

1. WHAT DO YOU UNDERSTAND BY "RESTORATIVE JUSTICE"? DO WE HAVE SOME KIND OF LEGAL FRAMEWORK FOR DELIVERY OF RESTORATIVE JUSTICE IN INDIA? WHAT IMPROVEMENTS WOULD YOU SUGGEST TOWARDS A STRONG RESTORATIVE JUSTICE DELIVERY UNDER THE CRIMINAL JUSTICE SYSTEM IN INDIA? DISCUSS.

Answer

Restorative justice is an out of court justice-giving mechanism to provide justice to both the victims and the offenders. It provides a large number of advantages in comparison to the adjudicatory processes, such as speedy disposal, cost effectiveness, maintenance of good relationship and chances of continuity of interpersonal relationship, more compliance etc. A distinctive feature of restorative justice is that it looks at the needs of crime victims which are today outside criminal justice concerns and which leads to frustration and alienation of victims from the system itself.

Dispute resolution outside the formal court-system is not alien to India. Mediation between the victims and the criminals by the village Panchayats, Lok-Adalat, compounding of offences etc. give enormous rights to the victims to decide about their own case are in vogue in India. On the recommendation of the Committee on Reforms of Criminal Justice System (2003), India also adopted "plea bargaining" under Chapter XXI-A of the the Code of Criminal Procedure. Because of prevalent allergies of judicial authorities to plea-bargained settlement it is lying as a dead letter.

The prevalent adversarial criminal justice system in India that aims only at punishing the offender is found costly and counterproductive. Communities have to be involved and victims given rights in finding ways to correct the wrong. Restorative justice is a salutary measure especially in the matter of juvenile justice, property offences, communal conflicts, family disputes, etc. There is a need for a change in the mindset, willingness to bring victims to the centre state of criminal proceedings and to acknowledge that restoration and correction are significant ingredients of criminal justice system.