



INTRODUCTION TO CRIMINOLOGY

SNAPSHOT ...

- CONCEPT
- EMERGENCE
- SCOPE AND NATURE
- CONNECTION WITH OTHER AREAS
- THEORIST AND THEORIES ASSOCIATED
- IMPORTANCE
- CURRENT SCENARIO
- REFERENCES

INCIDENT 1 : July 15,2020- India Today

Bhopal child abuse : Pyare mian, a Bhopal based newspaper owner – sexually abused minor children --- for 8 years --- owned an illegally built wedding hall and apartment building that was allegedly built on government land both owned by Pyare mian

INCIDENT 2 : July 13, 2020- India Today

A 25 year old man was stabbed to death more than 28 times by three teenagers in West Delhi's Raghbir Nagar. The deceased warned them not to perform bike stunts.

Questions raised :

1. Why the crime was committed ? What drove them towards this CB?
2. Is there any way to identify those who are more liable to commit crime?
3. What situational factors might have influenced the behaviour of the offenders of the crime?
4. Is crime only committed by Criminal?
5. Can there be ways in which crime can be prevented effectively ?

The answers in these questions can be found in Criminology specially while examining the social psychological factors and processes underlying these and many such crimes

CRIMINOLOGY

VICTIMOLOGY

PENOLOGY

CRIMINAL PSYCHOLOGY

CRIMINAL SOCIOLOGY



SUMMARISE

- ⦿ Understand the crime and criminology
- ⦿ Various theoretical explanations of criminality
- ⦿ Discuss the dynamic interrelatedness in the formation and manifestation of criminal and delinquent behavior and various socio-cultural factors and processes.

- MEANING : Crime & Criminal behavior ,preventive measures (crime prevention)
- Causes of crime, crime pattern
- Paul Topinard – criminology term,1889
- Father of criminology - Lombroso
- The word crime comes from the Latin, meaning “accusation”, “charge” or “guilt” and ology means “ the study of something” Hence the term Criminology literally means “the study of crime”.
- Sutherland and Cressey state “Criminology is the body of knowledge regarding crime as a social phenomenon. It includes within its scope the process of making laws, of breaking laws, and of reacting toward the breaking of laws...”
- Crime - in legal terms - “Act causing violation of law to which penalty is attached and for which a conviction in court is obtained”.

- ⦿ Began in England in late 1700s — in writings of philosophers,physicians,sociologists etc.
- ⦿ Being social science (nature) — related to other subject areas like sociology, psychology, science (ability to predict) etc.
- ⦿ In India as an independent field of study it was introduced in 1959 at University of Sagar,MP.
- ⦿ Even though it entered in 20th Century,it wasn't new terms of Philosophy and Culture,roots in Ancient Manusmriti.

- ◎ Tata Institute of Social Sciences started offering courses - in 1954 with support of American Crimonologist Professor - Walter Reckless
- ◎ Only 32 Independent/Dependent Departments of Criminology

- ⦿ Pre- classical (Demonological) - During the sixteenth and seventeenth centuries- Criminal act accounted to - religious, spiritual explanations
- ⦿ Criminal as evil, sinner or super natural power
- ⦿ During the eighteenth and nineteenth ,punishments had become harsh, representing vengeance rather than justice
- ⦿ Classical –(1700) Beccaria & Bentham, Agnew , Bernard etc - . Man is hedonistic- seeking pleasure and avoids pain and had sufficient free will to choose between good and evil.

(Utilitarian principle). Aim to replace the existing harsh and mismanaged punishment systems to effective one.

People who commit crime chose to do so.

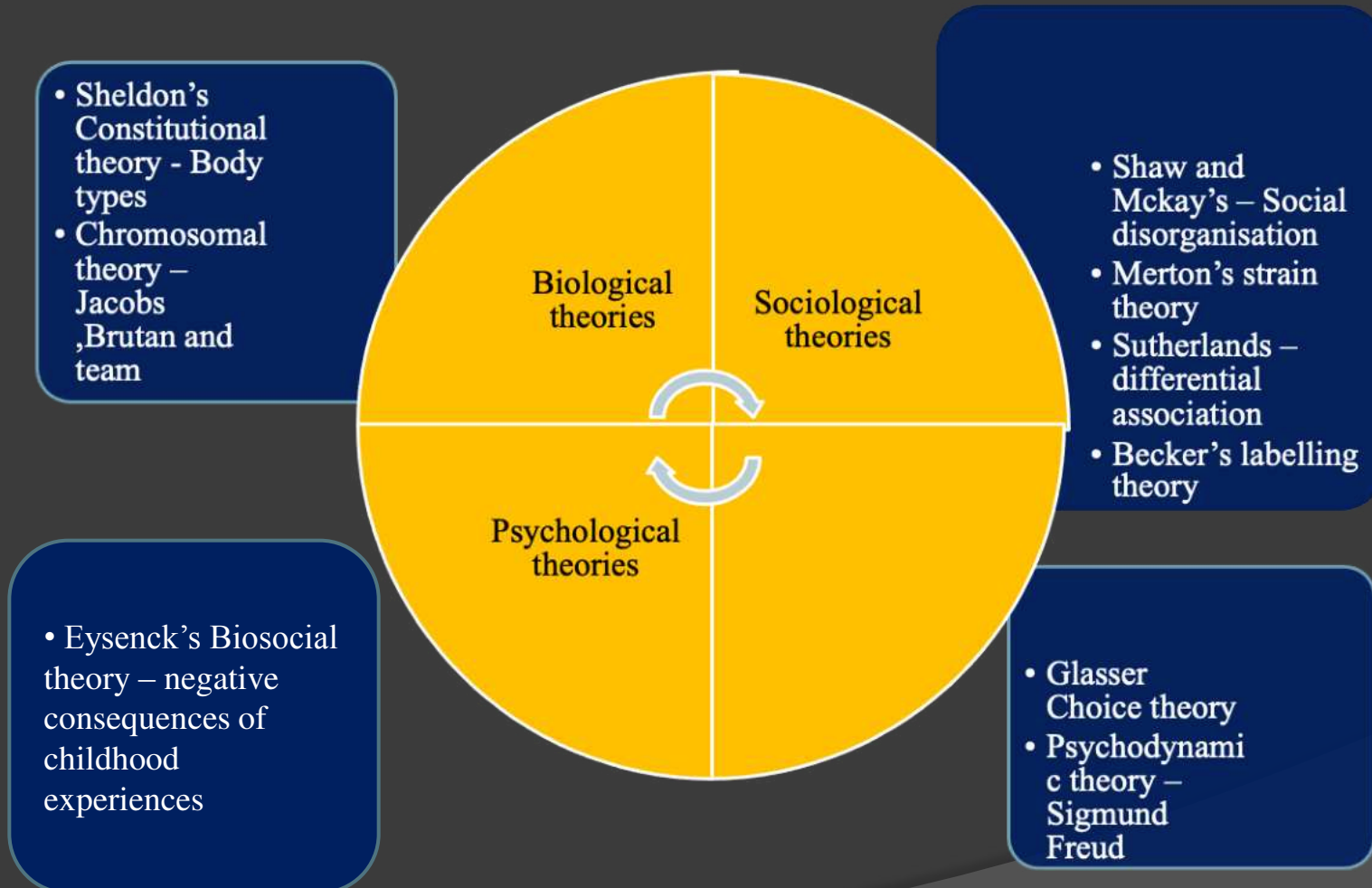
Modified in the early 1800 and became known as Neo-Classical theory.

- Knowledge and intent of man at the time of crime
- ⦿ Positive School - Positive school of criminology particularly deals with the causes of crime.

Positive theory is divided in two parts:

- Societal level theories (social characteristics of different areas)- Guerry and Quetelet
- Individual level theories (Biological, Psychological and Social characteristics of individuals) – Lombroso

THEORIES





TRENDS IN CRIMINOLOGY

New areas are emerging:

- **RESTORATIVE JUSTICE**
- **CYBER CRIMINOLOGY**
- **MEDIA CRIMINOLOGY**
- **GREEN CRIMINOLOGY**
- **FORENSIC CRIMINOLOGY**
- **CONVICT CRIMINOLOGY**

Conceptualizing Victim's Role in the Pursuit of Justice



Who is a Victim?

- According to *UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, 1985 , defines victim term under :

Article1

"Victims" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.

Article2 –

A person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term "victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

- Initially, Criminal Justice System focused on punishment and not on rights of victim.
- Emergence of PIL drew attention towards rights of victims.
- *Rattan Singh v. State of Punjab* 1979(4) SCC 719- Justice Krishna Iyer stated “it is weakness of our jurisprudence that victims of crime and the distress of the dependents of prisoner, do not attract the attention of law.”
- *Rattiram & ors. v. State of M.P* 2012 4 SCC 516 – emphasized on protection of victim’s rights.

- Criminal Justice System: agencies of the government charged with enforcing law ,adjudicating crime and correcting criminal conduct.
- Its an instrument in social control (Law and order)

The main objectives of the criminal justice system can be categorized as follows:

- To prevent the occurrence of crime.
- To punish the transgressors and the criminals.
- To rehabilitate the transgressors and the criminals.

- To compensate the victims as far as possible.
- To maintain law and order in the society.
- To deter the offenders from committing any criminal act in the future.
- In view of the importance of the subject matter, it is proposed to explain in brief some of the important areas of the criminal justice system that have attracted the attention of the courts in recent years. These are:
 1. Public interest litigation.(1960s)
 2. Bail justice jurisprudence.
 3. Prison justice.
 4. Compensation to the victims.
 5. Legal aid and legal services.

- In the Indian Justice System under the *Criminal Procedure Code, 1973* the term victim is inserted under S.2 (wa) (the Code of Criminal Procedure (Amendment) Act, 2008.) and **S.2 (wa)** – defines a ‘victim’ as “a person who has suffered any loss or injury caused by reason Of the act or omission for which the accused person has been charged and the expression "victim" includes his or her guardian or legal heir”.

Thus , “Victim is a person who has suffered any loss/injury or death due to a particular act. This act could be in any form whether emotional, psychological, physical or monetary .”

Indian Position

```
graph TD; A[Indian Position] --> B[Legislative Framework]; A --> C[Victim Schemes and Services]; A --> D[Recent Advances];
```

Legislative
Framework

Victim
Schemes and
Services

Recent
Advances



Victims of crime and Indian Constitution

- ◉ The Indian Constitution has several provisions which endorse the principle of victim compensation. The constellation of clauses dealing with Fundamental Rights (Part III) and Directive Principles of State Policy (Part IV) laid the foundation for a new social order in which justice, social and economic, would flow in the national life of the country (Article 38).
- ◉ **Article 14-** equal protection of laws.
- ◉ **Article 21-** Right to life and personal liberty.
- ◉ **Article 38-** State to secure a social order for the promotion of welfare of the people.
- ◉ **Article 39(A)-** Right to adequate means of livelihood and free legal aid.
- ◉ **Article 41-** public assistance to vulnerable sections of society.
- ◉ **Article 51 (A)-** A makes it a fundamental duty of every citizen of India “to protect and improve the natural environment ... and to have compassion for living creatures” and “to develop humanism
- ◉ *Other enactments benefitting victims of crime :*
- ◉ The Protection of Women from Domestic Violence Act, 2005.
- ◉ The Maintenance and Welfare of Parents and Senior Citizens Act, 2007.
- ◉ Protection of Children from Sexual Offences Act, 2012.



Legislative Framework

Provisions in the Cr.P.C:

Section 154- Victim sets criminal justice system in motion by giving Information in Cognizable Cases.

Section 190- Cognizance of offences by Magistrate.

Section 200- examination of complainant.

Section 160- Police officers power to require attendance of witness.

Section 378 – Appeal in case of acquittal.

Section 250, 358 and 357 deals with victim compensation.

Other Legislations :

Section 5, Probation of offenders Act, 1958- Court may direct the released offenders to pay compensation and costs to the injured person.

Section 4 of the Scheduled Castes And The Scheduled Tribes (Prevention Of Atrocities) Act, 1989- Public servant, if neglects complaint of ST SC is punishable. **Section 9 of Evidence Act-** Victim can be called to confirm the identity of person or objects after investigation.

Section 12(1) of Legal Services Authorities Act, 1987- Right to legal Assistance.

Section 195-A of IPC- threatening or Inducing any person to give false evidence is a cognizable and non-bailable offence.

- ⦿ **Motor Vehicle Act, 1988-Section 5-** compensation to victims of
- ⦿ vehicular accidents and their representatives.
- ⦿ - **Section 40-** compensation to victim if driver is negligent.
- **Section 163-** compensation in hit and run case.
- **Section 163 A** (Motor Vehicles (Amendment) Act, 1994)- victims can claim compensation even if they do not know the registration number of the vehicle that hit them.
- ⦿ - *Save Life Foundation v. Union of India, Writ Petition (C) No.235 OF 2012- SC* gave guidelines for protection of bystanders who helped victim. It also stated that lack of response by doctor in an emergency situation shall be “Professional Misconduct”, under Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulation, 2002.

Victims of custodial deaths

- ◉ *Inhumane Conditions in 1382 Prisons- Writ Petition(Civil) no. 406 of 2013* – issued directions to curb custodial deaths.
 - Compensation to next kin of prisoner.
 - Awareness, sensitization and counseling.
 - Visitation rights
 - Medical Assistance
 - Phone and Video conferencing
 - open Jails
 - Custodial death of Children



Recommendations of commissions and committees

- ◎ 154th Report of the Law Commission of India, 1996
 - State should provide assistance to victims out of its own funds in certain cases.
 - It emphasizes on protection of victims by awarding compensation to victims of crime.
 - Recommended the necessity to incorporate a new section 357 A in code to provide for a comprehensive scheme of payment of compensation to victims.

◎ **Committee on Reforms of Criminal Justice System, 2000**

- Victim or legal representative shall have the right to be impleaded as a party in cases punishable with 7 years imprisonment or more.
- In select cases notified by government, an approved voluntary organization shall also implead.
- Right to have an advocate. If victim can't afford a lawyer, than the State shall provide for the same.
- Right to participate in criminal trial.
- Right to appeal.
- Legal services to victims may be extended to include psychiatric and medical help.
- Victim compensation to be organized in a separate legislation by the Parliament.
- Creation of a victim compensation fund to be administered by the Legal Services Authority.

◎ **The National Commission to Review the Working of the Constitution, 2002**

- advocated a victim-orientated criminal justice administration.
- Victim orientation includes greater respect and consideration towards victims and their rights in investigative and prosecution processes.
- Recommended Union and State Government to legislate schemes of compensation for victims.

The Justice Malimath Committee on Reforms of Criminal Justice System, 2003

- Victim or legal representative shall have the right to be impleaded as a party in cases punishable with 7 years imprisonment or more.
- Right to have an advocate. If victim can't afford a lawyer, than the State shall provide for the same.
- Right to participation in a criminal trial.
- Right to appeal.
- Victim compensation to be organized in a separate legislation by the Parliament.
- Creation of a Victim Compensation Fund to be administered by the Legal Services Authority.

Recent Advances

➤ The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018 was introduced. This bill seeks to address the issue of human trafficking from three aspects viz. rescue, rehabilitation and prevention.

➤ It aims to protect the confidentiality of the victims (in camera proceedings).

➤ It provides for a time bound trial and repatriation of the victims within a period of one year from taking into cognizance.

➤ It protects the rescued victims and makes provisions for their rehabilitation.

➤ The victims are entitled to interim relief immediately within 30 days to address their physical, mental trauma etc. and further appropriate relief within 60 days from the date of filing of charge sheet.

➤ Creation of the Rehabilitation Fund for the purpose of physical, psychological and social well-being of the victim including education, skill development.

➤ The Protection of Children from Sexual Offences (POCSO) Act amended to provide for the death penalty for the rape of children below the age of 12 after the *Kathua rape* and murder case.

➤ Union Minister of Women & Child Development, issued necessary directions to concerned departments (States & Uts) for including male child victims of sexual abuse in Victim Compensation Schemes or Funds on 30th May, 2018.

Recent Advances

- Male Child victim will be entitled for compensation and rehabilitation under section 357A of Code of Criminal Procedure(Rule 7 of POSCO Rules, 2012)
- Criminal Law (Amendment) Act, 2013 provides rights to victims of sexual offences, victims of acid attacks etc.
- Criminal Law (Amendment) Act 2008 victim compensation Scheme (Sec-357 A) Section 357 (1) & 373 (3)- empowers trial court to award compensation, Sec-372 Right to appeal against verdict of trial court .
- Criminal Law (Amendment) Act 2005-
 - ⦿ Right to participate in plea bargaining

➤ In 2018, after a plea filed by the NGO 'Nyayadhar', an organisation formed by a group of women advocates of Maharashtra's Ahmednagar district, seeking sharpness in section 498A, court modified its judgment in the *Rajesh Sharma versus Union of India* case and took note of the "misuse" of Section 498A. It further stated that there was no need of family welfare committee to examine complaints and that police officers, based on facts of the case and governed by the legal provisions, should decide on their own. No arrest should "normally be effected" and verification of the allegation necessary to avoid human rights violation of the innocent.

Victim Services in India

- ⦿ Until 1970s the victims of crime were not considered as an essential part of the criminal justice system.
- ⦿ Over past few decades,Victimology study has witnessed a huge growth and also created revolution in many countries to deal with victims of crime including India.
- ⦿ A need to provide assistance to the victims of crime was also in the mind of various Law enforcement agencies and thus emerged the concept of Victim assistance services.

“Government initiatives that provides information and aid to persons who have suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime”, could thus be defined as Victim Assistance Services.

- ⦿ Victim assistance services at the court level are provided during the hearings and focus primarily on case notification and advocacy, witness testimony, and crisis intervention. During the court processes, survivors, family members, and significant others may experience re-traumatization as a result of the court proceedings that bring up memories, emotional reactions, and psychological disturbance.

Victim Services

```
graph TD;
    VS[Victim Services] --> FA[Financial Assistance];
    VS --> MA[Medical Assistance];
    VS --> LA[Legal Assistance];
    FA --> CS[Compensation scheme- Section 357 Cr.P.C.];
    FA --> R[Restitution- Section 359 Cr.P.C.];
    MA --> PT[Provision for Treatment of Victims- section 357C Cr.P.C. (inserted by an amendment in 2013)];
    MA --> TCLA[The Criminal Law(amendment)Act, 2018, new law - minimum punishment for rape of a girl under 16 years increased from 10 years to 20 years];
    LA --> VPT[Victim Participation in trial- Right to be heard, right to ask/suggest question, right to participate in negotiations.];
    LA --> VWP[Victim and Witness Protection Schemes.];
```

Financial Assistance

**Compensation scheme-
Section 357
Cr.P.C.**

**Restitution-
Section 359
Cr.P.C.**

Medical Assistance

**Provision for Treatment
of Victims- section 357C
Cr.P.C. (inserted by an
amendment in 2013)**

**The Criminal
Law(amendment)Act,
2018, new law -
minimum punishment
for rape of a girl under
16 years increased from
10 years to 20 years**

Legal Assistance

**Victim Participation
in trial- Right to be
heard, right to
ask/suggest question,
right to participate in
negotiations.**

**Victim and
Witness
Protection
Schemes.**

Victim Services and Schemes (National Initiatives)

WITNESS PROTECTION SCHEME, 2018

Reasoning :

The main reasons for establishing a witness protection scheme is the increasing number of witness turning hostile due to lack of protection and security. This was observed in the case of *Chawla v Union of India*, first attempt to bring the protection of witness under the ambit of law and putting the responsibility on the State to implement it effectively.

It has been formulated by Home Ministry on the inputs received from 18 States/UTs, five state legal services authorities and open sources including civil society, three high courts as well as from police personnel and in consultation with National Legal Services Authority (NALSA)

Three types of witnesses categorises :

1. Threat extends to life of witness or his family members during investigation, trial or thereafter.
2. Threat extend extends to safety, reputation or property of witness or his family members, during investigation, trial
3. Threat is moderate and extends to harassment of witness or his family member's, reputation or property during investigation, trial or thereafter.

Essential features:

1. Identifying categories of threat perceptions.
 2. Preparation of Threat Analysis Report by the head of police.
 3. Confidentiality and preservation of records, recovery of expenses, etc.
- Types of protection measures like ensuring that witness and accused do not come face to face during investigation etc. protection of identity, change of identity, relocation of witness.

National Legal Services Authority's compensation scheme for women victims/ survivors of sexual assault/other crimes-2018

Background:

Hon'ble Supreme Court of India in W.P. (C) No. 565/2012 titled *Nipun Saxena Vs. Union of India* opined that "it would be appropriate if NALSA sets up a Committee of about 4 or 5 persons who can prepare Model Rules for Victim Compensation for sexual offences and acid attacks.

Fact:

This came in the PIL filed after the Nirbhaya case seeking immediate compensation for victims of sexual assault. The judges, stated can order higher compensation but it cannot be lesser than what has been suggested by

Eligibility for compensation :

A woman victim or her dependent (s) as the case may be, shall be eligible for grant of compensation from multiple schemes applicable to her. However, the compensation received by her in the other schemes with regard to Section 357-B Cr.P.C., shall be taken into account while deciding the quantum in the such subsequent application

Compensation Amount:

- In case of loss of life NALSA scheme recommends minimum compensation Rs 5 lakh, upper limit Rs 10 lakh.
- For gang rape minimum Rs 5 lakh, upper limit Rs 10 lakh,
- For rape minimum compensation Rs 4 lakh upper limit Rs 7 lakh,
- For unnatural sexual assault minimum Rs 4 lakh and upper limit Rs 5 lakh.

Introduction of *the Women Victims Compensation Fund* from which the amount of compensation, as decided by the State Legal Services Authority or District Legal Services Authority, shall be paid to the women victim or her dependent(s) who have suffered loss or injury as a result of an offence and who require rehabilitation.

UJJAWALA: A Comprehensive Scheme

Background:

The Ministry of Women and Child Development implemented “Ujjawala”, got effective in the year 2016 – a Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation, Re-integration and Repatriation of Victims of Trafficking for Commercial Sexual Exploitation. As on date, 273 projects including 151 Protective and Rehabilitative Homes have been supported under the Scheme.

These rehabilitative centres are given financial support for providing shelter and basic amenities such as food, clothing, medical care, legal aid; education in the case the victims are children, as well as for undertaking vocational training and income generation activities to provide the victims with alternate livelihood option.

➤ Focus on five components:

1.*Prevention*-formation of community vigilance groups/adolescents groups, awareness and sensitization of important functionaries like police, community leaders and preparation of IEC material, holding workshops, etc.

2.*Rescue*-safe withdrawal of the victim from the place of exploitation.

3.*Rehabilitation*- provide basic amenities, medical care, legal - aid, education, administrative costs

4.*Re-integration* – setting of half-way homes, restoration to families

5.*Reparation* - facilitate repatriation procedures, The scheme would cover travel of the cross border victim and an escort from destination area to her country of origin or border, expenses incurred towards her food during her travel and incidental expenses.

Other initiatives...

Andhra Pradesh Victim Compensation Scheme, 2015

- Under the scheme, a special compensation of Rs 10 lakh is to be paid in respect of victims of acid attacks and sexual exploitation for commercial purposes in the event of loss of life and Rs 2 lakh in the case of rape.
- A maximum compensation of Rs 3 lakh will be paid in cases of loss of life including dowry deaths, to persons aged 40 or below, up to Rs 2 lakh to those aged between 40 and 60 and Rs 1 lakh to persons aged above 60, Rs 2 lakh, Rs 1 lakh and Rs 50,000 respectively in cases of permanent disability suffered by persons in the same age categories as above.

Breakthrough India (community organisation and NGO)

- Made efforts to change the narrative of rape survivors in mainstream media. They recently ran an event called Redraw Misogyny where they made a call for gender conscious designers, illustrators, photographers and artists to design images that give rape survivors an empowered narrative, and one which doesn't show them as helpless or ashamed.

MAVA

- Is a community of men who work to empower woman through the 'humanization of men.'
- Runs a series of programmes including counselling, for both men and women, gender sensitization, pre-marital guidance, self-defence classes for women as well as workshops on specific issues.

Other initiatives...

The Rajasthan Victim Compensation Scheme, 2011

- In case of acid attack a sum of Rupees three lakh shall be paid to such victim or his or her dependent or his or her guardian within fifteen days of occurrence of such incident or the information received from officer in charge of police station.

Prajwala (Anti-Trafficking Organization)

- Focuses on the of sex trafficking and sex crime. since 1996 in South India
- Main objectives of the organization are :
- Prevention, Protection, Rescue, Rehabilitation & Reintegration. In the last one decade it has become one of the most powerful voices nationally and globally for ensuring holistic victim services. In 2007, Anti Trafficking Program renamed as Community Based Prevention Program Launched “*Aparajitha*”, a first of its kind survivor movement. Launched “*Swaraksha*” a community awakening caravan to counter trafficking in three states of Telangana, Odisha & Andhra Pradesh(2016). In 2015 they launched “*#ShameTheRapist*” campaign, the first of its kind in the world.

The Punjab Victim or their Dependents Compensation Scheme, 2017

- To compensate victims of crime, with a minimum compensation of Rs 8 lacs to victims of acid attack in November 2017.

Other initiatives...

Delhi Victim Compensation Scheme, 2011

- Interim relief granted shall not be more than Rs. 50,000/-in cases of acid attack a sum of Rs. One lakh shall be paid to the victim within 15 days of the matter being brought to the DSLSA/DLSA.
- Till January 2019, under this scheme compensation in **614** cases amounting to Rs. 181,930,000 has been issued.

The Punjab Victim or their Dependents Compensation Scheme, 2017

- To compensate victims of crime, with a minimum compensation of Rs 3 lacs to victims of acid attack in November 2017.

Other initiatives...

- ◉ A think tank on public private partnerships to prevent trafficking set up in MWCD
- ◉ Core group on apparel industry set up; tourism industry to follow suit
- ◉ Projects for economic empowerment being undertaken for vulnerable groups and victims of trafficking
- ◉ An Integrated Child Protection Scheme: Provides for improved institutional care, quality non-institutional and alternative care, counseling and family support, training and capacity building, child tracking system and website for missing children. It focuses on street children, trafficked children, children in need of care and protection, children in conflict with law, HIV/AIDS affected children, adoption and foster care issues and any other.
- ◉ Missing Children website developed.

Emergence of Victim-Oriented Criminal Justice System

- ⦿ After the *Nirbhaya* incident in 2012, Government of India established *Nirbhaya Fund* in 2013, with an initial corpus of Rs. 1000 crore. In 2015, to ward off the criticism over non utilization of the Nirbhaya Fund, the Government of India (GoI) formulated the *Central Victim Compensation Fund* (CVCF). The CVCF was also setup to streamline the compensation amount in various states for different categories of crime. GoI issued guidelines for the CVCF in 2015 and allocated Rs 200 crore from the Nirbhaya Fund to this scheme. The CVCF was aimed at harmonizing the state schemes. Under this scheme, the highest amount of Rs 28.1 crore was released to Uttar Pradesh followed by Rs 21.8 crore to Madhya Pradesh.
- ⦿ Recently, *Pollachi sexual abuse* incident triggered widespread protests across the state (Tamil Nadu, India) with students and advocates demanding stern action against the accused in the case. The Tamil Nadu government's decision to transfer the case to Central Bureau of Investigation gives the case (CBI) gives the case rightful priority, and this in turn would help the agency to unravel the sexual assault and blackmail racket that has victimised a number of young women more swiftly. The *Pollachi sexual abuse case* is considered to be the first case that has been transferred to the CBI, keeping the essence of '*Natural Justice*'.

- ◉ In public law remedy, the Criminal Justice System has recognized the shift from retribution to restitution and compensation may payable by the state. Section 357 of Cr.P.C thus full fills the idea of payment of compensation by the offender. In development of modern criminology towards victim rights has been expended in substantive and procedural laws by inserting section 166B in Indian Penal Code,1860 and Section 357A in Code of Criminal Procedure 1973 , have devised new tools to promote a right based remedy. Under this provision, victim needs to be rehabilitated, the victim may request the State or District Legal Services Authority to award him/her compensation.
- ◉ After this amendment, each and every state made its own Victim Compensation scheme, which has a fixed structure of giving compensation. Later on, the following coming cases in future used to give compensation that were fixed under the Scheme. The result of this amendment can be seen in the cases *Delhi Domestic Working Women's Forum v. Union of India and others* , *Ankush Shivaji Gaikwad v. State of Maharashtra* and other cases.
- ◉ The Justice system has visualized the awards of victim assistance as an important methodology not only to redress the violation caused but also act as a deterrent tool. The days are over where dominance of state had only liability to make a trial and punish the accused, victims' are now also consider as the part of criminal administration through the glasses of human rights. This new approach of the Justice system new version emerges having component of universal humanism. The role of victim assistance is a basic human right which is being recognized in modern criminology.

Judicial Trends Regarding Victim Justice

- In the violation of human rights, the Supreme Court of India has also emphasized the need for compensation in various judicial pronouncements. The courts in India while Sentencing the accused with imprisonment do impose fine. But with long term imprisonment the fine was treated to be burden on convict's family. As such there was also a trend to increase fine by reducing the terms of imprisonment. Presently with the introduction of Section 357 and 357A in the Code of Criminal Procedure, 1973 new compensatory jurisprudence has emerged.
- The apex court in *Suresh v. State* had emphasized that trial court must take into account the need to compensate on the conviction of accused as a mandatory consideration. The Supreme Court has specifically issued guidelines for the awarding of compensation to rape victim. The court issued directions to constitute Criminal Injuries Compensation Board in the *Domestic Working Women's Forum* case.

Current Judicial Trends(2019-20)

- In June 2020, Kerala High Court issued guidelines to maintain the anonymity of a child abuse survivor in POCSO cases. Such disclosures were violative of Sections 228A of the Indian Penal Code, as well as provisions of the POCSO Act.
- In *P Gopalakrishnan v State of Kerala in 2019*, it was held that the victim's counsel cannot argue in the case but can only make up for the deficiencies in the prosecutions case.
- In August 2020, the Supreme Court rejected the appeal filed by the victim regarding the enhancement of punishment however the state government has been assigned this power under the Law (In a plea by *Parminder Kansal for enhancement of life sentence to the death penalty*)
- The recent judgment in *Rekha Murarka v State of West Bengal 2019* has held that the victim's counsel cannot orally or cross examine the witnesses. It is a setback to the developing jurisprudence on victim justice.

- *In Karan v. State NCT Of Delhi on 27 November, 2020.* The Court has recommended that a statutory mechanism be created by the Central Government as well, having due regard to victimology in the Criminal Justice System. Thus, this judgment is going to be landmark in the matter of victim compensation scheme.

Victim Impact Statement (VIS)

- Introduction of VIS to be heard by the bench during sentencing is essential for the well-being of victims of crime as it has been found that victims who chose to make VIS are reportedly more satisfied with the sentencing. Therefore, they would go a long way in restoring the faith of public, especially during the trial of heinous crimes such as the Delhi rape case dated December 16th, 2012 and Ajmal Kasab who was involved in Mumbai terrorist attack on November 26th, 2008. Victims subjected to bodily harm, threat of violence or actual violence, motor vehicles accidents and sexual abuse should be eligible to make VIS.
- VIS should be optional as is the case in Ireland and not making a VIS should not be prejudicial to the interest of the victim. Any disputed material upon which the victim does not wish to be cross-examined should not be put to the sentencing court. Discretion should not vest in the public prosecutor discretion to use or discard any parts of the statement provided by the victim without explicit written permission.



IMPORTANT FOR YOU

- ⦿ Encourage an awareness of research into key legal concepts – Criminal Law
- ⦿ Deep understanding of crime and criminal justice
- ⦿ Understanding Criminal Justice Policy
- ⦿ Conceptual and analytical skills critical to effective management of public agencies and programs
- ⦿ Develop professional abilities through community engagement

CONCLUSION

- ◎ Criminology is an inter-disciplinary discipline with numerous dimensions. At the advent of the introduction of criminology as a probable separate discipline, it was limited to individual crimes and its causation, but in years thereafter, it has gone on to include many more aspects and one such example is green criminology and victimology.

References

- ④ Applying psychology to Criminal Justice –David Carson,Milne ,Francis
- ④ Albert Hobbs – Relationship between Criminality and Economic conditions
- ④ Katherine Williams – a text book on criminology
- ④ Ram Ahuja- Criminology

Email : garimapal21@gmail.com

THANK YOU !