

Research Article

Restorative Justice in India: Exploring Feasibility in Child Sexual Abuse Cases

Shubham Kumar

PhD Scholar, Department of Social Work, University of Delhi, Delhi, India
Email id: shubham139@gmail.com

Date of Submission: 16/02/2022; Date of Acceptance: 10/03/2022

ABSTRACT

Restorative Justice (RJ) is a part of criminal justice system (CJS) which focuses on the rehabilitation of offenders through reconciliation with victims and the community at large. It is a theory of justice that emphasises repairing the harm caused by criminal behaviour. It is best accomplished through cooperative processes that include all stakeholders and bring change in people, their relationships and communities. The three core practices of RJ are victim–offender mediation, family group conferencing and circles. In India, we bear a system in which money repeatedly matters more than merit and the principle of equal justice is routinely weakened in practice. It is estimated that around 100 countries in the world adopt and utilise RJ practices. This article will help us to develop an understanding of the traditional and contemporary forms of RJ practices in India and how it can be taken up in our societies, specifically in the cases of gender-based violence. This article will also reflect the relevance of RJ in context of Child Sexual Abuse (CSA) survivors and their families and how its procedures can deal with this issue. In India, cases of CSA take a long time (2–3 years) in court before the final judgment takes place. Such complex procedures compelled the researcher to think that a deeper understanding needs to be developed through a sound research so that the process of victimisation and legal procedures can be understood in a comprehensive manner. This would also help in developing the body of knowledge by incorporating the previous work of scholars and various stakeholders such as; Central and State Governments, Civil Society Organizations and Criminal Justice Professionals.

Keywords: Restorative justice, Child sexual abuse, Criminal justice system

INTRODUCTION

A Criminal Justice System (CJS) plays a vital role in any organised society. The primary objective of CJS is to protect and preserve the rule of law. This objective can be achieved through safeguarding the law and order and conducting fair trials with equity in justice as a significant part of Indian Constitution however at the same time it is widely violated in practice. The rights of child survivors of sexual violence require different kinds of protection especially while dealing with the CJS; where the rights of the accused are protected and the onus lies on the survivors to prove the victimisation and abuse.

Whenever a crime happens in the contemporary society, the following assumptions are made:

- The government bodies will take the responsibility to deliver the justice;
- A process of legal trial will begin in the court and
- If the accused is found guilty during the trial, we presume that he/she will be subjected to some form of punishment.

There is a huge debate going about which form of criminal justice should take place and how it can be justified. In the past few decades, restorative justice (RJ) as an alternative justice was taken up by thousands of professionals and policymakers around the world. Indeed, many projects are undertaken for handling other forms of offences in school settings and workplaces (Johnstone, 2004). Illinois Criminal Justice Authority, Chicago, United States, published a guide that emphasises on schools to integrate restorative-justice practices at school level. Similarly, in 2007 Oakland Unified School District, California, United States, implemented its first RJ Programme at a school in three tiers. At first, the entire classroom sat together for community building circles where they talked about problems and concerns and encouraged peer to peer respect. Then smaller groups were used for resolving specific conflicts which resulted in bringing together the harmed students and the person causing the harm and their peers at the second stage and the last stage was reserved for student's reintegration (Davis, 2013).

But the dealing of sexual abuse and serious offences through RJ is still questionable. The growing incidences of child sexual abuse (CSA) show a harsh reality worldwide. CSA is a most common occurrence that results in multiple harms to millions of children-girls and boys, in small and large communities and across the different socio-economic and cultural background. The acts of sexual violence are often committed by family, trusted friends, strangers and people of all sexual orientations. The acts of abuse include sexual assault, rape, pornography, incest and the commercial exploitation of children (Andrade and Rao, 2013). The World Health Organization (WHO) defines CSA as the involvement of a child in any sexual activity where he/she does not fully comprehend

and is unable to give informed consent to (Helpline Law, 2021). Similar definition was also given in Protection of Children from Sexual Offences (POCSO) Act 2012 which says that any act of sexual activity committed by anyone with a child below the age of 18 is considered to be as CSA. As per the World Report on Violence against Children 2006, approximately 150 million girls and 73 million boys were sexually abused worldwide in 2002. Nearly 1.2 million children were also trafficked and 1.8 million were exploited through prostitution and pornography (Murray *et al.*, 2014).

A recent annual report 'Crime in India' published by National Crime Records Bureau (NCRB) in 2020. The report says that 418,385 cases of crime against children were registered. Of these, cases of CSA recorded under Protection of Children from Sexual Offences (POCSO) Act were 134,383 (Verma, 2021). The data also show that 39,827 cases were registered under the Protection of Children from Sexual Offences (POCSO) Act in 2018. On record, 21,605 child rape cases were recorded which included 21,401 cases of girls and 204 cases of boys (Press Trust of India, 2020). In 2020, Uttar Pradesh (UP) reported the highest number of cases around 6,898, followed by Maharashtra with 5,687 cases, Madhya Pradesh (MP) 5,648 cases, Tamil Nadu 3,090 and West Bengal 2,657 cases (HT Correspondent, 2021).

It is extremely distressing to see that in recent times there is an increase in the number of cases against children. However, on the other hand, there has also been an increasing trend in reporting of cases through various awareness programmes along with the NGOs which shows a positive sign of people's faith in the system (PTI, 2020). As per the National Protection of Child Rights (NCPCR) website, now anyone can report the incidents of CSA through the NCPCR POCSO e-box. POCSO e-Box is an online complaint box for reporting CSA without disclosing his/her identity.

Making child-friendly mechanism does not always guarantee/ensure justice to the survivors but it also requires specialised services. Police, POCSO courts, fast track courts, special courts for children and other government machineries are there in place to deal with such cases but they also require necessary skills and expertise to take any sort of consent before initiating the legal process. Sensitivity, training and child-friendly approach are not provided additionally to the government officials. In such scenarios, there must be an alternative approach required to serve justice which should be swift and focus on harm, easy to access for offender-survivor, and participatory in nature and all these elements exists in RJ.

RJ: THE PARADIGM SHIFT

In the history of administration of CJS, the question of accountability is still the central part of the process. Indeed, the question arises whether the justice can be achieved by

specific means and goals mentioned in the system or not? When talking about ‘restorative justice’ it means one can expect justice through a comprehensive mechanism within the legal framework in a speedy manner to dispose the legal cases aiming to achieve social peace and least grievances in processual justice. Hence, it is one of the mechanisms which serve justice to the victim, offender as well as community. The provinces within the process of RJ are:

- i) The need and want of the survivors from the existing system;
- ii) Addressing harm caused by the offender;
- iii) It bridges a gap between the offender and survivor to repair the harm and ensure accountability and;
- iv) Participation of the community members at large in reparation process (Dandurand, 2007).

In short, the primary purpose of RJ is to reinstate peace and harmony in the society. It also encourages the concerned community/society to take observatory measures to rehabilitate the offender in the mainstream society. The stakeholders in the entire process of RJ must be local authorities, social activists and state administration (Ghosh, 2014).

RJ is an alternative approach to the CJS. It focuses on repairing the harm committed towards the victim, offender and the community. The community could include other family members, neighbours, classmates, and others directly or indirectly impacted by the abuse. RJ sees crime as more than breaking the law and order and it causes harm to people, relationships and community at large. It is completely different from the traditional legal system and also has different ways to deal with crime. First and foremost is to go by law and legal proceedings by including different stakeholders and other parties (survivor) who are associated with that. If the parties are ready, the best way is to discuss the harm and find out the resolution for that. If not, then there are other ways; alternative ways; to deal with it such as outside court settlements, financial assistance to the survivors, etc., which also results in transformational changes in their lives (Ghosh, 2014).

Advocates of RJ have made a number of arguments about the effectiveness of RJ when it comes to sexual abuse crimes, along with its capability to resolve the power relations between the parties and heal the harm (Cossins, 2008).

According to American academic-activist Howard Zehr (2002), ‘*Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense to collectively identify and address harms, needs and obligations in order to heal and put things as right as possible*’ (p. 40).

Another definition given by the United Nations Office on Drugs and Crime (2006) states that, '*Restorative justice refers to a process for resolving crime by focusing on redressing the harm done to the victims, holding offenders accountable for their actions and, often also, engaging the community in the resolution of that conflict*'. *Participation of the parties is an essential part of the process that emphasizes relationship building, reconciliation and the development of agreements around a desired outcome between victims and offender* (p. 6).

The above-mentioned definition concludes that RJ is a process for resolving crime that focuses on (1) redressing the harm done to the survivors, (2) holding offender's responsible for their actions (3) and engaging the community at large in resolving that conflict. This can also bring change in people, their relationships and communities.

RJ basically draws its strength from exploring the roots of criminal behaviour to work with the problem instead of persons. The major question which needs to be dealt with is how far is RJ workable in CSA? Centre for Justice and Reconciliation (2005), Johnstone (2004) and Zehr (2000) talked about the same model of RJ. In other literature, the authors call it best practices or different forms of RJ. However, the three most common models of RJ are Victim-Mediation Conferences, Family-Group Conferencing and Circles.

Victim Offender Mediation (VOM) is the first model and it was started in 1976 in North America and Europe and spread within two years globally. Victim–Offender meeting is a face-to-face meeting in the presence of professionally trained mediator where they can speak with each other about what had happened. This practice is also known as victim–offender dialogue and victim–offender conferencing. At present, more than 290 (VOMs) in the United States and more than 500 programmes in Europe are running (Umbreit, 1994). Unfortunately, this model is practically not feasible in Indian context as the CJS does not allow a one-to-one meeting of survivor and offender during and after the legal proceedings. The second model is **Family Group Conferencing (FGC)**. This practice was emerged and introduced in New Zealand in the 1980s. FGC involves the community of people most affected by the crime—the victim and the offender, the family, friends and the key supporters of both in deciding the resolution of a criminal incident. An action plan is constructed and the agreement is signed by both parties regarding the commitments and expectations that have to be fulfilled by the offender. This concept was developed in New Zealand in Maori Tradition where it is mostly used for juvenile offences.

A circle as model is also known for peace-making, sentencing, talking, support, learning, healing and others. This can include young people, police officers, parents, community members to talk about the possibilities they hold for bringing people together in a good way. The objectives of circles include promoting healing to all affected parties, giving

the offender the opportunity to make corrections, giving voice to victims, offenders, family members and communities and shared responsibility in finding productive resolutions, addressing the causes of criminal behaviour and building a sense of shared community values. Organisations in India largely use circles (Zehr, 2000). The concept of RJ is very much new in India and few organisations like Ashiyana foundation, Counsel to Secure Justice and Leher are practising RJ's model with children, juveniles and community at large (Mantri, 2019).

RJ has two different views given by Howard Zehr. These models were based on the principles of 'who' and 'how'. However, RJ mainly emphasises crime, violation of people and obligations. The process of justice involves victims, offenders and community members and the central focus are on victim needs and offender responsibility for repairing harm. These views lead the discussion of RJ in another direction which is based upon three simple elements or pillars:

- Harms and related needs of victims but also of communities and offenders;
- Obligations that have resulted from and given rise to harm offenders but also communities;
- Engagement of those who have a genuine interest in the offence and its resolution (victim, offender, community members) for working with the root cause of the problem (Zehr, 2000).

RJ PRACTICES IN INDIA

The CJS is a form of formal social control mechanism and it still exists in current retributive model. It sees crime as more than breaking the law. The existence of the concept of RJ is very limited in Indian Criminal Justice System and this practice completely failed to recognise the victim-oriented procedure. The progress we have seen in the spheres of victimology through the Indian Judicial System is yet to touch upon many parts of criminal justice practice. Latha and Thilagaraj (2013) explains that there is no separate law that enables a victim to have their say in the criminal justice process, and compensation, restitution and restoration remain uncommon. The procedural law in India does not provide any scope for more innovative and participatory practices.

Latha and Thilagaraj (2013) reviewed the roots of RJ in their article 'Restorative Justice in India'. They explored the forms of RJ from traditional to contemporary. There are a few shadows of RJ that can be found in India.

Panchayat System as a Process of Settlement of Disputes

The Panchayat system has existed as a process of settling disputes in India since ancient times. The word 'Panch' denoting the term 'arbitrator' was well-known to villagers.

Village Panchayats comprise an old and traditional institution in India. Panchayat means a body of five persons and *pancha* means a member of that body. The head of the Pancha/Panchayat is known as *Sarpanch*. Latha and Thilagaraj cited Mathur (1997) who says that this system was started before pre-British era when it was difficult for the people and villagers to come to the court and ask for justice from their own king or a specified person. In this situation, villagers agree to resolve their dispute with the help of five older persons of the village, whose collective decision was accepted without opposition. Mondal (2014) highlighted the best examples of Panchayat system that can carry out public programmes such as digging drains, providing fresh drinking water, mending roads, etc., but in cases of sexual abuses, the story is not the same.

There have been examples where the Panchayat in Agra ordered rape victim to marry the accused (Ali, 2015). Panchayat of Maharajganj District asked a minor girl to take Rs. 50,000 cash and five slippers slap to accuse to settle her rape case. Later, the girl's family denied the offer and reported the case of molestation at a local police station (Bano, 2021). Another recent case published in *Indian Express* on 25 January 2022 reported that an 8-year-old girl child was brutally sexually assaulted by two minors of 11 and 12 years of age. In such cases, the major critique of panchayat system is that it lacks the professional characteristics, legal knowledge and involvement of the court system. Panchayat system is patriarchal in nature while dealing with the most heinous offences like murder and sexual violence and is not aware of the psycho-social and legal repercussions thereafter.

It is important to argue here that handling CSA cases need an expertise and scientific interventional strategies in the field of child rights, child-friendly environment, involvement of police and judiciary and professionals who are working in the field.

Protection of Children from Sexual Offences Act (POCSO Act) 2012

POCSO reforms procedures to make courtrooms less daunting for children and provides a network of support personnel to help the child victim and family through the criminal justice process. It broadens the definition of sexual abuse and recognises both genders as victims. It speeds up compensation to victims and fasttracks cases of conviction. For the survivors, it is important to have a child-friendly environment in the courts. It looks at the importance of support persons, counsellors and advocates in securing justice and accessing restorative care services.

- **Section 33(4)** of the Act states that the Special Court shall create a child-friendly environment by allowing a family member or guardian or a person in whom the child has trust to be present in the court.

- Similarly, Special Courts are designated under **Section 28(1)** of the act which serves the purpose of providing the speedy trial.
- Section **32(1)** of the Act directs the state to appoint a special public prosecutor for every Special Court for attending to only these cases.
- To make it effortless for the children, **Section 39** of the act directs the state government to prepare guidelines for NGOs and professionals; having the knowledge of psychology, social work, and physical and mental health; to be associated with at the pre-trial and trial stage to assist the child.
- Under the rules of POCSO **Section 4(8)**, the CWC has the power to appoint any child rights organisation, NGO or independent social work professional to assist the child and his family during the judicial process.
- Apart from the services mentioned in POCSO Act, family group conferencing is another way for the experts who are working with the children. Urvashi Tilak; Research and System Change Manager at Counsel to Secure Justice (CSJ) mentioned in one of her interviews that many families that were unheard in the entire process of legal system wanted to express their voice in a one-to-one meeting, especially in the cases of incest.
- In 2016, CSJ attended a workshop on RJ in India and became familiar with its concept and process. Later, they also interviewed child and adult survivors of sexual abuse to understand what justice meant to them. Few survivors and their family members also expressed their desire to meet their offender, just to know the reason behind the harm they had caused. However, the POCSO Act restricts organisations to do so. That's how CSJ also got the idea of performing circle model with family members.

Victim Compensation Scheme

Victim compensation is another feature of this act that helps the survivor in his/her rehabilitation and covers the expenses caused by the harm. With regard to compensation, some highly inadequate provisions are mentioned in Sections 357–58 of Criminal Procedure Code 1973. The access to the procedure to receive compensation is too complicated for most victims and the amount of fine imposed on the offender, the main source of compensation, has not been revised since 1860. The only benefits of the conventional/legal form of RJ are free legal aid to the survivor, victim compensation and punishment for the accused (Latha and Thilagaraj, 2013).

BEST PRACTICES OF RJ IN INDIA

In India, the CJS doesn't have any specific laws related to RJ but it has some measures within the laws. Punishment is always a standard response to crime but it doesn't mean

that giving punishment to the offender serves the purpose of providing justice to the survivor. Punitive approach cannot be the only measure in bridging the gap between the offender and the survivors, whereas justice should be served in the form of undoing the harm, repairing the loss and making the survivor believes in the process of restoration. The underlined statement of RJ is based on the Gandhian view that forgiveness is a characteristic of the strong. The focus of the RJ is to heal, ask questions, provide answers, resolve the conflicts and repair the harm caused by the offender. RJ starts when the offender accepts his/her actions. Then, the responses turned into feelings of guilt, shame, remorse, seeking pardons and willingness to make it right. The process of RJ is much more participatory, inclusive, consensual and collaborative in nature. It gives voice to both the offender and the survivor and it focuses on building a relationship. Experts who are working in the field have analysed that RJ is a very demanding process but it is easy for the parties to come forward in a one to one setting and face the event (Deswal, 2019). Since a victim–offender meeting is not permissible under POCSO Act, it is feasible and effective to organise a family group conferencing and circle with the survivors, their family members and the community at large. At present, organisations like Counsel to Secure Justice, Enfold Trust and Ashiyana Foundation are practising RJ models in India. The Director of Ashiyana Foundation; Ms Sachi Maniar, has been organising restorative circles with the children in the observation homes since 2015. Sachi narrates that during forgiveness circles, survivors usually forgive those who had harmed them but offenders find it difficult to forgive themselves for the harm they had caused. Similar experiences of Counsel to Secure Justice shows that parties involved in the process of RJ deal better with their trauma and heal quicker. Though the concept of RJ is still emerging in India; however, the Juvenile Justice Board members, sexual abuse survivors, children in conflict with law and child rights activists are all now taking part in restorative circles. Ms Kushi Kushalappa of Enfold Trust states that the validation and importance that an individual feels in restorative circles cannot be replaced (Mantri, 2019).

NEED OF RJ IN INDIA IN CONTEXT OF CSA

Despite the concept of RJ being present in the existing CJS, the judicial system is however still following the conventional legal proceedings for the accused/offenders which does not make any difference.

In India, nearly 30 million criminal cases pending in the system and another 10 million or more cases being added every year, whatever is left of the system is bound to collapse completely unless some radical alternatives are adopted urgently. (Menon, 2016, para 1).

Irrespective of certain laws catering to RJ for the survivors of CSA; like the J.J. Act 2015 and POCSO Act 2012, there are still not enough laws ensuring and providing justice for the survivors of CSA. POCSO Implementation Report (2016) – Protecting Our Children; launched by Counsel to Secure Justice and HAQ: Centre for Child Rights; revealed that the reports of sexual violence are steadily growing across India. Reports of child rapes increased 61.2% from 2012 to 2014, to a total 13,766 cases nationally.

But implementing POCSO on the ground has always been a difficult task. For instance, overburdened courts make it difficult for the judges to comply with POCSO's mandated one-year time limit for trial. An insensitive police officer might discourage victims from filing cases. While working in the field, the police officials enquire about one incident in three different ways and as a result the children get confused. There have been instances, when they himself add another story in the FIR and later as a result, the accused gets bail during the trials. In Bangalore, 69 accused were arrested in 72 cases in 2013 and all 69 got bail (Francis, 2016).

It has been observed that over time society's perception of the police and the judicial system has deteriorated considerably. As a consequence, the way the Police officials treat the children traumatises and scares them because of the image and reputation Police has in society. Even though, it is mandated in the POCSO rules that the investigating officer should meet the child in a civil dress, it is still not practiced. At times, it is very difficult for the children to even talk about the abuse in front of the I.O./Police. But with the regular assessment of the police officials and monitoring of the Act, various sensitisation programmes have been initiated and the Judges and other police officials are now getting regular trainings from renowned organisations like HAQ: Centre for Child Rights; who conducts such training programmes in different parts of Delhi. The focus of these trainings is on POCSO and the amendments in laws under the Indian Penal Code. Bharti Ali from HAQ Centre for Child Rights said that 'sensitization of police is an important tool to derive the maximum benefit out of POCSO'. Still, POCSO has initiated a new era of justice for CSA survivors through its elaborative explanations and comprehensive coverage. From the beginning of the case, the family is connected with supportive organisations which makes the transition easier (Kattakayam, 2013).

Considering the above-mentioned factors and issues and reviewing the concept of RJ, it can be said that RJ is quite handy and swift as compared to the conventional legal system. It is time-saving, ensures fairness to both the offender and victim, based on accountability, voluntary participation, repairing harm and works towards resolutions by making a specific restitution plan. However, the problem which is being faced in contemporary times is the inclusivity of the RJ models and methods with CSA cases.

RJ provides a meaningful voice to both the victim and offender and understands them in a better way. It facilitates the victims to express the impact and emotions related to crime and losses and harms sustained. Further, it provides an opportunity to ask questions and receive information that helps in closure and healing. On the other hand, it is beneficial for the offender to express genuine remorse so that they can learn from their experiences. They can also move on in their lives through meaning amends and put the offence behind them. It is also important to know that RJ process must be conducted under the supervision and guidance of a trained professional and if not, it can further lead to re-traumatisation of the survivor.

CONCLUSION

The present judicial system is not enough to serve victims, communities or sex offenders. Therefore, it is required to recognise the issue of CSA with the help of RJ. To serve the purpose of justice, the present judicial system needs to alter its criminal procedure so that the victim gets justice and the offender can get the chance to realise the harm caused by him/her. RJ gives a chance to the victims to meet with their offenders and explain the real impact of crime. It empowers victims by giving them a voice and holds offenders to account for what they have done. RJ involves conferences, face to face meetings and circles where all the stakeholders of the community participate in the process and work towards resolutions by making specific restitution plans.

REFERENCES

- Ali M, (2015, June 29) 'Panchayat orders rape victim to marry accused', *The Hindu*. Retrieved from <https://www.thehindu.com/news/national/agra-village-panchayat-orders-rape-victim-to-marry-accused/article7367776.ece>
- Andrade, C. and Sathyanarayana Rao, T.S. (2013) 'Childhood sexual abuse and the law: more problems than solutions'? *Indian Journal of Psychiatry*, Vol. 55, No. 3, pp. 214–215.
- Bano, A. (2021, June 29) 'Take money, hit accused with slipper', panchayat tells girl to settle rape case in UP's Maharajganj, *The Times of India*. Retrieved from <https://timesofindia.indiatimes.com/city/lucknow/take-money-hit-accused-with-slipper-panchayat-tells-girl-to-settle-rape-case-in-ups-maharajganj/articleshow/83962231.cms>
- Centre for Justice and Reconciliation (2005) Lesson 1: What Is Restorative Justice? Retrieved from <http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-1-what-is-restorative-justice/>
- Child Abuse in India (2021, February) Helpline Law. Retrieved from <https://www.helplineinlaw.com/employment-criminal-and-labour/caii/child-abuse-in-india.html>
- Cossins, A. (2008) 'Restorative justice and child sex offences: the theory and the practice', *The British Journal of Criminology*, Vol. 48, No. 3, pp. 359–378.
- Dandurand, Y. (2007) 'Handbook on Restorative Justice Programmes', New York, NY: United Nations Publications.

- Davis, M. (2013, October 4) 'Restorative justice: resources for schools [Blog post]', Retrieved from <https://www.edutopia.org/blog/restorative-justice-resources-matt-davis>.
- Deswal, V. (2019, October 2) 'Restorative justice: incorporating Gandhian ideals for a cathartic approach towards punishment', *Times of India Blog*. Retrieved from <https://timesofindia.indiatimes.com/blogs/legally-speaking/restorative-justice-incorporating-gandhian-ideals-for-a-cathartic-approach-towards-punishment/>
- Francis, M. (2016, March 2) 'Most accused in POCSO cases got bail in last 3 yrs', *Times of India Blog*. Retrieved from <https://timesofindia.indiatimes.com/city/bengaluru/most-accused-in-pocso-cases-got-bail-in-last-3-yrs/articleshow/51219040.cms>
- Ghosh, P. (2014, October–December) 'Restorative Justice: The New Paradigm in the Province of Justice in India'? [www.manupatra.com](http://docs.manupatra.in/newslines/articles/Upload/0D00FA2E-4EA4-4DA8-87E3-4096B2684D68.pdf). Retrieved from <http://docs.manupatra.in/newslines/articles/Upload/0D00FA2E-4EA4-4DA8-87E3-4096B2684D68.pdf>
- HT Correspondent (2021, November 18) UP tops in sexual offences against children: NCRB data, *Hindustan Times*. Retrieved from <https://www.hindustantimes.com/cities/lucknow-news/up-tops-in-sexual-offences-against-children-ncrb-data-101637235901608.html>
- Johnstone, G. (2004) 'How, and in what terms should restorative justice be conceived'? *Critical Issues in Restorative Justice* (pp. 5–15). Cullompton, UK: Willan Publishing.
- Johnstone, G. and Van Ness, D.W. (Ed.) (2007) *Handbook of Restorative Justice*. Devon: Willan Publishing.
- Kattakayam, J. (2013, April 20) 'Protection of Children from Sexual Offences Act needs improvement', *The Hindu*. Retrieved from <https://www.thehindu.com/news/cities/Delhi/protection-of-children-from-sexual-offences-act-needs-improvement/article4636394.ece>
- Latha, S. and Thilagaraj, R. (2013) 'Restorative justice in India', *Asian Criminology*, Vol. 8, pp. 309–319.
- Mantri, G. (2019, February 9) 'Will restorative justice help Indian sexual crime survivors where legal system lacks'? *The News Minute*. Retrieved from <https://www.thenewsminute.com/article/will-restorative-justice-help-indian-sexual-crime-survivors-where-legal-system-lacks-96477>
- Mathur, S.N. (1997) 'Nyaya panchayats as instruments of justice', Institute of Social sciences. Concept Publishing Company.
- Menon, M.N.R. (2016, September 9) 'Towards restorative criminal justice', *The Hindu*. Retrieved from <https://www.thehindu.com/opinion/lead/towards-restorative-criminal-justice/article8433634.ece>
- Mondal, P. (2014, March 25) 'Panchayati Raj System: Essay on Panchayati Raj System in India', Your Article Library. Retrieved from <https://www.yourarticlelibrary.com/essay/panchayati-raj-system-essay-on-panchayati-raj-system-in-india/3132>
- Murray, L.K., Nguyen, A. and Cohen, J.A. (2014, April) Child Sexual Abuse. *Child and Adolescent Psychiatric Clinics of North America*. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4413451/#>
- POCSO e-Box for children, n.d. Retrieved 30 January 2022 from <https://vikaspedia.in/education/child-rights/child-protection-1/pocso-ebox-for-children>
- Press Trust of India (2020, January 12) 22% jump in cases of child sexual abuse in 2018, says report, *NDTV*. Retrieved from <https://www.ndtv.com/india-news/22-jump-in-cases-of-child-sexual-abuse-in-2018-says-report-2162716>
- Protecting Our Children A Look at Delhi's Implementation of the Protection of Children from Sexual Offences (POCSO) Act, 2012 Analysing 72 child sexual abuse cases in 2015 (Rep.). (2016).

New Delhi, Delhi: Kusum Graphics. Retrieved from <https://csjindia.org/wp-content/uploads/2022/03/Protecting-Our-Children-Report.pdf>

The Indian Express (2022, January 25) 'Delhi gang rape case: 8-year-old battles for life in ICU, two boys held', *The Indian Express*. Retrieved from <https://indianexpress.com/article/cities/delhi/8-year-old-girl-gang-raped-in-delhi-fights-for-life-in-icu-two-suspects-detained>

Umbreit, M.S. (1994) 'Crime victims confront their offenders: the impact of a Minneapolis mediation program', *Research on Social Work Practice*, Vol. 4, No. 4, pp. 436–447.

Verma, M. (2021, October 26) 'To tackle rising cases of child sex abuse, the NCRB must address gaps in POCSO data', *The Wire*. Retrieved from <https://thewire.in/government/tackle-rising-cases-child-sex-abuse-ncrb-gaps-pocso-data>

Zehr, H. (2002) *The Little Book of Restorative Justice*. Intercourse, PA: Good Books.

How to cite this article: Kumar, S. (2022) ' Restorative Justice in India: Exploring Feasibility in Child Sexual Abuse Cases', *Journal of Exclusion Studies*, Vol. 12, No. 1, pp. 119-131.