

**A SOCIO-LEGAL STUDY OF VICTIMS RIGHTS IN INDIA WITH  
SPECIAL REFERENCE TO VICTIMS HUMAN RIGHTS**

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**ABSTRACT**

There are a plethora of issues in crime and criminology being discussed in the society but victimology is one such area which needs a lot more attention. The criminal justice system prevalent in our society is designed in such a way that much attention is being paid to the crimes and the behavioural patterns of the perpetrator but hardly any heed is being paid to the victims. The present Article aims to deal with this very issue. the present article titled : ‘A SOCIO-LEGAL STUDY OF VICTIMS RIGHTS IN INDIA WITH SPECIAL REFERENCE TO VICTIMS HUMAN RIGHTS’ deals with the issues like the meaning of victimology and victims; the key aspects related to victims like victimization victim precipitation and others; the evolution of victimology across the globe and in India; position of victims in India, victims rights as human rights, victims’ rights in India and how victims are being treated in the society post commission of the crime and conviction or acquittal of the accused.

I, Kritika Singh, pursuing LL.M. (Masters in Law) at Faculty of Law, University of Allahabad, have tried to point out the above mentioned issues in the present article with special reference being given human rights instruments.

A list of the recent amendments in the Code of Criminal procedure Code has been mentioned with the view that instead of dealing with the victims rights in fragments a proper statutory scheme must be created to specifically deal with the victims’ rights.

Lastly much emphasis has been placed on the elevation of victims rights up to the level of human rights and not merely to be treated a part of criminal justice process under the domestic law.

## **A SOCIO-LEGAL STUDY OF VICTIMS RIGHTS IN INDIA WITH SPECIAL REFERENCE TO VICTIMS HUMAN RIGHTS**

“There is fascination about crime, which is understandable, but hardly anyone talks about the families of the victims of violent crime and the devastation that is beyond the victim alone.”-

Werner Herzog

### **INTRODUCTION**

The offender, the nature of the punishment awarded to him for the offence committed by him, his reformation and rehabilitation; has always been the cynosure of the criminal justice system. All the effort is being put in understanding the personality and behavioural patterns of the offender and the social, political and other factors which contributed towards his criminal behaviour. Hardly any heed is being paid to the victims of crime. They seem to be the forgotten lot in this whole picture. However in the recent decades the impact of victimization on the affected persons drew the attention of the criminologists and criminal law systems across the globe so as to cajole them that the victims needed to be treated with much compassion as well as their dignity and basic rights must be recognised and protected. The expression ‘victim of crime’ is simply to mean a person who as a consequence of crime has suffered physical or emotional harm, property damage or economic loss. The source of the concept of ‘victim’ is the ancient societies where the victim covered persons or animals put to death as a notion of sacrifice ordinarily during a religious ceremony in order to quench some supernatural power or deities. Eventually it was being commonly being put in use for individuals who suffered injuries, losses or hardships for any reason. Other than victims of crime persons can be victims of accidents, diseases, natural calamities, social and political problems, war, terrorism, despotism and other forms of injustice.<sup>1</sup>

Victimology is a sub-discipline of Criminology which is the scientific study of victims of crime. Academically the term embodies two elements:-

- ‘Victim’ which emanates from the Latin word ‘Victimia’.
- Secondly the word ‘logos’ which means a system of knowledge, the direction of something abstract, the direction of teaching, science and a discipline.

Until the end of the Second World War, ‘victim of crime’ as a subject of criminological research was unheard. Albeit, the writings about crime had appeared in the works of criminologists like Beccaria, Lombroso, Ferri, Sutherland, Garofalo, Von Hentig, Nagel,

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1. ‘Victimology- Concept and History of Victimology’- Md. Atiqur Rahman (from Institute of Social and Welfare Research).

Henry Ellenberger, Schafer and Wolfgang but Benjamin Mendelsohn<sup>1</sup> has been given the credit to be the first to study the relationship between the victim and the offender and together they have been termed as 'Penal Couple' by him. The Penal Couple concept has projected the opinion that there are two partners who contribute to the taking place of a crime. One being the offender and the second being the victim who spares a chance to the offender to commit the crime. Thus being a participant in the penal couple the victim must bear some responsibility for the respective crime. But this concept stands obsolete in the modern victimological studies, being more or less similar to the theory of 'Victim Precipitation' used to portray victim as 'hapless dupes who instigated their own victimization'.<sup>2</sup>

## EVOLUTION OF VICTIMOLOGY IN INDIA

Before studies on crime victims could be made in India in late 1970's, studies were there on victims of dacoit gangs in the Chambal Valley in 1978, victims of motor vehicle accidents and homicide in 1981. For the first time in 1984, a seminar on victimology was organised in the University of Madras (Chockalingam, 1985). In August 1992, the foundation of Indian Society of Victimology (ISV) was laid down with the impetus of dissipating knowledge and awareness regarding the plight of the victims and marshalling support for the creation of new law for victims.

## VICTIM AND VICTIMIZATION

The process of becoming a victim or being victimized is known as victimisation. Since no exact definition is available it can be simply said that it is relation between the victim and the accused. However the first theory which indicated victimization was developed by Wolfgang and was popularly known as the 'Victim Precipitation Theory' which suggested the involvement of the victims themselves into the situations leading to their injuries and deaths thus making the role of victims in the criminal activity a prominent one ignoring the fact that there may arise a possibility where a victim maybe compelled to participate in the criminal activity. The impact of victimization can be physical, financial, psychological etc. Victimization can be categorised into four types namely; primary, secondary, self, and re-victimization.

- Primary Victimization is an element which comprises of the effects and consequences of the crime along with the impact which it has on the victim which might include physical, financial, emotional and psychological effects.
- Secondary Victimization entails the response of individuals and institutions to the victims, the way he/she is treated in the society, workplace, and other realms of life. It may result in the complete denial of the human rights to victims, their dignity and reputation which they earlier had.

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1. Father of Victimology and a penal lawyer, he was born in Bucharest, Rumania, in 1900. He was the one to introduce the term, 'Victimology' and presented it as a new discipline.

2. Notably used by Mendelsohn, Hentig, and Wolfgang in 1940's.

- Re-victimization or Repeat Victimization may result either by staying in association with the offender for a continuous period of time or by staying close to the concentration of the potential offender.
- Self-Victimization as the name suggests is a category where the victim gets victimized by committing an act himself by adopting bad habits or by being in a wrong company etc. which might result into his victimization.

**THE VICTIM-** a question arises that can there be a victimless crime or in simple words that can there be a crime without a victim. The answer lies in affirmative. A victimless crime is an act which being illegal affects nobody directly because of the presence of consenting adults. The best examples which can be cited are that of the prostitution, trespassing, drug consumption, suicide, gambling etc. Instead we can say that these are such crimes in which the perpetrator himself/herself gets victimised in consequence of the act committed by them. The concept of victim is an age old concept which casts one's mind back to ancient cultures and civilisations. Traditionally the victim of the criminal offence has always been the sufferer. The victim or the victim's family in ancient times were allowed to seek revenge and retribution from the either the offender or from the offender's family. This tradition from ancient cultures was encoded into the ancient Code of Hammurabi<sup>1</sup> and other Middle Eastern Codes. Restitution to victims and their families was requisite in the Roman, Germanic and English laws. If there was anyone who was entitled to justice, that was the victim and the victim's family and not the state. However the present times inhabit a disparate scenario and now the victims stand farther at the periphery of the justice whereby the government focuses on rehabilitation and nature of punishment awarded to the offender rather than on restitution. As has been mentioned earlier the concept of victim was rooted in the idea of sacrifice. In the words of Merriam Webster dictionary, a victim is one "that is acted upon and usually adversely affected by a force agent." Whereas the Oxford dictionary brings 'things' apart from persons under the ambit of victim which can be injured or destroyed under the accretion of a motive, fruition of a passion or as a consequence of certain events and circumstances.

ICC<sup>1</sup> statute defines victim as "natural persons who have suffered harm as a result of the commission of any crime within the jurisdiction of the ICC".

Articles 1 and 2 of the UN General Assembly Declaration of the Basic Principles of Justice for Victims and Abuse of Power<sup>2</sup> (considered the 'Magna Carta' for victims) provide for the definition of the term 'victims of crime' which is quoted as follows:-

- To sum up the definition provided under **Article 1** , 'victims' are the those who individually or collectively, through acts or omissions that are in violation of criminal laws operative within member states including those prescribing

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1. Code of Hammurabi, a well preserved Babylonian Code of ancient Mesopotamia prevalent in 1754 BC and it consists of 282 laws with scaled punishments, adjusting "an eye for an eye, a tooth for a tooth." (lex talionis)- <http://en.m.wikipedia.org>

2. International Criminal Court.

3. Adopted in November, 1985.

criminal abuse of power, have suffered harm including:-

- (a) Physical or mental injury;
- (b) Emotional suffering;
- (c) Economic loss; or
- (d) Substantial impairment of their fundamental rights.

➤ **Article 2** says that, “a person may be considered a victim under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim.” It further clarifies that other persons included within the ambit of victim includes:-

- (a) Immediate family of the victim; or
- (b) The dependants of the victim; or
- (c) Persons who have suffered injury in the process of assisting victims in distress or to prevent victimisation.

In the words of Richard Quinney, “a victim is a conception of reality as well as an object of events. All parties involved in sequence of actions construct the reality of the situation. And in the larger social contacts, we all engage in common sense construction of the crime, the criminal, and the victims”.<sup>1</sup> According to him only some people have the power to define that who is a victim and who is not.

Section 2(w a)<sup>2</sup> as inserted by Cr.P.C.<sup>3</sup> (Amendment) Act, 2008 includes under the ambit of the term ‘victim’ as a person as well as an institutional entity. As a ‘**Person**’ a victim is one who suffered directly or indirectly if he/she is being threatened physical, emotional or pecuniary harm as a consequence of the commission of a crime. While being an ‘**Institutional Entity**’ a victim is one who is agonized by something akin to the harm caused by any individual or any representative authorised by another entity or group who are indispensably covered under civil or constitutional law and deserves assistance by criminal law system.

As far as the kinds of victims are concerned there is no straitjacket formula to classify the victims to be considered universally. Various jurists and criminologists differ in their outlook regarding the classification of victims. Mendelsohn has classified victims into 6 categories in accordance with their contribution towards crime which are illustrated as follows:-

- Victims who are completely innocent which might include infants or children who need special attention since they are vulnerable enough to realise what is being done to them.
- Victims with minor guilt; for e.g. pregnant women who are tricked by quacks for abortion and pay with their lives.
- Victims equally guilty as offenders.

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1. From the revised version of the paper presented at the annual meeting of Eastern Sociological Society, New York, April 1971; by Richard Quinney who is an American sociologist, Professor of Sociology at New York University.

2. W.e.f Dec 31, 2009.

3. The Criminal Procedure Code (of India).

- Victims who more are guilty than offenders especially those who provoke the perpetrators to commit the crime.
- Victims who come under the category of ‘most guilty’ by virtue of committing crimes against others and sustaining harm themselves and getting killed. Mendelsohn here gives the example of the rapist who gets killed by his victim who acts in self-defence.
- Victims who feign victimisation who provide the courts with the evidence so as to obtain the sentence against an accused.

Walter Reckless<sup>1</sup>, another American criminologist, in 1961 talked of two kinds of victims namely:-

- Non- Reporting victims- the ones who are reluctant in reporting the crimes since they fear the social consequences of doing so.
- Reporting victims- who are much more concerned in seeking the punishment of the offender or the compensation for his suffering than bearing the social consequences of reporting such a crime.

According to Dr. S.M.A. Qadri there are certain categories of victims who need special care and greater attention on account of their vulnerability, namely:-

- Elderly victims
- Child victims
- Victims of sex offences or sexual abuse.
- Female victims.
- Minority groups and weaker sections.

## **POSITION OF VICTIMS IN INDIA**

“Might is right”, a phrase which best suits to the situation of victims in India because the victims here, are being made to suffer in the court and outside the courtroom as well. At the stage of trial if the accused appears to be wealthy and powerful he might threaten the victim and his witnesses not to testify against him and outside the courtroom it is the society which instead helping and supporting the victims outcasts the victims especially in cases where the women are victimised; mostly by rape, sexual abuse or harassment, human trafficking, acid attack etc. . The police and the court room proceedings prove to be traumatic equal to that of the offence itself and the justice system makes them feel as culprits themselves instead of being treated as victims. Secondly the witnesses of the victim might not appear or refuse to give their testimony on account of threat perception. Thirdly, the accused if being a wealthy person might engage an expensive lawyer while the victim has to bear with the public prosecutor who might not match up to the mark of that of that of the defence lawyer which ultimately results into the acquittal of the accused.

The other vulnerable category of victims includes the elderly or the senior citizens and crime against them has emerged as a bigger social problem in the contemporary India. With the years passing by there has been a rise in the incidents being reported where the elderly are being subjected to grievous hurt, murder, abuse, isolation and abandonment by their

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1. Walter Reckless, an American criminologist known for his containment theory.

own children, family members, servants and neighbours. They are unable to report the crimes on account of their dependency on their family members which they would lose on doing so. Child victims are the most vulnerable since they don't even have the capacity to report the crimes against them to their family members, reporting it to the law enforcing agencies is a far reached thought and to be least expected from them especially in cases of infants being raped and beaten by the family members or strangers. According to International Business Times<sup>1</sup>, India has the largest number of sexually abused children in the world. One out of each three rape victims in India is a child, as per Louis-Georges Arsenault, UNICEF<sup>2</sup> Representative to India. As per the statistics more than 7,200 children are raped each year and many of them go unreported. A Report by Human Rights Watch<sup>3</sup> says that the rape victims are "mistreated a second time by a criminal justice system that often does not want to hear or believe their accounts, or take serious action against perpetrators."

The plight of rape victims is far beyond anyone's imagination. Hardly rape victims in India appear in the courtrooms and those who do they appear only to be traumatized and stigmatized. The social status of the rape victims appear to be pitiful on the other side, being driven by the patriarchal norms. When an Indian woman is raped the society comes forward to blame the woman rather than blaming the rapist which has given birth to the culture of impunity. After a rape happens the most common remarks made in the society by the authorities, politicians, commoners and by the rapists themselves are, "A girl is far more responsible for rape than a man"; "housework and housekeeping is for girls and not roaming in discos and bars or staying late at night for work"; "when being raped, she shouldn't fight back. She should just be silent and allow the rape", "women should not cross their limits and if they do they will have to face such consequences". Thus a rape victim cannot resume a normal life at home, workplace or in the society for that matter the same way she did before. She leads more or less an alien like life in the society where she is looked down upon as an untouchable or someone who can be easily subjected to sexual abuse. The root cause of violence against women is that they are looked down upon as commodities or a symbol of one's pride and prestige. In response to the United Nations Declaration, the Criminal Procedure Code in India was amended in 2008 so as to widen the definition of 'Victim' under Section 2(w a). Before shifting the focus towards the victims of crime the criminal justice system in India was fanatical about punishment and rehabilitation of the criminals. The emergence of public interest litigation and the efforts by social activists has drawn the attention of the courts to this loophole existing in the criminal justice system. To quote the words of Justice V.R. Krishna Iyer, "the criminal law in India is not victim oriented and the suffering of the victim, often immeasurable are entirely overlooked in misplaced sympathy for the criminal."

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1. Published on 14<sup>th</sup> September, 2016.

2. UNICEF- United Nations Children's Fund is a UN programme (headquartered in New York City) which aims to provide humanitarian and developmental assistance to children and mothers in developing countries.
3. HUMAN RIGHTS WATCH- an American based International non-governmental organisation that conducts research and advocacy on human rights.

Thought our modern criminal law is designed to punish as well as reform the criminals, yet it overlooks the by-product of crime i.e. the victim.”<sup>1</sup> The police in India are completely ignorant of the international standards of the treatment of victims prescribed by the UN Handbook on Justice for Victims (United Nations Office for Drugs and Crimes, 1999, chapter III, pp.56-76). In India the role of victims in the criminal proceedings is nothing more than that of being a witness when being summoned by the court. Further the Indian Constitution deals with various rights for the protection of the accused like right to speedy trial but nowhere in the Constitution the plight of victims is addressed. Thus there lies no other way to spare justice to the victims except by involving them in the criminal proceedings to a larger extent.

### VICTIMS RIGHTS AS HUMAN RIGHTS

“Human Rights are the rights that a human being in virtue of whatever characteristics he has that are both specifically and universally human.”<sup>2</sup> The Dictionary meaning of ‘Right’ says that a right is a moral or legal entitlement to have or to do something. The etymological origin of the word right lies in the Old English word ‘riht’ or ‘reht’ and from Proto-Indo-European word ‘reg’ meaning , “having moved in a straight line”, or to “straighten or direct”. However a clampdown on rights can be that of inability in absoluteness. Meaning thereby rights can never be absolute or endless and it is generally accepted that a person’s right begins from the point where another person’s right ends.<sup>3</sup> Human Rights are said to be the basic rights available to every person without which we would be unable to live as humans and are responsible for our development up to the full potential. According to Donnelly (2003), the major facets of human rights include their universality, inherence, indivisibility, and inalienability.

After defining the human rights the question now arises is that whether the victims’ rights are human rights? The human rights instruments do not exclusively mention the provisions for victim’s rights but indirectly in some way or the other victims are at the centre of human rights thinking. In the Preamble to the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the General Assembly has acknowledged that the victims’ rights have not been recognised sufficiently. Unlike this a number of rights to victims have been recognised by the Declaration includes:-

- The right to be treated with respect and recognition.
- Right to be referred to adequate support services in order to deal with the impact of the crime.
- Right to receive information about the criminal justice system and their role in it.
- Right to receive notification about the progress of their case.
- Right to express their views appropriately at the stages of the criminal justice process.

- Right to protection of their privacy and physical safety.
- Right to reparation from the offender along with the compensation from the state.

But these rights might turn ineffective because of the non-binding nature of the Declaration.

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1. V.R. Krishna Iyer : Access to Justice- A case of Basic Change (1991) pg.14.
  2. Bernard Mayo, "What are Human Rights" Political Theory and the Right of Man. Ed. By Raphael, D.D.MacMillan, 1967, p.68.
  3. Baril (1985)

The government which chooses out not to follow these rights has to face no adverse consequences of it, as such. According to the Articles 2, 3 and 4 of the Human Rights Act<sup>1</sup>, **“Everyone’s right to life shall be protected by law. No one shall be subjected to torture or to inhuman or degrading treatment or punishment. No one shall be held in slavery or servitude. No one shall be required to perform forced or compulsory labour.”** The Human Rights Act apart from requiring the government for ensuring the protection of life makes provision for the prohibition against torture and degrading treatment towards the victims. Regarding slavery it is now an offence in UK to subject a person to slavery or forced labour.

Sam Garkawe in 2005 proposed the creation of UN Convention on Victim’s Rights and he comes up with the argument that the poor and inhuman treatment of victims must be viewed as a matter of human rights protection.

Victim’s rights can thus only be effective as human rights only if they provide two-fold purpose i.e. on one hand it shall confer entitlements and on the other hand it shall impose obligations on the people.

## VICTIM’S RIGHTS IN INDIA

The general rights available to crime victims include:-

- **THE RIGHT TO ATTEND THE CRIMINAL JUSTICE PROCEEDINGS-** which specifically imbibes the right of the victims and their families to attend the trial, sentencing, parole hearing of the offender as well as other proceedings. However the rule bars the witnesses being victims to attend the trial so as to prevent the witnesses from the influence of other witnesses while giving testimony in a case. Unless the police considers it necessary the victim plays no significant role since the law existing in India visualizes a prosecutor appointed by the state as a proper authority to plead on behalf of the victim.
- **THE RIGHT TO BE HEARD-** it is one of the most important rights available to victims, which thereby affects their interests because it is through this that the victim can play a proactive role in the criminal justice process. It is requisite before the final disposal of the case for the prosecutor to obtain the opinions of the victim and has to certify to the court that the victim has been duly consulted, before the prosecutor prays for his plea to be accepted.
- **THE RIGHT TO BE INFORMED-** it is necessary to notify the victims and their families about the scheduling, re-scheduling and cancellation of the criminal

proceedings as well as the aftermath of such proceedings. Secondly certain legal rights must be made known to the victims including the right to attend the proceedings, to submit a victim impact statement, sue the offender for pecuniary damages, and to receive an order from the court seeking protection of the victim from the offender or his family or associates.

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1. A UK law passed in 1998 which contains the Human Rights based on the Articles of the European Convention on Human Rights.

- **THE RIGHT TO COMPENSATION**- the legislative framework regarding compensatory relief to victims in India consists of mainly four areas:-
- (a) The Code of Criminal Procedure.
  - (b) The Probation of Offenders Act, 1958
  - (c) The Motor Vehicles Act, 1988
  - (d) The constitutional scheme in the form of Supreme Courts verdicts while interpreting fundamental rights or DPSPs<sup>1</sup> or under Articles 32, 136 and 142 when the court may direct payment of compensation to the victims of crime.

The compensation structure may include the medical, counselling and funeral expenses as well as lost wages. The victim's family members are also entitled to the compensation. However in order to be eligible to compensation the crime must have been reported by the victim and the victim must have cooperated in the prosecution of the case. Section 357-A has been inserted by Cr.P.C. (Amendment) Act of 2008 (5 of 2009)<sup>2</sup> provides for the 'Victim Compensation Scheme' to be prepared by the state government in coordination with the central Government for the purpose of compensating to the victims or their dependents who have suffered loss or injury as a result of crime also who require rehabilitation.

Compensation may even be paid in the situation when no one has been arrested or convicted of the crime. If some other person pays victim's medical and funeral expenses then he shall be rightfully entitled to reimbursement from the compensation program.

- **THE RIGHT TO BE PROTECTED**- these protective measures may include:-
- (a) Police protection while escorting them to and from the court.
  - (b) Witness protection
  - (c) Relocation of address
  - (d) Ensuring the separation of waiting areas for the victims from that of the accused or his family members or associates during court proceedings.
  - (e) Denial of bail or imposition of specific conditions in case of bail release like no contact orders for defendants who appear to be a possible threat to a specific community.
- **THE RIGHT TO RESTITUTION**- it might be in the form of payment of damages or return or repair of property stolen or damaged during the crime being committed. However restitution may not cover sufferings like emotional trauma unlike possible future losses.

- **THE RIGHT TO SPEEDY TRIAL**- no unreasonable delay shall hinder the disposition of the case. The court however must consider the impact of delay on the victim before pronouncing the final decision.
- **THE RIGHT TO ENFORCEMENT OF THE LEGAL REMEDIES**- the legal rights available shall not be meaningful unless and until they are being enforced.

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1. Directive Principles of State Policy
  2. With effect from December 31, 2009.

Since a country like India a victim being no party to the criminal proceedings, his legal standing must be enforced through a statute or a court ruling.

The Code of Criminal Procedure has been after its amendment in 2008 and 2013 has tried to revisit the rights of victims by following means:-

- Section 2(w a) as has been already mentioned above provides for the new definition of the word 'victim' so as to include the guardian and legal heir within its ambit and entitle them with rights equivalent to that of the victim.
- Section 24(8) of the Code enables the victim to engage a counsel of his own choice so as to assist the public prosecutor.
- Post insertion of section 26(A) the offences under Sections 376, 376(A) to (D) of the IPC<sup>1</sup> shall be tried as far as possible by a court presided over by a female.
- Proviso 2 of Section 157 provides for the recording of the statement of a rape victim at her residence or at a place of her own choice in the presence of parent or guardian or near relative or a social worker of the nearby locality; by a female police officer as far as practicable.
- Regarding the offence of a rape of a child a specific time of three months has been stipulated for the completion of the investigation; under Section 173 (1-A).

Despite all these amendments mentioned above some inadequacies still exist in the present criminal justice system regarding the protection of the victims. Example being the limited role of the victim in the criminal proceeding. After the recommendation of the Malimath Committee for providing with the victims of rape and of domestic violence, certain trauma counselling, proper legal aid, psychiatric and rehabilitative services; yet there is lack of a statutory scheme for fulfilling such rehabilitative needs of the victims.

## THE CONCLUSION

There may be a number of rights defined for the victims but the reality remains to be somewhat different with inadequacy and enforcement issues with such rights. There are two sections in the society; one that is accused and the other being victims out which the accused rights, punishment and rehabilitation is being widely discussed but little heed is being paid to the victims needs. The present situation demands for the victim's rights to be treated as the basic human rights

than just being considered as a part of the criminal justice process. A proper statutory scheme is required to deal with the victim's rights in comparison to the present situation where it is dealt in fragments. As per the research of the criminologists and victimologists the newly gained rights have short term impact and the plight of the victims remains the same. The hard truth is that the concept of victimology remains to be a paper work in our country while in reality it has

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1. Section 376 of the Indian Penal Code deals with punishment for rape while Sections 376 (A) to (D) deal with other sexual offences.

little practical utility. Apart from the statutory scheme the role of courts and judges remain is greater value in leaving an impact through their decisions on the social order. In nutshell it can be said that the immediate requirements to restore the rights of victims include victim compensation, freedom to choose one's own lawyer and security of the victim.