


References


References


References


References


**BARE ACTS REFERRED**

- Arbitration and Conciliation Act, 1996, Section 11.
- Arbitration and Conciliation Act, 1996, Section 64.
- Legal Services Authorities Act, 1987 Section 12.
- Constitution of India, 1950, Article 124.
- Constitution of India, 1950, Article 214.
- Code of Civil Procedure, 1908, Section 89.
- The Indian Penal Code, 1860.
- The Indian Police Act, 1861.
- The Indian Evidence Act, 1872.

**CASES CITED**

- Jegadesh @ Jegadesh Biraveen Kumar Vs. paulpandi (2002) Puthukottai P.S. Cr.No.345/02, u/s 147,148,120(b), 302 r/w 149 IPC.
- Parvathi Vs. State, 15 February,(2010).
- Sachdev Vs. Union of India, AIR 1991 SC 311.
WEBSITES OF DOCUMENTS


WEBSITES OF REFERENCES

# Appendix-I

## Inventory for Secondary Data Analysis

1. Serial Number of Crime
2. Police Station
3. District  1- Tirunelveli  2- Tuticorin  3- Kanyakumari
4. Accused age
5. Accused caste  1 -OC  2 -BC  3- MBC  4- SC/ ST
6. Accused Religion  1- Hindu  2- Christian  3- Muslim  4- Others
7. Accused Occupation
8. Victim age
9. Victim Caste  1 -OC  2 -BC  3- MBC  4- SC/ ST
10. Victim Religion  1- Hindu  2- Christian  3- Muslim  4- Others
11. Victim Occupation
12. Reasons for Acquittal
   1- Imperfect investigation
   2 – Failure to produce the expert’s opinion
   3- Inordinate delay in launching prosecution
   4- Entire burden lies on prosecution
   5- Lack of knowledge of trend
   6- Violation of natural justice
13. Victim Accused Relation  0- No  1- Yes
POINTS BEFORE CORRECTION

Point 1 & 2. It is the duty of the state to ensure justice and due compensation. It is against this background that the researcher has undertaken to study the degree of justice done to the available direct victims in the examined acquittal murder cases in the three districts of Tirunelveli, Tuticorin and Kanyakumari, during the period, from 1995 to 2010.

Point 3 & 4. So it is necessary to find out how the investigation can be improved to ensure conviction and hence justice, which in turn would help the victim directly.

Point 5. To pursue the study, “An examination of access to justice – A Study of Acquitted Murder Cases in Three Districts Tirunelveli, Tuticorin and Kanyakumari”, available victims were also personally interviewed.

Point 6. This study analyses the indirect victims who find it extremely difficult to access justice.

Point 7. Direct victims are those who have suffered the direct effects of violence and have been killed. Direct victims are the base of indirect victims. In this study the investigator has analyzed only the indirect victims.

Point 8.
1. To study the demographic variables of the accused and the available direct victims of the examined murder cases of Tirunelveli district.
2. To study the demographic variables of the accused and the available direct victims of the examined murder cases of Tuticorin district.
3. To study the demographic variables of the accused and the available direct victims of the examined murder cases of Kanyakumari district.

Point 9.
1. To find out the association between the demographic variables with regard to the reasons for acquittal of the accused and the available direct victims of examined murder cases of Tirunelveli district.
2. To find out the association between the demographic variables with regard to the reasons for acquittal of the accused and the available direct victims of examined murder cases of Tuticorin District.
Point 10. The researcher used a **Qualitative Research Design** by using the Secondary data, to examine all the acquitted murder cases from Tirunelveli, Tuticorin and Kanyakumari Districts of Tamil Nadu between the years 1995 – 2010 and interviewing the available indirect victims of the murder cases examined.

Point 11. The researcher collected the data and personally studied the history of the Acquittals and Victims related to each case file and found out the forty four different reasons that led to the acquittals of homicide cases. They were compressed into six reasons: 1) Imperfect investigation 2) Failure to produce expert opinion 3) Inordinate delay in launching prosecution 4) Entire burden lies on the prosecution 5) Lack of knowledge of trend 6) Violation of natural justice. These reasons will be elaborately explained in the next chapter.

Point 12. **Primary Data** The investigator had collected the primary data from the available direct victims of the examined murder cases by interviewing them personally.

Point 13. The researcher employed proportionate random sampling technique to collect the secondary data of all the judgment copies of the examined acquitted murder cases from Tirunelveli, Tuticorin and Kanyakumari Districts of Tamil Nadu between the years 1995 and 2010.

Point 14. Convenience sampling method was used for selection of sample of available indirect victims for case study method from each district. One percent of the available indirect victims in each district were interviewed regarding his/her experiences with the criminal justice systems. The numbers of available indirect victims interviewed were seven in Tirunelveli District, six in Tuticorin District and three in Kanyakumari District. The samples are given in the table 4.4.

Synonyms and homonyms can be isolated in accordance with linguistic properties of a language. Qualitatively, content analysis can involve any kind of analysis where communication content (speech, written text, interviews and images) is categorized and classified.

Each of these purposive sampling techniques has a specific goal, focusing on certain types of units, all for different reasons. The different purposive sampling techniques can either be used on their own, or in combination with other purposive sampling techniques.
According to Dr. Klaus Krippendorff (1980 and 2004), six categories must be addressed in every content analysis:

**SUGGESTED CORRECTION**

**Point 1 & 2.** The researcher should make it explicitly clear as to whom she calls as “direct victims” and “available direct victims” instead of simply using these phrases.

**Point 3 & 4.** It is an incorrect understanding of the researcher that ensuring conviction of the offender is helping the victim directly. Therefore, I ask the researcher to make suitable corrections in the statements in page 4 and also in all other places in the whole thesis where she has made similar statements / observations or conveyed the meaning that conviction of the offender is helping the victim directly.

**Point 5.** Who are these available victims? It needs full explanation as to who these available victims are.

**Point 6.** Whether the indirect victims are family members or friends or anybody else? If it is family members, who are they and what is the relationship (mother / father / brother / sister, wife / husband or any other) between the primary victim who was killed and these indirect victims, the researcher has interviewed?

**Point 7.** In this study the investigator has analyzed only the indirect victims

**Point 8.** Totally contrary to the statement in page no. 79

**Point 9.** The Researcher should take extreme care and rewrite these portions and make full clarification / corrections on these contradictions.

**Point 10.** Clarify the statement “who are available indirect victims interviewed

**Point 11.** In page 85, the researcher has stated that 44 reasons for acquittal of murder cases are compressed into six. But in page 87 she has stated as reasons for acquittal of case be divided into three. Whether it is six or three? Clarify it and rewrite.
Point 12. In page 92 the sub heading ‘Primary Data’ the matter has to be clarified and rewritten.

Point 13. Repetition / Duplication to be removed.

Point 14. Total sample of indirect victims she has interviewed for the doctoral research and based her conclusions on the basis of this is a very meagre sample. The researcher has to explain/justify this.

Page 86 & 97 Citations for these materials are necessary

Page 22 & 85 the researcher should learn the correct way of presenting the Reference as per the APA style and write all the references.

CORRECTION CARRIED OUT

Point 1 & 2. Informal mechanisms for the resolution of disputes, including mediation, arbitration and customary justice or indigenous practices, should be utilized where appropriate, to facilitate conciliation and redress for victims. (U.N. Declaration of Basic principles of Justice for Victims of Crimes and Abuse of Power, 1985)

The rights of all human beings are to be guaranteed by the State. The rights of victims are to be doubly safeguarded because they have been already wronged and need justice and sympathy. They have been at the receiving end of the crime and need restoration of their rights and also compensation suitable to the loss suffered by them. This is a basic and justified expectation of the victims. It is the duty of the state to ensure justice and due compensation to the victims. Hence, the researcher has undertaken to study the degree of justice done to the available indirect victims in the examined acquittal murder cases in the three districts of Tirunelveli, Tuticorin and Kanyakumari, during the period, from 1995 to 2010.

Point 3 & 4. So it is necessary to find out how the investigation can be improved to ensure victim satisfaction, (direct or indirect) and enhance their access to justice. This in turn would help the victims feel a sense of gratification that the guilty has been brought to the book.

Point 5. Part I of the study analyses the judgment copies of the examined acquitted murder cases, to cull out the reasons for acquittals of those cases in Tirunelveli, Tuticorin and Kanyakumari districts in Tamil Nadu is the scope of the
thesis. Part II of the study was conducted personally by the researcher by scrutinizing the judgment copies in relation to the direct victims.

**Point 6.** For the purpose of the study it was assumed that the indirect victims are denied access to justice as the examined murder cases ended in acquittals. Victims of criminal offences often face significant barriers while seeking access to justice. Victims may face long delays, prohibitive costs, and insufficient enforcement of laws and lack of affordable and trustworthy legal representation. The judgment copies of acquitted murder cases were examined to study this aspect. This study aims at the finding out the difficulties faced by the indirect victims who find it extremely difficult to access justice. When the case is acquitted, naturally and obviously, the indirect victims (kith and kin of the deceased) are denied justice especially when not adequately compensated.

**Point 7.** Direct victims are those who have suffered the direct effects of violence and have been killed. However, for the purpose of this study, the family of the direct victims is taken as the base. In this study the investigator has analyzed the direct victims on demographic variables and met the indirect victims for case study.

**Point 8.**
1. To study the demographic variables of the accused and the direct victims of the examined murder cases of Tirunelveli district.
2. To study the demographic variables of the accused and the direct victims of the examined murder cases of Tuticorin district.
3. To study the demographic variables of the accused the direct victims of the examined murder cases of Kanyakumari district.

**Point 9.**
1. To find out the association between the demographic variables with regard to the reasons for acquittal of the accused and the direct victims of examined murder cases of Tirunelveli district.
2. To find out the association between the demographic variables with regard to the reasons for acquittal of the accused and the direct victims of examined murder cases of Tuticorin District.

**Point 10.** As explained in point 5
Point 11. The researcher collected the data and personally studied the history of the acquittals and both direct and indirect victims related to each case file and found out the forty-four different reasons that led to the acquittals of homicide cases. They were divided into six groups: 1) Imperfect investigation 2) Failure to produce expert opinion 3) Inordinate delay in launching prosecution 4) Entire burden lies on the prosecution 5) Lack of knowledge of trend 6) Violation of natural justice. This was further categorized into three major heads such as 1) Investigation 2) Prosecution 3) Criminal Justice System. These reasons will be elaborately explained in the next chapter.

Point 12. Primary data

The investigator had collected the primary data from the available indirect victims of the examined murder cases by interviewing them personally.


Point 14. Limited number of indirect victims was taken as samples due to various impediments like caste and communal dispute, brewing enmity with the offender’s family, post traumatic stress disorder, social stigma, wreaking vengeance, fear of retaliation etc., also most of the indirect victims have shifted their residences on account of change of vocation, occupation, matrimonial / and maternal houses. However this has been mentioned in the limitation of the study.

Synonyms and homonyms can be isolated in accordance with linguistic properties of a language. Qualitatively, content analysis can involve any kind of analysis where communication content (speech, written text, interviews and images) is categorized and classified. (https://www.digitalmethods.net/MoM/QuantContentAnalysis) Accessed on Sep. 23, 2013

Each of these purposive sampling techniques has a specific goal, focusing on certain types of units, all for different reasons. The different purposive sampling techniques can either be used on their own, or in combination with other purposive sampling techniques. (http://dissertation.laerd.com/purposive-sampling.php)


According to Krippendorff (1980 and 2004), six categories must be addressed in every content analysis: