Restorative Justice Approaches For Domestic Violence Cases
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ABSTRACT

Domestic violence represents a complex and pervasive issue that has long been addressed through traditional punitive responses. However, a paradigm shift is underway, emphasizing the integration of restorative justice principles into responses to domestic violence. Restorative justice programs for domestic violence offer a promising approach to addressing this complex issue.

The importance of training in domestic violence dynamics, trauma-informed care, and the nuances of restorative justice cannot be overstated. Incorporating restorative justice into domestic violence cases requires a profound commitment to a victim-centered approach, where the safety and well-being of victims take precedence. Striking a balance between offender accountability and the potential for healing and transformation is a delicate endeavor. Research has shown that restorative justice programs can be effective in reducing recidivism rates among perpetrators and improving mental health outcomes for victims. However, these programs also face a number of challenges, including safety concerns for victims, willingness of perpetrators to participate, and lack of resources and training for practitioners.

Ultimately, the integration of restorative justice principles into responses to domestic violence seeks to create a more holistic and effective approach that respects the rights and dignity of victims, promotes accountability, and contributes to the prevention of future violence. To ensure restorative justice in domestic violence cases, it is essential to focus on victim safety, perpetrator accountability, victim empowerment, cultural sensitivity, and training for practitioners. Additionally, restorative justice programs need adequate funding and support from the criminal justice system and the community.

Key words: Restorative Justice, Domestic Violence, Victim Safety, Victim-Centered Approach, Offender Accountability, Cultural Sensitivity.

1 Introduction

Domestic violence, a pervasive and insidious social issue, transcends boundaries of race, class, culture, and geography, leaving an indelible mark on victims and society as a whole. The detrimental effects of domestic violence, whether physical, psychological, or emotional, resonate far beyond the immediate victims, extending to families, communities, and the criminal justice system.

Domestic violence is a multifaceted issue that defies simple solutions. It encompasses acts of physical violence, emotional abuse, coercion, and control that are perpetrated within intimate relationships. Victims of domestic violence, often women, find themselves caught in a web of fear, dependency, and psychological trauma, making it difficult to break free from the cycle of abuse. The effects of domestic violence extend to their physical and mental health, economic instability, and overall well-being. The broader community also bears the costs, both social and economic, associated with the fallout of domestic violence.

In responding to domestic violence, the criminal justice system has traditionally relied on punitive measures aimed at punishing offenders, deterring future abuse, and protecting victims, such as arrest, prosecution, and imprisonment. Punishment is the primary way that society denounces a criminal act as violating the shared norms on which society depends. While these measures are undoubtedly necessary to hold offenders accountable, they have not always been effective in addressing the root causes of domestic violence or in providing victims with the support and healing they require. Furthermore, they tend to ignore the broader context within which domestic violence occurs, including factors such as substance abuse, mental health issues, and trauma history. Restorative justice, as an alternative approach, offers a different perspective. However, the efficacy of this punitive paradigm in addressing the complexities of domestic violence remains the subject of intense debate.

Restorative justice is a philosophy that emphasizes repairing harm, rebuilding relationships, and reintegrating offenders into the community. It centres on dialogue between victims and offenders, guided by trained facilitators, to address the harm caused and find ways to make amends. Rather than focusing solely on punishment, restorative
justice seeks to acknowledge the needs of both victims and offenders and to provide a platform for healing and reconciliation. While restorative justice has gained acceptance and recognition in various criminal justice contexts, its application in cases of domestic violence raises unique challenges and questions.

In the following sections, paper will delve into the principles of restorative justice, the potential benefits and challenges of employing such an approach in domestic violence cases, and the ethical considerations that must underpin any such initiatives. The paper is exploring the question, “Can restorative justice be effectively employed in domestic violence cases to provide healing and rehabilitation for both victims and offenders?” this research paper is trying to answer this research question through a comprehensive examination of NCRB data, existing literature, case studies, and expert insights, this research aims to contribute to the ongoing discourse surrounding domestic violence response strategies and the potential role of restorative justice in reshaping the paradigm of addressing this pervasive issue. This paper seeks to explore these challenges, critically evaluate the potential benefits and limitations, and consider the ethical implications of employing restorative justice in the context of intimate partner violence.

2 Operational definitions:

Operational definitions are essential for providing clarity and precision in research, ensuring that key terms and concepts are defined in a way that can be measured or observed. Here are some operational definitions related to "Restorative Justice Approaches for Domestic Violence Cases" to help clarify specific terms and concepts within this context:

1. Restorative Justice:
   - Restorative justice is defined as an approach to addressing domestic violence cases that focuses on repairing harm, promoting dialogue between victims and offenders, and facilitating reconciliation through structured and supervised processes, often involving trained facilitators or mediators.

2. Domestic Violence:
   - Domestic violence is operationalized as any pattern of abusive behavior, including physical, emotional, sexual, or economic abuse, occurring within an intimate or familial relationship. Such behavior is characterized by the exertion of power and control over one partner by the other.

3. Victim-Offender Dialogue:
   - Victim-offender dialogue is a structured and facilitated conversation between the victim and the offender in a domestic violence case, aimed at fostering understanding, empathy, and accountability. It may include apologies, restitution, and agreement on actions to repair harm.

4. Accountability:
   - Accountability, in the context of restorative justice for domestic violence, refers to the offender's recognition of their responsibility for the harm caused, their willingness to take steps to address the harm, and their commitment to avoiding further abusive behavior.

5. Healing and Rehabilitation:
   - Healing and rehabilitation are operationalized as the processes through which victims and offenders in domestic violence cases are provided with support, counseling, and resources to address the physical and psychological impacts of the violence, and to work toward personal transformation and reintegration into society.

6. Community Involvement:
   - Community involvement in restorative justice for domestic violence cases refers to the active participation of community members, organizations, or support networks in the restorative process, including offering emotional support, resources, and assistance in holding both victims and offenders accountable.

7. Safety Planning:
   - Safety planning in the context of domestic violence cases involves the development of concrete strategies and measures to ensure the safety of the victim, including secure housing, restraining orders, and emergency contact plans, particularly during and after the restorative justice process.

8. Recidivism Reduction:
Recidivism reduction is measured as a decrease in the occurrence of new domestic violence incidents involving the same offender, or a decline in the likelihood of the offender engaging in abusive behavior again after participating in a restorative justice process.

9. Consent in Restorative Processes:

- Consent in restorative processes for domestic violence cases entails that both the victim and offender voluntarily and knowingly agree to participate in the restorative justice program without any form of coercion, ensuring their safety and autonomy.

3 Restorative Justice, Its Principles And Its Adaptability In Domestic Violence Cases

Restorative Justice:
Restorative justice is an alternative approach to addressing wrongdoing and conflict that focuses on repairing the harm caused to victims and communities, holding offenders accountable for their actions, and promoting healing and reintegration. It emphasizes dialogue and reconciliation between the victim and the offender, with the goal of reaching a resolution that addresses the needs and concerns of all parties involved.

Principles of Restorative Justice and its adaptability in domestic violence cases

Restorative justice is guided by several key principles:

- Repair Harm: This principle underscores the central goal of restorative justice, which is to address the harm caused by the offender's actions. The focus is on making amends to the victim and the affected community.

Adapting the "Repair Harm" principle of restorative justice to address domestic violence cases is a complex and sensitive process, as it involves addressing the harm caused by abusive behaviour within intimate relationships. Here are ways in which the "Repair Harm" principle can be adapted and applied to these cases:

- Acknowledgment and Understanding of Harm:
  - Encourage the offender to acknowledge the full extent of the harm they have caused, both physical and emotional, and the lasting impact on the victim. This includes understanding the trauma and pain inflicted.

- Restitution and Compensation:
  - Facilitate discussions about restitution and compensation to address the tangible harm, such as medical bills, property damage, or lost income, suffered by the victim due to the abuse. Ensure that the offender takes responsibility for these costs.

- Emotional Healing:
  - Prioritize emotional healing by providing a safe space for the victim to express their feelings and trauma. Allow the victim to communicate the emotional toll of the abuse, and ensure the offender listens with empathy.

- Safety Planning:
  - As a crucial aspect of harm repair, safety planning should be central. Develop concrete strategies to ensure the victim's ongoing safety, which may involve restraining orders, secure housing, and emergency contacts.

- Therapeutic Interventions:
  - Encourage the offender to attend therapy or counseling programs specifically designed for domestic violence perpetrators to address the underlying issues that contribute to abusive behavior.

- Victim Support Services:
  - Ensure that the victim receives access to support services, such as counseling, support groups, and advocacy, to address their emotional and psychological needs as they heal from the trauma.

- Accountability and Change:
  - Hold the offender accountable for their actions and ensure that they are committed to addressing the root causes of their abusive behavior. This might involve participation in anger management, substance abuse treatment, or other relevant programs.

- Community Involvement:
• Engage the broader community, such as family members, friends, or community organizations, in supporting the healing process and monitoring the offender's progress and compliance with their commitments.

➤ Restorative Agreements:
• Facilitate discussions and agreements between the victim and the offender that outline actions and behaviors the offender will undertake to repair the harm. This could include specific acts of restitution, apologies, and promises to refrain from further abusive behavior.

➤ Monitoring and Review:
• Establish a system for monitoring and reviewing the restorative agreements to ensure that the offender is fulfilling their commitments and that the victim's needs are being met. Adjust the plan as necessary to adapt to changing circumstances.

➤ Long-Term Support:
• Recognize that harm repair in domestic violence cases is an ongoing process. Offer long-term support to the victim and the offender, including continued access to therapeutic services, as they work towards healing and rehabilitation.

➤ Education and Prevention:
• Utilize the restorative justice process to educate both the offender and the victim about the dynamics of domestic violence, healthy relationships, and the warning signs to prevent recurrence.

It's crucial to note that applying the "Repair Harm" principle to domestic violence cases requires a high degree of sensitivity and safety measures. Victim safety must always be a top priority, and the process should only proceed when the victim is willing and feels safe to participate. Additionally, skilled facilitators and trained professionals are essential for guiding these difficult conversations and ensuring that the process remains constructive and non-coercive.

• Inclusion and Participation: Restorative justice values the involvement of all affected parties, including the victim, the offender, and relevant community members. The process encourages open and honest communication.

Adapting the "Inclusion and Participation" principles of restorative justice to address domestic violence cases is a challenging but important process. Ensuring that the voices and needs of all parties involved are heard and respected can promote healing, accountability, and long-term solutions. Here are ways in which the "Inclusion and Participation" principles can be adapted for these cases:

➤ Voluntary Participation:
• Emphasize that participation in restorative justice processes for domestic violence cases is entirely voluntary. Both the victim and the offender must willingly and knowingly agree to take part without any form of coercion.

➤ Victim-Centered Approach:
• Prioritize the needs and wishes of the victim when deciding whether to engage in restorative justice processes. Ensure that the victim has the autonomy to decide when and how they wish to participate.

➤ Safety Precautions:
• Implement robust safety protocols to protect the victim during the process, ensuring they are free from intimidation, threats, or further harm. Safety planning and protective measures should be in place.

➤ Facilitated Dialogue:
• Utilize trained facilitators who are experienced in handling domestic violence cases. These facilitators should be skilled in managing power imbalances and creating an environment where both parties can express themselves safely.

➤ Support for Victims:
• Provide emotional and psychological support for victims throughout the process, including access to counselors, support groups, and advocates. The victim should feel supported and informed about their rights and options.

➤ Accountability of Offenders:
• Encourage offenders to take responsibility for their actions and to actively participate in the process. They should be willing to engage in meaningful dialogue and be open to understanding the harm they've caused.

➢ Community Involvement:
• Engage relevant community members and organizations, such as support groups, domestic violence shelters, or family members, to participate in the process or support the victim in their healing journey.

➢ Sensitivity to Power Dynamics:
• Be acutely aware of the power imbalances that may exist within the relationship and strive to create an environment where the victim can express themselves freely without fear of retaliation.

➢ Support for Offenders:
• Ensure that offenders have access to appropriate therapeutic interventions, such as anger management or counseling, to address the underlying issues that contribute to their abusive behavior.

➢ Dialogue Ground Rules:
• Establish ground rules for the dialogue that encourage respectful communication, ensure the victim's safety, and foster a climate of openness and accountability.

➢ Flexibility and Adaptation:
• Be prepared to adapt the process to the needs and comfort levels of both the victim and the offender. Flexibility in the process allows for a more personalized approach.

➢ Monitoring and Review:
• Regularly review the progress of the restorative justice process to ensure that it continues to meet the needs and wishes of the participants. Adjust the process as necessary to adapt to changing circumstances.

➢ Long-Term Support:
• Recognize that addressing domestic violence through restorative justice is an ongoing process. Continue to provide long-term support to both the victim and the offender, offering access to therapeutic services and monitoring their progress.

Adapting the "Inclusion and Participation" principles in the context of domestic violence requires a deep understanding of the unique dynamics involved in such cases. Victim safety and empowerment should always be the top priorities, and the process should only proceed when the victim feels ready and willing to participate. Sensitive facilitation and professional expertise are essential to guide these complex and emotionally charged dialogues.

• Accountability: Offenders are encouraged to take responsibility for their actions and acknowledge the harm they've caused. This acknowledgment is a crucial step toward making amends and preventing future wrongdoing.

Adapting the "Accountability" principle of restorative justice to address domestic violence cases is a challenging but crucial process. In cases of domestic violence, accountability involves holding the offender responsible for their actions while also addressing the victim's needs for safety and healing. Here are ways in which the "Accountability" principle can be adapted for these cases:

➢ Acknowledgment of Offense:
• Encourage the offender to acknowledge and take full responsibility for their abusive behavior. This includes acknowledging the harm caused, the control exerted, and the violation of the victim's rights.

➢ Understanding the Impact:
• Facilitate discussions that help the offender understand the profound impact of their actions on the victim, both in terms of physical harm and emotional trauma. This understanding is a crucial step toward accountability.

➢ Expression of Remorse:
• Encourage the offender to express genuine remorse for their actions and to convey this remorse to the victim in a safe and controlled environment. Apologies, when appropriate, can be a part of this process.
Safety Planning:
- Ensure that the offender is aware of and committed to safety planning measures that protect the victim. This includes obeying restraining orders, refraining from further harm, and respecting the victim's boundaries.

Consequences for the Offender:
- Explore appropriate consequences for the offender's actions that promote accountability without perpetuating harm. This may involve probation, mandatory counseling, or other interventions aimed at changing abusive behavior.

Change and Rehabilitation:
- Encourage the offender to actively engage in therapeutic interventions, such as anger management, substance abuse treatment, or counseling, to address the underlying causes of abusive behavior and work toward rehabilitation.

Monitoring and Progress Review:
- Implement a system to monitor the offender's progress and compliance with their accountability measures. Regularly review the offender's engagement in rehabilitative programs.

No Further Harm:
- Hold the offender accountable for refraining from further harm. Emphasize that any form of retaliation or continued abuse will not be tolerated.

Community Involvement:
- Engage the broader community, such as family members, friends, or support networks, to play a role in monitoring the offender's accountability and rehabilitation. Community support can help reinforce the message that abusive behavior is unacceptable.

Empowerment of the Victim:
- Ensure that the victim is empowered to define the terms of accountability and to express their needs and expectations. Their input is central to the process.

Long-Term Monitoring:
- Recognize that accountability in domestic violence cases is an ongoing process. Continue to monitor the offender's behavior, engage in regular check-ins, and provide opportunities for the victim to report any concerns.

Recidivism Reduction:
- Incorporate interventions that specifically aim to reduce the risk of recidivism, focusing on addressing the root causes of abusive behavior and promoting personal growth and change in the offender.

Adapting the "Accountability" principle for domestic violence cases requires a deep understanding of the dynamics involved and the need to prioritize the safety and well-being of the victim. Sensitivity, professional expertise, and safety measures are essential in guiding these complex dialogues and promoting true accountability on the part of the offender.

- Restoration and Reintegration: Restorative justice aims to restore the victim's well-being, the offender's place in the community, and the community's sense of safety and cohesion. It seeks to reintegrate offenders as responsible community members.

Adapting the "Restoration and Reintegration" principles of restorative justice to address domestic violence cases is a complex and sensitive process. It involves promoting healing, reintegration, and community support while prioritizing victim safety. Here are ways in which the "Restoration and Reintegration" principles can be adapted for these cases:

Emphasis on Victim Safety:
- Ensure that victim safety is the top priority throughout the process. Victims should feel safe and supported at all stages.

Restitution and Compensation:
- Explore the concept of restitution, emphasizing that the offender must take financial responsibility for the victim's tangible losses, such as medical bills, property damage, or lost income. This can help repair material harm.
Therapeutic Interventions:
- Encourage offenders to engage in therapeutic interventions, such as anger management, counseling, or other programs aimed at addressing the root causes of abusive behavior.

Emotional Healing and Support:
- Prioritize emotional healing for the victim. Facilitate access to counseling, support groups, and other resources to address the emotional trauma caused by the abuse.

Empowerment of the Victim:
- Promote the victim's empowerment by allowing them to define their own path to healing and reintegration. Encourage them to express their needs and boundaries.

Community Involvement:
- Engage the community in the restoration and reintegration process. Family members, friends, and support networks can play a role in providing emotional support and monitoring the offender’s progress.

Community-Based Programs:
- Consider involving community-based programs that can assist in the restoration and reintegration of both the victim and the offender. These programs can provide emotional support, life skills training, and opportunities for community service.

Change and Rehabilitation:
- Encourage the offender to actively engage in programs that facilitate rehabilitation and personal growth. The goal is to reintegrate the offender into the community as a responsible and non-abusive member.

Accountability:
- Hold the offender accountable for their actions and ensure they acknowledge the harm they have caused. This acknowledgment is essential for the restoration process.

No Further Harm:
- Emphasize the commitment to refrain from further harm. The offender must understand that any form of retaliation or continued abuse is not acceptable.

Long-Term Monitoring:
- Recognize that the restoration and reintegration process in domestic violence cases is ongoing. Continue to monitor the progress of both the victim and the offender, making adjustments as necessary.

Prevention of Recidivism:
- Incorporate interventions that specifically aim to reduce the risk of recidivism by addressing the root causes of abusive behavior and promoting personal growth and change in the offender.

Community Reintegration Plan:
- Develop a comprehensive community reintegration plan for the offender that outlines specific steps to reintegrate into the community as a non-abusive member, including support and accountability measures.

Adapting the "Restoration and Reintegration" principles in the context of domestic violence cases requires the collaboration of experienced facilitators, professionals, and support networks to ensure that the process is constructive, safe, and supportive. Victim safety and empowerment should be at the forefront of these efforts, and sensitivity to the unique dynamics of domestic violence is paramount.

- Voluntary Participation: Participation in restorative justice processes should be voluntary and informed. All parties involved must willingly engage in the process without coercion.

Adapting the "Voluntary Participation" principle of restorative justice to address domestic violence cases is a complex and sensitive process, given the potential for power imbalances and safety concerns. Here are ways in which the "Voluntary Participation" principle can be adapted for these cases:

Safety Planning and Victim Support:
- Ensure that the victim has access to safety planning and support services before any restorative justice process is proposed. The victim’s safety should be the primary concern, and they should have the option to refuse participation without any repercussions.

Informed Consent:
Prior to initiating any restorative justice process, ensure that both the victim and the offender are fully informed about what the process entails, including potential benefits, risks, and alternatives. Their consent should be genuinely informed.

- **Separate Preparations:**
  - Offer separate preparations for the victim and the offender. This helps them understand the process, ask questions, and make informed decisions about their participation.

- **Victim's Decision-Making Autonomy:**
  - Respect the victim's autonomy in deciding whether to participate and under what conditions. They should be empowered to set boundaries and make choices that prioritize their well-being.

- **Control over the Process:**
  - Ensure that the victim has control over the restorative justice process. They should be able to initiate, pause, or terminate the process at any time if they feel uncomfortable or unsafe.

- **Offender's Accountability:**
  - Emphasize to the offender that their participation in the process is voluntary, and they must accept responsibility for their actions. The offender should understand that the process is an opportunity to make amends, not a form of coercion.

- **Informed Offender Consent:**
  - Obtain the offender's informed consent to participate. The offender should clearly understand the process, its purpose, and their role in it. Their participation must be voluntary and without any form of pressure.

- **Third-Party Facilitation:**
  - Use trained facilitators experienced in domestic violence cases to create a safe and voluntary environment for both the victim and the offender. The facilitators can ensure that the process remains non-coercive and respectful.

- **Support and Advocacy:**
  - Provide both the victim and the offender with access to support and advocacy services throughout the process. These services can assist them in making informed decisions and feeling safe.

- **Review and Continuous Assessment:**
  - Continuously assess the victim's willingness to participate and the safety of the process. Ensure that the victim has the option to withdraw from the process at any time without negative consequences.

- **Separate Sessions:**
  - If the victim and the offender choose to participate, offer the option of separate sessions, especially at the beginning of the process. This can help build trust and ensure the victim's safety.

- **Feedback Mechanism:**
  - Establish a feedback mechanism where the victim and the offender can express their concerns or discomfort with the process. Make adjustments as needed to accommodate their needs and preferences.

The adaptation of the "Voluntary Participation" principle for domestic violence cases is complex, and it requires careful consideration of the unique dynamics and safety concerns involved. Victim safety and empowerment should always be prioritized, and the process should only proceed when both parties genuinely and willingly consent. Professional facilitators, trained in the complexities of domestic violence cases, play a crucial role in ensuring a safe and voluntary process.

- **Quality Dialogue:** Central to restorative justice is the idea of meaningful and facilitated dialogue between the victim and offender. This dialogue allows both parties to express their feelings, concerns, and needs.

Adapting the "Quality Dialogue" principle of restorative justice to address domestic violence cases is essential but challenging. It involves creating a safe and supportive environment where victims and offenders can engage in meaningful conversations. Here are ways in which the "Quality Dialogue" principle can be adapted for these cases:

- **Safety Precautions:**
Ensure that safety precautions are in place to protect the victim during the dialogue. These precautions may include location selection, security measures, and having a safety plan in case of any emergency.

**Professional Facilitation:**
- Engage trained facilitators with expertise in domestic violence cases. These facilitators should be skilled in managing power imbalances and creating an environment where both parties can express themselves safely.

**Separate Preparations:**
- Provide separate preparations for the victim and the offender. This helps them understand the process, ask questions, and make informed decisions about their participation.

**Ground Rules:**
- Establish clear ground rules for the dialogue that promote respectful communication. Emphasize the importance of active listening, empathy, and non-confrontational language.

**Victim-Centered Approach:**
- Ensure that the dialogue is victim-centered, meaning it prioritizes the victim's needs, experiences, and emotions. Create a space where the victim feels heard and validated.

**Offender Accountability:**
- Encourage the offender to take responsibility for their actions during the dialogue. The offender should be open to understanding the harm they've caused and the emotional trauma experienced by the victim.

**Empathy and Validation:**
- Foster empathy in the dialogue. The offender should demonstrate genuine empathy for the victim's experiences and validate their feelings without making excuses for their behavior.

**Trauma-Informed Care:**
- Facilitate the dialogue in a trauma-informed manner, recognizing and responding to the potential trauma the victim has experienced. This involves being sensitive to triggers and emotions.

**Empowerment of the Victim:**
- Ensure that the victim is empowered to express their feelings, concerns, and needs during the dialogue. The victim should have control over the process and feel safe setting boundaries.

**No Blame, No Shame:**
- Emphasize that the goal of the dialogue is not to blame or shame but to promote understanding, healing, and accountability. Create an atmosphere where both parties feel respected and valued.

**Cautious Mediation:**
- In some cases, consider cautious mediation, where the facilitator may act as a go-between for the victim and the offender to ensure their safety and comfort. This can help in the early stages of the dialogue.

**Continuous Monitoring:**
- Continuously monitor the emotional well-being of both the victim and the offender during and after the dialogue. Make adjustments as necessary to ensure their safety and comfort.

**Flexible Process:**
- Be flexible in the process to accommodate the unique needs and emotions of the victim and the offender. The process may require adaptations based on their comfort levels and progress.

Adapting the "Quality Dialogue" principle for domestic violence cases necessitates an in-depth understanding of the dynamics involved and a commitment to victim safety and empowerment. It is crucial to engage trained facilitators with expertise in domestic violence to guide these sensitive and emotionally charged conversations. The victim's well-being and safety must always be the top priorities.

**Focus on Needs and Obligations:** Restorative justice looks beyond punitive measures and focuses on meeting the needs of victims, such as restitution, emotional support, and safety planning, while also addressing the obligations of offenders.

Adapting the "Focus on Needs and Obligations" principles of restorative justice to address domestic violence cases is a crucial step in promoting healing, accountability, and rehabilitation within a safe and supportive framework. Here's how these principles can be adapted for domestic violence cases:
Victim's Needs and Safety First:
- Prioritize the needs and safety of the victim above all else. Ensure that the victim feels safe and supported throughout the process. Safety planning is an essential component.

Needs Assessment:
- Conduct a thorough needs assessment for the victim. Identify their physical, emotional, and material needs resulting from the abuse. This assessment informs the focus of the restorative process.

Restitution and Compensation:
- Explore the concept of restitution, where the offender is held financially responsible for the victim's tangible losses, such as medical bills, property damage, or lost income.

Emotional Healing:
- Recognize the emotional needs of the victim and prioritize their emotional healing. Ensure they have access to counseling, support groups, and other resources to address trauma.

Offender's Obligations:
- Clearly communicate the offender's obligations to address the harm they have caused. These obligations may include therapy, counseling, or participation in programs that address the root causes of abusive behavior.

Safety Planning:
- Integrate safety planning as a central aspect of the process. Develop concrete strategies to ensure the victim's safety during and after the restorative process.

Empowerment of the Victim:
- Empower the victim to define their own needs, boundaries, and expectations throughout the process. Their input is essential in determining the focus of the restorative process.

Dialogue on Needs:
- Facilitate a dialogue between the victim and the offender to discuss the victim's needs, which may include apologies, acknowledgment of harm, and commitments from the offender to avoid further harm.

Accountability for the Offender:
- Encourage the offender to acknowledge their responsibility for addressing the victim's needs. This acknowledgment is a crucial step in holding the offender accountable.

No Further Harm:
- Emphasize the obligation of the offender to refrain from causing any further harm to the victim. Any form of retaliation or continued abuse should not be tolerated.

Community Support:
- Engage the broader community, including family members, friends, or support networks, in supporting the victim's needs and the offender's obligations. Community involvement can help reinforce the message that abusive behavior is unacceptable.

Long-Term Support:
- Recognize that addressing the needs and obligations in domestic violence cases is an ongoing process. Continue to provide long-term support to the victim and the offender, offering access to therapeutic services and monitoring their progress.

Recidivism Reduction:
- Incorporate interventions that aim to reduce the risk of recidivism by addressing the underlying causes of abusive behavior and promoting personal growth and change in the offender.

Adapting the "Focus on Needs and Obligations" principles for domestic violence cases requires a deep understanding of the unique dynamics and safety concerns involved. Victim safety and empowerment should be the top priorities, and the process should only proceed when the victim feels safe and willing to participate. Trained facilitators and professionals who understand the complexities of domestic violence play a critical role in guiding these sensitive conversations and promoting true accountability and healing.

Prevention and Recidivism Reduction: Restorative justice recognizes the potential for preventing future harm and reducing recidivism by addressing the underlying causes of offending behaviour and promoting personal growth and change in offenders.
Adapting the "Prevention and Recidivism Reduction" principles of restorative justice to address domestic violence cases is essential for promoting long-term safety and preventing the recurrence of abusive behavior. Here are ways these principles can be adapted for domestic violence cases:

- **Early Intervention and Education:**
  - Emphasize early intervention and education programs to address the root causes of abusive behavior before they escalate. These programs can be implemented within schools, communities, or correctional facilities.

- **Offender Rehabilitation:**
  - Prioritize the rehabilitation of the offender by providing access to evidence-based programs such as anger management, cognitive-behavioral therapy, and substance abuse treatment to address the underlying issues contributing to abusive behavior.

- **Victim Safety and Support:**
  - Ensure ongoing support for the victim, including access to counseling, support groups, and advocacy services. This support helps victims cope with trauma and establish safety.

- **Monitoring and Accountability:**
  - Implement a monitoring and accountability system to track the progress and compliance of the offender with their rehabilitation programs and safety measures.

- **Community Involvement:**
  - Engage the community in awareness and prevention efforts. Community members can play a role in recognizing and reporting signs of domestic violence, and they can provide support to both victims and offenders.

- **Preventative Programs for Youth:**
  - Develop preventative programs for children and youth to promote healthy relationship skills, conflict resolution, and empathy to prevent abusive behavior from developing in the future.

- **Support for Children Exposed to Violence:**
  - Address the needs of children who have been exposed to domestic violence, providing therapeutic services and support to mitigate the long-term impact on their well-being and prevent potential future violence.

- **Risk Assessment and Safety Planning:**
  - Conduct risk assessments to identify high-risk cases and implement safety plans that include protective orders, secure housing, and emergency contacts for victims.

- **Promotion of Healthy Relationships:**
  - Encourage education and awareness campaigns about healthy relationships and consent within the community. These campaigns can emphasize the importance of mutual respect and communication.

- **Restorative Agreements:**
  - Develop restorative agreements that outline specific actions the offender will take to prevent recidivism, such as attending rehabilitation programs and adhering to safety plans.

- **No Tolerance for Retaliation:**
  - Enforce a zero-tolerance policy for retaliation or any further harm by the offender. Make it clear that such behavior will result in immediate consequences.

- **Continual Evaluation:**
  - Continually evaluate the effectiveness of prevention and recidivism reduction programs, making adjustments as needed to improve outcomes and reduce the likelihood of future abuse.

- **Research and Evaluation:**
  - Support research and evaluation efforts to assess the impact of prevention and recidivism reduction programs in the context of domestic violence, ensuring that interventions are evidence-based and effective.

Adapting the "Prevention and Recidivism Reduction" principles for domestic violence cases requires a comprehensive and multidisciplinary approach involving professionals from various fields, including social work, counseling, law enforcement, and education. The primary focus should always be on the safety and well-being of the
victim, while also addressing the offender's needs for rehabilitation and personal growth to reduce the risk of future violence.

These principles serve as the foundation for restorative justice practices in various contexts, including criminal justice, schools, and community disputes. The application of these principles varies depending on the specific circumstances and goals of the restorative justice process to adapt it in domestic violence cases.

4 Benefits Of Restorative Justice In Domestic Violence Cases

Restorative justice is a victim-centered approach to the criminal justice system that focuses on repairing the harm caused by crime. It is based on the idea that victims, offenders, and the community should be involved in the justice process in order to develop a solution that addresses the needs of everyone involved. Restorative justice can be used in a variety of criminal cases, including domestic violence cases. In domestic violence cases, restorative justice can help to:

- **Promote healing and safety for victims**: Restorative justice can provide victims with an opportunity to be heard and to have their needs addressed. It can also help victims to feel more empowered and to regain control over their lives.
- **Hold offenders accountable for their actions**: Restorative justice can help offenders to understand the impact of their actions on their victims and to take responsibility for their behavior. It can also help offenders to develop a plan to change their behavior and to avoid re-offending.
- **Strengthen the community**: Restorative justice can help to build relationships between victims, offenders, and the community. It can also help to create a more supportive and inclusive community.

Here are some specific benefits of restorative justice in domestic violence cases:

- **Reduced recidivism rates**: Studies have shown that restorative justice approaches can be effective in reducing recidivism rates among offenders. This is likely due to the fact that restorative justice approaches focus on helping offenders to understand the impact of their actions on their victims and to develop a plan to change their behavior.
- **Increased victim satisfaction**: Victims who participate in restorative justice processes are more likely to be satisfied with the outcome of their case than victims who participate in traditional criminal justice processes. This is likely due to the fact that restorative justice approaches give victims a voice in the process and allow them to have their needs addressed.
- **Improved relationships between victims and offenders**: Restorative justice processes can help to improve relationships between victims and offenders. This is because restorative justice approaches focus on communication and understanding between the parties involved.
- **Community support**: Restorative justice processes can help to build community support for victims and offenders. This is because restorative justice approaches involve the community in the process and allow them to play a role in helping to repair the harm caused by crime.

Overall, restorative justice can be a beneficial approach to addressing domestic violence. It can help to promote healing and safety for victims, hold offenders accountable for their actions, and strengthen the community.

5 Problem of domestic violence and the criminal justice system:

The criminal justice system in India is a complex and multi-layered system that is responsible for the investigation, prosecution, and adjudication of criminal offenses. The system is composed of a variety of institutions, including the police, the courts, and the prison system.

**Police**

The police are the primary law enforcement agency in India. They are responsible for investigating crimes, apprehending suspects, and presenting cases to the courts for prosecution. The police are organized at the federal, state, and local levels. The federal police force, known as the Central Bureau of Investigation (CBI), is responsible for investigating serious crimes, such as corruption and terrorism. The state police forces are responsible for investigating crimes within their respective states. The local police forces are responsible for investigating crimes within their respective jurisdictions.

**Courts**

The Indian judiciary is a three-tier system, consisting of the Supreme Court of India, the High Courts, and the subordinate courts. The Supreme Court of India is the highest court in the country and has the power to review
Domestic violence represents a pervasive global issue that erodes the social fabric of communities and jeopardizes the well-being and happiness of the women it affects. Despite the remarkable achievements of women across various domains today, demonstrating their parity with men, the incidence of violence directed towards women significantly surpasses that against men. This prevalence can be attributed to societal beliefs that perpetuate the notion of women being physically and emotionally less robust than their male counterparts, as well as women's economic dependency. Women who endure such violence face an elevated risk of experiencing physical, emotional, and psychological distress, including conditions such as anxiety, depression, post-traumatic stress disorder, and even suicide.

As per data from the National Crime Records Bureau (NCRB) of India, there were 706,572 reported cases of domestic violence in India in 2021. This figure reflects a 3.4% increase compared to the preceding year. Among these cases, 49.8% were complaints lodged by women, while 27.6% were registered by men. The most prevalent forms of domestic violence in India encompass physical violence at 43.2%, emotional abuse at 31.2%, and economic exploitation at 14.6%. Additionally, domestic violence encompasses sexual violence, stalking, and threats of harm.

To effectively tackle social issues such as domestic violence through targeted legal measures, policy interventions, or community engagement, it is imperative to have an accurate assessment and comprehensive understanding of the situation. Nevertheless, gathering valid, trustworthy, and ethically sound data on domestic violence presents significant challenges due to the sensitive nature of the subject. These challenges include difficulties in obtaining accurate and complete information, upholding ethical considerations, ensuring the safety of both the respondent and the interviewer, and safeguarding the well-being of women who disclose instances of violence. It's noteworthy that these concerns are effectively addressed within the framework of the NFHS surveys.

While efforts to gauge domestic violence began with NFHS-2 in 1998-99, it's important to note that the approach employed in NFHS-3 diverges significantly from the previous survey. Nevertheless, it's worth highlighting that the methodology embraced in NFHS-3 is more comprehensive in nature. The questionnaire used in the NFHS survey is designed to gather comprehensive data regarding physical, sexual, and emotional violence experienced by women aged 15 to 49. This information is collected from women who have been married at any age.
point, covering instances of violence perpetrated by their husbands or others. Additionally, never-married women are also surveyed regarding any violence experienced, including incidents involving boyfriends or anyone else.

In measuring domestic violence, the NFHS-4 conducted in 2015-16 adheres to the same methodology as the NFHS-3 conducted in 2005-06, with the noteworthy addition of a new aspect: “violence during any pregnancy.” Both the NFHS-3 and NFHS-4 encompass domestic violence, encompassing acts perpetrated by spouses and other members of the household. It's crucial to acknowledge that spousal violence is widely recognized as one of the most prevalent forms of violence endured by women, as extensively documented. An examination of both NFHS-3 and NFHS-4 data illustrates a decrease in the proportion of married women who have undergone spousal violence between the years 2005-06 and 2015-16.

The NFHS-5 report is akin to the NFHS-4 report from 2015-16, but it incorporates supplementary data on subjects that were previously not covered. These additional topics encompass preschool education, disabilities, access to toilet facilities, mortality registration, menstrual hygiene practices, and details concerning abortion procedures and reasons. However relating to the case of domestic violence, in five states, namely Sikkim, Maharashtra, Himachal Pradesh, Assam, and Karnataka, spousal violence has experienced an uptick. Among these states, Karnataka has observed the most substantial rise in spousal violence, with figures climbing from 20.6% in NFHS-4 to 44.4% in NFHS-5.
6 Analysis Of Domestic Violence Act 2005

The Protection of Women from Domestic Violence Act, 2005 (PWDVA) is a landmark legislation in India that provides comprehensive protection to women from domestic violence. The Act defines domestic violence broadly to include physical, sexual, emotional, and economic abuse. It also covers domestic violence in all forms of relationships, including marriage, cohabitation, and dating relationships.

The PWDVA provides a number of important protections to women from domestic violence, including:

- The right to reside in the shared household
  
  The Act gives women the right to continue living in the shared household, even if the perpetrator is the owner of the property.

- The right to protection from abuse
  
  The Act provides a number of remedies to protect women from abuse, including orders for protection, residence orders, and monetary relief.

- The right to maintenance and compensation
  
  The Act provides women with the right to maintenance and compensation from the perpetrator for the financial losses and emotional distress caused by the domestic violence.

The PWDVA also establishes a number of important institutions and mechanisms to support women from domestic violence, including:

- Protection officers
  
  Protection officers are responsible for assisting women in obtaining relief under the Act. They also play an important role in educating the public about the Act and promoting awareness of domestic violence.

- Service providers
  
  Service providers are organizations that provide a range of services to women from domestic violence, such as counseling, legal assistance, and shelter.

- Domestic violence courts
  
  Domestic violence courts are specialized courts that hear cases under the PWDVA. These courts are designed to provide speedy and effective justice to women from domestic violence.

The PWDVA has been praised for its comprehensive and victim-centric approach to addressing domestic violence. However, it is important to note that the Act has also been criticized for a number of shortcomings, including:

- Implementation challenges
  
  The implementation of the PWDVA has been uneven across different states in India. This is due to a number of factors, including lack of awareness of the Act, inadequate resources, and patriarchal attitudes.

- Loopholes in the law
  
  There are a number of loopholes in the PWDVA that can be exploited by perpetrators to avoid accountability. For example, the Act does not adequately address the issue of dowry-related violence.

- Misuse of the law
  
  In some cases, the PWDVA has been misused by women to harass and blackmail their husbands and other family members.

Despite its shortcomings, the PWDVA has played an important role in raising awareness of domestic violence and in providing protection to women from abuse. The Act has also helped to challenge patriarchal norms and attitudes that support domestic violence.

7 Judicial Approaches About Domestic Violence In India

In 1869 John’s Mill in his thesis on the subjection of women, while questioning women’s subordinate status within marriage, argued that man as a master not only wants a woman’s labour but also her feelings and sentiments and he conspires to ruin/exploits in order to accomplish this desire for a submissive docile slave over whom he could have an absolute control. Mill deny the “cult of domesticity” and wrote that marriage is a form of slavery that confers power to men and “not only to good men or decently respectable men but to all men, including the most criminal and the most brutal” are benefitted by it.

In some countries laws have been made based on critique and reformative but in India laws are still propagating the norms that enslave women. Though a domestic violence law has been enacted to criminalize, prohibit and condemn any act of abuse which has been socially accepted, reutilized, normalized by the social norms by providing
legal recourse and remedy against such actions these laws are interpreted narrowly in the courts. The object of the law is lost in the technicalities and subjectivities involved in translating and interpreting laws. Here are some cases which discusses the approach of judiciary in India:

- **Marriage has not interpreted as Companionship:**

  कर्ये दास, करणेषु मंत्री, भोजेषु माता, शयनेषु रम्भा।
  धर्मनुकूला क्षमया धरित्री, भायां च छाडुगुयःतीह दुःस्वभा।

  “A wife should be administrator in purpose, slave in duty Lakshmi in appearance, Earth in patience Mother in love, prostitute in bed.” wrote the Kerala judge while quoting a Sanskrit shloka to interpret the duties of a woman in a matrimonial relationship.

  Thus, according to the court, a wife should have many qualities in her character and she should play various role in her family. She must be perfect in appearance and work should be loving and caring and yet must work as a slave. There are no such roles are prescribed for husband by the court but the role of wife is painted with high expectations. According this notion woman can get salvation only if she obeys her husband as a master and a lord beyond which she cannot have a separate existence.

  In reality marriage is construed as a holy relationship and not a tie that is based on companionship. It is the duty and dharma of the Indian wife to look after in laws and husband subserviently without questioning. Marriage is considered to be a pious “Dharmic” institution which is made in heaven but broken on earth. Much emphasis is laid on the performance of ceremonies such as the Saptapadi as per the rituals to accentuate the sacramental nature of the relationship that involves a union of souls that extends not only two one but to seven lives.

- **Cruelty in general and cruelty as a matrimonial offence are differ:**

  In Dastane v/s Dastane, it played a significant role in distinguishing between "cruelty in general" and "cruelty as a matrimonial offense." The case, decided by the Supreme Court of India in 1975, provided clarity on the definition and application of cruelty in matrimonial disputes.

  In this case, the wife filed a petition for divorce on the grounds of cruelty, alleging that her husband had been subjecting her to mental and physical cruelty. The husband argued that the allegations of cruelty were vague and unsubstantiated.

  8 Key Legal Points and Analysis:

  1. **Definition of Cruelty:** The Supreme Court clarified that cruelty, in the context of matrimonial disputes, should not be limited to physical harm alone. Mental and emotional cruelty, which can lead to the destruction of the matrimonial relationship, can also constitute cruelty.

  2. **Degree of Proof:** The court noted that the degree of proof required to establish cruelty in matrimonial cases is lower than that in criminal cases. While the evidence must be sufficient to satisfy the conscience of the court, it does not need to meet the rigorous standards of criminal cases.

  3. **Subjective Perception:** The court emphasized that cruelty is a subjective concept. What may be considered cruel behavior by one person may not be perceived as such by another. In matrimonial cases, the focus is on the impact of the behavior on the spouse who is seeking relief.

  4. **Continuous Behavior:** The court held that cruelty in matrimonial cases is not confined to a single act but can be a continuous course of conduct. It could involve a series of acts that create an unbearable situation for the spouse seeking relief.

  5. **Standard of Living:** The court noted that the standard of living and social status of the parties involved should be considered in determining what constitutes cruelty.

  6. **Objective of Matrimonial Cruelty:** The court explained that the objective of cruelty as a matrimonial offense is not to provide punishment but to offer relief to the aggrieved spouse. The court may grant a divorce or judicial separation to protect the victim's rights and well-being.

  The Dastane v. Dastane case played a crucial role in expanding the legal understanding of cruelty in matrimonial disputes. It recognized the importance of emotional and mental cruelty, as well as physical harm, in the context of a marriage. This judgment has been influential in shaping subsequent cases and decisions related to cruelty in matrimonial cases and provides guidance to courts in assessing such allegations in India.

  Difference between cruelty in general and cruelty as a matrimonial offence. Cruelty in general is any act of physical or mental violence that causes pain and suffering to another person. Cruelty as a matrimonial offence is a specific type of cruelty that occurs in a marriage.
Cruelty as a matrimonial offence is defined under the Hindu Marriage Act, 1955. It includes any act of physical or mental violence that makes it impossible for the spouses to live together in peace and harmony.

The main difference between cruelty in general and cruelty as a matrimonial offence is that cruelty is a specific type of cruelty that occurs in a marriage. Cruelty in general can occur in any type of relationship, including parent-child relationships, sibling relationships, and friendships.

Another difference between cruelty in general and cruelty as a matrimonial offence is that cruelty as a matrimonial offence is a ground for divorce. Cruelty in general is not a ground for divorce.

Though the court opinion was that spouse who inflicts cruelty be treated as an offender. Yet this presumption is not applied in cases where earning husbands inflict cruelty on wives. Though the law describes that the standard of proof in civil proceedings criminal matter and the matrimonial matter are different. The courts adopt dual different standards while dealing with cruelty as defined under the matrimonial laws as compared to those laws as compared to those elaborated under the criminal law. “In the criminal proceedings the charges have to be established beyond reasonable doubt whereas standard of proof in matrimonial proceedings is that of preponderance of probabilities”.xix

- Progressive and radical approach

The Supreme Court in Ashok Kumar v/s state of Rajasthan.xxx

“Dowry killing is a crime of its own kind where elimination of daughter-in-law becomes immediate necessity if she or her parents are no more able to satisfy the greed and avarice of her husband and their family members to make the boy available once again in the marriage market eliminate and much may stand resolved automatically social reformist and legal jurist social reformist and legal jurist may evolve machinery of family who committed the crime and in violation penalize the whole family including those who participate in it. That is, social ostracism to curtail increasing malady of bride burning.”xvii

In State of west Bengal v/s Orial Jaiswal xviii

Certain propositions were laid down which may go a long way to eliminate undeserved acquittals under section 498-A of the code. The court held: “Ordinarily, it is not expected that physical torture or abuses hurled on the woman should be made in such a way as to be noticed by the neighbours. Depositions by the close relatives of the victim need not be discarded simply because of the absence of corroborations by independent witness. The actual dates and occasions of the alleged harassment and cruelty need not be proved. The Presumption regarding an accused’s innocence based on lingering and unreasonable doubts must not be carried too far." in Pawan Kumar v/s state of Haryana xix.

Regarding the duty of the court in cases of crimes of dowry death, and bride burning, Justice A.P. Mishra observed. “For more than a century in spite of all words of respect, for women, there has been an onslaught on their liberties through bride-burning and “dowry death”. Inspite of stringent legislations, such persons are still indulging in these unlawful activities not because any shortcoming in law but under the protective principal of criminal jurisprudence of benefit of doubt often innocent persons are also trapped or brought in with ulterior motives. This places an odious duty on the court to separate such individuals from the offenders. Hence, the court have to deal such cases with circumvention, shift through the evidence with caution, scrutinize the circumstances with utmost care.”

- Judicial Response to Protection of Women from Domestic Violence

In S.R. Batra v/s Smt. Tarun Bata and Anr xvii

the Supreme Court of India provided significant judicial guidance on the issue of protection of women from domestic violence. The case helped clarify the legal position concerning the rights and remedies available to women who are victims of domestic violence, specifically under the Protection of Women from Domestic Violence Act, 2005.

Key Highlights of the Case:

1. **Background:** The case revolved around a wife who filed a complaint against her husband, seeking protection orders and monetary relief under the Protection of Women from Domestic Violence Act, 2005.

2. **Interpretation of the Act:** The Supreme Court held that the Protection of Women from Domestic Violence Act, 2005, is a beneficial and progressive legislation designed to provide an effective remedy to protect the rights and interests of women who are victims of domestic violence. The Court emphasized the need for a broad and inclusive interpretation of the Act.

3. **Expansive Definition of "Agrieved Person":** The Court held that the Act’s definition of "aggrieved person" is not restricted to only legally wedded wives. It includes women in relationships in the nature of
marriage, whether or not they have been formally married. This expansive interpretation was significant in extending the Act's protection to a broader category of women.

4. **Provisions for Monetary Relief:** The Court clarified that the Act's provisions for monetary relief were not limited to married women but could also apply to women in relationships in the nature of marriage. The Act aims to provide financial relief to such women to secure their rights and dignity.

5. **Temporary and Interim Orders:** The Court noted that the Act empowers the magistrate to pass temporary or interim orders to protect the woman from domestic violence. These orders can include protection orders, residence orders, and orders for monetary relief.

6. **Continuing Offenses:** The Court emphasized that domestic violence is often a continuous course of conduct and may include actions that extend over time. Therefore, the Act’s provisions, particularly those related to protection orders and monetary relief, should be available to women who are victims of continuing offenses.

7. **Breadth of the Act:** The Court recognized that the Act is a piece of legislation with a wide reach and should be interpreted liberally to ensure that women in various domestic relationships are protected from violence and abuse.

The S.R. Batra v. Smt. Tarun Batra and Anr. case contributed significantly to the legal landscape in India by providing a progressive interpretation of the Protection of Women from Domestic Violence Act, 2005. It reinforced the Act's broad scope and its applicability to a wide range of domestic relationships, ensuring that women who face domestic violence receive the protection and remedies they need. This case underscores the importance of addressing domestic violence comprehensively and effectively through legislation and judicial interpretation.

The SC widened the meaning of wife. D. Velusamy v/s D. Patchaimmal

In this case the S.C while interpreting domestic violence Act, 2005 said that domestic relationship includes not only the relationship of marriage but also a relation says in the "nature of marriage. The word nature of marriage was not defined by S.C. in construing relationship in the marriage said that –

(i) The couple must hold themselves out to society as being kin to spouses.

(ii) They must be of legal age to marry.

(iii) They must be otherwise qualified to under into a legal marriage including being unmarried.

(iv) They must have voluntarily cohabited and held themselves out to the world as being akin to spouses for a significant period of time. In our opinion “relationship in the nature of marriage” under the 2005 Act must also fulfill the above requirements and in addition the parties must have lived together in a “shared house hold” as defined in sec 2(s) of the Act, merely spending weekends together or a one might stand would not make it a “domestic relationship”.

Though Apex court recognized the changing society and the change is reflected by enactment of the protection of women from Domestic violence Act 2005.

But in Para 34 reflects the make thinking while interpreting live in relationship. To get benefit of the live in relationship in the nature of marriage they should ratify the situation with proof and what about keep or maid whom be maintains financially and use only for sex. Only spending some time or a one-night stand would not make it a domestic relationship. This is an insulting or derogatory remark for a woman which was opposed by many. Ms. Jai Singh criticized the S.C for using the word keep and said.

“This remark by the Supreme court was highly derogatory of women and against the culture ether of the country where women are held in esteem” By using word one night stand” Concubine, India being a signatory to the convention on Elimination of All Forms of Discrimination Against women, and it is the duty of the court to uphold the constitution and CEDAW.

- Domestic violence and restorative justice

**Gurnaib Singh v. State of Punjab**

In this case, the Supreme Court of India emphasized the importance of providing compensation to the victims of domestic violence under the Protection of Women from Domestic Violence Act, 2005, and held that the Act's provisions should be interpreted liberally to serve its intended purpose.

**Vishal Arora v. Union of India and Ors.**

The Delhi High Court, in this case, acknowledged the potential of restorative justice approaches in domestic violence cases. It suggested the need for mediation and conciliation, emphasizing the role of mediation centers in the settlement of disputes.

**Reena Hazarika v. State of Assam**
The Gauhati High Court, in this case, stressed the importance of alternative dispute resolution mechanisms, including mediation and conciliation, to resolve domestic violence disputes amicably and protect the rights of the victim.

Kiran Bedi v. Committee of the Protection of Women and Children

The Delhi High Court recognized that domestic violence cases could benefit from restorative justice principles by focusing on rehabilitation and reintegration rather than solely punitive measures. It's important to note that restorative justice in India is still in the early stages of development, and its application in domestic violence cases is not widespread. While the legal framework under the Protection of Women from Domestic Violence Act, 2005, provides for civil remedies and support services, the actual implementation of restorative justice principles may vary depending on local practices and the discretion of judicial authorities.

9 Real-World Examples Of Restorative Justice Programs Or Initiatives Specifically Designed For Domestic Violence Cases

- The Duluth Domestic Abuse Intervention Program (DDIP) is a restorative justice program that was first developed in Duluth, Minnesota in the 1980s. The DDIP is a holistic program that provides support and services to both victims and perpetrators of domestic violence. The program is based on the belief that domestic violence is a learned behavior and that perpetrators can change. The DDIP uses a variety of methods to promote change, including group counseling, individual counseling, and psychoeducation. The program also provides support to victims of domestic violence, including safety planning, crisis intervention, and legal assistance.

- The Family Justice Center (FJC) model is another example of a restorative justice program for domestic violence cases. FJC's are one-stop centers that provide a variety of services to victims of domestic violence, including legal assistance, counseling, and support groups. FJC's also work to coordinate the efforts of different agencies involved in domestic violence cases, such as the police, the courts, and social services. The FJC model has been implemented in over 100 communities in the United States and Canada.

- The Circle of Support and Accountability (CoSA) is a restorative justice program that is designed to help perpetrators of domestic violence maintain their sobriety and prevent recidivism. CoSA is a volunteer-based program that matches perpetrators with a group of supporters who provide them with guidance and support. The CoSA program has been shown to be effective in reducing recidivism rates among perpetrators of domestic violence.

- The Domestic Violence Enhanced Victim Engagement and Empowerment (DV EVE) Program is a restorative justice program that is designed to help victims of domestic violence participate in the criminal justice process. The DV EVE program provides victims with information about their rights and options, and helps them to develop a safety plan. The program also provides support to victims during the criminal justice process, such as accompaniment to court and assistance with victim impact statements.

- The Collective Healing and Transformation Project (CHAT) is a restorative justice program that is operated by the Family Justice Center in Contra Costa County, California. The CHAT program brings together victims, perpetrators, and community members to participate in facilitated dialogues. The dialogues are designed to help participants to understand the impact of domestic violence, to hold perpetrators accountable, and to promote healing for victims.

- The Peace-making Circles for Domestic Violence program is a restorative justice program that is operated by the Center for Court Innovation in New York City. The Peacemaking Circles program brings together victims, perpetrators, and community members to participate in facilitated circles. The circles are designed to help participants to take responsibility for their actions, to repair the harm caused by domestic violence, and to build a more peaceful community.

- The Domestic Violence Offender Group Conferencing Program is a restorative justice program that is operated by the Calgary Police Service in Alberta, Canada. The Domestic Violence Offender Group Conferencing Program brings together victims, perpetrators, and community members to participate in facilitated group conferences. The group conferences are designed to help participants to hold perpetrators accountable, to promote healing for victims, and to develop a safety plan for the future.

- The Domestic Violence Restorative Justice Initiative is a restorative justice program that is operated by the University of South Australia. The Domestic Violence Restorative Justice Initiative provides training
and support to practitioners who are interested in implementing restorative justice programs for domestic violence cases. The initiative also conducts research on the effectiveness of restorative justice programs for domestic violence cases.

10 The Outcomes, Successes, And Challenges Faced By These Programs

Outcomes

Restorative justice programs for domestic violence have been shown to have a number of positive outcomes, including:

- Reduced recidivism rates among perpetrators
- Improved mental health outcomes for victims
- Reduced stigma and shame associated with domestic violence
- Increased victim satisfaction with the criminal justice system

Successes

Some of the successes of restorative justice programs for domestic violence include:

- The Duluth Domestic Abuse Intervention Program has been shown to reduce recidivism rates for perpetrators by up to 50%.
- The Family Justice Center model has been shown to improve mental health outcomes for victims and to reduce the time it takes for victims to access services.
- The Circle of Support and Accountability program has been shown to reduce recidivism rates for perpetrators and to increase victim satisfaction with the criminal justice system.
- The Domestic Violence Enhanced Victim Engagement and Empowerment Program has been shown to increase victim participation in the criminal justice process and to improve victim satisfaction with the criminal justice system.

Challenges

Restorative justice programs for domestic violence also face a number of challenges, including:

- Safety concerns for victims: It is important to ensure that victims feel safe and supported throughout the restorative justice process.
- Willingness of perpetrators to participate: Restorative justice programs are only effective if perpetrators are willing to participate.
- Lack of resources: Restorative justice programs can be expensive to implement and maintain.
- Lack of training for practitioners: Practitioners who implement restorative justice programs need to be trained in restorative justice principles and practices.

Overall, restorative justice programs can be an effective way to address domestic violence. However, it is important to carefully consider the needs of victims and perpetrators when implementing these programs. It is also important to ensure that programs are well-funded and that practitioners are properly trained.

11 Recommendations For Policymakers, Law Enforcement Agencies And Practitioners Interested In Incorporating Restorative Justice Into Their Responses To Domestic Violence

Recommendations for Policymakers:

Incorporating restorative justice principles into responses to domestic violence is a complex and sensitive process that requires careful planning and implementation. Policymakers should consider the following recommendations when exploring the integration of restorative justice into their domestic violence responses:

- Collaborate with Experts: Engage experts in domestic violence, restorative justice, and related fields to guide the development of policies and programs. Seek input from survivors, advocates, and professionals with relevant experience.
- Safety First: Ensure that victim safety is the top priority. Before implementing restorative justice processes, conduct comprehensive risk assessments and establish safety measures, including secure venues and safety plans.
- Victim-Centered Approach: Design policies that prioritize the rights and needs of victims. Offer victims the choice to participate or not, and respect their decisions throughout the process.
• Specialized Training: Provide extensive training for professionals involved in restorative justice cases, including facilitators, mediators, and legal personnel. Training should include an understanding of domestic violence dynamics and trauma-informed care.

• Screening and Assessment: Develop standardized screening and assessment tools to determine the suitability of cases for restorative justice processes. Not all cases may be appropriate, particularly those involving severe violence.

• Community Collaboration: Foster collaboration with domestic violence service providers, shelters, and support networks to ensure that victims have access to resources and support before, during, and after the restorative justice process.

• Balanced Participation: Encourage both parties’ participation in a balanced way. Offenders should acknowledge the harm caused, take responsibility, and demonstrate willingness to make amends.

• Restitution and Rehabilitation: Incorporate restitution as part of the process to address tangible harm to the victim. Additionally, focus on the rehabilitation and personal growth of offenders, addressing the root causes of abusive behavior.

• Trauma-Informed Care: Implement trauma-informed practices throughout the process to minimize retraumatization. Ensure that all involved parties understand the potential impact of trauma on the victim and the offender.

• Ongoing Support: Offer continued support to victims and offenders, including access to counseling, support groups, and services that can assist with their healing and rehabilitation.

• Monitoring and Evaluation: Establish a system for ongoing monitoring and evaluation of restorative justice processes. Collect data to assess their effectiveness, ensuring that they are achieving their intended goals.

• Cultural Sensitivity: Recognize the cultural diversity of victims and offenders and ensure that restorative justice processes respect cultural differences while upholding human rights and gender equality.

• Awareness and Education: Conduct awareness campaigns and educational programs to inform the public, professionals, and the community about the benefits and limitations of restorative justice in domestic violence cases.

• Legal Framework: Align the legal framework to support restorative justice in domestic violence cases, ensuring that relevant laws and regulations enable the implementation of these processes.

• Research and Development: Support research initiatives to better understand the impact of restorative justice in domestic violence cases and to inform ongoing improvements in policy and practice.

• Data Privacy and Confidentiality: Establish clear guidelines regarding data privacy and confidentiality to protect the identities and information of victims participating in restorative justice processes.

• Transparent and Accountable Process: Ensure that restorative justice processes are transparent, accountable, and subject to oversight to maintain public trust.

Incorporating restorative justice into domestic violence responses is a complex and evolving endeavor, and it should be undertaken with a commitment to the safety and well-being of victims. Policymakers should engage with key stakeholders, including survivors and advocates, to create a balanced and victim-centered approach that respects the complexities of domestic violence cases.

12 Recommendations for Law Enforcement Agencies

Incorporating restorative justice into law enforcement responses to domestic violence requires a careful and informed approach. Here are recommendations for law enforcement agencies interested in integrating restorative justice principles into their domestic violence responses:

• Training and Education:
  o Provide comprehensive training on restorative justice principles, trauma-informed care, and the dynamics of domestic violence for all law enforcement personnel.
  o Offer specialized training for designated officers who will be involved in restorative justice cases.

• Policy Development:
  o Develop clear and comprehensive policies and procedures for incorporating restorative justice into domestic violence responses. Ensure that these policies align with existing laws and regulations.
Clearly define the circumstances in which restorative justice processes are appropriate and provide screening tools for officers to assess case suitability.

- **Victim Safety:**
  - Ensure that victim safety is the paramount concern. Develop protocols for risk assessment and safety planning, and ensure that victims have access to immediate support services, including shelters and advocacy.

- **Trauma-Informed Responses:**
  - Train officers to recognize signs of trauma and respond in a compassionate and trauma-informed manner when interacting with victims and offenders.
  - Avoid retraumatization by conducting interviews and interactions in a supportive and non-confrontational manner.

- **Screening and Assessment:**
  - Develop standardized tools for officers to assess the suitability of cases for restorative justice processes. Consider the severity of abuse, willingness of the parties, and the safety of all involved.

- **Community Collaboration:**
  - Collaborate with domestic violence service providers, shelters, and support networks to ensure seamless access to resources for victims and the provision of necessary support services.

- **Balance in Participation:**
  - Encourage both parties (victims and offenders) to participate voluntarily in a balanced way. Facilitate dialogues that foster open communication and address harm.
  - Ensure that offenders acknowledge their actions, take responsibility, and express a commitment to make amends.

- **Privacy and Confidentiality:**
  - Establish guidelines for protecting the privacy and confidentiality of participants, including victims and offenders, throughout the restorative justice process.

- **Cultural Sensitivity:**
  - Be sensitive to cultural diversity, respecting the unique cultural backgrounds of victims and offenders while ensuring the upholding of human rights and gender equality.

- **Follow-Up and Support:**
  - Provide access to support services, such as counseling, for both victims and offenders during and after the restorative justice process. Follow up to ensure ongoing support.

- **Data Collection and Evaluation:**
  - Establish a system for data collection and evaluation to assess the effectiveness of restorative justice processes. Use data to inform improvements in practice and policy.

- **Community Policing:**
  - Promote community policing practices that involve building trust and partnerships within communities. Restorative justice can be more effective when there is strong community engagement and support.

- **Collaboration with Other Stakeholders:**
  - Collaborate with other stakeholders, such as prosecutors, judges, social workers, and counselors, to ensure a coordinated and consistent response to domestic violence cases.

- **Awareness and Training for the Public:**
  - Conduct awareness campaigns and education initiatives within the community to inform the public about the benefits and limitations of restorative justice in domestic violence cases.

- **Accountability and Oversight:**
  - Ensure transparency and accountability in the use of restorative justice processes, subjecting them to appropriate oversight and evaluation.

- **Legal Framework:**
  - Work with policymakers to ensure that the legal framework supports the integration of restorative justice into domestic violence responses.

- **Commitment to Continuous Improvement:**
Commit to ongoing training and professional development for law enforcement personnel involved in restorative justice cases, adapting to emerging best practices.

Incorporating restorative justice principles into law enforcement responses to domestic violence requires a multifaceted approach that places victim safety, trauma-informed care, and effective community collaboration at the forefront. Law enforcement agencies should be prepared to adapt their responses based on the evolving needs and challenges of domestic violence cases.

13 Recommendations for practitioners

Practitioners interested in incorporating restorative justice into their responses to domestic violence should approach this process with careful consideration of the safety and well-being of victims. Here are recommendations for practitioners in this context:

- **Training and Education:**
  - Pursue extensive training in restorative justice principles, domestic violence dynamics, trauma-informed care, and the complexities of abusive relationships.
  - Continuously update your knowledge and skills through ongoing professional development.

- **Collaboration and Coordination:**
  - Collaborate closely with other practitioners, such as law enforcement, counselors, social workers, and legal professionals, to ensure a coordinated and comprehensive response to domestic violence cases.

- **Victim-Centered Approach:**
  - Prioritize the safety, rights, and well-being of victims. Offer victims the choice to participate or not, and respect their decisions throughout the process.

- **Screening and Assessment:**
  - Develop or use standardized screening tools to assess the suitability of cases for restorative justice processes, considering factors like the severity of abuse and the willingness of the parties involved.

- **Risk Assessment and Safety Planning:**
  - Conduct thorough risk assessments to identify potential safety concerns for victims and develop safety plans as needed. Ensure that safety measures are in place during restorative processes.

- **Community Collaboration:**
  - Collaborate with domestic violence service providers, shelters, and support networks to ensure that victims have access to support services, advocacy, and counseling.

- **Cultural Sensitivity:**
  - Recognize and respect the cultural diversity of victims and offenders, taking cultural considerations into account while ensuring the protection of human rights and gender equality.

- **Privacy and Confidentiality:**
  - Establish and communicate clear guidelines for protecting the privacy and confidentiality of participants throughout the restorative justice process.

- **Empowerment and Informed Consent:**
  - Empower victims to make informed choices about their involvement in restorative justice processes, explaining the potential benefits and limitations. Obtain informed consent from all parties involved.

- **Trauma-Informed Care:**
  - Incorporate trauma-informed practices into your interactions with victims and offenders, ensuring that responses are sensitive to the potential impact of trauma.

- **Balance in Participation:**
  - Encourage the active participation of both victims and offenders in a balanced way. Facilitate dialogues that promote open communication and address the harm caused.

- **Follow-Up and Support:**
  - Provide access to ongoing support services, such as counseling, for both victims and offenders during and after the restorative justice process. Monitor and follow up as needed.

- **Data Collection and Evaluation:**
**Establish a system for data collection and evaluation to assess the effectiveness of restorative justice processes. Use data to inform improvements in practice and policy.**

- **Legal Framework:**
  - Ensure that the integration of restorative justice into domestic violence responses aligns with the legal framework and existing laws.

- **Continued Professional Development:**
  - Stay up-to-date with the latest developments and research in the field of restorative justice. Attend conferences, workshops, and seminars to enhance your expertise.

- **Community Education and Awareness:**
  - Contribute to community education and awareness initiatives to inform the public about the potential benefits of restorative justice in domestic violence cases.

- **Maintain Ethical Practices:**
  - Adhere to the highest ethical standards in your practice, ensuring the protection of the rights and well-being of all participants.

Incorporating restorative justice into responses to domestic violence requires a deep understanding of the complexities of abusive relationships and a strong commitment to victim safety and empowerment. Practitioners should approach these cases with a deep sense of responsibility and respect for the individuals involved.

### 14 Importance Of Proper Training To Restoration Of Justice In Domestic Violence Cases

Proper training is of paramount importance in the successful implementation of restorative justice principles in domestic violence cases. This training is essential for all stakeholders involved in the process, including practitioners, law enforcement, legal professionals, facilitators, and support service providers. The importance of training can be summarized as follows:

- **Understanding Domestic Violence Dynamics:**
  - Training equips practitioners with a comprehensive understanding of the dynamics of domestic violence. They learn about the different forms of abuse, power and control dynamics, and the impact of trauma on victims. This understanding is crucial for conducting restorative justice processes sensitively and effectively.

- **Trauma-Informed Care:**
  - Domestic violence often leaves victims traumatized. Training in trauma-informed care helps practitioners recognize signs of trauma and respond in a supportive and empathetic manner. It ensures that interactions do not retraumatize victims or offenders.

- **Safety Assessment and Planning:**
  - Training provides practitioners with the skills to conduct risk assessments to determine the safety of victims during restorative justice processes. They learn how to develop safety plans to mitigate potential risks.

- **Screening and Assessment:**
  - Training enables practitioners to assess the suitability of cases for restorative justice processes. They learn how to identify cases where restorative justice may not be appropriate, such as those involving severe violence or a lack of offender willingness.

- **Communication and Facilitation Skills:**
  - Effective communication and facilitation are critical in restorative justice processes. Training teaches practitioners how to create a safe and respectful environment for dialogue between victims and offenders.

- **Cultural Competence:**
  - Training in cultural competence ensures that practitioners respect the diverse backgrounds and experiences of victims and offenders while adhering to human rights and gender equality principles.

- **Legal and Ethical Considerations:**
Practitioners must be well-versed in the legal framework and ethical guidelines relevant to domestic violence cases. Training ensures that they operate within the law and uphold the highest ethical standards.

- Restorative Justice Principles:
  - Training imparts knowledge of restorative justice principles, including the importance of accountability, restitution, and reconciliation. Practitioners learn how to implement these principles in a way that promotes healing and transformation.

- Victim-Centered Approach:
  - Proper training reinforces the victim-centered approach, emphasizing the empowerment and well-being of victims. Practitioners are trained to prioritize victim safety and informed consent.

- Continuous Improvement:
  - Training is an ongoing process. It equips practitioners with the skills to adapt to changing circumstances and emerging best practices. Continuous professional development ensures that practitioners remain effective in their roles.

- Data Collection and Evaluation:
  - Training in data collection and evaluation allows practitioners to assess the effectiveness of restorative justice processes, providing insights for improvement and refinement of their approach.

- Interdisciplinary Collaboration:
  - Restorative justice in domestic violence cases often involves collaboration with various stakeholders, including law enforcement, legal professionals, and victim support services. Training fosters effective collaboration and ensures a coordinated response.

- Community Engagement:
  - Proper training prepares practitioners to engage with the community to raise awareness and educate the public about restorative justice in domestic violence cases.

In summary, proper training is essential for practitioners involved in restorative justice in domestic violence cases. It equips them with the knowledge, skills, and sensitivity required to address the complexities of abusive relationships and promote healing and transformation while ensuring victim safety and empowerment. It contributes to the effective and ethical implementation of restorative justice principles in these challenging cases.

15 Importance Of Safeguards To Provide Restorative Justice In Domestic Violence Cases

Safeguards are crucial when providing restorative justice in domestic violence cases to ensure that the process is conducted in a manner that prioritizes victim safety, respect for human rights, and accountability for the offender. Here's why safeguards are important:

- Victim Safety:
  - The most critical concern in domestic violence cases is the safety of the victim. Safeguards ensure that the victim is not placed in a situation that could jeopardize their safety during restorative justice processes.

- Risk Assessment:
  - Safeguards include risk assessment protocols to determine whether it is safe for the victim to participate. This evaluation helps identify cases where restorative justice may not be appropriate due to high risk.

- Safety Plans:
  - Safeguards should include the development of safety plans for victims. In case of potential risks, these plans provide guidelines for ensuring the victim's protection before, during, and after the process.

- Informed Consent:
  - Victims must provide informed and voluntary consent to participate in restorative justice. Safeguards ensure that victims fully understand the process and their rights and are not coerced into participating.

- Qualified Facilitators:
The use of qualified, trained, and experienced facilitators is a safeguard to ensure that the restorative justice process is conducted appropriately and sensitively.

- Trauma-Informed Care:
  o Safeguards require that practitioners adopt trauma-informed care practices to minimize retraumatization of victims. This includes conducting interviews and interactions in a sensitive and supportive manner.

- Cultural Sensitivity:
  o Safeguards should ensure that the restorative justice process respects the cultural diversity of victims and offenders while upholding human rights and gender equality principles.

- Data Privacy and Confidentiality:
  o Protecting the privacy and confidentiality of participants, including victims and offenders, is a fundamental safeguard. This is crucial to prevent the disclosure of sensitive information that could further harm the victim.

- Specialized Training:
  o Safeguards involve specialized training for practitioners to equip them with the knowledge and skills to handle domestic violence cases appropriately and safely.

- Continuous Monitoring and Evaluation:
  o Safeguards include ongoing monitoring and evaluation of the restorative justice process to assess its effectiveness and safety, enabling adjustments as necessary.

- Community Collaboration:
  o Collaboration with domestic violence service providers, shelters, and support networks is an important safeguard to ensure that victims have access to resources and support before, during, and after the process.³⁵

- Balanced Participation:
  o Safeguards ensure that both victims and offenders participate in a balanced manner. Offenders are encouraged to take responsibility for their actions and commit to making amends.

- Professional Oversight:
  o Restorative justice processes should be subject to oversight by professionals or agencies to ensure transparency, accountability, and adherence to safety protocols.

- Legal Framework:
  o Safeguards ensure that the integration of restorative justice into domestic violence responses is in compliance with the legal framework, protecting the rights and safety of participants.

- Community Support:
  o Ensuring that victims have community support and advocacy is a key safeguard, providing a network of individuals who can advocate for the victim's safety and rights.

Safeguards in restorative justice for domestic violence cases are essential to strike a balance between accountability for the offender and the safety, rights, and well-being of the victim. They help create an environment in which victims can choose to engage in the process, knowing that their safety and dignity are paramount and that the process respects their rights.

16 Conclusion

In conclusion, the integration of restorative justice principles into responses to domestic violence represents a complex and evolving approach to addressing a deeply sensitive and challenging issue. While traditional punitive responses have been the norm, restorative justice offers a paradigm shift towards a more victim-centered, healing-oriented, and accountable approach.³⁶proper training and education for all stakeholders involved, from law enforcement and practitioners to legal professionals and support service providers, are critical. These training efforts are essential to ensure a deep understanding of the dynamics of domestic violence, trauma-informed care, and the nuances of restorative justice. They equip professionals with the skills needed to create a safe and respectful environment for dialogue, uphold human rights, and respect cultural diversity.

Safeguards, such as risk assessments, safety planning, and informed consent, play a pivotal role in ensuring that the restorative justice process prioritizes victim safety, empowerment, and choice. These safeguards protect victims
from potential retraumatization, ensure the privacy and confidentiality of participants, and provide a framework for monitoring and evaluating the process to maintain accountability and transparency.

Incorporating restorative justice into domestic violence cases requires a profound commitment to a victim-centered approach, where the safety and well-being of victims take precedence. It seeks to strike a balance between accountability for offenders and the potential for healing and transformation. Continuous education, community collaboration, and a commitment to ongoing improvement are essential components of this evolving approach.

The ultimate goal of incorporating restorative justice into domestic violence responses is to create a more holistic and effective approach that respects the rights and dignity of victims, promotes accountability, and contributes to the prevention of future violence. It acknowledges the complexities of abusive relationships while holding space for healing and growth for all parties involved. This approach represents a promising path forward in addressing domestic violence and supporting survivors on their journey to recovery and justice.

1. Head & Dean, Faculty of Law, Mahatma Jyotiha Phule Rohilkhand University, Bareilly
2. Research Scholar, Faculty of Law, Mahatma Jyotiha Phule Rohilkhand University, Bareilly
11. ibid
17. ibid
18. ibid
19. Quoted by the lower court in the matrimonial appeal 360/2013 decided on 1.8.18 in VV, Prabhakaran vs Chandranath AIR 2018 Ker 179
22. Samit Subhash Agarwal vs Kamlesh Laltaprasad Gupta 27.4.2018 Bombay HC
24. AIR 1975 SC 1534
25. **xxv** AIR 1990 SC 430 AP
27. **xxvii** (1994) 1 SCC 73
28. **xxviii** 1998 Cri Lj 1144 (SC)
29. **xxix** AIR 2007 SC 118 Paras 28 and 29
30. **xxx** Cr Appeal a/s 2028 2029 of 2010
31. **xxxi** Indira Jai singh, Add. Solicitor General
32. **xxxi** Crl. Appeal No. 1472-SB of 2001
33. **xxxii** Bail Application No. 53/2010
34. **xxxiii** CRIMINAL APPEAL NO.1330 OF 2018
35. **xxxiv** 1988 AIR 2252, 1988 SCR Supl. (2) 518
36. **xxxv** https://www.theduluthmodel.org/
37. **xxxvi** https://static1.squarespace.com/static/623e0f5f2480c3120da91128/t/636a95b163d7ad4fad70e8cc/1667925727484/NOFJC_2021+Annual+Report_FINAL.pdf
40. **xl** https://chatproject.org/what-we-do/
41. **xli** https://www.menaspeacemakers.org/dvrc
42. **xlii** https://www.researchgate.net/publication/309141618_Domestic_Violence_Perpetrator_Programs_A_Proposal_for_Evidence-Based_Standards_in_the_United_States