I. Position of Women: Women who since ancient ages were respected and worshipped as incarnation of “Sati” are today victimized by crimes not only from birth, but from “womb to tomb”. Women’s decade from 1973 to 1985 was globally dedicated to the cause of women to save them from criminal exploitation. Several enactments have been passed in India and abroad to bring about changes in the status of women and to eradicate crimes such as “dowry”, “sati”, “rape”, “molestation”, “immoral trafficking in women” etc., but our “News Media” visualize the impact, that we have not yet achieved the desired result. The offences and atrocities against women, far from being controlled has shown an increasing trend. In fact, nature has helped man to dominate over the weaker sex in all vistas of society. Besides biological factor, social, psychological and political factors are also responsible for the denigration of women.

Position of Women since Ancient Times:
The suppression of women is a global phenomenon since ancient times. The great philosopher Aristotle, influenced by the prejudices of the times, opined that “women belonged with slaves as naturally subordinate and quite unworthy of participation in public affairs”.

According to Ancient tradition women power was treated as “Sakti”, the power which destroyed the invincible Mahisasura, but at the same time the Shastra describe- “Binastaya Nabartanti Kabita, Banita, Lata”. In our society women were described in three forms, i.e. mother, wife and daughter who remain under
the protection of the male in the form of son, husband and father.” Manu, the Hindu Law giver, straightly opines “No woman is entitled for freedom from the family. During childhood, she remains under the control of the father, during youth, under the control of her husband and during old age under the control of her son. During the “Vedic” and “Upanishadic” age (2500 BC to 500 BC),¹ the position of woman was at the apex, but in the “Sruti Age” from 500 BC, there was a deterioration in the status of woman and this age is described as Dark Age for woman for progress”².

During 19ᵗʰ Century, especially after the emergence of Raja Ram Mohan Ray on the socio-political scenario with Swamy Dayananda Sarwati, Justice Ranade, Sister Nibedita, Gopal Krishan Gokhale, Swamy Vivekananda, Annie Beasant, Pandita Rama Bai, Founder of “Arya mahila Samaj”. Mahatma Gandhi Kasturba, Mira Ben with their long struggles, succeeded in drawing attention of the Government to the sad plight and exploitations of women and new legislations were enacted to save women from the victimization of crimes.

II. Victimization of Women on Socio-Legal Aspects: Victimization of women is an old problem. But since the advancement of science and technology, the victimization of woman starts from mother’s womb. Today, female foeticide is an established phenomenon. Even if the female child manages to see the light of the day, often she is killed after birth. The birth of a girl child gets poor and hostile reception by her parents and society and remains neglected throughout her life. In some places young girls are given as “Debadasi” to Temples. These girls have to spend the rest of their lives as temple prostitutes. According to temple record, there were 30 Debadasis in 1955 in famous Sri Jagannath Temple, which came down to 9 in 1976. After

¹ Hansa Mehta, “Women of India” p.95
² Article by Smt. Subhangi
death of “Kokilaprabha”, now the system is discontinued in Orissa, but despite prohibitory legislations, still ‘Debadasis’ are existing in some States.

Child marriage is also a bane for society. At Aurangabad, according to a recent study among female construction labourers, 42% of the female were found married before 10 years of age. In “Barkhas” and Salibanda” area of Hyderabad every week 12 child marriages are being celebrated and these married innocent girls with sanction of religion under the institution of marriage are being exported or sold to rich old persons of foreign countries. Early motherhood harms the health of both the mother and child and child marriage also hampers the education of the girl. Very often if the husband dies at an early date, the girl has to spend the rest of her life as a child widow and at some places she has to burn herself in the funeral pyre of her husband and become a “Sati”

During her young age women suffer indignities in different forms, from comments of road-side Romeos to eve-teasing, molestation and even rape. There are several incidents of kidnapping or abduction of young women who are forced into prostitution by flesh traders and now there are about 4 lakh child prostitutes in India, out of which in Bombay only there are 40,000 child prostitutes. “Punekar” in his case study of 425 Prostitutes of Bombay found most of them belonged to weaker sections and are engaged in prostitution due to their poverty.

In our society women are not treated as equal to men in various services and in labour. Equal wages are often denied to women. The working class women in offices and factories also are victims of insult, comments, misbehaviour and

3 “Dainik Asha” dt. 22.09.91.
4 Hindustan Times, dt. 4.10.94.
5 “Punekar”-A study of Prostitution Bombay p.189.
other offences by co-workers and their authority in place of working and from anti-socials outside the office.

At the time of marriage woman suffers due to the dowry problem. If adequate dowry is not paid, the woman is subjected to torture or often killed by the husband and in-laws or is forced to commit suicide.

Woman torture is not only due to dowry demand, but in some places, they are tortured by drunkard husbands regularly. The other instances are objecting to free relation with other woman, for her alleged incapacity to produce a male child, for want of beauty, qualification, etc., or for not serving according to whims and pleasure of husband and his family, and in some instances, for show of masculinity also husbands torture their wives. Even after marriage and also at an advanced age, women have been subjected to rape. Even sometimes the dead body is not spared. Therefore, it can rightly be commented that women are tortured from “womb to tomb”.

In 1990 there were 68,317 crimes against women, which increased to 74,093 in 1991 and in 1992 it reached to 79,037 in India. The figures shown below of some crimes against women, reflect the increasing trend of crimes in all heads\(^6\) (see table below):

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<tbody>
<tr>
<td>Rape</td>
<td>5298</td>
<td>6203</td>
<td>6353</td>
<td>7321</td>
<td>8559</td>
<td>9099</td>
<td>9752</td>
<td>9518</td>
<td>9793</td>
<td>11112</td>
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<td>Molest-</td>
<td>16013</td>
<td>20027</td>
<td>15160</td>
<td>16393</td>
<td>16592</td>
<td>18025</td>
<td>20194</td>
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<tr>
<td>Dowry</td>
<td>460</td>
<td>659</td>
<td>970</td>
<td>1319</td>
<td>1912</td>
<td>2209</td>
<td>1918</td>
<td>2109</td>
<td>1841</td>
<td>2102</td>
</tr>
<tr>
<td>Deaths</td>
<td>2934</td>
<td>3081</td>
<td>3531</td>
<td>1873</td>
<td>3630</td>
<td>5281</td>
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<td>8620</td>
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</table>

\(^6\) Figures from NCRB.

After the sensational “Mathura Rape Case”, there was public agitation and our Government changed the law adding clause (2) “A” to “C” to Section 376, I.P.C. and in Evidence Act Sections 113A, 113B and 114A were added.

After prosecution of husband by Police, the victim woman is being driven out from the house by the husband’s family, she fails to get the timely maintenance due to dilatory procedures of judiciary and her children suffer, which ultimately victimizes her. In cases where the marital life of woman becomes intolerable, she resorts to suicide instead of going back to her parental home.

7. AIR 1979 SC 185.
IV. Failure of Agencies to Control Victimization of Women: Agencies who are responsible for maintaining the law and order in Society are partly responsible for abetting the victimization of women

The Investigating Agency dealing with cases of women victimization stands in the doorway of the criminal justice system. Though this Agency shoulders much responsibility to curb down crimes against women victimization, still other agencies like Prosecuting Agency, Evidence Supplying Agencies, Judiciary and general public cannot escape from their negligence for increase in victimization of women.

Investigating agency, while investigating crimes against women, fails to guard the major defects in the prosecution to punish the criminal. During investigation (1) prompt visit of spot by Investigating Officer (2) Proper and speedy recording and dispatch of First Information Report (3) Completion of Investigation within prescribed time of Cr.P.C. (4) Conducting of Search and Seizures according to law (5) Chronological recording of evidences and writing of case records with proper examination of important witnesses (6) Recording of extra-judicial confessions, dying declarations and T.I. Parades in time, (7) Timely dispatch of exhibits for M.O. Examination or speedy sending of victim and accused for examinations, (8) Properly linking of circumstantial evidences with care for the “Alibi” of the accused (9) Establishment of motive of criminal for the crime are some important points which may create loopholes in prosecution which are unpatchable during the trial.

Utilization of scientific methods like photographs, finger prints, computer, Police Dog, Lie Detectors, D.N.A. Dioxy Ribo Nucleic Acid) Tests, etc. are also highly helpful for prosecution success of these crimes, but in many instances the investigating Officer fails to utilize the opportunities. Heinous crimes where women are victimized such as dowry torture, dowry death, rape, torture,
molestation etc. usually occur in the lonely apartments and there is less chance to get disinterested witness for prosecution success. In these cases, only circumstantial evidence and Medical Opinion strengthens the prosecution of the case.

"Rape" is the worst form of victimization of a woman, and it is one of the most terrifying moments in a woman's life. This crime is described as a deathless shame for woman. Our higher judiciary has taken the stand that "conviction in rape cases can be based on sole testimony of the prosecutrix (victim) if her evidence does not suffer from infirmity or if it is not improbable\(^8\), still in several rape cases, offenders manage to escape from punishment and repeating the crime. In the capital town of Delhi within 3 years there are 703 child rape cases and within 4 months of this year, 73 child rape incidents have already taken place\(^9\).

V. Judicial Trends Compensating Victim of Crime: In an analysis of convictions of 3 years furnished below\(^10\), the conviction percentage in dowry cases showing increasing trend, but as regards other crimes against women, the conviction percentage is not satisfactory:

<table>
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<tr>
<th></th>
<th>1990</th>
<th>1991</th>
<th>1992</th>
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<tbody>
<tr>
<td>Rape Cases</td>
<td>41.5%</td>
<td>34.2%</td>
<td>33.8%</td>
</tr>
<tr>
<td>Kidnapping &amp; Abduction</td>
<td>32.5%</td>
<td>32.1%</td>
<td>34.2%</td>
</tr>
<tr>
<td>Dowry Death</td>
<td>32.7%</td>
<td>35.4%</td>
<td>37.8%</td>
</tr>
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</table>

At present our dynamic judiciary in the increasing crime scenario, being conscious of felt necessities of time, developed a victim compensating trend. In a case under Section 366, IPC, Orissa High Court accepted the affidavit of

\(^8\) Adam Tirky V. State of Orissa (1993)2 Crimes 33 (Orissa).
\(^9\) Dainik Asha dt. 30.6.95.
\(^10\) "Crime in India" Published by NCRB 1992, p. 236.
victim female and for the benefit of wife, quashed the criminal proceeding against her husband. During pendency of Dowry Cases, Supreme Court ordered to pass interim order of maintenance for victims\textsuperscript{11} and in a serious rape case\textsuperscript{12} of Nuns, both the rape victims were ordered 2.5 lakhs victim compensation. The other affected Nuns who were assaulted and molested were also paid compensation of one lakh each\textsuperscript{13}.

Supreme Court in another sensational rape case observed “Judges who bear the sword of justice should not hesitate to use that sword with utmost severity to the full and to the end if the gravity of the offence so demands\textsuperscript{14}”. In this case, the accused Medical Officer was convicted for 7 years R.I. and fine of Rs.25,000/- was ordered to be paid as a victim compensation.

In a dowry murder case\textsuperscript{15}, Punjab & Haryana High Court awarded Rs.50,000/- compensation to parents of victim. Considering the plight of the victim woman, Apex Court in a case for mud-slinging and character assassination of wife, convicted the husband under Section 498A & 500 IPC. In this case, though Divorce was obtained, the husband was fined Rs. 1 lakh and 36 thousand to be paid to victim woman as compensation\textsuperscript{16}.

Victims of rape and dowry cases need social rehabilitation because with no fault of their own they get social ostracization instead of compensation which they deserve. In rape cases to safeguard the prestige of affected woman, Hon’ble Orissa High Court ordered not to publish the name of woman in any media and further she is to be described as “victim” in that case during the trial\textsuperscript{17}. Tamil Nadu Government paid compensation to victim woman of Rs 1 lakh because she

\textsuperscript{11} 1992(2) Crimes 742.
\textsuperscript{12} Gudalure M.J.Cherian v Union of India, 1995 SCC (Cri) 925.
\textsuperscript{13} Ibid.
\textsuperscript{14} Times of India Feb.8.1995 at p 6.
\textsuperscript{15} Jaspal Singh v.State of Punjab, 1984 Cri.L.J.691.
\textsuperscript{17} 1993 Cri.L.J.1000.Orissa. Naval Dubey’s Case (1992 AIR SCW 1480)
was assaulted and ravished at one Police Station\textsuperscript{18}, and in another case order was passed for immediate payment of Rs.50,000/- victim compensation in Maharashtra\textsuperscript{19}. In our Cr.P.C. though there is provision under section 357 Cr.PC for grant of compensation, still in the present juncture to compensate victim woman, law should be changed as victim-oriented for women welfare rather than offender oriented. Rape of a girl child of an immature age has a greater traumatic effect which often persists throughout her life leading to various disorders, both physical and psychological.

The effects of rape on the victim are multidimensional. She would be looked down upon by the society including her own family, relatives, friends and neighbours. It would almost be impossible for her to secure a suitable match from a respectable family. Family honour would be at stake leading to uncertainty in respect of the future of her brothers and sisters, if any. Thus, rape would almost inevitably and invariably result in mental torture and suffering to the victim. The younger the victim, the greater the repercussions of the offence.

Drastic changes have been made in the law on rape i.e Section 376 of the Indian Penal Code in 1983. A minimum of 7 years imprisonment has been prescribed as punishment for rape as defined under Section 375, the maximum being imprisonment for life or imprisonment for a term which may extend to 10 years. Imposition of fine is made compulsory. The proviso to sub section (1) of Section 376 says that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term less than 7 years.

\textsuperscript{18} Padmani v, State of Madras, 1993 Cri.L.J.2964.
\textsuperscript{19} State of Maharahtra v.Chander Parkash,AIR 1990 SC 658.
Sub Section (2) of Section 376 enumerates certain aggravated forms of rape like rape by a police officer, a public servant, a member of the management or staff of a jail, remand home or a hospital etc. on a person in custody or care, rape on a pregnant woman, gang rape or rape on a woman below 12 years. The punishment for these aggravated forms is severe. The minimum sentence is 10 years' rigorous imprisonment and maximum is imprisonment for life. Again, the proviso to sub section (2) says that the court may for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment of either description for a term of less than 10 years.

Section 327 of the Code of Criminal Procedure, 1973 has been amended directing the inquiry into and trial of rape to be conducted in camera. In the Indian Evidence Act, Section 114-A has been inserted after 114 according to which, in a prosecution for rape under Section 376(2) of the Indian Penal Code, where sexual intercourse by the accused is proved and the question is whether it was without the consent of the woman alleged to have been raped and she states in her evidence before the court that she did not consent, the court may presume that she did not consent.

However, these changing are proving to be inadequate and the social aspects of the matter are not taken care of. In recent times, there has been an increase in violence against women. The conviction rates for rape are still lower than any other major crimes. A rape victim who knocks at the doors of administration of justice is completely broken down by the humiliation she suffers during the investigation and trial of the crime. Court atmosphere and piercing cross-examination by the counsel often cause confusion and nervousness. The provisions of the Evidence Act regarding relevancy of facts and examination of witnesses (especially Sections 148-152) notwithstanding, some defence counsel adopt the strategy of persistent questioning of the prosecutrix regarding the
details of rape. She is required to repeat the details again and again to test her story. Cross examination often results in harassment and humiliation of the victim of rape. Though in-camera trials are prescribed in the trial of rape cases, this is not being followed by the courts resulting in an embarrassment to victims of sex crimes. Similarly, disclosure of the name of the prosecutrix further mars the reputation of the victims.

Given the limits of discretion in sentencing by the legislature, the courts have to decide the quantum of punishment to be inflicted in each case. The appellate courts, namely, the High Courts and the Supreme Court have the responsibility of laying down the penal policy guidelines to be followed by the courts below in exercising the discretion. Since the courts have been authorized to award lesser sentence by the legislature, the sentencing pattern presents a varied picture. In practice, in almost every rape case, a less than minimum sentence is awarded. Even if the victim of rape is a child, the attitude of the courts has not been quite different and the following are some startling examples of this attitude:

(A) In Ram Kishan Aggarwala v. State of Orissa\textsuperscript{20} the accused, a sixty-five year old businessman of Cuttack was charged of committing rape on a girl, who was six years of age. The trial court convicted him of rape and sentenced him 3 years rigorous imprisonment and Rs.5000 fine. The High Court, on appeal, upheld the conviction but reduced the sentence to six months rigorous imprisonment and Rs.500/- fine taking into consideration the old age of the convict. The Supreme Court upheld the conviction and sentence.

(B) In Satto vs. State of U.P.\textsuperscript{21}, three boys, between the ages of 10 to 14 years were convicted of raping an eleven year old girl and were sentenced to 2

\textsuperscript{20} 1976 SCC (Cri.) 244.
\textsuperscript{21} 1979 SCC (Cri.) 534.
years rigorous imprisonment by the trial court. The High Court of U.P. upheld the conviction and sentence of the accused. The Supreme Court ordered the release of the appellants on probation of good conduct and were committed to the care of their respective parents.

(C) In Phul Singh v. State of Haryana\textsuperscript{22} the accused, a youth of 22 years of age, was charged of committing rape on a deaf and dumb girl of 12-13 years. The trial court convicted the accused of the offence of rape and sentenced him to 4 years rigorous imprisonment. The High Court affirmed it in appeal. The Supreme Court however reduced the sentence to 2 years rigorous imprisonment on the ground that the accused was a youth with no criminal antecedents and that he had a young wife and a farm to look after.

(D) In Bharwada Bhoginbhai Hirjibhai v. State of Gujarat\textsuperscript{23} the accused, a government servant was charged of assaulting two girls aged around 10-12 years. The trial court convicted the accused for offences of wrongful confinement and outraging the modesty of the girls and sentenced him to two and a half years rigorous imprisonment. The High Court, on appeal, altered the conviction to one year under Section 376 read with Section 511 of the Indian Penal Code for attempting to commit rape on the girls. The Supreme Court on appeal however upheld the conviction but altered the sentence to 15 months rigorous imprisonment for the following reasons:

(i) The appellant lost his job in view of the conviction recorded by the High Court;

(ii) He must have suffered great humiliation in the society;

(iii) The prospects of getting a suitable match for his own daughter have perhaps been marred in the wake of the finding of guilt recorded against him in the context of such offence; and the incident occurred some seven years back

\textsuperscript{22} 1980 SCC (Cri.)1.
\textsuperscript{23} 1983 SCC (Cri.)728
and about six-and-a-half years elapsed since the dismissal of appeal by the High Court.

(B) In State of Rajasthan v. Ram Narain\(^\text{24}\) the accused abducted and raped an innocent village girl aged between 15-17 years. The trial court convicted him for the offences of rape, abduction and wrongful confinement and sentenced him to undergo imprisonment for 7 years, 5 years and 1 year respectively and also imposed a fine of Rs. 200. On appeal, the High Court confirmed the conviction but reduced the sentence to one and a half months of imprisonment, which he had already undergone on the ground that the accused was just 18 years of age. The Supreme Court on appeal held that the High Court had committed grave error of law in reducing the sentence. The conviction was upheld and the sentence was altered to one of 5 years rigorous imprisonment under Section 376 of the Indian Penal Code.

a) In State of Karnataka v. Krishnappa\(^\text{25}\) the accused, who was a married man of 49 years of age, having his own children was charged with committing rape on an innocent helpless girl of 7/8 years of age. The trial court convicted him for the offence of rape and sentenced him to 10 years rigorous imprisonment and observed that because of the cruel nature of the act, the accused was not entitled to any leniency. The High Court on appeal, however differed with the reasoning of the trial court in the matter of sentence and reduced it to 4 years rigorous imprisonment on the ground that the accused was an unsophisticated and illiterate citizen belonging to the weaker section of society; that he was a chronic addict to drinking and had committed rape on the girl while in a state of intoxication and that his family comprising of his old mother, wife and children were dependent

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\(^{24}\) 1996 SCC (Cri)529
\(^{25}\) 2000 SCC (Cri.)755
upon him. The Supreme Court, on appeal enhanced the sentence of 4 years’ rigorous imprisonment to 10 years rigorous imprisonment and observed that the approach of the High Court was most casual and inappropriate and it exhibited a lack of sensitivity towards the victims of rape and the society by reducing the substantive sentence without good reasons, let alone "special and adequate reasons".

A rape victim needs support from all quarters—medical, financial and emotional. In western countries, in the last two and a half decades, steps have been taken to provide medical support through National health services, financial support through Criminal injuries compensation Board and Victim support schemes and emotional support through Rape crisis centres. In India, however, the State has not initiated any steps towards providing medical and emotional support services to the child rape victims. So far as financial support is concerned, there is a provision in the Code of Criminal Procedure to provide compensation to the victims of crime from the fines payable by the offender. In Delhi Domestic Working Women’s Forum v. Union of India26 the Supreme Court recognised the right of the victim to compensation including interim compensation and directed the Government to formulate a scheme for setting up a Board for Granting compensation to crime victims. But so far, no positive steps have been taken by the Government towards setting up such Boards. Thus, the response of the State to the needs of the rape victims in general and child rape victims in particular, is inadequate and the manner in which the agencies such as the police and the courts handle such victims further victimizes them.

To combat this menace of victim of rape specially child rape, the following steps are suggested:

1. Instead of dealing with rape of a child like the rape of an adult female, a separate section may be inserted in the Indian Penal Code punishing any

26 1995 SCC (Cri)7.
type of sexual abuse of a female child below 14 years of age, whether it is rape, attempt to rape or sexual assault with an intent to outrage or insult the modesty of a female child. A minimum sentence may be prescribed without giving any discretion to the courts to award a lesser sentence below the minimum.

2. The rules of evidence and the procedure have to be simplified and a time limit has to be set for deciding these cases at the trial and appellate stages.

3. These cases have to be investigated, inquired into and tried by victim-oriented female personnel and the trial has to be held in-camera. The victim has to be kept informed of the status of investigation and trial.

4. The impact of the crime on the victim has to be taken into consideration by the court while awarding compensation to the victims.

5. State-sponsored Victim Support Schemes have to be set up to play an active role as a representative, advocate or advisor of the victim. Centres manned with trained counselors have to be set up to provide services for rape victims, the most important of which is to provide a place where these girls, who have been raped or sexually assaulted can talk with other women. In order to do this, these centers have to provide emotional support, accept the account given to them unquestioningly, give counseling and provide the girls with help in dealing with any official agencies such as police or medical services.

6. Last but not the least, the attitude of the society, especially of the women should undergo a radical change. Sexual assault including rape should be treated like any other bodily hurt and the social practice of stigmatizing a victim of sexual offence should go. Systematic training in self-defence should be given to young girls so as to encourage them to resist attacks on them.
As the problem of sexual exploitation of a girl child is multidimensional, it has to be tackled from all directions so as to ensure a secure childhood to every female child.


A Bill to provide for the rehabilitation measures to be initiated by the State for the women and girls victims of atrocities like rape, including gang rape, forced in begging, prostitution or thrown out of household or offered as devdasi thereby exploited in the society by providing vocational education, financial assistance to start own venture and such other measures and for matters connected therewith or incidental thereto.

The act provides that appropriate Government shall establish a welfare Fund for the victims to which shall be credited all receipts from the Central Government, State Governments, Public and Private Institutions, individuals which shall be used for the welfare and rehabilitation of victims.

It provides that the Central Government shall, from time to time, after due appropriation made by Parliament by law in this behalf, provide adequate funds for the Welfare Fund established under Section 3 of this Act.

The act also provides that the appropriate Government shall take following rehabilitation measures for the victims;

a) payment of subsistence allowance at such rates and in such manner as may be prescribed.

b) Residential accommodation free of cost in such cases as may be prescribed;

c) Free vocational education where-ever necessary;
d) Free education including technical education to dependent children in case the victim has any;

e) Gainful employment or financial assistance for self employment;

f) Such other facilities as may be necessary for her rehabilitation, welfare, proper development and maintaining a respected life in the society.

The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to victims. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

2. **Statement of Objects and Reasons:** The women who are the victims of atrocities and exploitations often find it difficult to get employment or any kind of support either from her family or the society. It is only the Government, which can rehabilitate them by providing financial assistance to such victims through self-employment or skill development training programmes. It is proposed that that the women who are the victims of atrocities and exploitations shall find means of proper rehabilitations by the Government.

3. **FINANCIAL MEMORANDUM:** Clause 4 of the Bill provides that Central Government shall provide funds for the Welfare Fund established under Section 3. Clause 5 provides for rehabilitation measures for victims. The Bill if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of Rupees five hundred Crores may involve as recurring expenditure per annum. Non recurring expenditure can not be estimated at this stage.

4. **Memorandum regarding Delegated Legislation:** Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes
of the Act. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

The concept of crime is intimately linked with the existence of the victim as the offender injured not only the State and its law and order, but primarily also the victim, and through him the abstract values of society. The administration of criminal justice not only requires maintenance of law and order in the society, rehabilitation of offenders but at the same time also demands the rehabilitation/compensations to the victims for the injury suffered by them. Until, recently, it appeared that, following the commission of a criminal offence the authorities were much more concerned with dealing with the offence either to punish him or to reform than they were with the injury which had been caused to the victim.

Traditionally, it is assumed that victim feel satisfied on the conviction of the accused but this presumption is unjust and inequitable. In reality, conviction and sentence passed on the accused does not console the innocent victims because conviction justify only one aspect i.e. retribution and serves in no way for the rehabilitation of the victim. Thus it is very difficult for a victims to rehabilitate himself on his own. The case for compensation to victims of crime rests primarily on two grounds.

Firstly, the criminal who inflicted the injury on the persons or property must compensate the loss, and;

Secondly, the state, which failed to protect the victim, must pay the victim for the harm done to him.