

Restorative Justice to the Victims of Terrorism in the Criminal Justice System of India

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Abstract : The torments of the victims of terrorism have not only confined to loss of life and limb but also includes the physiological trauma to the innocent victims. The physical wounds may heal, but the trauma remains in the mind and heart of the victims and their loved ones; however, one should not deny that these terrorist activities affect to a major extent to their livelihood. To protect their human rights and restore the shattered lives of the victims of terrorism all the Nations beyond their differences have to show solidarity and frame a comprehensive restorative policy with an effective implementing mechanism. The General Assembly of United Nations, through its several resolutions, has appealed Nations to show solidarity and also committed to helping the Members State to frame the law and policy to support the victims of terrorism. To achieve the objectives of the resolutions adopted by the United Nations, the Indian legislators in 2008 amended the Code of Criminal Procedure, 1973 and incorporated Section 357A to provide financial assistance to the victims of terrorism. In India, the contemporary developments in the victims' oriented studies have increased the dimension of the traditional criminal justice systems to protect the rights of the victims. In this regard, the paper has ascertained the Indian legal framework in respect to the restorative justice to the victims of terrorism and also addressed the question as to whether the statutory provisions and enforcement mechanisms are efficient enough to protect the human rights of the victims of terrorism. For that purpose, the paper has analyzed the International instruments and the reports with regard to the compensation to the victims of terrorist attacks, with that, the article also evaluates the initiatives of United Nations to help Members State to frame the law and policies to support the victims of terrorism. The study also made an attempt to critically analyze the legal provisions of compensation and rehabilitation of the victims of terrorist attacks in India and whether they are in alignment with the International standards. While concluding, the paper has made an endeavor for a robust legal framework towards the restorative justice for the victims of terrorism in India.

Keywords : victims of terrorism, restorative justice, human rights, criminal justice system of India

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