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## RESTORATIVE JUSTICE AND RECIDIVISM: EVIDENCE FROM INDIA AND GLOBAL PERSPECTIVES

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### ABSTRACT

Criminal justice systems worldwide are increasingly questioning whether punishment alone can break cycles of reoffending. Restorative justice (RJ) responds to this concern by shifting focus toward healing and bringing victims, offenders, and communities together to address harm in ways that conventional courts rarely achieve. This paper explores how three principal RJ approaches victim-offender mediation, family group conferencing, and circle processes influence reoffending behavior across different crime categories and age groups, with particular attention to India's evolving justice landscape. Evidence drawn from meta-analyses and quasi-experimental research consistently points to meaningful, if modest, reductions in recidivism ( $d \approx -0.11$  globally), with younger offenders and well-structured programs responding most favorably. In India, while the spirit of restorative justice finds expression in the Juvenile Justice Act (2015) and community-based forums like Lok Adalat's, a coherent national framework has yet to materialize. Barriers such as undertrained officials, low victim awareness, and procedural inconsistency continue to limit real-world impact. This paper contends that thoughtful, phased expansion of RJ is anchored in voluntary participation, facilitator competence, and contextual adaptation which holds genuine promise for reducing reoffending while making justice more humane and responsive to those it most directly affects<sup>1</sup>.

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<sup>1</sup> United Nations Office on Drugs and Crime, Handbook on Restorative Justice Programmes 3-5 (2d ed. 2020).

## Introduction

Restorative justice prioritizes repairing harm, victim involvement, and offender reintegration over punishment. As global adoption grows, evaluating its impact on reoffending is crucial. Evidence suggests RJ provides small but significant reductions in recidivism compared to conventional systems, with a 2024 review noting a modest effect ( $d \approx -0.11$ ). Youthful offenders often benefit most, and higher program fidelity boosts success, reducing juvenile reoffending by roughly 28%<sup>2</sup>.

This paper reviews which RJ models work best for which offense types, focusing on India ( $\approx 95\%$  of discussion) but with relevant global comparisons. We examine evidence on victim–offender mediation (VOM), family/group conferencing, and circle processes, and how they influence recidivism among youth and adult offenders. We also consider the role of victim participation and program design. The analysis draws on recent meta-analyses and quasi-experimental studies (including where randomized trials are infeasible). Our aim is to inform targeted implementation of RJ in India’s justice system, using global lessons to improve outcomes at home.

## Restorative Justice Models and Principles

Restorative justice encompasses several related models. Victim–Offender Mediation (VOM) involves a trained mediator facilitating a direct meeting between the victim and the offender. In this meeting the victim describes the harm suffered, and the offender hears the victim’s perspective; together they negotiate repair (e.g. restitution, apology). Family Group Conferencing (FGC) extends the meeting to include family members or supporters of both victim and offender. A facilitator guides a broader dialogue so that all stakeholders can agree on how to address the offense and support the offender’s reintegration. Circle sentencing (or community conferencing) brings the victim, offender, and community members together in a “circle” to discuss the offense and jointly determine outcomes. Circle processes often draw on indigenous traditions and emphasize community involvement in justice. Restorative Justice (RJ) operates through various, often blended models that share a core dedication to healing, victim empowerment, accountability, and community involvement. Rather than focusing on retribution, RJ prioritizes repairing the damage caused, ensuring victims' needs are met, and

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<sup>2</sup> Syahwami Syahwami & Hamirul Hamirul, A Meta-Analysis of the Effectiveness of Restorative Justice Programs in Reducing Recidivism: A Global Perspective, 2 *Enigma in Law* 64, 64-74 (2024).

requiring offenders to take active responsibility often through restitution. Central to this process is facilitated dialogue, which builds empathy and understanding between parties. Furthermore, community support is vital for offender reintegration, aiding in reducing reoffending. Ultimately, RJ transforms the justice process into a collaborative effort aimed at fostering healing and behavioral change beyond what traditional punishments can achieve<sup>3</sup>.

### Restorative Justice in India

Although India lacks a dedicated restorative justice (RJ) law, the 2015 Juvenile Justice Act incorporates these principles by focusing on rehabilitation, welfare, and the best interests of the child. District-level Juvenile Justice Boards<sup>4</sup> (JJBs) are mandated to utilize, though often inconsistently, diversionary and restorative measures rather than traditional punishment. Scholars note that despite the Act's restorative intent, many JJBs lack resources, training, or procedural guidelines to carry out RJ effectively. Likewise, India's ADR laws (e.g. the Legal Services Authorities Act, 1987) institutionalize *Lok Adalats* ("People's Courts") for disputing parties to reach settlement. While Lok Adalats traditionally handle civil and compoundable cases, the emphasis on conciliation rather than punishment resonates with RJ ideals. In criminal law, the plea-bargaining provisions (introduced in 2005) similarly allow offenders and victims (or their families) to negotiate an outcome in serious but non-severe offenses. A legal<sup>5</sup> analysis points out that India's plea bargaining is essentially a *de facto* RJ process: victims participate in deciding the outcome, and a "mutually satisfactory disposition" is reached. The same scholar notes that practices like compounding of offenses and Lok Adalat settlements grant victims significant say in the process – effectively achieving restorative justice within the conventional system.

Indian courts have also signaled support for RJ principles. For example, the Supreme Court in *State of Gujarat v. Kishanbhai* (2012)<sup>6</sup> urged reconciliation in petty cases, and in *Umed Ram* (2008)<sup>7</sup> recognized the potential of RJ even in serious crimes where victims' express forgiveness. Despite these endorsements, RJ remains largely judge-driven and informal. There is no formal protocol for victim–offender mediation, nor any nationwide program structure.

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<sup>3</sup> United Nations Office on Drugs and Crime, Handbook on Restorative Justice Programmes 3-6 (2d ed. 2020).

<sup>4</sup> Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2 of 2016, §§ 3(iv), (xiii), (xiv), (xv), 39 (India).

<sup>5</sup> Legal Services Authorities Act, 1987, No. 39 of 1987, §§ 19-21 (India).

<sup>6</sup> *State of Gujarat v. Kishanbhai*, (2014) 5 S.C.C. 108 (India).

<sup>7</sup> *Umed Ram v. State of Haryana*, (2008) 11 S.C.C. 723 (India).

Most restorative interventions in India today occur through voluntary initiatives (e.g. NGOs, select pilot projects) rather than systemic reform. For instance, a 2024 commentary notes India's "absence of a structured RJ framework" and calls for dedicated legislation, standardized procedures, expanded victim participation, and capacity-building for officials.

In sum, India embraces the philosophy of restorative justice (rooted in cultural ideals of community and reconciliation) but has only nascent practice. The Juvenile Justice Act provides a strong legislative basis, and ADR mechanisms like Lok Adalats echo restorative values. Yet on the ground, challenges prevail courts and administrators often default to punitive models, victims may be unaware of RJ options, and there is little systematic data on outcomes. As one study observes, "*victim participation remains limited, as the criminal justice system primarily views crime as an offense against the state rather than a harm requiring victim-offender mediation*". Improving this situation through laws, training, and pilot programs – could help harness RJ's potential to reduce reoffending in India.

### **Global Evidence on Recidivism Reduction**

International evidence indicates that face-to-face restorative justice conferencing, particularly for violent offenses, yields a modest, cost-effective reduction in recidivism compared to standard prosecution. A 2013 Campbell Collaboration review, encompassing studies from the UK, USA, and Australia, also reported that such meetings increase victim satisfaction and reduce post-traumatic stress. For more details, consult the Campbell Collaboration. The review concluded that RJ conferences can safely complement the courts: when added to ordinary proceedings, they substantially cut subsequent offenses, with estimated benefits of averted crime far outweighing program costs<sup>8</sup>.

Other large-scale analyses reach similar conclusions. A meta-analysis of Canadian RJ programs (Victim-Offender Panels, circles, etc.) found that offenders in RJ schemes reoffended at significantly lower rates than those in traditional adjudication. Victim satisfaction and restitution compliance were also higher under RJ. In the UK, the government-funded RJ research program (circa 2001) reported that ~85% of victims participating in RJ encounters were satisfied, and overall, RJ reduced reoffending by about 14% compared to control groups. Economic analyses in Britain estimated that each pound spent on RJ yielded roughly nine

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<sup>8</sup> Strang et al., Restorative Justice Conferencing (RJC) Using Face-to-Face Meetings of Offenders and Victims, Campbell Systematic Reviews, no. 12 (2013).

pounds saved in avoided crime costs. A Restorative Justice Council summary states plainly: *“the evidence shows that restorative justice meets the needs of victims and reduces the frequency of reoffending”*<sup>9</sup>.

More recently, a 2024 global meta-review (Syahwami & Hamirul) aggregated 30 studies ( $n \approx 18,600$ ) on RJ recidivism outcomes worldwide. It found a statistically significant overall effect (standardized  $d \approx -0.11$ ), indicating a moderate reduction in reoffending under RJ. International literature indicates that restorative justice programs offer a consistent, albeit modest, reduction in recidivism, with stronger effects observed in youth-focused interventions ( $d \approx -0.16$ ). Higher quality programs demonstrating greater adherence to core principles, such as victim engagement and voluntary participation, yield larger reductions ( $d \approx -0.18$ )<sup>10</sup>.

## Offense Types and Contexts

### Crime severity

Evidence suggests RJ's impact varies by offense type. Generally, RJ has been most frequently applied to minor-to-moderate crimes (petty theft, non-violent assault, vandalism, juvenile mischief, etc.), where cooperative resolution is feasible. A review notes that *“programs targeting less serious offenses and involving motivated participants tend to show more significant reductions in recidivism”*. This implies that community based RJ works best when the underlying conflict is amenable to negotiation and when participants willingly engage. For trivial or first-time offenses, the traditional system often leads to high reoffending; RJ offers an alternative that addresses root causes<sup>11</sup>.

### Violent crime

Restorative models are increasingly used even for violent offenses, with promising results. In the Campbell review, RJ conferences had a stronger reoffending reduction for violent crimes than for property crimes. This may be because violent offenses cause deeper harm and thus

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<sup>9</sup> Jeff Latimer, Craig Dowden & Danielle Muise, *The Effectiveness of Restorative Justice Practices: A Meta-Analysis*, 85 Prison J. 127 (2005).

<sup>10</sup> Joanna Shapland et al., *Restorative Justice: The Views of Victims and Offenders: The Third Report from the Evaluation of Three Schemes*, Ministry of Justice Research Series 3/07 (2007); Joanna Shapland et al., *Does Restorative Justice Affect Reconviction? The Fourth Report from the Evaluation of Three Schemes*, Ministry of Justice Research Series 10/08 (2008).

<sup>11</sup> United Nations Office on Drugs and Crime, *Handbook on Restorative Justice Programmes* 11-14 (2d ed. 2020); H. Strang et al., *supra* note 8.

evoke greater empathy and ownership of responsibility during RJ dialogues. For example, one study of a U.S. restorative program involving domestic violence offenders (the Circles of Peace model) reported that a hybrid RJ/intervention group had 53% lower subsequent domestic violence recidivism than those in standard batterer-programs. Multiple controlled trials indicate that appropriately structured RJ interventions can reduce reoffending and victim harm even in intimate-partner violence cases. On the other hand, some experts caution that RJ is not suitable for all violent crimes (e.g. serious sexual assault) without safeguards, because victims may not be willing or safe to confront offenders. In practice, jurisdictions like New Zealand and parts of Canada have experimented with FGC or circles for very serious crimes (including homicide) often with judicial oversight and the victims' consent – and preliminary data suggest possible benefits in reducing ongoing conflict, though rigorous recidivism studies are limited<sup>12</sup>.

### **Juvenile delinquency**

Restorative Justice (RJ) has proven to be highly effective worldwide, particularly in addressing youth offenses, with global meta-reviews confirming its ability to significantly reduce juvenile recidivism. For example, a 2016 meta-analysis by Wong et al. found that restorative diversion programs resulted in approximately 28% lower odds of reoffending compared to traditional justice processing. This is supported by a 2024 meta-review, which reported a stronger effect size for juvenile programs ( $d \approx -0.16$ ) compared to adult programs<sup>13</sup>.

### **Adult offenders**

The evidence is more mixed but still encouraging for many crimes among adults. Convicted adult offenders in RJ programs (post-sentence circles, victim meetings, community service panels) often show lower rearrest rates than those processed solely through courts. For example, European studies of VOM reported modest but significant declines in reoffending up to several years after the encounter. One Swedish study found longer-term recidivism reductions for offenders who went through VOM. However, effect sizes for adult offenders are generally smaller than for juveniles, and harder to detect in some analyses. In practice, RJ for adults is usually reserved for non-capital cases (even in death-penalty jurisdictions, RJ may offer closure without affecting punishment) and for first-time or low-risk offenders. Indian

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<sup>12</sup> Strang et al., *supra* note 8.

<sup>13</sup> Jennifer S. Wong et al., *Can At-Risk Youth Be Diverted From Crime?: A Meta-Analysis of Restorative Diversion Programs*, 43 *Crim. Just. & Behav.* 1310, 1310-29 (2016).

courts have indicated openness to RJ for adults in certain contexts: e.g. reduced sentences if offenders show genuine remorse and undertake reparative actions. Whether such symbolic acts reduce future crime, however, needs more data.

In summary, restorative justice tends to yield the greatest recidivism reduction when applied to juveniles and to less severe offenses. Nonetheless, some restorative programs for violent adult crimes (e.g. domestic assault circles) have demonstrated large effects. The key appears to be tailoring the model to the offense: e.g. family conferencing for juvenile gangs, VOM for neighborhood disputes, circles for community-conflict cases, etc. Cross-offense comparisons remain scarce, so program design should be guided by principles (voluntary participation, safety, victim consent) rather than rigid categorizations.

### **Youth vs. Adult Offenders**

A persistent finding in RJ research is that youth and adult offenders respond differently to restorative approaches. The meta-analyses by Wong et al. (2016) and Syahwami & Hamirul (2024) both report larger treatment effects among juveniles. For example, Wong *et al.* pooled 21 studies and found an overall odds ratio of 1.28 favoring RJ diversion for at-risk youth. This indicates a meaningful drop in youth reoffending. A global meta-review indicates that Restorative Justice (RJ) is more effective for young offenders than for adults, with an effect size of  $d \approx -0.16$  for youth compared to an overall effect of  $d \approx -0.11$ . The superior effectiveness for youth is driven by two main factors. Juveniles are more receptive to rehabilitation because their brains are still maturing.

Many school or youth-based RJ programs are community-oriented, aligning well with youth needs. Furthermore, formal punishments like prison are particularly harmful to minors, making RJ a more valuable intervention.

Conversely, RJ shows smaller positive effects on adults, likely due to more firmly established behavior patterns and higher chances of facing severe legal penalties, which reduces the impact of a single RJ session. However, when adult offenders particularly those committing low-level crimes or first-time offenders choose to participate, the outcomes are encouraging, with evidence suggesting a roughly 14% reduction in adult reoffending. While RJ has solid legal backing for juveniles in India, its implementation is inconsistent. Given the strong evidence, India should expand RJ initiatives for young offenders, which aligns with both neuroscientific

research regarding brain plasticity and social efforts to break cycles of crime. For adults, although there is no statutory mandate, regional experiments like Karnataka's pilot Victim-Offender Mediation (VOM) centers for minor crimes suggest that RJ can be effective in reducing recidivism better than traditional courts alone.

### **Victim Participation and Program Fidelity**

A distinctive feature of restorative justice is victim involvement. Across contexts, most victims choose to participate in RJ when given the option. For instance, a large UK study of RJ with adult offenders found that “the majority of victims chose to participate in face-to-face meetings with the offender” when offered. Participating victims were overwhelmingly satisfied: about 85% reported a positive experience. Such engagement is more than feel-good as it enhances procedural justice (victims feel heard) and has measurable system impacts. British government analysis concluded that these RJ conferences reduced reoffending by about 14% and produced net savings (roughly £9 saved per £1 spent). The logic is that hearing victims' stories often increases offenders' empathy and remorse, which deters future crime<sup>14</sup>.

Global studies confirm that higher program fidelity which includes meaningful victim participation yields better outcomes. The 2024 meta-review found that RJ programs with “high adherence” to core principles (implying thorough victim involvement, skilled facilitation, etc.) had a larger effect ( $d \approx 0.18$ ) than less rigorous programs. Conversely, if victims do not engage or if the process is superficial, the recidivism benefit is weaker. Evidence is limited on the *quantitative* impact of varying victim involvement levels, but the qualitative consensus is clear: when victims can attend and directly convey harm, reconciliation is deeper, and offenders are more fully held to account<sup>15</sup>.

In India, encouraging victim participation is both an opportunity and challenge. Culturally, victims (especially in crimes among close-knit communities) may prefer mediated outcomes, but they also fear stigma or reprisal. The evidence above suggests that *when victims do step forward*, outcomes improve. Thus, restorative programs in India should invest in victim outreach and support. This means ensuring confidentiality and safety in victim-offender encounters and perhaps involving victim advocacy NGOs. If victims are reluctant (as is common in serious crimes), RJ could still proceed in limited form (e.g. preparatory meetings,

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<sup>14</sup> Joanna Shapland et al., *supra* note 10.

<sup>15</sup> Syahwami Syahwami & Hamirul Hamirul, *supra* note 2.

video statements). Importantly, all RJ interventions in India must remain voluntary for victims; coercion would undermine the process.

### **Implications for India**

The foregoing evidence has clear implications for India's criminal justice policy. First, it suggests targeting RJ to the right offenders and crimes. Given the positive outcomes for juveniles and less serious offenses, India should prioritize integrating RJ into the juvenile justice system (JJBs and Child Welfare Committees) and in diversion programs for petty crime. Law enforcement can reduce court backlogs and reoffending rates by utilizing restorative justice (RJ) techniques such as Victim-Offender Mediation (VOM) or conferencing for lower-level offenses like minor thefts, school fights, and small assaults, similar to successful models in the UK. For adults, RJ principles should be integrated directly into the formal justice system, allowing courts to make restorative mediation a condition of probation or suspended sentences.

The success of restorative justice depends on high-quality implementation. India must establish clear operational protocols, extensive training for police and judicial officers, and accreditation for mediators. Following the UK example, a national RJ council should be created to define standards. Furthermore, to combat the current lack of data, these programs must include built-in research components, potentially collaborating with NGOs or universities to evaluate effectiveness. Restorative justice aligns well with India's traditional community mediation practices (panchayats). However, integrating this into the formal system requires structural safeguards to ensure legal rights are protected. In rural areas, programs could involve respected village elders, while in urban settings, they could leverage mediators trained in both legal principles and social work to ensure the process is voluntary and safe. Restorative justice aligns well with India's traditional community mediation practices (panchayats). However, integrating this into the formal system requires structural safeguards to ensure legal rights are protected. In rural areas, programs could involve respected village elders, while in urban settings, they could leverage mediators trained in both legal principles and social work to ensure the process is voluntary and safe. Finally, victim support and safety must be a priority. Many victims (especially women and children) may distrust informal processes or fear retaliation. RJ initiatives should offer victim advocates and options (e.g. having police present, written statements instead of face-to-face). Where victims opt out, the program should not proceed against their will. This respects Indian legal principles (e.g. the right to prosecution in

serious crimes) while still offering restorative alternatives in suitable cases<sup>16</sup>.

In sum, implementing RJ in India should be strategic and evidence based. Focus on juvenile and petty crimes first, ensure high fidelity (voluntary participation, skilled facilitation), and build capacity. Lessons from abroad (e.g. New Zealand's youth conferencing, UK's panels, US circles for domestic violence) can inform program design but must be adapted to India's scale and diversity. Ultimately, the goal is to create a *responsive* justice system: one that uses RJ tools where they work best, thereby reducing reoffending and improving community trust in justice.

## Conclusion

Restorative justice (RJ) presents a significant opportunity for India to combat cycles of criminality, especially concerning youth and low-level offenses, by offering a victim-centric approach that fosters healing and reintegration rather than mere punishment<sup>17</sup>.

Global research indicates that well-implemented RJ programs, such as victim-offender mediation (VOM) and community conferencing, can lead to modest yet meaningful reductions in recidivism while increasing victim satisfaction and reducing the burden on court systems. Although India possesses a foundational framework through the Juvenile Justice Act and traditional dispute-resolution practices, formal, nationwide adoption of RJ remains limited. To maximize its potential, India must select appropriate RJ models that prioritize victims and ensure program fidelity meaning voluntary participation, appropriate offenses, and trained facilitators. Given the scarcity of local data, it is crucial for policymakers to encourage pilot studies and rigorous evaluations to build a domestic evidence base. By learning from international best practices and adapting them to the local context, India can move toward a justice system that enhances public safety through rehabilitation, which is more effective than relying solely on incarceration.

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<sup>16</sup> United Nations Office on Drugs and Crime, Handbook on Restorative Justice Programmes 37-45 (2d ed. 2020).

<sup>17</sup> United Nations Office on Drugs and Crime, *supra* note 1; Jennifer S. Wong et al., *supra* note 13.