



FROM PUNISHMENT TO HEALING: A COMPARATIVE STUDY OF RETRIBUTIVE AND RESTORATIVE JUSTICE

Mansi Kaushik*

ABSTRACT

Justice is one of the cornerstones of the Indian legal system. It ensures fairness, equality and protection of right. There are two major approaches to the criminal justice system. India should integrate both retributive justice and restorative justice, as neither can stand alone. Retributive justice focuses of punishment for law and order which must be proportional to the offence and it should be state centric, whereas restorative justice offers healing, rehabilitation of offenders, victim centric reconciliation and societal stability. The Indian Justice System today is gradually moving from being purely punitive to adopting rehabilitation and reconciliation approaches. This shift is helpful for reducing overcrowding in prisons and achieving the goal of social justice.

Keywords: Retributive Justice, Restorative Justice, Proportional, Rehabilitation, Reconciliation.

INTRODUCTION

Retributive and Restorative Justice are the two approaches which India follows in its Justice System. One focus on the punitive and deterrence approaches, where the offender is punished based on the seriousness of their crime, and their punishment is proportional to their offence. Other focus on repairing harm, reintegration into society, rehabilitation and community benefit. Both the theory of justice applies in two situations and offences. This paper contains the essentials, needs and comparative study along with case laws of Retributive Justice and Restorative Justice for better understanding. Also, the newly added punishment in Bharatiya Sakshya Adhiniyam, 2023, as community service contribute towards Restorative Justice.

*BA LLB (HONS.), FOURTH YEAR, SAGE UNIVERSITY, BHOPAL.

DEFINITION OF RETRIBUTIVE JUSTICE

Retributive justice is a theory of justice that builds on the principle that wrongdoers must be punished in proportion to the harm caused by their wrongful act. It holds that the more severe the crime, the harsher the punishment. This philosophy is deeply rooted in "an eye for an eye". In simple words, a person who breaks the law or commits a crime should deserve to suffer in return as punishment, and the punishment must depend on the seriousness of the crime committed.¹ Some famous scholars quoted the definition of Retributive justice, such as

Immanuel Kant: Advocated that "punishment is a moral imperative — it must be imposed because the offender has committed a crime, regardless of social consequences."²

H.L.A. Hart: Retributive justice is "the principle that punishment is justified because and only because the offender deserves it."³

The purpose of Retributive justice is to ensure moral justice; it is a moral Good which is not only necessary for the victims and society but also for the offenders.

PRINCIPLE OF RETRIBUTE JUSTICE

There are three principles of Retributive Justice:

1. Those who commit certain crimes deserve to suffer a proportionate punishment
2. The punishment is morally good if it is given by a legitimate punisher.
3. It is morally wrong to intentionally punish the innocent or inflict punishment which is disproportionate to the wrongdoer.⁴

ESSENTIAL ELEMENTS OF RETRIBUTION JUSTICE

Wrongful Act: Wrongful act is the foundation of Retributive Justice. The punishment is only justified if there is any wrongful act committed and the wrongful act must be defined under the law. No one can punish for an unless it is defined as an offence under law. Without any Actus reus (wrongful act) there can be no retribution.

¹ Standard Encyclopedia of Philosophy, 'Retributive Justice' (Standard University, 2014) <https://plato.stanford.edu/entries/justice-retributive/> accessed 25 September 2025

² Immanuel Kant, *The Metaphysics of Morals* (Mary Gregor tr. Cambridge university Press 1996) 105.

³ HLA Hart, *Punishment and Responsibility: Essays in the Philosophy of Law* (2nd edn, Oxford University Press 2008) 231.

⁴ Michael Moore, 'The Moral Worth of Retribution' (1993) 19(2) *Criminal Justice Ethics* 21.

Example – Section 103 BNS (Section 302 IPC) – Murder: Wrongful killing of a person with intention/knowledge.

Case: State of Maharashtra v. Mayer Hans George (1965):⁵ Held that ignorance of law is no excuse if wrongful act is clearly prohibited by law.

Punishment in response: The primary response to wrongful act is Punishment. Once the wrongful act is proven, Retributive Justice imposes a penalty or a sanction on the offender as moral and legal consequences. The punishment can be in the form of a fine, Imprisonment, the death penalty, etc.

Example – Section 103 BNS (Section 302 IPC): Death penalty or life imprisonment for murder. Section 64 BNS (Section 376 IPC): Minimum 10 years' imprisonment (may extend to life) for rape.⁶

Proportionality: Proportionality is a term which denote that the Punishment must fit the crime. It is simple words, if the offence is more serious and heinous, the punishment should be greater, and if the offence is less serious, the punishment can be lesser. This element establishes fairness, legitimacy (prevent from arbitrary or excessively harsh sentence) and consistency (maintain similarity of punishment for similar crimes)⁷

State Centric: The right imposes punishment lies on State and also the state prosecuted the offender, not the victim. This ensures fairness, justice and private revenge. **Example** - All criminal cases are titled as State v. Accused (State of NCT of Delhi v Mukesh)⁸

Just Desert: This element state that the wrongdoers deserve punishment because they have committed wrongful act. This is all about giving punishment to wrongdoers who morally and legally deserve it. **Example – Section 103 BNS (Section 302 IPC)** – Murder is punished with the death penalty or life imprisonment, as the offender deserves the highest level of punishment for taking a life.⁹

⁵ *State of Maharashtra v Mayer Hans George* AIR 1965 SC 722.

⁶ Indian Penal Code 1860, s 302; Indian Penal Code 1860, s 376 (now replaced by Bharatiya Nyaya Sanhita 2023, s 103 and s 64 respectively)

⁷ Andrew von Hirsch, *Censure and Sanctions* (Oxford University Press 1993) 15.

⁸ *State (NCT of Delhi) v Mukesh and others* [2017] 6 SCC 1.

⁹ Antony Duff, *Trials and Punishments* (Cambridge University Press 1986) 38.

OBJECTIVE

The main objectives of Retributive Justice is to punish offenders proportionate to crime committed, to compensate victims in proportion to the crime, to send message to society that crime is not to be tolerated or to establish offender's accountability. In Retributive theory of Justice, the punishment is an end in itself.¹⁰

Illustration: If a person commits murder, he is punished with imprisonment or fine under BNS. This is not just to deter others but also because justice demands that the offender face consequences for violating the law in regards of seriousness of the crime committed.¹¹

Example (Indian Law): Section 103 BNS (Section 302, IPC): Punishment for murder – death penalty or life imprisonment; Section 64 BNS (Section 376 IPC): Punishment for rape – imprisonment not less than 10 years, may extend to life.¹²

NEED OF RETRIBUTIVE JUSTICE

Retribution justice is the is the essential component of Criminal justice system as it holds the punishment for breaking law and order. Its importance lies in -

Maintain Rule of Law: Retributive justice maintains the rule of law by punishing the person who breaks the law and order, which must be equal to the seriousness of the crime. Society response smoothly when the offenders are punished for the wrongdoers and the innocents, living their life with dignity.¹³

Moral Justice and Social Order: As the crime disturbs the social and moral stability of society where retribution justice balance the crime and society and act as the moral goods, which ensure social order for stability of the society. This satisfied the moral sense of right and wrong within the society.¹⁴

Deterrence: Deterrence act as the fear of consequences where the threat of penalties discourages individuals from committing crime. It depends on the idea that people rationally

¹⁰ HLA Hart, *Punishment and Responsibility: Essays in the Philosophy of Law* (2nd edn, Oxford University Press 2008) 234

¹¹ Standard Encyclopedia of Philosophy, 'Retributive Justice' (Standard University, 2014) <https://plato.stanford.edu/entries/justice-retributive/> accessed 25 September 2025

¹² Indian Penal Code 1860, s 302, s 376 (now Bharatiya Nyaya Sanhita 2023, s 103, s 64)

¹³ Nigel Walker, *Why Punish?* (Oxford University Press 1991) 52.

¹⁴ Andrew von Hirsch, *Doing Justice : The Choice of Punishments* (Hill and Wang 1976) 23.

weigh the risks and rewards before acting. The more severe the crime, the harsher the punishment serves as a deterrent effect.¹⁵

Proportionality and fairness: Retributive justice emphasize the punishment given to the offender must be equal to the crime committed. It focuses on the punishment not being excessively harsh or excessively lenient; it must be Proportionate on the basis of the seriousness of the crime.¹⁶

In Indian context: In diverse country like India, Retributive Justice maine peace in society by punishing wrongdoers, deter future crimes, build trust among citizens that justice is not delayed and denied.¹⁷

DEFINITION OF RESTORATIVE JUSTICE

Restorative Justice is a theory or process of justice that focuses on repairing the harm caused by crime or wrongdoing rather than punishing the offender. This theory of justice is both a philosophy and a practice which not only talks about the violation of crime but also harm to people; it generally involves an active relationship with statutory agencies.¹⁸

Howard Zehr (Father of Restorative Justice): “Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offence and to collectively identify and address harms, needs, and obligations, to heal and put things as right as possible.”¹⁹

UN Office on Drugs and Crime (UNODC): “Restorative justice is a way of responding to criminal behaviour by balancing the needs of the community, the victims and the offenders.”²⁰

PRINCIPLE OF RESTORATIVE JUSTICE

Encounter: Restorative Justice begins with bringing people together, who are directly involved - victim, offender, community. It gives a platform to victim, so that they express the

¹⁵ Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (Batoche Books 2000) ch 13.

¹⁶ Antony Duff, *Punishment, Communication, and Community* (Oxford University Press 2001) 130.

¹⁷ M P Singh, *Constitutional Law of India* (Eastern Book Company 2021) 642.

¹⁸ John Braithwaite, *Restorative Justice and Responsive Regulation* (Oxford University Press 2002) 11.

¹⁹ Howard Zehr, *The Little Book of Restorative Justice* (Good Books 2002) 37.

²⁰ UN Office on Drugs and Crime, *Handbook on Restorative Justice Programmes* (2nd edn, United Nations 2020) 5.

effect of harm caused to them and give offender, an opportunity to hear and acknowledge their responsibility.²¹

Repair: Primary focus of Restorative Justice is to repair, reconcile and heal harm caused by wrongdoing instead of punishing offender.²²

Transform: Restorative Justice is not only about addressing harms but also to transform individual and to pinpoint the cause of crime.²³

ESSENTIAL ELEMENTS OF RESTORATIVE JUSTICE

Restoration: The primary aim of Restorative Justice is restoration rather than Retributive and focus on repair harm cause by crime, conflict or wrongdoing and to ensure welfare of community.²⁴

Re-integration: The secondary aim of Restorative Justice is to re-integrate the victim and offender, both into the community with dignity and respect with respect to maintaining social harmony.²⁵

Focus on harm: It emphasizes on reconciliation, healing and repairing instead of punishing the offender.²⁶

Accountability of Offender: Offender must acknowledge responsibility for their actions, understand the harm caused, and actively participate in the amends.²⁷

Victims-Centric Approaches: Victims and Community are center of the process and they should be, given chances to express that by what they were affected and what they needs for healing.²⁸

²¹ Tony Marshall, *Restorative Justice: An Overview* (Home Office Research Development and Statistics Directorate 1999) 7.

²² Gerry Johnstone, *Restorative Justice: Ideas, Values, Debates* (2nd edn, Routledge 2011) 20.

²³ Daniel W Van Ness and Karen Heetderks Strong, *Restoring Justice: An Introduction to Restorative Justice* (5th edn, Routledge 2015) 28.

²⁴ Howard Zehr, *The Little Book of Restorative Justice* (Good Books 2002) 15.

²⁵ UN Office on Drugs and Crime, *Handbook on Restorative Justice Programmes* (2nd edn, United Nations 2020) 33.

²⁶ Gerry Johnstone, *Restorative Justice: Ideas, Values, Debates* (2nd edn, Routledge 2011) 42.

²⁷ John Braithwaite, *Crime, Shame and Reintegration* (Cambridge University Press 1989) 69.

²⁸ UN Office on Drugs and Crime, *Handbook on Restorative Justice Programmes* (2nd edn, United Nations 2020) 46.

OBJECTIVE

The main objective of Restorative Justice is to repair harm caused by crime, providing a structured way for victims, offenders, and the community to come together to address their needs of affect. Rehabilitation of the victim and offender, Reintegration of the offender into society, restoration of the community and its members to the position they were in before, and healing of victims are more objectives of Restorative Justice.²⁹

NEED OF RESTORATIVE JUSTICE

Addressing Inadequacies of Traditional Systems: Traditional systems punish offenders instead of focusing on their rehabilitation, but restorative justice focuses on repairing and healing harm and the rehabilitation of offenders. It also involves the community as stakeholders and prevents reoffending, and improves the victim's well-being.³⁰

Benefits for Victims and Offenders: Restorative Justice provides a voice to victims to express their harms caused to them and needs for rehabilitation, it also addresses that the offender is accountable for the harm caused and he must be held responsible, he is entitled to be taken to reparative action, and change his behaviour.³¹

Community and Social Benefits: Unlike Traditional Justice, it involves the community in establishing standards of conduct and supports healing and integration. It promotes the offender's social reacceptance after they have demonstrated repentance and made amends.³²

COMPARATIVE STUDY OF RETRIBUTIVE JUSTICE AND RESTORATIVE JUSTICE

Each view focuses on three different questions, such as Retributive Justice focuses on What laws have been broken? Who did it? What do they deserve? And Restorative Justice focuses on who has been hurt. What are their needs? Whose obligations are these?³³

²⁹ Howard Zehr, *The Little Book of Restorative Justice* (Good Books 2002) 18.

³⁰ UN Office on Drugs and Crime, *Handbook on Restorative Justice Programmes* (2nd edn, United Nations 2020) 12.

³¹ Daniel W Van Ness and Karen Heetderks Strong, *Restoring Justice: An Introduction to Restorative Justice* (5th edn, Routledge 2015) 44.

³² Gerry Johnstone, *Restorative Justice: Ideas, Values, Debates* (2nd edn, Routledge 2011) 50

³³ Tony F Marshall, *Restorative Justice: An Overview* (Home Office Research Development and Statistics Directorate 1999) 6.

Indian legal system is largely retributive, but as restoration, recent court practices and reform introduction elements of restorative justice, like lok adalat to resolve instant dispute without lengthy procedures, Juvenile Justice laws for rehabilitation, victim offender mediation, probation and parole for re-integration of offenders, and community services for minor offences, whereas Retributive Justice remains dominant in handling serious crimes such as murder, rape, terrorism and kidnapping, to send strong deterrent message to society and to punish offenders proportionate to crime.³⁴

Restorative justice works best in handling minor offences. It sends a strong restorative approaches message to society, whereas Retributive Justice is necessary for the crime which threatens public safety and society. It is strongly punitive in nature. The key essential of Restorative Justice is to repair harm, whereas Retributive Justice involves crime against the state or law, which enforces punishments and penalties.

Retributive Justice, rooted in punishment and deterrence, is based on the principle of “an eye for an eye, a tooth for a tooth”,³⁵ here, justice means giving the offender what they deserve in proportionate to their crime. Whereas restorative justice, rooted in community values, victims' rights, healing and reconciliation, means restoring balance rather than awarding punishment.³⁶ In Retributive Justice, Punishment is justified because the offender deserves it, and Morality is linked with Punishment.³⁷ In other Theory of Justice sees wrongdoing as a violation of people and relationships, not just law and emphasises empathy towards the victim, accountability of the offender and transformation.³⁸

Retributive Justice is the adversarial process (victim vs offender), (prosecutor vs defence), and Restorative Justice is the Participatory and inclusive process (dialogue, mediation, community, meetings). Awarding punishment to the offender is central in Retributive Justice, and the victim plays a minimal role in this, but the victim's voice and needs are central in Restorative Justice.³⁹

Retributive Judgement promotes fear of punishment, creates stigma and alienation of offenders. On the other hand, Restorative Justice promotes healing, peace and reconciliation and reduces

³⁴ Law Commission of India, Report No 277: *Wrongful Prosecution (Miscarriage of Justice): Legal Remedies* (August 2018) 72; see also *Girish Kumar Seneja v CBI* (2017) 14 SCC 809 (where the court highlighted speedy trial as part of justice, which aligns with restorative approaches like Lok Adalat).

³⁵ Immanuel Kant, *The Metaphysics of Morals* (1797, Cambridge University Press 1996).

³⁶ Howard Zehr, *The little Book of Restorative Justice* (Good Books 2002).

³⁷ Andrew von Hirsch, *Censure and Sanctions* (Clarendon Press 1993).

³⁸ John Braithwaite, *Restorative Justice and Responsive Regulation* (Oxford University Press 2002)

³⁹ Gerry Johnstone, *Restorative Justice: Ideas, Values, Debates* (2nd edn, Routledge 2011).

recidivism by reintegrating offenders.⁴⁰ In both contexts, society sees justice from different perspectives, such as in one of theoretical justice is awarding punishment by the state, for example, the death penalty for murder, imprisonment for theft and in other contexts, such as shared responsibility, for example Truth and Reconciliation Commission in South Africa, victim-offender mediation programs.

This the landmark judgement *Bachan Singh V. State of Punjab (1980)*⁴¹ where supreme court upheld the Constitutionality of the death under Section 302 IPC and introduced the “rarest of rare” doctrine, stating that capital punishment should be given only in the exceptional and heinous crimes. This landmark judgement reflects the **Retributive Justice** as the court said punishment, especially the death penalty, may be justified as a societal response (censure). The death penalty is only imposed in exceptional cases where an alternative (life imprisonment) is not adequate.

In the landmark judgement, *Machhi Singh and ors V. State of Punjab (1983)*⁴² where the Supreme Court elaborates on the “rarest of rare” doctrine for imposing the death penalty. This Judgement provides criteria for the death penalty or where life imprisonment is an inadequate punishment. The criteria should be: extreme culpability of the offender, manner of the crime, nature and magnitude of the crime, circumstances of the offender and status of the victim. It ensures that the death penalty is reserved for the gravest of crimes where the offender’s incorrigibility makes life imprisonment unsuitable. It reflects **Retributive Justice** as it plays a role in justifying extreme punishment; also, one factor(crime) must match the other factor (manner, circumstances, brutality) to determine whether the death penalty is appropriate.

The landmark judgement *Holiram Bordoloi V. State of Assam (2005)*⁴³ delivered by the Supreme Court. In this case, Holiram Bordoloi, the appellant, is convicted and accused of a brutal attack and sentenced to death for his involvement in a heinous crime that resulted in the death of multiple family members through arson and mutilation. The central issue of this case is the applicability of the “rarest or rare” doctrine in awarding the death penalty. At the time of sentencing him to the death penalty, the court emphasised the cruelty, manner, brutality of the crime and lack of positive traits, etc, as justification.

⁴⁰ United Nations Office on Drugs and Crime (UNODC), *Handbook on Restorative Justice Programmes* (2nd edn, 2020)

⁴¹ *Bachan Singh v State of Punjab* [1980] 2 SCC 684 (SC).

⁴² *Machhi Singh v State of Punjab* [1983] 3 SCC 470 (SC).

⁴³ *Holiram Bordoloi v State of Assam* [2005] 3 SCC 793 (SC)

The Judgement delivered in *Deo Narain Mandal Vs. State of UP (2004)*⁴⁴ explain "Proper sentence" by observing that the sentence should not be excessively harsh or ridiculously low. While imposing a sentence, the court should bear in mind the principle of proportionality. The court held that the sentence should be given based on the facts of the case, the gravity of the offence and the manner of the crime. The discretion of the court in awarding a sentence should not be exercised arbitrarily. This case shows the Combination of Retributive, reform and some remedy to the victim. The main effect of regulating the sentence is to reflect fairness, proportionality and recognition of the victims' rights.

The Judgement *Mohd. Giasuddin Vs. State of Andhra Pradesh (1977)*⁴⁵ explaining Rehabilitative & Reformative aspects in sentencing has been observed by the Supreme Court- "Crime is a pathological aberration. The criminal can ordinarily be redeemed, and the state has to rehabilitate rather than avenge. The subculture that leads to antisocial behaviour has to be countered not by undue cruelty but by re-culturization. Therefore, the focus of interest in penology in the individual and the goal is to salvage him for society. The infliction of harsh and savage punishment is thus a relic of past and regressive times. The human today views sentencing as a process of reshaping a person who has deteriorated into criminality, and the modern community has a primary stake in the rehabilitation of the offender as a means of social defence. Hence, a therapeutic, rather than an 'in terrorem' outlook, should prevail in our criminal courts, since brutal incarceration of the person merely produces laceration of his mind. If you are to punish a man retributively, you must injure him. If you are to reform him, you must improve him, and men are not improved by injuries."

In this Case, *Kokaiyabai Yadav vs State of Chhattisgarh (2017)*⁴⁶, the appellant Kokaiyabai Yadav in convicted of the murder of 4 years 4-year-old daughter, Kumari Deepa. She was serving in prison since 2003, then at the time of the Supreme Court consideration, she had already spent 13 years in prison. During her sentence, she is observed for her good behaviour, supervising other female prisoners, engaging in educational activities, yoga programs, cultural activities, etc. Due to serving long in prison and being observed for her good conduct, the Supreme Court directed the state authority to consider her case for remission of the rest of the

⁴⁴ *Deo Narain Mandal v State of UP (2004) 7 SCC 257 (SC)*

⁴⁵ *Mohd. Giasuddin v State of Andhra Pradesh [1977] 3 SCC 287 (SC)*

⁴⁶ *Kokaiyabai Yadav v State of Chattisgarh [2017] 13 SCC 449 (SC)*

sentence. The Supreme Court applies the idea that punishment should not only be for retribution or deterrence, but also for Reform.

Philosophers and scholars have long debated these theories: HLA Hart defined retributive justice as punishment justified “only because the offender deserves it”⁴⁷, while Immanuel Kant insisted that punishment is a moral Imperative.⁴⁸ In contrast, Howard Zehr, often called the “father of restorative justice”, argues that justice must focus on healing and restoration.⁴⁹

COMMUNITY SERVICE: A SHIFT TOWARDS RESTORATIVE JUSTICE

Community Service is incorporated in Bharatiya Nyaya Sanhita (BNS) 2023⁵⁰ as a form of punishment for minor offences under section 4(f) of the BNS, it represents a shift from traditional retributive to restorative justice. The aim of introducing Community Service as a punishment under the restorative approach is a positive step towards rehabilitation and reducing prison crowding.⁵¹ Community service is defined as an offender being directed to perform unpaid work beneficial to the community, fostering responsibility and reintegration instead of incarceration.⁵² It is designed to hold offenders accountable for the offence, provide means for offenders to contribute to society and promote rehabilitation, reconciliation and reintegration.⁵³

The BNS has introduced community service instead of awarding imprisonment and fine in few offences such as – Section 202 – (Public servant unlawfully engaging in trade), Section 209 – (Non-appearance in response to a proclamation under section 84 of BNSS, 2023), Section 226 – (Attempt to commit suicide to compel or restrain exercise of lawful power), Section 303(2) – (Theft where the value of the stolen property is less than five thousand rupees and a person is convicted for the first time and returns or restores the value of property), Section 355 – (Misconduct in public by a drunken person), Section 356(2) – (Defamation)⁵⁴

⁴⁷ HLA Hart, *Punishment and Responsibility; Essay in the Philosophy of Law* (2nd edn, OUP 2008) 231.

⁴⁸ Immanuel Kant, *The Metaphysics of Morals* (Mary Gregor tr, CUP 1991) 140.

⁴⁹ Howard Zehr, *Changing Lenses: a New Focus for Crime and Justice* (3rd edn, Herald Press 2005) 181.

⁵⁰ Bharatiya Nyaya sanhita (BNS) 2023, s 4(f)

⁵¹ UNODU, *Handbook on Restorative Justice Programmes* (2nd edn, 2020)

⁵² Howard Zehr, *The Little Book of Restorative Justice* (Good Books 2002) 23.

⁵³ Gerry Johnstone, *Restorative Justice: Ideas, Values, Debate* (2nd edn, Routledge 2011) 45.

⁵⁴ Bharatiya Nyaya Sanhita (BNS) 2023, s 202, 209, 226, 303(2), 355, 356(2).

Example – Offender may be assigned a task such as cleaning public space, assisting community development, supporting environmental efforts, working with children or elders, etc.⁵⁵

CONCLUSION

Retributive Justice and Restorative Justice represent two different philosophies of responding to crimes, also two different Theories of Justice. India follows. Retributive focuses on punishing the offender proportionate to the crime committed, whereas restorative focuses on repairing and healing harm. Both have different perspectives and different goals, such as retributive justice sees justice as punishment and deterrence, but restorative justice sees justice as peace, harmony, healing and reconciliation.

A balanced justice system cannot depend on only one model. Retribution ensures order and deterrence, while restoration ensures healing and long-term peace. India follows the modern criminal jurisprudence of a blended approach – punishment for serious crimes where needed, but with space for reform, reconciliation, rehabilitation and reintegration.

For a humane and effective justice system, both must work in balance – firmness with fairness, punishment with compassion, and deterrence with reconciliation.

⁵⁵ Ratanlal & Dhirajlal, *The Indian Penal Code* (36th edn, LexisNexis 2019) 112.