

# Victim Centric Justice System

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Employing a victim-centered approach to criminal investigations is fundamental to a successful criminal case. The victim-centered approach plays a critical role in supporting victims' rights, dignity, autonomy and self-determination. In this context, one should know the exact meaning of the concept.

**In news:** There is an increased call for the Victim Centric Justice System nowadays.

**Placing it in syllabus:** Law and policy

**Dimensions:**

1. What is it?
2. Its importance
3. Is it existing in India?
4. Measures needed to bring it in India

## Content:

### What is it?

- This approach is defined as the **systematic focus on the needs and concerns of a victim to ensure the compassionate and sensitive delivery of services in a nonjudgmental manner.**
- In a victim-centered approach, the victim's wishes, safety, and well-being take priority in all matters and procedures.
- Usually victims are required to wait for long periods of time for critically needed services.
- Service providers assist large numbers of clients with limited resources to address all their needs.
- Time pressures on overburdened police departments often place the priorities of other cases ahead of the

trafficking case/victim.

- Heavy caseloads in prosecutor's offices can often take the focus off the victim's need for sensitive treatment and help the victim understand what occurs during the prosecution of a case.

### **Its Importance:**

- When law enforcement, prosecution, service providers, or other professionals are involved in a case, the needs of victims must remain central in the process.
- A victim-centric justice system seeks to minimize retraumatization associated with the criminal justice process by providing the support of victim advocates and service providers.
- It empowers survivors as engaged participants in the process and provides survivors an opportunity to play a role in seeing their traffickers brought to justice.
- Victim service providers bring a diversity of specialized service skills, social resources, cultural competence, and ideally, a trauma-informed perspective.
- They are able to assess survivor needs and provide critical support to survivors.
- These skills are imperative to building rapport and trust with survivors, meeting their needs, and assisting the survivor in creating safety and security in their lives.

### **Is it existing in India?**

Under our criminal justice system, victims find themselves removed from the proceedings. Their identities are reduced to being mere witnesses.

In 1996, **the 154th Law Commission Report** suggested a paradigm shift in India's criminal justice system towards a victim-centric notion of justice. The Code of **Criminal Procedure(Amendment) Act, 2009** introduced victims' right to a

private counsel under Section 24(8).

The Code of Criminal Procedure already allowed for pleaders engaged by private persons to submit written arguments with the permission of the court.

In the case of **Delhi Domestic Working Women's Forum v. Union of India (1994)**, the SC called for the extension of the right to legal assistance to victims of sexual assault at the pre-trial stages. In **Mallikarjun Kodagali vs The State Of Karnataka (2018)**, the Court accepted that under the criminal justice system, the rights of the accused far outweigh the rights of the victim.

The Supreme Court not only called for the introduction of a victim impact statement in order to guarantee participation of the victim in the trial proceedings, but also reinstated the victims' right to appeal against an adverse order.

Despite these advances, the scheme of victim participation remains far removed from the ideals embedded in the **UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power** for which India is a signatory.

#### **Measures needed to bring it in India:**

- Activities that can ostracize a victim need to be avoided.
- There is an overwhelming need to re-conceptualise the institutions of our criminal justice system to account for victims both at the pre- and post-crime levels.
- Situational crime prevention through risk-mapping and vulnerability-mapping is viable and efficient.
- The conceptualisation of access to justice for victims requires viewing such access less in terms of Directive Principles of State Policy under Article 39A, and more as a fundamental right under Articles 14 and 21.
- There is an urgent need to strengthen the complaint mechanism under Code of Criminal Procedure and Indian

Penal Code (IPC) to all cognizable offences.

- Access to justice also requires the creation of victim-friendly procedures that are aimed at reducing their inconvenience.
- Access to legal aid has the potential to culminate in effective victim participation if provided to the victim from the stage of reporting to the stage of sentencing and appeal.
- Victims must be entitled to information regarding their role in the criminal justice process.
- The victim must be kept abreast of all developments in the trial process which may potentially compromise their security.
- The concept of assistance as envisaged in the 1985 UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power needs to be recognised as a right, not merely for victims of rape and acid attack, but for all victims of crime in general.
- Ramping up of infrastructure such as one-stop centres, training of existing functionaries, and by engaging with and promoting the non-governmental organisations involved in providing such assistance to victims.
- The **Victim Compensation Scheme provided for under Section 357A** of the Code of Criminal Procedure must be revitalised by revising it in terms of accessibility and adequacy.
- The right to restitution must be separated from the right to compensation (the first right is enforceable against the accused while the second right is enforceable against the state).

**Mould your thought:** Explain the importance of the Victim centric justice system. What needs to be done to strengthen it?

**Approach to the answer:**

- Define Victim centric justice system
- Write its importance

- Write measures to be taken to strengthen it
- Conclusion