e-ISSN: 2839-5786, p-ISSN: 3139-8464 | JATIR

Restorative Justice or Reproduction of Power? A Critical Analysis of Illegal Mining Affecting Communities in Aravali Hill Range

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***Abstract*—This paper critically analyses whether restorative justice can genuinely restore the lives and rights of communities affected by illegal mining or whether it reproduces prevailing power structures and inequalities. Focusing on illegal mining in the Aravalli Hill Range, particularly in Haryana and Rajasthan, it explores interconnected issues of environmental degradation, human rights violations, livelihood insecurity, and institutional failure. Drawing on perspectives from restorative justice, social justice, and civil society, the paper considers the potential and limitations of restorative approaches to addressing the multidimensional harm caused by illegal mining. The study uses qualitative content analysis of relevant scholarly literature, legal provisions, judicial interventions, government reports, and documented instances of community resistance. It argues that restorative justice must go beyond ecological rehabilitation, financial compensation, and community resettlement to include meaningful participation, recognition of victims, institutional accountability, and structural transformation. The analysis outlines three major challenges: the unequal distribution of resources and mining profits, tensions between restoration and punitive accountability, and the exclusion of marginalized communities from decision-making. The paper concludes that restorative justice is meaningful only when ecological restoration is accompanied by social rehabilitation, democratic participation, effective legal enforcement, and accountability by both state institutions and powerful economic actors. The central concern, therefore, is more than restoring damaged environments but altering the power relations that perpetuate environmental injustice.**

***Index Terms*—Restorative Justice, Civil Society, Community Rights, Ecological Restoration, Power.**

I. INTRODUCTION

The term "Justice" is an umbrella concept. In the social sciences, particularly in sociology, 'Justice' has its own relevance. Scholars have extensively studied the concept of 'justice' in various contexts, such as education, crime, caste, race and ethnic discrimination, etc and

e-ISSN: 2839-5786, p-ISSN: 3139-8464 | JATIR

generally this concept is considered in two ways: one as a representation in existing law and second, as a content or an element of morality in everyday life.[1]

The term 'Justice' originally derives from the Greek word 'Just'. It means 'rights', a fair and honest chance given to a person in various aspects of social life. This was the central idea of Plato's (Republic) and Aristotle's (Nicomachean Ethics) systematic theories of justice. Still, their understandings of Justice in itself differ slightly. Although individual rights are central to their analysis, for Plato justice in itself is a supreme virtue that harmonizes all other virtues in society. Therefore, justice is social in nature and identical with the state. According to him, without studying the harmony of the state, we cannot understand the nature of justice in itself; by contrast, Aristotle modifies the Platonic hierarchical conception of justice because he holds that justice implies equality.[2] Justice for Aristotle is a set of relations among every human being in society, those who are free and relatively equal to each other.[3] Therefore, the major difference between Plato's and Aristotle's conceptualization of justice is that Plato's conception focuses more on a one-dimensional view of exclusion in social life, and the state is an important aspect of justice. By contrast, Aristotle rejects Plato's univocal view and focuses on the broader, multidimensional aspects of Justice. Although he makes a clear-cut distinction among various forms of justice, the relationship he explains between justice and reciprocity strengthens his theorization of justice through the lens of unequal shares and unfairness among individuals. Hence, the argument is that for Plato, justice is an attribute of morality where, in the just state, the individuals perform and fulfil all their duties very diligently as one of the important principles of virtue, but for Aristotle justice lies in the incorporation of equality, proportionality and maintenance of social equilibrium in society. This was a transition from a religious principle of justice, where the god or tradition defines the ideal nature of justice, to a modern secular framework.[4]

Theoretically, this explanation also aligns with the term 'social justice'. From a social science perspective, social justice refers to the fair treatment and equal distribution of resources and opportunities available to every individual, community, or social group within any given state or society. In this context, equity matters more than equality because equality can treat everyone the same. Still, without equal distribution and access to resources, it cannot reduce hierarchy in society. It also means justice cannot be served equally to every individual, since they lack access to their fundamental rights. There will be no fair treatment or provisions for people, communities, or groups within the power structures society creates. Eventually, people are becoming increasingly marginalized; they are constantly excluded and exploited based on their

[1] See Gurvich, G. *Justice,* in Salingman, E. D and Johanson, A. (ed.), *Encyclopedia of Social Science- Volume 7,* (The Macmillan Company, 1937), p. 509

[2] See Gurvich, G. *Justice, 509-15* (The Macmillan Company, 1937); Johanson, D. *The Brief History of Justice* (Willy-Blackwell, 2011); Conford, F. M. *The Republic of Plato* (Oxford University Press, 1944); Grube, G. M. A. *Republic* in Cooper, J. M. (ed.), *Plato: Complete Works* (Hackett Publishing Company, 1997), p. 971-1223; Backer, A. S, *On Justice* in Cooper, J. M. (ed.), *Plato: Complete Works* (Hackett Publishing Company, 1997), p. 1687-93;

[3] Johanson, D. *The Brief History of Justice* (Willey-Blackwell, 2011), p.63

[4] Menon, K. *Justice* in Bhargava, R and Acharya, A. (ed.), *Political Theory: An Introduction* (Pearson Longman, 2008), p. 74-87

e-ISSN: 2839-5786, p-ISSN: 3139-8464 | JATIR

social, economic, political and cultural backgrounds. Therefore, the term social justice itself becomes even broader to understand. From Plato to Aristotle to Rawls to Amartya Sen, various forms of justice have been defined. From the point of view of crime and criminology, Restorative Justice and Retributive Justice play an important role in understanding the violation of people and communities, the harm they face, and the provision of a restorative support system, as well as the violation of state or statutory laws and the provision of punishment based on the act of an individual or group. In criminal justice systems, restorative justice has become one of the most important approaches globally, seeking to transform the criminal justice system as an alternative method for addressing injustice and aiming to restore the losses and harms suffered by victims in society.

In this sense, according to Strang and Braithwaite (2001), the restorative approach is conceived in two important aspects: process and values. The procedural conception focuses on building a bridge between the offender and their family and the victims' family by bringing them together in a circle of conference.[5] This process matters for both victims and offenders, as victims can state their views and offenders can come to realize the impact of their crime. These values also draw a clear distinction between traditional state justice and restorative justice. In traditional state justice, the idea is that because the crime hurts victims, the state must respond by punishing offenders. But restorative justice rejects this conception of harm, focusing instead on healing the victim and restoring the victim through a specific process. Therefore, healing becomes the central value in the argument for restorative justice.[6]

Consequently, this approach aimed to change conceptions of crime and punishment and transform the criminal justice system through new processes and values. But Zehr and some other scholars feel that restorative justice should not be limited to the criminal justice system itself; rather, it needs to reach the stage of everyday life, and this is the reason Zehr and Goher (2003) emphasize the practice of restorative justice beyond the criminal system and advocate the process and values at school, the workplace, and various other institutional levels to resolve conflicts by re-examining and re-activating the tradition of justice.[7]

The most important question that comes to mind is how the concept of restorative justice can help analyze the illegal mining-affected community, given that illegal mining has been a major discourse in India for a long time. Second, when we study restorative justice in the context of India, can this framework actually deliver justice to victims in practice, or does it reproduce structures of power? From these perspectives, this chapter not only offers a new framework for restorative justice as a support system for restoring community life among victims of illegal mining, but also identifies loopholes in the concept itself and proposes an alternative approach. To do that, we are using qualitative content analysis as a significant method to analyse and

[5] Strang, H. and Braithwaite, J. *Introduction: Restorative Justice and Civil Society* (Cambridge University Press, 2001), p. 1

[6] Strang, H. and Braithwaite, J. *Introduction: Restorative Justice and Civil Society* (Cambridge University Press, 2001); Braithwaite, J. *Restorative Justice* in Michel, T. (ed.), *Handbook of Crime and Punishment* (Oxford University Press, 2000); Braithwaite, J. *Restorative Justice and Social Justice* (Saskatchewan Law Review, 2000); Marshall, C. D., *Restorative Justice* in Babie, P. and Sarre, R. (ed.), *Religion Matter* (Springer Nature, 2020)

[7] Zehr, H. and Gohar, A. *A Little Handbook of Restorative Justice* (Good Books, 2003)

e-ISSN: 2839-5786, p-ISSN: 3139-8464 | JATIR

understand what illegal mining is all about, how it is leading to the destruction of the everyday life of communities residing in mine-prone areas, and whether restorative justice can actually provide support, acknowledge the failure of the system, or reshape the power structure and hierarchy in traditional state justice.

Considering all these questions, the chapter is divided into three major sections. Section one provides a detailed analysis of the discourse on illegal mining in India, including some major cases from the last few decades and their impact on community life. The second section discusses the role of civil society and the state in restoring justice for illegal mining-affected communities in the Aravalli hill range, as well as actions taken against illegal mining. The third section defines the gaps and loopholes in the concept and the state's role in providing an effective restorative programme for communities, as well as the major implementation challenges. The last section offers a concluding remark on power structures and hierarchy in the system, and how they are reshaping the entire discourse in reality.

II. THE HISTORICAL CONTEXT OF MINING AND ILLEGAL MINING IN INDIA:

Mining, in general, is the extraction of various minerals, oil, and other natural resources required for construction, transport, and many other purposes from the surface of the earth. Based on their nature, all these minerals and natural resources are divided into two categories. The first category uses minerals and natural resources as raw materials, including iron, gold, stones, coal, diamonds, lead, zinc, silver, bauxite, sulphur, etc. The second category uses mineral and natural resources, such as crude oil, to create fuel as a power mineral. When evaluating mineral deposits, profit becomes extremely important. However, this profit depends entirely on the total quantity and the quality of the mineral extracted from the surface. This is termed mineral inventory. Therefore, the number of extractions and the proportion of the inventory define profits (Ore Reserve) based on the costs incurred.[8]

The history of mining goes back to the history of humanity. From the Stone Age, humans extracted minerals and began to utilize them. Archaeological discoveries provide evidence of mineral extraction in the prehistoric period. According to these discoveries, flint was the first material humans extracted from the surface to forge hunting weapons. Later, humans also used gold from deposits left by rivers and post-glacial floods.[9]

In India, the Geological Survey of India (2021) states that mining dates back to ancient times. Prominent Hindu scriptures, such as the Ramayana and the Mahabharata, also mention the use of diamonds and various gemstones. In particular, the Deccan province of Southern India is known as the earliest diamond producer. In the medieval period, mineral and gemstone extraction increased considerably. Medieval texts such as the Ain-e-Akbari and the historical accounts of the French traveler Jean Baptiste Tavernier provide evidence of mining in India, particularly in

[8] Mero, J. J., Hustrulid, W. A. and Clark, G. B. *Mining* (Britannica Encyclopedia Company, 2026)
[9] Rogers, H. O. and Tryon, F. G. *Coal* in Kiessling, O. E. *Mineral Yearbook 1932-33* (US Bureau of Mines, 1933)

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Bengal, Bihar, Orissa, and the river belts of the Krishna, Ramileru, Sagileru, and Pennar Rivers.[10] But the major turning point in mining in India occurred during the modern period under British colonial rule. Road and railway construction played an important role in the growth of mining in India.

Although mining is considered an important factor in improving the economy by extracting minerals from the earth's surface, processing them and selling them in the market at high prices can generate immense profit. In the last couple of years, wars in Gulf countries against Western frontiers have shown why these minerals matter in geopolitics and for a country's economic growth. But in this context, we are forgetting the essential point: over-extracting minerals and natural resources puts immense pressure on the environment, disrupts natural balance, and leads to new disasters. Illegal mining is also a major cause. So, what exactly is illegal mining? What are the effects of illegal mining on the environment and on the lives of communities that depend on it?

Illegal mining can be understood in two ways. First, illegal mining and trafficking in metals and minerals fall under environmental crimes. Therefore, most of the time, illegal mining is considered only a threat to the environment, which is true. This cannot be denied. This is because natural resources are very limited, and in illegal mining, the person or group generally does not consider these limitations. Instead, the focus is on extracting resources solely for profit. Here, we can see two major challenges. The first is defining illegal mining, as no universally accepted definition exists, and the second is that estimating the exact extent of the crime is difficult. Therefore, in general terms, illegal mining is considered an activity carried out by a person, natural or legal, or a group of people, without complying with the requirements of applicable laws or administrative regulations that govern these activities; or carried out in areas where the exercise of such activities is prohibited, or using prohibited equipment, devices or chemicals.[11]

As we have mentioned above, the first way to understand illegal mining and trafficking of metals and minerals is as an environmental crime. The second way of crime includes the involvement of human trafficking alongside the trafficking of metals and minerals. This falls under human rights abuses. According to the United Nations Interregional Crime and Justice Research Institute (2016), human rights abuses take place in three terms: first, human trafficking; second, sex and gender-based violence; and third, child labour. It is also known as a contemporary form of slavery, where men and adolescents are recruited through deception, and the work offered generally does not comply with labour rights and good working conditions. Financial scams also occur in these situations, where workers are paid in cash at the beginning but later face regular wage deductions and no fixed working hours. As a result, workers are exploited through wage and hour violations, without proper rules and regulations.[12]

Given illegal mining and its impact on the environment and the socio-economic conditions of

[10] Grover, A. K. *History of Mining in India* (Geological Survey of India, 2021)

[11] See United Nations Office on Drugs and Crime, *Responding to Illegal Mining and Trafficking in Metals and Minerals: A Guide to Good Legislative Practices* (UNODC, 2023), p. 3

[12] See United Nations Interregional Crime and Justice Research Institute, *Strengthening the Security and Integrity of Precious Metals Supply Chains* (UNCRI, 2016).

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people and communities, the Government of India enacted the Mines and Minerals (Development and Regulation) Act (MMDR) in 1957.[13] According to Section 21(5) of the MMDR Act, 1957, whenever any person raises any mineral from any land without lawful authority, the State Government may recover from that person the mineral so raised, or, where such mineral has already been disposed of, the price thereof, and may also recover from that person rent, royalty or tax, as the case may be, for the period during which the land was occupied by that person without lawful authority.[14]

Illegal mining is not just about extracting minerals, metals, or natural resources without prior statutory permission or licence. Illegal mining also includes trading and illegal transportation of labour and the resources. According to the Ministry of Mines, Government of India, Odisha, Rajasthan, Chhattisgarh, Karnataka, Maharashtra, Madhya Pradesh, and Jharkhand are the leading states in mineral production. The Comptroller and Auditor General of India audits illegal mining. This audit report also highlights gaps in law enforcement, particularly in Chhattisgarh, Rajasthan, and Uttar Pradesh.[15]

III. RESTORATIVE JUSTICE AND THE ROLE OF CIVIL SOCIETY: A CASE OF ARAVALI HILL RANGE PROTEST

The Aravalli Hills and Ranges are among India's oldest geological formations, stretching from Delhi through Haryana, Rajasthan, and into Gujarat. Historically, state governments have recognized them across 37 districts, and their ecological role has been noted as a natural barrier against desertification in the north and a protector of biodiversity and water recharge. The Supreme Court has emphasized that uncontrolled mining here poses a "great threat to the ecology of the nation" and has directed the adoption of uniform criteria to safeguard them. Their conservation is thus vital for ecological stability, cultural heritage, and sustainable development.[16]

In recent years, illegal mining in the Aravalli Hills near Gurgaon, Faridabad, and Nuh District in Haryana has significantly affected not only the ecosystem but also the lives of communities living in these regions. By 2026, authorities had registered seventy-seven per cent of cases against illegal mining in the Aravalli Hills, which is almost 90,173 cases.[17]

The sheer number itself underscores the seriousness of the issue. Therefore, we should not view illegal mining in the Aravalli Hills solely as an economic and political issue. Rather, it is much broader than that. The main reason is that, while mining and the extracted resources provide infrastructure for national development, they also harm the environment and the people and communities that depend on them. This impact leaves lasting negative marks. Hence, these are

[13] See Mines and Mineral (Development and Regulation) Act 1957, GoI
[14] See *Performance Audit Report of the Comptroller and Auditor General of India on Mining in Uttar Pradesh and Socio-Economic Impact of Illegal Mining,* (Government of Uttar Pradesh, 2024)
[15] Ibid, p.30
[16] See *Press Information Bureau, Ministry of Information and Broadcasting*, GoI, 2025
[17] See Bihani D. *Over 77% of Rajasthan's Illegal Mining FIR's Filed in Aravalli Districts,* (The Hindu, September, 20, 2026)

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major environmental and social issues as well. From a sociological point of view, when we look at illegal mining alongside ecological degradation and human rights, we should ask whose interests are being protected when people struggle to make a living and stand on the streets for their fundamental rights. This question leads towards an explanation of the relationship between illegal mining and the role of civil society.



Image 1: Indian Express: Illegal Mining in Aravali, Gurgaon, https://indianexpress.com/article/cities/delhi/its-official-illegal-mining-is-rampant-in-aravallis-8203375/ Date: 12 October 2022

From a sociological perspective, the major conflict is between the community and the mafias, driven by unequal distribution of resources and benefits and exploitation. But the protest in the Aravali Hill range is not just about protecting the environment or livelihoods; it is also connected to justice for the community affected by illegal mining and the protection of human rights. In this way, civil society becomes crucial in fighting injustice and making the system answerable and accountable.

Now the question is: how can civil society contribute to the justice process for communities affected by illegal mining? Sociologically, civil society is defined in many ways and has a long history. But if we precise this definition then as Braithwaite and Strang (2001) argue in their introduction of Restorative Justice and Civil Society, that civil society is an intermediary between the individual and the state, including family, schools, churches or temples, private workplaces, indigenous organizations, and all kinds of communities.[18]

Therefore, considering the Aravali Hill range protest, the role of civil society in this context was very crucial not just in terms of mobilization of people and protest against the injustice but also in collecting all the evidence and making proper documentation required for registering the official case against the illegal mining and the people who hold the authority over it. Consequently, the role of residents, activists, journalists, and all the other communities and groups involved in this event and the people who actually feel compelled to support this event

[18] Strang, H. and Braithwaite, J, *Restorative Justice and Civil Society,* (Cambridge University Press, 2001), p.1

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very consciously becomes more significant in documenting damages, strategizing the protest and mobilizing the people for the purpose of the protest through communication with local bodies and stakeholders of the society.

The Aravali protest in Rajasthan is an important example of grassroots-level resistance not only to power but also to systemic injustice. The main reason is that the protest shows how people's grievances were converted into a collective political claim through collective action, petitions, and litigation. This protest not only shows civil society's collective mobilization but also connects people's lived experiences to ground reality and to governance and social justice processes. Of course, most of the time people argued that the success of the protest, or the effectiveness of this collective action, depends on extending the community's voices and how they represent themselves and their major concerns at various institutional levels. Although the most important factor is how the state is perceived and how it responds to community and civil society protests, their interests are also engaged throughout the process. Therefore, civil society needs to create and withstand pressure from different forces.

In this process, the relationship between civil society and the judicial system is reciprocal. On the one hand, civil society collects and provides all the relevant documents and evidence regarding the illegal mining events, but on the other hand, the judiciary provides legal protection, and the administrative agencies are supposed to put established laws and legal obligations into practice, particularly in relation to illegal mining, as in the case of the Aravalli Hill Range issue. But when we talk about the role of the judiciary and the state here, another question needs to be addressed: the concept or approach of restorative justice. Because illegal mining has already damaged not only the ecological system but also the entire community life in terms of livelihood, health, and even the lives of people who died in the accidents of illegal mining. As Zehr (2003) argues, restorative justice replaces the concept of harm with responsibility and restoration.[19] Environmental protest, civil society, and restorative justice are clearly linked. In the context of illegal mining in the Aravalli Hill Range, closing it down can help restore the environment and support the livelihoods of affected people and communities. But the major problem lies in this argument itself. Natural resources cannot be recreated, such as mountains or hills that were dug deeper for sand, stone, metals, and minerals. In addition, illegal mining also creates ecological imbalances. Wildlife and the communities that depend on the forest have to leave their land. This massive displacement results in the loss of traditional knowledge and medicines, wildlife, various species that depend on the forest, community livelihoods, and, of course, natural resources. This cannot be restored or replaced. The rehabilitation programme might work for a while, but it cannot restore the bonds with land, culture, and environment broken by illegal mining activities.

IV. THE RESTORATIVE PROGRAMME AND THE CHALLENGES

As we have seen, restorative justice prioritizes restoration or reparation over punishment. As Braithwaite says, it's a process and a value that must be understood in its full potential to bring

[19] Zehr, H. and Gohar, A. *A Little Book of Restorative Justice* (Good Books, 2003), p.3

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change in the criminal justice system.[20] In Changing Lenses: A New Focus for Crime and Justice (1990), Howard Zehr broadly explains restorative justice scholarship[21] and later expands it in another important work, The Little Book of Restorative Justice (2003). For Zehr, restorative justice represents a paradigm shift: it moves from punishment for wrongdoing to obligations and repair through action.[22]

In the context of illegal mining in the Aravalli Hill Range, the environmental conflict needs to adopt this restorative justice framework. This ecological harm extends beyond disputes between offenders and victims of illegal mining. It has affected not only multiple households but also the ecological system in the Aravalli Hill Range. Therefore, the damage consists of ecological and social harm as well. Hence, restorative justice must be conceptualized at both the ecological/environmental and social levels, as a complement to law, regulation, and judicial enforcement. This raises an important question. That question is: can a restorative programme really alter the ecological and social damage caused by illegal mining? And can these programmes provide any guarantee that the harm will never happen again to the environment and to people? Therefore, before reaching this point, we need to understand both the ecological and social dimensions of restoration.

On the ecological level, the most important factor in restorative justice is a proper scientific assessment and reassessment of the actual damage caused by illegal mining. This includes stabilizing mined areas and degraded soil and forests, assessing contaminated water and air, adjusting drainage, and repairing damage where needed. However, during this measurement, one thing must be understood: every damaged area requires a specific measurement. This also means the measurement and assessment must follow the requirements, because a uniform restorative programme will not work the same way in other areas. Restoration needs to address connectivity within the ecological system. Land values differ across places, and so do the habitats and biodiversity they support. Hence, relevant interventions and programmes are needed to restore the damage.

At the social level, the measures of restorative justice will not be the same as those in ecology since the damage disturbed the livelihood of the communities who are dependent on the forest and ecology; not only that, it also damages the social relationship among the communities, connectivity and bond with the land and environment and sense of security in their own surroundings. Therefore, we need to understand the specific harm caused by illegal mining because social harm differs from person to person. Thus, it is very important that restorative justice programmes for social harm should integrate with the ecology and, accordingly, the rehabilitation supposed to take place to recover the livelihood, make public services accessible according to the needs of the person and community, compensation based on damage with legal justification and, most importantly, ongoing monitoring of the consequences caused by illegal mining. This is because the damage is not always economic; it can also be cultural, historical,

[20] Braithwaite, J. Restorative Justice and Responsive Regulation (Oxford University Press, 2002); Braithwaite, J. Restorative Justice and Social Justice (Saskatchewan Law Review, 2000)
[21] Zehr, H. *Changing Lenses: A New Focus for Crime and Justice* (Herald Press, 1990)
[22] Zehr, H. and Gohar, A. *A Little Book of Restorative Justice* (Good Books, 2003)

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psychological, and emotional. Therefore, every form of damage requires specific attention. The place can be altered, but the attachment and bond cannot. Thus, the programme must be adequate and aligned with the needs of the person and the community affected by illegal mining, such as the Aravali Hills.

Consequently, the restorative programme requires the people's participation. It is very important that the state should understand that even though they are making the rehabilitation programmes for the community, ultimately the people or the community know very well what exactly they need. Hence, the state must recognize people as active participants in restorative programmes and value their local experience and information, acknowledging the system's failure to protect its own citizens. Only then will the programme become even more meaningful. Because justice requires accountability. Accountability of the state for failing to provide necessary measures and security for its citizens, even after registering so many complaints against illegal mining and from the people who actually cause this damage through illegal mining. Institutions must also be reformed and restored alongside environmental and social restoration, since they fail to perform the responsibilities and duties they are bound to. Inadequate monitoring, inefficient systems, and ignorance and ineffective mechanisms worsened the damage because action was not taken in time.

Considering these points, we can argue that restorative justice requires not only environmental/ecological restoration and rehabilitation of the community's social life, but also recognition of victims' situations, community engagement, participation in the process, and state accountability. However, the restorative justice approach has many limitations when applied to illegal mining-affected communities in the Aravali Hill Range. These limitations pose a significant challenge to implementing the restorative justice programme.

In the case of M.C. Mehta Vs. Union of India (2004), the Supreme Court of India said that environmental degradation caused by illegal mining in the Aravali Region requires environmental safeguards, land reclamation, and restoration to reduce damage and restore ecological balance.[23] Here, we find the first major challenges for reformative justice: the unequal distribution of resources and, beyond that, the unequal distribution of benefits gained through illegal mining in the Aravali Hill Range. Considering this fact, we can see that through illegal extraction of resources, transportation and trade, the economic profit was constantly earned and managed by the operators and the people who are associated with the commercial interest; on the other hand, the local communities are constantly being used, exploited and degraded in this entire process. In addition, contaminated air, water, and soil pose major threats to people's lives and livelihoods. Restorative justice cannot undo this large-scale damage, and it cannot address inequality without questioning and challenging power itself, since those with commercial interests are part of that power and authority.

The second challenge lies in the contradictions between restoration and punishment. Restorative justice aims to create space for dialogue and communication between the offender and the victims and to rebuild their relationship. But in the context of illegal mining, dialogue and

[23] See *M. C. Mehta Vs. Union of India* (Supreme Court of India, 2004)

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acknowledgement alone are not enough: the state must ensure legal accountability and effective prevention. But the point that needs to be addressed is that even after registering more than 90 cases against illegal mining in the Aravalli Hill Range, proper action has still not been taken by the state, which has also resulted in the loss of many lives. In such situations, when the state substitutes compensation and ecological rehabilitation for punishment, restoration ultimately becomes another business expense for the offender, rather than a matter of prosecution or appropriate sanction. In a sense, it benefits powerful offenders more.

The third important challenge involves people's participation and representation in the restorative justice process. The main reason for this challenge is the heterogeneity of people and their interests, since communities in the Aravali hills are connected to various occupations. In addition, many people depend on mining for their livelihood; therefore, their economic needs depend on mining work. So, of course, not everyone will be ready to participate in the activities against mining work. Hence, the question arises: when restorative programmes are implemented, can they provide an alternative livelihood for these workers, given their requirements? In such processes, inequalities keep being reproduced rather than justice being delivered to the community.

In summary, we can only say that attaining restorative justice is not just about people's acceptance of the programme. It is also about acknowledging the state and the operators who caused these problems for communities. It is also about accepting the system's failure to provide comfort and security when their lives were at the state's mercy. Instead, the focus was on preserving power and inequality rather than restoring people's lives.

V. RESTORATION OF JUSTICE OR REPRODUCTION OF POWER: A CONCLUDING REMARK

Bearing in mind the consequences that were faced by the communities due to illegal mining in the Aravali Hill Range and the state-sponsored programme for restorative justice and rehabilitation of illegal mining-affected communities, one question still remains in the mind. What exactly do we gain through this whole process? Is it really justice for people abandoned by the system, or is it just a reproduction of power by certain classes or groups within authority?

In the context of illegal mining in the Aravalli hill range, it causes severe damage not only to the environment but also to the lives of the people living in those regions. Restorative justice demands ecological rehabilitation, habitats for species displaced by illegal mining, and compensation based on the damage, considering each case and its specific needs. But restorative justice cannot be achieved through these measures alone. As we discussed in the previous section, restorative justice demands accountability and responsibility, with people participating in decision-making and in implementing restorative justice programmes.

Since local communities and civil society hold limited power, the restoration process produces more value than reform in the system. A major reason is that the people and groups who are more powerful economically and through their contacts political actors and administrative

e-ISSN: 2839-5786, p-ISSN: 3139-8464 | JATIR

institutions- provide a base for people with influential mining interests to invest, since they know they can easily manipulate the decision-making process. Not only that, as we already discussed about the contradictions between restoration and punishment, compensation itself also provides them an opportunity as a technical exercise rather than addressing inequality within society's structures and institutions. Therefore, restoration of the damage can be possible with certain measures on a small scale, but it cannot restore justice for the community. Because illegal mining can keep continuing to extract resources and benefit from their transportation and the trade, it will keep causing damage to the social life of the citizens and also to the environment. Thus, it reclaims only profits and power, not justice for people struggling for their fundamental rights.