

**WITHDRAWAL FROM PROSECUTION AND
VICTIM RIGHTS: A COMPARATIVE STUDY
OF INDIA, USA AND UK**

**Abstract of
Thesis**

**SUBMITTED TO THE
BABASAHEB BHIMRAO AMBEDKAR UNIVERSITY
LUCKNOW**

**BABASAHEB
BHIMRAO
AMBEDKAR
UNIVERSITY**



•LUCKNOW•
प्रज्ञा शील करुणा
ESTABLISHED 1996

FOR AWARD OF THE DEGREE OF

Doctor of Philosophy

**IN
LAW**

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2016

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Abstract

Part I

Crime in civilised society is steadily increasing and more severe in nature affecting individual and society at large. Some of the offences are committed in organised way by the group of offender. The group may be a gang of dacoit or drug peddler or on the other hand some time a political parties grouped for a particular motive cause violence and destroy private and public property in large bases. Violence happening during political protest is deemed to to be the inseparable part of the political movement and these violence are forgivable on certain footing. Politically motivated act which comes in the category of defined crime are not separable in Indian Criminal Law. In democratic country like India peaceful and unarmed assembly is a fundamental right. Any citizen may protest in this way. But now a days violent political protests have created severe violence to achieve political motives. Political parties, after grabbing power, in several instances applied for withdrawal of prosecution of their fellow party workers. It is serious matter with regard to the rule of law and right to equality , life and liberty. For the release of members of Verappen gang and in the matter of kidnapping of PDP leader Mehbooba Mufti, criminals in ransom demanded release of undertrial terrorists. The government fell in controversy of maintenance of law and order and victims right and also the duties of citizen. In arising and under saturated democratic country, there should be a mechanism and legal setup to protect victim interest. Compensation is not the only recourse to victim but justice should be done in all respect.

The prime function of the state is to maintain law and order, peace and prosecuting an offender. V.N. Rajan in his book titled “Victimology in India” has written “ the theory of state is complex of ruler and ruled, politically conceived, territorially organised, seeking by the conferment of power on the

ruler the effective maximization of the individual and social welfare of the ruled. The state achieve the purpose through enactment and promulgation of laws and it enforces obedience to the laws by the exercise of power. If the intended result cannot be produced in respect of any law, the state has to assume responsibility for the loss, pain or damage caused to any law abiding citizen by someone disobedience of the law. It is the victims' rights to place a claim the state for its failure to protect himself."

During the ancient period, the criminal justice system was "victim-centric", Crimes were often investigated and prosecuted by individual victims. In the 19th and early 20th centuries, the focus shifted to the crime as "social harm." The criminal justice system came to be seen as a tool for remedying this social harm, rather than as avenue for redress of personal harm. The role of the victim in criminal proceedings was drastically reduced thereafter.

The present research is exploration of criminal justice systems of the USA and UK and comparing it with the India. Researcher has cautiously taken thwo states *v.i.* USA a well established protector of individual's constitutional rights with definite legislation whereas UK is known for common law sans definite constitutional law.

The modern Crime Victims' Rights Movement began in the 1970s in the USA. In 1973 U.S. Supreme Court Decision in *Linda R.S. v. Richard D.*¹ court expressed about position of victims' rights in sense that a private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another." In precedence, in the *Leeke v. Timmerman*,² the Supreme Court affirmed the ratio of *Linda R. S. v. Richard D.*, removing the right to private prosecution in federal court. The decision to prosecute is solely within the prosecutor's discretion. Linda R.S. ruling clearly excluded the representation of problem of victim and hinted at a solution to the problem. Indirectly the Court provided a legal foundation for victims' rights legislation.

¹ 410 U.S. 614

² 454 US 83(1981)

On the basis of President Ronald Reagan's Task Force in 1982, on Victims of Crime, the Victim and Witness Protection Act 1982 was passed. In 1984, the Victims of Crime Act and the Violence Against Women Act were passed. In 2004, the landmark Crime Victims' Rights Act 2004(CVRA) was passed, securing crime victims eight specific rights; right to notification, right not to be excluded from proceedings, right to speak at criminal justice proceedings, right to be treated with fairness, and respect for the victims' dignity and privacy. Meanwhile in 1985, the U.N. adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

Council of Europe has produced **European Convention on the Compensation of Victim of Violent Crime 1983** (enforced on 1 June 1990) and a guide line recommendation on the Position of the Victim in the Framework of Criminal Law and Procedure 1985(council of Europe Recommendation No. R(85)11 of the committee of minister to members states).

In 2006 UN Draft Convention on Justice and Support for Victims of Crime and Abuse of Power is adopted by United Nation in consequence on Declaration of the Rights of the Victim of Crime and Abuse of Power 1985. But this convention is still to be signed and adopted by the member states.

In 2001, in a report prepared by the Home Department of the Government of the United Kingdom on "Criminal Justice: The Way Ahead" found " that many victims felt that the rights of the accused of a crime take precedence over theirs in criminal proceeding " during the long proceedings of investigation and trial, victims are not kept properly informed or provided with a sense of security. Report clearly indicate the victim concern for proper treatment in the criminal justice.

Declaration of Basic Principle of Justice for Victims of Crime and abuse of Power 1985 makes provision for the participation of victims in criminal justice with dignity and priority.

Statement of Problem

But contemporary criminal justice is accused oriented. Prime functionary of prosecution is state on behalf of victims, investigate and put to

trial by public prosecutor in the court. The present document suggests the member countries for change their criminal laws for making it more victim oriented. But the document has no binding force because of certain covenant on these issues. In United Kingdom 'Victim Rights' have been recognised which have had little impact due to lack of legislative framework. There is also no specific legislation specifically related to the victim rights in criminal justice system in India.

Public prosecutor *suo-moto* or on executive request applies for withdrawal of prosecution in event of paucity of evidence or unreasonable delay which suppress justice.

Right to fair trial for an accused is a basic right which includes that of victim also. Withdrawal from prosecution violates such victim's fundamental and Human Rights of equality and dignity.

Arbitrary request of executive to withdraw from prosecution lead to violation of fundamental right of victim to life and right to equality enshrined in the constitution of India.

The government of India has not even decided the policy, statute for the victim compensation and assistance in accordance with the international norm.

On many instances, government has withdrawn prosecution in political crimes without being inquired and submitted it to public Prosecutor.

Despite amendment in Criminal Procedure Code 1973 by inserting section 25A, Act 25 of 2005, many states have not established directorate of prosecution. Section 25A ensure appointment and functioning of public prosecutor, independent of the state authority so far as possible.

Hypothesis

- 1- Arbitrary concern of public interest regarding withdrawal from prosecution is against principle of criminal justice system and good governance
- 2- Public prosecutor is appointed by and in direct command of the executive

- 3- There is lack of specific law in respect of victim active participation in criminal proceeding in India.
- 4- Victims 'Right To Fair Trial' 'Right to Participate in proceeding' in withdrawal from prosecution is not recognized in Indian criminal law
- 5- Most of the cases for withdrawal are of political nature and involves crimes of serious nature like murder, assault and destruction of public and private property by political groups

Research Methodology

The proposed study is mainly based on the doctrinal approach. In addition descriptive, explanatory and analytical research method is also applied in accordance with the objective and hypothesis of the study. Regarding the analysis of the legal provisions and judicial decisions the method would be analytical.

The information is gathered using primary and secondary source of data. Primary source includes government publications and secondary source includes law journals, earlier research, mass media reports, internet and magazine and other similar good source of data.

Part II

In Chapter I Introduction, researcher introduced research work and outlined research problem , hypothesis, research methodology and hypothetical testing. Brief of the chapters is also included in this chapter.

In Chapter II Victim Rights in International and National Scenario, researcher discussed definition of victim, types of victim proposed by various jurist. United Nation's documents e.g. provision contained in United Nation Declaration on Basic Principle of Victim of Crime and Abuse of Power 1985 and Draft Convention on Victim of Crime and Abuse of Power 2006 are discussed in detail in four key areas:

- i) victim being treated with dignity and respect;
- ii) victim having information about legal processes concerning them;
- iii) measures to ensure equal access to those processes for victim; and

iv) victim's protection from reprisals. It is recognised that criminal justice processes should be empowering to victims; their voices should be heard in such processes, not only as witnesses for the prosecution, but as rights holders with valid interests in the proceedings and their outcome.

Development of Victim rights in USA began in 1973 U.S. Supreme Court Decision in *Linda R.S. v. Richard D.* 410 U.S. 614 in which court expressed about position of victims' rights. In 2004, the landmark Crime Victims' Rights Act 2004 (CVRA) was passed, securing crime victims eight specific rights; right to notification, right not to be excluded from proceedings, right to speak at criminal justice proceedings, right to be treated with fairness, and respect for the victims' dignity and privacy. Consequently Rights of the Victim of Crime was added in the section 3771 in Title 18 Part II Chapter 237(Federal Crimes and Criminal Procedure). Some other legislation e.g. The Victims and Witnesses Protection Act, 1982 of the U.S.A., The Victims Rights and Restitution Act, 1999 of U.S.A. are also discussed.

Criminal Injuries Compensation Act, 1995 of the United Kingdom, The Victims of Crime Assistance Act, 1996 provides compensational right to the victim. Code of Practice for Victims of Crime 2013 provides definition of victim, rights of victims, mechanism for victim compensation and assistance in detail. On 29 June 2011, the Court of Appeal gave a decision in *R v Christopher Killick* [2011] EWCA Crim 1608 the Court considered in detail the right of a victim of crime to seek a review of a CPS decision not to prosecute and concluded in clear terms that, a victim has a right to seek a review.

Compensational jurisprudence in Indian Criminal Procedure Code 1973 is given in section 357. This section empowers the court to provide monetary compensation to the victim in certain cases. Whereas other rights of the victim is given in sections 154(3), 301(2), 372, 406, 439 of the code of Criminal Procedure and definition of victim is inserted in section 2(wa). The Justice Malimath Committee report 2003 and on criminal justice reform and 198th Law

Commission report on Witness Protection and Witness Protection Programs 2006 recommended for the justice to victim.

In Chapter III titled Criminal Justice System in India, USA and UK specifically deals with provisions related to the criminal procedure in investigation, trial of an accused and setup of judiciary and power, selection and appointment of judges and prosecutor. Various provisions regarding criminal procedure is being discussed in detail wherever it was required with case law. Provisions of the **United Nations Guideline on Role of Prosecutor 1990** is discussed with detail to understand the role of prosecutor in the criminal justice system.

Prosecutor which generally called District Attorney in the USA is an elected or appointed official and is the highest officeholder in the legal department of the jurisdiction. District attorneys may be appointed by the chief executive of the jurisdiction or elected by the voters of the jurisdiction. In the USA, prosecutor have wider power to initiate or withdraw proceeding before trial.

The Crown Prosecution Service(CPS) is responsible for prosecuting criminal cases investigated by the police in England and Wales. It is headed by the Director of Public Prosecutions (DPP). The attorney are selected and appointed on regular basis by the government. Its main responsibilities are to provide legal advice to the police and other investigative agencies during the course of criminal investigations and to decide whether a suspect should be charge sheeted following an investigation or withdrawn from prosecution.

In India, criminal justice administration is divided in investigation, prosecution and trial court. Investigation agency is primarily in state domain. Unlike investigation agency, prosecution officer is appointed and function under state direction but is responsible towards the court for fair and independent trial whether in trial court or in High Court. Being an officer of the court public prosecutor is believed to represent public interest and seek conviction of an accused in either instance whether accused is found to be innocent. Public prosecutor is appointed by the central or state government.

Though public prosecutor is appointee of the government, public prosecutor has responsible duties toward true and fair justice. In that case prosecution may apply to court for withdrawal from prosecution if accused is found to be innocent or there is lack of evidence or on government direction in public interest it become necessary. The nature of office of public prosecutor is sometime become doubtful.

In Chapter IV Comparative Study of the Provisions of Withdrawal of Prosecution in India, USA and UK, researcher explored the specific provision of withdrawal from prosecution in the USA and UK and compared it with provision contained in Code of Criminal Procedure of India. To concise the study researcher has not covered all the provisions of criminal procedure applicable and enacted in all the states of the United States of America and territories of Scotland, Ireland, Wales and England of the United Kingdom. But few details are incorporated in the study. While examining, researcher found that provision of withdrawal of cases is different in USA where District Attorney have unfettered power to withdraw case before the trial begins. In UK, power of withdrawal of cases rest in police as well as prosecutor, whereas in the USA prosecutor have unfettered with regard to the prosecution. Position of prosecutor in India is very much different. Public Prosecutor is appointee of the respective government, state or central government. Power of withdrawal of cases rest in prosecutor, but its status is doubtful which was discussed in various judgments by the High Courts and Apex Court make it conspicuous that though prosecutor is uncontrolled to prosecute, withdraw cases in the interest of justice but some times controlled by the executive, a default master. Government may direct prosecutor in public interest to withdraw cases. In this situation role of judiciary and prosecutor become crucial. Researcher has also discussed all these provisions in the light of cases of Abdul Karim case, Sheonandan Paswan v. State of Bihar AIR 1987SCC(1)288 case, and PIL by Ms. Ranjana Agnihotri and others[P.I.L.] v. Union Of India Through Secy. Ministry of Home Affairs & others MISC. BENCH No. - 4683 of 2013.

In Chapter V Effect of Withdrawal of Prosecution on Victim Rights In Socio-Political Context, various cases of withdrawal from prosecution cases in India and its impact on society is discussed with facts of the case with the help of news reporting article published in various newspaper and magazine. The chapter includes the detail study of release of terrorist in Rubina Sayeed kidnapping case, withdrawal of TMC members in the West Bengal, U.P. government order to withdraw cases against the accused of terrorism. Recent development of Aam Admi Party government's decision to withdraw cases pending before various courts against Chief Minister Mr. Arvind Kejariwal, Deputy CM Mr. Manish Sishodia, Tourism Minister Mr. Kapil Mishra etc are included in the thesis to study political event and their effect on society thereof.

In Chapter VI Conclusion and Suggestions, the thesis is concluded with researcher remark. Arbitrary concern of public interest regarding withdrawal from prosecution is against principle of criminal justice system and good governance is partially true in the sense that objective of the criminal justice is achieve maintenance of law and order in society by reducing criminality and prosecuting offender efficiently. Governance is the process of decision-making and the process by which decisions are implemented. Criminal justice is also a major part of the good governance. Formulation of litigation policy and policy for victim support is concern of governance. While comparing criminal justice system of India with USA and UK researcher found that there is lacuna in the criminal procedure code regarding the victim active participation in trial process. And on the other hand arbitrary withdrawal of cases on the basis of caste, community and political affinity create discomfort among people and indirectly embolden criminals.

Public prosecutor is appointed by and in direct command of the executive is partially found true while thoroughly examining the provisions of criminal procedure and specific law related to the public prosecutor in USA and UK and comparing it with India. Public prosecutor in USA and in UK have wide discretion in dealing with cases. Prosecutor may discontinue case before the trial process. Prosecutor suggest and direct investigation in all

respect and direct proper collection of the evidences for successful trial. Prosecutor always remain in touch with the victim. Selection, appointment and command of prosecutor in USA is separate and independent comparing to the Indian counterpart. There is separate department of prosecution in USA and in UK, independently working. In India, after the 2008 amendment in the criminal procedure Code Directorate of Prosecutor is to be established but very few states have established directorate of prosecution as per the amendment.

In Indian context no specific Act has been enacted in consistent with the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power(1985) although victim rights to be heard in case of grant of bail to the accused are found in the Code of Criminal Procedure 1973 but all depend upon prosecutor. Victim right to compensation and legal aid is limited to victim of trafficking in human being or beggar, victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster under the provision of section 12 of the Legal Aid Services Authority Act 1987. But they are found to be insufficient.

Victims 'Right To Fair Trial' 'Right to Participate in proceeding' in withdrawal from prosecution is not recognised in Indian criminal law. In case of withdrawal only recourse left to the victim is to appeal higher court on it own motion with their recourses.

Most of the cases for withdrawal are of political appeasement or fulfilling the political agenda. Withdrawal of cases in grievous offences murder, assault and destruction of public and private property have down lined the Rule of Law and unrest among people.

Suggestions

- 1- Separate comprehensive Legal Code for Victim Rights is urgently required.
- 2- Establishment of "Victim Assistance and Compensation Authority" is dire necessity.

- 3- It is suggested that insurance sector should be involved for effective realization of compensation, restitution, and reparation policy to victims of crimes.
- 4- The government should involve the insurance sector to compensate victim of crime to ease government exchequer.
- 5- The victim need to be compensated at the earliest. Schemes should be adequately enacted so that victims of certain crimes like rape, mass violence get prompt compensation and assistance.
- 6- Rights and duties of the victim should be incorporated in separate Schedules to the Code of Criminal Procedure.
- 7- There is an urgent need to establish "Compensation to the Victim's of Crime Authority."
- 8- Prosecution Directorate should be separated from the executive and recruitment and appointment of the Prosecutor should be entrusted in these Directorate to fulfill independence of Prosecutor.
- 9- The victim shall have a right to prefer an appeal against withdrawal of cases and investigative and prosecution agency should provide adequate assistance to proceed in appeal.
- 10- Inquisitorial System should be adopted for the trial of Heinous Offences (offence related to spreading enmity among community, sedition, rape, murder, dacoity, robbery etc).
- 11- Jury system should be introduced in India in all cases of withdrawal from prosecution.

BIBLIOGRAPHY

Acts

1. Constitution of India
2. Constitution of USA
3. Code of Criminal Procedure 1973
4. Indian Penal Code 1862
5. The West Bengal Correctional Services Act, 1992
6. Title 18-Crimes and Criminal Procedure(USA)
7. Victim of Crime Act(USA)
8. Title 42(The Public Health and Welfare)-Chapter 112, Victim Compensation and Assistance (USA)
9. The Extradition Act 1962
10. Criminal Justice Act 2003(UK)
11. Police and Criminal Evidence Act 1984(UK)
12. Prosecution of Offences Act 1985(UK)
13. The Criminal Procedure Rules and Practice Direction 2014(UK)
14. Victims (Bill of Rights) Bill 2015 (UK)
15. Code for Crown Prosecutor(UK)

Articles

1. Denielle Levine, “Public Wrong and Private Rights: Limiting the Victim’s Role in a System of Public Prosecution”, Northwestern University School of Law, Northwestern University Law Review Vol.

104, No. 1, 2010

2. Chakravarty, N.K., “Victim Assistance and Compensations to Crime Victims under Indian Criminal Justice System”, *Criminal Law Journal*, Vol. 105, 1999.
3. Justice Goyal, K. N., “About Lawyer and Judges in America”, *IJTRI*, 12 September 2015
4. Carolyn B. Ramsey, “The Discretionary Power of “Public” Prosecutors in Historical Perspective”, *American Criminal Law Review*. 1309, 1324–25 (2002)
5. Dr. Marlene Young and John Stein, “The History of the Crime Victims’ Movement in the United States”, 2004
6. Choudhary, Baidyanath, “Victims’ Rights against Terrorism and the Administration of Criminal Justice”, *Criminal Law Journal*, Vol. 108, March 2002.
7. S. Murlidhan, “Rights of Victims In Indian Criminal Justice System”, *National Human Rights Commission*, 2004
8. Juan Cardenas, “The Crime Victim in the Prosecutorial Process”, *Harverd Journal of Law and Public Policy* 357, 371 (1986)
9. Vasily A. Vlasihin, “The Prosecutor in American Criminal Procedure: Observations of a Foreign Student”, *12 Loy. L.A. L. Rev.* 833 (1979).

10. Joenne Tucker , “The Grassroots Beginning of the Victims’ Rights Movement” ,
11. Dr. K.N. Chandrasekhran Pillai, “Public Prosecution in India”, ILI, New Delhi
12. Ghosh, Sree Priyabrata, “New Dimensions of Indian Criminal Jurisprudence” , Criminal Law Journal, Vol. 105, June 1999.
13. Nicholas C. Katsoris, “Article 9 The European Convention on the Compensation of Victims of Violent Crimes: A Decade of Frustration”, Fordham International Law Journal Volume 14, Issue 1 1990
14. C. Lombross, L. Vommo “Delinquency,” Milan Heopte, 1876
15. James F. Holderman, Charles B. Redfern “Preindictment Prosecutorial Conduct in the Federal System Revisited”, The Journal of Criminal Law and Criminology (1973-), Vol. 96, No. 2 (Winter, 2006), pp. 527-577
16. Boven Theo Von, “The United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law”
17. A. T. H. Smith “Immunity from Prosecution” The Cambridge Law Journal, Vol. 42, No. 2 (Nov., 1983), pp. 299-327
18. Pendleton Howard “Criminal Prosecution in England.

- II. Public Prosecutions”, Columbia Law Review, Vol. 30, No. 1 1930
19. “Federal Criminal Procedure: Withdrawal of Guilty Pleas” The University of Chicago Law Review, Vol. 22, No. 3, 1955
20. Irving R. Kaufman , “Criminal Procedure in England and the United States: Comparison in Initiating Prosecution”, Fordham Law Review, Vol.69 Issue 1Art.1
21. Patrik Barkham, “Stephen Lawrence Case Q and A”, The Guardian, 23/ February 1999, accessed from www.theguardian.com
22. Kirke D. Weaver,”A Change of Heart or a Change of Law - Withdrawing a Guilty Plea under Federal Rule of Criminal Procedure 32(e)”, Journal of Law and Criminology, Vol.92 Issue 2
23. Daniel K. Mayers and Fletcher L. Yarbrough, “Bis Vexari: New Trials and Successive Prosecutions”, Harvard Law Review, Vol. 74, No. 1 (Nov., 1960), pp. 1-43
24. Philip B. Kurland, D. W. M. Waters “Public Prosecutions in England, 1854-79: An Essay in English Legislative History” Duke Law Journal, Vol. 1959, No. 4 (Autumn, 1959), pp. 493-562
25. Peter Krug “Prosecutorial Discretion and Its Limits” The American Journal of Comparative Law, Vol. 50, Supplement: American Law in a Time of Global

Interdependence: U. S. National Reports to the 16th International Congress of Comparative Law (Autumn, 2002), pp. 643-664

26. Status of the Law: Right to Restitution, Office for Victims of Crime Archive (Nov.2002),

27. Kamlasabayson K. C., Attorney General, “Balancing Rights of the Accused with Rights of the Victim”

28. Paul C. Friday and Gerd Ferdinand Kirchhoff ed. “Victimology at the Transition From the 20th to the 21st Century.”

29. Michael L. Principe, Albert Venn Dicey and the Principles of the Rule of Law: Is Justice Blind? A Comparative Analysis of the United States and Great Britain, 22 Loy.L.A. Int'l & Comp. L. Rev. 357 (2000).

30. Nambnath, “Veerappan as Robinhood”, The Hindu 20/11/2004

31. Dhavan Rajeev, “Veerappan’s Rules, OK”, The Hindu 08/09/2000

32. Ranjit Sur, “West Bengal Movement For Release of Political Prisoners” countercurrents, 04/07/2011

Books

1. V.R. Krishna Iyer, “Access to Justice: A Case of Basic Change”, BR Publishing Corporation, 1991

2. S.Malik and Sudeep Malik, “Supreme Court on Criminal Procedure Code and Criminal Trial”,

LexisNexis Butterworth, 2011

3. Craig Hemmens, David C. Broody, Cassia C. Spohn, "Criminal Courts: A Contemporary perspective", SAGE Pub., New Delhi
4. Ratanlal and Dhirajlal, "The Code of Criminal Procedure", LexisNexis Butterworth, 2010
5. Princep's Commentary On Code of Criminal Procedure 1973
6. Andrews, J.A. ed. "Human Rights in Criminal Procedure: A Comparative Study" , The Hague; Boston: M. Nijhoff; Kluwer, 1982.
7. Cole, George F., Frankowski, Stanislaw J., & Gertz, Marc G. eds. "Major Criminal Justice Systems: A Comparative Survey", 2d ed., Newbury Park, CA: Sage Publications, 1987.
8. Dammer, Harry R. & Fairchild, Erika. "Comparative Criminal Justice Systems", 3d ed., Belmont, CA: Wadsworth/Thomson Learning, 2006.
9. Davies, Malcolm. "Comparative Criminal Law and Enforcement: England and Wales," 1 Encyclopedia of Crime and Justice", Joshua Dressler ed., 2d ed., New York: Macmillan Reference USA, 2002.
10. Garland, D. "the Culture of Control: Crime and Social Order in Contemporary Society", Xford University press, Oxford, 2001
11. Glidewell, I. " The Review of the Crown Prosecution

- Service”, The Stationary Office, London, 1998
12. Giddens, A. “ Central Problems in Social Theory”, Macmillan, London, 1979
 13. Giddens, A. “ Beyond Left and Right: The Future of Radical Politics”, Polity, Oxford, 1994
 14. Mary C. Shengstok “Culpable Victim in Mendelshon’s Theory”, Wayne University. Paper presented at the 1976 Annual Meeting of the Midwest Sociological Society, April 21-24, 1976, at St. Louis, MO.
 15. Hans Von Henting, “The Criminal and his Victim: Studies in Socio-biology of Crime”, New Haven: Yale University Press, 1948
 16. Wolfgang Marvin Eugene, “Pattern in Criminal Homicide”, Patterson Smith, 1958
 17. Schafer Stephen, “The Victim and His Criminal: A Study in Functional Responsibility”, Random House, 1968
 18. Paylee M.V. “Constitution of the World”, EBC. Ed.2003
 19. Vera Bergelson., “Victims' Rights and Victims' Wrongs: Comparative Liability in Criminal Law”, Stanford Law Books.
 20. Kishore Prasad. “Problems and Solutions on Criminal Law”, , Universal Law Publishing; Second edition ,2012

21. D.D. Basu . “Comparative Constitutional Law”, Lexis Nexis 3rd Ed. 2014
22. Vibhute, K.I., “Criminal Justice: A Human Rights Perspective of Criminal Justice Process in India”, First Edition, Eastern Book Co, Lucknow, 2004.
23. Ezzat A. Fattah, “Understanding Criminal Victimization. An Introduction to Theoretical Victimology”, Scarborough, Ontario: Prentice-Hall Canada 1991
24. George Cole, Christopher Smith, “Criminal Justice in America”, Cengage Learning, 2007
25. Marshall Croody and Bill Hyes , “Criminal Justice in America”, Constitutional Rights Foundation, Los Angles , California, 5th Edition, 2012
26. “Criminal Justice and the Victim McDonald,” W.F. (Ed.) Beverly Hills : Sage Publications Inc. , 1976
27. “Victimless Crimes”, Schur, E.M.; Bedau, H.A. New Jersey : Prentice Hall Inc. , 1974

Documents

1. UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power(1985)
2. Draft UN Convention on Justice and Support for Victims of Crime and Abuse of Power 2006
3. European Convention on the Compensation of Victim of Violent Crime(1983)
4. ECOSOC Resolution 2002/12 “Basic principles on

the use of restorative justice programmes in criminal matters”

5. ECOSOC Resolution 2005/20 “Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime”
6. ECOSOC Resolution 2006/20 “United Nations standards and norms in crime prevention” accessed from
7. Victims (Bill of Rights) Bill 2014-15 (HC Bill 181)
8. President’s Task Force on Victims of Crime: Final Report
9. The Uttar Pradesh Victim Compensation Scheme 2014
10. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA
11. Explanatory Working Paper Related to the Implementation of Directive 2012/29/EU Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime
12. “U.N. Guide for Policy Makers on the implementation of UN Declaration on Justice and Support for Victims of Crime and Abuse of Power 2006”
13. The Gazette of India, Extra Ordinary, Part II,

Section I, No. 5, 9 January 2009

14. Guidelines on the Role of Prosecutors Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of offenders, Havana, Cuba, 27 August to 7 September 1990

Reports

1. Malimath Committee Report 2003
2. 198th Law Commission Report 2006
3. 230th Law Commission Report (2009)
4. 41st Law Commission Report (1969)
5. Glidewell report 1996 (UK)
6. Royal Commission on Criminal Justice 1993(UK)
7. Justice Robin Auld Report 2001(UK)
8. White Paper Justice for All 2002(UK)

Website

1. <http://www.un.org>
2. <http://doj.gov.in>
3. <http://www.cps.gov.uk>
4. <http://www.hse.gov.uk>
5. <http://governancenow.com>
6. <http://www.law.northwestern.edu>
7. <http://papers.ssrn.com>
8. <http://lawreview.byu.edu>

9. <http://lclark.edu>
10. <http://ncjrs.gov>
11. <http://www.lawmin.nic.in>
12. <http://thehindu.com>
13. <http://ibnlive.com>
14. <http://www.indialawsite.com>
15. <http://www.vakilno1.com>
16. <http://www.goidirectory.nic.in>
17. <http://www.law.northwestern.edu>
18. <http://www.legalserviceindia.com>
19. <http://www.jstor.org>
20. <http://www.lawmin.nic.in>
21. <http://www.lawyersclubindia.com>
22. <http://www.indialawsite.com>
23. <https://pennstatelaw.psu.edu>
24. <http://www.ijtri.nic.in>
25. <http://iipdigital.usembassy.gov>
26. <http://digitalcommons.lmu.edu>
27. <http://www.democracy-asia.org>
28. <http://www.jpg.net.in>