PREFACE

When a person commits a crime-the other person is the sufferer who tends to seek justice. When we talk about justice, what do we mean by it and how it can be sought? Before coming to its meaning it is important to know how justice can be sought. It can be sought in two different manners; by punishing the offender only or by punishing the offender and compensating the victim. In criminal law if the basic purpose is to punish the guilty then in the former case that purpose is achieved by just punishing the wrongdoer. But does the scale of justice remain balanced by just punishing the offender and not compensating the victim? The history of punishment indicates a system of compensation to victims and/or his families in primitive, ancient and medieval periods. As the State took over the exclusive right to punish the offenders, the victims had to obtain satisfaction from the punishment given to the guilty by the courts as per the penal laws. To maintain law and order in the society, the civilized States do not allow a victim to take law in his hands either to punish the wrongdoer or recompensate the loss suffered. This gives rise to crime and lawlessness. In order to give complete mental satisfaction to the victim, it is extremely essential to provide some solace to him in the form of compensation so that it can work as a support for the victim to start his/her life afresh. Hence justice is complete when the victim is also compensated.

The notion of human rights is a great gift of classical and contemporary human thought to culture and civilization. The struggle to preserve, protect and promote basic human rights continues in every generation. New rights arise from the womb of the old. Today, there is a need to widen the sphere of human rights thoughts and actions to new arenas and constituencies. Compensation to victims of crime is also an arena, which is very much a part of our criminal justice system. Victim, who is also a human being really deserves to be compensated but often fails to get it. In our present judicial system where it takes number of years to decide over a matter, where the victim spends almost his whole life especially his peak years in trauma and harassment in the long and endless wait for justice, that justice remains incomplete.
without adequately compensating the victim. Victims of crime in India are neither
allowed to participate effectively in the investigatory, prosecutory and sentencing
process nor compensated comprehensively. This ignorance may result in collapse of
criminal justice system if victims refuse to co-operate. They may choose not to report
or not to co-operate in future because of the inadequate system of providing relief to
the victims. Their experiences may also affect the general public, spreading a
reluctance to co-operate. Hence he is just not a passive object but an active
component in the judicial process. The role of the victim of a crime is restricted to
that of a witness for the prosecution although it is the victim who has suffered
physical, mental, emotional or economical harm besides violation of fundamental
rights. In India the Code of Criminal Procedure 1973 empowers the criminal courts to
order for payment of compensation to victim of crime under Sec- 357, 357-A, 358
and 359. But these provisions are not complete due to certain limitations in them.
Since the basic aim of the legal system is to retain the public confidence in
administration of justice, there is a need to recognize the status and interest of the
victim. It is the plight of the victim that he, who suffers at the hands of the accused
and moves the State through the police or courts to seek justice, is given the
impression that after having lodged the report, he is a Mr/Ms Nobody. Hence an
award of fair compensation to the victim will act as a balm on his wound.
But victim reparation is perhaps like a magic, which in certain cases appears and in
certain cases disappears. A permanent mode of compensation has to be worked out.
The demand of justice is that a person who has suffered must be compensated. The
responsibility to compensate lies on two agencies; Accused and State. The accused
must be made responsible for victim reparation. It might be that the accused is too
poor to compensate. In such cases the State which fails in its duty to protect the life,
liberty and property of its citizens should compensate the victim for loss and
suffering. The time has come where consideration must, must and must be given to
the victim of crime; to the one who suffers because of crime. The amendment in the
Code of Criminal Procedure incorporated Section-357A but will take a long time to
reach the expectations of the society.
Keeping in view these factors the present research revolves around the victim from different perspectives focusing on the urgent need to adequately compensate him for the sufferings he/she undergoes from the stage of commission of offence to the stage of delivery of judgement.