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# **IMPORTANCE OF VICTIMOLOGY IN SPECIAL REFERENCE WITH WOMEN AND CHILDREN IN INDIA.**

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## **Object of the Research**

The object of this research is to explore the extent to which the present justice system provides the various facilities and scopes to the victims of crimes. The issues arising out of Victimology are not just legal but also social, economic and ethical. The area of study would be to explore the problems and their solutions to victims especially in the case of women and children. The vastness of the subject would necessitate putting restrictions on the scope of study. It is proposed to restrict the scope of study to legal issues as far as they come under the traditional ambit of Criminal Justice System. The main objects of the study are:

1. To study the Nature & Development of Victimology.
2. To study the concept of Victimology.
3. To study the attitude of Police and Judiciary towards women and child victims.
4. To study the functional aspect of Victimology specially relating to women and children.
5. To evaluate the response of present laws in India to compensate and restore the victims of crime through the present criminal justice system.

## **INTRODUCTION**

For too long, the law has centered its attention more on the rights of the criminal than on the victim of the crime. It is high time we reverse this trend and put the highest priority on the victims and the potential victims. Crime victims are the “forgotten persons” of the criminal justice system, valued only for their capacity to report crimes and to appear in court as witnesses.

Similarly, Siegal characterized this inequity in the following manner: “vulnerable, angry, insecure, selfless, the victim who survives observes a criminal who is fed, housed, given legal, medical, psychological, and psychiatric aid - even education and vocational training. The victim. suffers alone” The victims experiences with the professionals of the system- police, lawyers, court officials and other those running compensation agencies - are rarely considered, but will affect their attitudes to that system. If victims come to regard their treatment as too stressful, demeaning, unfair, distorting of reality, too remote or too little concerned with their own rights, feelings and interests or if decisions are made which are felt to be unsatisfactory, it is possible that this „secondary victimization“ by the system may lead to disenchantment, disinterest and future non - operation, not only by the victim, but also by his friends and relatives.

Broadly speaking in India four agencies are concerned with the administration of criminal justice. These are Legislature, Police and Prosecution, Courts and Correctional agencies. The legislature provides for the broad framework of legislation within which all other agencies operate. The police are concerned with the maintenance of law and order.

The courts are concerned with administration of justice through various procedures and correctional services work through several institutional and non- institutional programs. Emphasis of correctional services has shifted from deterrence to reformation and stress is on reformation of offenders by giving them more humane treatment in prisons. Criminal administration at present<sup>1</sup> has nothing more to do in favour of crime victims that they actually deserve.

## **Nature & Development –**

When a crime is reported to police, search is made for the criminal. They maintain statistics on the arrest, conviction, imprisonment and release of criminals or suspected criminals. The police are required by law to respect concrete and specific rights of offenders but it turns a blind eye towards the plight of victims and victims are left to the mercy of police from which they have no escape. During the course of trial accused is treated as a privileged person and is provided all possible aid and services including a defense counsel, if necessary at the cost of state. Courts interpret the law and

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<sup>1</sup> Siddique, Ahmad—Criminology : Problems and Perspectives (Eastern Book Company) 2005p.545

administer justice by adjudicating on the basis of evidence placed before them whether offender is guilty or not and on conviction award sentence, proportionate to the nature of crime.

Michael Fooner an eminent criminologist in an article entitled “Victim Induced Criminality” observed: - the history of crime and punishment in the whole civilized world reveals a steadily increasing concern with the treatment of criminal and a virtual blackout of attention to the situations of the victim. For more than thousand years prior to the mid - twentieth century, the victim of crime in our society and in the administration of justice has been ignored”.

Justice Krishna Iyer writing on „The Criminal Process and Legal Aid“ observed, “Tears shed for the accused are traditional and „trendy“ but what the law has done for the victim of crime, the unknown martyr?” The above cited observation of a former Judge of Supreme Court of India makes it clear that the criminal law in India is not victim oriented rather it is offender oriented. The sufferings of victim, often immeasurable, are entirely overlooked in misplaced sympathy for the criminal. The modern criminal law,<sup>2</sup> which is supposed to represent the social ambitions and norms, is designed to punish as well as to reform the criminal, but it overlooks an important by-product of crime, the victim.

During the last century, there have been far reaching changes in criminal justice system concerning the rights of the accused during the investigation of the crimes, prosecution of offenders and the punishment to be imposed in the event of conviction. The whole spectrum of criminal jurisprudence is ordained to perceive and permeate the interests of the accused of crime and to neglect the victim as a *ponderous necessarian*. Thus unmindful and untoward trendy threat towards the accused has left the complainant the „*unknown martyr*” of crime.

Criminal Justice Delivery System, traditionally perceives a victim of crime as merely a source of information and evidence. It assumes that the claims of a crime victim are sufficiently satisfied by conviction of the crime perpetrator. This traditionally accepted assumption, though seems to be right, just and convincing in the light of prominent functions of criminal law and his (victim’s) faith in Criminal Justice System, in the light of current penological thinking, however, seems to be unjust, unfair and inequitable when society and state are resorting to every possible „measure“ to „reform“

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<sup>2</sup> Makkar, S.P. Singh and Friday Paul : Global Perspectives in Victimology (An endeavor to define Victimology)



and „rehabilitate“ an offender and not displaying their equal concern for compensating victims of crime.

However modern victimologists, feel that the traditionally accepted assumption is less persuasive and ostensibly „unjust“ unfair and inequitable“ to victims of crime in the contemporary „offender-oriented“ Criminal Justice System. A crime victim is an unfortunate recipient of „harm“, Toss“ or injury.

Victim is a real sufferer for no fault of his. The prime responsibility of a State is to protect limb, life and property of its subjects and a crime victim suffers because of the State“s failure in protecting his limb, life and property, as the case may be. Therefore, the State must be equally „fair“ and „just“ to a crime victim by designing a comprehensive scheme for rendering justice to him.

## **Victim**

The research work will focus on the victims of crime particularly women and children. The legal term „the complainant“ is used in the Criminal Procedure Code. Before the Code of Criminal Procedure (Amendment) Act, 2008, the word „victim“ was not defined in the Code. By this amendment Section 2(wa) has been inserted in the Code of Criminal Procedure and under this section the term “Victim” has been defined.

## **Types of Victims –**

The victim is a person who suffers from many types of different crimes which are punishable or any kind of torts or mischief made with him. There are many crimes related to women and children in India. Most of the crimes are not even reported due to which the number of registered cases goes down. The main crimes that are caused against women are Dowry Death, Female Foeticide, Illegal Abortions, Acid Attacks, Rape, Sexual Exploitation for giving some favour in the offices, Blackmailing by Nude Photos, Videos etc.

The children who are not very strong to resist the attacker or the criminal become the victims of the attacks or crimes. Many small children don“t know that the person is a good person or a bad person. The percentage of the criminals in the child offences is very much considering the relation with the

children. In most of the cases, the attacker or the criminal is the very close relative or even blood relatives of the victims.

In the rape cases of small girls, the victims don't even understand that the criminal is her relative, brother, father, uncle, etc. Because they are still not that mature to understand the relationship and what the criminal is doing with them. In the cases of women, due to the very bad system of testing for rape, publicity of the news, media attention, harassment by the police while reporting the case, harassment by the medical officers, etc. such women do not register any cases.

Talking about the types of victims in every different cases, the behavior of each victim changes as per the gravity of the crime happened with them. Some of the victims who are young tend to fight back the criminal in the Court of Law but on the other hand some victims are very vulnerable, they do not tend to fight back in the Court of Law. Most of them are women and children who also don't have that much knowledge to fight a case. Many of the victims are very poor and so they don't get the proper legal help from the Advocates to fight their cases. Some are very illiterate due to which they do not file any cases against the criminals and that's why the criminals roam around easily and try to do more and more crimes than before without any fear of law and punishment.

## **The attitude of Police and Judiciary towards women and child victims –**

When we talk about the women or child victims in any cases registered, the police in India are or behave very carelessly and there is no sense of showing humanity to the victims of the case in the Police Station when they come to register the case against anyone who did to them. The process of checking in Medical that the woman is a real victim of the crime or just faking it, is the very bad process and due to which many women back out from registering the cases because it is more painful and tragic than the crime happened with them.

In the case of child victims, the Police had to take help of the Child Counselors to talk with the children about the incident and gather more information about it. Many a times the children can't give proper information to the Police at first due to the trauma and fear of the incident. So the Police take the help of such counselors to calm them down and gather more information. In the cases of girls,

they have to take the help of Female Counselor. But the current condition is not very good and acceptable. In most of the cases, the police tend to ignore such cases and don't register them. This is because of the Paternal Mentality or due to the influence of any powerful leader or corporator. Because they have to work as per their instructions and if they don't obey their orders, they get transferred easily and quickly to a very remote place.

Talking about the Judiciary in India, their work is to identify the culprit from the evidences and merits of the case in front of them. In the cases of children, there are some legal problems that need to be proved such as the age of the victims and to admit their statements against the culprit. So the question arises that how much of the statement should be taken into consideration? So, this causes too many problems and delay in the case to be solved. Then comes the appeals by the accused in Higher Courts to get out. This also mentally and physically harasses the victims and their families. Sometimes they also get threats to take back the cases or sometimes they are offered a huge amount of money to compromise the case.

So, in many cases the victims take money and take back the cases while in the Police Station or sometimes in the Courts by giving hostile statements, changing or manipulating the witness in the cases, etc. The Judiciary should have a good vision to identify the problem in the case and prioritize the cases of children and offences against women to give proper justice to them in a very less time. Because most of the cases go on running for 8-10 years or above but they still don't get justice.

## **About Victimology**

Generally the whole attention is paid by the crime investigators and the courts on the criminals. They are concerned with the victim of the crime only for detection of the crime and to substantiate or falsify the prosecution story. The suspect is arrested, brought before the court, the victim assists the prosecution as a witness of the crime. The sentence or acquittal as the case may be depends on the evidence.

The concept of criminal amelioration has widened the area of criminal reforms e.g. release of the offenders on probation or parole and other reformatory methods are being applied to the criminals to make them fit to live in the society. Criminology is mainly concerned with the criminals their social backgrounds, the causes of criminality, methods of punishment and crime prevention etc.

## Classification of Victimology

In the backdrop of above discussion<sup>3</sup> victimology can broadly classified in two main categories, Penal Victimology and General Victimology.

### Penal Victimology

The interests of first victimologists Hentig, Mendelsohn and Wolfgang continue to be one of the main streams within victimology today. This stream has been called penal victimology as contrasted to general victimology. For the adherents of penal victimology the scope of the field is defined by the criminal law: victimology studies the victims of incidents defined as criminal by law. The research agenda of this victimological stream combines issues concerning the causation of crimes and those concerning the victim's role in the criminal proceedings.

Penal victimology looks at the dynamic interplay between victim and offender. An appropriate, alternative name for this stream would be interactionist victimology. The most important political criticism leveled against this type of victimology is that it provides arguments for blaming victims for their fate. In later victimological publications by Mendelsohn and others the involvement of the victim in the commission of the crime is analyzed to explain the dynamics of criminal behavior without any intent to inculcate the victim. It cannot be denied, however, that the victimological notion of victim-precipitation can be exploited by others for the purpose of victim blaming.

Researchers who study the role played by the victim in the dynamics resulting in the crime as well as in the ensuing legal conflict will typically hold discriminate opinions on the punishment of the offender. In some cases the victim might indeed have to share part of the blame. In other cases the victim has an interest in being reconciled with the offender. In penal victimology there is an intrinsic interest in non punitive solutions to criminal incidents (such as mediation) which, at least in theory, empower both victims and offenders. For the pioneers in victimology, offenders and victims are equally deserving of humanitarian concerns. Since concern for the offenders does not conflict with concern for the victim there is every reason to preserve this tradition.

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<sup>3</sup> [https://booksite.elsevier.com/samplechapters/9780123740892/Sample\\_Chapters/02~Chapter\\_1.pdf](https://booksite.elsevier.com/samplechapters/9780123740892/Sample_Chapters/02~Chapter_1.pdf)

This even-handedness is perhaps less justified, though, with regard to crimes committed in the context of structural power inequalities. Researchers who come to victimology from a gender-equality perspective have made main stream victimologists more sensitive to gender issues and to power inequalities generally. In one important respect the new generation of victimologists focusing on gender-issues, seems to be in full agreement with the pioneers of penal victimology. According to both, victims must not be studied in purely medical terms. Criminal victimization is not a clinical phenomenon. The key to a better understanding of the problems of crime victims is that they have been wronged by another human being and that their shattered sense of justice must be repaired. Victims must not only be given therapeutic help. They must also be rendered justice.

## General Victimology

The second main stream of victimology is usually called general victimology. Like penal victimology, this stream was also first explicitly described by the aforementioned Mendelsohn. In one of his later post-war publications (1956), Mendelsohn advocated a general study of what he now called “victimity”, with a view to reducing it by prevention and victim assistance. In later papers he called for the establishment of victims’ clinics. The assistance for victims should be based on a specific personal, social and cultural rehabilitation theory. Mendelsohn’s interest no longer lay with crime and its prevention, but with the prevention and alleviation of “victimity” in a wide sense.

The subjects of study should not only include victims of crime and abuse of power but should also include victims of accidents, natural disasters and others acts of God.

He advocated the development of general victimology as a discipline in its own right, independent of criminology or criminal law, which would assist governments in minimizing human suffering.

## Position of Victim in Criminal Proceedings

Definitions A Victim is defined<sup>4</sup> as a person who has suffered harm, either physical or mental injury, emotional suffering, economic loss or violation of their fundamental rights, through acts or omissions

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<sup>4</sup> <https://www.legalserviceindia.com/legal/article-5591-rights-of-victims-in-indian-criminal-justice-system.html>

considered to be violative of Indian criminal laws including those laws that prescribe criminal abuse of power.

The development of organized society, according to the idealized view, is regarded as a continuous development of order out of chaos. According to this view, primitive man could rely only on himself for defence and vengeance. Society brought with it rules of conduct, enforced when necessary by some figure of authority. In particular, certain forms of conduct (such as taking property belonging to another, causing another person bodily injury) were condemned, and various forms of punishment awaited the offender. This mechanism of criminal justice was seen to deter crime, thus providing potential victims with the best form of protection.

If, despite this deterrence, an offence did take place, it was no longer up to the victim to see that the offender was “brought to justice” he was to turn to the agents of the central authority, who would perform this service for the victim. Indeed, some commentators have argued that the position of the victim may have retrograded during the most recent period of development. The development of the position of the victim is unavoidably tied to the over- all development of the criminal justice system, and of society in general. One of the predominant trends in this has been differentiation, specialization and stratification, a development from a “Gemeinschaft” society to a “Gesellschaft” society. In the process of social control, this entails a shift from a system where every person had an equal potential for exercising social control (subject, of course, to such factors as strength and mental abilities) to a concentration of control functions in the hands of agencies and individuals specifically entrusted with this task.

This view of development in effect draws two stereotypes, and suggests that one has replaced the other. According to the stereotype of community law, the victim or perhaps the immediate circle of the victim decides on what measures to undertake on the basis of an offence.

This might include ignoring the offence entirely (for example when the offender is obviously more powerful), exacting private or collective vengeance, or entering into informal negotiations on a possible settlement.

## The Future of Victimology

When victimologists from around the globe<sup>5</sup> gather to discuss the issues mentioned, it is clear that the presentation of their research findings and their insights will be relevant for colleagues from all continents. There are some prominent international protocols concerning the rights of victims of crime and abuse of power.

Victimology is rapidly moving forward and it has attracted many academics and practitioners from different backgrounds and with widely diverging interests. The resulting avalanche of publications in this field plainly asks for some analysis. What are the most important issues which are likely to dominate victimological debate in the next decade? Which fundamental choices need to be made when we want to preserve (or to establish?) some coherence in victimology as a respectable academic discipline? Some inferences will be drawn from the content of the preceding parts of the present contribution.

It seems axiomatic that the future of victimology will influence, and be influenced by, developments in the justice system. Because of this, the future of victimology will largely depend on the extent to which the paradigm of "restorative justice" is accepted and implemented. Societies undergo perpetual change. Today's society is undergoing rapid and radical transformation. Justice paradigms have to change with social evolution in order to remain in harmony with prevailing belief systems and to take stock of whatever advances and discoveries are achieved in the fields of criminology and penology.

The archaic goals of expiation and atonement will not be in harmony with the realities and beliefs of the secular, post-industrial society of the 21st century. In modern secular societies the notion of risk and harm are gradually replacing those of evil, wickedness, malice, and are bound to become central concepts in the social and criminal policies of the future.

Future policies of crime control will be largely based on risk assessment, risk management, risk coverage, risk reduction, and risk prevention. The measurement of harm: physical, material, and mental, will likely become the central component of social reaction to crime. The primary aims of such a response will be redress, reparation and compensation. All harmful actions will generate an

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<sup>5</sup> <https://www.proquest.com/docview/870326819>

obligation to redress coupled with endeavors to prevent their future occurrence.

This will be the era of **restorative justice**.<sup>6</sup> Such a paradigm shift will have a profound impact on victimology of the future. In the past two decades, attempts to exploit the cause of crime victims for political gain, and conservatives' efforts to sell the policies of law and order under the pretext of doing justice to those victimized by crime often required the portrayal of victims as vengeful, vindictive, even bloodthirsty. Those claiming to represent and to speak on behalf of victims propagated the erroneous view that concern for crime victims invariably requires harsh, punitive justice policies. While the distress of some victims may be so overwhelming that they will demand the harshest possible penalty for their victimizer, this could hardly be said of the majority of victims of crime.

## **Contribution of Family, Friends and Neighbours**

When someone is victimized, they may have a variety of needs, ranging from serious and immediate issues such as healing injuries sustained in the commission of a violent crime to lesser issues such as needing someone to watch the kids while the victim goes down to the police station or courthouse. Meeting many victim needs takes specialized knowledge; providing civil legal assistance to help a domestic violence victim file for divorce or helping a victim fill out an application for monetary compensation from the state, for these kinds of needs, victims turn to social service programs.

But for a variety of other needs, ranging from borrowing money to getting a broken door fixed to just needing someone to talk to, victims most frequently turn to family, friend and neighbors. Research studies have shown that victims need many different forms of assistance. Some needs, can only be met by service programs: Victims filing claims for state compensation or domestic violence victims needing to gain child custody or alter the terms of visitation need help from trained professionals.

## **Social support**

A considerable body of research has demonstrated a link between social support and adaptation to adverse life events, such as illness, depression, victimization and bereavement. For example, some studies have shown that positive social support following life stressors can maintain and enhance

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<sup>6</sup> Halsbury's Law of England 4th edition 2006 Reissue 11(4), Criminal Law, Evidence and Procedure, Lexis Nexis, Butterworths Lord Mackay of Clashfern



self-esteem. Evidence also suggest that the support of family and friends is vital to the adjustment of crime victims. In Indian context when a person becomes the victim of a crime, people hesitate to help the victim as they do not want to involve themselves in unnecessary questioning of police. Police call them again and again for interrogation. After that police produced them in the court as a prosecution witness.

They are harassed by the offenders as in India there is no law for the protection of witnesses. In all these proceedings they waste their precious time, money and sometimes their life. Because of patriarchial system of society or because of gender discrimination, in offences against the women, most of the time people blame the woman victim for the victimization. That is why woman victims afraid to lodge a complaint against the offenders. Blameworthy attitude of the society increases the traumatic stress of the woman victim of the crime.

## **Victimology: Legislative Framework in India**

“Trials involve adversaries and adversity, defeats and victories, winners and losers..... it is the business of defence to cast doubt on those allegations and discredit witnesses and their evidence... it is to make witnesses appear so inconsistent, forgetful muddled, spiteful or greedy that their words can't be safely believed. Victims and defendants, prosecution and defence witnesses alike face accusations of mendacity, impropriety and malice.

Victims who come to court supposing that a trial will be an assertion of their wrongs will discover that it is their probity that is at issue as well. In a contested trial, they will almost certainly be exposed to a bruising interrogation in which •AD they are the injured party. At best they will be the alleged victim.”

## **The Code of Criminal Procedure, 1973**

The Code of Criminal Procedure is the first and probably the oldest legislation in India to deal with the concept of compensation to the victims of crime. Though the victimological aspect under the Code is of limited purport and is confined to compensation only but it has definitely proved the way for improving the principles of compensatory jurisprudence. The Code of Criminal Procedure is based on the principle of presumption of innocence though there are various provisions in the Criminal

Procedure Code for providing justice to victims of crime. But these provisions are scattered all over the Criminal Procedure Code.

In pursuance of the recommendations of the Law Commission of India in its 41<sup>st</sup> report a comprehensive scheme for compensation to the victims of crime has been made in section 357 and section 357A of Criminal Procedure Code. Besides these two sections, other sections like 358, 359, 237, 250 also deal with compensation to victims of crime. Other provisions which are important from the aspect of Victimology are proviso to section 24(8), Sections 320, 327, 378, 397, 473, 482, 437(5), and 439(2).

## **Rights And Status Of Victims Of Crime With Special Focus On Women And Children**

"Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm they have suffered." Strange and ironical as it may sound, the administration of criminal justice is not much concerned with the victims of crime except that in a few cases some marginal action is possible to render limited or token help to the victims. The entire focus of the criminal justice system is on the offender; to punish him or to seek his reformation and rehabilitation with all the resources and goodwill available through the courts and other governmental and non-governmental agencies. Efforts are made to understand his personality and the individual and social factors which might have contributed to his criminal behavior.

### **Rights of Victims of Crime in Criminal Justice System**

The study of existing legal framework in relation to rights of victims of crime reveals that except in the area of providing compensation, very little has been done either statutorily or through schemes to address the entire range of problems faced by victims of crime. No doubt in an adversarial system, each attempt is made to deliver justice from the point of view of an accused. Indian system of criminal justice is accused oriented. The rights of victims of crime are often overlooked. Unlike the accused, victims have virtually no rights in criminal proceedings and proceedings are supposedly conducted on their behalf by State agencies.

Right from the beginning of a trial till the final conclusion, attempts are made to benefit the accused, sometimes even at the cost of victim's sentiments. Criminal justice system though pro-accused, gives certain rights to the victims of crime also. But these rights are scattered in various enactments such as Indian Penal Code, Indian Evidence Act and the Criminal Procedure Code. Because of less awareness, most of these rights remain unexercised.

## From Retribution to Restitution

Retribution is a socially popular theory of punishment and it is closer to social reaction to crime. Retribution seeks to right the balance by lowering the offender to the level to which the victim has been reduced. It tries to defeat the wrongdoer, annulling his or her claim to superiority and confirming the victim's sense of worth. Restitution, on the other hand,<sup>7</sup> seeks to raise the victim to his or her previous level. The word "restitution" connotes restoring or compensating the victim for his loss. The original conception of restitution as a criminal remedy was that of forcing the criminal to yield up the fruits of his crime.

It has been observed that this form of criminal restitution is sanctioned not only by history but also by its close relationship to the retributive and deterrent purposes of criminal punishment. Restitution is the term applied when the offender makes amends to his victim in a criminal offence by paying a sum of money or by service. Its benefits are twofold - the offender is made more responsible for the crime and the victim receives attention and benefit directly from the offender. It gives an opportunity to both the victim and the offender to feel that a wrong is being righted. When restitution involves service to the community, the whole society receives reparation from the offender. Restitution is a positive measure and particularly appropriate for use in respect of juvenile offenders.

It traces its origin to the Middle Ages and is more penal than compensation paid by the State since it does not merely offset the victim's losses but makes the offender pay for them. The rationale for the restitution programme is that the offender is made to recognize his responsibility to the victim, it maintains the dignity of the offender unlike imprisonment, it saves the society and the offender from the deleterious effect of incarceration, and above all, it contributes to a sense of justice.

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<sup>7</sup> Zehr, Howard. (1990) Changing Lenses: A New Focus for Crime and Justice (Scottsdale, PA: Herald Press) p. 67

Long prison sentences stifle all hope of reform. The prison permeates the inmate, and when he is finally released he is almost helpless to make an adequate adjustment to free society. As Marshall B. Clinard and Daniel J. Abbott opined, fines and imprisonment are penalties collected by an impersonal State and thus do little to restore the damage or loss caused to the victim or the victim's family. Compensation<sup>8</sup> or restitution to victim has particular merit as a substitute for both fine and imprisonment. For over a century, opinion has been developing in favour of restitution to the victim or the victim's family by order of the criminal court.

## Beyond Restitution; Restoring Victims

The proponents of restitution place too much emphasis on financial restitution and reparation of material damage. Such emphasis is due to an inadequate understanding of the way in which crime harms people and of what the offender can do to help to restore the victim to the material, psychological and relational state they were in before the crime was committed. But according to proponents of restorative justice, the main reason crime is wrong and requires some response is not because it is an offence against society, but because it is „a violation of a person by another person“.

It is not denied that, the effects of crime ripple out touching many others“ and that society also has a legitimate interest in how the crime is dealt with, but it is asserted that these” public dimensions“ should not be the starting point for consideration of what to do about a crime. Rather our starting point should be the fact that one person has been harmed by the wrongful actions of another. That in a great many cases offenders will not be able to repair or make adequate compensation for all the material harm they caused. However, by putting themselves out to repair what they can, they can help heal the psychological and relational damage which they cause.

But restitution, despite its symbolic value, is not on its own sufficient to heal the wounds of crime. Offenders can and must do more. In particular, proponents of restorative justice emphasised the importance to victims of offenders showing remorse and shame and offering genuine apologies for their crime. Offenders must also be prepared to meet face to face with their victims, in a safe atmosphere, to explain their act and to answer the victim's questions about why they were victimized

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<sup>8</sup> Crime in Developing Countries: A Comparative Perspective (1973), P.269:

and other matters. A mediation meeting with offenders can also play a role in reducing the victim's fear and sense of powerlessness, since it allows them to see the offenders as an ordinary vulnerable person rather than the threatening, all-powerful figure which, in line with public stereotypes, they often imagine criminals to be.

## **Restorative Justice:**

There is the alternative approach which is aimed at moving away from the punishment of the offender towards restoring the harm done to the victim and the community and often extends to rehabilitation and reintegration of the offender. At present time a debate is developing on restorative Justice, which seeks to move away from conventionality, into new areas of mediation and involvement of victim and offenders. "Victim-offender Mediation" is one device employed by restorative justice. It involves a structured meeting between victim and offender, which hopes to convey to the offender that there is human consequence to the crime, while restoring a sense of control and resolution to the victim.

Therefore this approach offers new ways of making offenders face up to their crimes and it is potentially a very hopeful development. Recently interest towards restoration, rehabilitation, restitution of crime victims has been increased. There is a link between this new interest in customary and traditional legal systems in the former colonized countries and the development of new approaches to justice which the west, called "restorative justice" or "transformative" or "transactional" justice.

Archbishop Desmond Tutu<sup>9</sup> speaking about South African Truth and Reconciliation Commission, expressed the idea behind this concept: —said," But you see , the other thing is that, I think , lurking behind your question, is the concept of justice. Now you say, everybody has got to be punished. Your concept of what constitutes justice is retributive justice. Now that's not the only kind of justice. We believe that there is restorative justice because you see, the application is heard in an open hearing not behind the closed doors.....And that public appearance constitutes a public humiliation which is If

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<sup>9</sup> Archbishop Desmond Tutu is Noble Peace Prize Winner of 1984, He is Human Rights Activist and hero of South African anti-apartheid struggle. Recently he has been awarded Gandhi Peace Prize of 2005 on 31 January, 2007 by The President. A.P.J Abdul Kalam towards adding India's voice to the global recognition of Gandhism.

you are looking for punitiveness.. a punishment. But we didn't think that was where we wanted to end.

In practice this new approach to justice puts emphasis on the relationship between the victim of crime and the perpetrator and looks for a solution that gives some satisfaction to the victims through compensation, an apology some act of restitution, and tries to influence the wrong that has been done.

## **Restorative Justice**

Restorative Justice provides an entirely different way of thinking about crime and victimizations. Under previous criminal justice paradigms the state was viewed-as the primary victim of criminal acts, and victims and offenders played passive roles. Restorative justice recognizes crime as first and foremost being directed against individual people. It assumes that those most affected by crime should have the opportunity to become actively involved in resolving the conflict. The emphasis is on restoration of losses, allowing offenders to take direct responsibility for their actions, and assisting victims in moving beyond their sense of vulnerability and achieving some closure.

These goals stand in sharp contrast to those of traditional paradigms, which focused on past criminal behavior through ever-increasing level of punishment.

Restorative justice attempts to draw upon the strength of both, offender and victim, rather than focusing upon their deficits. While denouncing criminal behavior, Restorative Justice emphasizes the need to treat offenders with respect and to reintegrate them into the larger community in ways that can lead to lawful behavior.

## Conclusion –

In this research article, we have studied that the process and quality of Victimology should be changed in some way so as to suit the victims and not the accused. The vision of the Judiciary should be impartial and they should quickly identify the problem in the case of the women and children. The behavior of the Police needs correction because they don't care about the conditions of the victims and when it comes to children, special care should be taken while getting information about the incident.

When it comes to Victimology and the benefits to the victims, the government provides compensation, care homes for the victims, etc. while when it comes to children, it provides foster care institutions, special education centers, counseling centers, hospital and medical care, schools, etc. Then the accused gets the punishment as per law.

But apart from this, the government needs to improve the working of the Police and the Judiciary so that the victims don't feel more depressed while going to register the cases.

