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From Litigation to Livelihood: Access to Welfare Schemes through Legal Aid Services and the Strengthening of Aftercare and Rehabilitation within the Justice System

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Abstract

Access to justice is a multidimensional concept that extends well beyond legal representation and courtroom proceedings. For released convicts, under-trial prisoners, and the dependents of incarcerated individuals, justice must also encompass rehabilitation, reintegration, and the restoration of dignity. This article examines how legal aid mechanisms, probation and after care services, and welfare institutions in India, particularly in the state of West Bengal, are converging to address the socio-economic vulnerabilities of this marginalized population. Anchored in the constitutional principles of equality and social justice, and guided by international human rights instruments such as the Nelson Mandela Rules and the Bangkok Rules, the study highlights the imperative of integrating legal safeguards with livelihood opportunities, family reintegration, and active community participation. Drawing upon case-based evidence and field-level practices, this study underscores the pivotal role of Probation-cum-After Care Officers (PACOs), District and State Legal Services Authorities (DLSA/SLSA), and civil society organizations in facilitating the linkage of released inmates and their families with welfare schemes spanning housing, education, health, agriculture, skill development, entrepreneurship, and employment generation. It argues that such institutional convergence not only mitigates social exclusion and economic marginalization but also plays a crucial role in crime prevention by reducing recidivism and fostering long-term reintegration. The paper positions after care not as an auxiliary or benevolent measure but as an indispensable component of justice itself, thereby expanding the conception of access to justice from a narrowly legal remedy to a holistic, rights-based process. By situating the West Bengal experience within global discourses on correctional after care and rehabilitative justice, this article demonstrates how institutional collaboration, policy innovation, and community engagement can together transform correctional administration into a more humane, inclusive, and justice-oriented system.

Keywords: Access to Justice, Correctional After Care, Rehabilitation and Reintegration, Restorative Justice, Rehabilitative Justice, Legal Services Authorities, Probation-cum-After Care Officers (PACOs), Welfare Convergence, Correctional Administration in India, Families and Dependents of Incarcerated Persons, Social Policy and Criminal Justice, and Human Rights and Correctional Systems.

1.0 Justice Beyond the Courtroom

Access to justice in India has for long been understood within the narrow confines of litigation, courtrooms, and adversarial legal processes. For many legal practitioners, particularly lawyers and judges, the pursuit of justice often begins and ends with the delivery of a judgment, the issuance of an order, or the provision of legal representation. In this traditional framework, justice is perceived as the final outcome

of a case—a matter of procedure, arguments, and interpretation of law.

However, this understanding leaves out the lived experiences of those who stand on the margins of society and the justice system. For released convicts, Under-Trial Prisoners (UTPs), and the dependents of incarcerated individuals, justice cannot be reduced to a mere adjudicatory function. Their encounters with the law do not end when a sentence is pronounced or when bail is granted. Instead, a new and often more difficult journey begins, one of stigma, social exclusion, economic vulnerability, and fractured family ties. For them, the true measure of justice is not simply whether their legal rights were upheld in a courtroom, but whether society enables their rehabilitation, supports their reintegration, and restores their dignity as human beings (The Legal Services Authorities Act, 1987; Shrivastava, 2010; Lalli, 2018; Ahmed, 2012).

Access to justice, therefore, must be seen in a more holistic and inclusive sense, one that goes beyond the courtroom to encompass social, economic, and emotional dimensions of human life. The absence of such an approach risks perpetuating cycles of crime, poverty, and marginalization, where individuals who have already paid their debt to society are condemned to permanent exclusion. Rehabilitation, after care services, vocational training, housing support, and access to welfare schemes are not mere add-ons to the justice process; they are essential components of ensuring that justice is meaningful, sustainable, and transformative (Shrivastava, 2010; Lalli, 2018; Ahmed, 2012; Santhosh, 2019).

Thus, the discourse on justice in India must expand from being litigation-centric to people-centric, recognizing that the ultimate aim of any justice system is not only to adjudicate disputes but also to heal wounds, rebuild lives, and uphold human dignity. Without this broader vision, justice remains incomplete and inaccessible to those who need it the most.

Justice, in its most humane sense, is not only about holding individuals accountable for crime but also about enabling their return to society as responsible and productive citizens. A justice system that confines itself to punitive measures risks overlooking the larger purpose of law and order namely, the creation of a society where individuals are given opportunities to reform, to rebuild, and to contribute positively to the communities from which they once felt alienated (Lalli, 2018; Ahmed, 2012). When the state punishes, it also bears a moral and constitutional responsibility to rehabilitate. The reintegration of released convicts is not merely an act of benevolence; it is an investment in social stability, crime prevention, and the restoration of human dignity (Santhosh, 2019).

Equally important is the recognition that the consequences of incarceration extend far beyond the prison walls. When a breadwinner, caregiver, or young family member is imprisoned, it is the dependents who become the silent victims. Wives suddenly lose the presence and support of their husbands, elderly parents are left without their caregivers, and children face disrupted education and fractured childhoods. In the absence of structured support, these families often slip deeper into poverty, social isolation, and stigma. The burden of incarceration, therefore, is not confined to the individual offender; it becomes intergenerational, trapping innocent dependents in cycles of deprivation and vulnerability. Over time, such marginalization not only erodes their dignity and opportunities but also increases the risk that they, too, may be pushed toward conflict with the law.

A humane and equitable justice system must therefore address not only the offender but also the collateral damage borne by families and communities. This means ensuring that children of incarcerated parents continue their education through scholarships and welfare schemes, that widows and elderly parents receive adequate social security, and that families are not left to fend for themselves in the face of social rejection and economic hardship. Supporting these families is not charity, it is justice in its truest sense, for it prevents the punishment of the innocent and upholds the constitutional promise of equality and dignity for all.

True justice, then, must be restorative and reformative, rooted not merely in punishment but in compassion, equality, and dignity. Restorative justice recognizes the harm caused by crime but seeks to repair it by rebuilding relationships, fostering accountability, and promoting healing. Reformative justice acknowledges that human beings are capable of change and that society has a role in facilitating this transformation. When justice is guided by these principles, it moves beyond retribution to become an instrument of social progress, ensuring that no one—whether offender or dependent is left behind (United Nations Office on Drugs and Crime [UNODC], 2006).

The constitutional promises of equality before the law under Article 14, the right to life and dignity under

Article 21, and the directive principles contained in Article 39 together create a strong mandate for the State to ensure social justice for those who stand at the margins of society. Added to this is Article 39A, which explicitly obligates the State to provide free legal aid to ensure that justice is not denied to any citizen by reason of economic or other disabilities (The Legal Services Authorities Act, 1987). Together, these constitutional guarantees form the backbone of a rights-based approach that moves beyond punitive justice towards a more holistic framework of rehabilitation, reintegration, and welfare.

This constitutional mandate is further strengthened by international human rights frameworks, which India has endorsed as part of its global commitments. The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) emphasize the inherent dignity of prisoners and stress that imprisonment should not aggravate suffering beyond the loss of liberty (UNODC, 2015). The Bangkok Rules (United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders) highlight the specific needs of women prisoners, especially mothers, and call for support to their children and families (UNODC, 2006). Similarly, the Mandela Rules reiterate that prison systems must be aimed at reintegration rather than retribution, ensuring that upon release, individuals can return to society as law-abiding citizens (Lalli, 2018; UNODC, 2015).

It is in this context that the role of Legal Aid Services, Probation-cum-After Care Officers (PACOs), and Welfare Departments and agencies emerges as truly transformative. Legal Services Authorities operating under the mandate of Article 39A of the Constitution and the Legal Services Authorities Act, 1987, are entrusted with ensuring that justice is not denied due to economic or social disadvantage (The Legal Services Authorities Act, 1987). Their role goes beyond providing representation in court, it includes spreading awareness, helping individuals navigate welfare entitlements, and addressing systemic barriers to justice.

Similarly, Probation-cum-After Care Officers (PACOs) act as a bridge between the correctional system and the community (Santhosh, 2019). They identify released convicts and dependents of incarcerated individuals in need, counsel them on available schemes, assist with documentation, and facilitate linkages with government and non-government welfare agencies. By doing so, they not only prevent destitution but also contribute to reducing recidivism, as economic and social stability are vital for successful reintegration (Santhosh, 2019).

Meanwhile, Welfare Departments and allied agencies, covering sectors such as women and child development, social welfare, minority affairs, tribal affairs, rural development, and labour, play a critical role in extending safety nets and opportunities to the most vulnerable (Santhosh, 2019).

In West Bengal, Para-Legal Volunteers (PLVs) play a crucial role in ensuring that released convicts and the families of prisoners are not left behind.

The training and sensitization of PLVs by the West Bengal National University of Juridical Sciences (WBNUJS), with support from the United Nations Development Programme (UNDP), was particularly significant. PLVs were equipped not only with knowledge of legal rights but also with practical know-how about welfare schemes, application procedures, and grievance redressal.

Equally important were the sensitization programmes for lawyers, magistrates, and prosecutors, which aimed to enrich their understanding of justice by moving beyond a solely punitive framework (Ahmed, 2012). These initiatives encouraged judicial officers and legal practitioners to appreciate not only the aspect of culpability but also the broader human potential for transformation.

Through structured sessions, workshops, and dialogues, these sensitization programmes introduced judicial stakeholders to the principles of after care, rehabilitation, restorative justice, and social reintegration. They highlighted that justice, while necessarily concerned with accountability for wrongful acts, cannot be truly effective if it disregards the ultimate goal of transforming offenders into responsible, law-abiding citizens.

2.0 Probation-cum-After Care Officers: Anchors of Rehabilitation and Reintegration

If Para Legal Volunteers (PLVs) and District/State Legal Services Authorities (DLSAs/SLSA) provide the scaffolding of legal access, it is the Probation-cum-After Care Officers (PACOs) who breathe life into the process of rehabilitation and reintegration. While legal aid

structures ensure that rights are recognized and upheld, PACOs transform these rights into tangible outcomes by engaging directly with individuals and communities.

The statutory mandate of PACOs places them at the unique intersection of law, welfare, and social work—an intersection that few other roles occupy. They are not limited to the functions of supervision or reporting; instead, they embody a holistic approach that combines empathy, guidance, and institutional coordination. PACOs act as caseworkers, identifying the needs and vulnerabilities of released convicts and the dependents of prisoners. They serve as counsellors, offering psychological support to those grappling with stigma, rejection, or emotional distress. As mediators, they facilitate reconciliation within families and between individuals and their communities, addressing mistrust and repairing fractured relationships. In their role as facilitators of livelihood, they connect beneficiaries with skill development opportunities, self-help groups, government schemes, and employment avenues that can enable economic independence.

In this multifaceted capacity, PACOs bridge the gap between the correctional home and the outside world. They ensure that the transition from confinement to community is not abrupt but supported, structured, and humane. By coordinating with welfare departments, local governance institutions, NGOs, and financial agencies, they create pathways for sustainable reintegration. In doing so, PACOs not only reduce the risk of recidivism but also contribute to building safer, more inclusive communities where former inmates are empowered to become productive citizens rather than outcasts.

Thus, while PLVs and legal aid institutions create the framework of access to justice, it is the PACOs who infuse it with humanity, care, and practical outcomes, making rehabilitation a lived reality rather than an abstract ideal.

Based on the author's two decades of field experience as a Probation-cum-After Care Officer (PACO) in West Bengal, PACO's work exemplifies the scope and impact of correctional after care. The author's interventions span a wide range of activities, beginning with pre-release counselling, where the aspirations of convicts are identified and mapped, followed by the formation of Self-Help After Care Groups and the facilitation of linkages to numerous welfare schemes. These include the Prime Minister's Employment Generation Programme (PMEGP); the PMMY, schemes of the West Bengal Khadi and Village Industries Board (WBKVIB) and the Khadi & Village Industries Commission (KVIC); the West Bengal Minorities Development & Finance Corporation; the West Bengal Scheduled Castes, Scheduled Tribes and Other Backward Classes Development & Finance Corporation; as well as schemes under the Departments of Agriculture & Horticulture, Animal Resource Development, Self-Help Group & Self-Employment (SHG & SE), and Food & Supplies.

In addition to welfare linkages, he has collaborated with Panchayats, municipal authorities, Regional Transport Authorities (RTAs), teachers, police officers, and community leaders to reduce stigma and mobilize community support for released convicts and their families. Families of inmates of correctional homes have been successfully connected to pensions, scholarships, sponsorships for children and housing schemes.

For example, during the COVID-19 pandemic, several tribal convicts released from correctional homes faced the dual burden of stigma and unemployment. The author intervened by linking them with dairy and goat farming schemes. With support from the Animal Resource Development Department, insured livestock was distributed, while the Muktidhara scheme supported the construction of cattle sheds. What began as a small intervention soon became a sustainable livelihood, restoring not only income but also dignity and self-worth.

PACOs also play a vital role in psychosocial rehabilitation. Released convicts often carry deep scars of imprisonment and stigma, while families grapple with shame and social isolation. Counselling, group meetings, and the creation of peer support groups have been instrumental in helping individuals rebuild their lives.

3.0 Sensitization and Awareness: Building Empathy in Society

No matter how many schemes are mobilized, reintegration falters if society remains unwilling to accept released convicts and their families. Stigma is often the silent barrier that prevents rehabilitation. Recognizing this, a series of awareness campaigns and sensitization workshops were organized across West Bengal.

Panchayat members, Municipal Councillors, teachers, and Self-Help Group (SHG) leaders were systematically oriented to recognize convicts and their families not

as perpetual offenders but as fellow citizens entitled to dignity, rights, and opportunities. These orientation programmes sought to challenge deep-rooted stereotypes and prejudices, encouraging community stakeholders to adopt an empathetic and inclusive approach. The emphasis was on creating an enabling environment where released convicts could reintegrate without stigma and where families of incarcerated individuals could access welfare benefits as a matter of entitlement rather than charity.

Special focus was given to teachers, who were sensitized to the unique vulnerabilities of children with incarcerated parents. They were sensitized to identify signs of stigma, neglect, or bullying within classrooms and to ensure that such children were not subjected to discrimination or exclusion. By doing so, the programme aimed to prevent school dropouts, maintain continuity in education, and safeguard the emotional well-being of these children, thereby breaking potential cycles of intergenerational disadvantage.

Similarly, Panchayat members and Municipal Councillors were encouraged to play a proactive role in welfare facilitation. They were guided to extend institutional support by prioritizing affected families in the allocation of housing under schemes such as the Awas Yojana, and in linking them to pensions, scholarships, social security schemes, and livelihood initiatives. Their involvement was crucial in mobilizing local resources, ensuring that welfare schemes reached the intended beneficiaries, and fostering a spirit of collective responsibility for rehabilitation and reintegration.

By engaging local governance representatives, educators, and SHG leaders, these initiatives not only addressed immediate needs but also strengthened the social fabric of communities. The active participation of grassroots stakeholders transformed rehabilitation from an individual concern into a shared community mission, where dignity, inclusion, and support became central to the reintegration process.

One landmark event was the Awareness Workshop held on board a cruise ship along the River Ganga. The symbolism was profound: a floating platform of dialogue, literally and figuratively breaking barriers of exclusion. The workshop was graced by the presence of Hon'ble Justice Soumen Sen of the Calcutta High Court & Executive Chairman of the State Legal Services Authority (SALSA), West Bengal, along with other stakeholders. The discussions focused on the linkages between welfare schemes and programmes and the application of the *Probation of Offenders Act, 1958*, particularly in the context of the new legal frameworks introduced under the *Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, and the Bharatiya Nyaya Sanhita (BNS), 2023.*

The workshop also addressed the specific vulnerabilities of sex workers and marginalized communities living along the river, highlighting the need for inclusive interventions that extend beyond conventional legal responses. Such events did more than raise awareness; they fostered empathy and collaboration among institutions traditionally associated with punitive justice, opening up possibilities for a justice system that is not only corrective but also restorative and humane.

4.0 Family and Child Support: Breaking Cycles of Vulnerability

The consequences of incarceration ripple far beyond prison walls, often devastating families. Children, in particular, bear the brunt, facing stigma in schools, economic insecurity at home, and the trauma of parental absence. Without intervention, these children risk dropping out of school, engaging in child labour, or becoming entangled in cycles of delinquency.

PACOs, working with NGOs and District Child Protection Societies, organized school enrolment drives to ensure continuity of education. Scholarships were secured under government schemes, while monthly assistance was provided through Mission Vatsalya. Teachers were sensitized to treat children of convicts with empathy, recognizing that exclusion in classrooms can deepen cycles of disadvantage.

Take the case of a young girl in South 24 Parganas whose father was incarcerated for a long-term sentence. Left in the care of her mother, the child faced ridicule in school and was on the verge of dropping out. Intervention by the PACO ensured her continued enrolment, and she was linked to a scholarship programme. Today, she continues her education with renewed confidence, her mother supported through Lakshmi Bhandar scheme. This intervention illustrates how small but timely support can break intergenerational cycles of vulnerability.

5.0 Housing, Pensions, and Nutritional Security

Rehabilitation is impossible without social security. Released convicts and their families require stable housing, pensions, and nutritional support as the foundation upon which livelihoods can be built. PACOs facilitated access to the Awas Yojana and state housing schemes, ensuring that families living in dilapidated huts received pucca homes. Pensions were secured for widows, elderly parents, and persons with disabilities, while nutritional support was arranged under the Khadyasathi scheme.

For instance, **Smt. Shila Kundu**, an elderly released convict and destitute widow whose only son had been incarcerated, was living in precarious conditions with no source of income or security. Through persistent advocacy and coordinated efforts, she was rehabilitated by being provided shelter in an old-age home, while the process of allotting land for her permanent housing was also initiated. These interventions went far beyond offering material relief; they **restored her dignity as a citizen**, affirming that she was not a passive recipient of charity but an individual rightfully entitled to state support and social justice.

6.0 Building Collectives: Self-Help Aftercare Groups

One of the most innovative strategies has been the formation of Self-Help After Care Groups among released convicts and their families. Initially, when such groups attempted to open savings accounts, banks rejected their applications, unwilling to be associated with "ex-convicts." Through persistence and advocacy, accounts were eventually opened, symbolizing the first step toward financial inclusion.

These groups pooled their savings and engaged in collective activities such as dairy farming and goat rearing. With support from the Animal Resource Development Department and the Muktidhara scheme, they received insured livestock and infrastructure support. Over time, these groups became self-sustaining, not only generating income but also creating solidarity and mutual support among members. For individuals stigmatized by society, these collectives provided a new identity—that of entrepreneurs and community contributors.

7.0 Individual Rehabilitation through Enterprise

In addition to collective initiatives, Probation-cum-After Care Officers (PACOs) also facilitated individual rehabilitation projects, empowering released convicts and their dependents to rebuild their lives with dignity and self-reliance. Many beneficiaries were linked to schemes such as the PMEGP of the WBKVIB, which provided crucial financial assistance for establishing small enterprises. A notable example was a released convict who opened a coffee shop with subsidy support, designed not only as a livelihood venture but also as a symbol of breaking social stigma against employing ex-convicts. Others successfully ventured into diverse livelihoods such as tailoring units, tea and snack stalls, cloth stores, wooden furniture workshops, electrical goods shops, and laundry services, while some utilized bank/WBMD&FC loans to purchase autorickshaws and vegetable carts. These initiatives not only created avenues for sustainable self-employment but also showcased the transformative potential of rehabilitation, proving that with institutional backing and community acceptance, individuals can transition from marginalization to meaningful participation in society.

Each of these ventures carried symbolic weight. They represented not just income but reintegration, not just survival but dignity. The coffee shop, for example, became a space where the community interacted with a released convict not as an offender but as a business owner. Over time, such ventures chip away at prejudice, making reintegration a lived reality.

8.0 Support for the Marginalized and Excluded

The most marginalized—orphans, transgender persons, and individuals without documentation—were supported through Aadhaar registration camps. For those lacking identity documents, life was marked by invisibility: without proof of existence in official records, they were barred from accessing welfare schemes and social protections. By organizing camps specifically targeting these excluded groups, PACOs and DLSAs restored not only their legal identity but also their rightful access to entitlements and services.

This intervention held particular significance for transgender persons, who often experience multiple layers of discrimination and exclusion. With the issuance of Aadhaar and ration cards, they became eligible to access Khadyasathi food grains, pensions, and other social security schemes, thereby taking an important step towards social inclusion and dignity. Such measures underscored that rehabilitation is not merely about livelihood support, but about recognition, identity, and the affirmation of equal citizenship.

9.0 Case Narratives: Humanising After Care

Farida Bibi, whose husband remained incarcerated, was left without a source of income and struggled to raise her children. Through the intervention of the author, she was linked with a loan to run a cloth and toy store. Within a few months, her enterprise began generating enough income to support her family and ensure her children's continued schooling. For Farida, entrepreneurship became more than just a livelihood—it was a powerful statement of resilience and independence.

Another inspiring example comes from a group of tribal convicts released during the pandemic. Initially stigmatized and ostracized by their communities, they were organized into a dairy farming collective. Over time, their venture not only provided them with stable and sustainable incomes but also helped them reclaim dignity and earn the respect of their community. Their journey demonstrates how collective effort, when nurtured through rehabilitation programmes, can transform stigma into acceptance and exclusion into empowerment.

10.0 Convergence: A Holistic Model of Justice Delivery

The West Bengal experience highlights the transformative power of convergence in justice delivery. Legal Aid Services create the foundation by ensuring awareness of rights and supporting essential documentation. Probation-cum-After Care Officers (PACOs) build on this by facilitating rehabilitation, skill development, and livelihood opportunities. NGOs and civil society organizations contribute through advocacy, innovation, and capacity-building, while Panchayats, Municipal authorities and Self-Help Groups (SHGs) help dismantle stigma and foster acceptance within communities.

Together, these actors weave an integrated framework that addresses not only the legal needs of released inmates and their families but also their social reintegration and economic empowerment. The result is a truly holistic model of justice delivery, one that moves beyond punitive measures and focuses on restoring dignity, rebuilding lives, and strengthening communities.

This approach is consistent with global perspectives on After Care and Rehabilitation, particularly the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), which affirm that rehabilitation and reintegration are fundamental to human dignity. It also resonates deeply with Gandhian ideals of compassion, restorative justice, and community participation, underscoring that justice is most meaningful when it is both humane and inclusive.

11.0 Conclusion: Towards a Humane and Replicable Model

The West Bengal experience demonstrates that after care is not an auxiliary aspect of justice but its very heart. Rehabilitation, reintegration, and access to welfare are not peripheral concerns; they are the core of justice for individuals and families at society's margins. By weaving together legal aid, welfare schemes, and PACO-led interventions, a restorative model has emerged—one that empowers marginalized families, reduces recidivism, and upholds the spirit of constitutional values.

The work of PACOs makes it evident that rehabilitation is not a utopian aspiration but a practical reality, achievable through persistence, empathy, and innovation. This model now demands institutional recognition, replication across India, and sustainable investment in funding, training, and capacity-building so that its impact can be scaled.

Ultimately, justice is realized not at the moment punishment ends but when those once excluded are restored to dignity, livelihood, and equality. The stories of released convicts successfully running businesses, children of inmates of correctional homes pursuing education, widows and old age securing pensions, and released individuals gaining access to ration cards are not isolated anecdotes. They are living testimonies that restorative justice, when meaningfully implemented, can transform lives and communities.

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