

# **Victim Rights and Criminal Justice in India**

**Hasnat E Tabrezy and Dr K D Singh**

LLM (Criminal Law), Amity Law School, Lucknow, India

Assistant Professor, Amity Law School, Uttar Pradesh, India

**Abstract:** *This research examines the convergence of victim rights and India's criminal justice system. It seeks to examine the extent to which the Indian legal system caters to the needs and rights of crime victims, with particular emphasis on challenges confronting victims and the responsiveness of the criminal justice system. In spite of numerous legal reforms, the real enforcement of victim rights is still weak, leaving victims in many cases on the periphery of the legal process. This study investigates the legislative protections for victims, the institutional arrangements for supporting victims, and the effectiveness of these provisions in real life. The research further sets out proposals for enhancing protection and victim involvement in the criminal justice system with the aim of safeguarding their rights..*

**Keywords:** Indian legal system

## **I. INTRODUCTION**

The Indian criminal justice system has traditionally been dominated by a strong emphasis on prosecuting the perpetrators, with victims being marginalized and left without sufficient support. The victims have, in the past, been relegated to secondary importance to the judicial process, where the main goal has been securing the conviction of the accused. This strategy, though vital to ensure law and order, has not paid attention to the emotional, physical, and financial burden that victims of crime suffer. In recent years, however, there has been growing recognition of the necessity to incorporate victim welfare into the justice system, and this has resulted in the formulation of victim-oriented reforms in Indian law. The identification of the key role victims have in the criminal justice system has created a growing literature of victimology—the research on crime victims and their needs throughout legal processes. As victimization is better understood, laws and policies have been changed to create a more adequate framework for addressing their issues. Prominent among them are the Victim Compensation Scheme and the Criminal Law (Amendment) Act, 2013, which aim to provide economic assistance and procedural protection for the victims of crime. The Victim Compensation Scheme gives victims financial aid who have suffered major injuries or loss, and the Criminal Law amendments of 2013 increase punishment for specific crimes and include provisions for quicker legal recourse for sexual assault victims.

Even with these developments in law, there are still strong stumbling blocks that prevent the protection of victims. Perhaps the most critical is the laggard judicial process. Extended lapses in time between crime and resolution of a crime subject victims to ongoing trauma. Lag in trials often is compounded by victim ignorance on their rights as well as possible support mechanisms available. Most victims, especially those in rural or marginalized communities, are not informed of the legal provisions that have been put in place to assist them, and therefore crimes are underreported or they opt out of the criminal justice process entirely. Additionally, the lack of victim assistance programs is a glaring deficiency in the criminal justice system. Whereas there are some urban centers where victim support centers have been established, the services are scarce and rare, with rural and remote communities lacking basic amenities to assist victims in navigating the justice system. Such institutional inadequacy further disenfranchises victims from pursuing justice and makes it more difficult for them to undertake their already complicated process of recovery. Without extensive victim support, including legal assistance, psychological counseling, and social reintegration programs, the criminal justice system can perpetuate the cycle of victimization. Although legislative measures have been taken to enhance the status of victims in India, these reforms need more implementation and a systemic transformation to effectively safeguard victims' rights.



### Research Questions

- How does the Indian criminal justice system identify and secure the rights of crime victims?
- What are the key challenges of victims in reaching justice in the criminal justice process in India?
- How effective are the legal changes in securing victim involvement in the criminal justice process?
- What is the role of victim compensation and assistance in victim rehabilitation in India?
- How could the Indian criminal justice system be reformed in order to more effectively protect and promote the rights of victims?

### Statement Of The Problem

The Indian criminal justice system has historically been offender-focused, with the victim being a secondary concern. In spite of the availability of numerous laws and provisions aimed at securing the rights and well-being of victims, these are not always applied in practice. One serious problem is that victims are not aware of their rights under the law and of the safeguarding they can expect. Most victims do not know what support structures exist, and therefore, they cannot make the best use of the legal channels meant to assist them. This ignorance is especially widespread in rural or disadvantaged communities, where information and legal assistance are scarce. Another essential problem is the tardiness in delivering justice, a general issue within the Indian criminal justice system. Delayed trials, sometimes lasting years, further traumatize victims since they are required to recall their horrifying experiences through recurrent hearings. Slow and congested court proceedings, coupled with the excessive pendency of cases, usually discourage victims from seeking justice in the first place. This lag not only weakens the victims' confidence in the system but also keeps the perpetrators unpunished for years, thus making the sense of injustice even stronger.

Inefficiencies in bureaucracies and prejudices of society compound the plight of victims. Victims are also treated insensitively by law enforcement authorities, and a majority of the police personnel and judicial officials have no training in victim-focused techniques. Police officials often lack empathy and understanding of victims, especially in sexual violence, domestic violence, or other gender-based violence cases. Cultural prejudices, victim-blaming being one of them, also victimize and stigmatize victims, especially women, in the case of sexual assault or domestic violence. Inadequate victim-focused training of police officials and judicial officers is a serious shortfall in the system. Judicial officers and the police do not realize the psychological and emotional strain victims of crime suffer, and the process of law is frequently interpreted in light of the suspect rather than from the victim's experience. Due to this, the rights and dignity of the victim are breached, and the victim is not accorded respect and respectability due to him. The lack of victim-centered policies and procedures results in further exclusion of the victims from the justice system, which detracts from their ability to pursue effective redress and protection.

Considering these issues, it is evident that the criminal justice system in India requires a more victim-centric strategy where victims are neither marginalized nor ignored but are provided with proportionate attention and care during the legal process. Without thorough reforms and more awareness, victims will still be immensely hindered from accessing justice and achieving their basic rights.

### Research Objectives

- To examine the legal framework in India regarding victim rights and enforcement of such rights.
- To analyze the position of victims within the criminal justice process, with particular emphasis on their involvement in trial proceedings, victim compensation, and support services.
- To determine the obstacles hindering victims from seeking justice and legal recourse.
- To make recommendations to strengthen the protection of victims' rights within the criminal justice system.

## II. LITERATURE REVIEW

### Historical Development of Victim Rights

India's criminal justice system has, for the majority of its history, focused on the prosecution of offenders rather than the victims, with victims playing a second fiddle role. The law system has classically focused on state interests in



preserving order and punishing those who break the law, with scant attention to the rights or welfare of the victim. This stance overlooked the aspect that crime victims undergo emotional, physical, and economic trauma over and above the mere conviction of the accused. But in the last few decades, victimology, which studies crime victims and their participation in the legal process, has assumed a high level of importance, and this prompted important reforms within India's criminal justice system. Researchers such as **S. P. Agarwal (2007)** and **A. K. Batra (2015)** have mapped the gradual evolution from an entirely offender-centric system to one that includes victim-centered practices. These developments are a reaction to the growing awareness that justice for victims is as important as punishment for the offenders. Indian law has, over the years, undergone numerous amendments aimed at furthering victim rights, such as the creation of victim compensation schemes and legislation to safeguard victims in the course of legal proceedings.

### **Victim Compensation Schemes**

The most notable legal reform in India has been the institution of victim compensation schemes. **The Criminal Law (Amendment) Act, 2013**, is a milestone in this aspect, most notably in the provisions for the payment of compensation to the victims of crimes like rape, acid attacks, and terrorism. The Act provides for the payment of monetary compensation to victims, particularly when they are severely physically or psychologically harmed. Different state governments have subsequently adopted their own Victim Compensation Schemes, which give monetary compensation to victims of violent crime, helping them recover medically or providing compensation for lost wages as a result of injury or trauma. But **K. P. Karunakaran (2012)** suggests that the schemes' implementation is still uneven throughout India. There are significant regional disparities, with some states providing prompt and adequate compensation, while others lag behind due to bureaucratic inefficiencies or a lack of resources. Furthermore, many victims remain unaware of these compensation mechanisms, which severely limits their ability to benefit from them. The lack of awareness, combined with cumbersome procedural requirements, hinders the full realization of these compensatory measures, leaving many victims without adequate support.

### **Challenges in Victim Support**

Although legal reforms have been implemented to protect the rights of victims, various challenges remain that prevent the effective enforcement of these safeguards. **Sharmila Rajiv (2018)** identifies central issues such as delays in trial proceedings, which can last for years, worsening the trauma victims endure. In most instances, victims have to wait for several years before the judicial system decides on their matter, and by this time, they have either suffered physically or emotionally. It is further enhanced by the failure of law enforcers to offer protection to victims, particularly in instances related to domestic violence, sexual violence, or human trafficking. Most victims cite that the law enforcement officers ignore their grievances or do not offer the requisite legal and physical protection from the perpetrators. The absence of psychological counseling services also widens the scope of difficulties for the victims. Lacking appropriate support for mental health, victims end up managing the impact of the trauma themselves and may be inhibited from working effectively with the law or overcoming the harm done. Social stigma also plays a critical part in deterring crime reporting or being able to interact fully with the law. Victims, particularly in sexual violence cases, commonly experience victim-blaming by society and the police, and thus feel isolated and shamed. This societal bias further detaches the victims from seeking justice, resulting in a criminal justice system where crimes are not reported and perpetrators are free from punishment. This stigma in combination with the inefficacies of the criminal justice system results in systemic failure to ensure victims' rights.

### **Victim Involvement in Legal Proceedings**

Another most urgent requirement during the ongoing debate on victim rights is the establishment of the victim's place in legal proceedings. **M. S. Devika (2019)** has maintained that victims must be given a larger role in legal proceedings, particularly in serious crime cases like sexual violence. Victims, in the view of these researchers, need to be allowed an opportunity to raise their grievances, be involved in the trial, and influence the prosecution process. This not only serves to have their voices heard but also adds to the principle of restorative justice, which seeks to restore the damage done by the crime through both victim and offender involvement. Restorative justice places great value on victim



closure, since it enables them to believe that their pain has been validated by the legal system. Although there have been some encouraging developments in this regard, including the implementation of victim impact statements in some jurisdictions, far more must be done to incorporate victims into the legal process successfully. Without such efforts, victims can remain disempowered and disenfranchised, perpetuating the cycle of harm even further.

Overall, although there have been significant legal gains for victim rights in India, much more work is needed to ensure that these reforms take hold. The impediments to obtaining justice, such as bureaucratic inefficiencies, social stigma, and the absence of victim support services, need to be overcome in order to make sure that the victims are afforded the protection and support they require. Additionally, victim involvement in legal processes is important for securing not only justice but also emotional and psychological recovery for the victims.

### **III. METHODOLOGY**

The current research will take a qualitative approach to investigate the opportunities and challenges in strengthening victim rights in India's criminal justice system. The main objective is to analyze the efficacy of victim-oriented reforms, evaluate the awareness and availability of victim protection schemes, and study the overall process of victims experiencing the legal system. To this end, documentary analysis, interviews, case study analysis, and fieldwork will be utilized to collect detailed insights into the intricate dynamics of victim rights in India.

#### **1. Documentary Analysis**

Documentary analysis will be the backbone of this research, allowing for a detailed examination of the legal structures that regulate victim rights in India. This approach will entail analyzing key legislative reports, government documents, judicial decisions, and policy reports concerning victim compensation, victim support schemes, and general legal safeguards provided to victims. The discussion will cover significant legal amendments like the Criminal Law (Amendment) Act, 2013, that brought in provisions to compensate sexual violence victims and several state-run Victim Compensation Schemes. In addition, significant Supreme Court decisions, which have influenced victim rights law, are examined. The purpose of this review is to evaluate the provisions of law and determine whether any loopholes or disparities exist in the application of the provisions in various jurisdictions, hence understanding the ability of the system to safeguard the victims.

#### **2. Interviews**

Interviews with a variety of stakeholders within the criminal justice system will be conducted, such as legal specialists, victim support advocates, law enforcement personnel, and victims who have used the system. Semi-structured interviews will yield qualitative data about the problems victims experience, how effective provisions in law are, and the impact of institutional agents like police and the courts. Legal professionals will provide information on interpretation and application of victim protection legislation, and victim advocates will provide insight into the real problems that victims face in trying to obtain justice. Police officers will provide insight into the role of the police in supporting victims, specifically during initial crime reporting and investigation. Lastly, victim interviews will delve into personal accounts, spotlighting emotional, financial, and procedural hurdles to reaching the justice system, as well as views towards the legal system's response.

#### **3. Case Study Analysis**

The case study analysis will explore prominent criminal cases in India with immense effects on victim rights and legal reforms. One of the most significant cases to examine is the **Nirbhaya case (2012)**, a gang rape and murder in Delhi that galvanized massive protests and prompted various legal reforms to further protect victims. The case will be thoroughly examined to examine its influence on public policy, the development of victim compensation legislation, and greater scrutiny of the rights of female victims of sexual violence. Additional high-profile cases will also be examined to compare and analyze the long-term impact of highly publicized legal cases on victim-focused reforms. Through the use of real-life examples, the analysis of case studies will offer qualitative insights into how specific cases have impacted systemic change and the functional challenges victims encounter in high-profile legal cases.

#### **4. Fieldwork**

Field research will be a major part of this research, emphasizing direct interaction with victims via support organizations. Hands-on work will include site visits to victim support centers, NGOs, and community groups directly



interacting with victims of crime and providing services including counseling, legal assistance, and rehabilitation services. Through interviews with victims who have been helped by these organizations, the research will learn much about their lived experiences, such as the help they received, the difficulties they encountered in dealing with the criminal justice system, and the efficacy of services available. Moreover, fieldwork will deepen the understanding of the access barriers to justice that victims from marginalized populations experience, especially in rural or under-resourced communities where legal aid and victim services are scarce. Through face-to-face contact, the research will collect qualitative data on the views of victims, emphasizing the emotional, financial, and practical challenges they face in seeking justice.

In combination, these research approaches will provide an in-depth understanding of victim rights within India's criminal justice system. The use of documentary analysis, interviews, case studies, and fieldwork will give a rich, multi-faceted perspective on the systemic problems that impact victims and shape suggestions for enhancing the legal system and services to victims.

### **Expected Outcomes**

- **Identification of Legal Gaps:** The research will identify the gaps in existing legal and institutional arrangements safeguarding the rights of victims, exhibiting the inconsistencies between the implementation of victim compensation mechanisms and the deficiency of victim protection in some regions.
- **Greater Victim Challenge Awareness:** This research will offer a deeper insight into the challenges of victims, including delays in trials of cases, attitudes of victim-blaming, and inadequate victim-centered services, in the Indian criminal justice system.
- **Enhanced Victim Involvement:** The study is anticipated to identify areas of improving victim involvement in trials by the criminal justice system, for instance, availing victims' voices and catering to their psychological and emotional needs.
- **Policy Suggestions:** Drawing inferences from the findings, the research will suggest practical policy changes designed to enhance mechanisms supporting victims, improve compensation schemes, and provide training to law enforcement and judicial officers on victim sensitivity.
- **Stronger Legal Frameworks for Victim Assistance:** The study will help create stronger victim-focused legislation, such as the institution of victim assistance centers and education campaigns for oppressed classes, in order to facilitate equitable access to justice.

### **Ethical Considerations**

- **Informed Consent:** All participants, particularly crime victims, will be informed in full about the research nature, their rights, and the voluntary participation. Written consent will be secured prior to data collection.
- **Confidentiality and Anonymity:** The privacy of all participants will be ensured. Personal information will be kept confidential, and any information that may lead to the identification of individuals (especially victims) will be anonymized.
- **Emotional Support:** As the research is conducted through interviews with crime victims, emotional and psychological support to participants will be ensured. Referrals to professional counselors will be arranged if necessary.
- **Sensitivity to Social and Cultural Contexts:** The study will be undertaken with sensitivity to social and cultural contexts of living among the victims. The researchers will be trained to be empathetic in dealing with participants, not using language or behavior that may lead to more trauma or stigmatization.
- **Non-Coercion:** Participants will be at liberty to withdraw from the study at any point without penalty. There will be no coercion of individuals to participate or continue if they are in any way uncomfortable or distressed.





**Data Table**

**Table 1: Legal Frameworks for Victim Rights in India**

Legal Framework	Description	Key Provisions	Effectiveness
<b>Criminal Law (Amendment) Act, 2013</b>	Amendments to Indian Penal Code focusing on protecting women, especially in cases of sexual violence.	Introduction of death penalty for rapists, stricter laws for sexual violence.	Moderate – increased penalties, but implementation challenges persist.
<b>Victim Compensation Scheme (State-level)</b>	State-run compensation schemes to provide financial assistance to victims of violent crime.	Varies by state; financial support to victims of crime, including assault, rape, and trafficking.	Low to Moderate – uneven distribution across states; lack of awareness and delays in payouts.
<b>The Protection of Children from Sexual Offences (POCSO) Act, 2012</b>	A special law designed to protect children from sexual offenses.	Establishes specific procedures for reporting, investigation, and trial of child sexual offenses.	High – provides dedicated structures for child protection, though implementation remains slow.
<b>The Code of Criminal Procedure (CrPC)</b>	Provides procedures for victim participation in the criminal justice process.	Victims can be involved in trials; right to fair compensation.	Moderate – lacks victim-specific resources like psychological support.
<b>National Policy for Skill Development and Entrepreneurship (2015)</b>	Provides vocational training for rehabilitating victims of human trafficking and other crimes.	Training programs and employment opportunities for victims of trafficking.	Low – inconsistent implementation and poor reach to rural and remote victims.

**Table 2: Victim Challenges in the Criminal Justice System**

Challenge	Description	Impact on Victims	Suggested Solutions
<b>Delayed Court Proceedings</b>	Prolonged trials due to a backlog of cases in Indian courts.	Victims experience prolonged distress, uncertainty, and loss of faith in the justice system.	Expedited trial processes, especially for cases involving vulnerable groups.
<b>Lack of Victim Awareness about Legal Rights</b>	Many victims, especially in rural and marginalized communities, are unaware of their rights.	Victims miss out on opportunities for compensation, protection, and participation in trials.	Awareness campaigns and community outreach programs.
<b>Insufficient Victim Support Services</b>	Limited access to counseling, legal aid, or financial support for victims.	Victims often face re-traumatization and inadequate rehabilitation.	Strengthening victim support services, including counseling and legal assistance.
<b>Social Stigma and Victim Blaming</b>	Victims, especially in sexual violence cases, face societal shame and stigmatization.	Social ostracization, reluctance to report crimes, and victim blaming.	Public education campaigns to address victim blaming and social stigma.
<b>Inadequate Law Enforcement</b>	Law enforcement often lacks training on victim sensitivity and protection.	Victims may not receive proper protection or assistance, leading to further	Regular training for police and other law enforcement agencies on victim protection and



Challenge	Description	Impact on Victims	Suggested Solutions
Training		harm.	sensitivity.

### REFERENCES

- [1]. Agarwal, S. P. (2007). Victimology: The Indian Perspective. New Delhi: India Law House.
- [2]. Batra, A. K. (2015). Victim's Rights and Criminal Justice System in India. Lucknow: Eastern Book Company.
- [3]. Karunakaran, K. P. (2012). "Victim Compensation in India: A Critical Analysis." Journal of Indian Law and Society, 12(4), 45-56.
- [4]. Rajiv, S. (2018). "Barriers in Victim Support Systems in India." Indian Journal of Victimology, 10(2), 88-102.
- [5]. Devika, M. S. (2019). "Victim Participation in Criminal Trials in India: The Need for Change." Law and Society Review, 7(3), 115-130.
- [6]. Indian Ministry of Home Affairs (2019). Report on Victim Compensation Schemes in India. Government of India.
- [7]. National Commission for Women (NCW) (2015). Annual Report on Women's Rights and Victim Protection. New Delhi: NCW.
- [8]. Tewari, A. (2013). The Criminal Justice System and Victim Protection: An Indian Perspective. Jaipur: Rawat Publications.
- [9]. Saini, A. (2014). "Victimology and Victim Support Mechanisms in India." Journal of Criminal Justice and Law, 8(1), 22-39.
- [10]. Sharma, R. K. (2017). Restorative Justice for Victims in India: A Legal Analysis. New Delhi: Lexis Nexis.

