

## **Victimization in India –An Emerging Issue**

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### **Introduction**

Victim 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. 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. In short victim is a person who has sufferer due to any of the reason. There are provisions of relating to compensation to the victim, but the major question is that whether it is only on paper or it works. Any person victim of crime need lot of time to recollect himself from that particular incident which take place in his life.

### **Victimization**

There is a large body of evidence that demonstrates a close relationship between offending and victimization. One reason for this is that some kinds of crime arise out of mutual interactions between people, to the extent that victims and offenders are almost interchangeable: the clearest example would be fights in and around pubs on a Saturday night. Even where crimes do not arise immediately out of interpersonal interactions, people often tend to commit offences on others within their social circle, because these people are most accessible to them, or because they are paying off an old score. This way we can say that victimization is the relation between victim and the accused, there is no exact definition available on it.

In the last century, trends in crime were measured by the number of persons convicted in criminal courts. Then trends were measured using the number of crimes recorded by the police. Today, trends in crime are measured also by surveys of the general population to estimate the level of victimization. Crime affects the individual victims and their families. Many crimes also cause significant financial loss to the victims. The impact of crime on the victims and their families ranges from serious physical and psychological injuries to mild disturbances.

The impact of crime is perhaps best thought of as a product of the perceived seriousness or intensity of these effects plus their duration from the victim’s own standpoint. Defined in this way, the term refers to an inescapably subjective assessment and evaluation by the victim of the overall consequences of the offence. This includes its meaning and significance for the victim, and whether or not it has resulted in a change of self-perception by which the victim comes to perceive himself or

herself as a victim. Thus, the 'impact' of a crime has a crucial bearing on the way the victim interprets and responds to it during the second phase of the victimization process, as distinct from whatever tangible or intangible 'effects' may be associated with the primary phase. Unfortunately, most researchers have tended to conflate these two terms and to treat them as interchangeable, which has added to the methodological problems mentioned above, though it might help to account for the seemingly confused nature of many of the findings.

### **Theory of Victimization**

Perhaps the first theory to explain victimization was developed by Wolfgang in his study of murders in Philadelphia. Victim precipitation theory argues that there are victims who actually initiated the confrontation that led to their injuries and deaths. Although this was the result of the study of only one type of crime, the idea was first raised that victims also might play a role in the criminal activity.

Victimization is a highly complex process encompassing a number of possible elements. The first element comprises whatever interaction may have taken place between offender and 'victim' during the commission of the offence, plus any after effects arising from this interaction or from the offence itself. The second element encompasses 'the victim's' reaction to the offence, including any change in self-perception that may result from it, plus any formal response that s/he may choose to make to it. The third element consists of any further interactions that may take place between 'the victim' and others, including the various criminal justice agencies with whom s/he may come into contact as a result of this response. Where this interaction has a further negative impact on the victim, it is often referred to as 'secondary victimization'. There are different theories of victimization which are as follow:

- A. Primary victimization
- B. Secondary victimization (post crime victimization)
- C. Re-victimization (repeatedly became the victim)
- D. Self-victimization (variety of reason to justify abuse)

#### **A. Primary victimization**

The 'primary victimization' phase of the process, it may be helpful to begin by distinguishing between the 'effects' or consequences that are known to result from crimes of different kinds and their 'impact' on victims themselves. Certain crimes entail physical effects, which are likely to involve some degree of pain and suffering, and may also entail loss of dexterity, some degree of incapacity and/or possible temporary or permanent disfigurement. Many crimes also have financial effects, which may be either direct. Very often crime can result in additional costs that might be incurred, for example, in seeking medical treatment or legal advice, or loss of income as a result of attending to the crime and its aftermath, or possible loss of future earning potential. Certain crimes can also have psychological and emotional effects upon victims including depression, anxiety and fear, all of which can adversely affect their quality of life.

## **B. Secondary victimization**

Secondary victimization refers to the victimization that occurs not as a direct result of the criminal act but through the response of institutions and individuals to the victim. Institutionalized secondary victimization is most apparent within the criminal justice system. At times it may amount to a complete denial of human rights to victims from particular cultural groups, classes or a particular gender, through a refusal to recognize their experience as criminal victimization. It may result from intrusive or inappropriate conduct by police or other criminal justice personnel. More subtly, the whole process of criminal investigation and trial may cause secondary victimization, from investigation, through decisions on whether or not to prosecute, the trial itself and the sentencing of the offender, to his or her eventual release. Secondary victimization through the process of criminal justice may occur because of difficulties in balancing the rights of the victim against the rights of the accused or the offender. More normally, however, it occurs because those responsible for ordering criminal justice processes and procedures do so without taking into account the perspective of the victim.

## **C. Re-victimization**

Crime is not distributed randomly. According to a recent estimate, based on data from the British Crime Survey, 44% of all crime is concentrated on 4% of victims. (Farrell and Pease, 2001) The following table shows the proportion of victims in this source who will be a victim of a similar offence within a year of the event. Some of the repeat victimization is due to the victim living or being associated with the offender. Wife battering tends to happen more than once to the same victim who continues to live with the same man. This is also true of sexual incidents.

Some of the repeat victimization in property offences is due to the location of the victim or their residence. Those who live close to a concentration of potential offenders in residences that are unprotected are particularly at risk of repeat victimization. Repeat victimization is disillusioning to victims who report their experience to the police and the criminal justice system because they were not protected. Being victimized a second time increases the psychological trauma of the event.

## **D. Self- victimization**

In this category person himself commits such act which result in his own victimization we can say up to certain extent that it can be included in repeat victimization only as it result from wrong persons company, wrong habit, etc.

## **Victim and criminal justice system**

India's criminal justice system is from the British criminal justice system. There is a clear Doctrine separation of power by the Legislature, Executive, and Judiciary. The judiciary is independent and there is a free press. The penal philosophy in India has accepted the concepts of prevention of crime and treatment and rehabilitation of criminals, which we can see by many judgments of the Supreme Court and High Court of India. Victims have no rights under the criminal justice system, and the state undertakes the full responsibility to prosecute and punish the offenders by treating the victims as mere witnesses.

The Indian criminal justice system is governed overall by four laws:

- (i) The Constitution of India
- (ii) The Indian Penal Code
- (iii) The Code of Criminal Procedure of India
- (iv) The Indian Evidence Act

The legislative power is vested with the Union Parliament and the state legislatures and the law-making functions are divided into the Union List, State List and Concurrent List in the Indian Constitution. The Union Parliament alone can make laws under the Union list and the state legislatures alone can make laws under the State list, whereas both the Parliament and the State Legislatures are empowered to make laws on the subjects mentioned in the Concurrent List of the Constitution.

The Constitution of India guarantees certain fundamental rights to all citizens. Under the Constitution, criminal jurisdiction belongs concurrently to the central government and the governments of all the states. At the national level, two major criminal codes, the Indian Penal Code, 1861 and the Code of Criminal Procedure, 1973, deal with all substantive crimes and their punishments, and the criminal procedure respectively to be followed by the criminal justice agencies, i.e. the police, prosecution and judiciary during the process of investigation, prosecution and trial of an offence. These two criminal laws are applicable throughout India and take precedence over any state legislation. All major offences are defined in the Indian Penal Code and these apply to resident foreigners and citizens alike. Besides the Indian Penal Code, many special laws have also been enacted to tackle new crimes. The Indian criminal justice system has four subsystems which include: Legislature, (Union Parliament and State Legislatures), Law enforcement (Police), Adjudication (Courts), and Corrections (adult and juvenile correctional institutions, Probation and other non institutional treatment). The legal system in India is adversarial.

## **Conclusion**

From this discussion we can say that there are various laws relating to victim and their protection. Now big question before us is its implementation. There is a provision of compensation and protection of victim but the question is whether this is sufficient for victim. The victimization is relation between victim and offender, and victimology is a science of study of victimization. When we see that there is direct relation between offender and victim it is very difficult to protect the victim from the offender and I personally think that this is the only reason for very low rate of conviction in our country. There are various countries in which the victim protection program is going on and the result is very good as there is no scope of any temporizing the victim or witness. If victim feel themselves safe then only they can speak in courts. When victim is easily approached by the offender it is really difficult to work even police is not taking proper note of this issues.

Victimization is a frequent event that occurs within an interpersonal context, often involving an abuse of power, such as a parent who abuses a child; an adult child who abuses a frail, elderly parent;

or a teacher who sexually abuses a student. Although past research on victimization has tended to be compartmentalized, a more integrative approach is needed not only because of the frequent comorbidity among the different types of victimization, but also because of the shared psychological issues. The shared core psychological issues extending across types of victimization include damage to interpersonal relationships and self. Although victimization may often involve traumatic experiences, trauma may not involve victimization. For example, stepping off a curb and falling and breaking an ankle might be a traumatic event; however, such an event does not define an experience of victimization because it is not an interpersonal event.

To understand victimization, several core themes need to be acknowledged. Contrary to a layperson's perspective, victimization is not a rare event that occurs only in a stranger-on-stranger context. On the contrary, victimization is an extraordinarily frequent event that most often occurs in, and adheres to, the ordinary roles of human life. Although stereotyped conceptions of victimization do occur (e.g., a woman raped by a stranger walking down a street at night) and are damaging and need to be addressed, these types of victimization are not the norm outside the context of a war. Rather, the most significant sources of victimization are those that arise out of our ordinary day-to-day roles, such as those of spouse, parent, child, and friend. Thus, victimization must be understood as an inherent part of human relationships.

Finally, the need for an integrative approach is particularly demonstrated by the shared interpersonal nature of the victimization phenomena. If the key facet of the victimization experience that defines it is the interpersonal nature of the victimization, then there is quite likely to be a shared psychological expression of exposure to victimization across types of victimization. An integrative approach allows for the examination of this common core of psychological features attendant to this definition of victimization.

In summary, victimization is a frequent event with profound consequences on human adjustment. To have a more nuanced psychological understanding of victimization, the interpersonal context of the experience must be included in our theoretical and practical models of those who have been victimized.

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