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Victim Protection, Privacy and Ethical Challenges

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Abstract

Victim protection has emerged as a cornerstone of contemporary criminal justice systems, reflecting a significant paradigm shift from a traditionally accused-centric approach to a more balanced, inclusive, and humane model that duly recognizes the dignity, rights, and inherent vulnerabilities of victims. In earlier frameworks, victims were often relegated to a peripheral role, but modern legal discourse increasingly acknowledges them as key stakeholders whose protection and well-being are essential to the administration of justice. This shift is rooted in broader human rights developments and the growing realization that justice cannot be truly achieved without addressing the needs and concerns of those who suffer harm. Alongside this transformation, the right to privacy has acquired both constitutional and moral significance, particularly in the context of expanding digital communication, surveillance technologies, and the pervasive influence of mass media. The digital age has amplified risks related to unauthorized disclosure of personal information, online harassment, and the permanent circulation of sensitive data, thereby intensifying the need for robust privacy protections. For victims, privacy is not merely a legal entitlement but a crucial safeguard against stigma, traumatization, and social exclusion. This article critically examines the legal and institutional frameworks governing victim protection, with a particular focus on statutory provisions, policy measures, and judicial interventions that aim to secure the safety, confidentiality, and dignity of victims. It further explores the evolving jurisprudence on privacy rights, highlighting how courts have interpreted and expanded the scope of informational privacy in response to contemporary challenges. In doing so, the article also engages with the complex ethical dilemmas that arise in attempting to reconcile competing values such as transparency, open justice, freedom of the press, and the protection of individual dignity. Special attention is given to the Indian legal system, where landmark judicial pronouncements and progressive legislative measures have contributed to shaping a more victim-sensitive approach,

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albeit with persistent gaps in implementation. The discussion also addresses emerging concerns in the digital sphere, including data misuse, media sensationalism, and cyber harassment, which pose new threats to victim protection.

Keywords: Victim Protection, Right to Privacy, Criminal Justice System, Confidentiality, Ethical Challenges, Digital Privacy

Introduction

The criminal justice system has historically been structured around the rights and safeguards of the accused, emphasizing principles such as the presumption of innocence, the right to a fair trial, and protection against arbitrary punishment. While these safeguards are fundamental to the rule of law and essential in preventing wrongful convictions, this traditional approach often resulted in the systematic neglect of victims, reducing them to mere witnesses rather than recognizing them as central stakeholders in the justice process. Victims frequently faced indifference, lack of support, and even hostility within legal proceedings, leading to a sense of alienation and injustice. In recent decades, however, there has been a significant paradigm shift toward a victim-centric approach in criminal justice systems across the world, including India³. This shift has been driven by evolving human rights jurisprudence, increased awareness of victims' suffering, and the recognition that justice must be holistic and inclusive⁴. Under this approach, victim protection is no longer limited to physical safety alone but extends to psychological well-being, emotional support, legal assistance, and social rehabilitation. It encompasses measures aimed at safeguarding victims from intimidation, threats, and retaliation, ensuring strict confidentiality of their identity, and preserving their dignity throughout the investigation and trial process⁵. Mechanisms such as in-camera proceedings, witness protection programs, and victim compensation schemes reflect this progressive transformation. At the same time, the rapid expansion of digital technologies, social media platforms, and mass communication networks has introduced new and complex challenges. Information today spreads instantly and often uncontrollably, making it increasingly difficult to protect the privacy of victims. The unauthorized disclosure of victim identities, circulation of sensitive images or personal details, and invasive media reporting have become pressing concerns. Media sensationalism, often driven by competition for viewership and public attention, can lead to the exposure of confidential information, thereby subjecting victims to social stigma, harassment, and long-term psychological trauma. Moreover, the misuse of personal data in the digital space—through hacking, doxxing, or online trolling—further exacerbates the vulnerability of victims. These developments highlight a critical tension between transparency and privacy within the criminal justice system. While open justice and freedom of the press are important democratic values, they must be carefully balanced against the need to protect victims' rights and dignity. Ensuring victim protection in such a scenario requires not only robust legal frameworks but also strong ethical standards among law enforcement agencies, the judiciary, and the media. Therefore, the task of safeguarding victims while upholding privacy rights and maintaining ethical integrity presents a complex and evolving legal challenge. It demands a nuanced approach that

³ *Zahira Habibullah Sheikh v. State of Gujarat*, (2004) 4 SCC 158.

⁴ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

⁵ *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384.

integrates legal safeguards, technological solutions, and ethical responsibility to ensure that justice is delivered in a manner that is both fair and humane.

Concept of Victim Protection

Victim protection refers to a comprehensive set of legal, institutional, and policy measures designed to safeguard the rights, dignity, and well-being of victims and witnesses within the criminal justice system. Traditionally, criminal law frameworks were primarily focused on the rights of the accused, often overlooking the needs and vulnerabilities of victims. However, modern legal systems have increasingly recognized that victims are central stakeholders in the justice process, and their protection is essential to ensuring fair, effective, and humane justice delivery⁶. At its core, victim protection aims to ensure the physical safety of victims and witnesses, shielding them from threats, intimidation, or retaliation by offenders or other parties. This includes measures such as police protection, relocation, and secure court environments. Beyond physical safety, victim protection also encompasses psychological and emotional support, acknowledging that victims often suffer trauma that can be aggravated by insensitive legal procedures or public exposure. Providing access to counselling services, support groups, and rehabilitation programs is therefore an essential component of a victim-centric approach. Another critical aspect of victim protection is the maintenance of confidentiality and privacy. Victims, particularly in sensitive cases such as sexual offences, are at risk of social stigma, discrimination, and further victimization if their identities or personal details are disclosed. Legal provisions that restrict the publication of identifying information, along with in-camera proceedings and anonymity measures, help preserve the dignity and autonomy of victims. In the digital age, this aspect has become even more crucial due to the rapid spread of information through social media and online platforms, which can lead to irreversible harm if sensitive data is leaked or misused.

Victim protection also involves ensuring access to justice through legal aid and procedural support. Victims often lack the resources or knowledge required to effectively participate in legal proceedings. Providing free legal assistance, informing victims of their rights, and involving them in decision-making processes can empower them and enhance their confidence in the justice system. Additionally, compensation schemes play a vital role in addressing the financial and social consequences of crime, helping victims rebuild their lives and achieve a sense of closure. Preventing secondary victimization is another key objective. This refers to the additional trauma victims may experience as a result of their interaction with the criminal justice system, including insensitive questioning, delays in proceedings, or exposure to the accused. To address this, there is a growing emphasis on adopting victim-friendly procedures, such as recording statements in safe environments, minimizing repeated testimonies, and ensuring respectful treatment by law enforcement and judicial authorities. Overall, the concept of victim protection reflects a shift toward a more balanced and humane criminal justice system that not only punishes offenders but also prioritizes the rights and welfare of victims⁷. It underscores the responsibility of the state and its institutions to create a supportive environment where victims can seek justice without fear,

⁶ Mallikarjun Kodagali v. State of Karnataka, (2019) 2 SCC 752.

⁷ Delhi Domestic Working Women's Forum v. Union of India, (1995) 1 SCC 14.

stigma, or further harm, thereby reinforcing the broader principles of fairness, dignity, and human rights.

Right to Privacy and Victims

The right to privacy has emerged as a fundamental aspect of human dignity and personal liberty within the constitutional framework of India⁸. It is now firmly recognized as an integral part of Article 21 of the Constitution, which guarantees the right to life and personal liberty. For victims of crime, particularly those involved in sensitive and stigmatizing offences, the right to privacy plays a crucial role in protecting them from further harm, social ostracism, and psychological trauma⁹. Privacy, in this context, is not merely a legal entitlement but also a moral necessity that ensures respect for the individual's dignity and autonomy-

- **Constitutional Recognition of Privacy**-The constitutional status of privacy was conclusively established in the landmark judgment of *K.S. Puttaswamy v. Union of India* (2017), where the Supreme Court declared that the right to privacy is a fundamental right inherent in Article 21. The Court emphasized that privacy includes various dimensions such as bodily privacy, decisional autonomy, and informational privacy. Informational privacy, in particular, is highly relevant for victims, as it ensures that individuals have control over the collection, use, and dissemination of their personal data. This judgment significantly strengthened the legal framework for protecting victims' personal information and imposed a duty on the State to prevent unauthorized disclosures.
- **Elements of Privacy for Victims**-For victims, the right to privacy encompasses several important elements. First, it includes the protection of identity, ensuring that the names, photographs, addresses, and other identifying details of victims are not revealed to the public, especially in cases such as sexual offences where disclosure can lead to stigma and victim-blaming. Second, it involves control over personal data, allowing victims to determine how their information is collected, stored, and used by authorities and institutions. Third, it ensures freedom from media intrusion, protecting victims from sensationalized reporting, invasive interviews, and unnecessary public exposure that may intensify their suffering. Together, these elements aim to create a protective environment in which victims can participate in legal proceedings without fear or distress.
- **Judicial Application in Criminal Justice**-The application of privacy rights in the criminal justice system has been reinforced through judicial pronouncements. In *Nipun Saxena v. Union of India* (2018), the Supreme Court laid down strict guidelines prohibiting the disclosure of the identity of rape victims. The Court held that such disclosure is impermissible not only in media reporting but also in court judgments and records. It emphasized that even unintentional revelation of identity can have serious consequences for victims, including social exclusion and emotional distress. As a result, courts are required to adopt measures such as using pseudonyms and redacting sensitive details to preserve anonymity.

⁸ Puttaswamy v. Union of India, (2017) 10 SCC 1.

⁹ Nipun Saxena v. Union of India, (2019) 2 SCC 703

- **Privacy Challenges in the Digital Age**-In the era of digital technology and social media, protecting the privacy of victims has become increasingly challenging. Information can be shared instantly and reach a vast audience within seconds, making it difficult to control the spread of sensitive data. Unauthorized leaks, online trolling, cyber harassment, and the permanent availability of personal information pose serious threats to victims' dignity and mental well-being. These challenges highlight the urgent need for stronger data protection laws, strict enforcement mechanisms, and ethical responsibility on the part of media and digital platforms.

The right to privacy is an essential component of victim protection, ensuring that victims are treated with dignity, respect, and sensitivity throughout the criminal justice process. By safeguarding identity, personal data, and emotional well-being, the legal system can foster an environment where victims feel secure and empowered to seek justice without fear of further victimization.

Ethical Challenges in Victim Protection

The protection of victims within the criminal justice system is not only a legal obligation but also an ethical responsibility that demands sensitivity, balance, and accountability from all stakeholders, including the judiciary, law enforcement agencies, and the media. While significant progress has been made in recognizing victims' rights, several ethical challenges continue to hinder the effective implementation of victim protection measures. These challenges primarily arise from the tension between competing values such as transparency, freedom of expression, public interest, and the preservation of human dignity¹⁰.

- **Media Trial and Sensationalism**-One of the most pressing ethical concerns in victim protection is the role of the media in criminal cases. In the pursuit of higher viewership and public attention, media outlets often engage in sensationalized reporting, sometimes disclosing sensitive or confidential information about victims under the guise of public interest. This practice, commonly referred to as "media trial," can have severe consequences¹¹. Victims may be subjected to social stigma, public scrutiny, and victim-blaming, which can intensify their suffering and discourage them from seeking justice. Furthermore, the exposure of personal details can lead to psychological trauma, affecting victims' mental health and overall well-being. The violation of dignity through intrusive reporting undermines the very purpose of victim protection and raises serious ethical questions about the limits of press freedom. Therefore, it is essential for the media to exercise restraint, adhere to ethical standards, and prioritize the dignity and privacy of victims over sensationalism.
- **Digital Privacy Concerns**-The rapid growth of digital technology and social media platforms has introduced new dimensions to the ethical challenges of victim protection. In today's interconnected world, information spreads rapidly and often uncontrollably,

¹⁰ Sahara India Real Estate Corp. Ltd. v. SEBI, (2012) 10 SCC 603.

¹¹ R. Rajagopal v. State of Tamil Nadu, (1994) 6 SCC 632.

making it easier for sensitive details about victims to be leaked or shared without consent. Victim identities can be exposed through posts, comments, or viral content, leading to widespread dissemination of private information. One of the most serious concerns in this context is the permanence of digital data—once information is uploaded online, it is difficult, if not impossible, to completely remove it¹². This can result in long-term harm to victims, affecting their personal, social, and professional lives. Additionally, cyber harassment, including trolling, doxxing, and online abuse, has become increasingly common, further victimizing individuals who are already in vulnerable positions. These developments highlight the urgent need for stronger digital regulations, improved data protection mechanisms, and greater awareness about responsible online behaviours.

- **Balancing Transparency and Confidentiality**—Another critical ethical challenge lies in balancing the principle of open justice with the need to protect victims' confidentiality. Transparency in judicial proceedings is a cornerstone of democratic systems, ensuring accountability and public trust in the legal process. The public has a legitimate right to know about judicial proceedings, and the media plays an important role in disseminating such information. However, excessive or unregulated disclosure can compromise the privacy and dignity of victims. Courts are therefore faced with the difficult task of striking a balance between the public's right to information and the victim's right to dignity and protection. Measures such as in-camera proceedings, anonymization of victims' identities, and restrictions on media reporting are often employed to achieve this balance¹³.

Ethical challenges in victim protection stem from the complex interplay between competing rights and interests. Addressing these challenges requires a careful and nuanced approach that upholds both transparency and human dignity, ensuring that victims are protected from further harm while maintaining the integrity of the justice system.

Victim Protection vs Accused Rights

The relationship between victim protection and the rights of the accused presents one of the most challenging ethical dilemmas within the criminal justice system. Both sets of rights are fundamental to the concept of justice, yet they often appear to be in conflict. While the accused is entitled to the presumption of innocence and a fair trial, victims are entitled to dignity, safety, and protection from further harm. Striking a balance between these competing interests is essential to ensure that justice is not only done but is also perceived to be fair and humane

- **Presumption of Innocence and Fair Trial**—The presumption of innocence is a foundational principle of criminal law, ensuring that every accused person is considered innocent until proven guilty beyond reasonable doubt. This principle protects individuals from wrongful conviction and guarantees essential procedural safeguards such as the right to legal representation, the right to cross-examine witnesses, and the right to a public trial. These rights are indispensable in maintaining the integrity of the justice system. However, in practice, the exercise of these rights can sometimes lead to discomfort or distress for

¹² Shreya Singhal v. Union of India, (2015) 5 SCC 1.

¹³ Naresh Shridhar Mirajkar v. State of Maharashtra, AIR 1967 SC 1.

victims, particularly during cross-examination, where they may face intrusive or aggressive questioning.

- **Protection and Dignity of Victims**-On the other hand, victim protection focuses on safeguarding the dignity, privacy, and well-being of individuals who have suffered harm. Victims often experience psychological trauma, social stigma, and fear of retaliation, which can be exacerbated during legal proceedings. Therefore, it is essential to ensure that they are treated with sensitivity and respect. Measures such as in-camera trials, non-disclosure of identity, and provision of support services are crucial in protecting victims from secondary victimization. These safeguards help create a secure environment where victims can participate in the justice process without fear or humiliation¹⁴.
- **Judicial Approach and Balancing of Rights**-The judiciary plays a vital role in maintaining a balance between these competing rights. In *State of Punjab v. Gurmit Singh* (1996), the Supreme Court emphasized the need for sensitivity in handling cases of sexual offences. The Court recognized that victims of such crimes are particularly vulnerable and must be protected from unnecessary exposure and humiliation. It recommended measures such as conducting trials in camera and avoiding disclosure of the victim's identity, while simultaneously ensuring that the accused's right to a fair trial is not compromised. This case illustrates how courts attempt to harmonize the interests of both parties through a balanced and context-sensitive approach.
- **Need for a Balanced Approach**-Achieving a fair balance requires the adoption of procedures that respect both victim dignity and accused rights. Courts must ensure that cross-examination is conducted in a respectful manner and that irrelevant or degrading questions are not permitted. At the same time, the accused must be given a full and fair opportunity to defend themselves¹⁵. Legal reforms, judicial guidelines, and training of legal professionals are necessary to promote this balance and prevent misuse of either set of rights.

The tension between victim protection and the rights of the accused reflects the complexity of delivering justice in a fair and equitable manner. A balanced approach that upholds the dignity of victims while safeguarding the fundamental rights of the accused is essential for maintaining public confidence in the criminal justice system.

International Perspective

The protection of victims' rights is not confined to national legal systems but has also gained significant recognition at the international level. Various global instruments and frameworks have contributed to shaping a more victim-centric approach in criminal justice by emphasizing dignity, privacy, and protection from harm. These international standards serve as guiding principles for countries, including India, in developing and strengthening their own legal and institutional mechanisms for victim protection.

¹⁴ Bodhisattwa Gautam v. Subhra Chakraborty, (1996) 1 SCC 490.

¹⁵ State of Maharashtra v. Chandraprakash Kewalchand Jain, (1990) 1 SCC 550.

- UN Declaration of Basic Principles of Justice for Victims (1985)**-One of the most important international instruments in this regard is the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted in 1985¹⁶. This declaration marked a significant step toward recognizing victims as key stakeholders in the justice system. It emphasizes that victims should be treated with compassion and respect for their dignity and should have access to justice and prompt redress. The Declaration outlines several fundamental rights of victims. Firstly, it recognizes the right to respect and dignity, ensuring that victims are treated in a humane and sensitive manner throughout the legal process. Secondly, it highlights the importance of privacy, requiring that victims' personal information be protected from unnecessary disclosure that could lead to stigma or retaliation. Thirdly, it calls for protection from intimidation and retaliation, urging states to take appropriate measures to ensure the safety of victims and witnesses. Additionally, the Declaration encourages the establishment of mechanisms for restitution and compensation, as well as the provision of assistance services such as medical, psychological, and social support. It also stresses the need for judicial and administrative processes to be responsive to the needs of victims, minimizing inconvenience and avoiding unnecessary delays. Although not legally binding, the Declaration has had a profound influence on domestic laws and policies across the world, promoting a more inclusive and humane approach to justice.
- GDPR (European Union)**-Another significant development in the international context is the General Data Protection Regulation (GDPR) of the European Union¹⁷, which represents one of the most comprehensive data protection frameworks globally. While GDPR is not specifically limited to victim protection, its provisions play a crucial role in safeguarding the privacy and personal data of individuals, including victims of crime. GDPR establishes strict rules regarding the collection, processing, storage, and sharing of personal data. It grants individuals greater control over their information through rights such as the right to access, the right to rectification, and the right to erasure (commonly known as the "right to be forgotten"). For victims, these rights are particularly important in preventing the misuse or unauthorized dissemination of sensitive personal data. Furthermore, GDPR imposes significant obligations on organizations to ensure data security and confidentiality, including the requirement to implement appropriate technical and organizational measures to protect personal information. It also provides for heavy penalties in cases of data breaches or violations, thereby creating a strong deterrent against misuse. The influence of GDPR extends beyond the European Union, as it has set a global benchmark for data protection laws. Many countries have adopted similar frameworks or reformed their existing laws to align with its standards. This has contributed to

¹⁶ United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the United Nations General Assembly, 29 November 1985.

¹⁷ General Data Protection Regulation, Regulation (EU) 2016/679 of the European Parliament and of the Council, 27 April 2016.

strengthening privacy protections worldwide, including for victims who are increasingly vulnerable in the digital age.

International instruments such as the UN Declaration (1985) and GDPR have played a vital role in advancing the protection of victims' rights, particularly in areas of dignity, privacy, and security. These frameworks provide valuable guidance for national legal systems and highlight the importance of adopting a comprehensive, rights-based approach to victim protection in an increasingly interconnected world.

Challenges in Implementation

Despite the existence of robust legal frameworks and judicial guidelines aimed at protecting victims' rights, the effective implementation of these measures remains a significant challenge in practice. The gap between law and reality often undermines the objective of ensuring dignity, privacy, and safety for victims within the criminal justice system. Several structural, institutional, and societal factors contribute to these challenges, making victim protection an ongoing concern-

- **Lack of Awareness among Law Enforcement**-One of the primary obstacles in the implementation of victim protection measures is the lack of adequate awareness and sensitivity among law enforcement officials. Police personnel, who are often the first point of contact for victims, may not be fully informed about the legal provisions and guidelines related to victim protection and privacy. In some cases, there is insufficient training on handling sensitive cases, leading to inappropriate behaviour, insensitive questioning, or failure to maintain confidentiality. This lack of awareness can result in victims feeling intimidated or discouraged from pursuing legal action, thereby weakening their trust in the justice system¹⁸.
- **Weak Enforcement of Confidentiality Laws**-Although laws exist to protect the identity and personal information of victims; their enforcement is often inconsistent and ineffective. Instances of unauthorized disclosure of victim identities—whether by police officials, media outlets, or other parties—continue to occur. Such breaches not only violate legal provisions but also expose victims to social stigma, harassment, and psychological trauma. The absence of strict accountability mechanisms and limited punitive action against violators further exacerbates the problem. Effective enforcement requires stronger monitoring, clear guidelines, and strict penalties for violations of confidentiality.¹⁹
- **Delays in Judicial Processes**-Another major challenge is the delay in judicial proceedings, which can prolong the suffering of victims. Lengthy trials, repeated adjournments, and procedural complexities often force victims to relive traumatic experiences over extended periods. These delays not only affect the mental and emotional well-being of victims but also increase the risk of intimidation or coercion by the accused. In many cases, victims may lose confidence in the system or withdraw from the process.

¹⁸ Sheela Barse v. State of Maharashtra, (1983) 2 SCC 96.

¹⁹ State of Punjab v. Ramdev Singh, (2004) 1 SCC 421.

altogether. Timely justice is therefore essential to ensuring effective victim protection and maintaining public faith in the legal system.

- **Social Stigma and Victim-Blaming**-Societal attitudes and cultural norms also pose significant challenges to victim protection. Victims, particularly in cases of sexual offences, often face social stigma, discrimination, and victim-blaming. Instead of receiving support, they may be subjected to moral judgment, questioning of their character, or pressure to remain silent. This discourages many victims from reporting crimes or participating in legal proceedings. The fear of social ostracism and damage to reputation can be as harmful as the crime itself. Addressing this issue requires not only legal reforms but also broader social awareness and attitudinal change.

In conclusion, while legal provisions for victim protection have evolved significantly, their implementation continues to face multiple challenges. Addressing these issues requires a multi-dimensional approach involving better training of law enforcement, stricter enforcement of laws, judicial reforms to reduce delays, and societal efforts to eliminate stigma and victim-blaming. Only through such comprehensive measures can the objectives of victim protection be effectively realized.

Suggestions and Reforms

In order to ensure effective victim protection and uphold the principles of privacy and dignity within the criminal justice system, it is essential to adopt a comprehensive set of reforms that address existing gaps in implementation. While legal frameworks already exist, their success largely depends on proper enforcement, institutional capacity, and societal awareness. The following suggestions highlight key areas where reforms are necessary to strengthen victim protection mechanisms-

1. **Strict Enforcement of Privacy Laws**-One of the foremost requirements is the strict enforcement of existing privacy laws and confidentiality provisions. Legal safeguards such as non-disclosure of victim identity must be implemented rigorously, and any violations should attract immediate and stringent penalties. Authorities must ensure that personal information of victims is handled with utmost care at every stage of investigation and trial. Establishing clear accountability mechanisms and monitoring systems can help prevent unauthorized disclosures and reinforce trust in the legal system.²⁰
2. **Training of Police and Judiciary**-Capacity building through regular training programs for police officials, judicial officers, and other stakeholders is crucial. Such training should focus on sensitization, victim-friendly procedures, and awareness of legal provisions related to victim protection and privacy. Law enforcement personnel must be adequately trained to deal with victims in a respectful, sensitive, and empathetic manner, particularly in cases involving sexual offences. Similarly, judges should be trained to adopt

²⁰ Om Prakash v. State of Uttar Pradesh, (2006) 9 SCC 787.

approaches that minimize trauma and ensure dignity during court proceedings. This will help create a more humane and supportive justice environment.²¹

3. **Regulation of Media Reporting**-The role of the media in shaping public perception is significant, and therefore, it must be subject to appropriate regulation. Clear guidelines should be established to prevent sensationalism and the disclosure of sensitive information about victims. Media organizations should adhere to ethical standards that prioritize the dignity and privacy of victims over the pursuit of ratings or public attention. Regulatory bodies can play an important role in monitoring compliance and taking action against violations. Encouraging responsible journalism will help reduce secondary victimization and promote a more balanced narrative.²²
4. **Use of Technology for Anonymity**-With the advancement of technology, innovative solutions can be utilized to enhance victim protection. Measures such as virtual hearings, video conferencing, and voice distortion can help maintain anonymity and reduce the need for victims to physically confront the accused. Digital platforms can also be designed to securely handle sensitive information, ensuring data protection and confidentiality. However, the use of technology must be accompanied by robust cybersecurity measures to prevent data breaches and misuse. Proper implementation of such tools can significantly improve access to justice while safeguarding victims' privacy.
5. **Strengthening Victim Compensation Schemes**-Victim compensation schemes should be further strengthened to address the financial, psychological, and social impact of crime. Timely and adequate compensation can play a vital role in helping victims rebuild their lives and regain a sense of security. Simplifying the application process, ensuring transparency, and increasing awareness about such schemes are essential steps in this direction. Additionally, compensation should be complemented by rehabilitation services, including counselling and support programs, to ensure holistic recovery.²³

Conclusion

Victim protection, privacy, and ethical considerations are deeply interconnected components of a fair and effective criminal justice system, requiring a careful and balanced approach to ensure justice for all parties involved. Although significant legal frameworks and judicial guidelines have been developed to safeguard the rights and dignity of victims, their practical implementation continues to face multiple challenges due to institutional gaps, lack of awareness, and evolving technological risks. At the same time, it is equally important to uphold the fundamental rights of the accused, including the presumption of innocence and the right to a fair trial, so that the justice system remains impartial and credible. In this context, achieving a balance between victim dignity and accused rights becomes essential to maintaining both fairness and humanity in legal proceedings. Furthermore, with the rapid advancement of digital technology and increasing societal awareness, new threats and ethical dilemmas continue to emerge, making it necessary for laws and policies to evolve dynamically. Therefore, a holistic approach that integrates strict legal enforcement, ethical responsibility, technological safeguards, and social sensitivity is crucial to

²¹ Sakshi v. Union of India, (2004) 5 SCC 518.

²² In Re: Vijay Kumar, (2015) 2 SCC 1.

²³ Ankush Shivaji Gaikwad v. State of Maharashtra, (2013) 6 SCC 770.

ensure that justice is not only delivered effectively but is also perceived as just, without compromising the dignity and rights of individuals.

References

- K.D. Gaur, *Textbook on Indian Penal Code* (LexisNexis).
- V.N. Shukla, *Constitution of India* (Eastern Book Company).
- Ratanlal & Dhirajlal, *The Code of Criminal Procedure* (LexisNexis).
- Upendra Baxi, *The Crisis of the Indian Legal System* (Vikas Publishing).
- National Law School of India University Law Review, Articles on Victimology.
- Journal of the Indian Law Institute (ILI), Articles on Criminal Justice and Victim Rights.
- Law Commission of India, *154th Report on the Code of Criminal Procedure*.
- Law Commission of India, *221st Report on Witness Protection*.
- Ministry of Home Affairs, *Witness Protection Scheme, 2018*.
- The Constitution of India, 1950.
- The Code of Criminal Procedure, 1973.
- The Indian Penal Code, 1860.
- The Information Technology Act, 2000.
- The Digital Personal Data Protection Act, 2023.
- Maneka Gandhi v. Union of India, AIR 1978 SC 597.
- Justice K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.
- Zahira Habibullah Sheikh v. State of Gujarat, (2004) 4 SCC 158.
- Nipun Saxena v. Union of India, (2019) 2 SCC 703.
- Mahender Chawla v. Union of India, (2019) 14 SCC 615.
- Ankush Shivaji Gaikwad v. State of Maharashtra, (2013) 6 SCC 770.
- United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, G.A. Res. 40/34, U.N. Doc. A/RES/40/34 (Nov. 29, 1985).
- General Data Protection Regulation, Regulation (EU) 2016/679 (Apr. 27, 2016).
- Universal Declaration of Human Rights, G.A. Res. 217 (III) A, U.N. Doc. A/810 (Dec. 10, 1948).