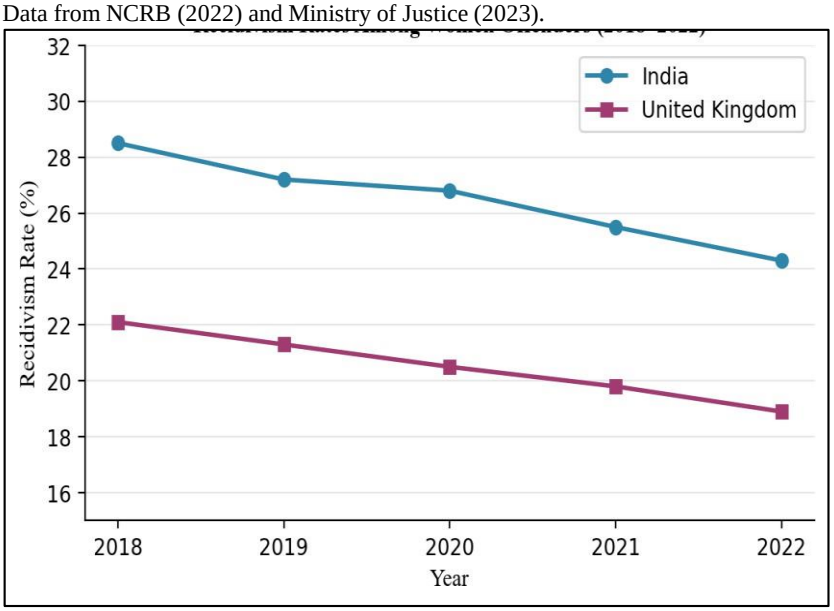
Note. Compiled from legislative documents and policy reports of both jurisdictions.

5.3. Outcomes and Recidivism

Do these differences in reformative provision actually show up in the numbers? Partly. Recidivism is the standard yardstick, though a crude one, and cross-country comparisons are always messy because India and the UK count reoffending differently and track people over different time horizons. With that caveat, the trend lines in Figure 3 are suggestive. Women's recidivism in the UK fell from 22.1 per cent in 2018 to 18.9 per cent in 2022. India saw movement in the same direction but at a slower pace: 28.5 per cent down to 24.3 per cent. The gap mirrors the gap in reformative investment (NCRB, 2022; Ministry of Justice, 2023).

But there is a deeper problem with relying on reconviction statistics. A woman who avoids prison but remains jobless, depressed, cut off from her children, and sleeping on a relative's floor is hardly a success story. The things that actually signal a life turned around, stable housing, a job that pays the bills, reunification with family, some sense of personal agency, are fiendishly difficult to measure and almost impossible to compare across countries. Light et al. (2013) offered an interesting glimpse in the UK. Women who went through community-based programmes reported feeling more confident, more connected to others, and more satisfied with life than women who had served time in prison. And this was true even when the two groups reoffended at roughly the same rate. The numbers and the lived experience were telling different stories.

Fig. 3. Recidivism rates among women offenders in India and the UK (2018–2022). Data from NCRB (2022) and Ministry of Justice (2023).



VI. GENDER-RESPONSIVE APPROACHES: LESSONS AND CHALLENGES

The phrase "gender-responsive corrections" was coined mostly by North American researchers, and it has left its deepest mark on British policy. India has been slower to engage with this body of work, though the lessons are there for the taking. Bloom et al. (2003) broke the idea into six working principles. Recognise that gender matters. Build environments around safety, respect, and dignity. Design programmes that strengthen relationships rather than ignoring them. Tackle substance abuse, trauma, and mental illness as interconnected problems, not separate boxes to tick. Give women genuine chances to

improve their economic situation. And wrap community supervision and reintegration in proper support services, not just surveillance.

England and Wales have given these ideas a concrete form in the Women's Centres. They sit in ordinary neighbourhoods. They are built with trauma in mind. They deal with women as whole people, not as collections of risk factors on a spreadsheet. Evaluation after evaluation has found that they work. Gelsthorpe et al. (2007) documented higher engagement, better programme completion, and more desistance from crime compared with standard criminal justice responses. Radcliffe and Hunter (2013) reached similar conclusions.

India's experience with gender-responsive work has been scattered and small-scale. NGOs have done most of the heavy lifting. Prayas, the Tata Institute of Social Sciences, the Commonwealth Human Rights Initiative: these organisations have set up programmes offering legal help, counselling, job skills, and post-release accompaniment to women offenders (Commonwealth Human Rights Initiative [CHRI], 2020). The work is real and it matters. But it is small, it is fragile (dependent on project-cycle funding), and it has no institutional roof over it. Without something like the UK's Female Offender Strategy pulling scattered efforts into a coherent national framework, these programmes will remain islands of good practice in a sea of neglect.

VII. CHALLENGES AND RECOMMENDATIONS

7.1. Challenges Common to Both Jurisdictions

Let us be honest: neither country has cracked this problem. The UK is ahead, yes, but it is not at the finish line. Criminal justice systems in both India and the UK were designed around male offenders. Women's needs get addressed, if at all, as bolt-on extras rather than baked-in features (Hedderman, 2012). Money is a constraint everywhere. Austerity politics in the UK and chronic underfunding in India have both slowed the expansion of programmes aimed at women. And there is a complication that neither country has properly grappled with: intersectionality. A woman in prison is never just a woman. She may be Black, she may be Dalit, she may be disabled, she may be an immigrant. These identities pile on top of one another to produce compounded disadvantage that current rehabilitation frameworks barely touch (Sudbury, 2005).

Measuring success is itself a headache. Reconviction rates are easy to count, which is why everybody counts them, but they are blunt. A rise in reconvictions could reflect tougher policing rather than programme failure. A drop could reflect changes in prosecution policy rather than genuine reform (Farrall, 2002). Both countries are in need of sharper, more gender-aware indicators of rehabilitative progress. That work has barely begun.

7.2. Recommendations for India

What, concretely, should India do? The evidence from this study points in several directions. A National Policy on Women Offenders is the most urgent need. Not another advisory manual, but a binding policy document that sets standards, allocates responsibilities, and demands accountability, something modelled on (though adapted from) the UK's Female Offender Strategy. Community-based Women's Support Centres should be piloted in every district, offering diversion, rehabilitation, and help with reintegration close to where women actually live. Vocational training inside prisons desperately needs an overhaul. Stitching and cooking will not cut it in 2024. Women need digital literacy, financial skills, and micro-enterprise training if they are to stand any chance in the job market upon release (Varghese & Raghavan, 2020).

Mental health provision cannot remain optional. Every facility holding women should have trained counsellors and psychiatrists on staff as a matter of basic decency, given how prevalent depression, anxiety, and trauma are in this population. The Prisons Act of 1894 should be consigned to history. A 130-year-old colonial statute has no business governing a modern correctional system. What is needed in its place is legislation that writes reformative objectives into law

and makes gender-responsive programming mandatory, not discretionary. And none of this can work without data. India must invest in robust data collection and monitoring systems so that policymakers know which programmes exist, whom they reach, and whether they make a difference (Raghavan, 2014).

7.3. Recommendations for the United Kingdom

The UK has made genuine progress, but loose ends remain. The boldest piece of the Corston Report, replacing women's prisons with small custodial units, has been largely shelved and deserves a fresh look. Women's Centres have proved their worth time and again, yet many of them run on short-term, competitive grants that leave them perpetually uncertain about next year's funding. That is no way to sustain programmes whose whole point is continuity (Corcoran et al., 2018). The over-representation of Black, Asian, and Minority Ethnic women in the justice system is a problem that generic programmes will not solve. It calls for targeted, culturally sensitive interventions along the lines recommended by the Lammy Review (2017). Finally, the UK would do well to invest in longitudinal studies that follow women over many years after they leave the system. Only that kind of evidence can tell us whether gender-responsive reforms deliver lasting change and whether they justify the investment compared with simply locking women up.

VIII. CONCLUSION

Of all the theories of punishment available to us, the reformative approach makes the strongest case, on both moral and practical grounds, for how we ought to deal with women who break the law. This article has tried to show what that theory looks like in practice by holding up two countries to the light. Both India and the UK agree, in principle, that reformation matters. But principle without practice is just words. The UK has turned words into institutions: the Corston Report, the Female Offender Strategy, 80-plus Women's Centres, and accredited programmes in every women's prison. India's reformative apparatus is still largely stuck at the level of good intentions, weighed down by a colonial statute that should have been retired decades ago, starved of infrastructure, and lacking a national policy to pull scattered efforts together.

The takeaway from this comparison is not complicated, even if the execution would be. Genuinely reforming women offenders means rethinking the criminal justice response to women from the ground up. It means understanding trauma. It means treating the whole person, not just managing a caseload. It means working in the community, not just inside prison walls. And it means taking seriously the fact that the roads by which women enter crime and the roads by which they leave it are different from men's. India can learn a great deal from the UK's experience. The UK, for its part, cannot afford complacency about its own unfinished work. A society reveals its values not through the harshness of its punishments but through the seriousness of its effort to help even those who have broken the law find their way back.

The direction of travel in international criminal justice is clear. The Bangkok Rules (2010), adopted by the United Nations General Assembly, set out specific standards for how women prisoners should be treated and for expanding non-custodial options for women. Both India and the UK have signed up to these standards. The question now is whether they will live up to them. The reformative theory, applied with genuine attention to gender, culture, and evidence, has the power to change individual lives. It also has the power, if we let it, to change the kind of society we are.

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