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RIGHTS OF CRIME VICTIMS A CRITICAL LEGAL STUDY- Ankit Kumar¹**INTRODUCTION**

Penology and Criminal Jurisprudence work together to help crime victims. A key component of India's criminal justice system, however, is the criminal themselves. Anyone who takes a hit as a result of criminal activity is known as a victim. There are two sides to every story. In the criminal justice system, there are two sides: the victim and the perpetrator. The issues faced by offenders, however, received disproportionately more attention and resources. Our legal system is sometimes referred to as an adversarial system of justice, in which the judge acts more like a referee. The judge has no say in the matter, and cannot rule in favor of the victim or the offender. Also, it's a reason why the victim isn't given enough attention in India's current criminal justice system. As things are, the victim is known as neglected stock. The media, together with every individual and institution, is bringing attention to the rights and issues. Academics and judges care more about the punishment than the victims of crimes. Offenders' reformation and rehabilitation are receiving more focus.

In order to punish, reform, or rehabilitate the offender, the criminal justice system relies on the Court and other governmental and non-governmental organizations, as well as their goodwill and resources. "The forgotten people in the system" is another term used to describe the victims. In 1975, President Gerald R. Ford addressed the United States Congress with the following statement.

For far too long, the legal system has prioritized protecting offenders above those who have been victimized by their crimes. The moment has come to stop this downward spiral and help the victims and those who may become victims.

In 1985, a proclamation was passed by the UN General Assembly. Crime and abuse of power victims may refer to this proclamation as the fundamental principles of justice. The proclamation was regarded as the Universal Declaration of Victim Rights. This

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proclamation addresses victim issues, particularly those involving abuse of authority. Among its recommendations is the establishment of a compensation fund and the advancement of victim interests. The second issue that needs addressing is making sure victims are aware of their rights to seek justice via administrative and judicial channels. As a third consideration, it is important to help victims navigate the judicial system. Following this, the proclamation expresses a desire to take steps to safeguard victims and their families from harm while also protecting their privacy.

Recently, the victim has taken center stage, and the administrative and judicial systems are all focusing on him in an effort to resolve his issues. The tendency has shifted, and today there are a variety of compensation options offered to both the victim and the perpetrator. To protect the interests of the victims, new legislation was passed and new clauses were added. Before analyzing the matter in detail it is important to look into several definitions of the victim.

Definition of Victim:

Commonly, when someone is wronged or suffers victimization at the hands of another, we say that person is the victim.

As per the Britannica encyclopedia:

- A victim is someone who has been hurt, killed, or sacrificed in some way.
- One who experiences fear, difficulty, or abuse.
- Someone who has been fooled or tricked.
- Someone who is the target of harmful or destructive action or agency.
- An individual who falls victim to emotional manipulation, naiveté, other people's dishonesty, or an impersonal force.
- Victims of war are individuals or animals that have been sacrificed or considered a sacrifice.

As a matter of religious freedom, the sacrifice of a live being.

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It is evident from the foregoing that a victim is someone who has been wronged. The aforementioned concept encompasses all facets of victims and is multi-dimensional.

The term "victim" is used to describe the one who is left to deal with the fallout of an offense.

According to the Britannica, the definition is sufficiently broad and multi-faceted. It addresses many types of victims. A victim is someone who has been wronged, in a more general meaning. The last explanation in the definition goes as follows: a live being sacrificed for religious purposes. A person who was sacrificed in religious ceremonies, such as a "Sati pyre," is also considered a victim.

The main objective is to bring attention to the fact that victims of crime have certain rights. Maura Matulis Criminals, tragedies, and acts of violence abound in our world. Crime occurs throughout society. It ensnares every civilization, no matter how advanced or backward, and every nation, no matter how developed or developing, is susceptible. A victim, the inevitable outcome of crime, will inevitably surface in such a setting. Nonetheless, the victim has received little attention, if any at all, compared to the offender and crime. So, under the current state of the criminal justice system, the victim is essentially left out in the cold.

As far as anybody can tell, the world's criminal justice systems are based on a single, deeply held principle: the right of the accused to have his rights protected while a criminal court decides his punishment. This is the driving force behind the vast body of criminal legislation that has evolved in response to shifting public perceptions of crime and offenders. It is standard procedure to arrest a criminal, bring them to trial, and either find them guilty or not guilty, with the possibility of a probationary sentence. We hear more reformatory rhetoric in court that the sentencing policy will save the day for the criminal in our system, regardless of the outcome of the case. Defense of accused people's rights takes precedence above punishment throughout the criminal justice system. The worst victim, the criminal victim, is completely ignored throughout. Historically, under the pretense of criminal reform, so-called human rights and civil rights advocates have prioritized the rights of the accused above those of the victim. A victim of crime, the unsung martyr, deserves justice, as Justice Krishna Iyer correctly states, "Tears shed for the accused are traditional and trendy."

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With this in mind, US Supreme Court Justice Benjamin N. Cardozo predicted over 80 years ago that victims should also get justice. We must not squeeze the idea of fairness until it becomes a thread. The right balance must be maintained by us. There has been an injustice against crime victims ever since then. The victim was institutionally disregarded as the system started to favor the accused, attorneys, and judges.

The goal of criminal justice is to deter lawbreakers who wilfully disobey society's most fundamental standards from violating individual and public rights. The goal of a contemporary welfare state is to attain and maintain this protection via the application of legal punishments to those found guilty. A person's right to a fair trial, during which he or she has the opportunity to present evidence of guilt or innocence, is a safeguard against the unfair prosecution of innocent people. Enshrining basic rights in this respect elevates this objective to the level of a constitutional guarantee. These provisions and their many facets have been examined in a great number of instances determined by the higher courts. The purpose of his incarceration, even if it is punitive, is to reform the accused and guarantee that he undergoes appropriate rehabilitation upon his release. The courts have periodically ordered the state to provide inmates with all the amenities they need and to prevent any violations of their human rights while they are incarcerated.

Victims' Rights–Indian Scenario

A large corpus of criminal law, created and codified by the British, has been passed down to and is being used by India. In light of current criminal legislation, victim rights seldom have any weight. Their position is essentially that of a prosecution witness, and they are expected to remain mute during the court procedure. Victims are seen as an unimportant, bothersome, and minor phenomena that can be easily avoided. A conversation on how the Indian legal system may include and institutionalize victim rights and interests did not begin until after the Best Bakery case.

There are very little legal protections for victims of crime. An example of a statute that safeguards victims against harassing or insulting inquiries is the Indian Evidence Act of 1872. Their economic damage as a result of the crime committed against them may be compensated for by the courts under the Code of Criminal Procedure, 1973. In addition, as an aspect of judicial activism, the courts have sometimes shown compassion for victims and

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made provisions to safeguard them during trial. Unfortunately, victims' rights are not explicitly guaranteed by law throughout the trial.

Justice for Victims is an essential component of any effective criminal justice system, according to the recommendations of the Committee on Reforms in Criminal Justice System, which Justice V.S. Malimath chaired. By granting victims the ability to seek compensation for their loss or harm in the same criminal trial, it advocates for comprehensive justice.

Given this context, it is suggested to investigate the extent to which the current judicial system in India adequately safeguards crime victims. Additionally, the research makes an effort to assess the role of the court in helping crime victims. The purpose of this empirical research is to examine the real situation of victims of crime in the East Godavari area. The investigation will provide the groundwork for drawing acceptable findings and offering relevant solutions.

CONCLUSION

How well the law is upheld has a significant impact on people's standard of living. If the cost of exercising the rights provided by the Constitution or laws is more than the benefits themselves, then no one will be willing to pay for such rights. The fundamental goal of our legal system is to help the average citizen achieve his or her dreams. People turn to the criminal justice system as a tool to seek retribution for wrongs done to them and justice so that they might lead better lives.

Just as it is now, victims' roles within the criminal justice system have always been quite limited. Victims of crime still do not get the attention and respect they deserve, even though the criminal justice system's jurisdiction has expanded and lawmakers and judges have been instrumental in bolstering victims' rights within the country's criminal justice system. It is a sad reality that victims are not receiving the attention they should have received, according to the research on victim status in criminal justice that has been presented in the previous chapters. In the system, he is almost unrecognized.

REFERENCES

- Ahmad Siddique, *Criminology*, Afzal Qadri.,ed.,5thedn. (Lucknow: Eastern Book Company, 2007)
- BarkeJ.L., *We Are All Victims*, (London, Peel Press,1978)
- Basu D.D, *Constitutional Law of India* (Nagpur: Wadhwa & Co. 2003)
- Bharti Dalbir, *The Constitution and Criminal Justice Administration*, (New Delhi, APH Pub.,New Delhi, 2005)
- Brihaspati, in Max Muller, *Sacred Books of East*, Vol. (Oxford Oxford University Press,1886) Doerner, W. G. & Lab, S. P. *Victimology*. 4thEdn. (Lexis Nexis - Anderson Publishing.Newark,NJ, 2005)
- Dr. Priyanath Sen: “*General Principle of Hindu Jurisprudence*”(Allahabad, Allahabad Law Agency, 1984)
- Dr. K.N. Chandrashekharan Pillai, R.V. Kelkar’s *Criminal Procedure*, 5th ed., Eastern Book Company, Lucknow (2008)
- Adamson Hobel, E, *The Law of Primitive Man*,(Cambridge,Mass.,1904)

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