

“Restorative Justice in India: A Study”

Ramesh Kumar*
LL.M Student, Galgotias University



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* Author.

Abstract

Our reformatory measures are not reforming the offenders. NCRB report of 2014 shows that rate of recidivism has increased from 7.2% to 7.8% and conviction rate is only 45%. Criminal justice system of India is neither achieving its goal of deterrence nor reforming? The criminal justice system in India is based on the lines of retributive justice (i.e. response to criminal behavior that focuses on the punishment of lawbreakers and the compensation of victims. In general, the severity of the punishment is proportionate to the seriousness of the crime). It focuses on establishing guilt and punishing the person who broke the law. Retributive justice is based on -What law was broken? Who broke the law? What is the punishment under law? This system indulges in an exercise of quantifying crime in terms of monetary and physical punishment. According to Retributive Justice - Crime is a violation of the law, Violations create guilt and require someone to blame, Justice requires the state to determine guilt and impose punishment, Central point of Justice is: offenders get what they deserve.

Criminal Justice System focus, primarily is on the offender and no regard is given to the need for participation of victim in the judicial process. Hence in this system victim of the crime feels highly frustrated and alienated for the reason that criminal justice system is centered on prosecution and the state. Lengthy expensive litigation and delay in the disposal of cases with consistently rising rate of acquittals has caused loss of public confidence in the system. Aggressive responses to crime and putting the offender behind bars neither benefits the victim nor serve any purpose. Hence there is no progressive solution to the conflict between the victim and the offender.¹

The idea of restorative justice provides answer to these issues and is being used throughout the world as an alternative to current justice processes. Widespread dissatisfaction by victims such as battered women, rape victims and domestic violence opens the door for alternative forms of judicial process where mutual relations also can be improved. Restorative justice strategies are solution-based rather than problem-based, give voice to marginalized people, and focus on healing and reconciliation.²

This Paper is written to provide insights into the use of restorative justice as a process and examines its effectiveness and particular relevance to persons who have been victimized by physical and sexual abuse. People believe that conventional and restorative forms of justice are mutually exclusive whereas the fact is, they are complementary.

Historical Background: Restorative Justice is not new. According to Father Jim Consedine, Christianity provides option for Biblical justice which is restorative in nature. In New Zealand – Maori Tribe and in US - Navajo Tribe use restorative justice process. Restorative is also rooted in the philosophy of Pacific nations such as Tonga, Fiji and Samoa. In Germany - public assemblies. India - in 600 BC ancient Buddhist Taoist and Confucian traditions had provisions of restorative justice principles. Turning point to restorative justice happened during Norman Invasion of Britain 11th

¹ R. Thilagaraj , Jianhong Liu, “ Restorative Justice in India”. Springer, Cham, 2017.

< <https://www.springer.com/gp/book/9783319476582>> visited on 21st December 2020 at 13:30 hrs.

² (ibid) R. Thilagaraj , Jianhong Liu, “ Restorative Justice in India”. Springer, Cham, 2017.

century King Henry I – made offences as act against King aka State.³ Justice should be compassionate, forgiving and healing – restorative, not retributive. It should change attitudes and encourage the criminal justice system to move towards this vision of justice.⁴

Introduction: “Restorative Justice”⁵ term was first time coined by Albert Eglash, in 1977 in an Article ‘Beyond Restitution: Creative Restitution’ Restorative Justice- interprets crime as an injury or wrong done to person – not just as breaking the law or offending against State but it is a way of paying the debt due to victim by offender. According to John Baithwaite – Restorative Justice emphasizes healing through material and symbolic restitution. It emphasizes rebuilding of self- respect of offenders and the victims, and integrating them into the community.⁶

Restorative justice is a principle of justice emphasizing repairing the harm caused by criminal behavior. It is best accomplished through the cooperation of all stakeholders. This process generally leads to transformation of people and relationships within communities.⁷ It is claimed that it is a just response that addresses those harms as well as the wrongdoing. If the parties are willing, the best way to do justice is to help them meet and discuss those harms and negotiating to bring about resolution. The recourse to other approaches is available if they are unwilling to meet. It is claimed that most of the time those meetings lead to transformational changes in their lives.⁸

Restorative Justice process is based on three elements: i.e.

- (1) Crime causes harm and justice requires repairing that harm
- (2) The best way to determine is to bring the parties and decide together
- (3) This can bring fundamental changes in people, their relationships and communities.

The restorative justice process assumes that the responsibility of the government is to maintain order and of the community is to build peace.

What Is Restorative Justice

Restorative justice is an edifice having following four pillars as:

- i) Including all parties
- ii) Bringing victim and offender together and helping them to participate and decide
- iii) Repairing the harm by making amends
- iv) Reintegration and rehabilitation of the parties into their communities with respect and improved relationships

Restorative Justice process: is a different way of thinking about crime and our response to crime. It focuses on repairing the harm caused by crime and reducing future harm through crime prevention by healing and improving relationships. In this justice process offenders take responsibility for their actions and for the harm they have caused. It seeks redress for victims

³ Kriti Johri, Restorative Justice Vis-a Viz Victim Offender mediation, available at <<https://www.slideshare.net/kritijohri/restorative-justice-in-india> > visited on 22nd December 2020 at 13:40hrs.

⁴ <https://quaker-prod.s3-eu-west-1.amazonaws.com/store/b6168eaf84801d03b432e31a2e23cdca978eead9702008de68834b669a84> visited on 24th Feb 2021 at 15:00hrs.

⁵ Abbreviation of Restorative Justice

⁶ (Ibid) Kriti Johri, Restorative Justice Vis-a Viz Victim Offender mediation

⁷ Centre for Justice & Reconciliation: Washington, DC 20041 USA <http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/#sthash.kGPyU2is.dpbs>

⁸ (ibid) Centre for Justice & Reconciliation: Washington, DC 20041 USA USA

through recompense by offenders and reintegration of both within the community. Restorative Justice process focuses on cooperative effort by communities and the government.

Restorative justice process claims that when victims, offenders and community members meet to decide how to do that, the results are transformational in many cases. The process emphasizes accountability, making amends, and if both parties are interested than facilitated meetings between victims, offenders, and other persons causes healing relationships between the parties and community.

Key Principles of Restorative Justice:

Restorative Justice is based on the principle that - “Crime causes harm and justice should focus on repairing that harm”. The stakeholders most affected by the crime should be able to participate in its resolution. Victims and Community are the core elements of the justice process. The main priority in the attainment of justice is to assist the victim. Restorative justice process claims that it leads to the development of the offender to comprehend the gravity of the offence committed by him and responsibility of the government always remains to maintain order and of the community to build peace.

Restorative Justice in terms of Normative and Operational Values:

Normative values;⁹ describe the world as it should be, and Operational values; guide how we achieve those.

The first normative value of a community is a peaceful social life i.e. absence of open conflict. It is based on harmonious relationship, contentment, security, and wellbeing that exist in a community at peace with itself and with its members. Whenever there is crime or conflict in the community, it is addressed in such a way that peaceful social life is restored and strengthened.

Two operational values help achieve peaceful social life. One is resolution, meaning the people are cared for and the issues surrounding conflict and its aftermath are addressed as completely as possible. The second is protection, which means that the physical and emotional safety of affected parties is a primary consideration.

The second normative value is respect. All people must be treated as worthy of consideration, recognition, care and attention simply because they are human beings. The operational values that encourage respect are inclusion and empowerment. The restorative justice process causes parties to directly shape and engage in resolution processes and the stakeholders equip themselves effectively to influence and participate in the response to the dimension of the offence.

The third normative value of community is solidarity. This refers to the feeling of agreement, support, and connectedness among members of community. It strengthens and grows out of their shared interests, purposes, sympathies, and responsibilities. Three operational elements that build solidarity are ‘encounter’ (parties are invited, and not compelled, to participate in making decisions about how to respond to the offence), ‘assistance’ (parties are assisted to become contributing

⁹ (ibid) Centre for Justice & Reconciliation: Washington, DC 20041 USA< USA

<http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/#sthash.kGPYU2is.dpbs>

members of their communities in the aftermath of the offence), and ‘moral education’ (community standards are reinforced as the fundamental values and norms of the parties, their communities and their societies).

The final normative value of the community is active responsibility which means being held accountable by others. Active responsibility arises from within a person; passive responsibility is imposed from outside the person. Two operational values i.e

- (i) Collaboration, in which the parties are invited to find solutions through mutual and consensual decision-making and
- (ii) Making amends, that means that those responsible for the harm caused by the offence are also responsible for taking steps to repair it.

Restorative Justice Programs & Processes to repair the harm caused by crime.¹⁰

Restorative Justice Process is based on matter of choice and does not involve coercion. It is facilitated by mediator, Probation officer, Judicial officer, Civil Society or Police Officer. In this process often mediator talks to victim for her willingness to conference if she yes then accused is informed but can be other way round too. After the meeting, a restitution agreement is tried to be settled between the parties based on their terms. Such practice is common and adopted mostly worldwide, but in petty offences like, theft, burglary and juvenile offences. Some of the Restorative Justice Programmes are: -

- (a) Victim-offender mediation program: It uses trained mediators to bring victims and the offenders together in order to discuss the crime, its aftermath effects, and the need of the steps to be taken to make things right. Here victim has the opportunity to express her emotional, mental or physical distress and agony inflicted upon due to crime. Offender too has the opportunity to understand the gravity and impact of the crime, and answers questions raised by the victim and amicably addresses and churn an agreement consisting of terms of restitution that is Justice Accountability Restitution.
- (b) Victim Offender Circles: These are similar to victim-offender mediation, but differ in that they involve not only the offender and victim, but also involve their family members, community members, and government representatives
- (c) Victim Offender Conferencing programs: These are also similar to victim-offender mediation, but resemble more closely to the criminal justice system than either VOM or circles.
- (d) Victim-offender panels: This involves bringing together groups of unrelated victims and offenders, linked by a common kind of crime but not by the particular crimes that have involved the others to facilitate their participation into the process.
- (e) Victim assistance programs: In this programme services to crime victims are provided as they recover from the crime and proceed through the criminal justice process.

¹⁰ (ibid) Centre for Justice & Reconciliation: Washington, DC 20041 USA < <http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/#sthash.kGPYU2is.dpbs>>

- (f) Ex-offender assistance programs: This type of programme provide services to offenders while they are in prison and when they are on release. In retributive criminal Justice system when reparative outcomes are used as inherently restorative they can be more destructive and vindictive. However, when they are the outcome of a restorative justice process, they can provide important avenues for "making things right".
- (i) Restitution programs that require offenders to repay those who have been harmed by their offenses, generally through monetary payments but in some cases discharge is made through in-kind services to the victims.
- (ii) Community service programs that require offenders to address the indirect harm to a community caused by crime by performing unpaid work that benefits the community and it discharges them from the offence committed.
- (iii)Victim compensation funds that provide payment to victims by the government or another party unrelated to the offender, in an amount based on purely the nature and extent of the harm received.

Restorative Justice and its Conceptual Issues: A Comparison ¹¹

Restorative justice system has grown out of a number of reform movements of the past 35 years like; the informal justice movement, the victim rights movement and the restitution / diversion movement and still gaining momentum worldwide. (It is also designed to lessen the burden on the judicial system by increasing imprisonment of offenders in response to crime). Restorative justice has challenged assumptions about how the criminal justice system should function. Some of these conceptual issues include:

Rights and responsibilities. The traditional criminal justice system which is retributive in nature defines and seeks to protect individuals' rights through formal, adversarial processes. On the other side Restorative justice places a high value on individuals voluntarily assuming responsibilities and seeking to resolve conflict through informal participative processes.

Norm clarification; Traditional criminal justice clarifies and upholds norms through enforcement of laws. Restorative justice relies more on mutual conversations about norms in the context of specific instances of wrongdoing and the resulting operational harm.

Fairness; Traditional Criminal justice seeks fairness through procedural protections. Restorative justice focuses on mutual satisfaction and mental healing of the parties that justice was achieved.

Discretion; Traditional Criminal justice gives a great deal of discretion to police, prosecutors and judges to decide how cases should be handled. Restorative justice seeks to be guided by the interests and desires of the victim, offender and other parties who are the stakeholders.

Objections to Restorative Justice: -

Due process and fair trial; How does restorative justice provide due process and fair trial protections to the parties, particularly rights such as the presumption of innocence, protection against coercion, and the right to assistance of counsel.

¹¹ (ibid)

Equal protection; There are doubts that restorative justice program can even-handedly administer justice without regard to race, gender, religion, national origin, social standing particularly in country like India.

Victims' rights; In a country like India where there is wide economic disparity and high nexus between criminals and politicians and with those in power, interests of victims are better protected in restorative or traditional criminal justice processes remains a question mark. How are those rights balanced against the rights of those accused or convicted of committing crimes against them need introspection?

Proportionality; A principle of criminal justice is that similar offenses deserve similar punishments. How important and how fair is that in restorative justice programs?

Restorative Justice and its Implementation Issues¹²

Designing and maintaining a restorative justice system requires addressing minimum of the following: -

Building Support: It is necessary to promote the vision of restorative justice while responding pragmatic to systematic and political realities for public support and legislative reforms.

Co-option or Co-existence: Restorative justice programs are susceptible to the distorting influences of the traditional system due to various socio economic and socio political disparities among the population.

Diversion or Net-Widening: Restorative justice has the potential to reduce the caseload of traditional criminal justice, but might instead expand the net of social control by powerful and dominant section arbitrarily by accepting cases that the criminal justice system would have otherwise ignored, thus causing more harm than advantage.

Evaluation: Programs called "restorative" may not reflect vision and values of restorative justice. Evaluation using the right criteria only will help programs to become more restorative in their treatment of victims, offenders and community members.

Global Perspective and Background of Restorative Justice:

(i) Victim Offender Mediation in other legal systems: - CANADA – Practices restorative justice in juvenile, property and petty offences. It is organized by prosecution, Probation officers. Members of Church, Victim Offender Dialogue Replicated in 1978 in Elkhart, Indiana. Besides juvenile, burglary offences, growing interest to practice it in drunk driving, serious injury and death, rape, manslaughter and murder like in UNITED STATES OF AMERICA. In 1989 court sanctioned mediation in acquaintance rape.

(ii) GERMANY Embedded restorative justice in German Criminal Code, 1998 as amended in 1991, Section 10 mandatory in juvenile offences. In 1994 Section 46 – where imprisonment is less than 1 year. New Zealand Maori community approaches to the handling of child protection and juvenile justice also use restorative justice process. Australia Wagga Model originated in Wagga, New South Wales where police have been instrumental in organizing conferences of victim offender use this restorative justice process. Now restorative justice is also practiced in other states too.

(iii) United Kingdom Crime Reduction programmes in 1999 received funds for the schemes of Restorative justice – VOM. Sections 7 and 8 of the Code for Crown Prosecutors guidance to

¹² (ibid)

Prosecutors on alternatives to prosecution for adults and youths, including conditional cautions used restorative justice process. Whereas Standard 3 of the Core Quality Standards (CQS) stipulates that Prosecutors will use out-of-court disposals as alternatives to prosecution (meaning restorative justice), where appropriate, to gain speedy reparation for victims and to help rehabilitate or punish offenders.

(iv) In 2002, the UN Commission on Crime Prevention and Criminal Justice¹³ suggested to include Restorative Justice in criminal justice system, in order to bring the offender at par with the victim. The offender confesses and apologizes to the victim and the guilt of the offender guides him into non repetition of the offence. The offender is also obligated to mend the damage caused to the victim fairly and proportionately.¹⁴

Different countries of the world are amending the domestic legislations and enabling financial help in the sphere of restorative justice to help the courts, victims, offender and the community for expeditious delivery of justice which is based on relationship and healings and supported by all stake holders.

International Approach on Restorative Justice:

The Restorative Justice is being effectively practiced in many countries like New Zealand, Canada, Australia, South Africa, France etc. The methods being used for Restorative Justice in these countries generally include; victim offender mediation, family / community group conferencing, peacemaking sentencing circles and community assistance programmes etc. These methods are being observed as most successful and provide opportunity to meet voluntarily to both victim and offender. North America and Europe have about 300-500 victim offender mediation programme.¹⁵ These programs have granted satisfaction and lessened the fear to large extent that surrounds the victim and it has reduced the commission of newer crimes and recidivism.

The center for restorative justice and peace making at the university of Minnesota School of Social work on the University's St Paul campus has been formulated to foster Restorative Justice through negotiation and dialogue between offender, victim and the community. The center presume this method of Restorative Justice will build safe environment for the community.

In Canada, the principles of Restorative Justice mostly established during the sentencing of crime known as sentencing circles. Restorative Justice options to parole suspensions programme enables to apply Restorative Justice methods when the offender is on the conditional release during the course of a sentence. The various circles are formed to support the restorative Justice Programmes

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[https://www.unodc.org/pdf/criminal_justice/Basic Principles on the use of Restorative Justice Programs in Criminal Matters.pdf](https://www.unodc.org/pdf/criminal_justice/Basic_Principles_on_the_use_of_Restorative_Justice_Programs_in_Criminal_Matters.pdf)

¹⁴ Available at : <https://www.legalbites.in/concept-restorative-justice-india/> visited on 22nd December 2020 at 16:00 hrs.

¹⁵ CENTRE FOR JUSTICE & RECONCILIATION AT PRISON FELLOWSHIP INTERNATIONAL MAY 2005 PO BOX 17434, WASHINGTON, DC 20041 ♦PHONE 703.481.0000 ♦FAX 703.481.0003 ♦EMAIL DVANNESS@PFI.ORG; <https://www.d.umn.edu/~jmaahs/Correctional%20Assessment/rj%20brief.pdf> visited on 22nd February 2021 at 15:00 hrs.

and accountability pilot project are executed to render assistance to high risk sexual offenders in community restoration.

Perspective and Practice of Restorative Justice in India:

As far as India is concerned restorative justice was tried in matrimonial cases after Deepa v. Srinivas Rao in 2013 through mandated mediation as first recourse in matrimonial cases and family disputes.¹⁶

Restorative Justice can be highly effective in juvenile crimes but 164th Parliamentary Standing Committee Report on The Juvenile Justice Act revealed Boards lack services like counselling, mediation, treatment other reformatory measures as required for the restorative justice process.

Justice Krishnaier in Sunil Batra v. Delhi Administration 1980⁴ pronounced that whenever a punitive response is awarded to an offender, it must be oriented to restorative measures and not just to deterrence only.¹⁷

Justice Krishna Iyer, in Rattan Singh V. State of Punjab pronounced that “It is weakness of our jurisprudence that the victim of crime and the distress of the dependents of the prisoner do not attract the attention of the law. Indeed, Victim reparation is still the vanishing point of our criminal law. This is a deficiency in the system which must be rectified by the legislature.” He said; “We can only draw attention to the matter.”¹⁸

In the case of Babu Singh V. State of Uttar Pradesh, the Supreme Court suggested that method of restorative justice such as sentencing circles, victim offender meeting, community service, meditative drill or study classes should be initiated to help in restoring both, victim and the offender.¹⁹

Unfortunately, in the present criminal justice system the routine in criminal proceedings revives back the trauma in the minds of victim of serious crime throughout the justice process and defeats any scope of providing closure or repair of emotional damages caused to the aggrieved party.

In India, cases of convictions can be sent for appeal and revisions and reaching to a conclusion in the judgement takes a considerable amount of time due to lengthy litigation process. The victim remains subjected to emotional trauma and mental agony persistently. The institution of traditional judicial system still believes that disclosure, vindication and enforcement of punishment is the core underlying purpose of achieving justice which though in real sense does not provide any satisfaction to the victim.

Restorative Justice and Indian laws:

Indian law has adopted the restorative justice to some extent as follows; -

¹⁶ (ibid)

¹⁷ (ibid)

¹⁸ (ibid)

¹⁹ (ibid)

Panchayats: There is a provision in the constitution to establish of Nayaya Panchayats. It is considered as a dispute resolution mechanism on a community level. There are many communities based restorative justice methods such as Panchayat Adalats, Gram Nayayalyas, Khap Panchayat, Mahila Panchayats and Nari Adalats which have the power to try civil and criminal offences which are less grave in nature. It is helping to minimize the formal legal process of involving the courts barring few erroneous instances of Khap panchayats .

Customary laws: Customs are an important part of a criminal justice system in India, hence it plays a very important role in dispute resolution in India and the justice here becomes community centric similar to restorative justice. Article 13(3) of our constitution acknowledges custom as source of Law; e.g tribes of Garo Hills consider the whole community accountable for an offence rather than stigmatizing and blaming a particular individual.

Civil cases: Restorative justice can be found in the judicial process of family Courts under family Courts act 1984 and Lok Adalats under the Legal Services Authorities Act, 1987, Arbitration and conciliation Act of 1986 to resolve matters like divorce, validity of marriage, restitution of conjugal rights by fostering mutual dialogues between parties to settle matters provides timely approach and speedy resolutions by reaching to their own solutions regarding justice in civil and compoundable criminal cases.²⁰

Criminal Cases: Restorative Justice process and provisions are found in: -

- (a) Section 320 of CrPC,1973: providing for compounding of the offences between the offender and the victim. It has been one of the recognized mechanism to attain restorative justice. Compounding itself is a process where both offender and victim come to a consensus voluntarily by not opting for litigation. Compounding offences in certain cases do not require the consent of the court and in certain cases the approval of the court is also required. There are certain offences where a particular person is affected and entire society is not affected. These offences can be compounded without the consent of the court under 320(1) of CrPC, 1973. Offences like criminal tress pass, hurt, confinement, adultery and defamation etc encompass person's feeling and come under the category of compounding.
- (b) 320(2) comprise of offence which is more severe and grave in nature and affects a larger mass of people and society, these offences cannot be compounded without the approval of the court. Examples are: grievous hurt, breach of trust which involves huge amount, fraud, counterfeiting, wrongful confinement etc.²¹
- (c) Plea Bargaining (section 265A-L of the CrPC): Chapter XXI A of the CrPC,1973 encompasses the procedure of plea bargaining. Section 265 A-L deal with the concept of Plea bargaining. Cases where an offence is punishable with death or imprisonment of more than 7 years, Socio economic offences, offences against the children under POCSO Act are also exempted. The procedure of plea bargaining is stated in section 265-B. and other relevant provisions extend to 265-L.²²

²⁰ (ibid)

²¹ (ibid)

²² (ibid)

Benefits of Restorative Justice:

Restorative justice sounds better and compares well with traditional criminal justice: It can substantially reduce repeat offending for some offenders to large extent, although not all. It reduces repeat offending both for adults and juveniles when implemented through the support of all stakeholders including victim, offender and community. When used as a diversion it helps reduce the burden of courts, high litigation costs and lengthy litigation process. It reduces the costs of criminal justice and reduces the load on the prisons too. It provides both victims and offenders with more satisfaction and mental healing. It causes accountability of the harm and causes repair of harm through reparation. It gives wider connotation to justice in real sense compared to what is done in traditional criminal justice. It reduces recidivism, crime victims' post-traumatic stress symptoms and the related costs, and It reduces crime victims' desire for violent revenge against their offenders which assures peace and improved relationship in the community.²³

Conclusion: Restorative Justice is highly effective as it aims to (i) Put key decisions in the hands of those most affected by crime (ii) Make justice more healing and transformative (iii) Reduces likelihood of future crime. The concept of Restorative Justice System is based on three assumptions i.e. (i) Crime is a violation of peoples' rights and relationships (ii) Violation creates obligations on those who committed the harm (iii) The central obligation is repair the harm as much as possible and make things right.²⁴ According to Restorative Justice; when Crime violates people's rights and relationships than these violations create obligations on the stake holders including the offender and therefore Justice requires victims, offenders and community members make an effort to set things right through cooperation and communication. Central focus of the justice process is meeting needs of person harmed, primarily by the person who caused the harm. Restorative Justice is thus a way of analyzing harm and applying efforts for rectification of the damage caused. Restorative Justice can be highly useful and applicable for reintegration of offenders and supporting the victim for rehabilitation. This justice process creates a design for the field of Victim Offender Mediation, ADRs, Family group Conferencing and victim offender conferencing. It is claimed that both Victim and the offender have graded Restorative Justice Processes to be fair and satisfactory than the traditional criminal system based on retribution. Expanding horizons of the restorative justice process worldwide is a clear cut endorsement to it. Various studies reports have pointed out that satisfaction in relation to restorative processes has been as high 95% and further evaluation of restorative Justice programmes depicted that these programs have enabled a sufficient reduction in recidivism. UN meeting in April 2002, passing a resolution that puts restorative justice officially on the international map proves its importance and utility worldwide. There is no doubt Restorative Justice can help in lessening the cost of achieving justice and increase efficiency. In India this diversion for restorative Justice exists only for petty crimes, unlike in the US and UK where restorative processes also being used in cases of heinous offences. While several organizations practice Restorative Justice in the US, the concept is very new in India. Only a handful of organizations – Enfold Trust, Ashiyana Foundation, Counsel to Secure Justice and Leher etc. are using Restorative Justice practices apart from a few individuals.

²³ (ibid) s

²⁴ (ibid)

India should make large trained pool of restorative justice practitioners to act as effective mediators and if this is supported with effective state responsibility of law and order for the protection of victim than it can aid the legal system most efficiently and effectively to posit as an best alternative to reduce recidivism to help reduce the burden of courts and prisons, as is the case in the US and cause an harmonious and a peaceful community with improved relationship forever.²⁵



²⁵ Available at < <https://www.thenewsminute.com/article/will-restorative-justice-help-indian-sexual-crime-survivors-where-legal-system-lacks-96477>> visited on 22nd December 2020 at 21:30hrs.