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Research Article

An approach to support services for victims of crime in India with an emphasis on situation like Covid-19

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Abstract

Victims of crime are the ones who suffer as a consequence to the crime committed against them. Such sufferings may be in the form of losses that may be financial, physical and emotional. In the current era of research in the field of Victimology, sufferings of victims of crime have been studied and there is a development as to how to provide assistance to the victims of crime. Many countries across the world have established for the victims of crime support services program within their criminal justice delivery system. Since the criminal law amendment in 2008, Indian States and Union Territories have gradually come up with Victim Compensation Schemes. In 2015, the Central Victim Compensation Fund Guidelines was framed to do away with the anomalies in compensation amount for different offences in the Victim Compensation Services. Apart from compensation, providing support services to victims of crime is necessity in order to help them cope up with the victimization. With the Covid-19 pandemic, providing support services to the victims of crime is a matter that needs to be effectively dealt with.

Keywords: Victims of crime, support services, emotional trauma, psychological, physical

INTRODUCTION

The reparative mission of justice delivery system should be to enforce the order of law and to restore a sense of safety and security to victims of crime and the general community. Providing victims of crime rights and support services gives humane treatment to people who deserve it and it should be seen as an essential component of the whole justice delivery enterprise.

Victims of crime needs “help and support to pull them out of the emotional trauma and physical and financial injuries suffered by them.”¹ The emotional trauma faced by victims of crime may range from low self-esteem, depression to post-traumatic stress disorder. Providing support services to the victims of crime is inherently demanded in order to restore them and protect their rights. In 2014, the World Health Organization in its Global Status Report on Violence

Prevention mentioned that it is important to provide victims of crime high-quality support services and care in order to reduce trauma and help the victims of crime to heal. This report also talked about support services like providing emergency response services for victims of crime who are injured, health services, mental health services, victim advocacy and legal services. The United Nations (UN) Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985 (Declaration, 1985) also mentions that victims “are entitled to prompt redress for the harm that they have suffered, through access to the criminal justice system, reparation and services to assist their recovery.”² The Declaration, 1985 further mentions that victims of crime be provided with assistance in the forms of social, material, psychological and medical. Victims of crime needs to be informed and be aware of such support services. The Handbook on Justice for Victims, 1999 also mentioned that schemes regarding victim assistance be made with the aim of providing rehabilitation, relief and redress to victims of crime.

In the 1970s, most of those concerned with victims of crime focused on problems in the criminal justice system and how those bureaucracies could be made friendlier to victims of crime. In the 1980s, greater emphasis was placed on what was considered to be the central issue in the aftermath of trauma - the emotional injuries inflicted on the victim, including fear and terror.³ In the year 1980, the post-traumatic stress disorder was acknowledged in psychiatric nomenclature which resulted in carrying out scientific study as to “how people react to all sorts of trauma, including, most significantly, criminal victimization”.⁴ In the current period of victimological research there has been a substantial growth in interest to study the impact of crime on victims and the various ways to assist them and it is found that an effective way to deal with the needs of the victim of crime is by establishing programs that will provide social, psychological, financial and emotional support to them. Providing adequate support service to the victims of crime will render effective justice to them.

Method

This research has been carried out by adopting analytical method of research. The researcher finds out critical details in order to add new ideas. The researcher while carrying out the research has relied on primary sources (like United Nation documents; Government reports, Acts, Legislations) and secondary sources (like books, articles, newspapers etc).

Findings and Discussion

Victim support services can be defined as those services which are provided to victims of crime as a result of their victimization. These services are provided with the aim of facilitating recovery and relief to the victims of crime.

Benjamin Mendelsohn (1900-1998) is an important key figure in the history of victimology. Mendelsohn in one of his post war publications advocated a general study of what he called as victimity, with a view to reduce it by prevention and victim assistance.⁵ Mendelsohn was of the opinion that “*Just as medicine treats all patients and all diseases, just as criminology concerns with all criminals and all forms of crime, so victimology must concern itself with all victims and all aspects of victimity in which society takes an interest.*”⁶

The current position for the victims of crime in India under has been attained after coming a long way from what it was earlier. In today’s time the Criminal Procedure Code, 1973 (CrPC) defines who is a victim by way of an amendment in 2008. This definition of victim comes many years after the coming of UN Declaration, 1985. Section

2 (wa) of CrPC defines 'victim' to mean "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." Significant achievement is made by way of introduction of section 357A into CrPC by way of the amendment in 2008 which deals with victim compensation scheme. Even though the criminal justice delivery system of India which is adversarial in nature has crafted a minimum role for the victims, the Criminal Law Amendment, 2008 brought a change to the conditions of the victims by recognizing and giving them rights. This Amendment reflected the UN Declaration, 1985. The Malimath Committee Report of 2003 contributed towards the adoption of this amendment. The Amendment defined for the first time the term victim under section 2 (wa) of CrPC. Victim means 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. This definition falls short of the standard laid down in the UN Declaration, 1985. This definition of victim is silent regarding situation where the perpetrator is not identified, apprehended, prosecuted or convicted. It fails to take notice of persons who suffer while trying to assist victim in distress or to prevent victimization. The Amendment also introduced section 357A in CrPC under which the State Government in co-ordination with the Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who, require rehabilitation.

The Criminal Law Amendment Act, 2013 has further advanced the status of the victims of crime. Special mention of newly introduced section 357C in CrPC which provides that all hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims.

Providing support services to victims is essential. However, India lags behind regarding support services unlike the other countries in the world. India does not have a comprehensive program regarding victim support services as contemplated under the Handbook, 1999. However, subsection (6) of section 357A mentions that in order to alleviate the suffering of the victim, the State or District Legal Services Authority may order for immediate first-aid facility or medical benefits. Section 357C of CrPC lays down provision for providing treatment to victims. India States and Union Territories have developed Victim Compensation Schemes (VCS). The purpose of these VCS is providing compensation to the victims of crime. Odisha and Meghalaya are the two States who have explicitly laid down provisions regarding support services for victims of crime. The two States in their VOCS talked about providing support service program like legal assistance, shelter, counselling, medical aid, providing education and vocational training.

Over the past centuries, the victim had lost its strong foothold across the criminal procedure of almost all Western legal systems. The position of victims of crime under the modern criminal justice system remained that of a forgotten man till the birth of the victims movement.

United States of America (USA) and United Kingdom (UK) have become leaders in the field of victim services and have also become the most active and productive countries in having major international influence. "The United States have served as a laboratory for experiments in victim rights and services in recent decades. In that, the experience of

its victims' movement can provide lessons, for good or ill, that may help others seeking to accomplish similar goals or to invent new ones."⁷ The victim assistance program started in USA in 1972. Support services in USA ranges from criminal justice support and advocacy; information and referrals; therapy treatment; safety; services relating to the court etc. The Code of Practice for Victims of Crime which forms a key part of the wider UK Government strategy to transform the criminal justice system by putting the victims first and making the system more responsive and easier to navigate and sets out services that must be provided to victims of crime by organizations in England and Wales. Victims are entitled to services like information about what the police is doing; victim should be able to know what is happening about the trial; help or support to attend the court and give evidence; complain if the victim does not get the information and support he should get

Pandemic situation like Covid-19 impacts the victims of crime as there may be a temporary change in the way of experiencing criminal justice delivery system and the police. In such pandemic situations, providing effective support services to victims of crime is a must. Measures like Lockdown and imposition of restrictions as a way to deal with the pandemic, effects the victims of crime. One who becomes a victims of crime in this situation needs effective support services program in order to cope up with the consequences of the crime.

Conclusion

This pandemic has taught mankind many new lessons and have prepared us for surviving in a whole new unknown world. The Pandemic situation should be a learning lesson for us wherein we stay prepared for such situations in future. This pandemic created an opportunity to develop sustainable support service program. With regard to victims of crime who being vulnerable needs support services, there can be lot of learning lessons for how to deal effectively with victims of crime. The author suggests the following for an effective delivery of support service program in India to victims of crime.

1. Creating effective framework to provide support services to victims of crime during pandemic that will help to cater the needs of victims of crime during pandemic.
2. Include support service program for victims of crime as an 'essential service'.
3. Guide States and Union Territories to set up an online repository of support services for victims of crime that can be easily accessed by victims of crime.
4. Guide States in developing that will provide information to the victims of crime as to support services and how to access them.
5. Guide States and Union Territories in setting up online hassle free application for seeking support services.
6. Provide how an effective and uniform medical and psychological support be provided to the victims of crime.
7. Provide telemedicine and e-health services wherever required to victims of crime.
8. Developing awareness program among victims of crime regarding the support services that can be avail during such pandemic.
9. Develop toll-free service that will provide victims of crime advocacy support.

10. Developing effective coordination amongst many agencies of the criminal justice system in order to effectively provide victims of crime support services.
11. Involve the Non-Governmental Organizations in providing support service program in keeping with the government's scheme.
12. Identify and create emergency shelter and housing for victims of crime who are in need of protection.

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⁴ M.A.Young, *Present and future developments in victim services and victim rights A view from the United States* in SUPPORT FOR VICTIMS OF CRIME,325,327 (W-C.Chan ed.,2008).

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