

***“There is a higher court than courts of justice and that is the court of conscience.  
It supersedes all other courts.”<sup>1</sup>***

**- Mahatma Gandhi**

***Abstract***

*The increase in the crime rates in our country has aggravated victims' plight. Despite various amendments to criminal law the approach of the police or law enforcement agency while dealing with victims has not yielded satisfactory results. The victims upon entering the criminal justice system face degradation and are frequently humiliated. As a result, crimes are not reported or even if reported the victims do not know about the progress of investigation. It is the inadequacies of the police that the cries of victims go unheard by the court. The public prosecutors are the ones on whom the victim relies and it is their duty to provide legal assistance and shed light on the inefficiency of the system to provide assistance to the court in the quest for justice. The Court, however, is sympathetic towards victims and ensures they are treated with dignity but imperfection in the implementation of laws by the executive agencies leads to victims losing faith in the system. The most common measure adopted by the State is compensating the victims, but its efficacy depends on various factors such as insufficient funds for disbursement of compensation etc. In order to accurately depict the various steps that a victim experiences throughout the criminal justice system, a partly empirical study is undertaken in this research to examine the rights of victims and their participation in the system. The findings arrived at clearly indicates the inefficiency of the traditional criminal justice system to help the victims seek justice. It is essential to fill the gaps in the system and provide victims with rights and opportunity to participate in the trial. This brings the idea of the restorative justice practices which is widely practiced alongside the traditional justice system in many countries. Restorative justice practices are free from the intricacies of the system and focuses on resolving the disputes by mediation. The present study reveals that, while only in particular offences, the demand for such practices is felt in our legal system. The suggestions are provided in this study with intent to remove the flaws in the system and bring a huge impact on the lives of the victims.*

**KEY WORDS:** Victim, Rights, Participation, Criminal Justice System, Compensation, Restorative Justice, Victim Impact Assessment, Victim-Offender Mediation.

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<sup>1</sup> M.K. Gandhi “A Puzzle And Its Solution published in Young India, 1921”, in S.B. Kher (ed.), *M.K. Gandhi: The Law and the Lawyers*, 241-242 (Navajivan Publishing House, Ahmedabad, 1962).