

**ICFAI**  
LAW SCHOOL

ICFAI Law School, Hyderabad

# Proceedings

2 Day  
International  
Conference on

**Human Rights and  
Access to Justice**

**Dates: March 26 & 27 2021**

**ICFAI** Foundation  
for Higher Education  
(Deemed-to-be University under Section 3 of the UGC Act, 1956)  
Autonomous Institution. Accredited by NAAC with 'A+' Grade

## Human Rights and Access to Justice

**Editor:**

**Astha Srivastava**

© 2021 IUP Publications. All Rights Reserved.

Although utmost care has been taken to avoid errors and omissions, this publication is being sold on the condition and understanding that the information given in this book is merely for reference and must not be taken as having authority of or binding in any way on the author(s), editor(s), publisher or sellers.

Neither this book nor any part of it may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, microfilming and recording or by any information storage or retrieval system, without prior permission in writing from the copyright holders.

Published by

**IUP Publications** (A Division of The ICFAI Society),

#52, Nagarjuna Hills, Panjagutta,

Hyderabad 500082, Telangana, India.

Printed at

M/s. Sai Likitha Printers,

6-2-959/2, Khairatabad, Hyderabad 500004.

ISBN: 978-81-949152-8-7

# Victimology under The Criminal Justice System: Expanding the Scope of Criminology

Prithivi Raj<sup>672</sup>

---

---

## Abstract

*Rights of the victim are the essential part of the Criminal Justice Administration. The present research paper analyse the role of the victim during criminal proceedings. This research paper will be analysing the interaction between victims with the constituent elements of the criminal justice system and the role played by him at each stage of the criminal process. The author will explain the Rights of Victims and their role under various laws and also analysing the concept and development of Victimology and Criminology. This paper will be suggesting the remedial measures for the enhancement of the role of Victims under criminal procedure. This paper will analyse the role of the victim during criminal proceedings in criminal law making special emphasis upon the rights of victims of sexual offences. The paper will examine the legislations for the protection of Rights of Victim and the role of Judiciary in protecting the Rights of Victim.*

**Keywords:** *Victimology, Criminology, Rights of Victim*

---

---

## Introduction

The term "criminology" comes from the Latin word "crimen" meaning "accusation," and the Greek word "loggia" is a scientific study of the nature, extent, cause, control and prevention of personal and criminal activity.<sup>673</sup> Criminology is the science of dealing with crime and criminals.<sup>674</sup> In a detailed description, criminology is the scientific study of the number, forms and causes of crime, as well as the treatment of offenders. This is an empirical study based on observations and experiences, not preconceived views, speculative assumptions and ideas. It is also a practical study. The origin of the term "crimeology" dates back to Topinard, a French anthropologist. Criminology that recognizes crime as a social phenomenon. It covers the process of responding to legislation, legal violations and criminal offenses. According to Taft, "Criminology is primarily designed to study crimes and criminals, as defined by law, and to study the causes of crimes."

V.R. Krishna Iyer J., Criminology is a special field of specialization that is central to criminal law, but it is deeper and clearer. Criminology is a systematic sociological knowledge of deviance and law, asking questions of

---

<sup>672</sup> Assistant Professor of Law, ICFAI University, Himachal Pradesh

<sup>673</sup> The Concise Oxford Dictionary, pg.242

<sup>674</sup> Chambers 20th Century Dictionary, pg.296

what norms are good, why people break the rules, how they are controlled by trial, and how far a "individual" is from prison, trial or release. Filed. He goes on to say: Criminology is for society and criminals are the unknown legislators of the world.<sup>675</sup> The principles of criminology provide effective leadership in criminal policy formulation. Modern clinical practices and corrective actions such as mediation, trial, indefinite punishment, open prisons and other prison facilities are in fact the result of intensive criminal research during the 20th century.

Dr. Believes Criminology is a branch of forensic medicine that deals with causality, analysis, and crime prevention, says Kenny. Criminology as a branch of intelligence deals with certain types of human behavior that are forbidden by society. Therefore, it is a socio-legal study that identifies the causes of crime and provides solutions to reduce crime. However, the forensic approach to criminology assumes that the act of becoming a criminal must meet two basic principles of criminal responsibility.

I. Nullum Crime Sign Legs

II. Nula for Ena Signed Legs

According to the first principle, he is not subject to criminal liability if he has not committed an act that is expressly prohibited in the current criminal law, which he has been respected. The second principle assumes that no one can be punished for conduct unless punished by law.<sup>676</sup>

The concept of Indian criminology is also worth mentioning here. P.K. Sen accurately believes that the Indian epic, depicting the glory of the past Indian civilization and culture, justified the fact that our legal advisers are very familiar with criminology. Their main focus was on the psychological side of criminology. Their main emphasis was on the mental aspect of the individual's personality, as he regarded the human mind as the center from which all thoughts, good or bad, come from. The central theme of the ancient criminal law of India was "Dharma", intended as the embodiment of the rules of the social order, whose origin was considered divinity. The king was expected to conduct criminal justice with the utmost care, consideration and fairness.

The word "Victimology" was coined in 1947 by French lawyer Benjamin Mendelssohn from the Latin "victim" and the Greek "logos" (meaning the science of the victim). Victimology is a part of criminology, the scientific study of victims of crime. It aims to explore the relationship between victims and perpetrators, especially those who are vulnerable to crime and victims. Placement in the criminal justice system. Benjamin Mendelssohn was a pioneer in this field. B. Mendelssohn was recognized as the first study of the

---

<sup>675</sup> M.Ponnian, *Criminology and Penology*, Pioneer Books, Delhi, 2003, pg.8

<sup>676</sup> N.V.Paranjape, *Criminology and Penology with Victimology*, Central Law Publications, Allahabad, 2012, pg.18

relationship between the victim and the (criminal) actor, otherwise he called him a "prison couple". Mendelssohn investigated victims based on their contribution to the crime and categorized them into the following categories: Absolutely innocent victim like Child, Facing dreams

I. Victims of ignorance, such as victims of minor guilt and pregnant women who rely on Shalatan for an abortion.

II. Volunteers such as those who committed suicide or died from euthanasia.

III. A victim who is more guilty than a criminal as an individual who motivates others to commit a crime. A type of crime victim who commits a crime against others and is killed or injured in self-defense.

A victim is essentially the study of a crime from the perspective of a victim who has been harmed or destroyed by the actions of another person or group.

The victimization trend is to divide crime victims into two serious camps: "normal" crime victims and "corporate crime" victims. Common crime can be defined as "street" or "public". Because these victims are easy to identify, it is relatively easy to measure their size. Corporate crime, on the other hand, can be defined as a crime committed within a legitimate official organization as a result of deliberate decision-making or negligence. Corporate crime is widespread in nature, making it difficult to determine the size of corporate victims. Naturally, corporate victims are often "invisible".

Victims can be divided into primary and secondary. The main victims are those who run away after experiencing the childlike behavior of a runaway driver or its immediate consequences. Secondary victims are people who, like relatives of this child, suffer consequences, but are not directly involved. Identifying victims of crime is not an easy task. To illustrate this difficulty, it will be useful to briefly describe the most important examples of victims of crime.<sup>677</sup>

The purpose of criminal law is to protect the rights of individuals and states from the deliberate intrusion of criminals who violate the basic norms of society. In modern welfare states, this protection is achieved by punishing the accused in accordance with the provisions of the law. To ensure that innocent people are not harmed, defendants are given basic rights and privileges to defend themselves before convicting. If the accused becomes guilty, he is punished and imprisoned for correction. Courts have sometimes ordered state authorities to provide all necessary conditions and ensure that the human rights of criminals are not violated.<sup>678</sup>

Since the 1970s, the global movement has focused on victims of crime and strengthened their rights and roles in criminal justice. In the United States in

---

<sup>677</sup> Ian Mash & Others, *Criminal Justice; an introduction to philosophies, theories and practice*, Routledge, Oxon, 2004, p.96

<sup>678</sup> D.K.Basu v. State of West Bengal, (1997) 1 SCC (Cri.) 92

the early 1970s, refunds or compensation for victims; Groups of victims of certain crimes, such as survivors of concentration camps, the welfare of the victims; Prisoners of war (especially Vietnam), relatives of drunk drivers; Frequent sacrifices of women and children; Persecuting psychiatrists at work. Although these groups have different backgrounds and different interests, they generally agreed on two points. The punishment should be more stringent. And the perpetrator is forced to pay.

Everything would be better if these two aspects could be combined with reimbursements, rewards or rewards. It may not be a coincidence that these groups grew at a time when the belief that behavior could be restored through the criminal justice system or through the criminal justice system was disappearing. Their position was mostly revenge. But they also argued that there were certain rights that victims could expect to be respected and that they needed to be met in some way. They were adopted internationally by the United Nations in the 1985<sup>679</sup> Charter on Victims' Rights, called the Statement of Fundamental Principles of Justice for Victims of Crime and Abuse of Power.

Victimology is considered a subfield of criminology consisting of three groups of people and their own interests. This field has been the subject of frequent discussion and analysis with intellectuals, activists of many NGOs, and legislators, and legislators have created a lot of tension in this "boiling pot" of various interests.<sup>680</sup> Some authors point out that victimology is a special and respected academic and scientific discipline, a new direction in the scientific study of victims characterized by a transparent and unique spectrum as well as a complex and interdisciplinary research methodology. In short, as Separovich argues, victimology is just the victim's scientific knowledge. However, it is the study of the perpetrator's interactions in the personality and behavior of the victim and the mechanisms by which they become victims, regardless of the main goal. It is also necessary to study collective and abstract victims, including common victims or victims of international humanitarian law, regardless of the phenomenological and etiological characteristics of individual victims and the victimization process. Some crooked behavior, such as prostitution or drug addiction.

There is a different perspective on the center and location of the victimization of disciplinary action. Some believe that the victim should act as a separate area of study, while others believe it is a sub-area of criminology. The second problem relates to the range of victim problems that need to be addressed in the victim area. Some scholars have argued that theology should be confined to the study of victim-perpetrator interactions. Others argue that the needs of victims of crime, the functioning of institutions and organizations to respond

---

<sup>679</sup> Katherine S. Williams, *Textbook on Criminology*, Oxford University Press, New Delhi, 2001,pg.95

<sup>680</sup> Sandra Walklate, *Imagining the Victim of Crime*, McGraw-Hill International, New York, 2006.pg.29

to these needs, and the prominent role and responsibilities of victims of crime in the criminal justice system are important areas of crime research. The third question is the breadth of the definition of the term "victim". One approach is to limit the concept to victims of traditional crime, such as:

Murder, rape, robbery, robbery, etc. But broader definitions of this concept include groups such as prisoners, immigrants, subjects of medical experimentation, and individuals accused of a crime but not convicted of the definition.

A term that includes groups such as prisoners, immigrants, subjects of medical experimentation, and people who have been charged with a crime but have not been convicted.

In criminology and criminal law, a victim of a crime is an identifiable person who has been personally and directly victimized by the perpetrator, not by society as a whole. However, this is not always the case as the victims of the police cannot be identified or directly linked to a crime against a particular individual. The social composition of the concept often denies the status of the victim. Traditionally, criminal justice proceedings in pursuit of a fair and fair trial almost always provide certain guarantees and confer certain rights and privileges to those who have committed or have been charged with a crime. Criminal justice administration, clearly dominated by a humanitarian therapeutic approach to crime, rehabilitates and treats perpetrators to correct them and use all possible measures that can be used to reshape the social mainstream through better socialization. Unfortunately, CJDS does not show this sensitivity and concern for the victim (the so-called "criminal couple" partner) and his trauma, pain and suffering.<sup>681</sup> Detective hand. criminal. This is pretty much considered an advantage. This criminal justice system is not aimed at the accused, it is unfair, unfair and unfair. CJDS traditionally treats victims of crime as a source of information and evidence. This assumes that the victim's accusation was appropriately carried out by the criminal's conviction.

Nevertheless, in most cases, victims of crime, as informants of the crime, initiate criminal proceedings and inform the state mechanism, namely the police, to go through investigation and investigation. When determining the state debt, there is a competent criminal court.

---

<sup>681</sup> K.I.Vibhute, Criminal Justice System, Eastern Book Company, 2004 p.370

## Development of Victimology<sup>682</sup>

Year	Events
1924	Edwin Sutherland includes a chapter on victims in his criminology textbook.
1937	Benjamin Mendelsohn publishes his writings on the rapist and his victim
1941	Hans von Hentig publishes article on victim and criminal interactions.
1947	Benjamin Mendelsohn coins the term "victimology" in a French journal.
1948	Hans von licuiiy publisis Criminal and His Victim
1949	Frederic Wertham first used the word "victimology" in a book Show of Violence
1957	Margery Fry properties victim compenss in the London Times
1958	Marvin Wolfgang shuties homicide victims, uses the term "victim precipitation.
1963	New Zealand enacts the first Criminal Compensation Act.
1965	California is the first state in the USA to start Victim Compensation.
1966	Japan enacts Criminal Indemnity Law
1966	USA starts to survey crime victims not reported to the police.
1967	Canada creates a Criminal Compensation Injuries Act as does Cuba and Switzerland.
1968	Stephan Schater writes the first victimology textbook The Victim and His Criminal.
1972	The first three victim assistance programmes are created in St. Louis, Missouri, Francisco, California and in Washington, D.C.
1973	The first international symposium on victimology is held in Jerusalem, Israel.
1974	The first police based victim advocate project is started in Fort Lauderdale, Florida, USA.
1975	The first "Victim Rights Week" is organized by the Philadelphia District Attorney, Pennsylvania, USA.
1976	John Dussich minches the National Organization of Victim Assistance (NOVA) in Fresno, California, USA.

<sup>682</sup> John P. J. Dussich, VICTIMOLOGY – PAST, PRESENT AND FUTURE, 131ST INTERNATIONAL SENIOR SEMINAR VISITING EXPERTS' PAPERS, RESOURCE MATERIAL SERIES No.70

*Proceedings of International Conference on "Human Rights and Access to Justice"*

1976	Emilio Viano launches the first scholarly journal devoted to victimology.
1976	James Rowland creates the first Victim Impact Statement in Fresno, California, USA.
1979	The World Society of Victimology is founded in Munster, Germany
1980	Mothers Against Drunk Drivers (MADD) is founded by CandiLighter after one of her twin daughters was killed by a drunk driver who was a repeat offender.
1981	President Ronald Reagan proclaims the first national Victims Riche Week in April.
1982	The first Victim Impact Panel established by MADD to stucute drunk drivers about how their victims suffered, started in Rutland, Massachusetts. USA.
1984	The Victims of Crime Act (VOCA) establishes the national Crime Victims Fund from federal crime fines to pay for state victim compensation and services.
1985	The United Nations unanimously adopts the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.
1987	The US Department of Justice opens the National Victims Resource Centre in Rockville, Maryland.
1988	The first indian Nations: justice for Victims of Crime" conference is held by the Office for Victims of Crime in Rapid City, South Dakota, USA.
1990	The European Forum for Victim Services was founded by all the national organizations in Europe working for victims of crime in consultative status with the Council of Europe and the UN.
1999	The United Nations and the US Office for Victims of Crime publish the Guide for Policymakers on the Implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Handbook on Justice for Victims. On the Use and Application of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.
2002	On 11 April, 1966 the Rome Statues was ratified & went into force on 1 July at which time the International Criminal Court became effective and it included the creation of a Victim and Witness Unit.
2003	On October 2nd the Tokiwa International Vietimology Institute, in Mito Janan opened its doors to promote victim rights, to conduct seminars, courses, publish an international journal, and host annual symposia and lectures and research about victimology.

2004	The World Society of Victimology at its annual Executive Committee meeting in Orlando, Florida adopts a dramatic new strategic plan to commit itself to the ideals and promises of the UN Declaration
2005	Japan puts the UN Basic Principles of Justice for Victims of Crime and Abuse of Power into their national legislation by adopting a new fundamental law for crime victims. To ensure that the principles would be initiated, the Prime Minister established a cabinet level committee. The new law includes services for victims, restitution from the offender, information about criminal justice and a right to formally participate in the criminal justice process.
2006	The Twelfth International Symposium on Victimology was held in Orlando, Florida, USA organized by Marlene Young. The journal Victims and Offenders is launched and edited by Albert R. Roberts from Rutgers, the State University of New Jersey.
2009	The Thirteenth International Symposium on Victimology was held in Mito, Japan organized by John Dussich.
2010	Twelfth UN Congress on Crime Prevention and Criminal Justice, Theme: «Comprehensive strategies for global challenges: crime prevention and criminal justice systems and their development in a changing world,» Salvador, Brazil.
2012	The Fourteenth International Symposium on Victimology was held in The Hague, The Netherlands organized by Marc Groenhuijsen.
2015	Thirteenth UN Congress on Crime Prevention and Criminal Justice, Theme: «Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation» Doha, Qatar.

## **International Crime Victims Survey**

These victim investigations are carried out in many countries. It provides much better reporting for mass crimes, but less accurate for relatively low crimes such as murder or non-victim "crimes" such as substance abuse. Use data from them. National votes on international comparisons did not yield results. The differences in criminal justice and other methodological differences are so great that they cannot be compared properly.

- A dedicated survey for International Comparison

A group of European criminals has launched an international crime victim study with the aim of collecting international comparative data on crime and crime victims. This project is now called the International Crime Victim Survey. After the first survey in 1989, reviews were repeated in 1992, 1996, 2000 and 2004-2005.

- Penal Couple

A legal couple is defined as the relationship between the perpetrator and the victim. Sociologists coined the term in 1963. Today the term is adopted by many sociologists. Essentially, the concept is "When a crime occurs, two partners, one perpetrator and the other give the perpetrator a chance to commit the crime. According to the victim, he "is part of a criminal couple and has to bear some functional responsibility for the crime." Some other victims constantly reject this idea and blame the victim.

- UN Declaration on Basic Principles of Justice for Victims of Crime 1985

The General Assembly of the United Nations adopted a statement on the basic principles of justice for victims of crime and abuse of power. In addition, the Tillburg International Victims Organization and the World Victim Association have developed a UN Convention on Victims of Crime and Abuse of Power.

- Commission on Human Rights in its Resolution 2005

It is recalled that in the 2005/35 Human Rights Decision of April 19, 2005, the Commission internationally adopted the basic principles and guidelines for the right to compensation and remedy for victims of serious international human rights and humanitarian crimes. Decision 2005/30 dated July 25, 2005 The legal, economic and social issues of the Council recommended that the General Assembly adopt the basic principles and guidelines.

- Position of Victim Compensation in India

Compensation for victims of crime is a legal obligation under section 357 of the Criminal Procedure Act of 1973, and section 358 of the Act also contains provisions against persons unreasonably arrested. Baldev Singh v. In Punjab<sup>683</sup>, the Supreme Court has decided to replace the harsh punishment of the perpetrator with compensation for victims in case of death from family disputes. Both applicants were ordered to pay Rs 35,000 each to the deceased's widow and child, the perpetrator was sentenced to life imprisonment, and the perpetrator's life imprisonment was reduced to the time spent.<sup>684</sup>

## **Role of Victims in Criminal Justice System**

It is clear that victims of crime have come to consent to the study of criminal law. We talk about victims of criminology and criminal justice. We talk about them in criminal proceedings and in practical criminal law. It's unlikely that

---

<sup>683</sup> 1995 6 SCC 593, 1995 SCC Cri. 1132

<sup>684</sup> Anil Tehran, Penology and Victimology, Shreeram Law House, Chadigarh, 2011, pg.230-231

the victim's new sign is a coincidence. However, beyond the rather trivial explanation that the new emphasis on criminal law on victims is consistent with our neglect on this topic previously, it is difficult to determine why victims have been replaced in criminal law studies. Because there is no reason. The demand for greater respect for the interests, rights and views of victims in recent criminal justice systems is gaining sympathy from victims. This shift in perspective may be due to more people being exposed to the victim or the real victims are more likely to speak. But this is probably due to the fact that society is identified with the victim for some reason.

Criminology and Criminal Law's interest in victims since the 70s and 80s also seems to be based on the assumption that victims deserve the attention that criminals have been paying attention to since our discipline was established. However, focusing on the victim had very different results. The perpetrator's conclusions about the victim were quickly called "victimology", ending the naive idea that only the perpetrator was seen or that the society in which he grew up was sufficient to understand criminal activity. Victimology is the study of crime from the victim's point of view. This is a science that makes victims the center of research, aims at a deeper understanding of the relationship between victims and perpetrators, explores the role of victims in the causal relationship of crimes, and explores methods and means to protect criminals. It can be offensive during investigations and proceedings for the cause of the crime. ... compensation and damages for damages incurred not only to the perpetrator but also to the person who has committed the crime.

Therefore, there is no single reason to explain the victim's obsession with the new criminal law. However, this interest in victims is a welcome development. The victim is a key person in the criminal process and deserves the attention he deserves. Criminal cases can fail without the help of the victim. Therefore, the victim has to play an important role in the criminal process. Actions are being taken around the world to improve the role of victims in criminal cases, from investigation to trial and even sentence. These measures are reflected in criminal justice reform in several countries, where victims play an important role in criminal proceedings. We hope that the increasing role of victims in criminal law and the importance of victims will not be compromised and will help improve and develop the criminal justice system.

The victim disappears into oblivion after enforcement of the criminal law. When a victim reports a crime to the police, the case is taken over by the police, lawyer, court official, and judge/judge. What really happened to the victim often seems to be important in that context as it helps law enforcement determine how much attention should be paid to the complainant and how to distribute or define the violation. Overall, victim feedback is rarely sought. The victim's personal expenses are considered insignificant. Instead, personal matters at one time became unfamiliar and you have to deal with them as you think appropriate in the first place. The working assumption of the criminal

justice system is that the victim will speak and cooperate despite this transfer of interest. This is because even though the state has initiated prosecution, the whole case can collapse without the cooperation of the victims.<sup>685</sup> Therefore, it is very common for victims to be exposed to victims when interacting with the criminal justice system, which can lead to frustration, lack of interest and lack of cooperation in the future as well as the victim, her friends and family.

After the police report to the police, the focus is on determining the next step from the victim to the police. The police will collect evidence so that the accused can be brought to trial. Victims are involved in many of these actions and decisions, but police usually set a timetable and control what happens. In crime, victims usually witness major prosecution. The evidence he can provide includes not only statements about what happened, but also evidence of injuries, the identity of the offender, forensic prosecution, and evidence from the crime scene.<sup>686</sup>

The victim's bail or deprivation of liberty is of great concern to the victim. However, this information is rarely given to victims. Victims are generally unaware of the various appearances of the process prior to the incident. Victims are generally seldom fully aware of the progress of the pre-procedure. This is just the information they can get from official sources. Subpoenas are considered informal, confusing, and exacerbating the victim's anxiety.

For victims going to court, the experience is not limited to answering questions in the witness room or listening to what they hear. There are agreements that can be reached with the police and courts when they are summoned to court. They have experience staying outside the courtroom and have had contact with police, lawyers or prosecutors or perpetrators. Even after evidence is presented, there is a question of whether to secure the witness's expenses and pay the victim's expenses in connection with the court case. Victims are considered to have little interest in trial compared to other prosecutions. In court, he also feels that he has been treated by both prosecutors and attorneys, and uses a formal interrogation structure to present his views on the wrongdoing.

The changes in the criminal justice system required to meet the victims' current expectations are neither large nor structural. They mostly install. The issue of the victim's involvement in the criminal justice system can be seen due to a lack of status or a recognized role in the system. Of course, if the victim is not human in the eyes of a professional participant, he or she will not be notified or consulted, at least in routine system execution. These participants know it is desirable to maintain their favor (because of their obvious usefulness), but all information flows will be one-sided. Victims find

---

<sup>685</sup> Bharat B. Das, *Victims in the Criminal Justice System*, APH Publishing Corporation, New Delhi, 1997, p.122.

<sup>686</sup> *Ibid.*

out what they need or find useful. Information flows automatically in both directions and consultations are conducted only when the victim is considered an important partner in the criminal justice system. For example, the victim has the right to know the outcome of the case and can decide how this information is provided to him. However, changes to meet the victim's current expectations include training professional actors in the criminal justice system who must be polite, informed, and consulted at all stages of the process. They offer to treat victims as more equal partners. However, this means that the role of the victim is more emphasized and that of the perpetrators and lawyers is less emphasized. This can mean changing the way professional participants work. At first glance, it may seem like more work, more difficulty, more effort, but paradoxically, it can lead to easier detection, higher prosecution, and fewer denials.<sup>687</sup>

### **Current Situation of Victims of Crime in India**

The Statement on the Principles of Basic Justice for Victims of Crime and Abuse of Power referred to in Magna Carta for Victims (UN General Assembly, 1985) is a framework for negotiated principles and reforms implemented over the past two times. To provide. Decades. With the rights of victims in some developed countries, the international standards that CJS authorities expect from countries to treat victims at various stages of criminal cases are outlined in the United Nations Handbook on Victim Justice.<sup>688</sup>

Police play an important role in supporting victims, as they are the first agency to contact after becoming a victim of a crime. Victims' attitudes toward Criminal Justice System as a whole will be determined by how they are treated by the police they meet for the first time. Unfortunately, Indian police are still not focused on meeting victims' expectations, according to the UN Victim Justice Manual.

Local police, who come into direct contact with victims in everyday criminal situations, ignore the victim's international development and the best treatment a victim deserves from the police. The police treatment of victims supports the negative perception of CJS, especially the police, as there is no treatment of mercy and dignity emphasized in the UN Declaration. Because of the police's behavior and general attitude, the legal community opposes criminal law amendments that build trust and strengthen their powers in the police. Even today, Article 25 of the Extradition Evidence Act cannot prove that "the police confession cannot be proved against a person accused of a crime." However, both the government and the police academy have policies to increase police awareness of the best way to treat victims. The handbook states that "victims are genuinely interested in prosecuting the case and must be involved in all stages of the case." In fact, all litigation protects the rights

---

<sup>687</sup> Bharat B. Das, *Victims in the Criminal Justice System*, APH Publishing Corporation, New Delhi, 1997, p.127

<sup>688</sup> United Nations Office for Drugs and Crimes, 1999, chapter III, pp.56-76.

and interests of the accused and ignores the interests of the victim. Apart from the fact that the victim is called to present evidence in court, the various services and supports that the prosecution has to provide to the victim in a criminal case in India are not implemented. In short, victims are alienated from criminal proceedings because they have no other right other than the right to testify when summoned to court. About the judiciary's role in the judiciary for victims, judges generally relate to victims, but relate to many calls such as separate waiting rooms, criminal case information, special services and supports, victims of recovery, victim involvement, victim protection, and more. And so on, we have a long way to go to get justice for the victims of India.<sup>689</sup>

However, over the past decade, the need for better treatment of criminal justice authorities at various stages in India has been recognized by top law enforcement authorities, and this is reflected in the recommendations of several committees and committees calling for reform of the criminal justice system.

## **The World Society of Victimology**

Since 1970, the global development of theology as a leading discipline has been closely linked with WSV's World Suffrage Association. WSV was officially established in Bünster, Germany, until 1979 by forensic scientists such as Schneider and Krichhoff *inter alia*.<sup>690</sup> The first of a series of three-year international symposiums held in Jerusalem in 1973 was the ninth in the Amsterdam Symposium. American criminal Winno organized several symposiums during the same period and began publishing the journal *Victimology* in 1976. The *International Review of Victimology* was founded in 1988 and is part of the WSV and also publishes regular newsletters.

Victims established by the WSV are "scientific studies of the extent, nature and causes of criminal vulnerability, their impact on those involved, and the response of society, especially police. And criminal justice system, volunteers and professional doctors. "This is the definition of enromancene hothnenal or interlocutor as well as general or aid-oriented persecution. It is worth remembering that Dutch criminal Nagel expressed doubts about creating an independent victims coalition. Victim studies remain Mendelachi's country. On the other hand, in Bünster, a convincing debate was made over persecution and the general interdisciplinary policy following Ai de ayupusui ui ire Wsv, on the purpose, scope and object of the persecution. ) Made a clear distinction, there was a tacit consensus on the relationship between scientific theology and humanistic theology and sacrifice as an academic practice over

---

<sup>689</sup> Ibid.

<sup>690</sup> The German criminologists Schneider and Krichhoff played a leading role in founding the World Society of Victimology. The aged Mendelson also attended the founding meeting. Van Dijk, by reference to the views of Nagel, expressed his doubts on the appropriateness of a separate organization.

the years and a sacrificial movement focused on service, action, or policy WSV is a professional scientific research community and Be careful to take a position in the political debate Many researchers nd sacrifices are important in providing estimating services and that research is done in part or for this reason WSV is the United Nations on the Principles of Basic Justice for Victims of Crime and Abuse of Power It played an important role in the development and adoption of the Declaration. The association is also actively involved in the follow-up of this statement, such as the publication of a Guide for Policymakers and a handbook for Practitioners.<sup>691</sup> The Amsterdam conference theme "Caring for Victims: Social and Professional Roles" "Reaffirmed this promise. Beyond modern criminology, victimization is an area of study focused on behavior or politics. Many of the leading researchers in this field are involved in promoting or creating victim support organizations. At the same time, many working in these organizations. People are scientifically educated and have a deep interest in objective knowledge of the effectiveness of decommissioning services. Several police officers from victim support groups provide lectures or incident reports in this group, which is also of interest scientifically, theories, within WSVs, The integration of policy development and service delivery is generally It is considered good, and this will probably help explain the popularity of the victims among students.

## **Laws to Care for and Protect of Victims**

- *Section 357 of the Criminal Procedure Code, 1973:* This is the most important provision for the court's right to claim compensation. If the court imposes a fine or a fine (including the death penalty) that is part of the penalty of Article 357 of Cr.PC (including the death penalty), the court may, after the judgment, be reimbursed by such person in the civil court at the judgment of the court. Crime. Article 357 Cr.P.C. Advantageous, but limited in capacity. If the defendant is convicted, that is, the defendant's proof of conviction will, without reasonable doubt, be a prerequisite for the provision to take effect. It is also because if the fine is part of the sanction, the defendant imposes a fine. If the fine is not imposed, the magistrate may order the payment of compensation as he deems appropriate in the context of the case. In general, Section 357 does not apply, or even if it does, the amount of compensation is very inadequate for the victim's suffering and suffering. Sometimes the defendant's financial capabilities are taken into account, which further reduces the amount of compensation because most defendants have a low socioeconomic status. Also, given the low conviction rates in India, Section 357 has been inactive for a very long time.

---

<sup>691</sup> Both documents published by the UN's Centre of International Crime Prevention, located in Vienna, Austria.

- *Section 357A of the Criminal Procedure Code, 1973:* Then the most recent and most important legal provision is the victim compensation system under Section 357A Cr.P.C. Introduced by the Criminal Law Reform Act 2009. Section 357A(1) stipulates that state governments must work with the central government to create a funding plan to compensate injured victims or their relatives. Loss or damage due to crime and the need for decontamination. Paragraph 2 states that when the court recommends compensation, the local or public legal service, if applicable, must specify the amount to be allocated according to the plan.
- *Section 5 of the Probation of Offenders Act, 1958:* This provision has also empowered the courts to require released offenders to pay the restitution and costs as under. The section says that: Courts ordering the release of offenders pursuant to Section 3 or 4 may issue additional orders to pay at the same time, if deemed appropriate. Compensation deemed reasonable by the court for loss or damage incurred to a person as a result of a crime ratio and The cost of a dispute that the court deems reasonable. The amount owed under subsection (1) can be recovered as a fine under the provisions of S. 357 and 358 Cr.PC. The Civil Court, which handles all claims in the same manner as the offender was appointed, "must report any amount paid or reimbursed in compensation pursuant to paragraph 1, upon payment of compensation.
- *Section 163 of the Motor Vehicles Act, 1988 -* In the case of 'hit and run', accident victims can receive compensation through a special fund called 'Solartium Fund'. The compensation amount is Rs. 25000 /- in case of death and Rs. 12,500 /- serious bodily injury. Part of the "total premium premium" is added annually to this fund by public and private insurance companies. However, if the vehicle is not insured, the victim/relative has the right to claim compensation from the owner/driver under the Motor Vehicle Act 1988.
- *Justice Malimath Committee Recommendations regarding Victims' Rights:* The Malimatha Reform Committee on Criminal Justice, taking into account the views of the victims, noted that once the victims' rights are recognized by law and death, judicial administration will take a new direction towards a faster and better judicial system. , Members and attributes are in the system. The committee made it clear that the judicial system for victims of crime can no longer be ignored due to lack of resources. The Commission noted that compensation to victims is the state's obligation for all serious offenses, whether the accused is detained, convicted, or acquitted. Some specific recommendations::

1. The victim and, in case of death, the legal representative has the right to act as a party in a criminal case that can lead to a sentence of seven years or more in prison.
2. For individual cases notified by the relevant government, public authorities approved by the court with permission to participate have the right to participate in the proceedings.
3. Victims have the right to represent an attorney of their choice. However, if the victim is unable to hire an attorney, we provide an attorney at state expense.
4. Victims have the right to participate in criminal proceedings.
5. Victims have the right to appeal an invalid court decision for the accused's innocence, misdemeanor conviction, improper sentence, or improper compensation. Such an appeal must be made to the court in which the conviction of such court is usually appealed.
6. Legal services can be extended to selected victims of crime, including psychiatric care, temporary compensation, and protection for secondary victims.
7. Compensation for victims is the state's responsibility for all serious offenses, whether the perpetrator is in custody, conviction, or acquittal. Congress must formalize this as a separate law. The bill on this subject was introduced into the government by the Indian Victims Association in 1996 and provides a preliminary basis for consideration.
8. The Criminal Compensation Act establishes a victim compensation fund that can be managed by legal service authorities. The amount of compensation for various crimes must be established by law to guide the court. You can specify violations for which compensation may not be provided and the conditions under which compensation may be received or cancelled.

There have also been significant changes in the form of new laws aimed at protecting the interests of victims and alleviating the suffering of potential victims of vulnerable groups such as women, children and the elderly. The legislation recently adopted by Congress is very important in deterring and supporting victims.

- **Prevention of Caste-Based Victimization and Protection for Victims:** The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989: It is the law to prevent atrocities against the listed cast and planned tribes. According to this law, compensation to the victim is mandatory, as in many other measures depending on the type of cruelty. Victims can suffer financial damage with Rs. From 25,000 to 200,000 depending on the severity of the crime.

- *Juvenile Justice Act 2000*: The Juvenile Justice (Child Care and Protection) Act 2000 is the most important legal framework for juvenile justice in India. The law prescribes specific methods for the prevention and treatment of juvenile delinquency and provides a framework for the protection, treatment and settlement of children in the juvenile justice system. This law was further amended in 2006 and 2010. The Indian government is considering the possibility of further amendments and has set up a review committee for the Ministry of Women and Children to review existing laws.
- *The Protection of Women from Domestic Violence Act, 2005*: Since 2005, the Act Protecting Women from Domestic Violence is a major achievement of the women's movement to protect victims of domestic violence after 16 years of struggle. This law is intended to more effectively protect women's rights as guaranteed by the constitution. The definition of domestic violence is broad enough to include physical, sexual, verbal, and emotional abuse. A unique feature of this law is the denial of "continuous access to resources or objects the victim/individual has the right to access or use due to family relationships, including access to shared households". Upon receiving a domestic violence complaint, a police officer, sheriff, or magistrate must inform the victim of her right to protection in cash or benefits, detention, residence permits, compensation. The right to these or more orders and the availability of services of service providers, defense personnel and free legal services under this Act. Violating the defendant in a protective order is a crime up to one year's imprisonment or a fine of up to Rs 20,000, or both. If security personnel refuse to perform their duties, they will face a year in prison or a fine of 20,000 rupees, or both.
- *Prevention of Child Abuse and Victim Protection*: Empowering children is a way to prevent abuse and vulnerability. Education is a tool to empower your child. Thus, primary education for children has become a fundamental right in the case of Unni Krishnan, J.P. & Ors. V. Andhra Pradesh and Ors<sup>692</sup> Province. Article 21-A of the Constitution states that "the state is obligated and free of charge to provide education to all children between the ages of 6 and 14 in the manner prescribed by the state by law." This proposal will also have a positive impact on eradicating child labor. Expanding primary and secondary education through constitutional measures can have a positive impact on other social indicators such as population growth, women's health and development, as well as increase economic productivity and reduce unemployment.

---

<sup>692</sup> AIR 1993 SC 217

- *The National Commission for Protection of Child Rights (NCPCR) 2007*: This commission was established in March 2007 and its mission is to provide all laws, policies, programs and administrative mechanisms consistent with the perspective of children's rights as set out in the Indian Constitution and the United Nations Convention on the Rights of the Child. ... Child. India ratified the United Nations Convention on the Rights of the Child in 1992 and adopted this law as one of the measures necessary to protect the rights of national children. The Committee on the Protection of the Rights of the Child addresses a variety of issues raised in the field of child abuse. After investigation, the National Commission may recommend prosecution or other actions it deems appropriate..
- *The Maintenance and Welfare of Parents and Senior Citizens Act, 2007*: It is also an innovative law that protects the elderly and prevents elder abuse and vulnerability, a growing problem in many countries, including India. By law, children of legal age or legal heirs must support parents or seniors aged 60 or older who are unable to become self-reliant on their income to lead a normal life. If a child or legal heir neglects or refuses to support the elderly, the court may decide that the child or legal heir pays a monthly maintenance allowance.
- *Protection of Children from Sexual Offences Act, 2012*: The new law stipulates a number of crimes that the accused can punish. It recognizes other forms of penetration other than penofaginal penetration and also criminalizes immature behavior against children. Legislators tried to develop gender-neutral laws, but they did not successfully use the pronoun "he" to describe various crimes. In connection with pornography, it is a crime for a child to view or collect pornography involving a child. The law makes it a criminal offense to promote sexual abuse of children. It also has a number of procedural reforms in place to significantly ease the tedious child litigation process in India. The law has been criticized because it appears to criminalize agreements between two people under the age of 18.
- *Criminal Law Amendment Act 2013*: The 2013 Criminal Code (Amendment) Act is the humanitarian law passed by Lok Sabha on March 19, 2013 and Rajya Sabha on March 21, 2013, which amends the Indian Criminal Code, the Extradition Evidence Act, and the normative punishment. Sexual Offenses Act 1973. In the case of procedural gang rape, the perpetrator is sentenced to a medium sentence of at least 20 years, regardless of gender, but can be sentenced to life imprisonment, and the victim must be put in place as a 'victim' and must be reasonable. . Covers the victim's medical and recovery costs. In India, the age of consent has risen to 18, which

means that any sexual activity will be considered rape by law, regardless of consent for women under the age of 18.

## **Conclusion**

The history of crime is as old as mankind, and crime has long been immoral. In a primitive society, there are several basic methods that are respected by all members of society. "An eye for an eye, an eye for an eye," the revenge or revenge theory, they existed in primitive society. As civilization progressed, new ideas of individual rights and obligations in relation to colleagues developed, and crime was considered a crime against society and the state. One of the biggest flaws in the current system is the failure to protect society from increasing crime. Our criminal justice system is based on the Anglo-Saxon model and tends to take victims for granted and pay more attention to the perpetrators. But these efforts are being made today to bring justice back to previously forgotten victims.

Criminal justice systems around the world focus on criminals who punish him or seek correction or rehabilitation. On the other hand, the victims of the crime were almost forgotten. In India, the criminal justice system supports defendants because the prosecution system holds the defendant until he is convicted. The presumption of innocence imposes a variety of constitutional and legal measures on the accused. The right not to be arrested, except by law, the right to be referred to the next judge within 24 hours after the arrest, the right to know the reasons for the arrest, the right to be represented by an attorney, the right in some cases legal assistance, the right to bail, expedited The purpose of the current criminal justice system, including the right to trial, the right to cross-examination against prosecutors, the right to a pretrial hearing, the right to follow-up laws, the right to double threats and prohibition self-discrimination, is the purpose of the defendant because the victim is personally interested in punishing the perpetrator. To confirm guilty or innocence and to use the victim as a witness. If the perpetrator is not punished or convicted, the victim will still be unhappy, and there may be a tendency to increase the number of social crimes by holding the law in hand for the accused's revenge.

If not confirmed, the crime will insult and upset the victim. If the perpetrator is punished to some extent, and the current system does not pay attention to the victim and does not empathize with the victim, the situation is even worse. The judiciary is to impose appropriate penalties on perpetrators on the whole of society and on the victims. Otherwise, there will be confusion and illegality in the country. The Supreme Court has repeatedly expressed the view that the penalty in each case should depend on the severity of the crime, the behavior of the offender, and the protection and uncertainty of the victim. Appropriate punishment is how the court responds to the core of the public's goal of justice for the perpetrator. Justice requires courts to impose appropriate penalties for crimes so that they reflect a general transition to

crime. The court must take into account the issue of the imposition of appropriate penalties, taking into account the rights of the perpetrator, as well as the full rights of the victims of crime and society.

Even a delay in consideration of an event can be called "deferred justice is to reject justice." Society and victims suffer as a result of a delay in justice administration because it is not justice. If the offense is not punished, it encourages the perpetrator. Due to severe delays in handling cases, defendants are often forced to release while waiting for trial or appeal, beyond the sentence that could be imposed on the defendant.

The compensation system is just one step towards recognizing the rights of many victims under criminal law. The criminal justice system paid too much attention to the protection and defense of the accused. There is an argument for a viable and effective equity-driven and effective compensation system for victims. The Center and the Government of the United States will obtain sufficient information to adopt legislation on this issue without further delay in accordance with the principles of the guidelines and international human rights obligations. Stories of abused women, vulnerable children, exploited Dalits, and innocent victims of terrorist violence are real conversations that criminal law cannot ignore, threatening the rule of law and violating human rights. Ultimately, the state should consider adopting a comprehensive victims rights legislation that recognizes its rights to participation and compensation laws. This is the minimum the welfare state has to offer to the millions of innocent victims of criminal violence who are too poor and helpless to defend themselves in an exploitative society.