



Constitution of India and Compensation to Victim of Crime Under Victim Rights.

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ABSTRACT

The seeds of victims' rights have sprouted in India in the last few years since the 1985 United Nations declaration on the principle of crime and abuse of power. Since then, has recognized that victims are the centre of the entire justice system and has made efforts to improve their situation. A significant part of the support and assistance provided to victims is injury compensation, which is considered by Indian judges to be an important part of the square "right to life". However, the subsequent need to enact a compensation law led to the inclusion of Section 357A in the Crimes Act 1973; This law authorizes the state to pay compensation to victims or their families who suffered as a result of the crime. or is injured and needs treatment. Nearly all states across the country have established victim compensation programs to ensure adequate compensation. This article identifies specific state activities and highlights the need to develop a conceptual framework that addresses the key concerns of victims. Many victims are affected by crime. People who are abused physically, socially or financially deserve justice. In recent years, attention has been drawn to the impact of crime on victims in the criminal justice system, and it has been determined that victims should be treated with respect and fundamental rights should be respectfully protected. Nowadays, understanding the victim's feelings has become a new branch of crime, also known as victim crime.

Compensation for victims is a major concern.

Victims around the world are no better off. The role of compensation is simple; that is, it aims to protect the rights of victims of what may be considered harm to people or their property. This is provided for in various sections of the Criminal Code 1958, Punishment of Offenders and the Motor Vehicles Act 1988. The purpose of this article is to provide information about the victim's perspective, Compensation for victims, rules and regulations. It's about compensation and the judicial system in India.

Victim Compensation: Definition, Status and Scope

In this day and age, victimization is not limited to the study of criminal relations. But providing compensation to victims has also become a priority. Anyone who has been harmed or their family members has the right to receive compensation. In medieval times, money was often paid for certain crimes by criminals or their relatives. If the defendant cannot pay compensation, the state must pay compensation.

—Ubi jus ibi remedium is a principle of tort law that states that no wrong can occur without remedy, and the law requires that people not be harmed by bad behaviour. Compensation is an indispensable measure in tort law and is the principle that directs compensation and determines the crime. Damages are well known in tort law.

The word "compensation" in the present context means reimbursement of damages. Anything given to equalize is called compensation; something given to pay, repay, make up for, or repay a loss. It can be seen as the responsibility of civil society. Compensation is different from damages and is used for violations that cause someone to suffer harm or loss. Compensation means money given to compensate for damage or loss. The main purpose of compensation is to compensate the victim for the damage he suffered, even if he suffers material damage. The key to compensation is to provide some form of assistance to the victim who is physically, mentally or emotionally injured, to encourage the victim to recover from the injury as quickly as possible, and to provide assistance in any way possible.

Purpose of Compensation

It is very important for the victim to receive compensation for a crime he suffered because it symbolizes justice for the victim and providing financial assistance to the victim can be seen as justice.

I When paying compensation in society, it indicates that the victim did something wrong.

II Treatment can serve as a foundation to help victims overcome

III It can help victims overcome the injuries and damage caused on an individual level.

IV Reparations help victims change their lives.

History of Injury Victims in India

The history of ancient India has proven that there were proper laws for compensation of injury victims. Dr. Priyantha Sen, author of "General Principles of Hindu Law", observed:

However, it is important that the king has a duty to protect the property of his people in case the king is unable to return stolen property. By arresting the thief or returning the price to the owner, so that the king can pay the price to the owner from his bank account and take responsibility for the theft through negligence.

Payment as compensation or penalty has been accepted in India since ancient times. In ancient Hindu law, depositing money during the Sutra period was considered a royal right. The Manu Law requires perpetrators to pay compensation and medical expenses if the victim is injured, and to pay compensation to the owner if property is damaged. In the event of any accident, injury or bloodshed, the person at fault will pay for full or incomplete repair, including total damages and fines.

This shows that compensation for unpaid victims is a foreign concept to the country's justice system. Today, in our legal system, the laws regarding compensation to victims are the provisions contained in the Crimes Code of 1973 and various decisions of the Supreme Court. The question to consider is whether, although laws exist for compensation to victims, these laws are used and useful by those responsible for enforcing them. The answer is very little.

There are many reasons. Some of the more obvious issues, such as the division of tort law into civil and criminal offenses in 12th-century England, lead to the misconception that the field of compensation is only within the realm of civil law, while other issues are not obvious. Like these. For whom the wage is ignorance. Do these good things. The current justice system is based on the assumption that the demands of crime victims are met by the decision of the perpetrator.

The truth is that victims, as defendants in our current state-by-state adversarial laws, are not only ignored, but silenced. The victim's sole responsibility is to report the crime and testify in court on behalf of the prosecution (i.e. the state). Now. Evaluating the current criminal justice system, the Mali math organization found that the victim was denied the right to compensation outside of the ostensible provisions in the Crimes Code, but still had the right to participate in the actual trial. Stakeholders must be deprived. There is no authority to present evidence, challenge the evidence of cross-examination witnesses, or make preliminary arguments to influence the decision.

Protection of victims' rights through legislative changes: -

Since the adoption of the Declaration of Rights to Justice for Oppressed Victims of Trafficking in 1985, many countries, including India, have provided assistance to victims of terrorism. However, there is often no support or legal advice for victims. However, no assistance is provided to them; It contributes more or less to supporting the family, paying back medical bills or legal expenses. Therefore, it must be acknowledged that this important problem has not received the attention it deserves from criminal law practitioners and that there are no appropriate rights for those created poor. The public and justice leaders should be encouraged to encourage governments and legislators to develop legal frameworks for comprehensive services and reparations for victims, in line with what the World Victim Research Association and the United Nations recommend in their Justice for Victims guide.

Victim care and protection in other countries: -

England is the first country to adopt civil legislation to protect the rights of victims and provide assistance to victims. The country is covered by the National Injury Compensation Scheme for compensation to victims under the Crimes Act 1964. Under the Criminal Justice Act 1972, a system of compensation paid by offenders was introduced. In case of injury, loss or damage, it allows the court to order compensation in addition to the initial penalty. The Criminal Justice Act 1982 later expanded the scholarship program further. It requires the court to make an order seeking compensation for any death, injury, loss or damage and, if that order is not made, it is the court's responsibility to write out reasons why it should not do so. Amendments to the Criminal Justice Act of 1991 expand the liability for compensation

The country generally considers two rights of crime victims as important, unimportant or missing. These are the rights of victims, including the right to participate in the crime, to be tried, to know and be heard, and to help the court establish the truth. Another right that all victims should have been the right to seek and receive compensation for their injuries, including the right to be eligible for temporary housing assistance.

The French judicial system grants this right to anyone who has suffered damage or loss as a result of a crime for which the investigation was unreasonably delayed or obstructed until such time as the investigation was carried out. In terms of additional evidence, the victims must participate in the crime

The current American criminal justice system aims to provide greater protection for the rights and interests of crime victims by always giving them time to show justice and seek help in court. The increase in the number of victims in the United States over the past three decades demonstrates that understanding victim services can contribute to public awareness of the victim-perpetrator relationship and can also assist in the investigation of crimes.

For the safety of persons with disabilities who are victims of crime, Article 13 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) requires all States Parties to provide equal justice and benefits to persons with disabilities. persons with disabilities (PWD). Build a foundation with others to facilitate their good work as direct or indirect participants in all legal proceedings during the initial and investigative stages. General Assembly on this Subject

Preamble and Article 1 of the Convention (UNCRPD) define disability as physical, mental, intellectual disability. or mental illness for people, these problems are associated with many social barriers and can prevent them from participating in society to be equal with others. The Convention emphasizes the need to recognize that disability is an evolving concept resulting from the attitudes and interactions between persons with disabilities.

Australian Bureau of Statistics research (ABSS) has concluded that people with intellectual and intellectual disabilities are almost three times more likely than other people to be victims of violence such as rape, sexual violence and violence...

Victims of Crime Act, 1996 (Canada): -

Canada enacted the Victims of Crime Act to ensure access to justice for victims of crime. The law ensures unity: -

- a) Victims of crime shall be given due care and compassion and their dignity and privacy shall be protected.
- b) Victims must be compensated promptly for any injury or suffering sustained as a result of the crime.
- c) Victims must be informed and have access to services, including social, medical, legal and mental health services.
- d) Stay informed about developments regarding the investigation and prosecution of crimes, court proceedings, the role of the victim in the trial process and procedures.
- e) In personal injury cases, victims have the right to bring their opinions and concerns to court.
- f) Victims and their families must be protected against threats, reprisals and harassment by perpetrators or their associates.
- g) Victims are required to return the stolen goods as soon as possible; If law enforcement agencies fail to rectify the situation, they must receive equal benefits from the criminal or the state.
- h) The victim has the right to prepare a victim impact statement, which the court must take into account when sentencing the person to commit a crime.

Crime Victim - India's Position: -

The term crime victim is defined in Section 2 (wa) of the Crimes Act, 1973. Initially, India's criminal justice system focused on punishment as part of punishment. crime but less emphasis was placed on punishment and less emphasis was placed on the rights of the victims. However, with the emergence of public interest, civil society activists ensured that the current injustice in criminal justice was brought to the Supreme Court and the courts started awarding compensation to the victims, but there is legislation regarding this aspect of criminal justice.

Expressing concern over the plight of VR victims, Justice Krishna Iyer said India's criminal justice system is not victim-friendly and making people suffer is often useless but is completely ignored due to negative sentiments towards the perpetrators. Even though our laws today are designed to punish and rehabilitate criminals. Although our current legal system is designed to punish and rehabilitate criminals, it ignores the victims who are the product of crime.

The Supreme Court has repeatedly said that a prisoner, whether he is a convict, convict or prisoner, cannot be imprisoned even if he is in a men's prison, so he still has all his rights. The right to life is among the fundamental rights guaranteed in Article 21 of the Constitution. Therefore, even after being convicted and sentenced to imprisonment, he cannot be deprived of his liberty according to the prescribed procedure.

The development of the victim problem over the last two decades and international efforts to focus on the needs of victims to restore justice have been fruitful, and member states have begun to develop laws and regulations to extend protection to criminal rights. In response to the United Nations declaration, India amended the Criminal Code in 2008, expanding the definition of victim in Section 2 (wa) of the Code. The term "victim" means any person, including his or her guardian or legal heir, who is harmed or harmed by the alleged acts or unlawful acts of the defendant.

Provisions For Victims in Indian Criminal Laws:

After years of debates and discussions some of the provisions of international community of 1985 were recognized when the UN Declaration was adopted by the General Assembly.

In general, a victim's rights can be classified in to following classes:

I Right to be treated with self-respect

II Right to notification.

III Right to be present.

IV Right to be heard.

V Right to rational protection from terrorization and injury.

VI Right to restitution.

VII Right to information.

VIII Right to compensation especially for crimes of violent nature.

IX Right to speedy proceedings

X Rights to privacy

In our Indian criminal justice system, a victim suffers everyday as the crime is committed against him/her and also because he/she has to undergo a lot of manipulation of the existing system. Whereas, the person who is found guilty is sheltered, nursed, lighted, and entertained in prison for which the state gives the expenditure from the taxes that the victims of crime are not provided with.

Justice V. R Krishna Iyer in *Rattan Singh v. State of Punjab* correctly said that:

It is a weakness of our jurisprudence that victim of crime and the distress of the dependents of the victim do not attract the attention of law. However, the reimbursement for victims is still the disappearing opinion of our criminal law. This shows the deficiency in our system, which must be rectified by the legislature.

Declaration of Principles of Justice for Victims of Crime: -

1. A victim is a person who is victimized individually or collectively. Physical or mental harm, stress, financial loss or serious impairment of fundamental rights resulting from acts or omissions that violate the laws of the State, including laws prohibiting abuse of power.
2. A person may be considered a victim under this Declaration, regardless of whether the perpetrator has been identified, arrested, charged or convicted, and regardless of the family situation between the perpetrator and the victim. The term victim also includes, where appropriate, immediate family members or close dependents of the victim and victims of intervention to assist or prevent the victimization.
3. The content contained herein is valid for all people, without discrimination such as race, colour, gender, age, language, religion, nationality, political or other views, cultural beliefs or traditions, property, birth, or family, racial or ethnic origin, and disability.

I Access for justice and fairness: -

Victims should be treated with compassion and respect for their dignity. They have the right to access due process and prompt compensation for any damage they have suffered, in accordance with the provisions of the law of the country.

Judicial and administrative systems should be developed and strengthened. If necessary, victims should be able to receive medical treatment through formal or informal procedures that are prompt, fair, inexpensive and easy to access. Victims should be informed of their right to seek compensation through such procedures.

The responsiveness of judicial and administrative processes to the needs of victims should be encouraged by:

- (a) Victims should be informed of, and may request, information on their responsibilities and resources, the time and duration of proceedings, and the authorization of cases, particularly where a serious crime is involved;
- (b) may enable victims to express and have their opinions and concerns taken into account at the trial level with personal satisfaction, but
- (c) Appropriate assistance to victims throughout the legal process;
- (d) take steps to reduce the risk to victims, to protect themselves where necessary and to ensure the safety of themselves, their families and witnesses against threats and retaliation;
- e) to avoid unnecessary delays in the execution and completion of the case (decision) or in the determination of the victim

II Restitution

1. The perpetrator or the third party responsible for his actions must provide fair compensation to the victim, his family or residents, if necessary. This reimbursement may include the return of property or compensation for injury or loss, reimbursement of expenses incurred as a result of injury, service and repair, restoration of rights.
2. The government should review its practices, administrations and laws and decide to reinstate criminal sanctions as well as other criminal sanctions.

3. If there is serious damage to the environment, restoration, reconstruction of the environment, infrastructure, community relocation and reimbursement of renovation costs should be considered whenever possible, as long as this damage harms the Community chaos.

4. If a citizen or other representative working in an official or semi-official capacity violates the country's criminal law, the victim will receive financial assistance from the state whose official or representative is responsible for the damage caused. If harm or negligence by the government is no longer involved, the state or the government's successor must pay compensation to the victims.

III Compensation: -

1. States shall seek to provide compensation to persons who:

- (a) suffered serious injury or physical or mental damage as a result of a crime if the offender or other party is unable to provide adequate funds;
- (b) Families, especially dependents of persons who died or were physically or mentally incapacitated as a result of torture.

The creation, strengthening and expansion of the fund in the country should encourage the return of money to the victims. Where appropriate, other funds may be established for this purpose, including where the victim's country is unable to provide financial assistance for the victim's injury.

V Assistance: -

1. Victims should receive the necessary material, medical, psychological and social support through government, volunteers, communities and indigenous people.
2. Victims should be informed that health, social and other related services are available and should be prepared to access these services.

Constitution of India - Victims' Rights:

Our Constitution of India is considered the supreme law of the land and the mother of all laws currently there. There are many laws in the Constitution of India regarding the rights of victims and their protection and respect for the views of victims. Sections 14 and 21 define certain important rights and Sections 39A, 41, 46 and 51C. It must be understood in conjunction with the State Police Rules mentioned in Sections.

According to Article 39A, the State provides free legal aid and guarantees equal opportunities for justice. Article 41 of the Constitution of India has a very broad impact on the concept of victim; because it provides, inter alia, that the State may initiate the provision of social support when capabilities and conditions are not required. By interpreting compassion and thinking creatively, the first stages of victimization can be discovered. Furthermore, Article 21 safeguards the injustice of life and liberty by compelling the State to pay compensation to victims of crime.

Victim's Rights in Indian Penal Code:

The Indian Penal Code is applicable to all citizens of India who commit a crime anywhere in India. Here is a list of crimes and their penalties. The law defines crime as an act or crime punishable by law. The Crimes Amendment Act 2013 provided significant benefits to victim protection; because for the first time the Act introduced a range of new offenses to protect women from acid attack (section 326A20 and 326B21), harassment (section 345A), voyeurism (section 345A). 345C) and stalking (Section 345D) and also expanded the definition of rape in the IPC (Section 375).

The two main remedies in criminal justice are compensation, which has become a legal remedy in modern times. This situation has led many lawyers to analyse the problems of victims from different perspectives in order to improve their situation and place them on an equal footing with the accused.

Rights of Victims Under the Code of Criminal Procedure:

The Indian Penal Code covers substantive criminal law and procedural criminal law in general. Here, criminal law governs primary law while primary law defines the crime and punishment of each crime. In the absence of criminal law, basic criminal law will be deemed worthless.

The basis of jurisdiction can be found in Sections 206(1) and 206(3) of the CrPC. The Law Commission of India introduced the concept of demand consultation in its Report No.2. 142, 154 and 177. In this case, the committee argued that the concept of plea bargaining should be introduced in the Indian justice system to provide solutions to past crimes and reduce the burden on the court.

Victims are represented by state-appointed lawyers. As amended in 2008, a provision added to Article 24(8) allows the victim to choose an opponent of his choice to assist the lawyer.

However, the Law gives very few rights to the victims, but these are not like the rights of the accused. For example, the Law gives victims the right to choose their own lawyer, but the authority given to this lawyer is limited to appointments and can only send a message log after collecting evidence and with the permission of the court.

A. Rights of the victim During Filing Fir:

The police play an important role in the law as they are the first authority to investigate the incident based on the feelings of the victim. Unfortunately, in India, victims are still treated as outlined in the United Nations Handbook on the Rights of Victims of Torture. Although the police are the main institution investigating the incident, they are unaware of international developments in the field of investigation of victims and the need for good treatment of torture victims.

Police brutality and torture itself will create a misconception about the Indian justice system in the eyes of the victims because, as the UN has said, there is undoubtedly no compassion and respect for their dignity in this regard. Stage treatment. Section 25 of the Indian Evidence Act states that a statement given to the police cannot prove that the accused has committed a crime but is not accepted as fact and the government and police eventually enforce the law of clearing the police more effectively. labour protection officer. Treatment of victims.

B. Victim Rights During Judgement:

In a criminal case, the victim will have no role in the case after the sentence is announced. However, in order to ensure justice after the trial, the victim must be given some rights.

Compensation for victims:

The victim should be given the right to compensation at the time of sentencing. Under Article 357(3) of the Criminal Code, the court may award compensation to the victim for any loss or injury, even if the defendant is innocent.

Supreme Court of India, Harikishan and State of Haryana v. Sukhbir Singh noted that Indian courts rarely use Section 357 of the Penal Code to compensate crime victims. In line with the recommendations of the Mali math Commission and the Law Commission, a provision granting the right of appeal to those who were tortured was added to Article 372 of the Constitution with the 2008 Amendment.

VICTIM COMPENSATION: INDIAN POSITION

Statutory Provision: Indian Position

Under different provision of the Code of Criminal Procedure, The Probation of Offenders Act, 1958 and Motor Vehicle Act, 1988 various provisions governing compensation has been

stated.

1. Compensatory Provisions under Cr.P.C.

Cr.P.C, 1973 allows courts in India to hear criminal cases to award compensation to a person who has suffered damage or loss. Section 357 deals with payment.

According to Section 357(1):

- When the court imposes a sentence... the court may at the end of the period order the use of all or part of the money recovered: a) to meet the costs determined in the case; b) the court pays the person when it is satisfied that the person will recover the money in civil court. Another person is required to pay compensation to a person who is entitled to compensation from the injured party under the Bankruptcy Law No. 1855. -Under Section 358, the Magistrate has the power to compel or order a person to pay or pay a fine not exceeding Rs 1000 for arrest by the police. Similarly, Article 359 of the Criminal Code provides for the payment of compensation in the absence of name. Under Article 357 of the Criminal Code, it is clearly seen that only minor orders can be made in the payment of compensation to victims of crimes. And it is proven by many limitations and restrictions. This means that the perpetrator has the ability to pay and that the ability to pay prevents the victim from receiving payment.

Following the directions of the Supreme Court, the State Government in 2008 filed V.C.S. under Section 357 A of the CrPC. He made some changes in his favour. The amendment provides for various treatment measures and the main purpose of the 2008 amendment is to expand the definition of victim in Section 12 (wa) CRPC. As per the 2008 amendment, many states in India have offered to provide relief and treatment to victims of accident compensation scheme. The Delhi government has introduced the following reforms and measures from the state. Also rape, acid etc. It was also ordered to pay compensation of Rs 200 million to the victims of various crimes. This system of compensation for victims is well articulated and effective, as evidenced by the many laws that have emerged. In one of the cases, Delhi Women's Forum v. Union of India and Others, Ankush Shivaji Gaikwad v. Union of India. Maharashtra and other cases. The courts forced the government to pay compensation to the victims. Accordingly, with the amendment made in 2008, Article 372 of the Children's Law was approved and some rights granted to crime victims were added. Some rules include:

1. Acquittal of criminated, 2. Condemnation for a trivial offence or little legal in nature, and; 3. Not satisfied with the amount of compensation given before.”

Implementation of CRPC-related Victim Compensation Programs

Victim Compensation Programs have been established by the states under the direction of the Court. To protect victims of mental illness and to protect the families of victims of Article 1 offenses, Section 1. 357a offenses scream. Additionally, Section 357A provides for compensation to the victims and this compensation is divided into the following sections: Section 357A (1) provides for compensation to the victims or their heirs who have suffered or

suffered. poverty in the social structure. Within the framework of victim services that all states are accustomed to, all victims of discrimination should be given a chance for recovery.

The standard of compensation for victims under Section 357A (2) is based on the second (1) itself. The District Attorney's Office, or DALSA, has the authority to determine compensation for victims when the court decides based on its judgement. This authority has been given to the territorial legislature as they have the expertise to understand the situation and its impact on providing appropriate financial assistance to the victims. After the granting of section 357A, the District Court or the High Court may also order compensation to be paid to the victim as it was not granted in the first place. He said that under section 30 of Article 357A, the Legal Department of the District Court has the power to award compensation if the victim needs relief to be released or to get out of a situation that will affect his future. Also, the amount paid by D.A.L.S.A. It should be enough to help the person recover from the situation.

In addition, the rights of victims and legal heirs or representatives are protected under Article 357A (4). These rights include the right to receive compensation for injuries suffered by the victim before the perpetrator is identified and legal action is taken. Protect victims as they may seek financial assistance from local authorities even before the judicial process begins. Minutes and seconds. It is very important for the rapid treatment of victims.

2. Probation of Offender Act 1958

Under section 5(1) of the probation of offender act contains provision regarding compensatory claim. As stated in this section, the court directs the release of a wrongdoer under section 3 or section 4 of the Act, if it is deemed fit, it may further direct the accused to further pay to the victim the amount, as the court deems fit and the cost of the procedure.

3. Compensation under Motor Vehicle Act 1988

In case of death or injury in case of vehicle accident or their representatives can claim compensation from the wrongdoer under section 5 of motor vehicle act 1988. These cases can be tried under trial court

4. Compensation for Scheduled Caste and Scheduled Tribe victims of Crime Raised: -

The Central Government has taken a major step towards the welfare of Dalits by increasing the minimum compensation for Scheduled Caste and Scheduled Tribe victims of crime and also increasing the categories of offences by more than double. It was on the occasion of commemorating Dr. Bhim Rao Ambedkar's 125th birth anniversary on 14th April, 2016 that the Central Government issued a notification amending the SC/ST (Prevention of Atrocities) Rules, 1995 which came into force with immediate effect.

The Notification Specifies 47 categories of offences in which states will pay compensation ranging from rupees one lakh to Rs. 8.25 lakhs to SC/ST victims of crime. Earlier, only 22 kinds of offences with minimum compensation ranging from Rs.60,000/- to rupees five lakh were included. The enhanced amounts must be paid by the State within seven days of the incident being reported, either in full or at various stages of the investigation and trial as per the schedule.

The notification specifies that any incident of intentionally touching a SC/ST woman without her consent, stalking, sexual harassment or sexual assault will now lead to compensation of Rs.2 Lakh and a rape victim will get Rs. 5 lakhs. Earlier, outraging the modesty or sexual exploitation of a SC/ST woman invited a fine of Rs. 1.2 lakh. This change in the compensatory law for SC/ST comes as a result of recent incidents like Rohit Vemula's suicide case countering allegations against Central Government's indifference towards Dalits.

5.The Protection of Women from Domestic Violence Act, 2005

The Protection of Women from Domestic Violence Act, 2005 has been a massive success in relation to the revolution of women rights, towards victims who were suffering from domestic violence after 16 years of struggle. The definition of domestic violence includes physical, sexual, verbal and emotional abuse.

The aspect of trauma arising out of physical abuse in the absence of any medical reports was addressed and compensated for, in the recent case of Smt. Hemanti Mal v. The State of West Bengal (2019). The Calcutta High Court awarded a compensation of Rs. 1,00,000 for mental torture and emotional distress on the basis of Section 22 of the Protection of Women from Domestic Violence Act, 2005.

The unique feature of this Act is that the victim can get continued access to the facilities or resources which the victim is entitled to use or enjoy as a result of an existence of a domestic relationship, which would be inclusive of the access to the shared householder. The police officer or magistrate who acquires the complaint has an obligation to inform the victim about her right to obtain a protection order or order of monetary relief, custody order, residence order, compensation order or more than one such order. This Act deals with the protection of the rights of the women which is guaranteed under the constitution.

6.The Maintenance and Welfare of Parents and Senior Citizens Act, 2007

This unique law is targeted towards the protection of elders and the prevention of any kind of elder abuse and victimization, which is a growing concern in many countries including India. Under this Act, there is a duty instilled among the children or adult legal heirs for maintaining their parents, or senior citizens above the age of 60 years, who are incompetent to maintain themselves from their own earnings, in order to allow them to lead a normal life. In cases where the children or legal heirs disregard to maintain the senior citizen, it gives the power to the Tribunal to pass an order to ask the children or legal heirs to supply monthly allowance

Relief in the form of compensation as a changing judicial trend

Judiciary plays a very crucial role in rectifying the claims of the compensation of the victims. There has been very important role of high courts in awarding the compensatory justice to the victim suffered from loss or damage. Some landmark judgments that ensure compensatory justice to victims and its shows the concern of judiciary in that field.

Increasing the area of awarding the compensation to the person suffered under Section 358 of Cr.P.C., in *Rudal Shah v. State of Bihar*, observed that the person is compensated for the loss or injury caused by the crime, and this includes the deceased's wife, husband, parents and children.

The Apex Court in *Sarwan Singh v. State of Punjab*¹⁰, there are several factors that should be taken into consideration before giving order of compensation to the crime victim is the court should keep in mind the ability of paying the compensatory amount by the offender, the type of offence and the amount of damage and injury suffered and should keep in mind the effect of offence on the life of victim and its family the amount of bodily, psychological and emotional loss suffered by the victim and its relatives and family member. Before awarding compensation, the court should keep in mind that amount should depend on facts, logic, and the circumstance. A reasonable time period should be provided to accused to pay the compensation and the offender should be allowed to pay the compensation in instalments.

Recent Update

SECTION 375(A) was added in CR.P.C through amendment act 2008

Section 357 (A) states that:

(1) Central government with the help of state governments should prepare a scheme for victim compensation to provide funds to the victims who have suffered death loss damage injury to restore their status of life.

This provision would work as a helping hand for victim compensation. These regulations would strengthen the provision of victim protocol given in SAARC protocol.

CONCLUSION

Victim compensation is now an important side of giving justice to the victims. Beside the traditional punishment system reparation to victim has reduced the accused leaning approach in justice system but in the case of India despite some emergent developments in this direction, there are multiple defects and problem in this area for that coordinated effort from all the organization is required in the justice system. After the synchronized work efforts, lucidity and liability in every part of criminal justice system is another important need to make the successful implementation of pre-existing provisions possible.

The role of the victim in the Indian Criminal Justice system is followed by the common law tradition that was limited to that of a witness in the prosecution of an offence. The reason for this was the negative perception of the victim as a person who suffered harm, both physical or mental injury, emotional suffering, economic loss or considerable damage of their fundamental rights. As a result of which, the Indian criminal justice system has become a channel of social control by the state by taking over the right to prosecute the accused without the victim. There should be a replacement of the vertical criminal justice system by a horizontal justice system in which the punishment system is sought to be replaced by a negotiation system giving the victim a central role to play. However, our system persists with the vertical model of criminal justice.

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