

TOPIC OF THESIS: RESTORATIVE JUSTICE: CONCEPT AND PRACTICES

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The Concept of justice had emerged in the context of crime and conflict. The literature of human evolution, argues that all humans emerged from one place; and on time line they spread across the world. As long as they remained unsettled and they were moving and migrating from one place to another place for their survival, there was no concept of conflict and crime. May be, the concepts like right-wrong, good-bad, moral-Immoral might have been in one or other forms. The time of migratory life had been in centuries; humans kept on moving with their understanding of geographical, ecological and other natural resources for the survival. They just kept their life with natural ecosystem. Most pre-dominant instinct in human is fighting for survival; they live with the adversities of weather, rain, Forest, snows, ice, mountains etc. What so ever they were able to gather foods through hunting, they consumed, mostly jointly at one place, no concept of saving, preserving, and reusing the same. Present thesis explores viability of alternative justice systems, considering the dissatisfaction of the existing justice system. The whole focus is to explore the concept of restorative justice system , its acceptance in present criminal justice system.

SUMMARY OF CHAPTERS:

CHAPTER-1. This chapter is an introduction to the concept of crime, conflict and Restorative Justices, this chapter aim at presenting the aim to introduce alternative justice system, featuring on recent data of NCRB which shows failures of present criminal justice system at various stages. The chapter also provides an overview of all the chapter of the thesis.

CHAPTER-2. This chapter extensively deals with the meaning and concept of Restorative Justice. The chapter is titled as “Definition, Meaning, Concept and Theories of Restorative Justice”. Title is self-explanatory in nature, present chapter also elaborately deals in each component of its title.

CHAPTER-3. This chapter elaborately deals in practices of Restorative Justice, which focuses on practices around the globe, the chapter aims at presenting formal and informal practices.

CHAPTER-4. This chapter deals in comparing and contrasting, Restorative Justice and other criminal justice philosophy. It talks about adversarial and inquisitorial crime control models. Retributive and restorative models, are discussed while comparing the goals of both the methods, also benefits and limitation of both the methods.

CHAPTER-5. This chapter focuses on the Indian context of Restorative Justice, whereby detailed account of presence of any of the ingredients of Restorative Justice is covered in the chapter, covering various range of alternative dispute methods present in criminal, civil, matrimonial dispute solving methods. Chapter attempts to enlighten reader with case laws from Indian courts which address any of the ingredients of Restorative Justice. Covering various range of stare decisis and obiter dictum indicating need of alternative justice methods.

CHAPTER-6: This chapter deals with research methodology adopted, for conducting Empirical study, on the meaning and concept of Restorative Justice.

The research mainly is qualitative in nature to find out the acceptance of alternative ways to respond criminal cases. Research is diagnostic (empirical).where questioner is filled by people from different backgrounds, respondents were selected from medical, legal, post graduate, researcher, and miscellaneous backgrounds.

CHAPTER-7: This chapter elaborately deals with result and discussions, coming out of the qualitative survey conducted during research.

CHAPTER-8: This chapter deals with recommendation, which is formulated after analyzing the empirical research data in detail. Thereby, formulating the relevant recommendations.

