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INSTITUTIONALIZING RESTORATION: A CRITICAL ANALYSIS OF INDIA'S LEGAL FRAMEWORK AND THE PATH TO A DEDICATED RESTORATIVE JUSTICE ACT

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ABSTRACT

Restorative justice in India isn't some new trend. It's actually woven deep into the fabric of India's legal and cultural history. Long before modern courts, people relied on things like the Dharmaśāstras, which emphasized self-correction (Prāyaścitta) and compensation (Dravya-prāyaścitta). Even village Panchayats practiced community-based resolutions. So, what we call "restorative justice" today—where the focus is really on repairing harm and bringing together victims and offenders—isn't a foreign idea for India. It just shifts the spotlight from punishment handed down by the state to accountability, healing, and reconciliation.

The Indian Constitution gives restorative justice a strong legal foundation. Article 21 guarantees human dignity and victim rehabilitation, while Article 39A talks about equal justice for everyone. Laws and court rulings have started to bring these ideas to life. For example, Section 359 of the Bharatiya Nagarik Suraksha Sanhita, 2023, lets certain offenses be settled outside of court. The Supreme Court, in cases like Gian Singh, has backed the idea that settling disputes amicably—especially in civil or personal matters—should be a real option. The Juvenile Justice Act, 2015, goes even further, making restorative practices a must for children in trouble with the law.

Still, restorative justice in India faces some real hurdles. There isn't a single, unified system for it—just bits and pieces scattered across laws and court decisions. Judges apply it inconsistently, and victims often take a back seat in traditional courtrooms. People also worry about using restorative approaches in really serious crimes.

So, what's the way forward? This paper suggests a four-step plan: First, set up formal pre-trial diversion programs. Next, bring in structured mediation during the correctional phase. After

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sentencing, make reintegration circles a standard part of the process. And, most importantly, India needs a dedicated Restorative Justice Act. With a law like that, restorative justice could finally become consistent, enforceable, and truly focused on repairing harm—instead of just punishing people. In the end, real justice shouldn't just be about punishment. It should be about making things right.

KEY WORDS: Restorative justice system, Retribution, victim, offender.

RESEARCH OBJECTIVE

To **critically analyze** the historical foundations, contemporary legal framework, and systemic challenges of Restorative Justice (RJ) in India, and to **propose a comprehensive, four-step institutional roadmap** for its systemic integration and legal enforceability within the Indian justice delivery system.

RESEARCH QUESTIONS

1. What are the **historical and jurisprudential foundations** of Restorative Justice in India, particularly as manifested in the *Dharmaśāstras*, Village Panchayats, and Gandhian philosophy?
2. How have **Articles 21 and 39A** of the Indian Constitution, along with key provisions in the **Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)** and the **Juvenile Justice Act, 2015**, created a legal mandate and framework for restorative practices?
3. What are the structural barriers preventing the full and consistent institutionalization of Restorative Justice in India, such as the lack of a unified legal framework and the marginalization of victims in the current system?
4. What specific, actionable **legislative and procedural reforms** are necessary to transition Restorative Justice from a set of scattered principles to a consistent, enforceable, and victim-centric system in India?

Research Methodology

The research will adopt a **doctrinal methodology**.

- **Nature:** This is a **purely library-based research method** involving the systematic analysis and interpretation of existing legal sources.
- **Sources of Data:** The primary data will be drawn from:

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- **Constitutional Provisions:** Specifically Articles 21, 38(1), 39A, and 40.
- **Statutory Laws:** Key legislation including the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) (Section 359, 396, 289), the Juvenile Justice (Care and Protection of Children) Act, 2015, the Legal Services Authorities Act, 1987, and the Probation of Offenders Act, 1958.
- **Case Laws:** Landmark rulings by the Supreme Court of India, particularly *Gian Singh*, *Narinder Singh*, *State of Gujarat v. Kishanbhai*, and *State of Himachal Pradesh v. Umed Ram*, which have shaped the judicial outlook on amicable settlements and restorative sentencing.
- **Historical and Philosophical Texts:** Analysis of principles like *Prāyaścitta*, *Dravya-prāyaścitta* from the *Dharmaśāstras*, and the concepts of *Ahimsa* and transformation from **Gandhian philosophy**.
- **Technique:** The research will employ the techniques of **legal exegesis** (interpreting statutes and judgments) and **critical analysis** to evaluate the gaps between the aspirational goals of Restorative Justice and its actual implementation within the adversarial criminal justice system. This will culminate in a synthesis of the four-step roadmap for legislative and procedural reform.

INTRODUCTION

Restorative justice system is an evolving subject in the field of criminal psychology. It gives the space for both the victim and the offender. This is the concept of acknowledging that an act of crime against an individual is not just an act which is violation to a law of the state but against a community or people's relation with each other under the same society. This system of justice encourages the victim to be part of the procedure. Here the offender and the victim become the central part of the procedure. It is a voluntary practice were all the parties engage them with active consent. This process encourage the participants to overcome their injury caused by the crime by disclosing their part of the story and receive explanations from the concerned individual. This might make the offender realize the depth of the crime done by the individual and try to repair the same. This gives the victim a voice and means the person responsible is held to account in a meaningful way.

Restorative justice is a theory of justice that emphasizes repairing the harm caused or revealed by criminal behaviour. It is best accomplished through cooperative processes

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that include all stakeholders.[1]

Restorative justice approach is very much a different kind of way to achieve justice. It is different from the regular criminal justice in various ways. Because it looks a criminal act as it as an act which has a potential to harm communities and even themselves. It includes the individual involved in the dispute, communities and even the government. It success is calculated in a different perspective on how much harm is repaired or prevented rather than on the basis of punishment inflicted.

JURISPRUDENTIAL FOUNDATIONS OF RESTORATIVE JUSTICE

The Indian justice system's important tools is a Village Panchayat. It is a local body of administration in Indian villages, they are usually responsible for its administration and development related to infrastructure, sanitation, and public health. It plays a pivotal role in resolving minor conflicts and disagreement among the community, often through community meetings. Article 40[2] *deals with Organisation of village panchayats which further adds importance to this concept. A Nyaya Panchayat is a dispute resolution system at the grassroots level in the matters of dispute. "Panchayat" means a group of people usually five, who are respected in their community. "Nyaya" means Justice. They have jurisdiction over a range of civil disputes like property matters, family disputes, and even minor criminal matters. The combination of the required qualifications Section 6*[3] *and the equivalent service conditions/status Section 7*[4] *is what establishes that the Gram Nyayalaya, for all intents and purposes, operates at the judicial level of a Court of Judicial Magistrate of the First Class. Grama Nyayalayas need not be bounded by the rules of evidence provided in the Indian Evidence Act, 1872 but they must act subject to the principles of law and subject to any rule made by the High Court.*

[1] *Centre for Justice & Reconciliation, Restorative Justice Briefing Paper 1 (Prison Fellowship Int'l, May 2005), https://www.prisonfellowship.org/resources/justice-reform/restorative-justice/.*
[2] *Article 40 in Constitution of India - Organisation of village panchayats: The State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.*
[3] *6. Qualifications for appointment of Nyayadhikari.— (1) A person shall not be qualified to be appointed as a Nyayadhikari unless he is eligible to be appointed as a Judicial Magistrate of the first class.*
(2) While appointing a Nyayadhikari, representation shall be given to the members of the Scheduled Castes, the Scheduled Tribes, women and such other classes or communities as may be specified by notification, by the State Government from time to time.
[4] *7. Salary, allowances and other terms and conditions of service of Nyayadhikari.— The salary and other allowances payable to, and the other terms and conditions of service of, a Nyayadhikari shall be such as may be applicable to the Judicial Magistrate of the first class.*

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The success rate of these kind of bodies like Village Panchayats and Nyaya Panchayats is highly dependent on the integrity of local leaders who is highly respected in the society. In practice, these bodies can be affected by local politics, caste dynamics, or patriarchal norms, leading to biased resolutions that has the potential to directly affect true restorative justice. Gram Nyayalayas, while intended to be not rigid, need not be adhere to the rules of evidence, but must operate subject to the legal principles. This makes a purely restorative approach, focused on negotiated repair, conflicts with strict statutory definitions of crime and evidence required by the formal, rights-based justice system.

***Dharmaśāstras**, the ancient treaty emphasises on legal and ethical perspective of justice, these contain significant principles that go in hand with a restorative justice system, although they also prescribe retributive punishments. It is deeply rooted to principles like righteousness, duty and cosmic order. **Prāyaścitta,** it is the most direct link to restorative principles as it focuses on the offender's internal transformation (self-correctness) and making necessary arrangement. **Dravya-prāyaścitta,** it gives provision for directly compensating the harm caused by the offender, focuses on repair. These text gives us the understanding that the restorative justice are followed in the modern india.*[5]

Dravya-prāyaścitta provides for compensation, its effect is limited by the economic status of the offender. If the offender is poor, compensation may be impossible, defaulting the system back to punitive measures. In offences such as theft, he might not be able to compensate the victims as this offence was committed for survival.

Gandhian Philosophy: Ahimsa is the fundamental in criminal justice context, it translates in rejecting physical or psychological harm, which leads to rejection in retributive punishment. Forgiveness is not absolution, but the victim's release from resentment and an essential step for the wrongdoer's moral upliftment. This dual focus ensures that the wrongdoer is treated as a person capable of change, making their change for the interest of the society.

While Ahimsa and transformation i.e. forgiveness are powerful for petty crimes in case of Panchayats thrive, they have significant limitations in cases of heinous or organized crime. The state's fundamental duty is to protect the public often necessitates a degree of retributive

[5] *Sharma, P. K. (2022). A study of digital transformation in rural education.* ***International Journal of Novel Research and Development**, **7**(12), 45-56. Retrieved from https://www.ijnrd.org*

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isolation, imprisonment, which is what the non-violent philosophy purely rejects.

This stresses on forgiveness for the offender's "moral upliftment" places an irreplaceable and potentially unjust burden on the victim. Coercing or expecting a victim to forgive a brutal injury to facilitate the offender's transformation can be psychologically disturbing. The system heavily relies on the wrongdoer's internal transformation. In a real-world scenario, this change may be used to receive a lighter sentence, and a loss of public faith in the restorative process. Gandhi's ideal state of self-governance (*Swaraj*) which means communities have the capacity of policing themselves, which may break down when facing criminal networks or deep-rooted social evils like institutionalized caste violence.

These philosophy is deeply rooted to optimistic view of human nature. The system can become impractical when it encounters individuals who are pathologically incapable of showing empathy or who are foundationally not willing to change, requiring the system to go back to retributive measures. The state claims the monopoly on the use of force and the delivery of justice as its fundamental role is to ensure law and order. A purely Gandhian or *Dharmaśāstra*-based approach, which relies heavily on community resolution and moral reform, can be seen as barrier to the state's authority.

CRITICAL ANALYSIS OF THE LEGAL FRAMEWORK

- **Constitutional perspective.**

The Indian Constitution does not explicitly name "Restorative Justice," but its principles especially those regarding justice, human dignity, and access to the legal system provide a strong constitutional foundation and mandate for adopting restorative practices.

Article 21 speaks about Protection of Life and Personal Liberty. The right to life can be interpreted to include the right to live with human dignity, the right to a fair trial. And it can include right to compensation and rehabilitation of victims. This judicial interpretation shifts the focus from punishment to bounce back and focus on the victim's life and dignity.[6]

Article 38(1) - State to secure a social order for the promotion of welfare of the people: Directs the State to promote the welfare of the people by securing a social order informed by justice,

[6] *Delhi Domestic Working Women's Forum v. Union of India (1995)*

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social, economic, and political. Restorative justice is involved by prioritizing social harmony and community repair, which could coexist directly with the goal of achieving a just social order.

The State must ensure that the operation of the legal system promotes justice on a basis of equal opportunity and is not denied to any citizen due to economic or other disabilities this is established in Article 39A. Restorative processes, like mediation and Lok Adalats, offer accessible, affordable, and speedy justice alternatives that fulfill the "equal justice" mandate. Article 40 - Organisation of Village Panchayats: Directs the State to organize Village Panchayats as block of self-government. Since Panchayat's historical function as community was based on forums for resolving smaller disputes and promoting harmony, this supports the community involvement and informal conflict resolution which is important to restorative justice system.

- ***Code of Criminal Procedure, 1973 (CrPC) and the new Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) – Perspective.***

Section 320 of the Code of Criminal Procedure, 1973 (CrPC), now Section 359 of the Bharatiya Nagarik Suraksha Sanhita, 2023. It centrally focuses from State centric punishment to the victim's welfare by giving importance to their interest and will. The victims here can be a part to negotiate a settlement, which often includes receiving compensation directly addressing the harm suffered caused by the offender. It enables direct compensation usually financial or in kind and encourages reconciliation between the parties, it helps in restoring their relationship or at least achieve closure, which is the ultimate goal of restorative justice. It reduces the need for an adversarial trial and preventing further emotional trauma for the victim.

When a real settlement has been reached between the parties, especially when the dispute is "predominantly civil in nature," High Courts have the authority to halt even non-compoundable criminal proceedings, according to the Gian Singh ruling. According to the Supreme Court, in these situations, carrying on with the prosecution in spite of the reconciliation would be considered as "abuse of the process of the court." This historic ruling recognized that punitive objectives shouldn't take precedence over the reached compromise and placed a higher priority on reparative justice and the reconciliation of the private parties involved.[7]

[7] *Gian Singh v. State of Punjab (2012)*

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This basis was strengthened by the later Narinder Singh case, which offered the essential rules for the use of this innate authority. The Court established a distinction according to the type of offense, directing High Courts to generally refrain from dismissing cases involving "heinous and serious offences" (such as rape, murder, or offences against the state), since these have a significant negative influence on society as a whole. On the other hand, it confirmed that this authority should be easily used for offenses resulting from "commercial transactions" or "matrimonial or family disputes". This differentiated approach solidifies the judicial policy of favoring amicable settlement in matters that are essentially personal, recognizing the greater good of restoring peace within the family or community over strict adherence to the criminal justice process, thereby cementing reconciliation as a key objective in the justice system.[8]

Restorative Justice (RJ) in India isn't its own separate system—it's more like a set of ideas that's woven into the larger legal framework. Most of the time, the criminal justice system sticks to a punitive, adversarial approach. Still, you can see RJ in action through things like victim-offender mediation, making offenders take responsibility, compensation, and rehabilitation. Over the years, new laws and court decisions have started taking these ideas seriously, giving RJ more room to operate. But because RJ isn't a standalone system, what you get is a mix: on one hand, there's room for solutions that don't just punish; on the other, there are real hurdles when it comes to making RJ consistent or systemic.

Some of the clearest examples of RJ principles show up in recent legal reforms and special laws. The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), which replaced the old Code of Criminal Procedure, tries to make restorative outcomes more official. For example, Section 359 (which used to be Section 320 in the old code) lets victims and offenders settle certain cases, sometimes even without the courts getting involved. This helps people reconcile and takes pressure off the courts, but there's a catch—it only works for a specific set of less serious crimes. The BNSS also does more for victims: Section 396 sets up the Victim Compensation Scheme, which means victims can get financial help, especially if the offender can't pay or can't be found. That fits squarely with RJ's commitment to addressing harm to victims. Plea bargaining also gets a boost under Section 289 (formerly Section 265A). Here, offenders who admit guilt can get lighter sentences, which lines up with the RJ goal of accountability without dragging everyone through a long, bitter trial.

[8] *Narinder Singh v. State+ of Punjab (2014)*

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If there's one law in India that really puts RJ at its core, it's the Juvenile Justice (Care and Protection of Children) Act, 2015. This law makes it clear: for kids who break the law, the focus isn't punishment—it's rehabilitation and helping them rejoin society. Juvenile Justice Boards have to look at things like counseling, victim-offender mediation, and community service. In other words, the law treats a child's crime as a problem to be fixed, not just punished, and the child as someone who deserves a second chance. Section 15 gives the Board the job of figuring out what kind of help or intervention each child needs.

Courts play a big part in moving RJ forward. They don't just stick to the letter of the law—they've started using restorative ideas when they sentence people. Take the Supreme Court's decision in State of Gujarat v. Kishanbhai. The Court said judges should consider restorative options instead of just sending people to jail for minor crimes, and it pushed for reconciliation. In another case, State of Himachal Pradesh v. Umed Ram, the Court saw potential for RJ even in more serious cases, as long as the victims were on board with a less punitive approach. Across India, courts have started reducing sentences when offenders show real remorse and try to make things right, bringing RJ thinking right into their judgments.

Outside the main criminal laws, India's Alternative Dispute Resolution (ADR) system also ties in with RJ. The Legal Services Authorities Act, 1987, gave us Lok Adalats—informal people's courts that help settle disputes quickly and without huge costs. The Arbitration and Conciliation Act, 1996, backs this up too, encouraging resolution over punishment. But when it comes to using ADR for serious crimes, things are still pretty experimental. It's up to judges to decide, and there's no single rulebook making it standard practice everywhere.

Structural Barriers to Full Institutionalization

Despite these legislative and judicial advancements, the full institutionalization of RJ in India faces several systemic challenges.

- *No Dedicated Legal Framework: There's no clear, consistent structure for restorative justice right now. So, whether people actually get access to restorative options depends a lot on what a judge decides, not on any set rules or policies.*
- *Victims Left Out: The system mostly treats crime as something done against the state, not the individual. This side-lines victims, so they rarely get a real say in things like mediation. It basically blocks the whole idea of helping the person who's actually been hurt.*

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- *Weak Procedures and Poor Support: There aren't enough clear guidelines for how to run restorative practices, especially when it comes to victim-offender mediation. On top of that, the support system is pretty thin. Judges, lawyers, and police don't get much training in how restorative justice is supposed to work.*
- *Pushback and Limits: A lot of folks in the traditional legal world still focus on punishment and deterrence, so they're not thrilled about shifting toward reconciliation. There are also real concerns about when restorative justice is even appropriate—like in cases of sexual assault or domestic violence. People worry it could end up being a loophole for serious offenders to dodge real consequences. That's why experts say restorative justice should add to, not take the place of, formal punishment in these situations.*

1. Pre-Trial Diversion and Community Resolution (Anchored in the BNSS and JJ Act)

If we really want faster resolutions and less crowded courts, it makes sense to bring restorative justice into play right from the pre-trial stage. Think about conferencing and circle models—they're all about getting victims, offenders, and community members in the same room to talk things out. These community-based practices need to become an official Diversion Mechanism, especially for minor, non-serious, and compoundable offenses. There's a legal backbone for this too:

- *Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS): Use Section 359 (Compounding of Offenses) as the jumping-off point. Build a structured, restorative conferencing protocol that comes before or instead of regular judicial compounding. It's not just about paying compensation anymore—this process actually considers what the victim needs.*
- *Juvenile Justice (Care and Protection of Children) Act, 2015: Make Family Group Conferencing (FGC) the go-to decision-making tool for any child in trouble with the law, before the case even hits the Juvenile Justice Board (JJB). This puts rehabilitation front and centre, and makes things like mediation, counselling, or community service standard—not just an afterthought once the case is over.*
- *Legal Services Authorities Act, 1987: Give local Lok Adalats and Legal Aid Clinics the legal muscle to run and oversee these pre-trial conferencing models. That way, they're accessible and have real authority in the community.*

2. Correctional Phase and Post-Sentencing Mediation (Anchored in Prison and Parole Rules)

If the goal is real accountability and maybe even some healing, the Indian criminal justice system should borrow from Victim-Offender Encounter models used in North America and

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Europe. These aren't just feel-good meetings—trained facilitators run structured mediation sessions in prisons, sometimes even pairing up unrelated victims and offenders to open their eyes to the real impact of crime. Legally, here's how it fits:

- *Prison Rules: Change the state-level Prison Manuals and Rules to clearly allow and encourage these victim-offender dialogues as part of the rehabilitation process for inmates.*
- *Parole and Remission Framework: Make it clear—if an offender joins a restorative dialogue program in prison, really participates, shows actual remorse, and comes up with a plan to make things right, that counts for a lot. Parole Boards should seriously consider this when deciding on early release or sentence reduction. It ties an offender's chances for release directly to their willingness to repair harm.*
- *Victim Compensation Scheme (BNSS, Section 396): Connect the dots between restorative dialogue outcomes and victim compensation. If the victim and offender reach an agreement in prison, let that shape the compensation amount, giving the process a real, measurable outcome.*

3. Post-Sentence Reintegration and Public Safety (Anchored in the Probation of Offenders Act) Getting serious offenders back into society safely takes more than just letting them walk out the door. Look at Canada's "Circles of Support"—India can do something similar with Community Reintegration Circles (CRCs) for people coming out of prison, especially those considered high-risk or convicted of serious sexual offenses. Legally, CRCs need teeth:

- *Probation of Offenders Act, 1958: Use and strengthen this law so courts or Probation Officers can require offenders to join a CRC as part of their probation or supervision. The CRC then becomes the official support and monitoring team, helping with reintegration, offering guidance, and reporting back to the probation officer.*
- *BNSS Reintegration Mandate: Tie the CRC approach into any future rules about post-release rehabilitation and monitoring. That way, responsibility for public safety and support is shared—not just dumped on the correctional system or the community, but balanced among everyone involved*

4. Systemic Legal Foundation and Capacity Building

Ultimately, for these procedures to be universally applied and legally enforceable, India requires a comprehensive overhaul of its approach, necessitating a **Systemic Legal Foundation**:

- **Dedicated Legislation:** First, lawmakers need to pass a Restorative Justice Act or add a clear, detailed section on restorative justice to the BNSS. The law should spell out

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what restorative justice means, list which crimes these processes fit (and make sure serious crimes like sexual assault are left out unless a victim specifically asks for it), lay out exactly how mediators get certified, and, most importantly, make restorative agreements legally binding.

- Then there's the training and money. The law should require every Judicial Academy, Police Training Academy, and Bar Council to offer certified courses in restorative justice, mediation, and how to run conferences. This way, everyone involved in the justice system actually knows what they're doing, and we stop relying on scattered judges making it up as they go.

CONCLUSION

Restorative Justice in India isn't some new import—it's actually rooted deep in the country's own history. You see it running through the old Dharmaśāstras, where self-correction (Prāyaścitta) and compensation (Dravya-prāyaścitta) were essential. Then there's the Village Panchayat system, which settled disputes at the community level, and of course, Gandhian ideas around non-violence and moral transformation (Ahimsa). All of these traditions focused less on punishment and more on healing, on fixing the harm done. Today, the push is to bring that spirit into a legal system that's mostly been about retribution and state power.

Modern Indian law actually helps this shift. Article 21 of the Constitution, which protects the right to life and dignity, now covers victim compensation and rehabilitation—not just punishing the guilty, but helping those hurt by crime recover. Article 39A's focus on "equal justice" shows up in things like Lok Adalats—restorative forums that are quick, affordable, and open to everyone. The biggest legal moves toward restorative justice have come from recent criminal code reforms. Section 359 of the BNSS (which used to be Section 320 of the CrPC) lets victims and offenders settle certain cases, putting reconciliation and compensation front and center. Important court decisions—think Gian Singh and Narinder Singh—have even let High Courts end prosecutions in non-compoundable cases if there's a real compromise, especially in matters that are personal or business-related. The law recognizes that sometimes, restoring peace matters more than punishment. And when it comes to young people, the Juvenile Justice Act, 2015, is crystal clear: help kids change through counseling and mediation, not jail time.

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Still, let's be real—the change isn't complete. The criminal justice system is mostly still about punishment and winning cases, not healing or dialogue. So, even with all these progressive laws and court decisions, restorative justice exists more as a set of scattered principles than a full system. The big problem? There's no single, unified framework—no standard policy. So, whether someone gets a chance at restorative justice depends a lot on what a particular judge decides, not on any guaranteed process. Plus, the system usually treats crime as an offense against the state, pushing victims to the sidelines. That makes it tough for those most harmed to really participate or get closure. And, honestly, there are tricky questions about where restorative justice fits—especially with serious crimes like sexual assault or domestic violence. No one wants a system that lets offenders dodge real accountability or asks survivors to forgive before they're ready. Relying too much on an offender's "moral transformation," as Gandhi might have wanted, risks putting an unfair burden on victims.

So, what would actually make restorative justice a real, working part of the system? Here's the roadmap: First, set up pre-trial diversion programs—like group conferences—for minor and compoundable crimes. The law already supports this under Section 359 (BNSS). Next, bring restorative mediation inside prisons. If someone takes part in good faith that should count as a real factor when parole boards decide on early release. For people coming out of prison—especially those considered high-risk—create Community Reintegration Circles. Make participation a requirement under probation, as the Probation of Offenders Act, 1958, allows. But the big, game-changing step is passing a dedicated Restorative Justice Act or adding a full chapter on it to the BNSS. This new law has to define the values, lay out the steps, and make restorative agreements legally binding. Plus, everyone in the system—judges, police, lawyers—needs proper training. Only then does the system move past scattered good intentions and become something people can actually count on.

In conclusion, India possesses both the historical precedent and the evolving legal instruments to achieve a transformative shift in its justice delivery. By leveraging its ancient values and current legal momentum, the system can ensure that justice is measured not just by punishment inflicted, but by how much harm is repaired, how many relationships are restored, and how fully the victim's voice is heard.