

## **Marred but not broken: A Critical Review of the Socio-economic and Cultural Rights of Victims of Sexual Offences from Victimological Perspective**

**Riya Ray<sup>1</sup>**

### **Abstract**

*The Indian Criminal Justice system is based on an adversarial British model of justice dispensation which emphasizes on the punishment of the offender. The state takes charge of the case on behalf of the victim and the role of the victim in our criminal justice system is diminished to that of a mere witness in the trial. Victims of sexual offences face insurmountable impediments during investigation and prosecution of crimes. While legal systems increasingly acknowledge the egregious nature of sexual violence, the practical realization of victims' rights to recovery, reintegration, and cultural respect remains inconsistently applied. From lodging of the FIR to the final disposal to the case, nothing comes in the way of the victim. The police, prosecution and other informal agencies fail to provide the necessary succour to the victims. Their social rights including fair treatment, rehabilitation and assistance throughout the legal process and the right to protection of their privacy and safety are forsaken which compounds their suffering and mental trauma thus degrading their quality of life and leaving them in a pitiable state of vulnerability. In this chapter, the researcher focuses on fortification of the socio-economic and cultural rights of the victims so that they receive the highest sanctity of the law and there is an overarching obligation on the state to uphold and honour the same. It aims to highlight pathways for policy and practice reforms that can genuinely restore dignity and agency to survivors, thereby fostering environments where their rights are not merely recognized but fully realized.*

**Keywords:** victim, sexual offence, socio-economic, cultural rights

### **I. Introduction**

Crimes against women in general and rape in particular is on the increase. It is an irony that while we are celebrating woman's rights in all spheres, we show

---

<sup>1</sup> Assistant Professor in Law, Government Centre of Legal Education, University of Burdwan, West Bengal, India.

little or no concern for her honour. It is a sad reflection on the attitude of indifference of the society towards the violation of human dignity of the victims of sex crimes. Sexual violence apart from being a dehumanising act is an unlawful intrusion of the right to privacy and sanctity of a female. It is a serious blow to her supreme honour and offends her self-esteem and dignity-it degrades and humiliates the victim and where the victim is a helpless innocent child, it leaves behind a traumatic experience. A rapist not only violates the victim's privacy and personal integrity, but inevitably causes serious psychological as well as physical harm in the process. Rape is not merely a physical assault -- it is often destructive of the whole personality of the victim. A murderer destroys the physical body of his victim; a rapist degrades the very soul of the helpless female. The courts, therefore, shoulder a great responsibility while trying an accused person on charges of rape. They must deal with such cases with utmost sensitivity. In *Bodhisattwa Gautam v. Subhra Chakraborty*<sup>2</sup> it was observed by this Court that rape is not only a crime against the person of a woman (victim), it is a crime against the entire society. It destroys the entire psychology of a woman and pushes her into deep emotional crisis. It is only by her sheer will-power that she rehabilitates herself in the society which, on coming to know of the rape, looks down upon her in derision and contempt. Rape is, therefore, the most hated crime. It is a crime against basic human rights and is also violative of the victim's most cherished of the Fundamental Rights, namely, the Right to Life contained in Article 21 of the Constitution of India.

The right to bodily integrity was initially recognized in the context of privacy in *State of Maharashtra v. Madhukar Narayan Mardikar*<sup>3</sup> wherein it was observed that no one has any right to violate the person of anyone else, including that of an 'unchaste' woman. Even a woman of easy virtue is entitled to privacy and no one can invade her privacy as and when he likes. So also, it is not open to any and every person to violate her person as and when he wishes. She is entitled to protect her person if there is an attempt to violate it against her wish. She is equally entitled to the protection of law.

Women and girls with different disabilities face a high risk of sexual violence. Those with physical disabilities may find it more difficult to escape from violent

---

<sup>2</sup>(1996) 1 SCC 490.

<sup>3</sup>(1991) 1 SCC 57.

situations due to limited mobility. Those who are deaf or hard of hearing may not be able to call for help or easily communicate abuse, or may be more vulnerable to attacks simply due to the lack of ability to hear their surroundings. Women and girls with disabilities, particularly intellectual or psychosocial disabilities, may not know that non-consensual sexual acts are a crime and should be reported because of the lack of accessible information. As a result, they often do not get the support they need at every stage of the justice process like reporting the abuse to police, getting appropriate medical care, and navigating the court system.

The Protection of Human Rights Act, 1993 defines "human rights" in Section 2(d) as meaning the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in international covenants and enforceable by courts in India. There can be no doubt that if the body of a woman is ravished against her will or without her consent or if a girl child is forced by her husband into sexual intercourse against her will or without her consent, it would amount to a violation of her human right to liberty or her dignity guaranteed by the Constitution or at least embodied in international conventions accepted by India such as the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women (the CEDAW). In this context, the socio-economic and cultural rights of victims of sexual offences demand critical scholarly attention, particularly when examined through the lens of victimology.

## **II. Victimology and Victims of Sexual Offences**

Victimology, as a distinct field of study, has shifted the focus of criminological inquiry from offender-centric explanations to a more balanced understanding that incorporates the experiences, vulnerabilities, and entitlements of victims. Early victimological theories sought to classify victims and analyse patterns of victimisation, sometimes controversially engaging with notions such as victim precipitation. Over time, however, the discipline evolved toward a rights-based and victim-centric framework, influenced by developments in human rights law, feminist criminology, and restorative justice. This transformation underscored that victims are not passive participants in criminal proceedings but individuals entitled to dignity, protection, participation, and redress.

Sexual offences present a particularly compelling context for this analysis because the consequences of such crimes often extend far beyond immediate

physical injury. Survivors frequently confront long-term psychological trauma, social stigma, disrupted education or employment, financial instability, and cultural alienation. The impact may be exacerbated by societal attitudes that perpetuate victim-blaming, silence, and marginalisation. Thus, the harm inflicted is both individual and structural, embedded within broader socio-economic inequalities and cultural norms. Addressing these dimensions require moving beyond a narrow conception of criminal justice to incorporate social justice considerations.

Socio-economic rights, including access to healthcare, psychological counselling, compensation, rehabilitation, shelter, education, and livelihood support, are essential to restoring a survivor's sense of security and agency. Without adequate institutional support, victims may suffer secondary victimisation, where systemic neglect or procedural insensitivity compounds the original trauma. Similarly, cultural rights such as respect for identity, community belonging, privacy, and freedom from discriminatory practices play a vital role in the survivor's recovery and reintegration. The denial or erosion of these rights may perpetuate exclusion and deepen inequalities, particularly for victims from marginalised communities.

In India, legislative and judicial developments have increasingly acknowledged the necessity of victim-centric protections in cases of sexual violence. The reforms in substantive and procedural criminal law have sought to strengthen safeguards relating to medical care, confidentiality, compensation, speedy trials, and dignity of the victim survivor. Nevertheless, persistent gaps remain between normative guarantees and lived realities. Challenges in implementation, socio-cultural barriers, inadequate support structures, and disparities in access continue to hinder the effective realisation of victims' rights. These tensions highlight the need for a critical and interdisciplinary review.

This research article undertakes a critical examination of the socio-economic and cultural rights of victims of sexual offences from a victimological perspective. It seeks to analyse how legal frameworks conceptualise victim rights, assess the adequacy of existing protections, and explore the socio-cultural dynamics that shape victim experiences. By situating the discussion at the intersection of criminal law, human rights, and victimology, the study aims to illuminate the extent to which justice systems respond to the holistic needs of survivors. Ultimately, the inquiry aspires to contribute to a more humane, inclusive, and

restorative understanding of justice - one that recognises that the true measure of a legal system lies not only in punishing offenders but also in protecting, empowering, and restoring victims.

### **III. Recognising Victims' Rights in India**

The principles of victimology have its foundations in Indian constitutional jurisprudence. The provision on Fundamental Rights (Part III) and Directive Principles of State Policy (Part IV) form the bulwark for a new social order in which social and economic justice would blossom in the national life of the country. Article 41 of the Constitution of India mandates inter alia that the State shall make effective provisions for "securing the right to public assistance in cases of disablement and in other cases of undeserved want." So also, Article 51A makes it a fundamental duty of every Indian citizen, inter alia 'to have compassion for living creatures' and to 'develop humanism'. If emphatically interpreted and imaginatively expanded these provisions can form the constitutional underpinnings for victimology. Until recently, criminal law had been viewed on a dimensional plane wherein the Courts were required to adjudicate between the accused and the state. The 'victim'-the de facto sufferer of a crime had no participation in the adjudicatory process and was made to sit outside the Court as a mute spectator. However, with the recognition that the ethos of criminal justice dispensation to prevent and punish 'crime' had surreptitiously turned its back on the 'victim', the jurisprudence with respect to the rights of victims to be heard and to participate in criminal proceedings began to positively evolve. Victims certainly cannot be expected to be sitting on the fence and watching the proceedings from afar, especially when they may have legitimate grievances. It is the solemn duty of a court to deliver justice before the memory of injustice eclipses. A 'victim' cannot be asked to await the commencement of trial for asserting his/her right to participate in the proceedings. He/ she has a legally vested right to be heard at every step post the occurrence of an offence. It cannot be gainsaid that the right of a victim under the amended penal laws are substantive, enforceable, and are another facet of human rights. The victim's right, therefore, cannot be termed or construed restrictively like a *brutum fulmen*. The rights of a victim are totally independent, incomparable, and are not accessory or auxiliary to those of the State under the procedural laws.

The rights of victims, and indeed victimology, is an evolving jurisprudence and it is more than appropriate to move forward in a positive direction, rather than stand still or worse, take a step backward. A voice has been given to victims of crime by Parliament and the judiciary and that voice needs to be heard, and if not already heard, it needs to be raised to a higher decibel so that it is clearly heard.

### **Legal Rights of Rape Victims**

#### **Mandatory registration of FIR**

The First Information Report popularly known as FIR is a report prepared by the officer in charge of a police station on the basis of information conveyed to him either verbally or in written form by any person having information regarding the commission of a cognizable offence. Since this report contains information that is first in point of time, it is known as the First Information Report. The FIR is a very important document because it sets the criminal machinery into action and on the strength of which investigation into the offence is commenced. The law relating to the registration of an FIR is contained in Section 173 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which is the procedural law relating to crimes in our country. Under the Bharatiya Nagarik Suraksha Sanhita (BNSS), any information disclosing the commission of a cognizable offence must be mandatorily recorded by the police as a First Information Report (FIR); if the information is given orally it must be reduced to writing, read over to the informant, and signed, while written or electronic information is to be duly entered in official records, with electronic FIRs requiring confirmation as prescribed. The informant or victim is entitled to a free copy of the FIR, promoting fairness and transparency, and many details can also be accessed digitally. If a police officer refuses to register the FIR, the informant may approach the Superintendent of Police, who may investigate personally or direct registration. Further, the BNSS emphasises sensitivity towards victims, especially women and vulnerable individuals, and incorporates victim-centric safeguards by allowing statements to be recorded by a woman police officer and, when appropriate, at a place of the victim's choice, where the victim feels safe and comfortable.

In order to prioritise access to justice and victim protection over technical jurisdictional objections, especially in urgent and serious cases, the Act introduces the victim-centric mechanism of Zero FIR. A Zero FIR refers to the registration of a First Information Report at any police station irrespective of

territorial jurisdiction, ensuring that a complaint disclosing a cognizable offence is recorded without delay and that the police cannot refuse registration on jurisdictional grounds. The FIR is initially numbered “0” and subsequently transferred to the police station having proper jurisdiction for investigation. The concept emerged from judicial interpretation and policing practice to remove procedural barriers faced by victims, gaining strong recognition after the 2012 *Nirbhaya incident* and the recommendations of the Justice Verma Committee, and was reinforced by the Supreme Court’s emphasis on mandatory FIR registration in *Lalita Kumari v. Government of Uttar Pradesh*<sup>4</sup>. The Bharatiya Nagarik Suraksha Sanhita, 2023 continues and strengthens this victim-friendly practice, thereby ensuring prompt initiation of the criminal process.

The word “shall” used in Section 173 of the Bharatiya Nagarik Suraksha Sanhita, 2023 leaves no discretion to the police officer to hold preliminary inquiry before recording FIR. The use of the expression “information” without any qualification also denotes that the police have to record information despite being unsatisfied of its reasonableness or credibility.<sup>5</sup> Thus reasonableness or credibility of the information given is not a condition precedent for registration of a case. In the case of *Lalita Kumari v. Government of U.P.*,<sup>6</sup> the Five Judge Bench of the Honourable Supreme Court of India ruled that whenever the information given discloses the commission of a cognizable crime, the police is duty bound to register the FIR without going into the merits of the case. A preliminary enquiry to ascertain whether the information disclosed amounts to commission of a cognizable crime (not to verify the veracity of information given) may be permitted in cases of family disputes, commercial offences, corruption cases, medical negligence cases or those cases where there is an unexplainable delay in reporting the same. However, the preliminary enquiry has to be time bound and, in any case, it should not exceed fourteen days. Conducting investigations after the registration of FIR is discretionary and the police officers may refuse to do so if there are no sufficient grounds for entering on an investigation. Thus, under Section 173 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the police would be justified in holding a preliminary enquiry to ascertain, in the light of all the statutory and constitutional aspects pertaining to the case, whether the case merits a full-fledged investigation

---

<sup>4</sup>*Lalita Kumari v. Government of Uttar Pradesh*, AIR 2014 SC 187.

<sup>5</sup>*Lalita Kumari v. Government of Uttar Pradesh*, AIR 2014 SC 187.

<sup>6</sup> (2014) 2 SCC 1

or not. But, at the stage of registration of FIR there is absolutely no discretion with the police officers. The only thing to be seen is whether the information discloses the commission of a cognizable offence? If yes, then they are duty bound to register the same. Refusal to register an FIR has now been made a cognizable and bailable offence, specifically in cases where the information reveals the commission of acid attacks, outraging the modesty of a woman, molestation of women, trafficking, disrobing, or rape. Thus, any police officer refusing to register FIR in rape cases is liable to be punished with rigorous imprisonment for a term which shall not be less than six months but which may extend to two years and shall also be liable to fine.<sup>7</sup>In addition to this, the statements of the victim under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023 are required to be recorded by a woman police officer or any woman officer.

In *State of Karnataka by Nonavinakere Police v. Shivanna @ Tarkari Shivanna*<sup>8</sup> (2014) the Supreme Court issued directions in the nature of Mandamus to all the in-charges of police stations to adopt fast-track procedure for investigations and trials in rape cases. These directions imposed an obligation upon the Police officers to mandatorily get the victim immediately medically examined and make arrangements for her statement to be recorded by the nearest Judicial Magistrate (preferably a lady-magistrate) under Section 183 of the Bharatiya Nagarik Suraksha Sanhita 2023. The report of her medical examination is to be handed over to the magistrate recording her statement. All these safeguards have been put in place to ensure fairness in dispensation of justice. Provision of women officers recording information and statement in such cases makes the victim unhesitant and comfortable while narrating details.<sup>9</sup>

#### **IV. Recording of the Statement of the Victim and Use of Interpreters and Special Educators**

Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 also mandates that a Judicial Magistrate should record a rape victim's statement as soon as the commission of the offence is brought to the notice of the police. The Magistrate

---

<sup>7</sup>Section 199 of the Bharatiya Nyaya Sanhita 2023.

<sup>8</sup>SPECIAL LEAVE PETITION (CRL.) NO. 5073/2011

<sup>9</sup>VageshwariDeswal, Refusal to register FIR in rape cases: Legal implications, LEGALLY SPEAKING, INDIA, TOI (Aug. 12, 2019, 10:21 AM IST) <https://timesofindia.indiatimes.com/blogs/legally-speaking/refusal-to-register-fir-in-rape-cases-legal-implications/>

should take the assistance of an interpreter or a special educator to help while recording the statement from victims who have a temporary or permanent mental or physical disability. The statement should also be videographed through audio-video electronic means, preferably by a mobile phone. This statement of the victim with disability shall be considered a statement in lieu of examination-in-chief, as specified in section 142 of the Bharatiya Sakshya Adhiniyam 2023 and the maker of the statement can be cross-examined on such statement, without the need for recording the same at the time of trial. This beneficial provision which is currently only applicable to victims with disabilities, is intended to shield the victim from the trauma of deposing again during trial, and she can be cross-examined immediately on the basis of the statement duly recorded under section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Other victims, including children, have yet to benefit from this provision. Such victims will have to testify again during the trial, which most victims regard as a re-enactment of the trauma of rape.

#### **V. Right to Medical Examination**

Proper medical examination and treatment of the victim is a vital aspect not only for the immediate care and recovery of the victim but also for preserving crucial evidence for trial. Section 184 of the Bharatiya Nagarik Suraksha Sanhita recognizes and safeguards the right of a rape victim to prompt and dignified medical examination, treating it as a crucial component of both investigation and victim care. In other words, the victim of rape has a fundamental right to prompt, respectful, and comprehensive medical examination, which serves both therapeutic and evidentiary purposes. Medical examination of a victim of rape can yield crucial evidence relating to the offence, especially in cases where there is an immediate reporting of the case. If there is a delayed reporting, crucial evidence may be lost, or the chain of evidence may be compromised or its quality may be affected. The manner in which the medical report of the victim is to be prepared is also a matter of concern. Section 184 of the Bharatiya Nagarik Suraksha Sanhita, 2023 provides for the manner of medical examination as well as the guidelines for preparation of medical report. The section mandates that when a woman alleges commission of rape or attempted rape, she should be medically examined within twenty-four hours from the time of receiving the information relating to the commission of the offence. Such medical examination should be conducted by a registered medical practitioner (preferably, a female

practitioner) employed in a hospital run by the Government or a local authority and in the absence of such a practitioner, by any other registered medical practitioner. The medical examination can only be conducted with the informed consent of the victim, or with the consent of a person who is competent to give such consent on behalf of the victim, thereby upholding the right to bodily autonomy and dignity of the victim. The fact that such consent was taken should also be specifically recorded in the doctor's report. An exhaustive report of the examination has to be prepared by the doctor specifying the details of the victim, marks of injury, if any, on the person of the woman, general mental condition of the woman and the description of the material collected from the person of the woman for DNA profiling. The doctor should state precisely the reasons for each conclusion arrived at. The report is then forwarded to the investigating police officer who shall forward it to the Magistrate along with the chargesheet.

Thus, the right to medical examination of a victim of rape ensures immediate medical care, including treatment of injuries, prevention of sexually transmitted infections, emergency contraception where appropriate, and access to psychological support. Simultaneously, the medical assessment plays a vital medico-legal role through careful collection, preservation, and documentation of forensic evidence, which may be critical during investigation and trial. The process must maintain privacy, confidentiality, and sensitivity, avoiding any degrading, intrusive, or irrelevant procedures. A detailed medical report is prepared to assist the justice system while ensuring that the survivor's health, safety, and emotional well-being remain the foremost priority.

#### **VI. No two finger test**

The two-finger test (also known as the per-vaginal laxity test) was a practice historically used during the medical examination of sexual assault survivors, wherein a doctor inserted two fingers into the vagina to assess its "laxity" and the condition of the hymen. The purported objective was to determine whether the woman was "habituated to sexual intercourse." This practice has been widely criticized as unscientific, invasive, and violative of dignity, as it has no reliable correlation with consent, sexual activity, or the occurrence of rape. The Supreme Court has time and again deprecated the use of two finger test in cases alleging rape and sexual assault. The test has no scientific basis and neither proves nor disproves allegations of rape. It instead re-victimizes and re-traumatizes women who may have been sexually assaulted and is an affront to their dignity.

Therefore, the two-finger test must not be conducted. In the case of *Lillu alias Rajesh and Anr. v. State of Haryana*,<sup>10</sup> the Honourable Supreme Court of India observed as follows:

*“In view of International Covenant on Economic, Social, and Cultural Rights 1966; United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985, rape survivors are entitled to legal recourse that does not re-traumatize them or violate their physical or mental integrity and dignity. They are also entitled to medical procedures conducted in a manner that respects their right to consent. Medical procedures should not be carried out in a manner that constitutes cruel, inhuman, or degrading treatment and health should be of paramount consideration while dealing with gender-based violence. The State is under an obligation to make such services available to survivors of sexual violence. Proper measures should be taken to ensure their safety and there should be no arbitrary or unlawful interference with his privacy. Thus, in view of the above, undoubtedly, the two-finger test and its interpretation violates the right of rape survivors to privacy, physical and mental integrity and dignity.”*

The committee under former Chief Justice JS Verma, formed soon after the 2012 *Nirbhaya gangrape case* in the national capital, had also recommended banning of the two-finger test which is conducted to determine the laxity of the vaginal muscles:

*“It is crucial to underscore that the size of the vaginal introitus has no bearing on a case of sexual assault, and therefore a test to ascertain the laxity of the vaginal muscles, which is commonly referred to as the two-finger test, must not be conducted. On the basis of this test observations/ conclusions such as ‘habituated to sexual intercourse’ should not be made and this is forbidden by law.”*

In 2018, the United Nations Human Rights, UN Women, and the World Health Organization (WHO) called for a ban on the two-finger test in order to eliminate violence against women and declared it as medically unnecessary, often times painful, humiliating and a traumatic practice which must end.

Yet, the two-finger test continues to be conducted in India and other countries despite the fact that rape test kits are being provided by the government to all

---

<sup>10</sup> (2013) 14 SCC 643

medical institutions after the Verma committee recommendations. Condemning the use of the two-finger test on rape and sexual assault survivors in the strongest of terms, the Supreme Court held that any person performing such tests will be held guilty of misconduct. The probative value of a woman's testimony does not depend on her sexual history. It is patriarchal and sexist to suggest that a woman cannot be believed when she states that she was raped merely because she is sexually active.<sup>11</sup> The two-finger test is now recognized as illegal, unethical, and scientifically baseless.

### **VII. Right to Time Bound Investigation and Speedy Trial**

The right to time-bound investigation and speedy trial is of paramount importance in rape cases, where delay can severely prejudice both the survivor and the justice process. Rooted in Article 21 of the Constitution of India, this right guarantees fairness, dignity, and access to prompt justice, and has been consistently reinforced by the Supreme Court of India. It ensures that criminal proceedings, beginning with investigation and culminating in trial, are conducted without unreasonable delay, thereby protecting the accused from prolonged uncertainty and safeguarding the victim's interest in timely justice. In the context of sexual offences, expedition is crucial because forensic evidence is highly time-sensitive, survivors require immediate medical and psychological closure, and prolonged proceedings can result in secondary victimization, social stigma, and emotional distress. Moreover, prompt reporting and swift investigation in rape cases can also increase the likelihood of conviction. Therefore, section 193 of the Bharatiya Nagarik Suraksha Sanhita, 2023 stipulates that investigation of sexual offences against women and children should be completed within two months from the date on which the information relating to commission of the offence was first recorded by the police officer. Section 346 of the Bharatiya Nagarik Suraksha Sanhita, 2023 prescribes a specific time limit of two months for conducting and completing trials of sexual offences, wherein the courts are expected to prioritise the urgency of such sensitive cases, minimize unnecessary adjournments and where feasible, conduct day-to-day hearings. A speedy process not only protects the survivor from extended trauma but also safeguards the accused against oppressive delay and ensures the integrity of evidence and

---

<sup>11</sup>State of Jharkhand v. Shailendra Kumar Rai @ PandavRai CrA 1441 of 2022.

witness testimony. In the case of *State of Kerala v. Rasheed*,<sup>12</sup> the Apex Court has held that trial courts are expected, as far as practicable, to ensure an efficient and orderly conduct of criminal trials by adopting a carefully structured case calendar immediately after the framing of charges. This calendar should clearly indicate the dates for the examination-in-chief and cross-examination of witnesses, while thoughtfully considering the sequence of witness production proposed by the parties, the anticipated time required for recording testimony, the availability of witnesses, and the convenience of both the prosecution and the defence. In order to promote coherence and judicial economy, witnesses testifying on the same subject matter should be scheduled in close proximity. Any requests for deferral of cross-examination should preferably be raised before the calendar is finalised and may be granted only upon the demonstration of sufficient and compelling reasons. Where deferral is permitted, the court must assign a proximate date for the deferred cross-examination. The case calendar should then be followed strictly, with departures permitted only where absolutely necessary. Furthermore, in instances where deferrals are granted, courts bear a continuing responsibility to safeguard witnesses from any risk of undue influence, harassment, or intimidation, thereby upholding the fairness, integrity, and credibility of the trial process.

### **VIII. Right to in Camera Trial**

Criminal trials are generally held in open courts accessible to public.<sup>13</sup> While transparency is a cornerstone of judicial proceedings, it is not absolute. In rape cases, the law prioritises privacy, fairness, and humane treatment over public access. Section 366 of the Bharatiya Nagarik Suraksha Sanhita 2023 provides that inquiry into and trial of rape and sexual offenses should be conducted in camera and as far as possible, by a woman Judge.<sup>14</sup> The right to an in-camera trial in rape cases is a vital safeguard within criminal procedure, designed to protect the survivor's dignity, privacy, and psychological well-being. In such proceedings, the trial is conducted in a private setting excluding the general public, and where access is restricted only to those directly involved in the case, including the judge, legal representatives, the accused, and authorised court staff. This approach recognises the deeply personal and sensitive nature of sexual

---

<sup>12</sup>AIR 2019 SC 721

<sup>13</sup> Section 366(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

<sup>14</sup> Section 366(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

offence trials and seeks to shield survivors from public exposure, embarrassment, and additional trauma. The safeguard draws its strength from Article 21 of the Constitution of India, which guarantees not only life and personal liberty but also the broader values of dignity, privacy, and fairness in the justice process. Victims of sexual abuse or assault are often treated without any sensitivity during the course of investigation and trial. In *Nipun Saxena and Anr. vs. Union of India (UOI) and Ors.*<sup>15</sup>, the Supreme Court stated that trial of rape cases in camera should be the rule and open trial an exception. Dealing with Section 366 of the Bharatiya Nagarik Suraksha Sanhita 2023, the Apex Court held that it would enable the victim of crime to be a little comfortable and answer the questions with greater ease. Trial in camera would not only be in keeping with the self-respect of the victim of crime and in tune with the legislative intent but is also likely to improve the quality of the evidence of a prosecutrix because she would not be so hesitant or bashful to depose frankly as she may be in an open court, under the gaze of public. The improved quality of her evidence would assist the courts in arriving at the decision and sifting truth from falsehood. The courts should, as far as possible, avoid disclosing the name of the prosecutrix in their orders to save further embarrassment to the victim of sex crime.<sup>16</sup> No one can print or publish any matter in relation to the in-camera proceedings, without the prior permission of the Court.<sup>17</sup> The ban on such printing or publication in rape cases may be lifted, if confidentiality of name and address of the parties is maintained.

An in-camera trial in rape cases is rooted in the recognition that the courtroom experience itself can be deeply intimidating and distressing for a survivor. Sexual offences involve intensely personal details, and public proceedings risk exposing the survivor to embarrassment, stigma, and emotional harm. Conducting the trial privately helps create a safer and more respectful environment, allowing the survivor to testify without the fear of societal prejudice, public scrutiny or humiliation. This safeguard aims to prevent secondary victimisation, where the legal process becomes another source of trauma. Assurance of confidentiality fosters greater willingness among survivors to report offences and testify truthfully without fear of public exposure. At the same time, an in-camera trial

---

<sup>15</sup>(2019) 2 SCC 703

<sup>16</sup>*Nipun Saxena and Anr. vs. Union of India (UOI) and Ors.* (2019) 2 SCC 703.

<sup>17</sup> Section 73 of the Bharatiya Nyaya Sanhita, 2023.

maintains the fairness of the proceedings by retaining judicial oversight and ensuring the accused's right to defence. Ultimately, the rationale lies in balancing the principle of open justice with the need to uphold dignity, psychological well-being, and humane treatment, thus, acknowledging that justice must be sensitive to the vulnerabilities of those seeking it.

### **IX. Rights During Deposition and Cross Examination**

It is one of the principles of fair trial that all evidence taken during trial has to be taken in the presence of the accused or pleader.<sup>18</sup> However, it may be traumatic for a rape victim to depose in the presence of the accused. Moreover, the cross examination of rape victims is often used by defence lawyers as a means of unsettling the victim and for impeaching her credit as a witness. To address these concerns, the law provides that while recording the evidence of rape victims below eighteen years of age, the court may take suitable measures to ensure that the victim is not confronted by the accused, but the court has to also ensure the right of the accused to cross-examine. Even under the POCSO Act, the Court has to ensure that the accused is not directly visible to the child at the time of recording of the evidence, but the accused should be in a position to hear the statement of the child and communicate with his/her advocate. This can be achieved with the help of technological aids like video conferencing, or even by utilizing other mechanisms like single visibility mirrors or curtains or any such device.

There has been lately, lot of criticism of the treatment of the victims of sexual assault in the court during their cross-examination. Notwithstanding the provisions of the Bharatiya Sakshya Adhinyam 2023, relating to relevancy of facts, some defence counsel adopt the strategy of continual questioning of the prosecutrix as to the details of the rape. The victim is required to repeat again and again the details of the rape incident not so much as to bring out the facts on record or to test her credibility but to test her story for inconsistencies with a view to attempt to twist the interpretation of events given by her so as to make them appear inconsistent with her allegations. In such cases, the court should not sit as a silent spectator while the victim of crime is being cross-examined by the defence. It must effectively control the recording of evidence in the court. While every latitude should be given to the accused to test the veracity of the prosecutrix

---

<sup>18</sup> Section 308 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

and the credibility of her version through cross-examination, the court must also ensure that cross-examination is not made a means of harassment or causing humiliation to the victim of crime. A rape survivor has already endured profound trauma, and requiring her to repeatedly recount her experience, especially in unfamiliar or intimidating settings, can intensify her distress. Feelings of shame, anxiety, or confusion may overwhelm her, making it difficult to speak freely or clearly and her silence or a confused stray sentence may be wrongly interpreted as "discrepancies and contradictions" in her evidence.

#### **X. Right to File Appeal**

The Bharatiya Nagarik Suraksha Sanhita, 2023 confers upon the victim, the right to prefer an appeal against the:

- (a) Acquittal of the accused person;
- (b) Conviction of the accused person for a lesser offence; and
- (c) Imposition of inadequate compensation.

The law also provides that appeals against sentence in rape cases by a convict or the state shall be disposed of within a period of six months from the date of filing of such appeal. It may be pertinent to note here that with regard to the right of appeal by a victim of sexual crime, there have been restrictive interpretations by the Supreme Court. For instance, in *Bhikhabhai Motibhai Chavda v. State of Gujarat*,<sup>19</sup> the complainant/victim preferred an appeal against the order of acquittal, in spite of the fact that the State had already preferred an appeal in which the leave was granted by the high court and the appeal was admitted. The Bench held that victims' right of appeal is neither absolute nor higher than that of the State, and only, if the State is not pursuing the matter with a proper spirit, the victim may validly raise a grievance and file an appeal. Likewise, In *Bhavuben Dineshbhai Makwana v. State of Gujarat*<sup>20</sup>, while discussing the scope of appeal by a victim the court held that the victim has no right to prefer an appeal against 'inadequacy of sentence', and that such a right is available only to the

---

<sup>19</sup>2010 Cri LJ 3325(Guj).

<sup>20</sup>2012 SCC OnLineGuj. 5764.

State.<sup>21</sup> However, in the case of *Mahesh Pahade v. State of M.P.*<sup>22</sup>, the High Court raised the point that though it is the responsibility of the state to bring the accused to the law, in such process the actual sufferer of crime cannot be permitted to stay outside the law and watch the proceedings from hindsight. It will be travesty of justice if victims of such heinous crime are denied the right to address their grievances before the court of the law.

### **XI. Right to Non-Disclosure of Identity**

The right to non-disclosure of identity in rape cases is a vital legal safeguard aimed at protecting the dignity, privacy, and psychological well-being of survivors of sexual offences. It reflects a humane recognition that victims of rape endure profound trauma and must be shielded from further harm arising from public exposure, stigma, and social victimisation. In India's contemporary criminal law framework, this protection derives strength from constitutional principles as well as specific statutory provisions under the Constitution of India and the Bharatiya Nyaya Sanhita (BNS). At the constitutional level, the right flows from Article 21, which guarantees the right to life and personal liberty. Judicial interpretation has expanded Article 21 to include the rights to privacy, dignity, and protection of reputation. For a rape survivor, disclosure of identity can trigger humiliation, harassment, social ostracism, and emotional distress, thereby striking at the very core of dignity. The law therefore treats anonymity not as a procedural courtesy but as a fundamental component of survivor-centric justice.

Statutorily, the prohibition against revealing the identity of rape victims is expressly codified in Section 72 of the Bharatiya Nyaya Sanhita, which corresponds to the earlier Section 228A of the IPC. Section 72 criminalises the publication or disclosure of the identity of a victim of specified sexual offences, except under limited legally sanctioned circumstances. The provision bars making public any information that may directly or indirectly identify the survivor, including name, address, photograph, family details, workplace, or any other identifying particulars. This prohibition applies broadly to the media, police officers, legal practitioners, and any person who gains access to such

---

<sup>21</sup>Pravinder Kansal v. State of NCT of Delhi(2019 SCC Online Del 11508).

<sup>22</sup>Criminal Appeal No. 933 of 2014, Decided on 18.07.2018. Available at <https://indiankanoon.org/doc/184956475/>.

information. The rationale underlying Section 72 is deeply rooted in the realities of sexual violence. First, rape trials inherently involve sensitive and intimate details, and public disclosure of identity may subject survivors to embarrassment and shame. Second, prevailing societal attitudes sometimes unfairly stigmatise survivors rather than offenders, exposing victims to blame, character assassination, and social exclusion. Third, fear of identification often discourages victims from reporting offences. By guaranteeing confidentiality, the law seeks to create a safer environment for survivors to come forward and participate meaningfully in the justice process.

The Supreme Court of India has repeatedly reinforced the importance of protecting survivor anonymity. In *Nipun Saxena v Union of India*<sup>23</sup>, the Court issued comprehensive guidelines prohibiting the disclosure of a rape survivor's identity, emphasising that even inadvertent or indirect disclosures violate the survivor's fundamental rights. The court held that this legal provision was specifically intended to ensure that the victim is not exposed to further agony by the consequent social victimization or ostracism pursuant to disclosure of her identity. The Court recognised that publicity surrounding a survivor's identity can result in severe psychological and social consequences and clarified that confidentiality must be maintained at every stage, that is, investigation, trial, and reporting.

The principle of non-disclosure is closely connected to the prevention of secondary victimisation, a phenomenon where survivors suffer additional trauma due to insensitive treatment by institutions or society. Repeated questioning, media sensationalism, and public scrutiny can aggravate distress and discourage survivors from pursuing justice. Confidentiality therefore acts as a protective buffer, preserving emotional stability and enabling survivors to testify without fear of humiliation. From an evidentiary perspective, anonymity also supports the integrity of criminal proceedings. It reduces the risk of witness intimidation, social pressure, and reputational harm that may influence testimony. It prevents sensationalised narratives that could prejudice the trial. Thus, non-disclosure serves both individual and systemic interests by fostering fairness, impartiality, and public confidence in the justice system.

---

<sup>23</sup> (2019) 13 SCC 719

In essence, the right to non-disclosure of identity in rape cases, reinforced by Section 72 of the Bharatiya Nyaya Sanhita, embodies a progressive and dignity-oriented approach to criminal justice. It acknowledges that survivors deserve protection not only from the offender but also from the potentially damaging effects of public exposure. In this way, confidentiality becomes a mechanism of empowerment, restoring a measure of control, privacy, and respect to those who have suffered sexual violence. Society has a duty to support the victims of sexual violence and to ensure that they come back to normalcy and start leading a normal life. Victims of such violence are not denuded of their fundamental right to privacy and are liable to be insulated against unnecessary public comments. Definitely, it serves an avowed social purpose and has an element of public interest involved in it. Hence, the provision of Section 72 Bharatiya Nyaya Sanhita prohibiting the disclosure of the name of the rape victim is absolute and cannot be diluted.

## **XII. Presence of Informant at the Time of Bail Hearing**

In cases of rape or gang rape of girls below sixteen or twelve years of age, before granting bail to the accused person(s), the High Courts and the Courts of Session are required to give notice of the application for bail to the Public Prosecutor within fifteen days from the date of receipt of such application. The presence of the informant or an authorized person has also been made mandatory at the time of scheduled hearing of the bail application in such cases. In *Miss G v. State of NCT of Delhi*,<sup>24</sup> the Delhi High Court set aside the order of the trial court that granted interim bail to the accused in a rape case involving a minor victim, without giving a hearing or any notice to the girl and held that the non-issuance of notice to the complainants or informants or victims is not just a procedural lapse, but is also antithetical to the indisputable legislative mandate.

### **A. Socio-economic Rights of Victims of Sexual Offences**

#### **a. Judicial Activism in Victims' Rights and the Right to Compensation**

With the initiative taken by the Indian judiciary in the nature of establishing a new sort of compensatory constitutional remedy through Articles 32 or 226 of the Constitution, a new era in Indian victimological thinking commenced.

---

<sup>24</sup>CRL.M.C. 1474/2020 & CRL.M.As. 6330/2020, 6705/2020.

Starting with *Rudal Shah v. State of Bihar*,<sup>25</sup> the Supreme Court stated unequivocally that the higher judiciary has the authority to award compensation for violations of fundamental rights through the exercise of writ jurisdiction, and thus established the principle of compensatory justice in the annals of human rights jurisprudence. In *Nilabati Behera v. State of Orissa*,<sup>26</sup> the court imposed compensation for custodial killing. In both cases, the court ruled that the victims' basic rights under Article 21 of the Indian Constitution had been infringed. In *Delhi Domestic Working Women's Forum v. Union of India*,<sup>27</sup> the Supreme Court issued a landmark decision on the rights of rape victims, directing the National Women's Commission to develop a plan for victim rehabilitation. Similarly, in *Bodhisattwa Gautam v. Subhra Chakraborty*,<sup>28</sup> the court developed creative principles of victimology and victim justice. Secondly, it concluded that awarding compensation as temporary remedy is required to avoid unnecessary delay in the delivery of justice to a victim of crime. Second, it was determined that the court had authority to provide such compensation to the victim even if the accused was not convicted due to the sluggish pace of the criminal procedures. The court's evolving doctrines were futuristic which paved the way to victim-centric approach to criminal justice. In 2013, following the brutal rape and murder of Nirbhaya, a slew of reforms was further made in the law. One of the significant legal reforms was the Victim Compensation Scheme under section 357A of the Code of Criminal Procedure inserted by Criminal Law Amendment Act, 2009. Presently, the provision of Victim Compensation Scheme finds its place under 396 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Sub-section (1) of Section 396 provides that "every state government in coordination with the central government shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation". Sub-section (2) provides that "whenever a recommendation is made by the Court for compensation, the District Legal Service Authority or State Legal Service Authority, as the case may be, shall decide the quantum of compensation to be awarded" under the scheme. This grant of compensation is distinct from the restitution granted to victims by the accused; it is the state which has to bear the expenses for the pain,

---

<sup>25</sup>(1983) 4 SCC 141.

<sup>26</sup> AIR 1993 SC 1960.

<sup>27</sup> (1995) 1 SCC 14.

<sup>28</sup> (1996) 1 SCC 490.

injury and trauma suffered by the victim. While the compensation under Section 395 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is dependent on the conviction of the accused, the compensation under section 396 of the Bharatiya Nagarik Suraksha Sanhita, 2023 can also be granted in cases where the offender is not traced, or the accused is acquitted or discharged. The law also provides that the fine imposed on the convicts in cases of gang rape and rape of girls under sixteen or twelve years of age should be paid to the victim and such fine should be just and reasonable in order to meet the medical expenses as well as rehabilitation of the victim. The compensation payable by the State Government under section 396 is in addition to the payment of fine to the victim under these provisions.<sup>29</sup> Further, pursuant to the directions of the Supreme Court of India in *Nipun Saxena v. Union of India*,<sup>30</sup> the National Legal Services Authority (NALSA) had finalized the “Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes” under which a victim of gang rape is entitled to a minimum compensation of five lakh rupees and up to a maximum of ten lakh rupees.<sup>31</sup> Similarly, in case of rape and unnatural sexual assault, the victim can be given a minimum of four lakh rupees and a maximum of seven lakh rupees as compensation.

#### **b. Right to Legal Aid**

The right to access to justice guaranteed by Article 39A of the Constitution, as well as the concept of fair trial, require victims of crimes to have access to legal aid. According to the Bharatiya Nagarik Suraksha Sanhita, 2023, private lawyers and attorneys with the court's approval, can help and operate under the guidance of the Public Prosecutor, and even submit written arguments. Under the POCSO Act, the family or guardian of the victim child has the right to engage the services of a legal counsel of their choice, subject to this requirement. If they cannot afford or hire a lawyer, the Legal Services Authority should supply them with one. Victims have the right to legal representation through the National, State, and District Legal Services Agencies that have been formed under the Legal Services Authority Act, 1987.

---

<sup>29</sup> Section 396(7) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

<sup>30</sup> WP (C) No. 565 of 2012.

<sup>31</sup> Available at: <https://nalsa.gov.in/services/victim-compensation/nalsa-s-compensation-scheme-for-women-victims-survivors-of-sexual-assault-other-crimes---2018>

**c. Right to Free Treatment**

Section 397 of the Bharatiya Nagarik Suraksha Sanhita, 2023, mandates that all hospitals, public or private, should provide free treatment to rape victims and report the offence to the police immediately.

**d. Right to Medical Termination of Pregnancy caused by Rape**

Rape often leads to unwanted pregnancy. A rape victim has the right to retain or terminate such pregnancy. It is part of her “right to make reproductive choice” as an aspect of personal liberty under Article 21 of the Constitution of India. Section 3 of the Medical Termination of Pregnancy Act, 1971 allowed termination of pregnancy up to the gestation period of twelve weeks, if one doctor is of the opinion that the continuation of the pregnancy would pose a risk to the life of the pregnant woman, or “of grave injury to her physical or mental health”; or in case of serious physical or mental abnormalities in the foetus. In case of a pregnancy of over twelve weeks and up to twenty weeks, the opinion of minimum two doctors were required. According to the Medical Termination of Pregnancy Act, 1971, in case of pregnancy allegedly caused by rape, “the anguish caused by such pregnancy shall be presumed to constitute a grave injury to the mental health of the pregnant woman”. Consent of the pregnant woman is a mandatory requirement for termination of pregnancy under the Medical Termination of Pregnancy Act, 1971. Consent of guardian is required for medical termination of pregnancy of a woman below eighteen years of age, or a mentally ill person.

**e. Right to Rehabilitation**

The right to rehabilitation represents a cornerstone of victim-centric justice, acknowledging that the harm caused by rape extends far beyond the immediate physical violation and penetrates the survivor’s psychological, social, and economic existence. Rape is not an incident that ends when the physical assault stops; its effects often linger in the form of fear, anxiety, depression, social withdrawal, loss of confidence, and economic instability. Rehabilitation recognizes this lived reality. It affirms that survivors deserve more than legal acknowledgment of the crime - they deserve care, support, and the opportunity to heal. Anchored in Article 21 of the Constitution of India, the right to life is not merely about survival but about living with dignity, safety, and self-worth. The Supreme Court of India has repeatedly emphasized that dignity cannot be restored through punishment of the offender alone. A survivor may need time,

therapy, reassurance, and practical assistance to regain a sense of normalcy. Trauma counselling, mental health care, safe shelter, and community support become essential components of justice.

Rehabilitation also addresses the invisible burdens survivors carry which may include the loss of employment, interruption of education, strained family relationships, and social stigma. In this sense, financial compensation under Section 396 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) is not charity but a means of enabling recovery: paying for treatment, continuing studies, securing housing, or rebuilding economic independence. Yet rehabilitation must go beyond monetary relief. It is essential to provide survivors with vocational training, relocation assistance, legal aid, and long-term psychological support. Thus, rehabilitation means seeing the survivor not as a “case” but as a person navigating pain, confusion, and often isolation. It requires institutions such as police, hospitals, courts, and welfare agencies to respond with empathy rather than suspicion, with patience rather than haste. A trauma-informed approach ensures that survivors are not re-traumatized by insensitive questioning, disbelief, or procedural rigidity.

Ultimately, the right to rehabilitation embodies a compassionate vision of justice. It seeks to reaffirm that survivors are entitled to healing, respect, and the possibility of a future unburdened by the violence they endured.

#### **f. Right to Livelihood and Economic Stability**

The right to livelihood and economic stability is a critical yet often under-examined dimension of justice for rape survivors. Sexual violence frequently triggers profound economic consequences, including loss of employment, diminished work capacity, workplace stigma, forced relocation, and long-term financial insecurity. For many survivors, the trauma of the assault is compounded by the sudden erosion of economic independence, which may deepen vulnerability, restrict access to healthcare and legal remedies, and impede psychological recovery. The constitutional guarantee under Article 21 of the Constitution of India which protects the right to life with dignity has been judicially interpreted to encompass conditions necessary for a meaningful and self-sufficient existence. The Supreme Court of India has repeatedly affirmed that dignity cannot be divorced from economic independence. The judicial reasoning of the Supreme Court of India in many cases underscores that dignity

cannot be preserved where survivors are pushed into economic precarity as an indirect consequence of victimization. In *Delhi Domestic Working Women's Forum v. Union of India*<sup>32</sup>, the Court emphasized the State's obligation to provide compensation and support services to rape survivors, acknowledging the severe socio-economic dislocation caused by sexual violence. Similarly, in *Bodhisattwa Gautam v. Subhra Chakraborty*<sup>33</sup>, the Court recognized rape as a violation of fundamental rights and upheld interim compensation as a mechanism to mitigate the victim's suffering, including economic hardship. Therefore, restorative justice must address rehabilitation and financial security of the victim, and not merely punishment of the offender. This protection has been statutorily reinforced in Section 396 of the Bharatiya Nagarik Suraksha Sanhita, which empowers courts to recommend compensation aimed at facilitating recovery, reintegration, and economic stability. The state has an overarching duty to ensure protection of livelihood by adopting various preventive and restorative measures such as safeguards against discriminatory dismissal, workplace accommodations during recovery, protection of confidentiality, opportunities for skill development and access to compensation. Thus, economic stability is not merely a material concern but a foundational element of autonomy, self-worth, and social reintegration. A victim-centric justice model must therefore, recognize that enabling survivors to regain financial security is integral to healing, empowerment, and the restoration of agency disrupted by sexual violence.

#### **g. Right to Education of Rape Victims**

The right to education carries deep human significance for rape survivors, particularly when sexual violence disrupts their studies, sense of safety, and emotional stability. For many survivors, the trauma of the assault is followed by fear, shame, anxiety, and social stigma, which can make returning to classrooms or campuses profoundly difficult. Some are forced to change institutions, abandon courses, or suspend their education altogether - not because of a lack of ability or aspiration, but because the aftermath of violence makes ordinary academic life feel unsafe or unbearable. Within the constitutional framework, the protection of dignity under Article 21 of the Constitution of India affirms that survivors must be supported in reclaiming their lives, and education forms a vital

---

<sup>32</sup> (1995) 1 SCC 14

<sup>33</sup> 1996 SCC (1) 490

part of that restoration. The Supreme Court of India has repeatedly emphasized that dignity and rehabilitation are inseparable, implicitly recognizing that access to education enables survivors to rebuild confidence, independence, and hope for the future. The right to education for rape victims therefore encompasses not only protection against discrimination, but also demands empathy-driven institutional responses such as provision of safe and supportive institutional mechanisms, flexibility in attendance and examinations, counselling support, transfer facilities where necessary, and access to financial assistance or scholarships. Thus, ensuring access to education and continuity is not merely a remedial measure but a transformative one: it empowers survivors to reclaim normalcy and rebuild confidence which is fundamental to rehabilitation, equality, and the restoration of dignity.

#### **h. Cultural Rights of Victims of Sexual Offences**

Cultural rights of rape victims concern the survivor's ability to live with dignity, identity, and social belonging within their family and community after the trauma of sexual violence. In many social contexts, the trauma of rape is cruelly intensified by stigma, silence, and misplaced notions of "honour," where survivors may face blame, isolation, or subtle exclusion from social and cultural life. The harm, therefore, is not only physical or psychological but also relational and societal. Protecting cultural rights means affirming that a survivor's identity, worth, and place in society remain intact and deserving of respect. The guarantee of dignity under Article 21 of the Constitution of India reinforces this principle by recognizing that the right to life includes living without shame imposed by others for a crime endured. Judicial reflections of the Supreme Court of India have repeatedly stressed that survivors must be treated with compassion and sensitivity, acknowledging that societal reactions can either support healing or deepen wounds. The statutory protection of victim's confidentiality accorded under Section 72 of the Bharatiya Nyaya Sanhita further protects survivors from public exposure that may lead to humiliation or ostracism. At its core, safeguarding cultural rights is about restoring humanity and ensuring that survivors are not pushed into invisibility or burdened with stigma, but are supported in reclaiming their voice, relationships, and rightful place in social and cultural life.

### **XIII. Conclusion**

The critical examination of the socio-economic and cultural rights of victims of sexual offences from a victimological perspective reveals a fundamental truth: justice for survivors must extend beyond the traditional confines of offender prosecution and punishment. Sexual violence inflicts harm that is multidimensional, affecting not only the physical and psychological integrity of victims but also their social standing, economic stability, and cultural identity. A justice system that neglects these broader consequences risks perpetuating secondary victimisation, where survivors continue to suffer through institutional indifference, procedural delays, stigma, and inadequate rehabilitative support.

This study underscores that socio-economic rights such as access to timely medical care, psychological counselling, compensation, rehabilitation, education, shelter, and livelihood opportunities are indispensable to restoring a survivor's sense of autonomy and security. These rights are not ancillary benefits but essential components of meaningful justice. Without adequate healthcare and psychosocial support, the trauma of sexual violence may persist and deepen. Without financial assistance or rehabilitation, survivors may face economic marginalisation, interrupted careers, and social dependency. Thus, socio-economic protections function as mechanisms of recovery, empowerment, and reintegration.

Equally significant are the cultural rights of survivors, which encompass dignity, privacy, non-discrimination, and respect for identity. Sexual offences often expose victims to societal prejudices, moral judgment, and exclusion rooted in entrenched cultural norms. The right to confidentiality, protection from degrading treatment, and freedom from victim-blaming practices becomes vital in preserving self-worth and encouraging participation in the legal process. A victimological understanding recognises that cultural harm manifested through stigma, ostracism, and reputational damage can be as debilitating as physical injury. Safeguarding cultural rights, therefore, is central to ensuring humane and respectful justice.

While legal reforms and judicial interventions have progressively incorporated victim-centric principles, the analysis demonstrates that substantial gaps remain between normative frameworks and practical realities. Implementation deficits, lack of awareness, infrastructural inadequacies, procedural insensitivity, and

socio-cultural barriers frequently dilute the effectiveness of statutory protections. Survivors may encounter difficulties in accessing compensation schemes, navigating medico-legal procedures, securing witness protection, or receiving sustained psychological care. These challenges highlight the need for stronger institutional accountability and systemic coordination.

From a victimological standpoint, the study advocates a shift toward a holistic and restorative model of justice. Such an approach requires integrating legal safeguards with robust support services, interdisciplinary collaboration, and survivor-sensitive practices. Police, medical professionals, judicial officers, and social service providers must adopt trauma-informed responses that prioritise dignity, empathy, and empowerment. Policies must ensure equitable access to services, particularly for victims from marginalised or vulnerable communities who often face compounded disadvantages.

Ultimately, the protection of socio-economic and cultural rights reflects the ethical and constitutional commitment of a society to uphold human dignity. A justice system's legitimacy is measured not solely by its capacity to convict offenders but by its ability to protect, restore, and empower those who have suffered harm. Recognising survivors as rights-bearing individuals rather than passive participants transforms the discourse from retribution to rehabilitation and inclusion. In reaffirming these principles, the study emphasises that advancing victim rights is not merely a legal imperative but a societal responsibility - one that strengthens the foundations of fairness, equality, and compassionate justice.