

Reformative Justice in South Asia: A Comparative Study of India and Bangladesh, with Lessons from the Nordic Model

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ABSTRACT: Most criminal justice systems in South Asia were built on a punitive logic inherited from the colonial period. They punish, but they rarely reform. This article asks whether that logic still makes sense and argues that it does not. Reformative justice, the idea that the central aim of punishment should be to change the offender and return them to society as a law-abiding person, is not a soft or marginal theory but a serious and workable basis for criminal policy, and one that both India and Bangladesh have already accepted in part. The article compares the two countries. It shows that India has gone further, mostly through a bold line of Supreme Court decisions that read the Constitution as requiring reformation, while Bangladesh has stayed closer to a purely punitive model despite having similar laws on its books. It then sets both against the Nordic example, especially Norway and Sweden, where reformative justice is the organising principle of the prison system and where reoffending rates are among the lowest in the world. The central argument is that the gap in South Asia is not primarily a gap in law or even in theory, but in political will and institutional capacity and that India's judicial experience offers Bangladesh a realistic, region-specific route to reform that does not depend on copying wealthy Western states wholesale. The article concludes with concrete proposals for both countries.

Keywords: *reformative justice; rehabilitation; restorative justice; India; Bangladesh; Nordic model; prison reform; criminology*

1. INTRODUCTION

Punishment is the oldest tool of the criminal law, but what we expect it to achieve has changed many times over the centuries. For a long stretch of history, the point of punishment was simply to hurt the wrongdoer, to pay back the harm they had caused, and to frighten others into staying in line. That older view has never fully gone away. In much of South Asia, it remains the unspoken basis of the whole system. Yet alongside it a different idea has grown up, one that asks a harder question: not "how much should this person suffer?" but "how do we stop this from happening again?" That idea is reformative justice.

Reformative justice rests on a simple claim. The main job of punishment should be to change the offender rather than to make them suffer. It treats crime as something a person can move past, given the right help, rather than as a permanent stain on their character. Where the older theories look backward to the offence, reformative justice looks forward to the kind of citizen the offender might still become. It assumes that most people who break the law can be brought back into society as productive, law-abiding members if the system addresses the things that drove them to crime in the first place, such as poverty, lack of schooling, addiction, and the absence of work, instead of simply locking them away.

This is not a naive or sentimental position, though it is often dismissed as one. It has deep roots in criminological theory, from the rehabilitative ideal of the nineteenth-century reformers to the modern schools of restorative justice and therapeutic jurisprudence. It is written into international human rights law. And it has been put into practice, with measurable success, in several countries. The question this article asks is why South Asia, and Bangladesh in particular, has been so slow to take it up, when its largest neighbour, India, has spent half a century building a constitutional case for it.

The article makes a comparative argument, and the comparison is deliberate. India and Bangladesh share a legal inheritance. Both were shaped by the same colonial penal codes, both kept those codes after independence, and both still run prison systems designed for control rather than change. But the two countries have travelled different distances from

that shared starting point. India, largely through its higher courts, has developed a striking body of law that treats reformation as a constitutional value and not merely a policy preference. Bangladesh has the same kinds of statutes, a probation law, a children's law, and the same international obligations, yet it has not built the same culture of reform around them, and its system remains overwhelmingly punitive in practice. Reading the two together tells us something that neither country's story tells on its own: that the barrier to reformative justice in South Asia is not really the absence of legal tools, because the tools exist. The barrier is the will to use them and the capacity to make them work.

To sharpen that argument, the article holds both countries up against the Nordic model. Norway and Sweden are not offered as systems to be copied wholesale; their wealth and small, homogeneous populations make any direct transplant unrealistic. They are offered as proof of concept. They show what a justice system looks like when reformation is taken seriously as the organising principle rather than tacked on at the edges, and they show, in their very low reoffending rates, that the reformative approach is not just humane but effective. The lesson South Asia should draw from them is not "build Norwegian prisons" but "decide that reform is the goal and then design backwards from it."

The article proceeds in seven further steps. Section 2 clears up a conceptual confusion that runs through much of the writing in this area, distinguishing reformative justice from the related ideas of rehabilitation and restorative justice. Section 3 sets out the theoretical debate, putting the case for reform alongside the serious criticisms of it. Section 4 turns to international law, which has quietly made reformation a legal obligation rather than a moral preference. Section 5 examines the Nordic model as the benchmark. Section 6 compares India and Bangladesh in detail, which is the heart of the article. Section 7 sets out the challenges and a reform pathway for both countries, with particular attention to Bangladesh. Section 8 concludes.

2. REFORMATIVE, REHABILITATIVE, AND RESTORATIVE JUSTICE: CLEARING THE GROUND

Before the argument can go anywhere, three terms need to be separated, because they are constantly run together, including in much of the South Asian writing on the subject, and the confusion muddies everything that follows. Reformative justice, rehabilitation, and

restorative justice are related, and they often overlap in practice, but they are not the same thing, and serious treatment has to keep them apart.

Reformative justice is a theory about the purpose of punishment. It sits in the same family as the older theories of retribution, deterrence, and incapacitation and competes with them to answer the question of why the state punishes at all. Its answer is that the state punishes to reform: to change the offender's character and conduct so that they no longer wish to offend. It is, in other words, a justification for punishment, and it judges any punishment by whether it makes the offender better.

Rehabilitation is best understood as the practical method through which the reformative aim is pursued. If reformation is the goal, rehabilitation is the means: education, vocational training, counselling, addiction treatment, and mental-health care that actually do the work of changing a person. One can therefore believe in reformative justice as a theory and still ask hard questions about whether a particular rehabilitation program works. The theory sets the destination; rehabilitation is the vehicle, and vehicles can be well or badly built.

Restorative justice is different again, and the difference matters. Restorative justice shifts the focus away from the state and the offender and toward the victim and the community. Its central idea, most influentially developed by Howard Zehr, is that crime is not merely an offence against the state but a wound in a set of relationships, and that justice should try to repair that wound by bringing the affected parties together through mediation, victim-offender conferencing, and agreed reparation so that the harm can be acknowledged and, so far as possible, mended (Zehr, 2005). Restorative processes often serve reformative ends, because facing the human cost of one's actions can itself be transformative, but the two are conceptually distinct: reformative justice asks what should happen to the offender, while restorative justice asks how the harm to the victim and community can be repaired.

Keeping these apart lets us be precise about what India and Bangladesh have adopted and what they have not. As the later sections show, both countries have taken steps toward reformative justice as a theory and have built some rehabilitative machinery, but neither has gone far toward genuinely restorative processes. Much of the apparent disagreement in the literature dissolves once these three ideas are pulled apart, and the comparison that follows is cleaner for having done so.

3. THE THEORETICAL DEBATE

Reformative justice did not arrive fully formed. It emerged out of a long argument about why societies punish, an argument that is still very much alive. To make the case for reform honestly, one has to set it against the theories it competes with and take the objections seriously rather than waving them away.

The case for reform: The intellectual roots of the reformative approach run back at least to the Enlightenment. Cesare Beccaria, writing in 1764, attacked the cruelty and arbitrariness of the criminal justice of his day and argued that the purpose of punishment was not vengeance but the prevention of future harm, that a punishment was justified only so far as it deterred crime and protected society, never as mere retaliation (Beccaria, 1986). Beccaria's insistence that punishment must be useful rather than vengeful planted a seed that later reformers would grow. By the time prison systems were being designed in the nineteenth century, the idea that incarceration should improve rather than merely contain the prisoner had taken hold, and it found later expression in the work of penologists such as Norval Morris, who argued that prisons should be built not only to punish but to reform, so that offenders could return to society as productive citizens (Morris, 1974).

The twentieth century gave the reformative ideal two important refinements. The first came from the school of restorative justice already mentioned, and especially from Howard Zehr, who reframed crime as a relational harm and argued for a justice that holds offenders accountable while also enabling their return to the community (Morris, 1974). The second came from therapeutic jurisprudence, associated above all with David Wexler, who argued that the law itself, its rules, procedures, and institutions, acts on the psychological well-being of those who pass through it, for better or worse, and that the system should be designed to heal rather than to deepen harm (Wexler, 1993). Wexler's insight was that the legal process is never neutral in its effects on people, so it ought to be shaped consciously toward rehabilitation. Working in a similar spirit, Bazemore and Umbreit developed influential frameworks for juvenile justice, in particular stressing the reintegration of young offenders, the development of genuine accountability, and the personal transformation that becomes possible when the system addresses the roots of offending rather than only its symptoms (Bazemore & Umbreit, 1995).

Underlying all these positions is a claim about social justice that gives the reformatory theory much of its moral force. A great deal of crime grows out of disadvantaged poverty, lack of education, unemployment, and exclusion. John Rawls argued that a just society should treat punishment not as retribution but as a means of guiding individuals back toward a position from which they can contribute, consistent with the terms of a fair social contract (Rawls, 1971). On this view, a system that simply punishes the products of disadvantage without addressing the disadvantage itself is not only ineffective but also unjust, because it holds individuals wholly responsible for conditions society had a hand in creating.

4. The case against — and a response: The reformatory theory has powerful critics, and any honest account has to give them their due. The most serious objection is the retributivist one, expressed most rigorously by Immanuel Kant. For Kant, punishment is a moral necessity, owed to the offender as a responsible agent and owed to the victim as a matter of justice. It must be proportionate to the wrong done, neither more nor less. On this view, a system that sets proportionality aside in favour of rehabilitation does an injustice, especially to the victims of serious violence, because it treats the offender's future welfare as more important than the moral debt created by the crime (Kant, 1998). The retributivist worry is not that reform is bad but that, pursued single-mindedly, it loses sight of desert and of the victim's claim to see justice done.

A second objection comes from the utilitarian tradition, particularly Jeremy Bentham. Bentham judged punishment by its consequences and valued it largely for its deterrent effect: the threat of punishment steers people away from crime, and a punishment that fails to deter is, in his terms, wasted suffering. From this angle, a reformatory system risks weakening deterrence if offenders believe they will be helped rather than made to suffer, the argument runs, the deterrent signal is dulled, and an offender released after rehabilitation may simply reoffend, having never been given a reason to fear the law (Bentham, 1996).

A third and older objection, now largely discredited but historically important, came from Cesare Lombroso, who held that some people are "born criminals," identifiable by physical traits and biologically destined to offend. If that were true, reformation would be futile for a whole class of offenders (Lombroso, 2006). Lombroso's biological determinism has been

rejected by modern criminology, which understands offending as the product of a complex mix of social, economic, and psychological factors rather than inborn destiny, and the objection survives today only in much subtler form, in debates about how far some serious offenders can realistically be changed.

These comments don't end the argument, but they do make it more reasonable. The best way to answer the retributivist objection is not to get rid of proportionality, but to incorporate it: a sensible reformatory system doesn't act like all crimes are the same or that desert doesn't matter; instead, it makes reformation the main goal, within the limits set by proportionality and public safety. The deterrent argument is weakened by the fact that the world's most reform-minded systems also have some of the lowest rates of repeat offenses. This suggests that reform and crime prevention are more like partners than rivals. And the Lombrosian objection falls apart when its empirical premise is shown to be false. So, the reformatory theory that has made it through this debate is not a complete rejection of punishment, but rather a well-thought-out position: punishment is sometimes necessary, but its main goal should be to change the offender, and it should be limited by fairness and public safety rather than anger.

5. REFORMATORY JUSTICE IN INTERNATIONAL LAW

What began as a moral argument has hardened over the past several decades into a set of international legal obligations. This is a point often missed in the South Asian debate, where reformation is still treated as an optional aspiration. For states that have ratified the relevant instruments — and both India and Bangladesh have ratified them — reform is not merely a good idea. It is something the state has, in law, undertaken to pursue.

The clearest statement is in the International Covenant on Civil and Political Rights. Article 10 (3) provides that the penitentiary system shall comprise treatment of prisoners, the essential aim of which is their reformation and social rehabilitation (ICCPR, 1966, art. 10 (3)). The wording is deliberate and strong: reformation is described not as one aim among several but as the essential aim of imprisonment. Both India and Bangladesh are parties to the ICCPR, which means that a prison system organised purely around punishment and containment sits in tension with a binding treaty commitment.

For children, the obligation is stronger still. The Convention on the Rights of the Child, in Article 40, requires that children in conflict with the law be treated in a manner consistent with their dignity and worth and with the aim of reintegration and of the child assuming a constructive role in society, and it presses states to prefer measures that avoid resort to formal judicial proceedings and detention wherever appropriate (CRC, 1989, art. 40). This is reinforced by the United Nations Guidelines for the Prevention of Juvenile Delinquency, the Riyadh Guidelines of 1990, which promote a supportive and non-punitive approach to young people at risk and emphasise prevention and reintegration over punishment (United Nations, 1990a, guideline 5 (f)). Taken together, these instruments make reformation the legally required default for juvenile justice, not a discretionary kindness.

There is, finally, a wider body of soft law on the treatment of prisoners that fills out the content of the reformatory obligation, most notably the United Nations Standard Minimum Rules for the Treatment of Prisoners, the Nelson Mandela Rules, which insist that the purpose of imprisonment is ultimately to protect society by facilitating the offender's reintegration into it upon release (United Nations, 2015, rule 4). None of these instruments dictates the precise design of a national system, and all of them leave room for proportionate punishment. But together, they establish a clear direction of travel in international law: away from punishment as an end in itself and toward a penal system whose success is measured by whether the people who leave it are less likely to reoffend. Against that international standard, the systems of both India and Bangladesh must now be assessed.

6.THE NORDIC BENCHMARK: NORWAY AND SWEDEN

Before turning to South Asia, it is worth examining what a fully reformatory system looks like in practice, as the Nordic countries provide the clearest working example. The point is not to suggest that India or Bangladesh can or should reproduce these systems. It is to establish a benchmark to show that the reformatory theory can be operationalised at the level of an entire national system, and that when it is, it works.

Norway is the most striking case. Its prison system is explicitly built around the principle that offenders are sent to prison as punishment, that the loss of liberty is itself the penalty, and that life inside should as closely resemble life outside as possible so that prisoners are

prepared to rejoin society. Norwegian prisons emphasise dignity and what officials call the "normality principle": prisoners may live in relatively ordinary rooms, cook, work, study, and move with a degree of freedom, and they are treated with a basic respect that is meant to model the citizenship expected of them on release. Education, vocational training, and structured work are central rather than peripheral. The results are well known Norway's reoffending rate is among the lowest in the world, commonly cited at around twenty per cent, against figures well above fifty per cent in many systems built on harsher lines. That contrast is the single most important piece of evidence in the whole reformatory case, because it suggests that humane, reform-centred imprisonment is not a trade-off against public safety but a route to it.

Sweden tells a similar story with a slightly different emphasis. Reformation is the organising aim of the Swedish system, too, and a great deal of effort goes into preparing offenders to return as skilled, employable, law-abiding citizens. Sweden has made notable use of restorative processes such as victim-offender mediation, which bring the two sides together to address the harm and, where possible, reach some form of resolution and apology (National Council for Crime Prevention [Brå], 2023). Its juvenile system in particular leans heavily on prevention, counselling, and family support rather than detention, and the system as a whole works to preserve prisoners' fundamental rights to healthcare, education, and family contact on the understanding that a person whose ties to ordinary life are maintained is far more likely to reintegrate successfully.

Two lessons matter for South Asia, and it is important to state them carefully to avoid overclaiming. The first is that the reformatory approach demonstrably works: the Nordic reoffending figures are real and have held up over time, and they show that a system designed around reform can protect the public better than one designed around punishment. The second, and the more useful for India and Bangladesh, is structural rather than material. What makes the Nordic systems work is not principally their wealth, though wealth helps, but the fact that they have made a clear, system-wide decision that reformation is the goal, and have then built every part of the system backwards from that decision. The obstacle in South Asia, as the next section argues, is precisely the absence of that decision, not merely the absence of Norwegian budgets.

7. REFORMATIVE JUSTICE IN SOUTH ASIA: COMPARING INDIA AND BANGLADESH

This section is the heart of the article. India and Bangladesh make an unusually instructive pair because they begin from almost the same place and end up some distance apart. Both inherited the colonial criminal law, most importantly, a penal code and a criminal procedure built by the British for the control of a subject population rather than the reform of citizens. Both retained that architecture after independence. Both are parties to the same international instruments discussed above. Yet the reformatory idea has taken much deeper root in India than in Bangladesh, and the reasons for the difference are revealing.

7.1 India: reformation as a constitutional value: India's distinctive contribution has come less from its legislature than from its higher judiciary, which over the last half-century has woven reformation into the fabric of constitutional law. The vehicle has been Article 21 of the Constitution, which guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law, and which the Supreme Court has interpreted expansively to include the right to live with dignity a right that does not stop at the prison gate (Constitution of India, art. 21).

From that foundation, the Court built a remarkable line of cases. In *Mohammad Giasuddin v State of Andhra Pradesh*, Justice Krishna Iyer spoke for a Court that openly embraced the reformatory theory, treating the offender as a patient to be treated rather than simply an enemy to be crushed, and describing the rehabilitative purpose of punishment as part of a humane and progressive penology (*Mohammad Giasuddin v. State of Andhra Pradesh*, 1977). In *Sunil Batra v Delhi Administration*, the Court held that prisoners do not lose their fundamental rights on conviction and that conditions of confinement must respect human dignity, subjecting prison administration to constitutional discipline (*Sunil Batra v. Delhi Administration*, 1978). These decisions, and others in the same spirit, established a principle that goes well beyond ordinary policy: that the reformation and dignity of the offender are constitutional requirements in India, enforceable in court, and not merely aspirations a government may pursue or ignore as it pleases (*Sunil Batra (II) v. Delhi Administration*, 1980).

India's statutory framework, while older and imperfect, supports this judicial direction. The Probation of Offenders Act 1958 allows courts to release suitable offenders on probation rather than imprison them, giving legislative form to the idea that punishment should be individualised and reform-oriented (Probation of Offenders Act, 1958). The Juvenile Justice (Care and Protection of Children) Act 2015 builds an entire system around the care, protection, and reintegration of children in conflict with the law, in line with the Convention on the Rights of the Child (Juvenile Justice (Care and Protection of Children) Act, 2015). More recently, in the overhaul of the colonial criminal codes, India has introduced community service as a recognised form of punishment for certain minor offences for the first time, a small but symbolically significant move away from the binary of fine and imprisonment (Bharatiya Nyaya Sanhita, 2023). None of this means India has solved its penal problems; its prisons remain overcrowded and under-resourced, and the gap between the Supreme Court's soaring language and the reality of the average district jail is wide. But India has done something Bangladesh has not: it has established, at the highest level of its law, that reformation is a value the system is bound to serve.

7.2 Bangladesh: the same tools, a different path: Bangladesh began from the same colonial inheritance and kept much the same legal toolkit, yet its system has remained far more straightforwardly punitive. The criminal law recognises three principal forms of punishment: the death sentence, imprisonment, and a fine and the system, in practice, is organised around them, with reformatory practices remaining the exception rather than the rule (Penal Code, 1860). The application of reformatory theory is rare, and the prison system functions largely as a place of containment rather than change.

This is not for want of legal hooks on which a reformatory practice could be hung. Bangladesh has its own statutory materials that point toward reform. The Probation of Offenders Ordinance 1960 provides, much as the Indian Act does, for the release of suitable offenders on probation rather than imprisonment, allowing punishment to be individualised and rehabilitation to be preferred (Probation of Offenders Ordinance, 1960). The Children Act 2013 establishes a modern juvenile justice framework focused on the rehabilitation and reintegration of young offenders and is broadly consistent with the country's obligations under the Convention on the Rights of the Child (Children Act, 2013). On paper, then, Bangladesh is not very different from India. The key distinction lies

in the fact that these provisions have not been brought into effect by a similar reform environment. There has yet to be a Bangladeshi counterpart to the Krishna Iyer jurisprudence, nor has there been a continuous judicial effort to interpret reformation within the constitutional assurance of life and personal liberty, or to hold the prison system accountable to that benchmark. The probation ordinance is not utilized to its full potential; the Children Act is not implemented effectively; and the overall system persists in viewing punishment as a primary objective.

The practical conditions exacerbate the issue. Prisons in Bangladesh face significant challenges, marked by overcrowding and outdated conditions. The facilities and rehabilitation programs currently in place do not meet the standards necessary for meaningful reform. Inmates often endure unhealthy and overcrowded environments that exacerbate rather than mend their issues, leading to a situation where incarceration intensifies the very behaviors it aims to rectify, transforming prisons into more of a breeding ground for criminality than a means of rehabilitation. Compounding this issue is the challenge of social stigma: individuals who have completed their sentences frequently face discrimination and exclusion, struggling to find employment and acceptance within their communities. This societal rejection can inadvertently drive them back toward criminal behavior, undermining the very goal of rehabilitation and reintegration. The outcome is a counterproductive loop where punishment creates circumstances for reoffending.

7.3 What the comparison shows: Reading the two countries together yields the central insight of this article. The barrier to reformative justice in Bangladesh is not, at bottom, a gap in the statute book. The probation ordinance and the Children Act show that the basic legal tools exist, and they are not very different from India's. Nor is it a gap in theory, since the reformative idea is well understood in the region and embedded in the international obligations both countries share. The real difference between India and Bangladesh lies in two things: the presence or absence of an institutional actor willing to drive reform in India's case, an activist higher judiciary, and the capacity of the prison and probation systems to deliver rehabilitation in practice.

This reframes the problem in a hopeful way. If the obstacle were the absence of law, reform would require the slow and uncertain work of legislation. But if, as the comparison

suggests, the obstacle is mainly will and capacity, then the path is clearer, because India shows what activating existing tools can look like. Bangladesh does not need to invent a reformative tradition from nothing. It can look across its own border, to a country with the same legal roots, and see how constitutional interpretation, statutory probation, and a dedicated juvenile system can be turned into a genuine, if still incomplete, reformative practice. That is a far more realistic model for Bangladesh than the Nordic systems, valuable as those are as a benchmark, precisely because India's starting point and constraints are so similar to Bangladesh's own.

8. BRIDGING THE GAP: CHALLENGES AND A REFORM PATHWAY

The comparison points to an ambitious yet grounded reform agenda. This section sets out the main obstacles and a realistic pathway, with particular attention to Bangladesh, while recognising that India faces a related task of closing the gap between its constitutional principles and its prison reality.

The first and most concrete challenge is the state of the prisons themselves. A reformative system is impossible in an institution that is overcrowded, unsanitary, and devoid of programmes, because such conditions damage people rather than reform them. The priority must therefore be to expand and modernise prison facilities to reduce overcrowding and improve living conditions, and to create dedicated rehabilitation centres, separated from ordinary prisons, for offenders with genuine potential for reform. Within these institutions, vocational training, education, and psychological counselling should be standard rather than occasional, so that a sentence becomes a period of preparation for return rather than mere time lost. Because the state cannot do this alone, partnership with non-governmental and private organisations already working in this field is essential, and juvenile offenders, in particular, need tailored programmes built around their distinct developmental needs.

The second challenge is social reintegration. Even a well-run prison fails if the society outside refuses to take the released offender back. The stigma that attaches to former prisoners, and the resulting denial of work and community acceptance, is one of the strongest drivers of reoffending. Addressing it requires both legal and social measures: alternative sentences that keep suitable offenders out of prison in the first place, probation, community service, and restorative processes, together with strengthened systems of parole

and early release for those who have demonstrably reformed. The wider use of the probation laws that both countries already possess would be a natural and inexpensive first step, since it activates a tool that exists but lies largely dormant, especially in Bangladesh.

The third challenge is the legal and policy framework itself. In Bangladesh, especially, the criminal justice system remains built around retribution, and alternatives such as parole, community service, and probation are neither widely available nor widely used. What is needed is not necessarily a single new statute but a deliberate reorientation: the fuller use and proper resourcing of the existing probation and juvenile laws, the introduction of community-based sentencing options, and most importantly the kind of authoritative endorsement of the reformatory principle that India obtained from its Supreme Court. A Bangladeshi court willing to read the constitutional guarantees of life and dignity as India's courts have done could do a great deal to shift the system, and litigants and scholars in Bangladesh would do well to press that argument.

Behind all three challenges lies the deeper point established by the comparison with both India and the Nordic states. Reform ultimately depends on a clear decision that reformation is the goal of the system, followed by the patient work of building institutions and capacity around that decision. India has made the decision at the level of constitutional principle and is now struggling with capacity; Bangladesh has made it only partially and must do both. Neither country needs to wait for Nordic levels of wealth to begin. They need to use the tools they already have, draw on the experience of civil society and international partners, and treat the reformation of offenders not as a luxury to be afforded once the country is rich, but as a more effective and more humane way of producing public safety here and now.

9. CONCLUSION

Reformatory justice is often dismissed in South Asia as an idealistic import, suitable perhaps for wealthy Scandinavian states but unaffordable and unrealistic in a developing country. This article has argued the opposite. Reformation is not a foreign luxury but a serious theory of punishment with deep intellectual roots, a place in international human rights law, and a proven record of reducing reoffending when taken seriously. More than that, it is an idea that South Asia has already partly adopted: India has built it into its

interpretation of the Constitution, and Bangladesh has the statutory tools to pursue it, even if it has not yet done so.

The comparison between the two countries carries the central lesson. Beginning from a shared colonial inheritance and equipped with similar laws, India and Bangladesh have nonetheless diverged, and the divergence is explained not by any difference in their legal toolkits but by the presence in India, and the relative absence in Bangladesh, of the will and the institutional drive to make reformation real. The Indian Supreme Court decided that the dignity and reform of the offender were constitutional commitments and acted on that decision; Bangladesh has left its reformatory provisions largely dormant. The Nordic example confirms, from the other end of the development spectrum, that what ultimately matters is the decision to organise the system around reform, and the steady building of capacity that follows from it.

For Bangladesh, the way forward does not lie in waiting for prosperity or in copying distant Western models wholesale. It lies closer to home, in the example of a neighbour that shares its history and its constraints and has nonetheless shown that existing tools, constitutional interpretation, statutory probation, and a dedicated juvenile system can be turned toward reform. The task is real and the obstacles, in overcrowded prisons and an unforgiving society, are serious. But the central barrier is one of will rather than of law, and that is precisely the kind of barrier that argument, advocacy, and political choice can remove. A criminal justice system is judged, in the end, not by how severely it punishes but by how few of its subjects it sees again. By that measure, reformatory justice is not the soft option. It is the sensible one.

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