

Destitute Victim Rights in Age of Millennials

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Abstract

Time has chosen its course with precision, a course of progressive rights where men suffering in the darkest margins of human society are finally getting rights that they are entitled to but when developed nations of world and Supreme Court of (India) our country are making all possible efforts to realize more and more rights of humanity rest of India has opted to cling to its worn out outlook on rights of victims. People of India have chosen to stick to their flawed idea of patriarchy under which men can neither be sexually assaulted nor can they be sexually harassed as they are the powerful sex immune to such violation from fellow human beings. Justice still takes years, at times decades to reach the order sheets which make it prone to distortion and psychological impact of crime on victims still goes unseen. Practical and technical challenges in path of seeking justice in front of victims is still not seen with sensitized hearts in a society where victims as well as their families are often unaware and often ignorant of rights of victims. The fear of dire consequences such as social boycott and harassment due to social stigma on revealing of crime with identity of victim is still a fact as good as a shackle restraining victims from reporting crimes. Hostile Witnesses still go untouched after making a mockery of judicial system and justice resulting in acquittal of accused in many cases leaving victims in lurch with unseen and at times ignored tears and psychological issues such as post-traumatic disorder which attracts no attention. Such discouraging scenario highlights urgent need of legislative action by parliament and state legislatures so that India may walk together with developed nations where horizon of rights have expanded displacing long night of injustice in the margins and corners of society.

Penetrative sexual assault, revenge pornography, awareness, sensitization, psychological health, rehabilitation are the key words used in this Research Article.

Introduction

Not for nothing, the great thinker William Scott Downey, had said, "Law without justice is a wound without cure". The foundation of any Judicial System constitutes of remedying wrong, punishing the wrongdoer and delivering justice to the injured party (i.e. victim in case of criminal justice system). Mankind has complicated laws more and more in the alleys of time in pursuit of justice but the more we pursued it the more we were drawn away from its core, the victims. State is made party in all criminal trials to facilitate justice and every time it's done it reinstates the idea that crime is a wrong against state and society in such a scenario we must ensure from time to time that this wide idea of criminal wrong doesn't blurs the very core of criminal justice system that is remedying the wrong against victim. Often after the acquittal of accused when no one attends to plight of victim, absence of a mechanism that does not allow crimes to go unpunished and guarantees justice to victims raises multiple questions on existence and efficiency of criminal justice system. Should we conclude that thin air can murder, rape and commit various crimes when crimes go unpunished? Should we accept that men can send machines on Mars and walk on Moon but cannot device an efficient criminal justice system?

Victim is defined under section 2(wa) of CrPC 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.

Constitutional Laws (protection against self-incrimination, double jeopardy [Article 20] etc.) as well as statutory and even judicial pronouncement tends to focus more on rights of accused and convicts rather than victims who must always remain in focus of criminal justice system but instead rights of victims are pushed in the sidelines of regime of developing laws. Psychological and emotional harm suffered by victims is usually ignored and finds no place in existing mechanism for redress whereas activism and judicial conscience floods in case of accused and convicts to ensure their physical, mental and psychological health is taken care of through statutory laws and judicial pronouncements in interest of justice.

At a time when cities in India are becoming ecosystems of organized as well as unorganized crimes, Indian society never cease to maim the conscience of humanity through its harsh statements and inhuman conduct of blaming victims for commission of crimes. Indian society

proves existence of a belief known as “Just-world phenomenon” which was first theorized by Melvin Lerner in 1977, this theory highlights a belief in society revolving around ideas such as existence of fair world and control of men on their lives. Just-world theory states that we imagine a just world to give ourselves a sense of security and find meaning in unsettling circumstances. Ultimately, this results in a tendency of people to blame victims for tragedies, accidents and crimes such as rape and domestic abuse so that people can reassure themselves of their insusceptibility to such events and settle for the conclusion that people get what they deserve. People may even victims’ acts in their past lives for such bad occurrences.

Research Methodology

Doctrinal sources of data have been evaluated for constituting this research article on “Destitute Victim Rights in Age of Millennials” for analyzing and accessing data. The aim of this work to contribute in knowledge existing already on this topic has been pursued by a thorough study on the topic.

A) Statement of Problem

Rights of victims in India are lacking in keeping track with the changing times and fast evolving nature of crimes, administrative and legislative apathy is taking its toll on justice.

B) Objective of Research

- 1) To conduct a study on concept of progressive realization of rights.
- 2) To understand changing nature of crimes in current.
- 3) To study the provisions in with respect to aiding victims in India.
- 4) To understand relevant case laws related with progressive realization of rights of victim.

C) Hypothesis

Legal Mechanism in India is not well equipped to deal with various challenges that pose a barrier between justice and victims which portrays a disappointing picture, especially in case of non-conventional crimes.

D) Research Questions

- 1) What is the position of rights of victims of various offences in India?
- 2) What are possible steps to realize rights of victims in a more progressive manner?

Discrimination between Victims

Indian society remains largely orthodox in its heart, progressive change is making its way really slowly and people still choose to cling to caste system, patriarchal mindset and many irrational notions of honor along with imaginary unrealistic moral. As a result many crimes go unreported because victims anticipate themselves falling prey to social boycotting, social stigma and dishonor that will befall them once their victimization is in public knowledge. Even if victims are ready to report such violations of their rights, at times they are not even classified as Offences under any law in India. Male victims of penetrative sexual act, sexual harassment of men and revenge pornography fall in this category. Article 14 and 15 of Indian Constitution provides equal protection of laws irrespective of caste, religion, race, sex or place of birth and Article 21 provides Right to life and personal liberty which can't be denied except with authority of law but existing provisions of various laws in India arbitrarily provides for gross violation of both these fundamental rights guaranteed under part III of The Constitution of India. There is no reasonable nexus behind these provisions to cover them under the protection of Article 15(3) of the constitution because these are gender neutral crimes.

Male victims of penetrative sexual assault are can seek shelter only in shadows of draconian provisions under Section 377 with bestiality. Such assaults aren't separate class of offence till today and no specific or detailed provisions exist for rescuing victims or protecting their identity. There is a dire need of provisions relating to identity protection similar to section 228A IPC for rape victims.

National Legal Services Authority v. Union of India and others¹ where the rights of transgenders as a third sex was recognized which had been long due in a democracy like ours. Supreme Court ruled: -

"It is now very well recognized that the Constitution is a living character; its interpretation must be dynamic. It must be understood in a way that intricate and advances modern realty. The judiciary is the guardian of the Constitution and by ensuring to grant legitimate right that is due to TGs, we are simply protecting the Constitution and the democracy inasmuch as judicial

1 (2014) 5 SCC 438(India)

protection and democracy in general and of human rights in particular is a characteristic of our vibrant democracy.”

Anuj Garg and Ors. v. Hotel Association of India and Ors.², is an important decision of Supreme Court, which dealt with the constitutional validity of another pre-constitution enactment, namely, Section 30 of the Punjab Excise Act of 1914, which prohibited employment of any woman in any part of premises in which liquor is consumed by the public. In this case Sinha J. held that Judge as follows:-

“7. The Act is a pre-constitutional legislation. Although it is saved in terms of Article 372 of the Constitution, challenge to its validity on the touchstone of Articles 14, 15 and 19 of the Constitution of India, is permissible in law. While embarking on the questions raised, it may be pertinent to know that a statute although could have been held to be a valid piece of legislation keeping in view the societal condition of those times, but with the changes occurring therein both in the domestic as also international arena, such a law can also be declared invalid.”

8. In John Vallamattom v. Union of India³, this Court, while referring to an amendment made in UK in relation to a provision which was in pari materia with Section 118 of Indian Succession Act, observed (SCC p. 624, para 28):

“28...The constitutionality of a provision, its trite, will have to be judged keeping in view the interpretative changes of the statute affected by passage of time.”

Male victims of such assaults nature of rapes are also entitle to similar protections as in section 228 A IPC so that their identity can't be publicized because of such progressive nature of rights under our constitution. Such assaults are gender neutral which may victimize both sexes and the perception that sexual assaults can only be done by males or cannot be inflicted upon males is outdated. Thus, it couldn't be termed as reasonable classification to discriminate such victims on basis of gender in order to except them from protection against publicity of their identity. Cumulative effect of such handicapped provision on one hand and absence of necessary provisions on another prevents victims from reporting such cases as these are taboo with no less social stigma than rape.

2 (2008) 3 SCC 1

3 (2003) 6 SCC 611 (India).

Sections 354 and 509 of the Indian Penal Code (IPC) deal with sexual assault, outraging modesty, eve-teasing and rape but they are all for women. Here again it is highlighted in the policy of law that man cannot be sexually harassed by other men or women for the simple reason that they are men, stronger gender immune to all assaults of sexual nature and thus require no protection under statutory law which is a violation of Article 14 and 15 of The Constitution as it is an arbitrary inference not founded on any rational grounds.

In *M. Nagaraj and others v. Union of India*⁴ and others, Supreme Court held that the gravamen of Article 14 is equality of treatment. Article 14 confers a personal right by enacting a prohibition which is absolute. By judicial decisions, the doctrine of classification is read into Article 14. Equality of treatment under Article 14 is an objective test. It is not the test of intention. Therefore, the basic principle underlying Article 14 is that the law must operate equally on all persons under like circumstances.

In *E.P. Royappa v. State of Tamil Nadu and another*⁵, Supreme Court of India observed that equality is a dynamic concept with many aspects and dimensions and it cannot be "cribbed, cabined and confined" within traditional and doctrinaire limits. It was further held that equality is antithetic to arbitrariness, for equality and arbitrariness are sworn enemies; one belongs to the rule of law in a republic while the other, to the whim and caprice of an absolute monarchy.

Acts constituting sexual harassment are gender neutral and perpetrator as well as victim could be of any sex. Current public policy on sexual harassment is arbitrary, it is undermining and often ignoring plight of male victims and it is violative of Article 14. Such discrimination of victims based on sex is unconstitutional. Absence of provisions to prevent disclosure of identity or to punish crimes of sexual nature against men originating from patriarchal mindset reinstating that men are stronger sex and so they can't be sexually abused prevents delivery of justice to men in such cases and force them to live in pseudo social roles of powerful and unharmed personalities leaving them alone to lurch with their plight in their dark sorrowful and undisclosed state. In absence of provisions ensuring protection of identity of victims of sexual harassment even female victims of sexual harassment may decide to allow sexual harassment against them

⁴ AIR 2007 SC 71: (2006) 8 SCC 212 (India).

⁵ AIR 1974 SC 555: (1974) 4 SCC 3 (India).

unreported as fear of unintended consequences due to disclosure of their identity may prevent them from taking necessary steps.

Revenge Pornography is another prevalent crime which is surging these days. According to Citron & Franks Revenge porn is the distribution of sexually explicit images or video of individuals without their permission. Section 66 E Information Technology Act, 2001 titled Punishment for Violation of Privacy provides for punishment not exceeding three years and fine not exceeding two lakhs or both for intentionally or knowingly capturing or transmitting image of private area of any person without his consent under circumstances that violates privacy of that person but it does not provides for any safeguarding against protection of identity of victim in case he or she seeks relief under this provision. Only protection available for victim in order to safeguard her identity after initiating proceedings is provided under Section 228 A of Indian Penal Code provided for rape. Such discrimination in protections of identity of victims is arbitrary, violative of Article 14 and 15 and unconstitutional.

In case In S.G. Jaisinghani v. Union of India⁶, after referring to authorities in State of Mysore v. S.R. Jayaram⁷, Indira Nehru Gandhi v. Raj Narain⁸, E.P. Royappa v. State of Tamil Nadu⁹, Maneka Gandhi v. Union of India¹⁰, A.L. Kalra v. Project and Equipment Corporation of India Ltd.¹¹, Ajay Hasia v. Khalid Mujib Sehravardi¹², K.R. Lakshmanan v. State of T.N.¹³ and two other Constitution Bench judgments in Mithu v. State of Punjab¹⁴ and Sunil Batra v. Delhi Administration¹⁵ and, eventually, came to hold thus:

6 (1967) 2 SCR 703 (India).

7 AIR 1962 Kant 31, AIR 1962 Mys 31, ILR 1961 KAR 349 (India).

8 1975 AIR 2299 (India).

9 Royappa Supra note 4.

10 1978 AIR 597, 1978 SCR (2) 621 (India).

11 1984 AIR 1361, 1984 SCR (3) 646 (India).

12 1981 AIR 487, 1981 SCR (2) 79 (India).

13 1996 AIR 1153, 1996 SCC (2) 226 (India).

14 1983 AIR 473, 1983 SCR (2) 690 (India).

“It is, therefore, clear from a reading of even the aforesaid two Constitution Bench judgments that Article 14 has been referred to in the context of the constitutional invalidity of statutory law to show that such statutory law will be struck down if it is found to be arbitrary.

Manifest arbitrariness, therefore, must be something done by the legislature capriciously, irrationally and/or without adequate determining principle.”

Crime under section 66 E I.T. Act is brings a stigma similar in nature to that of rape and thus absence of protection against publicity of identity of victims under section 66 E and presence of such protection only for victims of rape is arbitrary discrimination between victims and violative of Article 14 and 15.

Justice Delayed is Justice Denied

“Delay of justice is injustice”, these words of famous English writer Walter Savage Landor shows all judicial systems that harbors pendency in bad light. As far as India is concerned according to the government statistics there are more than three crore cases pending in courts of India out of which about one fourth of total cases are pending since 5 years some of which 83, 797 are pending for more than 30 years.

Hussainara Khatoon & Ors v. Home Secretary, State Of Bihar¹⁶ Supreme Court held that “The State cannot avoid its constitutional obligation to provide speedy trial to the accused by pleading financial or administrative inability. The State is under a constitutional mandate to ensure speedy trial and whatever is necessary for this purpose has to be done by the State. It is also the constitutional obligation of this Court, as the guardian of the fundamental rights of the people as a sentinel on the qui-vive, to enforce the fundamental right of the accused to speedy trial by issuing the necessary directions to the State which may include taking of positive action, such as augmenting and strengthening the investigative machinery, setting up new courts, building new court houses, appointment of additional judges and other measures calculated to ensure speedy trial.”

15 1978 AIR 1675, 1979 SCR (1) 392 (India).

16 1979 AIR 1369, 1979 SCR (3) 532 (India).

Allocation of proper budget and recruitment of qualified and efficient men in vacant offices is an urgent need to improve the health of judicial system in India.

Lack of Sensitization and Awareness Programmes

In the rural belts and slums as well as orthodox educated class of India amidst the struggle of survival, sustaining dependents and cut throat competition, amidst lack of awareness regarding existing provisions of law and fear of social stigma often painful stories of victim are either suppressed by their horrified selves or near family fearing dishonor and sometimes by authorities under influence of powerful families of offenders or even due to apathy in some cases. Sex workers and marginalized communities are prone to have a very high incidence of violent crime committed against them; such crimes go unnoticed and unresolved frequently. Awareness and sensitization programmes will help to expand the horizon of justice so that it can reach marginalized sects of societies such as prostitutes who are inexistent in eyes of society. Though National Legal Service Authority of India, state legal service authorities and legal aid cells also have awareness and sensitization in their objectives but their reach to those who need their help and their efficiency with respect to sensitization and awareness is more a theory than reality. Mainstream awareness programmes are necessary to promote awareness regarding existing provisions of law for aid of victims and sensitization of society as well as authorities, especially for unconventional crimes.

Psychological Rehabilitation of Victims

A man cannot live a healthy life devoid of psychological health but under the current public policy of criminal justice system in India, no heed is paid to scarred psychology of victims of heinous and non-heinous crimes alike. Psychological effects such as anger, depression, fear, sleeplessness and Post-Traumatic Stress Disorder (PTSD)¹⁷ may be suffered by a person after his

¹⁷ Andrews, B., Brewin, C.R., Rose, S., *Gender, Social Support and PTSD in Victims of Violent Crime*, Journal of Traumatic Stress 16, 421- 430 (2003)

victimization. Mere compensation in monetary form cannot be deemed as fulfillment of liability of state with regard to remedying the wrong committed to victim.

Video Electronics Pvt. Ltd. and another v. State of Punjab and another¹⁸ are quite instructive:-

"Constitution is a living organism and the latent meaning of the expressions used can be given effect to only if a particular situation arises. It is not that with changing times the meaning changes but changing times illustrate and illuminate the meaning of the expressions used. The connotation of the expressions used takes its shape and colour in evolving dynamic situations."

In Navtej Singh Johar¹⁹ Supreme Court observed "The rights that are guaranteed as Fundamental Rights under our Constitution are the dynamic and timeless rights of 'liberty' and 'equality' and it would be against the principles of our Constitution to give them a static interpretation without recognizing their transformative and evolving nature. The argument does not lie in the fact that the concepts underlying these rights change with the changing times but the changing times illustrate and illuminate the concepts underlying the said rights."

In Kharak Singh s case²⁰. Subba Rao, J. quoted Field, J. in Munn v. Illino's²¹, to emphasise the quality of life covered by Art. 21: "Something more than mere animal existence. The inhibition against its deprivation extends to all those limbs and faculties by which life is enjoyed."

It is the liability of state to ensure all fundamental rights, constitutional rights and legal rights to entitled people including right to lead peaceful and healthy life (including psychological health) guaranteed under Article 21 of the constitution which It doesn't mean mere animal existence. Commission of a crime means failure of state in its responsibility towards its citizen and thus state is liable for remedying its failure through psychological of duty by means of psychological rehabilitation of victims under illuminated interpretation of rights under constitution.

18 (1990) 3 SCC 87 (India).

19 W. P. (Crl.) No. 76 of 2016 (India)

20 [1971] 1 SCR 512 (India).

21 113 U.S. 94 (1877)

Corrosion of Justice by Hostile Witnesses

Justice is a right given under our constitution, it is highlighted in our preamble to show that it is one of the key features but when in the name of reducing the workload of courts, proceedings under section 199 IPC (giving false evidence) are not initiated against hostile witnesses who are denying victims of their rights to attain justice, aiding criminals in their attempt to evade justice and making a mockery of system.

In *Sat Pal v. Delhi Administration*²², Supreme Court observed that “A "hostile witness" is described as one who is not desirous of telling the truth at the instance of the party calling him, and an 'unfavorable witness' is one called by a party to prove a particular fact in issue or relevant to the issue fails to prove such fact, or proves an opposite fact (see Cross on Evidence, p. 220, 4th Edition citing Stephen's Digest of the Law of Evidence”

It has become practice of courts throughout India to let go hostile witnesses who change their testimonies during the trial and damages the case of prosecution in a back stabbing manner. Its time to ask ourselves whether the cherished virtue of justice is prevailing or fading in the name of workload? Isn't a hostile witness guilty of denying justice to victim? Is it justified to shield such a person and doesn't such a policy promotes false evidence and results in increasing the number of hostile witnesses?

Denial of Status of Victim in Environmental Crimes and White Collar Crimes

The term victim is largely associated with criminal law, its definition includes person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged but this definition in CrPC also fits the victims of environmental crimes who suffer injury to their body, mind and at times property yet they do not qualify as victims under law.

In the case of *Saurabh Chaudri and others v. Union of India and others*²³, it was observed that "Our Constitution is organic in nature, being a living organ, it is ongoing and with the passage of time, law must change. Horizons of constitutional law are expanding."

²² 1976 AIR 294, 1976 SCR (2) 11 (India).

²³ (2003) 11 SCC 146 (India).

In *Navtej Singh Johar v. UOI*²⁴ Supreme Court held that “Thus, we are required to keep in view the dynamic concepts inherent in the Constitution that have the potential to enable and urge the constitutional courts to beam with expansionism that really grows to adapt to the ever-changing circumstances without losing the identity of the Constitution.”

Madhya Pradesh High Court in *Krishna Gopal v. State Of M.P.*²⁵ held that “It is a travesty that such corporate crime wave and criminal behavior on the part of such Authorities has not been made such a crime as to be punished with deterrent punishment. Unfortunately willful and knowing violations of laws resulting in air pollution caused by auto exhaust radiation and gas pipe-line safety standards are not considered crimes under the relevant statutes even if lives are lost as a result. Such crimes require courage, not routine duty, by officials to enforce the laws against such outrages and the Sub-Divisional Magistrate undoubtedly deserves a word of kudos. It should be remembered that environmental crimes dwarf other crimes to safety and property but the position of law as it stands in the matter of sentencing such environmental crimes is rather comfortable. A vagrant committing a petty theft is punished for years of imprisonment while a billion dollar price fixing executive or a partner in a concern as such the petitioner comfortably escapes the consequences of his environmental crime. The Society is shocked when a single murder takes place but air, water and atmospheric pollution is merely read as a news without slightest perturbation till people take ill, go blind or die in distress on account of pollutants that to resulting in the filling of pockets of a few.”

Cases such as Bhopal Gas tragedy, Vishakhapatnam gas leak and other instances of illegal disposal of waste rendering vast tracts of lands toxic and intoxicates components of local and global biosphere have multitude of victims. Those who die or are seriously injured may get compensation at times but on the other hand those who suffer due to inhabitability of land, inhabitability of land, deterioration of environment, deterioration of their bodies or mental agony etc. aren't even given the status of victims nor any special laws of strict nature are there for such crimes that not only impair hundreds and thousands of lives in present and in future.

Victims of white collar crimes also suffer loss or injury caused by reason of act or omission of white collar criminals who are accused in case criminal charges are invoked against them and as

²⁴ *Supra*, Note 17.

²⁵ 1986 CriLJ 396 (India).

such victims qualify under the technicalities of definition of victim but are denied rightful status of victimhood.

Narinderjit Singh Sahni And Anr. v. Union Of India And Ors²⁶ Supreme Court held that “Undoubtedly a situation which requires utmost consideration of this court, on the one hand the constitutional mandate under Article 21 and its broad and lofty ideals involved therein and on the other to quote Mr. Rawal's language, there is existing an economic genocide - not only an issue interesting but its importance in the jurisprudence of the country cannot be lost sight of.”

Victims suffer injury in terms of their property and legal rights exclusively due to white collar crimes in numerous cases but they do not qualify as victims under the existing policy. Crimes like Satyam Scam, Punjab National Bank Scam and hundreds of other like white collar crimes have a much larger impact on society when compared to conventional crimes.

At the dawn of age of millennials where more and more civil rights and liberties are guaranteed under organic constitution with each passing day and law is developing as a protector of needy like never before through evolution of new concepts and ideas in interest of justice recognition of full amplitude of environmental and white collar crimes in legal policy and provisions for remedy of same magnitude is the dire need of time. Stricter laws against environmental crimes and white collar crimes are required and status of victim shall be conferred on sufferers of these crimes through wisely formulated special laws that currently ignore such victims whose lives are devastated, to render proper remedies to such victims.

Diminished Role of Victim in Criminal Proceedings

Fiction is made for convenience of men especially in law and not vice-versa and same is the case of judicial mechanism. Wouldn't the efficiency of any system deplete if it sidelines its founding reasons. Victim under Criminal justice in India are merely witnesses for the purpose of identifying the accused under section 9 of Evidence Act and filing of written statement 24(8) CrPC. They are not seen as the sufferers who occupy core concerns in criminal justice mechanism and they are denied any information with respect to various stages of case that should be chiefly concerned with them but instead the idea of State being the sufferer of criminal offences resulting in replacement of state in place of victim as a party to criminal trial estranges

victims from proceedings and deny them regular information with respect to the proceedings of the case which should conclude by dispensation of justice to victim.

M.G. George Muthoot v. State Of Kerala²⁷ in High Court of Kerala highlighted that “As stated and emphasized by Dr. Justice V.S. Malimath Committee, it is not sufficient only to protect innocents from punishment or punishing the culprits, the aim and object must be basically to give justice to the victim of the crime also.”

There is an eminent need for service regular notices to victims throughout the various stages of criminal justice proceeding such as arrest of the accused; bail release and related proceedings; pretrial release and related proceedings; dismissal of charges; trial dates and times; sentencing hearings; final sentence or disposition; conditions of probation or parole; appeals process and related proceedings; pardon/commutation of sentence and related proceedings; cancelled and rescheduled proceedings; final release from confinement, escape and subsequent recapture of offender.

Lack of Legal and Technical Knowledge on Part of Victim Results in Miscarriage of Justice

Knowledge of law is limited to judges, lawyers, legal professionals and at the best police officers; layman who falls prey to crime is neither acquainted with technicalities of legal provisions nor with their loop holes and lacunas even if they try their best to obtain information of legal provisions in which they hold some interest, in such a scenario when the judicial system provides for no mechanism of cooperation between prosecutors who fight for the cause of victim and victim himself, legal technicalities are bound to damage the case of prosecution as two important rivets of chain are not able to join which often breaks the chain of justice adverse to the interest of victim which is also in interest of justice. Victims, their family members and witnesses often commit mistakes such as exaggerating the facts caused by rage of being wronged at the time of First Information Report and contravening their testimony at time of evidence because their memory is not properly refreshed as there are no provisions with respect to interaction of victims and prosecution, it may often result in non corroboration of evidence and

acquittal of accused who committed the offence. Whether mere exaggeration turns an offender into an innocent party? Is exaggeration valid ground to deny justice?

Due to the multitude of facts conviction rate in India is as low as 46%. To make justice more accessible NGOs or Service provider like those under Domestic Violence Act dealt under section 2(r) and section 10 of Domestic Violence Act, 2005 shall be to victims of other offences as well so that lacunas and loopholes law combined with lack of legal knowledge on part of victims does not results in weakening of genuine cases. Provisions for proper interaction of prosecution and witness should also be made in interest of justice. Combined effect of assistance of service providers and prosecution will help in proper examination by means of refreshing memory of victims and prevention of exaggeration of facts by victims and witnesses caused by rage of being wronged as they will have prior knowledge that it will weaken their case due to non corroboration and contravention. Influential accuses and their families will not be able to disrupt proceedings as the assistance of service providers and their interaction with police will act as a check against corruption and manipulation of case.

Conclusion and Suggestions

Current Justice Dispensation System in India is not well equipped to deal with various challenges posed by technology which is manipulated by a new generation of criminals who not only invade and destroy their victim's privacy and they are also capable on preying masses of victims. Urgent legislative measures are required to protect identities of victims in all sort of sexual offences to protect victims against social stigma and mistreatment. Such protection will also encourage victims to report such offences and seek legal remedies. Budget for upgradation of judicial machinery to prevent delay in justice should also be prioritized by government. Victims shall be given a greater role and greater protections. A progressive approach especially for their psychological rehabilitation of victims shall be ensured in order to meet the ends of justice. Victims of environmental crimes and white collar crimes shall also be given legal status as victims so that they may seek remedies that they deserve.

References

Statutes

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2. Indian Penal Code, 1960
3. Criminal Procedure Code, 1973
4. Information Technology Act, 2001
5. Domestic Violence Act, 2005