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ROLE OF VICTIM IN **SENTENCING POLICY**

AUTHORED BY - VANDANA TIWARI

I.INTRODUCTION

The focus of the most recent changes has been to include victims in the justice process so that they don't feel as alone and don't think they're being treated unfairly. Effective legal aid must be given to undefended and unrepresented accused parties in a criminal case in order to guarantee that the accused has a free, fair, just, and reasonable trial of their allegations. It also looks at recent research that has looked at the worries and concerns about giving victims the right to be involved in sentencing. We draw and talk about what the use of the victim impact statement means for the criminal justice system and the goals of the victim movement. It then looks at how much victims were involved in the process and how that affected how happy they were with justice. Multiple regression shows that a victim's satisfaction with the sentence depends most on whether or not they think the sentence was fair. Offense type, There is some explanatory power in the victim-offender relationship and whether or not the victim's expectations were realised. Analysis also shows that a victim's overall satisfaction with justice system is mostly based on how happy they are with their sentence. We talk about what these results mean for the debate about how victims can be involved in the process through the victim impact statement. The needs and concerns of victims are taken into consideration during the sentencing process since they play a significant role in the criminal justice system. Sentencing guidelines try to strike a compromise between the rights of the victim and the rights of the offender while also taking society's interests into account. Information about the effects of the crime on the victims' lives is one of the victims' main roles in the sentencing process. A victim impact statement, which enables victims to explain how the incident has affected them physically, emotionally, and financially, may be requested from them. The judge considers this information while determining what punishment is suitable for the defendant. In the course of the plea negotiation, victims may also be asked for their opinions on the accusations and the suggested punishment. Victims may be permitted to learn about plea talks

and to attend the procedures in some jurisdictions. Moreover, victims may be involved in restorative justice initiatives, which seek to make amends for the harm committed and foster healing for both parties. These programmes could involve victim-offender mediation, in which the victim and the offender meet to talk about the offence and its effects and collaborate on a reparation plan.

In general, the victim's role in sentencing policy is to provide victims a voice and make sure that their needs and concerns are taken into account during the criminal justice process.

II.MEANING AND CONCEPT OF VICTIMOLOGY

Victimology requires a solid familiarity with the term "victim" as a precondition for comprehension. A victim, from the Latin *victima*, is "any anyone who has suffered or is subjected to injury," such as emotional or financial distress, physical discomfort, or a violation of one's fundamental rights at the hands of the criminal, as stated in the United Nations Declaration of 1985¹.

Victimology is the study of criminal victims and how criminal activity affects both individuals and society at large. Victimology "focuses on the victim's experience, rather than the criminal's, and strives to understand the nature and degree of victimization, its impact on people and society, and solutions for prevention and intervention" The idea of victimology came into being in the middle of the 20th century as criminologists realized how crucial it was to comprehend how crime affected its victims. Early research centered on the interactions between Crime victims, the justice system, and the effects of crime on victims' physical and mental health. Victimization rates and trends, victim-offender interactions, victim services and advocacy, and the function of victims in the criminal justice system are just a few of the themes covered by victimology today .Victimology offers a framework for comprehending crime victims' experiences and creating successful prevention, intervention, and support plans².

¹ "Centre for international crime prevention, handbook on justice for victims 116 (UN Office on Drugs and Crime, 1999)".

² Karmen, A. (2019). An introduction to victimology for criminals (10th Ed.). Cengage Education.

III. VICTIM JUSTICE – AN INTERNATIONAL PERSPECTIVE

Within the context of the legal system, the notion of victim justice places an emphasis on the rights and requirements of those who have been victimized by criminal activity. In recent years, the concept of victim justice has been gaining a growing amount of attention as a way to redress the pain that is inflicted upon victims of crime and to foster a criminal justice system that is more equal and effective. The United Nations presents one perspective on victim justice that is applicable across international borders. The United Nations has passed a number of resolutions and publications that acknowledge the significance of victim rights and encourage justice systems that are victim-centered. For instance, in “1985 the United Nations General Assembly approved the *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*³”. This document defines a set of rules for how victims are to be treated within the context of the criminal justice system. In 2005, the United Nations also issued a set of guidelines called the *Guidelines on Justice in Cases Involving Child Victims and Witnesses of Crime*⁴. These guidelines offer direction on how to handle the particular requirements of child victims and witnesses of crime. In addition to these international texts, numerous nations have enacted their very own legal frameworks and policies to advance the cause of victim justice. For instance, the United States government has enacted a number of federal laws, such as the Violence against Women Act and the Victims of Crime Act, both of which are designed to offer protection and assistance to victims of violent and sexual crimes⁵. In general, the idea of victim justice is developing and taking on more significance as a fundamental component of a criminal justice system that is both fair and efficient. The criminal justice system may greatly aid in repairing the damage caused by crime and fostering healing and justice for all parties involved if it respects the rights and needs of victims and provides them with the necessary support and resources.

⁴ United Nations. (2005). *Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime*. Retrieved from <https://www.ohchr.org/en/professionalinterest/pages/victimjustice.aspx>.

⁵ “National Center for Victims of Crime. (n.d.). *Federal Victim Laws*. Retrieved from <https://victimsofcrime.org/help-for-crime-victims/get-help-bulletins-for-crime-victims/federal-victim-laws/>.”

IV. VICTIM IMPACT STATEMENT

Victim Impact Statements, or VISs, are verbal or written accounts from the victim's point of view that are used to assess the damage brought on by the crime. In a nutshell, the VIS procedure involves giving victim impact statements (which seeks to assess the true nature of the anguish which resulted from the crime) frequently, the victim's friends and relatives will also say things that may uncover and provide information of this kind (about the incident's genuine impact) that would not otherwise be available to the court. The VIS may also contain intricate details and nuanced information about the financial effects of the crime, such as costs for counselling and/or medical care, wage loss, property damage, and earnest requests for restitution or compensation. In addition to the victim's ideas and concerns regarding the crime and the harshness of the penalty for the accused, these specifics and nuanced information can be given. Often, the prosecutor assists the victim in accurately and completely completing a form. In order to characterize in detail the level of the pain caused by the crime, the victim might testify of the factual circumstances, the seriousness of the crime committed, and the consequences the victim has had to undergo. An incorrect arrangement of the facts occurs in an adversarial system because the defendants' and the victims' arguments are frequently conflicting and contradictory duplicates of one another. A VIS may therefore play the vital role of reflecting the particular and differentiating elements of the victim's version of events in order to fully comprehend the case and grasp the precise nature of facts. Even though it's possible that other factors contributed to how the case developed, the VIS supports a victim-centered approach to balancing the scales of justice. The mere fact that an accuser has received a VIS does not prove their guilt beyond a reasonable doubt, nor does it take the place of the formal facts and defenses put forth in court. Every case evolves based on its particular collection of merits. But only when the adjudicating authority thoroughly assesses the victim's injury as shown by a VIS can justice be adequately carried out. The utilization of VIS reports can help determine the victim's financial recompense for their suffering by helping to understand the psychological harm brought on by the crime.

V.BENEFITS OF VICTIM IMPACT STATEMENTS AS WELL AS OBSTACLES FACED

Prior to sentencing, victims or their family members present the court with written or vocal victim impact statements (VISs), which detail the victim's experience with the crime's emotional, psychological, and physical impacts. In addition to giving victims a voice and making them feel heard and validated, these remarks can aid judges in comprehending the entire scope of the pain brought on by the offence. Yet there are also certain challenges to VIS's adoption in India. Investigated the advantages and challenges of VIS in India in one of their studies. The authors conducted in-depth interviews with judges and attorneys as well as surveys of prosecutors, defense attorneys, judges, and victim support groups in four Indian cities. The study discovered that VIS in India may have a number of advantages. They consist of; VIS can give victims a forum to express their emotions and convey the suffering caused by the assault, which can give them a sense of power and validation. Sentence guidance: VIS can give judges a more thorough understanding of the harm brought on by the offence, enabling them to decide on the right punishment with greater knowledge. Deterrence: Because VIS is public, it may serve as a deterrence to potential offenders by drawing attention to the repercussions of their actions. The report did note a number of challenges to VIS adoption in India, though. They consist of: Lack of knowledge: Many victims and their family are unaware of their ability to offer a VIS, which might lead to a lack of involvement in the procedure. Retaliation anxiety: Some victims and their family hesitate to provide a Report out of concern for the offender's or their associates' retaliation.

Cultural hurdles: In some circumstances, cultural barriers might make it difficult for victims or their families to discuss the hurt that the violation has caused in an open manner. Lack of standardization: The VIS procedure is not yet standardized in India, which may cause differences in the kind and caliber of information offered. Minimal influence on sentence: Despite the potential advantages of VIS, there is some worry that judges might not always consider the remarks when sentencing. The introduction of VIS in India could have a substantial positive impact on crime victims. The process's implementation is, however, hampered by a number of factors, such as a lack of awareness, a fear of retaliation, cultural differences, and a limited impact on sentencing. It could be important to spread the word about VIS, improve victim and family protection, and

harmonies the VIS procedure all over India in order to overcome these challenges⁶.

VI.VIS: AN INTERNATIONAL PERSPECTIVE

A victim plays a critical role in meeting the needs of the victims on a global scale:

a) The victim empowerment movement was founded on the “*UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985*”⁷(Declaration)”. This declaration ardently argued that the victims should speak up loudly during the trial and advocated for the rights of victims in terms of protection, assistance, and participation in the court system. The Declaration serves as a venue for victims to voice their concerns during the trial without impairing the offender's rights.⁸

b) In accordance with the proportionality principle, “*VIS was found to be constitutional even in the United States in the case of Payne v. Tennessee*”⁹. The Crime Victims' Rights Act, passed by the House in 2004, acknowledged and upheld the victims' rights to participate fully in the justice system.

c) In Canada, not only do the victims have the right to describe their VIS, but the court also has the authority to ask the prosecutor whether the victims were given a reasonable opportunity to construct a VIS. The victim may be ordered by the court to submit a VIS by adjourning the case¹⁰.

d) Scotland implemented VIS in 2009, allowing victims of serious crimes to provide written testimony to the court on the emotional, bodily, or financial suffering that has resulted from the incident. However, specific information should not be included in the VIS, such as how the incident affected others or the sentence the victim believes the perpetrator should get.

e) The Victim Personal Statement (VPS), also known as a VIS in England and Wales, serves the

⁶ Jhingan, H. P., Bhattacharya, D., & Thakur, P. S. (2016). Victim impact statements in India: a preliminary exploration. *The Indian Journal of Criminology and Criminalistics*, 37(1), 13-28.

⁷ “*Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, G.A. Res. 40/34, United Nations (November 29, 1985)*”.

⁸ Id at 3.

⁹ Supra at 4.

¹⁰ “*Georgia State University Law Review, Sentencing: Victim Impact Statement, 1 GA. ST. U.L. REV. (2012)*”.

function of describing the extent of the victim's suffering as a result of the crime.

The cornerstone for the creation of requirements for submitting a VPS and its application in court proceedings is the Code of Practice for Victims of Crime. When the international realm is emphasized, it becomes increasingly clear how important it is for the Indian justice system to build a VIS mechanism. In a nation where people strive for justice and try to put a stop to exploitation at all levels of the system, VIS would speak up loudly for victims' rights.

VII. THE MODERN UNFOLDING OF VIS IN INDIA

Currently, no legal requirements exist in India that make VIS necessary. But recently, a number of court rulings have supported the use of VIS and pointed to the need for its implementation to modernize the criminal justice system. Very recently ¹¹ the victim's right to a free, fair, and impartial trial was it elevated by the Apex Court? The victim's perspective must be taken into account while deciding whether or not to grant bail. In a decision that created a precedent, the Court concluded that victims had an undeniable right to contest the accused's conviction. A VIS has also been underlined as being strictly necessary to decide disputes in a more professional manner. The Court additionally reaffirmed the need for the state to present adequate guidelines in order to get accurate and uniform VIS reports for use in subsequent adjudication.

As a forum for victims to communicate their experiences, opinions, and feelings to judges, lawyers, and the court, victim impact statements (also known as VIS) have been recognised as an important tool in criminal justice systems all over the world. This is because VISs allow victims to share their stories with the court. During the sentencing phase of a criminal trial in India, the inclusion of VIS in the Code of Criminal Procedure, 1973, gives a legal framework for victims to submit statements. This allows victims to have their voices heard. Yet, the successful adoption and application of VIS requires a number of variables, including awareness and education, a supportive legal framework, access to resources, sensitivity and empathy from criminal justice professionals, as well as constant evaluation and feedback. This research study will investigate these issues in depth, drawing on pertinent literature and research papers to provide practical implications for the successful implementation and application of VIS in India.

¹¹ “*Nirmal Singh Kahilon v. State of Punjab*, C. A. No. 6198-6199 of 2008”.

The importance of education and awareness:

Legal Structure That Is Conducive To Support:

One of the main issues preventing the effective implementation of VIS in India is a lack of knowledge and education regarding the importance and advantages of victim participation in the criminal justice system. Research have indicated that victims may be hesitant to engage in court proceedings owing to fear of revenge, a lack of trust in the criminal justice system, or a lack of information about their rights. There are several reasons why this might be the case. In order to ensure that these services are delivered successfully, it is crucial to inform and educate victims and their representatives on the function and goal of VIS as well as their legal rights and protections. It is possible to achieve this by utilizing community outreach initiatives, legal aid clinics, and victim assistance organizations.

Access to the Available Resources:

It may be necessary for victims of crime to have access to resources and support in order for them to actively participate in the criminal justice system and submit a VIS. These may include medical care, counselling, legal representation, or any other type of support assistance. The provision of such resources and services ought to be included in programmes that are intended to assist victims, and they ought to be accessible to all victims, irrespective of their financial circumstances. Research have indicated that victims may be prevented from participating in court procedures and filing VIS forms because to a lack of resources and support from the community.

Having sensitivity as well as empathy:

For the (VIS) to be successfully implemented in India, the country's criminal justice system must demonstrate sensitivity and empathy towards the lives and experiences of victims. Training for judges, lawyers, and other professionals working in the system should focus on actively listening to the perspectives of victims and their representatives and showing respect for their perspectives. They should also be mindful of the potential impact that traumatic experiences might have on victims and should take measures to reduce the potential for more traumatic experiences during the court procedures.

Evaluation on performance:

The successful implementation of VIS in India calls for continuous review and feedback to ensure that the process is efficient and meets the requirements of the victims. This can be accomplished through the collecting of data on the application and effects of VIS, as well as through the administration of questionnaires and the facilitation of focus groups with victims and representatives of those victims¹².

There are a number of practical issues that must be taken into account in order to successfully adopt and apply VIS in India:

Legal Framework: The creation of a legal foundation for VIS in India is the first stage. To make VIS admissible in court proceedings, changes to the current criminal justice system would be necessary. The Indian Evidence Act of 1872 may already include a provision for the use of VIS, or a new statute specifically addressing VIS may be passed.

Victims' privacy and safety must be protected during the VIS procedure in order to persuade additional victims to come forward. In order to safeguard the secrecy of victims' statements and to shield them from any intimidation or reprisal by the accused or their supporters, rules must be in place.

Resources: To support the successful implementation of VIS, adequate resources, including manpower, financing, and technology infrastructure, must be made available. For instance, if the victim lives in a remote place, the court may need to invest in technology to enable for remote testimony.

The Benefits and Drawbacks of VIS Implementation in India

The following qualities need to be taken into account in order to fully understand the existing plot and implement VIS in India:

- a) **The Benefits-**VIS reports can offer a detailed, comprehensive, and unambiguous explanation of the case, giving the court a clear picture from which to judge. This enhances the court's capacity to choose the appropriate degree of restitution and the severity of the

¹² “*Satya Prakash v. State, (2013) 3 MWN (Cri) 373*”.

penalty.¹³ Because judges will have a comprehensive grasp of the case that doesn't just center on the accused, a thorough VIS May also aid a victim indirectly get bail orders dispensed.¹⁴ Victims with VIS reports will be more pleased with the court's sentencing and may also grow a lasting faith in the judicial system. The victim's complaints are more about being left out of the decision-making process than they are about receiving an unfair verdict. It's crucial to remember that discussing a case can be cathartic and has been proven to have therapeutic advantages because crimes can cause significant psychological and emotional stress.

- b) **The Setbacks** -It has been noted with relevance that the main legal justifications for opposition to VIS are legal ones. While VIS reports may contain comprehensive information on the incident, they may also include the victim's mixed feelings since he may have recorded the statement out of retaliation, clouding his statements with emotional extremes and reducing his memory of the events at the crime scene were authentic. Such feeble, emotionally charged accusations may even have the ability to divert the court's attention, weakening the case's legal arguments. Worst still, judges may be persuaded to rule in favour of the victim by using VIS reports as a form of emotional blackmail. It's very concerning that the legal system can go from being "victim-centric" to "victim-dominated". The possibility that VIS would make it harder for judges to protect themselves from unjustified public pressure is another argument against it.

The Indian Constitution grants all individuals, even those who have been the target of criminal activity, access to a variety of essential rights and protections. The following is a list of important constitutional provisions and case laws in India that pertain to victims of crime:

- c) **Right to Life and Personal Liberty**¹⁵ ensures that all individuals have the right to life and the ability to pursue their own personal pursuits. Courts have taken the position that this entails the right to live with dignity, which encompasses protection against any kind of violence or exploitation in whatever form. The SC of India ruled in the case State of

¹³ INDIAN CONST. art. 21.

¹⁴ Puran v. Rambilas, 2001 SC 2023.

¹⁵ INDIAN CONST. art. 21.

Maharashtra v. Chandrabhan Tale¹⁶ that the right to life includes the right to exist without the fear of being exposed to any type of violence or abuse. This decision was made in the context of the case.

- d) **Article 14 of the Constitution** “ensures that all individuals have the right to equality before the law and equal protection under the law”¹⁷. This right is guaranteed to them by the Constitution. This indicates that the law ought to be implemented in the same manner to each and every person, irrespective of their social or economic standing. The right to equality, according to the Supreme Court's decision in “*Chairman, Railway Board v. Chandrima Das*”¹⁸, includes the right to a fair trial, which is an essential right for victims of crime. This decision was made in the context of a case involving the Railway Board and Chandrima Das.
- e) **Access to Justice** Guaranteed by Every Person's Possession of a Constitutionally Protected Right to Get Legal Assistance Article 39A of the Constitution¹⁹ guarantees that every person possesses the right to receive legal aid and assistance. Courts have taken this to suggest that victims of crime should be supplied with legal aid, particularly in situations where they would not have the financial resources to employ a counsel on their own. The Supreme Court ruled in “*Suk Das v. Union Territory of Arunachal Pradesh*”²⁰, that the right to legal aid is an integral component of the right to a fair trial. This decision was made in the context of the case.
- f) **Courts have found that Article 21 of the Constitution**²¹ grants victims of crime the right to be compensated for their losses, and this provision is found in the right to compensation clause. In the case “*Chairman, Railway Board v. Chandrima Das*”²², the SC ruled that victims of crime have compensation a form of restitution for the harm that was caused to them. This decision was made in light of the fact that the victims of crime have been shown to be entitled to such compensation.

¹⁶ State of Maharashtra v. Chandrabhan Tale (1983) 2 SCC 537.

¹⁷ INDIAN CONST. art. 14..

¹⁸ “*Chairman, Railway Board v. Chandrima Das, (2000) 2 SCC 465*”.

¹⁹ INDIAN CONST. art. 39.

²⁰ “*Suk Das v. Union Territory of Arunachal Pradesh (1986) 2 SCC 401*”.

²¹ Supra 28 pg 15.

²² Id at 20.

- g) **Protection of Children:** The Constitution, specifically Article 15(3)²³, stipulates that children are to be shielded from all forms of exploitation and abuse. The courts have construed this to suggest that children who are victims of crime should be afforded special protections, and this is something that should be done. In the case of “*Vishal Jeet v. Union of India*²⁴,” the Supreme Court of India ruled that the primary consideration in any decision regarding the welfare of children should be what is in the child's own best interests.
- h) **Protection of Women:** The Constitution makes it illegal against women discrimination on bases of their gender²⁵, Courts have construed this to suggest that additional safeguards ought to be made available to women who have been the victims of criminal activity²⁶, that women who are victims of sexual harassment at the workplace have the right to a safe working environment as well as the right to seek redress for any harm that has been caused to them. This ruling was made in reference to the fact that women have the right to seek redress for any harm that has been caused to them.
- i) In general, the Constitution of India offers a solid foundation for the protection of victims of crime, which includes their right to life, equality, legal aid, compensation, and protection from being used and abused.

VIII. RIGHTS OF VICTIM

Rights to Participate in Proceedings

Victims and their family have a right to be present during criminal procedures. This right to be present at proceedings includes the ability to be present during the defendant's trial, sentencing, parole hearings, etc. With the help and presence of a dependable advocate or family member, a crime victim is more comfortable and in a better frame of mind to exercise his right to attend the proceedings.

Right to Restitution

The government creates victim compensation to pay victims back for the costs associated with the

²³ INDIAN CONST. art. 15, cl.3.

²⁴ *Vishal Jeet v. Union of India*²⁴, (1990) 3 SCC 318.

²⁵ INDIAN CONST. art. 15, cl.1.

²⁶ “*Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 SCC 14”.

crime. The majority of compensation schemes accept applications from surviving family members or direct victims of crime. However, if the victim's actions contributed to their injuries, they may not always be eligible to file a claim for compensation.

Right to Speak

Typically speaking, the victim's statements may be either oral or written, according to the legislation. Nonetheless, such declarations may be provided via audiotape, videotape, or other technological methods in some states. These victim statements outline the impact of the crime on them, including any financial, physical, psychological, or emotional effects, among others.

Freedom of Information

The criminal justice system should give victims with general information of interest. It contains details on your legal options, such as the ability to attend hearings, provide a victim impact statement, request a protection order, sue the perpetrator in court for monetary damages, and more. The victim should be informed of all events that take place during the process, including the arrest of the accused, the granting of bail and related proceedings, the dropping of charges, the acceptance of a negotiated plea, the hearings for sentencing, the granting of parole, and other events.

Right to Compensation

Restitution is the process of making up for the harm the defendant caused. As part of their punishments, judges have the power to order restitution from convicted perpetrators. While determining the amount of compensation due, a court takes the victim's losses into account. The defendant's financial resources may be taken into account by the court when determining the overall amount of reparation.

Expeditious Restoration of Personal Property Rights

A victim of a crime could occasionally lose their possessions. Theft or a police seizure of the item could be to blame for this loss. When it is no longer needed as evidence in a criminal investigation, the property that has been seized is often restored to its rightful owner. To prevent the victim from being deprived of his property for an extended period of time, certain jurisdictions have attempted to enforce precise time limits for the restitution of property.

The right to a prompt trial

Several jurisdictions grant crime victims this privilege. Furthermore, due to their facts and circumstances, some particular cases are granted priority over others by various jurisdictions. These high-priority cases may involve young children or elderly individuals who are at risk.

Respect for privacy

In addition, many victims give up on seeking justice out of concern for harassment or revenge from the people who know them and the perpetrators. Victims have a right to privacy protection for information such their name, address, phone number, etc. Additionally, certain communications are protected from court disclosure, including those between a husband and wife, doctor and patient, lawyer and client, etc.

The Protection of Women from Domestic Violence Act 2005²⁷, “*the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989*”²⁸, the Maintenance and Welfare of Parents and Elderly Citizens Act 2007, and other new legislation have all contributed to substantial changes in the State.

“*The Act of 2005 Protecting Women from Domestic Violence*”²⁹”

This law safeguards the victim against domestic abuse and forbids the accused from denying the victim continuous access to any facilities or resources that they are allowed to utilize or take advantage of as part of their domestic partnership, including the shared dwelling. A protection order, a financial relief order, a custody order, a residence order, a compensation order, etc. can all be obtained by the victims.

“*The Act of 1989 for the prevention of atrocities against Scheduled Castes and Scheduled Tribes*”³⁰”.

The purpose of this Act is to stop atrocities against people who belong to scheduled castes and scheduled tribes. According to this Act, victims must receive compensation in addition to various reliefs that vary based on the sort of atrocity they endured.

²⁷ The Protection of Women from Domestic Violence Act 2005.

²⁸ The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989.

²⁹ “*The Act of 2005 Protecting Women from Domestic Violence*”.

³⁰ “*The Act of prevention of atrocities against Scheduled Castes and Scheduled Tribes 1989*”.

Role of victim in sexual offences, child abuse, and acid attack cases

In India, the role that victims play in situations involving sexual offences, child abuse, and acid attacks might differ from one incident to the next depending on the specifics of the case. On the other hand, victims have the potential to play an essential part in the investigation and prosecution of these crimes.

In instances involving sexual misconduct, the victims almost often serve as the principal witnesses, and the validity of their statements might be essential to obtaining a conviction. On the other hand, victims may also be subjected to shame and blame, particularly in situations in which they were acquainted with the offender or were in a romantic connection with them. It's possible that victims are hesitant to come forward because they're afraid of being punished or because they feel pressure from society³¹.

When it comes to incidents of child abuse, victims may be less able to testify owing to factors such as their age or the trauma they have experienced. In situations like these, additional evidence, such as medical records or testimonies from witnesses, might be utilized to bolster the case. Those who have been the victims of child abuse may also have to deal with social stigma and shame, particularly if the abuse was performed by the concept of victim justice is generally expanding and becoming increasingly important as a crucial part of a criminal justice system that is both fair and effective. If the criminal justice system respects the rights and needs of victims and gives them the necessary support and resources, it can significantly contribute to repairing the harm caused by crime and fostering healing and justice for all parties involved or a close friend or acquaintance³². In situations of acid attacks, victims may experience serious physical and emotional stress, and they may also have difficulty gaining access to medical care and rehabilitation services. Acid attacks can be fatal. In addition, victims may be stigmatized and discriminated against because of their looks. It is essential to emphasize the fact that the part played by victims in these trials should not be restricted to that of merely acting as witnesses. In addition to having their rights and dignity maintained throughout the entirety of the judicial process, victims should be given support and

³¹ "National Commission for Women (2019). "Acid Attack Survivors in India: A Study of Rehabilitation and Compensation." Available at: <http://ncw.nic.in/PDFFiles/AcidAttackSurvivorsInIndia.pdf>".

³² "National Crime Records Bureau (2019). "Crime in India - 2019." Available at: <https://ncrb.gov.in/en/crime-india-2019>".

tools to assist them in coping with the traumatic effects of the crime that was committed against them.

IX. CONCLUSION AND SUGESSTION

It is impossible to exaggerate the significance of the victim's involvement in the sentencing procedure as a component of the criminal justice system. The victim's voice is crucial in ensuring that the offender is held accountable for their acts and that the victim is given the opportunity to seek justice and closure. The victim's voice is essential in ensuring that the offender is held accountable for their actions. Over the course of the last several years, there has been a steady increase in the amount of attention paid to the significance of victim participation in the process of doling out sentences. A growing number of legal systems now give victims the opportunity to share their perspectives on the aftereffects of the crime on their lives and the appropriate punishment for the perpetrator.

Statements of victim impact, for instance, give victims the opportunity to detail the physical, emotional, and monetary harm that they have endured as a direct result of the criminal offence. This material may be used to educate the sentencing judge or jury, who may then take it into consideration when deciding what penalty is suitable for the offender. In addition, having victims actively participate in the process of determining sentences can give them a sense of empowerment and finality in the case. It has the potential to make them feel heard and appreciated, and it also has the potential to assist them in moving on from the trauma caused by the crime. It is not appropriate for the feelings or preferences of the victim to have a role in sentencing decisions; rather, they should be based on the facts of the case and the principles of justice.

In conclusion, an important component of the criminal justice system is the role that the victim plays in establishing the proper penalty. It is vital that victims get the chance to express their thoughts on the repercussions of the crime and the suitable punishment for the criminal. Nonetheless, this information must be taken into account in light of both the defendant's rights and the fundamental standards of justice. In principle, the purpose of the criminal justice system should be to ensure that justice is provided to both the victim of the crime and the perpetrator.