

## INDIAN SOCIETY OF VICTIMOLOGY (ISV)

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Of late, I attended a Seminar in Chennai commencing from 8<sup>th</sup> to 10<sup>th</sup> February/07 on the subject “*Indian Society of Victimology*”. The topic as I feel was quite relevant in the present day scenario. Eminent personalities in the National and International level took part in the deliberation and expressed their views. Prof. Dr. John P.J. Dussich, President, World Society of Victimology & Professor of Victimology, California University, Fresno, U.S.A. delivered his thought provoking speech on the subject. The moot question arises as to the role of victim in the Criminal Justice System.

In our Court room we have seen Judge has place to sit, Lawyers have place to sit, the accused has specific place and witness has witness box; but unfortunately the victim does not have any place inside the Court room, though we all are meant for victim's plight. The present criminal justice system is accused oriented system. For example when the accused is arrested for committing an offence, immediately the grounds of arrest must be communicated to his relative and in every 24 hours he is to be examined by Doctor (*D.K.Basu's case*). In trial stage if the accused is rich and powerful he threatens the victim and his witnesses not to depose against him. In most of the cases we have seen when the witness appears before the Court, he does not speak the truth due to the threat perception and the accused gets the order of acquittal. The Government should come up with legislation to ensure the safety and security of the victim and the witness so that they can depose before the Court without any fear and that would ensure fair trial as enshrined in Article 21 of the Constitution of India. That apart, if the accused is a rich man he will engage a costly lawyer to defend him but unfortunately the victim has to depend on the Public Prosecutor who does not have any match with the defence lawyer and ultimately the accused gets acquittal. Even if the victim engages a good lawyer; he cannot argue the case; simply he can assist the Public Prosecutor. During trial the accused can cross-examine the victim and his witness; but the victim does not have any right to cross-examine the accused.

In my considered view, the present Criminal Justice system is accused's paradise. On conclusion of the trial when the accused is found guilty for committing offence, the

accused is to be heard on the point of sentence. The Court has to consider his social status, sources of income, dependency etc and the mitigating circumstances has to be given more weightage than the aggravating circumstances. But the victim is not heard. Suppose when a sole earning member of a family is killed and the accused is caught and he is convicted, the victim does not get any monetary compensation for survival of his family. The State Govt. should come forward to make provision for victim's welfare fund so as to compensate the victim's family. The NGOs and other voluntary organizations may come forward and can take care of the causes of the victim.

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