

CRIMINAL VICTIMISATION

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I. MEANING OF CRIMINAL VICTIMISATION:-

As criminology is the science of crime and criminals, similarly victimization is a science of crimes and their victims. The study of victims is said to be a new field. The entire focus of the criminal justice system is on the offender, to punish him. Victimization seeks to study of the relationship between victims and offenders, the person especially vulnerable to crimes and the victim's placement in the criminal justice system. The United Nation General Assembly in 1985 adopted a declaration. This declaration is known as "Basic Principles of justice for victims of the crime and abusive power". In this declaration not only the word "victim" was given a very wide coverage but it also spelt out the measures to be taken at international and regional levels for improving access to justice and fair treatment restitution, compensation, social assistance for victims of crime and the steps to be taken to prevent victimization linked to abuse of power and the remedies that should be available to all the victims.

II. MAIN REASONS FOR DEVELOPMENT OF VICTIMISATION:-

- Criminology is concerned with the correction and rehabilitation of criminal more than with his victim. It is felt now that very little has been done for the victim.
- With the development of criminology better understanding of the causes of crimes and impacts of crime has increased the dimensions of crime.
- Nowadays, interest in victims has increased. The media has given increased attention to the victims and politicians have responded by appearing to improve the lots of victims. There are now improved compensation awards which courts can offer and there are new funds available to the agencies who offer help and support to victims.
- The concern for the entitlement and rights of diverse sections of disadvantaged population is growing and it has contributed to the increased concern for victims.

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III. PERSONS VULNERABLE TO VICTIMISATION:-

- **Elderly victims:-** Elderly persons in western countries and India metropolitan cities have to live alone and repeated victimization is possible in their case. However in Rural India they live with their children and do not generally face problems of Physical insecurity.
- **Child victims:-** Children are also vulnerable to violence in general and sexual abuse in particular. In India most of the kidnapped children are killed if their parents refuse to pay ransom. In case of sexual abuse, they need special attention because inept handling by law enforcement agencies may prove to be even more damaging than the crime committed against the child.
- **Victims of sex offences:-** Offences against women, in particular serious offences such as that of rape, have been increasing everywhere including in traditional societies like India. Perhaps this class of victims, irrespective of age factor, deserves the maximum consideration in view of the emotional, psychological and human problems involved. The police and the court proceedings may be a traumatic as the offence itself.
- **Female victims:-** In the western societies, the issues regarding criminality against women generally pertain to end are confined to sexual but in the Indian setting women are exposed to gang rapes by policeman and dominant caste group, sati, wife-beating, prostitution and even witch-hunting. Legislation exists and is reinforced from time to time to meet the challenges posed by some of the abovementioned maladies but effective enforcement of the laws is not forthcoming; defective legislation being only a marginal cause in the overall socio-political milieu of the country. Crimes against women, particularly dowry deaths, are increased at a rapid pace.
- **Minority Groups and Weaker Sections:-** Members of the ethics, religious or linguistic minorities in pluralistic societies may be especially vulnerable to crimes. In the countries resulting from socio-economic imbalances and political factors, they generally the worst sufferers. The phenomenon is almost universal and a typical example is provided by India where communal strifes owing to a variety of causes, pose a perennial problem. A number of caste and communal riots occur each year in the country leading to murder and rape.

IV. PROBLEMS OF VICTIMS:-

The problems faced by victims of crime are multiple:-

- **Economic strain of the family:-** The death of the bread winner of a family in crime will result in gross family disorganization. This is because there is no guarantee for getting adequate compensation from any recognized source.
- **Changes in social role of dependent:-** Sometimes, old parents of the victim are compelled to earn money, sometimes the victim's wife with no previous vocational experience has to try to earn money.
- **Frustration and suicide:-** The victim who suffers physical disability caused as a result of victimization may become a burden and liability to his own family. Inferiority and defeatist mentality of extreme degree also occur which become the source of frustration and suicide.
- **Social stigma:-** The victim of sexual crimes become the object of social stigma. The whole family of the victim falls prey to social degradation. It is also causes the problem of marriage of younger generation in the rape victim family.
- **Emergence of criminal behavior:-** As crimes are committed as a result of various pressures, stresses and strains, a criminal may be the victim of circumstances who has control and has committed crime.

V. COMPENSTAION TO VICTIMS OF THE CRIME:-

- **Historical perspective:-** In the early stage of civilization, retribution was the only aspect of punishment which was taken in consideration. The law was designed to compensate the victim and not punish the offender, the state playing the role of arbitrator. Sometime the injured person compounded the offence for substantial monetary payment. The case for restitution to victims of primarily on two obligations: an obligation of the criminal who inflicted the harm against person or property and an obligation of the state who failed to protect the victim.
- **Modern concept:-** The state having failed to give protection to its citizen, should take the responsibility to rehabilitate the victims by making adequate compensation for the loss suffered, especially where the offender Is unidentified or is so indigent that

nothing substantial can be recovered from him by way of reparation. This view reflects the feelings of criminologists, social thinkers and jurist taking into account the development of the concept of welfare state.

VI. EVALUATING VICTIM JUSTICE IN INDIA:-

- Victimization is still understood in a limited sense as an aspect of sentencing rather than a concept that ought to permeate other process of criminal justice administration.
- Near absence of legislative initiatives to recognize victim interest with the criminal justice administration.
- Whatever little legislative and judicial initiatives are visible that are mainly concerned with the compensatory justice, with little or no recognition of restitution, assistance needs.
- The absence of state compensation boards make the task of compensation from resource less aggressors very difficult to administer.
- Thus, so far we have made very little headway in the direction of real victim justice.

VII. FUTURE COURSE OF ACTION:-

Ineffective measures of preventing and controlling crime are the main factors leading to victimization. There is a great need to reduce victimization to the minimum level.

- **State responsibility:-** There is a growing awareness that the state must accept its responsibility to rehabilitate a victim of crime, especially when it has failed to protect him/her.
- **Machinery for the administration of the scheme:-** For awarding of compensation, a modern state must set up an appropriate body to take full charge of the matter. It would be much better to set up separate administrative tribunals or boards for this purpose.
- **Special provision for rape victims and their children:-** Laws should be made favourable to women and other reforms that are desirable and the child born of rape should be considered legitimate on the lines of section 16 of the HMA. Both the mother and child should get the

maintenance from the offender where he is identified, otherwise the state must take up their responsibility.

- **Measures for victims of abuse of power:-** Appropriate measure including constant care, vigilance and monitoring of public official's conduct shall have to be undertaken to protect person from illegal acts involving abuse to power.
- **Access to justice and fair treatment:-** victims should be treated with compassion and respect for their dignity. Judicial and administrative mechanisms should be expeditious, fair, inexpensive and accessible.
- **Restitution:-** offenders or third party is responsible for their behaviour should, where appropriate, make fair restitution to victims, their families or dependents.
- **Assistance:-** victims should receive the necessary material, medical, psychological and social assistance.

VIII. CASE LAW:-

- Rudal shah vs state of Bihar
- R. Gandhi vs union of India
- D.K Basu vs state
- State of Gujrat vs High Court of Gujrat

REFERENCES:-

With the help of book of criminology written by Neeraj Kumar Gupta.