



## VICTIM RIGHTS AND INDIAN CRIMINAL JUSTICE SYSTEM

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**Abstract:** *There are people who are suffering beyond description. They are innocent people, they didn't bring this upon themselves. They are the victims of the sins of other people. And while it's hard to see, it's important to understand that these people exist.*

*Indian criminal justice system is based on Anglo Saxon adversarial model. The burden of proving the case beyond reasonable doubt against accused is on the prosecution. The penal philosophy in India has accepted the concepts of prevention of crime and treatment and rehabilitation of criminals, which have been reiterated by many judgments of the Supreme Court. Victims have no rights under the criminal justice system, and the state undertakes the full responsibility to prosecute and punish the offenders by treating the victims as merewitnesses.*

Across the globe in different countries, victims of crime are given ample protection, assistance, restitution and compensation by appropriate laws and acts, but in India the victims have no significant role in criminal justice system. The present criminal justice system is based on the assumption that the claims of a victim of crime are sufficiently satisfied by the conviction of the perpetrator. In recent times, among the many reforms canvassed for improving the criminal justice system is the one that advocates a victim-orientation to criminal justice administration. Victim-orientation includes greater respect and consideration towards victims and their rights in the investigation and prosecution process, provisions for greater choices to victims in trial and disposition of the accused, and a scheme of reparation/compensation particularly for victims of violent crimes.

The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power adopted in 1985, has recognised the importance of need to set the standards and norms in international law for the protection of crime victims. It has recognised four major rights of victims: access to justice and fair treatment; restitution; compensation; and assistance. This

chapter examines how far Indian legislative framework conforms to the norms set by the declaration.

The Indian criminal justice system is governed by four major laws. (i) The Constitution of India, 1950; (ii) The Indian Penal Code, 1860; (iii) The Code of Criminal Procedure, 1973 and (iv) The Indian Evidence Act, 1872.

Along with these legislations, there are few special legislations which deal with victim's interests. They are:

Fatal Accident Act, 1855 (ii) Motor Vehicles Act, 1988, (iii) Probation of Offenders Act, 1958, (iv) The Protection of Children from Sexual Offences Act, 2012, (v) The Protection of Women from Domestic Violence Act, 2005, (vi) The Maintenance and Welfare of Parents and Senior Citizens Act, 2007, (vii) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (ix) The Juvenile Justice (Care and Protection) Act, 2000.

The Code of Criminal Procedure Code (Amendment Act), 2008 brought sweeping changes in criminal law to help the cause of victims. It is a welcome move by the legislature in protection of rights of victims. An attempt has been made here to discuss the provisions which touch the issues of crime victims.

The Act amends the definition of victim by inserting a new clause (wa) under section 2 after (w) to include the victim's guardian and legal heir. This amendment helps the relatives particularly those who are dependents on the victims to get the compensation for the loss

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of victim either in person or in earnings. Further, they can make a claim opportunity to be heard or participate in the criminal justice process.

A new sub section (8) has been added to section 24 which permits the victim to appoint a lawyer of his own choice to assist the prosecution. This allows the victim whenever he feels that the prosecution is not effectively presenting his case, he can press his claims through his lawyer. However, the Act is silent about providing the financial assistance to the victim in this regard.

Many times the victims of the offences of rape feel that the persons particularly the men who hear their cases are not sensitive and often gender biased. To answer this anomaly the Act added a proviso to section 26 and provides that the offences of rapes shall be tried by courts presided by the women. Here the researcher intends to highlight the Government of Karnataka has established ten special courts across the state to try the offences of rape and other sexual abuses.

Further, the Act requires during investigation relating the rape cases, the statement of victim of rape shall be recorded at the place of her choice and by a woman police officer in presence her parents, or relatives and social worker of that locality. This will give the rape victim confidence and courage to give the details of the offence more freely.

Another change the Act has made is prescribing the time frame for completion of investigation of child rape cases. A

new sub section has been added to the existing provision Section 173 which mandates the investigation has to be completed within three months from the date of complaint or information. Further, where an investigation relates to an offence under sections 376, 376A, 376B, 376C, and 376D IPC, the report forwarded to a magistrate shall contain the report of the medical examination of the woman.

The amendment to section 309 Cr.P.C. has the additional proviso that when the inquiry or trial relates to an offence under sections 376 to 376D IPC, the inquiry or trial shall, as far as possible, be completed within a period of two months from the date of commencement of the examination of witnesses.

In order to protect the identity of the victim rapes so as to protect them further humiliation, the Act requires all the trials of rapes cases shall be conducted in camera by a woman judicial officer. Further, the Act permits the printing and publication of trial proceedings subject to the condition of maintaining the confidentiality of names and addresses of the victims.

The most important change the Act brought was in relation to victim compensation. The much awaited compensation scheme was statutorily provided for by the present amendment. A new section 357A has been inserted which requires all the states to frame a victim compensation scheme in consultation with central government. On recommendation by the court for compensation, the district legal service authority or

state legal service authority must decide on the quantum of compensation. There is also a provision for relief after inquiry by the state or district legal service authority in those cases where no trial takes place because the offender cannot be traced or identified.

The amendment in 2008 has been further supplemented by Criminal Law Amendment Act 2013 by adding S.357 B, S.357 C have been inserted in Cr.P.C. S.357 B provides the additional compensation to victims who come under s. 326 A, 376 D of the IPC. Section 357 C gives the directions to all the hospitals whether they run by govt. or by local authorities that they provide the free medical aid to the victims of ss. 326 A, 376 A, 376 B, 376 C, 376 D of IPC.

Though the procedural formalities (quantum and disbursement procedure of compensation) have yet to be worked out, this is indeed a progressive development. It has identified the need for monetary support towards the immediate and long term rehabilitation of the already shattered victim of rape.

The Act also provides an important right to victim to appeal against the acquittal or inadequate sentence of accused by the court. The victim can apply against inadequate compensation. A proviso has been added to section 372 in this regard. Further, the victim can appeal in the same court where the accused can appeal the order of conviction.

The Criminal Law (Amendment Act), 2013 which provides for amendment of Indian Penal Code, Indian Evidence Act, and Code of Criminal Procedure,



1973 on laws related to sexual offences lays down that after section 53, section 53A which laysdown that, evidence of the character or previous sexual experience is not relevant in certain cases. This new section was inserted to bring the Act in consonance with the amendments made in I.P.C. relating to sexual offences including rape.

Under S.151 and 152 of Indian Evidence Act, 1872, victims are protected from being asked indecent, scandalous, offensive questions, and questions intended to annoy or insult them. Otherwise, there is no other provision for protection of victims, as against threats, intimidation or any inducement whereby they are prevented from telling the truth. Often, when an accused is released on bail, one of the terms and conditions imposed by the Courts on the accused will be that he shall not tamper the evidence, or approach the witnesses. This, again, is not a provision for protection of the witnesses; it is only to ensure that the trial is not rendered in fructuous. Judges also hold in-camera trials to ensure deposition by witnesses without any fear or embarrassment. In recent times the Supreme Court has permitted recording of evidence by video-conferencing. All these are inadequate without a specific legal provision guaranteeing protective measures to victims before, during and also after the trial.

Section 155 (4) of the Act, earlier allowed the defence lawyer to discredit the victim's testimony by arguing that she was of "immoral

character". This attack on her in the name of a legally allowed cross examination, questioning her past sexual acts, her personal life and other private matters, deterred many victims of rape from registering complaints. The Indian Evidence (Amendment)Act of 2002 deleted section 155 (4) and amended section 146. According to the new provision, it is not permissible to ask questions in cross examination of the prosecutrix about her general moral character. This paved the way for an end to unwarranted attacks on the past sexual acts of the victim of rape.

The criminal justice system will be successful only when the victims are provided adequate compensation for the injury they have suffered. Justice requires that a person who has suffered including his dependents must be compensated. In all the cases the accused is responsible for the reparation of any harm caused to the victim. But, where the accused is poor or unable to pay the compensation, the state shall take the responsibility of paying the compensation. Compensation justifies in many ways like it benefits the victims, there shall be recognising of his suffering and more importantly it acts as deterrent effect on the offender. It also has a reformative effect on the offender as the paying of compensation has an "intrinsic moral value of its own". In India there are different statutory provisions under which the compensation may be awarded to the victims of crime are asunder:

(i) Constitutional Remedy of Victim Compensation

- (ii) Fatal Accident Act, 1855
- (iii) Motor Vehicles Act, 1988
- (iv) Criminal Procedure Code, 1973
- (v) Probation of Offenders Act, 1958
- (vi) Other Legislations

The Protection of Children from Sexual Offences Act, 2012 is a comprehensive law to provide for the protection of children from the offences of sexual assault, sexual harassment and pornography, while safeguarding the interests of the child at every stage of the judicial process by incorporating child-friendly mechanisms for reporting, recording of evidence, investigation and speedy trial of offences through designated Special Courts established under section 28 of the Act. The child victim may be awarded compensation for his/her relief and rehabilitation. This compensation may be awarded at an interim stage, during the pendency of trial, as well as at the conclusion of the trial. Procedures for obtaining and enforcing reparation

The Act is useful to give justice to victims of child sexual abuse but it is essential that the machineries involved in justice delivery system should coordinate and cooperate in discharge of their functions. As the prevention of child sexual abuse, protection of victims, justice delivery, and rehabilitation of victims are not isolated issues. The achievement of these objectives requires a coordinated response of all the key players, which include the police, prosecution, courts, medical institutions, psychologists and counselors, as well as institutions



that provide social services to the children.

**CONCLUSION-** The role of the victim under the Indian Criminal Justice system, which follows the common law tradition, restricted to that of a witness in the prosecution of an offence. This is because of a negative perception of the victim as a person who suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights. As a result, the criminal justice system in India has become a means of social control by the state which took over the right to prosecute the accused excluding the victim. From a criminological and victimological perspective, these are "value laden judgmental labels that serve no useful research function and thus can be replaced by more neutral designations like 'participants to the conflict', 'parties to the dispute' and so on. This view advocates replacement of the vertical criminal justice system by a "horizontal line of justice" where the punishment system is sought to be substituted by a mediation system which gives a central role for the victim. However, our system persisted with the vertical model of criminal justice.

The brief review of the existing legal frame wok in relation to rights of victims of crime reveals that expect in the area of providing compensation, very little has been done either statutorily or through schemes to address the entire range of problems faced by victims of crime. There is a need to take the fresh look at the position in which

the victim of a crime is placed in our criminal justice system.

Mia Farrow - Activist and Actress Madhava Menon, N.R. Victim Compensation Law and Criminal Justice: A Plea for a Victim-Oriented in Criminal Justice. In Vibhute, K.I. (ed.) Criminal Justice - A Human Rights Perspective of the Criminal Justice Process in India. (Lucknow, Eastern Book Company, 2004), pp. 362-369.

Clauses 4 & 5

Clause 8

Clause 12

Clause 14 Part B

Section 2 (wa): "victim" means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression "victim" includes his or her guardian or legal heir;'

In section 24 of the principal Act, in sub-section (8), the following proviso shall be inserted, namely:- "Provided that the Court may permit the victim to engage an advocate of his choice to assist the prosecution under this subsection."

In section 26 of the principal Act, in clause (a), the following proviso shall be inserted, namely: - "Provided that any offence under section 376 and sections 376A to 376D of the Indian Penal Code shall be tried as far as practicable by a Court presided over by a woman."

In section 157 of the principal Act, in sub-section (1), after the proviso, the following proviso is inserted, namely:- "Provided further that in relation to an offence of rape, the recording of statement of the victim is to be conducted at

the residence of the victim or in the place of her choice and as far as practicable by a woman police officer in the presence of her parents or guardian or near relatives or social worker of the locality."

In section 173 of the principal Act, (a) after sub-section (1), the following sub-section is inserted, namely:- "(1A) The investigation in relation to rape of a child may be completed within three months from the date on which the information was recorded by the officer in charge of the police station."; Ibid, Sub-section (2) (h)

In section 309 of the principal Act, (a) in sub-section (1), the following proviso shall be inserted, namely:- "Provided that when the inquiry or trial relates to an offence under sections 376 to 376D of the Indian Penal Code, the inquiry or trial shall, as far as possible, be completed within a period of two months from the date of commencement of the examination of witnesses.";

In section 327 of the principle Act, (a) in sub-section (2), after the proviso, the following proviso is inserted, namely:- "Provided further that in camera trial shall be conducted as far as practicable by a woman Judge or Magistrate.";

(b) in sub-section (3), the following proviso is inserted, namely:- "Provided that the ban on printing or publication of trial proceedings in relation to an offence of rape may be lifted, subject to maintaining confidentiality of name and address of the parties." . ibid.

After section 357 of the



principal Act, the following section is inserted, namely:-357A.(1) Every State Government in co-ordination with the Central Government is to be prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation.

2) Whenever a recommendation is made by the Court for compensation, the District Legal Service Authority or the State Legal Service Authority, as the case may be, is to be decide the quantum of compensation to be awarded under the scheme referred to in sub-section (1).

(3) If the trial Court, at the conclusion of the trial, is satisfied, that the compensation awarded under section 357 is not adequate for such rehabilitation, or where the cases end in acquittal or discharge and the victim has to be rehabilitated, it may make recommendation for compensation.

(4) Where the offender is not traced or identified, but the victim is identified, and where no trial takes place, the victim or his dependents may make an application to the State or the District Legal Services Authority for award of compensation.

(5) On receipt of such recommendations or on the application under sub-section (4), the State or the District Legal Services Authority is to be, after due enquiry award adequate compensation by completing the enquiry within twomonths.

(6) The State or the District Legal Services Authority, as the case may

be, to alleviate the suffering of the victim, may order for immediate first-aid facility or medical benefits to be made available free of cost on the certificate of the police officer not below the rank of the officer in charge of the police station or a Magistrate of the area concerned, or any other interim relief as the appropriate authority deems fit."

The Criminal Law (Amendment) Act, 2013

In section 372 of the principal Act, the following proviso is inserted, namely:-"Provided that the victim is to be have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal is to be lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court."

After section 53 of the Indian Evidence Act, 1872 (hereafter in this Chapter referred to as the Evidence Act), the following section shall be inserted, namely:- Evidence of character or previous sexual experience not relevant in certain cases."53A. In a prosecution for an offence under section 354, section 354A, section 354B, section 354C, section 354D, section 354E, section 354F, section 354G, section 354H, section 354I, section 354J, section 354K, section 354L, section 354M, section 354N, section 354O, section 354P, section 354Q, section 354R, section 354S, section 354T, section 354U, section 354V, section 354W, section 354X, section 354Y, section 354Z, section 354AA, section 354AB, section 354AC, section 354AD, section 354AE, section 354AF, section 354AG, section 354AH, section 354AI, section 354AJ, section 354AK, section 354AL, section 354AM, section 354AN, section 354AO, section 354AP, section 354AQ, section 354AR, section 354AS, section 354AT, section 354AU, section 354AV, section 354AW, section 354AX, section 354AY, section 354AZ, section 354BA, section 354BB, section 354BC, section 354BD, section 354BE, section 354BF, section 354BG, section 354BH, section 354BI, section 354BJ, section 354BK, section 354BL, section 354BM, section 354BN, section 354BO, section 354BP, section 354BQ, section 354BR, section 354BS, section 354BT, section 354BU, section 354BV, section 354BW, section 354BX, section 354BY, section 354BZ, section 354CA, section 354CB, section 354CC, section 354CD, section 354CE, section 354CF, section 354CG, section 354CH, section 354CI, section 354CJ, section 354CK, section 354CL, section 354CM, section 354CN, section 354CO, section 354CP, section 354CQ, section 354CR, section 354CS, section 354CT, section 354CU, section 354CV, section 354CW, section 354CX, section 354CY, section 354CZ, section 354DA, section 354DB, section 354DC, section 354DD, section 354DE, section 354DF, section 354DG, section 354DH, section 354DI, section 354DJ, section 354DK, section 354DL, section 354DM, section 354DN, section 354DO, section 354DP, section 354DQ, section 354DR, section 354DS, section 354DT, section 354DU, section 354DV, section 354DW, section 354DX, section 354DY, section 354DZ, section 354EA, section 354EB, section 354EC, section 354ED, section 354EE, section 354EF, section 354EG, section 354EH, section 354EI, section 354EJ, section 354EK, section 354EL, section 354EM, section 354EN, section 354EO, section 354EP, section 354EQ, section 354ER, section 354ES, section 354ET, section 354EU, section 354EV, section 354EW, section 354EX, section 354EY, section 354EZ, section 354FA, section 354FB, section 354FC, section 354FD, section 354FE, section 354FF, section 354FG, section 354FH, section 354FI, section 354FJ, section 354FK, section 354FL, section 354FM, section 354FN, section 354FO, section 354FP, section 354FQ, section 354FR, section 354FS, section 354FT, section 354FU, section 354FV, section 354FW, section 354FX, section 354FY, section 354FZ, section 354GA, section 354GB, section 354GC, section 354GD, section 354GE, section 354GF, section 354GG, section 354GH, section 354GI, section 354GJ, section 354GK, section 354GL, section 354GM, section 354GN, section 354GO, section 354GP, 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354JE, section 354JF, section 354JG, section 354JH, section 354JI, section 354JJ, section 354JK, section 354JL, section 354JM, section 354JN, section 354JO, section 354JP, section 354JQ, section 354JR, section 354JS, section 354JT, section 354JU, section 354JV, section 354JW, section 354JX, section 354JY, section 354JZ, section 354KA, section 354KB, section 354KC, section 354KD, section 354KE, section 354KF, section 354KG, section 354KH, section 354KI, section 354KJ, section 354KK, section 354KL, section 354KM, section 354KN, section 354KO, section 354KP, section 354KQ, section 354KR, section 354KS, section 354KT, section 354KU, section 354KV, section 354KW, section 354KX, section 354KY, section 354KZ, section 354LA, section 354LB, section 354LC, section 354LD, section 354LE, section 354LF, section 354LG, section 354LH, section 354LI, section 354LJ, section 354LK, section 354LL, section 354LM, section 354LN, section 354LO, section 354LP, section 354LQ, section 354LR, section 354LS, section 354LT, section 354LU, section 354LV, section 354LW, section 354LX, section 354LY, section 354LZ, section 354MA, section 354MB, section 354MC, section 354MD, section 354ME, section 354MF, section 354MG, section 354MH, section 354MI, section 354MJ, section 354MK, section 354ML, section 354MN, section 354MO, section 354MP, section 354MQ, section 354MR, section 354MS, section 354MT, section 354MU, section 354MV, section 354MW, section 354MX, section 354MY, section 354MZ, section 354NA, section 354NB, section 354NC, section 354ND, section 354NE, section 354NF, section 354NG, section 354NH, section 354NI, section 354NJ, section 354NK, section 354NL, section 354NM, section 354NN, section 354NO, section 354NP, section 354NQ, section 354NR, section 354NS, section 354NT, section 354NU, section 354NV, section 354NW, section 354NX, section 354NY, section 354NZ, section 354OA, section 354OB, section 354OC, section 354OD, section 354OE, section 354OF, section 354OG, section 354OH, section 354OI, section 354OJ, section 354OK, section 354OL, section 354OM, section 354ON, section 354OO, section 354OP, section 354OQ, section 354OR, section 354OS, section 354OT, section 354OU, section 354OV, section 354OW, section 354OX, section 354OY, section 354OZ, section 354PA, section 354PB, section 354PC, section 354PD, section 354PE, section 354PF, section 354PG, section 354PH, section 354PI, section 354PJ, section 354PK, section 354PL, section 354PM, section 354PN, section 354PO, section 354PP, section 354PQ, section 354PR, section 354PS, section 354PT, section 354PU, section 354PV, section 354PW, section 354PX, section 354PY, section 354PZ, section 354QA, section 354QB, section 354QC, section 354QD, section 354QE, section 354QF, section 354QG, section 354QH, section 354QI, section 354QJ, section 354QK, section 354QL, section 354QM, section 354QN, section 354QO, section 354QP, section 354QQ, section 354QR, section 354QS, section 354QT, section 354QU, section 354QV, section 354QW, section 354QX, section 354QY, section 354QZ, section 354RA, section 354RB, section 354RC, section 354RD, section 354RE, section 354RF, section 354RG, section 354RH, section 354RI, section 354RJ, section 354RK, section 354RL, section 354RM, section 354RN, section 354RO, section 354RP, section 354RQ, section 354RR, section 354RS, section 354RT, section 354RU, section 354RV, section 354RW, section 354RX, section 354RY, section 354RZ, section 354SA, section 354SB, section 354SC, section 354SD, section 354SE, section 354SF, section 354SG, section 354SH, section 354SI, section 354SJ, section 354SK, section 354SL, section 354SM, section 354SN, section 354SO, section 354SP, section 354SQ, section 354SR, section 354SS, section 354ST, section 354SU, section 354SV, section 354SW, section 354SX, section 354SY, section 354SZ, section 354TA, section 354TB, section 354TC, section 354TD, section 354TE, section 354TF, section 354TG, section 354TH, section 354TI, section 354TJ, section 354TK, section 354TL, section 354TM, section 354TN, section 354TO, section 354TP, section 354TQ, section 354TR, section 354TS, section 354TT, section 354TU, section 354TV, section 354TW, section 354TX, section 354TY, section 354TZ, section 354UA, section 354UB, section 354UC, section 354UD, section 354UE, section 354UF, section 354UG, section 354UH, section 354UI, section 354UJ, section 354UK, section 354UL, section 354UM, section 354UN, section 354UO, section 354UP, section 354UQ, section 354UR, section 354US, section 354UT, section 354UU, section 354UV, section 354UW, section 354UX, section 354UY, section 354UZ, section 354VA, section 354VB, section 354VC, section 354VD, section 354VE, section 354VF, section 354VG, section 354VH, section 354VI, section 354VJ, section 354VK, section 354VL, section 354VM, section 354VN, section 354VO, section 354VP, section 354VQ, section 354VR, section 354VS, section 354VT, section 354VU, section 354VV, section 354VW, section 354VX, section 354VY, section 354VZ, section 354WA, section 354WB, section 354WC, section 354WD, section 354WE, section 354WF, section 354WG, section 354WH, section 354WI, section 354WJ, section 354WK, section 354WL, section 354WM, section 354WN, section 354WO, section 354WP, section 354WQ, section 354WR, section 354WS, section 354WT, section 354WU, section 354WV, section 354WW, section 354WX, section 354WY, section 354WZ, section 354XA, section 354XB, section 354XC, section 354XD, section 354XE, section 354XF, section 354XG, section 354XH, section 354XI, section 354XJ, section 354XK, section 354XL, section 354XM, section 354XN, section 354XO, section 354XP, section 354XQ, section 354XR, section 354XS, section 354XT, section 354XU, section 354XV, section 354XW, section 354XX, section 354XY, section 354XZ, section 354YA, section 354YB, section 354YC, section 354YD, section 354YE, section 354YF, section 354YG, section 354YH, section 354YI, section 354YJ, section 354YK, section 354YL, section 354YM, section 354YN, section 354YO, section 354YP, section 354YQ, section 354YR, section 354YS, section 354YT, section 354YU, section 354YV, section 354YW, section 354YX, section 354YY, section 354YZ, section 354ZA, section 354ZB, section 354ZC, section 354ZD, section 354ZE, section 354ZF, section 354ZG, section 354ZH, section 354ZI, section 354ZJ, section 354ZK, section 354ZL, section 354ZM, section 354ZN, section 354ZO, section 354ZP, section 354ZQ, section 354ZR, section 354ZS, section 354ZT, section 354ZU, section 354ZV, section 354ZW, section 354ZX, section 354ZY, section 354ZZ

consent."

Section 152: he Court shall forbid any question which appears to it to be intended to insult or annoy, or which, though proper in itself, appears to the Court needlessly offensive in form.

Law Commission of India, 154th Report on the Code of Criminal Procedure, 1973 (1996) at 57

Act No. 13 of Year 1855'

Act No. 59 OF 1988

Act No.2 of 1974

Act No 20 of 1958

Act No No32 of 2012

Section 33 (8) and Rule 7(3) Further, as stated in Rule 7 (4) the compensation is to be paid by State Government from the Victims Compensation Fund or other scheme or fund established by it under Code of Criminal Procedure, 1973 or any other law for the time being in force, and in the absence of such fund or scheme, by the State Government.

Clause 1 of U.N. Declaration

Fatah A. Ezzat, "Some Problematic Concepts, Unjustified Criticism and Popular Misconception", in Kirchoff ed International Debates of Victimology, WSV Publishing, (1994) at p. 82-84

Kaiser, Gunther, "Comparative Prospective Concerning Victim Orientation in Criminology, And Criminal Justice" in Kirchoff et al (eds.) International Debates of Victimology, WSV Publishing (1994), 104 at 137

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