

REFORMS IN CRIMINAL LAW ON THE TOUCH STONE OF CONSTITUTIONAL PROVISIONS

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Abstract

When a crime occurs in a society, there are two parties involved in it, an accused the perpetrator and a Victim of that Crime. Sir Hans Von Henting and Sir Mendelson named it as the Penal Couple. It is the responsibility of the state to provide protection to their citizens and when there is a failure on the part of state machinery, then matter is dealt by the state itself, where the state usually provides the punishment to the offender. There are different theories behind this punishment concept and deterrence is one of them. Providing Death penalty is one the best example of deterrent theory but is it really a good method for giving justice to the Victim of the Crime? Would it really help the Victim seeing his wrongdoer dead or there can be something else which may help the victim of the crime better than this? When we talk about Criminal Justice System, it involves both the parties in it and the reform has to be made for both of them equally as suggested by Justice Malimath in his report in 2003. Unfortunately our legal system put more emphasis on the reforms and rights of accused than the rights of Victim of the crime and the victim of the crime plays a very passive role or a mere witness in the Court of Law. The Legislatures of our Nation like the Constitution of India 1950, the Code of Criminal Procedure 1973 as well as certain International documents like Universal Declaration Human Rights 1948, International Covenant on Civil and Political Rights-1966 also put more emphasis on the rights of the accused more and less on the rights of the victims.

In 1985 the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (United Nations General Assembly, 1985) introduced the Criminal Justice System about the rights of the Victims though it took our legal system a long time to incorporate some of those rights in our Criminal Justice System but we still have achieved some part of it. Today is the era where Restorative Justice is emerging through case laws or through certain amendments like the amendment of the Code of Criminal Procedure 1973 in 2005, the concept of Plea Bargaining has been introduced in the Criminal Procedure Code on recommendation

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of 154th Report of the Law Commission as an alternative method to deal with huge arrears of criminal cases and to provide speedy justice to the Victims of the Crime as well as to the accused. The 2008 amendment which incorporated Victim's Compensation Scheme. Now we should focus on how we can help the victim of the crime than on providing death penalty to the offender because a Victim's justice may rely on financial needs, old age care, finances of his/her children's education etc. The accused may be utilized better in this way by the consent of the victims than to award him death penalty where he/she will be of no use.

Keywords: *Criminal Justice System, Accused, Victim, Death Penalty, Restorative Justice*

INTRODUCTION

Often we discuss about the occurrence of crime in the society and we know that crime in any society is inevitable. Today we are in need to focus and realise this occurrence of crime from a different angel. We all know at the commission of crime, there is involvement of two parties in it, one is called the offender and the other is the victim of crime. Sir Hans Von Henting and Sir Mendelson named it as the ‘Penal Couple’.

In the primitive society, whenever there was a crime or wrong committed against the person, that person had all the rights to take revenge/avenge against the perpetrator. Then men came into ‘Social Contract’; before this social contract, man lived in natural state where there was no government and no laws. The defect of that system was anybody, whoever was strong physically or by weapons used to kill or harm the other person, for some people this era was a hardship and oppression and for some it was bliss or joy. After entering in this agreement of ‘Pactum Unionis’ by which man undertook to obey an authority and surrendered his liberty to that authority who had to protect his life or liberty¹. This is how the concept of Government is established, which we are still following by surrendering our whole/part of freedom and liberty to the state and state in return protect our life and property. It is the responsibility of the state to protect its people from the occurrence of any crime and despite that if any crime happens in the society, the state takes action against the offender. For the sake of maintaining peace and order in the society, the state set up certain machinery like Police, Bureaucrats, legislative team, Judicial System etc. These machineries do their assigned work to maintain the stability and peace. The laws made by the Legislature are implemented and checked by the Police and executives and in case of failure the decision or the punishment to the wrongdoer is awarded by the judicial system.

STATE’S ROLE IN PUNISHING OFFENDER BY THEORIES OF PUNISHMENT

Basically there are different theories behind this punishment concept as follows:

- i) Preventive
- ii) Retributory
- iii) Deterrence
- iv) Reformative

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For the better understanding of this paper, all these above mentioned theories are necessary to understand. Primitive theory of punishment makes the wrongdoer bound or prevents the accused to commit crime further. Putting someone in jail as punishment would leave no scope to the accused to commit crime anymore. The theory of Retribution fulfils the concept of revenge and avenge. The purpose behind this theory of punishment is that one has to face the same/similar pain or trauma which is faced by the victim of crime. An eye for an eye and a tooth for a tooth, a limb for a limb and a life for a life is the gist of this punishment. The next we can discuss about is the deterrence theory. The aim of proving punishment in this theory is to deter the other people of the society for not committing the crime. The punishment under this system is given to set an example for the others. The best example of this punishment is 'Death Penalty' which puts instant fear in the mind of society that commission of crime may lead to someone losing his own life as well. Earlier this kind of harsh punishment were not so rear in fact there are instances where the death penalty was provided to the offenders even for some petty offences also.² But now in this era of Human Rights this kind of punishments are discouraged at most.

Democracy and Constitutionalism are two important things which are adopted by most of the countries and world at large have adopted the principles of Human Rights in their Constitutions. India in its Constitution under Article 21³ secures the fundamental right of everyone, whether a citizen or non-citizen the "right to life and liberty". This right of life and personal liberty cannot be taken by anyone unless there is a procedure established by law i.e., state itself. Now the question is why to take the life of a person if state itself is giving it as a matter of fundamental right? Why to establish such a procedure which takes the life of a human being? Can Justice be done only by killing a human in retribution or by creating a deter impact on the society? Is it really controlling the crime rate?

There are number of countries mostly of first nations which have abolished the 'Death Penalty' considering the human rights of a human being. Still there are countries like India, United States, China, Japan, South Korea and most of the countries of Islamic States which are having Death Penalty as a method of punishment. The United Nations in its Charter of Rights has declared death penalty or capital punishment as a crime against humanity and had

² The 'Code of Hammurabi' provides death penalty even for the petty offence of stealing grapes. Available at: https://www.jstor.org/stable/3153895?seq=1#metadata_info_tab_contents Accessed on (01.11.2019)

³ Article 21 of the Constitution of India, 1950 provides that, "No person shall be deprived of his life or personal liberty except according to procedure established by law."

also asked its member countries to abolish it. One of the member countries of the United Nations – India, has still not got rid of capital punishment even though the Constitution of India has stated that the government has no right to take the life of any person as per article 21. Consequently, India's International stand on the Moratorium on death penalty both at the General Assembly and at the Human Rights Council has always been against the resolution saying, it goes against the statutory law of the country where an execution is carried out in the "rarest of rare" cases.⁴In India it has been carried out four time⁵ since the Law Commission on India has submitted its report recommending the abolishment of death Penalty in 1995. The Constitutional validity of Death penalty has been questioned many times in India and the Supreme Court of India in has made it very clear that the punishment of Death Penalty can only be awarded in rarest of rear cases.⁶ But we have not yet abolished it. We do have number of cases where the Death Penalty is awarded as a matter of Punishment with an object of preventing the society from crime by setting an example; but is crime really controlled even after that? Or if it is awarded to give Justice to the Victim of Crime; is it really Justice from the Victim's point of view? Would it really help the Victim seeing his wrongdoer dead or there can be something else which may help the victim of the crime better than this?

When we talk about Criminal Justice System, it involves both the parties in it and the reform has to be made for both of them equally as suggested by Justice Malimath in his report in 2003⁷. Unfortunately our legal system put more emphasis on the reforms and rights of accused than the rights of Victim of the crime and the victim of the crime plays a very passive role or a mere witness in the Court of Law and an informer of the Police. The Legislatures of our Nation like the Constitution of India 1950, the Code of Criminal Procedure 1973 as well as certain International documents like Universal Declaration Human Rights 1948, International Covenant on Civil and Political Rights-1966 also put more emphasis on the rights of the accused more and less on the rights of the victims. Despite that there are certain provisions which put emphasis on the rights of the victims which cannot be ignored.

⁴ Critical Analysis of Death Penalty in India, written by Srishti Chawla, student, BA.LLB, Final Year, Amity Law School, Noida. Available at: <https://blog.ipleaders.in/death-penalty/> (Accessed on 02.11.2019)

⁵ As per National Crime Record Bureau, https://en.wikipedia.org/wiki/Capital_punishment_in_India (Accessed on: 01.11.2019)

⁶ Bhagwan Das v. Union Territory of Delhi (AIR2011SC1863) Supreme Court directed, the courts to view 'honour killing' as cases of 'rarest of rare' category for awarding death penalty to the accused.

⁷ Available at: <https://www.legal-tools.org/doc/70d1c6/pdf/>

The Constitution of India, which is the Supreme Law of the land provides many provisions in favour of accused's rights but there are certain provisions which if not expressly but by the interpretation provides rights in favour of Victims of crime also. The idea of 'brotherhood' enriched in our Preamble gives strength to the rights of the victim of crime. Article 14 insures 'equal protection of laws' which also protects the victim. Also Fundamental right to life and personal liberty, enshrined in Article 21⁸ of the Constitution is wide enough to include greater protection to the victims of crime and, as it insures human dignity to all, it must recognize rights of victim by providing them better care and protection. In case of *Nirmal Singh Kahilon v. State of Punjab*⁹, the Hon'ble Apex Court observed that the right to fair investigation and trial is applicable to the accused as well as the victim and such a right to a victim is provided under Article 21 of the Constitution of India. Therefore, a victim of a crime is equally entitled to a fair investigation. Article 41¹⁰ there is an insurance that the state shall make effective provision for securing public assistance in cases of disablement and in other cases of undeserved want." This provision has great visions to victimology, in a wider perspective, as it mandates that public assistance must be provided to such vulnerable sections of society. In fact, crime victims and other victimized people fall into the domain of Article 41.

Another set of provision is Article 51-A¹¹, which provides a fundamental duty to every citizen of India to protect and improve the natural environment and to have "compassion for living creatures" and "to develop humanism".

Even the Code of Criminal Procedure which provides number of provisions in favour of accused's rights is not fully silent on the rights of victim. Most of these rights are added recently by the amendment made in 2008. The Definition of Victim is provided under its section 2(wa)¹². Other provisions like Sections 154(2)¹³, Section 160,¹⁴ Sections 190,¹⁵

⁸ Ibid note 3

⁹ (2009) 1 SCC 441

¹⁰ Right to work, to education and to public assistance in certain cases

¹¹ Fundamental Duties

¹² Code of Criminal Procedure, 1973

¹³ A copy of the information as recorded under sub-section (1) shall be given forthwith, free of cost, to the informant.

¹⁴ Police officer's power to require attendance of witness

¹⁵ Cognizance of offences by Magistrates:

(1) Subject to the provisions of this Chapter, any Magistrate of the first class, and any Magistrate of the second class specially empowered in this behalf under sub-section (2), may take cognizance of any offence-

(a) upon receiving a complaint of facts which constitute such offence ;

Sections 406¹⁶ and most importantly Sections 375A which introduced a Victim Compensation Scheme. Up to 2008 amendment there was no statutory scheme as such for victims in criminal procedure code 1973 that allow the victim to get compensation from state or the wrong doer. There were 357 to provide compensation to victim that is also depending up on the wishes of courts which was sparingly used by courts.

A new Chapter, which is Chapter XXI on Plea Bargaining, has been introduced in the Criminal Procedure Code. It was introduced through the Criminal Law (Amendment) Act, 2005, on the recommendation of 154th Report of the Law Commission as an alternative method to deal with huge arrears of criminal cases and to provide speedy justice to the Victims of the Crime as well as to the accused. But it was not proved to be a successful programme for many years. In case of restorative Justice this plea Bargaining is the major step as it was a big step towards the pleading guilty and asking for reducing the sentence through judicial system. Initially judiciary was not ready to accept the Plea of guilty in Plea Bargaining process as they found it against the public policy.¹⁷ The apex court has shown its anguish in the following words in case of *Madanlal Ram Chandra Daga v. State of Maharashtra*¹⁸.

In our opinion it is very wrong for a court to enter into bargain of this character. Offences should be tried and punished according to the guilt of the accused. If the court thinks that leniency can be shown on the facts of the case, it may impose a lighter sentence. But the court should never be party to a bargain by which money is recovered for the complainant through their agency.¹⁹

For many years this reluctance continued and then finally the trend started changing through some judgements, like the Supreme Court of India awarded a lenient sentence to a student who admitted his guilt.²⁰ In case of *Rajinder Kumar Sharma v. State*,²¹ the Supreme Court of

(b) upon a police report of such facts;

(c) upon information received from any person other than a police officer, or upon his own knowledge, that such offence has been committed.

(2) The Chief Judicial Magistrate may empower any Magistrate of the second class to take cognizance under sub-section (1) of such offences as are within his competence to inquire into or try.

¹⁶ Power of Supreme Court to transfer cases and appeals.

¹⁷ Kasambhai, AIR 1980 SC 854

¹⁸ 3 SCR 34 (1986)

¹⁹ Mehak Bajpai, Advancing of Restorative Justice in Criminal Law in India and Germany: A Comparative Study, Journal of Victimology and Victim Justice, Published in June 2018

²⁰ State of Karnataka v. Benoy Thomas, 397 ILR 186 (KAR 1977)

India, finally started changing its behaviour towards the plea bargaining.

It was after the Second World War, some Criminologist realized the importance of studying the Victim's perspective in Criminology branch and today it is because of their initiatives, United Nations passed a charter for Victim's rights. In 1985 the Declaration of basic Principles of Justice for Victims of Crime and Abuse of Power for the first time expressly mentioned the rights of the Victims at International level. This declaration is treated as 'Magna Carta' of the Rights of Victims Universally. This declaration deals with certain aspects of problems of victims of the Crime including victims of Abuse of power. Then the Council of Europe Recommendation on the Position of the Victim in the Framework of Criminal Law and Procedure also came in the year of 1985. After this another initiative was taken as the Statement of the Victim's Rights in the Process of Criminal Justice, issued by the European Forum for Victim's Services in 1996. In June, 2006 Council of Europe Recommendations on assistance to Crime victims was adopted.²²

The rights and Justice of the victim of crime has to be recognised by the Criminal Justice System statutorily then only we can give the real Justice to the victims of Crime. Lord Chief Justice Hewart in an English leading case, *R v. Sussex Justices*²³, on the impartiality and recusal of judges quoted that Justice should not only be done, but should manifestly and undoubtedly be seen to be done, which was later on followed by many judges of India in several judgements. So this Justice is a notion which differs from person to person. For someone justice may be seeing his offender behind the bars on his wrongful act, for the other person justice may rely in getting the things fixed again, justice for someone can be getting a chance to make the offender realise his wrongful act and getting a chance of forgiving the offender. So it depend upon person to person what is justice for them. In this paper we will try to understand the concept of Justice from the victim's point of view. This can be understood better by the following illustrations:

Illustration 1: 'A' commits the offence of theft against 'B'. A dishonestly took the gold bangle of B without her consent and cashed it.

Now there will be different impact on different people at A's position.

'A' as person 1, might only be concern about the financial loss and can get the justice by

²¹ 63 DLT 682 (1996)

²² Available at: <https://indiankanoon.org/docfragment/42131728/?formInput=restorative%20justice>

²³ [1924] 1 KB 256, [1923] All ER Rep 233)

getting the value of gold bangle. 'A' as Person 2 may be attached to the bangles for some sentimental reasons, so justice for that person might be getting the original bangle only. 'A' as Person 3 might be a person who wants to take the value and the compensation of the property loss as Justice. So the concept of justice differs from person to person and situation to situation.

Illustration 2: 'X' commits the offence of Murder against 'Y', who was the sole earner of the family.

The Criminal Justice System in this case by a fair trial awarded the Death Penalty to the accused. Now the indirect victims of crime i.e., the family members of the primary victim of crime get the justice as per law. Later on it was observed that the wife of the victim since was not able to earn started begging in the streets, children of the victim had to leave their studies and involved into earning which increased the Child Labour and sometimes even crime like theft and snatching which again created the problem for the society. On the other hand the wife and children of the accused who was hanged for death were also incapacitate for earning faced the similar conditions as the Criminal Justice System takes no responsibility of the family of Victim as well as family of the accused who is hanged by the procedure established by law.

So again the question remains the same, is it really Justice? what better could be done here is instead of awarding 'Death Penalty' to the offender, the Criminal Justice System should make the offender responsible for the financial needs of the Victim's family so that the victim's family should never have to face such circumstances as well as the family of the offender could also be protected. This way we can save both the families and the harm can actually be restored. Mahatma Gandhi said, an eye for an eye would make half of the world blind. He also emphasised on the forth theory of Punishment, which is called Reformatory Theory of Punishment.

Reformatory theory of punishment aims at reforming the offender even after punishing him/her. Under this theory the offender is sent to jail or Juvenile Homes in case of child in conflict with laws and is made involved in such activities which actually helps the person in realising his wrongful act and push him to be a good person for the society. This is how the offender is saved from remaining a wicked person, his life is saved by not punishing him 'Death Penalty' as well as he is utilised as a good Human Resource. This concept of Reformatory punishment has given birth to a new justice system- Restorative Justice.

RESTORATIVE JUSTICE

Restorative Justice is a problem solving approach in which the victim and offender voluntarily participate to restore, repair, reconcile and reintegrate the harm caused by the offender through the Criminal Justice system.

It is a kind of justice which ensures a balanced system of justice for the victims and the offender. Unlike our conventional Criminal Justice System, here the victim as well as his family members and community have the scope of participation which turns into an effective interaction. Basically, the purpose of Restorative Justice is to resolve the conflict where both the parties come together and discuss the harm caused to them with a positive approach of healing the consequences. Restorative justice is different from the Compoundable offences because in compoundable offences the matter is settled outside the court and judge/s is/are only informed but in restorative justice the judges of that matter plays an active role in resolving the matter through Restorative Justice. In case of *Anupam Sharma v. NCT of Delhi and Another*²⁴, Justice Pradeep Nandrajog has observed that, “Restorative Justice may be used as a synonym for mediation. The Object and nature of Restorative Justice aims at restoring the interest of Victim, involvement of the victim in the settlement process is welcome in the process of restorative justice. It is a process of voluntary negotiation and concentration, directly or between the offender and victim.

In the year 1977 Albert Eglash coined the term “Restorative Justice, in his article ‘Beyond Restitution: Creative Restitution’²⁵. He also mentioned in this article that this idea of Justice is not something recent but we can find this concept in history as well. This system of justice has emerged in two decades and is developing significantly in the field of Victimology. Though the system is developing rapidly but it is not a recent/new concept of legal system, we can see the marks of restorative justice in different legal systems. Some of the significant marks can be traced from the primitive legal systems like Code of Hammurabi, in pre-colonial New Zealand Maori had a fully integrated system of Restorative Justice, in Ancient Hindu Law and also in Islamic law where the scope of Restorative justice was available even in cases of homicide. According to John Braithwaite, “Restorative Justice has been the dominant model of Criminal Justice throughout most of human history for all the world’s

²⁴ 146 (2008) DLT 497

²⁵ Available at: <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=47998>

people.”²⁶

In our Conventional Criminal Justice System the participation of Victims is almost negligible and the court did not consult anything with the victim at the time of awarding punishment. Sometimes the victims are not even informed that their offender is punished. Restorative Justice provides a platform to the victim and his/her family members where they can participate and tell about their grievances and situation they faced by the act of offender. The real purpose of restorative justice is to repair, restore, reconcile and reintegrate the harm happened to the parties and to bring them back to their original situation as much as possible. It provides the opportunity to the offender to make the good of bad done by him and to realise his sin/crime and reforming himself in a good person. The good thing of restorative justice is that it focuses on the victims.

PRINCIPLES OF RESTORATIVE JUSTICE

The following are the basic principles of restorative Justice:

- i. Victim is the most important aspect of the whole process.
- ii. The focus of Restorative justice is on repairing the harm caused and reducing the future harm.
- iii. Balance has to maintain by the Justice agency between the Victim and Offender.
- iv. Participation of Victim, Offender and Community members is ensured for productive interaction.
- v. It sees the conflict from the Social perspective.

Belgrave J. in his Discussion Paper²⁷ has mentioned about the three different stages of the restorative Justice as follows:

- i. Pre Conventional: this stage is operated when the defendant does not deny guilt or do not intend to defend the case.
- ii. Pre sentenced: this stage is operated on the admission or proving of guilt.
- iii. Post sentenced: in this stage of restorative justice, certain mediation programmes

²⁶ Principle of Restorative Justice available at www.academia.edu last visited on 2.11.19

²⁷ Belgrave J. Restorative Justice: A discussion paper, Wellington, N.Z. Ministry of Justice

are operated after the offender is sentenced to community based sentences or imprisonment.

The process of Restorative Justice is done through different Methods and Programs like Victim Offender Mediation (VOM), Circles etc. In Victim-Offender Mediation Program, the parties participate voluntarily and the mediation is done by a professional and trained person. The families of both the parties are also allowed to participate in such mediation and counselling sessions. In Circles, participants, including community members, each have a chance to speak in turn, typically in a circle, about the crime to address the crime's underlying cause and decide how to repair the harm. Circles Restorative circles bring together impacted stakeholders to speak and listen in turn to one another. Participants sit in a circle and often pass a 'talking piece' to give each person equal voice in the discussion. Circles vary in size and can have different purposes, including, Sentencing circles: which bring together the victim, offender, family and community members to meet representatives of the criminal justice system to give input on the sentence the accused should receive. Healing circles, which helps victim process harm with one another and collectively arrive at ways to heal. Reintegration circles/circles of support and accountability, which hold former prisoners accountable within their communities while providing them support to transition into mainstream society and to lead meaningful lives.

In *State of Gujarat v. Raghubhai Vashrambhai & Others*²⁸, it was held by the honourable Supreme Court by Justice J. N. Bhatt that, "in a realm of Victimology the decision is one of the aspect towards the fulfilling the design and desideratum and restorative justice to the victims of crime.

RESTORATIVE JUSTICE: A BETTER WAY THAN DEATH PENALTY TO REFORM THE CRIMINAL JUSTICE SYSTEM

Death Penalty is still not abolished completely in our Criminal Justice System and when the Court of law awards Death Penalty even in rarest cases, the crime of offender is considered a wrong against the whole society/State not against the Victim because victim is not consulted by the court at the time of awarding punishment, who is the ultimate sufferer of the circumstances and situations. In case of Restorative Justice Crime is considered against the Victim of Crime and his wish is considered in case of punishing the offender.

²⁸ (2003) 1 GLR 205

Death Penalty leaves no scope for the offender and victim to reconcile and restore the harm caused whereas restorative Justice provides a chance to the offender to do the good of his bad act and for victim to get at least some good out of all worst happened to him.

Reformation of offender is not possible through Death Penalty, rather it creates a psychological disturbance since the punishment is awarded on the offender as well as on his family but there are high chances of reformation of offender through Restorative Justice as the offender can be made realise if his bad deeds through the victims words, the people involved in the process like community and Judges.

Death Penalty leaves stigma on the family of accused who are innocent in most cases and it creates a psychological frustration on the family of accused even after his death, while restorative justice saves the family from such dishonour and stigma and provides a better atmosphere even for the family of accused as it is a balanced victim-criminal justice system.

CONCLUSION

Society changes with the change of time and thus the reforms and amendments are required in any legal system. Our Conventional Legal system is lacking behind with a lot of lacunas and it is the high time to adopt certain required change. The Criminal Justice System of India focus more on the rights of accused and Justice is delivered to the victim of crime as per the wish of Criminal Justice System. The victim of the crime is neither consulted nor ever asked the kind of justice he is seeking. Our Criminal Justice System is harsh and chances for reformation even for the offender are less with such harsher punishments. We still have not abolished Death Penalty, which is against the Human rights as per the declaration of United Nations and India is a member of United Nations.

We can better ways of providing Justice by adopting the new methods of Justice like Restorative Justice. Restorative Justice encourages the Victim-Offender mediation process by involving Community in their process of Justice. It is a better of understanding the sentiments of victims of crime by involving victim in the process. It also does not ignore the accused of the crime. Restorative Justice is emerging very slowly through case laws and we can aspect better future of Criminal Justice by adopting such a method of justice.

On the basis of provided information the hypothesis one is proved as our criminal Justice System did not consult the Victim of the crime at the time of awarding punishment to the offender. If we go back to the Mahatma Gandhi's philosophy that eye for eye will make the

half world blind, we can understand how the reformative punishment and reformative Justice is required. The offender of Crime can better be reformed by Restorative Justice. The cases mentioned in this paper reveal that Restorative Justice can be a healing process for both the offender and the Victim.

SUGGESTIONS

- i. Criminal Justice System has to see Justice from the Victim's point of view
- ii. This is the high time for abolishing Death Penalty as India is a member of United Nations which is very much against of Death Penalty.
- iii. Legislature has to make laws on the rights of Victims
- iv. Judiciary has to encourage Restorative Justice System
- v. Awareness of Restorative Justice is very much required.