

Legal Response Towards Protection Of Victims Of Crime

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Abstract: Witness protection is critical to ensuring fair trials in criminal justice systems worldwide. Witnesses are essential in aiding courts to deliver justice, but fear of retaliation often makes them reluctant to testify. To address this issue, India introduced the Witness Protection Scheme in 2018, which offers protection through measures such as identity changes, relocations, and secure courtrooms. However, the Scheme is limited by its narrow threat assessment approach and fails to comprehensively protect all witnesses. Despite on-going efforts to reform India's criminal justice system, significant challenges remain, including inefficiencies in law enforcement, judicial delays, and a focus on protecting the accused rather than the victims or witnesses. This paper critiques the current framework and emphasizes the need for enhanced judicial involvement, more robust witness protection laws, and a balanced approach that safeguards both victims' rights and public interest. Additionally, recent reforms in Indian criminal laws aim to make the system more efficient, accessible, and responsive to modern societal needs, including addressing human rights concerns.

Keywords: Witness Protection Scheme, criminal justice, identity changes, relocations, secure courtrooms, threat assessment, law enforcement inefficiencies, judicial delays, judicial reforms, human rights.

I. WITNESS PROTECTION AS CURATIVE CONCEPT

Every nation's criminal justice system should give particular consideration to those who testify in court and assist the court in assisting the public in pursuing justice. It is an undeniable fact that witnesses are an essential component of every criminal trial. Without witnesses, a fair trial—a right guaranteed to every citizen of the nation—is not feasible. Witness evidence is crucial to any case, but in the modern criminal justice system, witnesses often unwilling to testify for fear that the procedures and protocols in place may not be sufficient to protect them. They consequently became antagonistic.

The Witness Protection Scheme¹ was developed by the Home Ministry in 2018 after consulting with the State Governments, the Bureau of Police Research & Development, and the National Legal Service Authority. Witnesses are protected under the Witness protective Scheme through the employment of specially equipped courtrooms, witness identity changes, relocation, installation of security equipment at witnesses' dwellings, and other measures depending on dangerousness evaluations and protective techniques.

This Scheme aims to ensure that witnesses are not intimidated or afraid to testify in the absence of protection from violent or other criminal retaliation, so preventing any hindrance to the investigation, prosecution, and conviction of offenders. The Plan is a first step in protecting witnesses' rights and making sure that witness suppression doesn't impede the administration of justice. The fundamental purpose of the system is not much furthered by this definition of offences,

under which protection is offered. Both of its points of weakness are present. By dividing witnesses into two groups according to the crime they witnessed, it first limits the scope of the protection provided by the Scheme. As a result, it assesses the application of protection by assigning a specific degree of threat perception to a crime rather than based on the actual danger quotient of the perpetrators. Therefore, determining the level of threat to the witnesses cannot be done objectively.

The idea, which takes a very positive and narrow perspective on the facts of society, assumes that perpetrators of horrible crimes are more inclined to put the witnesses in risk. The current provision lessens the scheme's impact by allowing a large number of witnesses to evade the safety net.

In the battle against serious wrongdoings, it is vital for the equity framework to have the option to give successful security to witnesses, informants and witnesses. In light of a legitimate concern for a fair and viable law enforcement reaction to coordinated wrongdoing, illegal intimidation and other serious wrongdoings, state run administrations should have the option to deal with the issue of source and witness terrorizing and track down ways of safeguarding them actually against terrorizing, assaults and responses.

Right from the initiation of the legal framework it has been acknowledged that revelation, justification and foundation of truth are the primary purposes fundamental the presence of the courts of equity. The usable standards for a fair preliminary saturate the customary regulation in both common and criminal settings. Use of these standards includes a fragile legal adjusting of contending interests in a criminal preliminary. The interests of the charged and the

¹ WITNESS PROTECTION SCHEME BASIC PHILOSOPHY. (n.d.). Retrieved September 15, 2024, from

<https://bprd.nic.in/uploads/pdf/202401290405146446118WitnessProtectionScheme.pdf>

public and generally that of the casualty must be gauged not failing to focus on the public interest associated with the indictment of people who commit offenses.

Victim and witness cooperation is essential to make sure honest and successful prosecutions, but often in put up-warfare conditions, people do no longer need to cooperate out of fear. Providing witness safety is consequently both an expedient for regulation enforcement as nicely as a fundamental legal responsibility. This poses a vast task in international locations where the impunity of powerful perpetrators of politically or ethnically influenced crimes has now not been efficiently confronted. Investigators and prosecutors who are biased in choose of one of the events to the war, or worried with crook-political strength systems, may additionally jeopardize the safety of witnesses.

India does not have the same laws protecting witnesses as industrialised nations like the US, UK, Canada, and Australia. This leads to the witnesses not receiving due justice, and at same time, they and their family members are not safe because they occasionally face threats of death. These days, witness vulnerability is so great that even the courts have urged for the witness protection law, breaking their silence. Numerous research and expert body reports have focused on our nation's criminal justice system. The Law Commission of India has produced a number of reports on subjects pertaining to the procedural and substantive elements of the criminal justice system. The Law Commission has taken a different tack when examining the "witness protection" issue in its Report². The report discussed the insufficiency of the courthouse accommodations for witnesses, as well as the daily bhatta (allowance) that witnesses receive for attending court upon receiving a summons from the court. This factor is also crucial if one is to consider the massive rise in costs, the stressful long hours spent waiting in court, and the multiple adjournments that are required. In this case, the issue of respecting the witness's comfort, convenience, and payment for his sparing time in the event that the witness is neglected, it is probable that they may grow apathetic towards the issue of prosecuting the criminal. The 4th Report of the National Police Commission, published in June 1980, mentioned a few of the difficulties and limitations that witnesses experience. The Commission brought up the difficulties and abuse witnesses experience when they appear in court once more.³

II. CHANGING TRENDS OF INDIAN CRIMINAL JUSTICE SYSTEM

Change is a constant in today's world, yet even in this evolving period, India's "criminal justice system" still needs work. These are the causes of the inadequate law

enforcement, the lack of accountability, and the delays in the disposal of the cases, an undertrained police force, a judicial system that is overworked, and subpar prison facilities.

The intention of criminal justice domain is to punish offender and save you further crimes in future so that people may want to stay peacefully. Criminal regulation in India includes the Indian Penal Code, 1860 which defines the diverse offences along with their punishment and the Criminal Procedure Code, 1973 which gives the process of the trial. The evidence is in addition ruled by the Evidence Act, 1872.

The hostile shape of the criminal justice machine presumes the accused as harmless until established responsible beyond an affordable doubt. It offers the accused an honest danger to give his case to fulfil the ends of natural justice. The ideas of Hinduism and other religions in India price human life and adhere to the precept of presenting an equal opportunity to everybody to present his aspect of the story. Thus, the Indian criminal justice system follows an opposed gadget and relies upon on the maxim "allow a hundred culprits be acquitted and freed, but one innocent character must in no way be convicted".

History well-known shows that every king in India had his personal manner of regulating crime in his nation. Mauryas believed in rigorous punishment and the aim turned into to create fear within the minds of human beings, which could prevent them from committing further crimes, even as Manu identified various offences like robbery and robbery as assets-associated offences and assault and murder as accidents to the frame. This is wherein the type commenced. There was a group of found out counsels within the Gupta dynasty which helped the king settle disputes among people and decide punishment for the wrongdoers. This system fulfilled the purpose of the judiciary, and thus, it may be said that the idea of the judiciary emerged long ago inside. However, there was no codification of the punishment of offences. Nor did they have any method for the trial.

With the development of time and generation, offences had been codified and the trial process was laid down. This made the management of justice smooth and dependable. The present criminal justice system in India turned into installed by the British East India Company at some stage in the pre-independence era. However, after independence, it has visible many adjustments and changes. Various committees had been installation every so often to endorse modifications within the device and propose measures to control the rate of crime inside nation.

C.B.I v. Kishore Singh & Ors on 25 October, 2010⁴

In moment case Hon'ble Justice Markandey Katju expressed that, the thing to do to cops who "Bobbitt" an individual in police headquarters and figure that they can move away it?

²LAW COMMISSION'S REPORTS | Law Commission of India | India. (2018). Lawcommissionofindia.nic.in. <https://lawcommissionofindia.nic.in/https-cdnbbbsr-s3waas-gov-in-s3ca0daec69b5adc880fb464895726dbdf-uploads-2023-06-2023060150-pdf/>

³ FOURTH REPORT NATIONAL POLICE COMMISSION. (n.d.).

<https://police.py.gov.in/Police%20Commission%20reports/4th%20Police%20Commission%20report.pdf>

⁴ C.B.I vs Kishore Singh & Ors on 25 October, 2010. (2024). Indiankanoon.org. <https://indiankanoon.org/doc/1473938/>

That is the issue chosen for the situation. Court held that as we would like to think, police officer who perpetrate criminal demonstration merit more extreme discipline than other individual who carry out such demonstration, since it is obligation of the police officers to safeguard the saluted?" Or as the antiquated Roman utilized to say "who will monitor the praetorian gatekeepers?"

*A.S.Mohammed Rafi v. State Of Tamilnadu Rep. By Home on 6 December, 2010*⁵

In moment case court conceded 1.5 lakhs pay to the casualty for police custodial passing. Nonetheless, aside from the above cases, one of the most charming and enthusiastically banter is the unlawful and inconsistent capture by police individual. Thusly, it is, essential to report, study and dissect some case regulations in such manner.

The judiciary has a completely crucial function in implementation of rule of law. The number one and maximum vital obligation of the courts is to protect and put in force the human rights, as well as offer the comfort to victim. The current justice system in Indians courts is to give extra attention to the accused and attempt to shield all his/her rights i.e., Presumption of the innocence, criminal right towards arrest, and double Jeopardy and so on. No doubt accused are entitled of these kinds of rights however now in converting scenario, it's also anticipated from court's attention upon the Victim in addition to witness.

There is need that Judges need to take a greater proactive position inside the administration of the justice. They can use their discretion in the process wherein they found necessary in hobby of the justice. There are a few judges who disqualify themselves from advancing justice system because they have old-fashioned attitude. The old school decide looked to the letter of the statute and their believe is that, justice can simplest be performed in keeping with strict interpretation of the regulation. That is why judges should look out via the window which will see the outcomes in their judgment at the normal men and women. Therefore, justice does not reside in the chose's intellect most effective. It also is living in his coronary heart. It is the blending of the coronary heart and the mind that bring about justice.¹⁰ Therefore now a day's justice reform is a matter of the serious difficulty, and for effective enforcement of its activeness of judges could be very a whole lot required.

*Joginder Kumar v. State Of U.P on 25 April, 1994*⁶

As far as is practical, an arrested person in custody has the right, upon request, to inform one friend, relative, or other person who is familiar with him or likely to be concerned about his welfare that he has been arrested and where he is being held.

- When the arrested individual is brought to the police station, the arresting officer is supposed to notify him.
- An entry should be made in the diary specifying who was notified of the apprehension.
- This defence against authority must be interpreted as originating from Indian Constitution Articles 21 and 22.

*Nahar Singh Yadav & Anr v. Union of India & Ors on 19 November, 2010*⁷

It was held that "a true and truthful trial is sine qua non of Article 21 of the charter. Therefore, it may be without a doubt documented from this situation, that court docket needs to take care and warning at each step of the management of the justice.

III. THREE NEW CRIMINAL LAWS

The Bhartiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, and Bharatiya Sakshya Adhinyam, 2023 were passed by the Parliament on December 21, 2023. The Indian Penal Code (45 of 1860), the Code of Criminal Procedure, 1973(2 of 1974), and the Indian Evidence Act, 1872 (1 of 1872) have now been superseded by these three criminal reforms. The enactment of these statutes heralds' changes to the Indian legal system.

Although the nation's current legal frameworks have been useful for a considerable amount of time, the recent changes to the criminal code mark a significant step forward in improving the justice system by creating legislation that is more adaptable, equitable, and better suited to the changing needs of society.

Recognising the historical limitations in the laws that were first enacted during the colonial era for the purpose of upholding rather than influencing justice, these law reform measures are viewed as essential improvements to the Indian Justice System.

A thorough attempt to reinterpret and refocus the penal code is the Bharatiya Nyaya Sanhita, 2023. The law, which has had a number of parts added, removed, or changed, takes a more complex stance against crimes and punishes conduct that jeopardises India's integrity, sovereignty, or unity. It also tackles modern issues like organised crime and terrorism, making a distinction between serious and minor crimes and imposing harsh punishments on the former.

In 2023, the Bharatiya Nagarik Suraksha Sanhita aims to make our criminal justice system more approachable. It attempts to increase access to justice by providing timetables for investigations⁸.

⁵ *A.S.Mohammed Rafi vs State Of Tamilnadu Rep.By Home ... on 6 December, 2010*. (2024). Indiankanoon.org. <https://indiankanoon.org/doc/1355688/>

⁶ *Joginder Kumar vs State Of U.P on 25 April, 1994*. (2024). Indiankanoon.org. <https://indiankanoon.org/doc/768175/#:~:text=Arrest%20and%20detention%20in%20police.offence%20made%20against%20a%20person.>

⁷ *Nahar Singh Yadav & Anr vs Union Of India & Ors on 19 November, 2010*. (2024). Indiankanoon.org. <https://indiankanoon.org/doc/668282/>

⁸ *Leader, I. (2024). Modernizing criminal laws: a step towards legal reform. Ey.com.* https://www.ey.com/en_in/insights/forensic-integrity-services/modernizing-criminal-laws-a-step-towards-legal-reform

Innocent character has to release straight away and the responsible character ought to get punished as early as feasible. The problem in put off of the instances isn't new in India it has been existence given that a long time. In India courts have exceptional degrees to determined cases however a few of the cases are pending and the number of the pending cases is growing each day. In India judiciary system is predicted to be the sword, sentinel and protect of rights of the humblest hundreds of thousands with an assurance to bring justice.

IV. ROLE OF COURTS AND HUMAN RIGHTS

Human rights in India are guaranteed and protected mainly with the aid of the Constitution of India. These rights shape the organic legal guidelines. It acts as a foundation for the opposite rights to develop. A constitutional change cannot modify the rights besides via constitutional amendments. The technique of change is cumbersome and calls for numerous debates, discussions, and deliberations. The Universal Declaration of Human Rights becomes a reference for framing the provisions in India. Human rights had every other goal of establishing a stable government. Human rights are described as "the rights associated with existence, liberty, equality, and dignity of the man or woman, that's assured via the Constitution or embodied within the International Covenants and enforceable via Indian Courts.

All human rights are, of course, legal rights; yet, it is regrettable that not all human rights have evolved into legal rights to this day. The reason for this is that since the law follows the action, it is impossible to codify every likely law in advance of the protection of human rights. In these situations, the due process of law or the In situations where law is not an option, the natural justice concept actively defends citizens' rights. As I've already stated, the beauty of human rights is that they are universal; the key is in effectively putting them into practice. Essentially, the primary goal of each of the three branches of the democratic government—executive, legislature and judiciary work for protection of human rights. They work to protect each other's and the nation's citizens' human rights. Undoubtedly, the judiciary has been instrumental in safeguarding human rights throughout the years. Many of the most repugnant human rights violations, such as child labour, sati, honour killings, slavery, and child marriage, have completely disappeared as a result of rigorous enforcement actions by the judiciary and general public awareness. The Indian Constitution, which guarantees fundamental rights and gives the Supreme Court of India and High Courts the authority to uphold them, places a high value on human rights. The fact that India has ratified, subject to certain restrictions, international conventions on civil, political, social, and cultural rights is also significant. These

rights, which include the freedom of speech and expression (Article 19(1)(a)), the protection of life and personal liberty (Article 21), the right to equality (Article 14), and the freedom of religion (Article 25), are partially contained in Part III of the Indian Constitution.

Human rights today encompass more than just the ability to live in dignity. Three generations of human rights are recognized by the International Institute of Human Rights in Strasbourg. The first generation of human rights are essentially personal, civil, and political in character; the rights of various citizens to equal treatment and conditions are guaranteed by second-generation human rights, which are primarily economic, social, and cultural in character. Third-generation human rights include the rights to development and self-determination.

The judiciary should work harder to stop human rights violations as a result of the growth of the extent of human rights and the corresponding increase in the scope of protecting such rights.

Air India Statutory Corporation vs United Labour Union & Ors on 6 November, 1996⁹

"The concept of social justice which the Indian constitution grafted, consists of diverse principles essential for the orderly growth and development of personality and every citizen," according to the Supreme Court's definition of the term. Therefore, social justice is a fundamental component of justice in general. Social justice is a species within the genus of justice. Social justice is an effective tool for lessening the suffering of the underprivileged, weak, Dalits, tribal people, and other disadvantaged groups in society.

Balbir Kaur & Anr vs Steel Authority of India Ltd. & Ors on 5 May, 2000¹⁰

SC has solidly decided that, "idea of civil rights is measuring stick to the equity organization framework or the legitimate equity and it would be a commitment for the law courts to apply the law relying on the circumstance in a way whichever is gainful to eth society" as the respondent Steel Authority of India was coordinated to give caring work to the appellants.

Ashok Kumar Gupta, Vidya Sagar Gupta & ... vs State of U.P. & Ors on 21 March, 1997¹¹

The Apex Court declared that "Providing SC or ST, Dalits with appropriate representation in services is a social justice which is a fundamental right to the disadvantaged." Reservations for promotions cannot be deemed unlawful or unconstitutional.

10 *Balbir Kaur & Anr vs Steel Authority Of India Ltd. & Ors on 5 May, 2000.* (2024). *Indiankanoon.org*.
<https://indiankanoon.org/doc/44608/>

11 *Ashok Kumar Gupta , Vidya Sagar Gupta & ... vs State Of U.P. & Ors on 21 March, 1997.* (2024). *Indiankanoon.org*.
<https://indiankanoon.org/doc/897981/>

9 *Air India Statutory Corporation vs United Labour Union & Ors on 6 November, 1996.* (2024). *Indiankanoon.org*.
<https://indiankanoon.org/doc/784921/>

Consumer Education & Research Centre ... vs Union of India & Others on 27 January, 1995¹²

"Social justice is a device to ensure life to be meaningful and liveable with human dignity," the meeting decided. The state must equip workers with the means to achieve a minimal standard of health, financial stability, and civilised living. To guarantee that life is meaningful and bearable, one must practise social justice.

Superintending Engineer, Public ... vs Kuldeep Singh & Ors on 21 January, 1997¹³

The Supreme Court held that, "it's far the responsibility of the authority to take special care of reservations in appointment as part of the constitutional responsibilities to accord financial and social justice to the reserved categories of groups. If ST candidate is not to be had, the vacancy has to receive to SC candidate and the reserved roster point has to be stuffed in as a result.

V. UPHOLDING THE LAW

Pretty much every conceivable right has been characterized, portrayed, communicated and, surprisingly, made sense of in or by the assemblies. In the event that, on resident (or non-resident) feels that any of such freedoms are being disregarded; they can approach and look for it in the legitimate way being recommended from the legal executive. Here, legal executive is the best supplier and shielding method for Fundament Freedoms of individuals out there (or overall population).

JUDICIAL REVIEW

- A crucial component of maintaining the nation's law and order (rule of law) and safeguarding human rights is the concept of judicial review.
- It is about judges' ability to monitor and regulate the actions and rulings of government agencies, courts, and tribunals.
- Judicial review is subject to several prerequisites or grounds, including finality, ripeness, standing, justifiability, and exhaustion of local remedies.
- In order to resolve them, the courts need adhere to certain standards, such as the separation of powers, judicial economy, justice, and legitimacy, which are crucial for evaluating administrative agency rulings.

CONSTITUTIONAL REMEDIES

Constitutional Remedies talk over with the criminal mechanisms furnished by means of the charter of a rustic to protect and put into effect the essential rights of individuals. These remedies empower citizens to are trying to find comfort from the judiciary whilst their constitutional rights are violated via the country or any other entity. These remedies function a important means of upholding the guideline of law, ensuring responsibility, and defensive the

rights and liberties of residents within a democratic society. The Right to Constitutional Remedies is a Fundamental Right enshrined in the Constitution of India. The precise provisions related to the Right to Constitutional Remedies contained in Article 32 of the Indian Constitution function a bulwark against the infringement of fundamental rights in India. By offering a criminal mechanism for enforcement of the essential rights of an aggrieved citizen, this right makes the essential rights.

The right to constitutional remedies is granted by Article 32 of the Indian Constitution to an offended citizen in order to enforce their fundamental rights. In this sense, it has the following four provisions:

- It is guaranteed that one may petition the Supreme Court to have one's fundamental rights upheld. The enforcement of any of the Fundamental Rights may be mandated by writs, directives, or decrees issued by the Supreme Court.
- Parliament may grant any other court the authority to issue all types of writs, directives, and orders without undermining the Supreme Court's authority.
- The High Court is not included in this context because it has already been granted this authority by Article 226.
- The ability to petition the Supreme Court cannot be withheld, unless the Constitution specifies otherwise.
- During a National Emergency, the President may suspend the ability to petition any court to enforce fundamental rights.

VI. WRIT PETITIONS

In the context of India, Writs talk to formal written orders issued by a court empowered for the purpose, which geared toward enforcing essential rights and correcting wrongs.

In India, the power to problem writs is conferred handiest to the Supreme Court (Article 32) and the High Courts (Article 226). It is to be mentioned that as per the provisions under Article 32, the Parliament can empower another courtroom to trouble writs, without prejudicing the identical powers of SC. However, no such provision has been made up to now. The features of 'Writs' in India are borrowed from the Constitution of the United Kingdom in which they may be known as Prerogative Writs.

A formal written application or request for the issuing of a writ presented to the Supreme Court or a High Court is known as a writ petition. Individuals, groups, or entities submit these petitions in order to dispute governmental or administrative actions, enforce statute rights, or assert their fundamental rights in court.

12 *Consumer Education & Research Centre ... vs Union Of India & Others on 27 January, 1995.* (2024). [Indiankanoon.org.](https://indiankanoon.org/doc/1657323/)

13 *Superintending Engineer, Public ... vs Kuldeep Singh & Ors on 21 January, 1997.* (2024). [Indiankanoon.org.](https://indiankanoon.org/doc/1076926/)

The importance of Writs, they have great relevance in the Indian setting by virtue of the Indian Constitution. Here are a few examples of how their relevance is apparent:

- Protection of Fundamental Rights: When the state or any other authority violates a person's rights, these writs give them a quick and efficient way to ask the courts to step in and stop it.
- Judicial Review: With the use of these writs, the judiciary is able to scrutinise the decisions made by government agencies, administrative tribunals, and other establishments. This guarantees that the acts of the government are legitimate, within the bounds of their power, and compliant with the terms of the constitution.
- Checks and Balances: These writs provide judges the power to examine and possibly overrule judgements or directives made by subordinate authorities. This helps to keep the system's internal checks and balances in place.
- Prevention of Abuse of Power: Writs like quo warranto, mandamus, prohibition, and certiorari serve as safeguards against the arbitrary use of power by public servants or organisations. They enforce decision-making processes to be fair, transparent, and compliant with the law.
- Ensuring Administrative Accountability: Writs impose accountability on judicial and administrative authorities for their deeds or inactions. By aiding in the correction of legal errors or overreach of jurisdiction, they foster administrative accountability and integrity.
- Promotion of Justice and Equity: By giving people access to prompt and efficient remedies against injustice, oppression, or illegal deprivation of rights, writs help to advance justice and equity. They protect the law and make sure equal legal protection for every individual.

The judiciary's constitutional responsibility includes protecting people's human rights. SC & HC's have the authority to act in order to uphold these rights, since Article 32 and 226 of the Constitution provide for remedy. In these situations, courts have the authority to grant the following writs, orders, and directions:

- Habeas corpus Possession of the corpus,
- Mandamus: the act of commanding
- Prohibition (to prohibit)
- Quo-warranto (by which decree or authorization)
- Certiorari or to be certified,

It has been claimed that Indian courts have achieved limited success defending the human rights of Indian citizens. Indian

society's marginalised groups are frequently the targets of violations of human rights. For instance, tribe members are frequently forced to relocate in order to develop a certain area. As a result, people are denied the freedom to live where they choose. Children would be another example. Children are working instead of attending school in rural areas of India. Children's right to an education is thereby violated. Children must endure crimes and sexual abuse even in urban areas. The court, as a body tasked with defending people's human rights, has failed to provide prompt and effective justice to victims in India of violations of human rights. Despite being mentioned in the Indian Constitution, human rights are not unqualified. Indian citizens are not able to use these rights unrestrictedly. The Constitution also grants the government the authority to impose reasonable and necessary limitations on citizens' ability to exercise their rights in order to stop abuses of those rights. For the greater good and prosperity of more people, these limitations are essential. For instance, if a group in a society wishes to exercise its rights and doing so will have an impact on other people's human rights, the government has the authority to impose restrictions on the group's ability to exercise those rights. Human rights are not inalienable, according to a ruling by the Supreme Court. As an illustration, Article 21 For instance, the Indian Constitution's Article 21 guarantees people's right to life and personal freedom. "No person shall be deprived of his life or personal liberty except according to procedure established by law," the article states further. This article makes it quite evident that while life and personal freedom are protected, these rights have limitations. By creating a legal process, the government can restrict how this freedom is used.

Sunil Batra vs Delhi Administration on 20 December, 1979¹⁴

It became located by way of the Supreme Court that Article 21 forbids deprivation of private liberty except in accordance with the process installed via regulation and curtailment of personal liberty to such an extent as to be a negation of it might represent deprivation.' Article 25 of the Constitution offers freedom of conscience and unfastened profession, practice and propagation of religion.

N. Adithayan vs The Travancore Devaswom Board & Ors on 3 October, 2002¹⁵

In this regard, it is important to remember that religious practices and the freedom to handle problems pertaining to one's faith are safeguarded by Arts. 25 (1) and 26 (b), respectively. It cannot be argued that either Art. 25 (1) or Art. 26 (b) has been violated if the practice in question is wholly secular or if the matter under the statute is fundamentally and entirely secular in nature. The freedom of the denomination to handle its own religious problems and the practice of religion are both protected. Consequently, whether a claim is brought on behalf of a specific citizen alleging that the

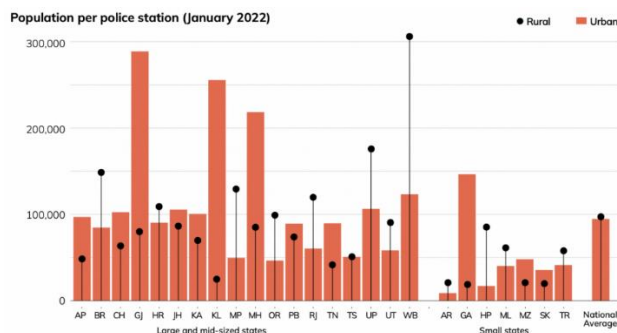
¹⁴*Sunil Batra vs Delhi Administration on 20 December, 1979. (2024). Indiankanoon.org.*

<https://indiankanoon.org/doc/778810/>

¹⁵*N. Adithayan vs The Travancore Devaswom Board & Ors on 3 October, 2002. (2024). Indiankanoon.org.*

<https://indiankanoon.org/doc/1705114/>

challenged statute violates his inalienable right to exercise his religion, or whenever a claim is made on behalf whether the practice in question is religious or whether the affairs in question are affairs in which the right of management is alleged to have been violated are matters in matters of religion, in order to determine whether the denomination's fundamental right to manage its own affairs in matters of religion is violated. Naturally, the rights protected by Articles 25 (1) and 26 (b) cannot be violated if the activity is religious in nature or if the matters are religious in nature.¹⁶



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In the years since India's independence from British authority in 1947, there has been a turbulent connection between police excess. During India's late 1970s Emergency, force was employed against political dissidents and to quell secessionist movements in Northeast India, Punjab, and Kashmir. Today, force is frequently used carelessly to scatter peaceful protestors and nonviolent large-scale gatherings. In the so-called "red corridor," in the west of the nation, police have been accused of employing excessive force to suppress left-wing extremists in recent years. Critics claim that the root of the issue is Indian legislation, some of which support or even encourage police aggression. Police manuals in certain jurisdictions permit specific officers to use force (officially known as the lathi charge or baton charge) to disperse crowds; nevertheless, the officers are required to document the use of force and submit a report detailing the incident. Lathi charging is typically carried out without official orders. Additionally, the police under the same jurisdiction frequently look into their own employees in the event of a

¹⁶ LinkedIn. (2024). *Linkedin.com*. <https://www.linkedin.com/pulse/protection-human-rights-role-judiciary-rohit-bokil/>

¹⁷ Reddit - Dive into anything. (2024). *Reddit.com*. https://www.reddit.com/r/india/comments/1dyv3ei/overcrowded_prisons_cases_pending_per_judge/?rdt=40609

¹⁸ Rao, M. (2020, December 2). *Indian police use violence as a shortcut to justice. It's the poorest who bear the*

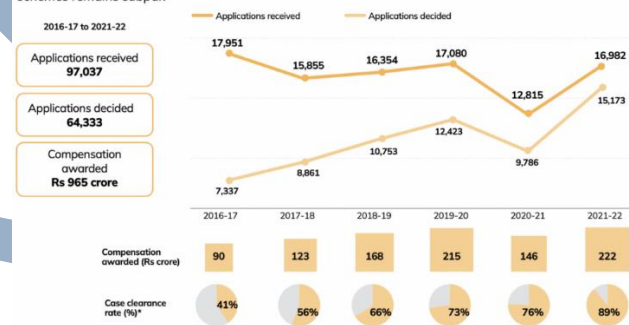
public complaint. The Indian Evidence Act prohibits confessions from being admitted in court, but police are permitted to utilise admissions of guilt to start the process of recovering stolen property, which is frequently seen as a positive outcome equivalent to a conviction.

According to Lokaneeta,

"This encourages police custodial torture." It, a large portion of the Indian police force's preference for employing torture as a weapon to uphold law and order stems from British control. She explains, "We've inherited the colonial structure of the police laid down in the Police Act of 1861," which ordered cops to keep the peace by using force and enslaving their inhabitants. It was a display of authority within the British Raj. This persisted after independence and upholds caste and class hierarchies in society¹⁸.

Figure 35: Victim Compensation

Despite comprehensive guidelines, nationally, the implementation of various victim compensation schemes remains subpar.



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Providing victim compensation through programmes designed to assist persons who have lost something or been hurt as a result of a crime is one of the responsibilities of the legal aid system. The IJR claims that although there are extensive rules on how these schemes should be implemented, their execution "remains subpar." "In total, State Legal Aid Service Authorities received 97,037 applications for compensation between 2016–17 and 2021–2022. Just 64,333 (66%) of these applications were processed across all states, according to the report.

scars. CNN; CNN. <https://www.cnn.com/2020/12/02/india/police-brutality-india-dst-intl-hnk/index.html>

¹⁹ India. (2023, September 21). *Overcrowding in jails, delayed justice are a pressing concern: Par panel.* @Bsindia; Business Standard. https://www.business-standard.com/india-news/overcrowding-in-jails-delayed-justice-are-a-pressing-concern-par-panel-123092100863_1.html

Raj Kumar vs State on 3 December, 2019²⁰

In accordance with the statutory requirement under Section 357A Cr. PC, nearly all Indian States and Union Territories, including the National Capital Territory of Delhi, have developed and published Victim Compensation Schemes. The former plan for Delhi has been updated and published as the Delhi Victim Compensation Scheme, 2018 which went into force on October 2, 2018. The Member Secretary of the DSLSA has reported that the Delhi scheme consists of two parts. The second part addresses topic Compensation Scheme for Women Victims/ Survivors of Sexual Assault / other Crimes, 2018¹ and offers comprehensive guidelines regarding the factors to be taken into account when awarding compensation as well as the process for submitting an application for compensation. such an award and the process by which such requests are to be investigated, as well as covering topics such how the money will be distributed via banking channels and if the money (so awarded to victims) can be recouped from those who committed the act.

²⁰ *Raj Kumar vs State on 3 December, 2019.* (2019).

Indiakanon.org. <https://indiakanon.org/doc/18897292/>