
CONCEPT OF VICTIMOLOGY IN INDIAN CRIMINAL JUSTICE ADMINISTRATION

Anushka Sharma, Institute of Law, Nirma University Ahmedabad

1. INTRODUCTION

The socioeconomic and political conditions that prevailed at various points in history influenced the evolution of the Indian criminal justice system. The goals of the criminal justice system and the methods used to administer it changed over time and from one period of history to the next. To adapt to changing circumstances, rulers developed new methods and techniques for enforcing the law and administering justice. In early society, the victim was responsible for punishing the offender through retaliatory and vengeful practices, which were naturally governed by chance and personal passion. Personal vengeance gradually gave way to group vengeance, as a man could not have grown and survived in complete isolation, and his survival and existence needed to live in groups. Group life necessitated agreement on ideals and the development of behavioral rules to be followed by its members. These rules defined appropriate behavior and the consequences for members who did not follow the rules.

According to the definition, crime is an act or wrongdoing done against society and mankind, an attack on humanity; hence, the accused is prosecuted by the State. Crime, on the other hand, does not simply inflict symbolic harm to society and social order; it does significant injury to individuals. The concept of victimizing society overshadows and minimizes the importance and grievances of actual crime victims. They are reduced to being mute bystanders and witnesses to a crime in which the state is the prosecution. The accused is central to the Indian judicial system, as is how he should be sentenced, when, where, and so on. Despite upsetting the perceived social order, the guilty are always given the benefit of doubt. Victim compensation, counsel, and help to those who live with the consequences of the crime are just secondary considerations. They have traditionally been referred to as the "forgotten people" in the system.

But recently there has been a gradual shift in the Indian criminal system because of

International covenants on victim rights, proactive judiciary and several Law Commission reports that not only recognize the rights of the accused but also put emphasis on the best interest of the victim. There has been a plethora of guidelines that are being offered to safeguard a victim's interest and to restore them after the commission of the crime and trial. This change has led to more victim-centric policies and judgements that aim to serve justice to victims of crime as well. Victimology is a science that studies crime from a victim-centric approach. The aim of this research article is to study and analyses the concept of victimology, It also aims to highlight the importance of the Indian judiciary in developing this concept and to recommend changes that should be implemented.

2. MEANING OF VICTIM AND VICTIMOLOGY

Every criminal justice system's most important and aggrieved party is the victim. The victimology movement, which started in the United States in the late 1970s, is credited with bringing attention to the plight of victims who were designated as the underserved constituent of any criminal justice system.¹ The ongoing disregard for and misunderstanding of victims' rights in the criminal justice system gave rise to the movement in the United States. In India, victims are frequently thought to be underserved in terms of legal protections and rights, making them the most underappreciated group in the entire criminal justice system.

Many people hold the opinion that the Indian legal system will remain an institution of victim injustice as long as victims' justice is not made the primary focus of the system. The term "victim" includes a victim's guardian or legal heir as well as anyone who has suffered loss or harm as a result of the accused person's activities for which they have been charged.² In general, the term "victim" describes someone who experiences suffering, loss, or difficulty as a result of any cause, including criminal activity. Thus, it is a study of people who suffers or experience harm or hardship for any reason and is thus referred to as victimology.

Victims can also be characterized as people or groups who have suffered harm, including physical or mental harm, emotional suffering, financial loss, or infringement of their fundamental rights, as a result of an action or omissions that are declared illegal by law of

¹ Ann Wolbert Burges, Regehr Cheryl & Albert R. Roberts, *Victimology: Theories And Application*, Jones and Bartlett Publishers, Massachusetts 2010 pg- 31-32

² Section 2(wa), Criminal Procedure Code 1973, (India)

the land including those that forbid any abuse of power.³ In a criminal justice system, a victim of a crime is the most crucial aspect and cannot be forgotten as he has been through the most.⁴

Chapter 6 of Justice Malimath Committee Report also advocated for victim justice. The Report emphasized the hardships of victims throughout the criminal justice delivery system and advocated the establishment of a “Victim Support Service Coordinator” whose objective is to protect the victim's interest during the stage of a criminal trial. Major victim-centric policies were added to CrPC by amendments in 2005, 2006, and 2008. The 2008 Amendment included a comprehensive Victim Compensation System that requires each state government to establish a Victim Compensation Fund.⁵

Justice V.R. Krishna Iyer stated in *Rattan Singh v. State of Punjab*⁶ highlighted the fault of our justice system, according to him, the victims are not given enough importance. Nevertheless, giving due compensation to the victims remains the nadir of Indian criminal law and the parliament must address it. In the case of *Maru Ram v. Union of India*,⁷ Justice V.R. Krishna Iyer further discussed that while the criminal law's societal obligation is to restore the lost or heal the harm and it is ensured by awarding punishments, the length of the jail sentence does not provide compensation to the aggrieved but rather amounts to futility compounded with cruelty. Victims must feel fulfilled through mandatory awarding of damage or compensation to the victim and not by inflicting additional anguish on the criminal, but by decreasing the loss of the bereaved.

Benjamin Mendelsohn coined the term “victimology” in 1947, and defined it as a scientific study of crime victims. Victimology places a greater emphasis on the victim than on the perpetrator, in contrast to criminology, which places more emphasis on the offender. Victimology is the scientific study of the quantity, kind, and causes of criminal victimization, as well as the effects on the victims and the reactions of society, particularly the police and the criminal justice system, volunteers, and professional assistance.

³ Andrew Karman, *Crimes victims: An introduction to victimology* (2003) P. 7

⁴ *State of Gujarat v. High Court of Gujarat*, (1998) 7 SCC 392.

⁵ B.B. Pande, *Growing Concern for Victims Interest in Criminology Theory, criminal Law Level Practices: Implications for Future Action* KIIT Journal of Law and Society, 2011

⁶ *Rattan Singh v. State of Punjab*, 979 (4) SCC 719

⁷ *Maru Ram v. Union of India*, 1981 (1) SCC 107

Victimology includes the relationship between the victim-accused and the relationship between the victim and the criminal justice system, including police, courts, and prison staff. Additionally, implied is a connection between this concept and social movements, institutions, media, and business. Victimization is the act of single-outing someone for cruel or unfair treatment; or a process of being a victim.

Victimology is also characterized as the study of the steps to take to protect victims of crimes from victimization and to provide them with legal recourse. Victimization of those affected by crime caught the attention of law jurists all over the world, those who believed that a victim must also be treated with compassion and dignity, also that their fundamental rights must be protected and preserved along with that of an accused. The beginning of victimology as a subfield of criminology is found in English, West German, Canadian, Australian, and American jurisprudence. Investigating the interactions between offenders and victims is a relatively new field and a critical component of criminology. Both the victim's condition and his relationship with the offender are the main topics.

3. EVOLUTION OF VICTIMOLOGY IN INDIA

Victimology is an interdisciplinary study that deals with various aspects of victimization such as the nature of crimes, the victims' experiences, and the effects of crimes on society. It is an emerging field of study that has gained momentum in recent years in India. The historical background of victimology in India is a fascinating subject that has been shaped by various social, cultural, and political factors.

The concept of victimology in India dates back to ancient times. The victim's authority was so strong during the Rigvedic era that he had the power to punish the offender, but the state gradually seized control of this authority. The laws were the same and adhere to the same principles. Criminals are required to pay a fine to the monarch, and victims of crime are compensated for their damages. The varna system was developed during the Vedic period and included a crucial aspect of justice administration and punishments. Here the basic principle was compensation rather than punishment. The crime committed and the punishment meted out to the offender were based on the victim's class or varna.

In Ramayana, Mata Sita, the wife of Lord Shri Rama, was abducted by demon king Ravana of Lanka, modern-day Sri Lanka. Sita was portrayed as a victim of abduction and her plight

was highlighted in the epic. This shows that victimization has been a part of Indian society for a long time and has been recognized in ancient literature

Restitution and atonement are concepts that are also present in Muslim law; during Islamic rule, efforts to improve society and administer the criminal justice system were prioritized. Village councils were established during the rule of Sher Shah Suri, and they were mandated to compensate victims of thefts and the losses they caused. Under penal law, the criminal justice system directly involved both the accused and the victims. Concerns about the criminal-victim relationship were disregarded for years, and they are still disregarded today. The victim is given the lowest priority in the administration of the criminal justice system because the mostly mental, social, and psychological status of the criminal is given more importance.

During the colonial period, victimology in India evolved significantly due to the impact of British laws and their administration. The British introduced the concept of a victim-oriented justice system, which emphasized the needs and rights of the victim. The Indian Penal Code of 1860, which was based on the British legal system, included provisions for compensation and restitution for victims of crime. However, the colonial justice system was primarily concerned with maintaining social control and protecting colonial interests rather than addressing the needs of the victims.

After India gained independence in 1947, victimology in India began to evolve independently. The Constitution of India enshrines the rights of victims and guarantees their protection under the law. Article 21 of the Indian Constitution safeguards a person's life and personal liberty, which also includes protection from violence and abuse. The Indian Penal Code was amended several times to include provisions for victims' rights and compensation.

Late in the 1970s, studies on crime victims in India started to be conducted, with a particular emphasis on homicide, motor vehicles, and dacoit groups. The Indian Society of Victimology was established in 1992 with the intention of promoting victim rights and creating new legislation. Throughout the 1980s-90s, victimology experienced crucial growth; it was a time of fortification, data collection, theories and new regulations. In the 1980s, victimology in India experienced significant growth with the establishment of the first victim support organization, the Association for Advocacy and Legal Initiatives (AALI),

in Delhi. The organization provided legal aid, counselling, and other support services to victims of rape, domestic violence, and other crimes. AALI played a crucial role in establishing victims' rights as a significant area of concern in Indian society.

The 1990s saw a significant increase in the number of victim support organizations and NGOs working towards creating awareness about victim rights and providing support services to victims. The establishment of the NHRC⁸ in 1993 and the NCW⁹ in 1992 further highlighted the importance of addressing the needs of victims. In recent years, victimology in India has gained significant attention due to the increasing number of crimes against women, children, and minorities. The Delhi gang rape case in 2012, which resulted in the death of a young woman, highlighted the issue of sexual violence and the need for legal and social reforms to protect victims. The government enacted the Criminal Law (Amendment) Act, of 2013, which provided for stricter punishment for sexual offences and increased the rights and protection of victims.

Today, victimology in India is a vital area of study and research. Various universities across the country offer courses and degrees in victimology. The subject has gained importance not only in the field of criminology but also in other areas such as psychology, social work, and law. NGOs and other organizations continue to work tirelessly towards creating awareness about victim rights and providing support services to victims.

In conclusion, victimology in India has evolved significantly over the years, influenced by various social, cultural, and political factors. From the ancient epics to the modern era, victimization has been a significant area of concern in Indian society. The concept of victim-oriented justice, as introduced by the British, further emphasized the importance of addressing the needs of victims. The post-independence period saw the establishment of various organizations and commissions that worked towards creating awareness about victim rights. The recent increase in crimes against women and minorities has further highlighted the importance of victimology in India. Today, victimology in India is a vital area of study and research and plays a crucial role in shaping the legal and social framework of the country.

4. NEED FOR VICTIM-CENTRIC POLICIES IN INDIA

⁸ National Human Rights Commission

⁹ National Commission for Women

India has been grappling with various issues such as gender-based violence, child abuse, domestic violence, and crimes against vulnerable sections of society. Despite the implementation of various laws and policies to address these issues, the magnitude of the problem remains daunting. The criminal justice system in India has been criticized for being insensitive towards the victims and their sufferings. The need for victim-centric policies has become imperative to ensure justice is delivered and to provide support and care to the victims.

Victim-centric policies aim to empower and support the victims of crimes and provide them with assistance in the process of recovery. These policies recognize the victims' rights to justice and restitution, and their needs for care, support, and protection. It requires an approach that prioritizes victims' needs and experiences over the needs of the offender or the criminal justice system.

One of the crucial aspects of victim-centric policies is to ensure that the justice system is responsive to victims' needs. It means providing victims with access to justice, protection, and support throughout the criminal trial and aiding them in getting justice. In India, victims are often subject to multiple traumas due to the insensitivity of the criminal justice system, long delays, and the lack of information, support, and protection. The victims frequently face additional victimization in seeking justice, which reduces their confidence in the system. The absence of victim-friendly facilities, such as witness protection programs, victim support centres, interpretation services in courts, and video-conferencing facilities, further deter the victims from reporting crimes.

Addressing the needs of victims of gender-based violence, including domestic violence and sexual abuse, requires gender-sensitive policies. India has made significant progress in this regard by implementing several laws, including the Protection of Women from Domestic Violence Act, of 2005, and the Sexual Harassment of Women at Workplace Act, of 2013. However, the limited implementation of these laws and the lack of sensitivity during the trial process pose significant challenges. There is an urgent need for a victim-centered approach that prioritizes survivors' voices, recognizes gender-based violence as a systemic issue, and addresses the root causes of gender-based violence.

It is essential to understand that victims of crime require support and care beyond the criminal justice process. Therefore, victim-centric policies need to be developed to provide comprehensive support, including medical, psychological, legal, and financial assistance. India's National Legal Services Authority (NALSA) has launched a scheme to provide victims of sexual assault/ rape, acid attacks, and trafficking with legal assistance, medical support, and counselling. The scheme enables victims to claim compensation from the government, and the expenses of the victim's medical examination, legal aid, and safe accommodation are borne by the government. There is a need to scale up such schemes and programs to support victims of all crimes across the country.

Victim-centered policies should also aim to recognize the diverse needs of victims, including those from marginalized and vulnerable communities. For example, children are often victims of physical, sexual, and emotional abuse. There is a need to develop child-friendly mechanisms to record statements, provide evidence, and protect the child's identity during legal proceedings. Similarly, the LGBTQ+ community is often subject to hate crimes and discrimination, and the criminal justice system's response is often inadequate. Policies that recognize their unique experiences and provide support and care are critical.

In conclusion, victim-centric policies are essential to ensure that justice is delivered, victims receive adequate support and care, and the criminal justice system becomes more sensitive towards their needs. There is a need to invest in victim support systems across the country, including legal aid, medical care, and counselling services, to build trust in the criminal justice system. The government needs to increase public awareness and target specific groups that require support and care. It is time to prioritize victims' voices, empower them, and ensure that their rights are protected. Only then can we truly ensure that the criminal justice system functions in the best interests of the people it serves.

5. PRESENT VICTIM-CENTRIC PROVISIONS UNDER THE INDIAN CRIMINAL JUSTICE SYSTEM

In India, victims are not accorded the same legal protections as perpetrators and are treated no better than mere witnesses in the case against and punishment of offenders. Under civil law, injured parties are merely compensated for their losses, and the perpetrator is held accountable for that payment.

- **VICTIMS AND THEIR RIGHTS IN THE CONSTITUTION:** All other laws are based on our Constitution, which is the supreme law of the land. In addition to the idea of victim compensation, the Indian Constitution includes provisions for victim rights and protection. Certain fundamental rights guaranteed by Articles 14 and 21 must be viewed in the context of the DPSP listed in Articles 39A, 41, 46, and 51C. Under Article 39A, the state promises to advance equal opportunity justice and offers free legal assistance. The Indian Constitution's Article 41 is relevant to the concept of victimology in a broad sense because it calls for the state to start implementing provisions to ensure public support in situations of incapacity and unreasonable want, among other things. By empathically understanding and creatively imagining, it is possible to identify the early stages of constitutional victimology. The requirement that the state compensates victims of criminal violence in Article 21 provides additional protection against the wrongful deprivation of life and liberty.
- **INDIAN PENAL CODE AND VICTIMS:** The IPC lists the various offences and the punishments that go along with them. Several new crimes for the protection of women against acid attacks were added by the Criminal Law Amendment Act of 2013 that significantly improved victim protection (Sec. 328A and 328B), sexual assault (Sec. voyeurism (Sec. 345A), sec. 345C), as well as stalking (Sec. Section 345D), as well as extending the definition of rape.
- (Sec. 375) in IPC. Two significant criminal justice system remedies—compensation and restitution—have now transformed into civil remedies in the modern era. This drew the attention of numerous jurists to examine the difficulties of victims from a new angle to strengthen their position and bring them on par with the guilty.
- **VICTIM RIGHTS UNDER CrPC:** The framework for the plea bargaining process is laid out in Sections 206(1) and 206(3) of the CrPC. The 142nd, 154th, and 177th reports of the Law Commission of India were the first to mention plea bargaining. In these suggestions, the Committee called for the introduction of the concept of plea bargaining into the Indian criminal justice system to facilitate the resolution of old criminal cases and lighten the load on the courts. The Public Prosecutor, who was chosen by the state, is the victim's advocate. The 2008 amendment added a clause allowing the victim to choose an advocate of his choosing to assist the public prosecutor. This clause is now included in Section 24(8). Although they are not as effective as the rights of the accused, the Code does outline a few

rights that are beneficial to victims. For instance, the code gives the victim the option of choosing his private counsel, but the lawyer's power is limited to selecting, and he may only present written arguments after the evidence has been recorded unless the court grants permission.

- Victim Rights while filing an FIR

Since they are the first to evaluate the situation from the victim's perspective, the police, as the primary authority, play a critical role. The police are in charge of conducting the case's primary investigation, but they are completely ignorant of recent developments around the world in fields like victimology and the care that victims should receive. Inhumane treatment by police would give victims a false impression of the Indian justice delivery system in criminal cases because there is currently a clear lack of compassion and regard for their dignity. Similar disregard is shown for Section 25 of the Indian Evidence Act. Additionally, the CrPC requires that the informant always receive a free copy of the FIR and shall not be required to sign anything against their will. In cases involving women, children, or the elderly, the police may request to visit the subject's home or any other location where they feel at ease while taking statements or investigating.

Section 154(2) of the CrPC gives the victim or informant the right to mail the FIR report to the Superintendent of Police if the station house officer in charge refuses to register the FIR.¹⁰ Further, a person may directly approach the Magistrate, having the authority to take cognizance of the case under Section 190 if the SP declines to take the case.¹¹ The Magistrate has the authority to launch an investigation in response to a such complaint either cognizable or non-cognizable under Section 156(3).¹² Additionally, a victim can also file a complaint directly with the Judicial Magistrate, who has the authority to take cognizance of that offence.¹³

- Rights during a trial and investigation

The Indian Apex Court ruled in *Bhagwant Singh v. Commissioner of Police* that “after an inquiry, the police report is forwarded to the Magistrate entitled to take cognizance, and if

¹⁰ Section 154, Code of Criminal Procedure, 1973 (2 of 1974), (India)

¹¹ Section 190, Code of Criminal Procedure, 1973 (2 of 1974), (India)

¹² Section 156(3), Code of Criminal Procedure, 1973 (2 of 1974), (India)

¹³ Section 200, Code of Criminal Procedure, 1973 (2 of 1974), (India)

the Magistrate declines to form charges, the victim must have a say in the case”.¹⁴ Similarly, in, *U.P.S.C. v. Papaiah*, the Court concluded, “that the judge of the lower court had erred in accepting a closure report from the Central Bureau of Investigation when such report was filed without giving adequate notice to the complainant and behind his back”.¹⁵

In CrPC, The concerned police officer must notify the informant or victim as the case may be of his decision to end the further investigation in a matter.¹⁶ Moreover, CrPC also mandates that the contents of a police report, which is sent to the concerned Magistrate following the conclusion of the inquiry, must duly be communicated to the informant or victim.¹⁷ A Public Prosecutor,¹⁸ prosecutes any offence, but the victim if they wish may also hire his advocate,¹⁹ and he may submit written arguments once the evidence in the case is closed.²⁰

In *Shivkumar v Hukum Chand*,²¹ The Indian Supreme court stated “the function of the advocate of a victim in a criminal case is akin to a junior lawyer as he lacks the autonomous authority to intervene in the matter and represent his client.” Nevertheless, the Supreme court in the *Shivkumar* case,²² held that “a victim's advocate can intervene and play a key role in the prosecution.”

- Rights of the victim after the judgement

In case the victim believes the sentence is insufficient, the alleged offender is not found guilty, or if he believes that the compensation is insufficient, the victim has the legal right to appeal the court's decision under Section 372 of the Criminal Procedure Code (CrPC).²³ Additionally, Sections 357, 357A, and 359 of the CrPC contain the provision for victim compensation.

CONTRIBUTION OF INDIAN JUDICIARY IN EVOLVING VICTIMOLOGY.

¹⁴ *Bhagwant Singh v Commissioner of Police* (1985) 2 SCC 53

¹⁵ *U.P.S.C. v. Papaiah* (1997) 7 SCC 614

¹⁶ Section 157(2), Code of Criminal Procedure, 1973, (India)

¹⁷ Section 173(2)(ii), Code of Criminal Procedure, 1973, (India)

¹⁸ Section 24, Code of Criminal Procedure, 1973, (India)

¹⁹ Section 24(8), Code of Criminal Procedure, 1973, (India)

²⁰ Section 301, Code of Criminal Procedure, 1973, (India)

²¹ *Shivkumar v Hukum Chand* (1999) 7 SCC 467

²² *Shivkumar and J.K. International v State* (2001) 3 SCC 462

²³ Section 372, Code of Criminal Procedure, 1973, (India)

“In truth, victim compensation is still the vanishing point of our criminal law. This is the system's shortcoming, which the lawmakers must address,” said Justice Krishna Iyer in *Rattan Singh v. State of Punjab*.²⁴ Through the thorough study of the judiciary in India, it is revealed that the jurisprudence of compensating in India existed before UN Declaration. Even the Punjab High Court in 1984 ruled in *Sukhdev Singh v. Lal Chand*²⁵ that “if the compensation is not paid within three months, the respondents would be called upon to serve the term given by the learned trial court.” But, this case was incorrectly determined, and there may be a punishment for failure to pay compensation.

According to the *Bhim Singh* judgement,²⁶ “the right to award monetary compensation through exemplary costs otherwise is now established by this court's decision in *Rudal Shah v. State of Bihar & Anr*²⁷ and *Sebastian M.Hongray v. Union of India*²⁸” The court in the *Hussainara Khatoon* case²⁹ acknowledged victimisation as the result of power abuse by officers and mentioned that such kind of fundamental human rights infringement directly infringes the right to live with dignity which is protected by Article 21, this issue needs to be addressed and rectified. Adopting a liberal interpretation of part III of the Indian constitution serves as the main driving force behind the concept of Victimology. Through judicial activism in India, now we recognize the rights of victims, and surprisingly, the majority of these victims are criminals who have been victimized during their trial process.

The Indian Evidence Act of 1872's Sections 151 and 152 set forth the rules of evidence, which forbid asking indecent, scandalous, offensive, unpleasant, or insulting questions of victims or witnesses. Criminal courts must also order the reimbursement of reasonable costs incurred by witnesses or complainants to attend court, following Section 312 of CrPC. Several protective measures for victims and witnesses are granted throughout the criminal trial due to judicial activism, including holding a trial on camera and keeping the victim's identity secret.

²⁴ *Rattan Singh v. State of Punjab*, 1980 AIR 84, 1980 SCR (1) 846

²⁵ *Sukhdev Singh v. Lal Chand*, 1219 of 1984

²⁶ *Bhim Singh v. State of Jammu and Kashmir*, AIR 1986 SC 494.

²⁷ *Rudal Shah v. State of Bihar & Anr*, 1983 AIR 1086.

²⁸ *Sebastian M.Hongray v. Union of India*, 1984 AIR 1026.

²⁹ *Hussainara Khatoon & Ors v. Home Secretary*, 1979 AIR 1369.

When a witness or victim's testimony might get tainted by a hostile court environment, there is also a provision for in-camera trials. It is easier to protect and maintain a person's privacy when the victim's or witness's identity is withheld. The use of video conferencing to capture evidence is also encouraged by the Supreme Court. As a result, although significant, the judiciary's contribution to India's goal of victim justice may be overlooked or underappreciated. In the case of *Sakshi v. UOI*,³⁰ the Supreme Court mandated closed-door proceedings to protect the victims' dignity, especially when there has been a rape and the victim is a minor. One more instance is the *Nirmal Singh Kahilon* case,³¹ According to the Supreme Court's decision "Article 21 of our Constitution guarantees both the accused and the victims of crime the right to a fair investigation."

In India several laws protect victims' rights, threatening or pressuring someone to give a false statement is a cognizable, non-bailable crime in India and is punished by up to seven years in prison, a fine, or both under Section 195-A of the Indian Penal Code and Section 154 of the Code of Criminal Procedure of 1973. (2). The provisions of CrPC section 357 subsections (1), (3), and

(4) allow the trial, appellate, and revisional courts to award victims compensation is relevant to their rights and are found in the following statutes: 160, 190, 406, and 439. In India, the constitution's Articles 14 and 21 offer victims the necessary protection. Article 41 offers government assistance to weaker groups in society, while Article 51A places a fundamental duty on all citizens to protect, and improve the environment. In addition to these rights, victims also have many other rights, including the right to a speedy trial, to be heard, to be informed, the right to get compensation, to protection, and the right to reparation to name a few.

In addition, courts have taken actions to speed up the justice process to avoid abuse of power, including adopting the restorative justice principle and compensating or making amends for victims. In *Bodhisattwa Gautam v Shubhra Chakraborty*,³² the Supreme Court decided that if a court adjudicating a rape case had the authority to award compensation at the end of the proceeding, it also had that same power to award interim compensation. The court's rulings during the 1980s showed its efforts and concern for comprehensive victim justice legislation.

³⁰ *Sakshi v. Union of India*, A.I.R. 2004 SC 3566

³¹ *Nirmal Singh Kahilon v. State of Punjab*, 2009 1 SCC 441

³² *Bodhisattwa Gautam v Shubhra Chakraborty*, 1996 AIR 922

The Justice V. S. Malimath committee and the law commission both contend that the state ought to assist victims with money of their own and consider a victim's right to take part in the trial proceedings.

Even with these laws in place, the brutality of these crimes has gotten dreadfully worse. 48,31,515 cognizable offences were registered in total in 2016, which is a 2.6 per cent increase from 2015. (47,10,676 cases).³³ These statistics expose the reality of the situation and shake us out of our denial. They show that new laws must be created to address the current situation because the ones that are in place are insufficient.

6. RECOMMENDATIONS AND CONCLUSION

In India, mostly the focus of the entire criminal justice mechanism is on the offender, everything revolves around him. Even the legal system, the government, and the executive branch frequently worry about the rights of those who have been accused or found guilty. To provide victims justice, the justice system must be made available for people looking for justice. Justice will only be administered accordingly with the spirit of the law if victims and witnesses are free to speak up without fear of retaliation. Providing them with a platform to participate in court proceedings, and have their interests and rights upheld, by giving them proper representation.

It goes without saying that for the families of the victim's testimony to be reliable and the prosecution to be impartial, the system must also ensure their safety. In our society, the victim and never the criminal is held responsible for the crime. If the state had upheld the rights of the victims and applied the law harshly to the offenders, the situation might have been different. To empower distressed victims and protect their rights, the aforementioned recommendations call for a legal framework.

Some rights are not being implemented as they should be, for example, a lack of cooperation between law enforcement agencies and public prosecutors contributes to irregularity in a trial. Thus, it is more necessary than ever to recognize victims' rights. The rights of victims should be honoured and adhered to at all stages of a trial. The author suggests some recommendations:

³³ Source: ncrb

1. The policeman should guarantee that the victim/complainant is duly allowed to be heard during the charge-making process. Further, They must be given fair attention when the accused is released on bail.
2. When a bail application is brought before a court, victims must have the opportunity to express their concerns. Consultation is right when the convict's sentence is imposed or when parole choices are made. Victim involvement at the sentencing stage is required to determine the compensation amount and allow him to provide a "Victim Impact Statement" to shape the nature and quantum of punishment.
3. A victim must have the right to get information about the progress of the case including the reasoning for the delay in locating the offenders or holding a trial, the stage of the investigation or trial, Information on evidence that is submitted by the prosecution, additionally victims must also get access to the police report. As a result, the police must keep the victims informed throughout the inquiry.
4. In India, however, according to the Right to Information Act of 2005, the victim can request information regarding the inquiry or trial. Nevertheless, there is some uncertainty about the extent to which police personnel are required to provide explanations such as informing about causes of delay and all possible efforts taken up to accelerate the criminal justice trial process. for this, the concerned government must issue orders compelling police personnel to provide such knowledge to the victims. notwithstanding the lack of legislative support under any statute.
5. The victim must be granted the right to present in court, allowing him or her to highlight any case of non-examination of essential witnesses by police officers or any case of ignorance of key material facts. The legal representative of the victim should also be permitted to question prosecution witnesses and cross-examining the defense witnesses.
6. Also, measures must be made to guarantee victim rehabilitation from the mental and psychological effects of the crime. Providing proper facilities for compensation is a positive move and is appreciated. Moreover, victim support programs like legal aid, psychological counselling, medical assistance, and rehabilitation should also be strengthened.