



Scope of Victimology in Indian context: A Review

¹Sarita Rani, Research Scholar, Dept. of Law Professor
Kurukshetra University, Kurukshetra (Hr.)

²Dr.Varsha Razdaan, Dept. of Law Professor, Kurukshetra
University, Kurukshetra (Hr.)

Abstract

Diverse views exist on the focus and place of the discipline of Victimology. While some believe that Victimology should function as an independent area of enquiry, others view it as a subfield of Criminology. A second issue concerns the breadth of victim related issues to be covered in the field of Victimology. Some scholars advocate that Victimology should limit itself to the study of victim-offender interaction. Others argue that the needs of crime victims, functioning of the organizations and institutions which respond to these needs, and the emerging roles and responsibility for crime victims within the CJS are important areas of inquiry for Victimology. A third issue is the breadth of the definition of the term ‘victim’. One approach is to limit the concept to victims of traditional crimes such as murder, rape, robbery, burglary etc. However, it has also been proposed to include a broader definition of the concept by covering groups such as prisoners, immigrants, subjects of medical experimentation, and persons charged with crime but not proved guilty.

ISSN 2454-308X



Key Words: Victimology, crime, victims, responsibility organizations etc

Introduction

The word ‘Victimology’ was coined in the year of 1947 by a French Lawyer , Benjamin Mendelssohn, by deriving from a Latin word ‘victima’ which translate into “victim” and a Greek word ‘logos’ which means a system of knowledge, the direction of teaching, science and a discipline. The development of Victimology as discipline in academic field is a phenomenon of approximately six decades. In 1948, a German Criminologist, Han Von Hentig made the first overall exploration of the role of victim in crime. The discovery of victim inaugurated a new trend in criminology with increased accent on exploring the doer-sufferer’ relationship. This recognition of the sociological significance of victim had immediate academic repercussions. Victimology acquired international interest and became the subject of solid scientific inquiry. An important breakthrough occurred when discussions



in several international victimological symposiums pleaded for the extension of the concept of “victim” beyond its traditional confines. The plea, in effect, was towards widening the concept of victim including within its purview the victims of different varieties. This view derived ample support from studies which discovered new categories of victims, e.g. victims of abuse of economic, political and public power, victims of organised/and corporate crime, victims of environmental offences, victims of consumer frauds, victims of development induced crime as well as victims of natural and man made disasters etc. The studies further highlighted the fact that the event of victimisation is unevenly distributed: some persons, groups or communities are more vulnerable to victimisation, for example, women, children, elderly, and the poor and the powerless. They are victimised at a significantly higher rate because of their relatively weak position

Scope of victimology

1) Conservative Perspective:

The Victimology discipline confines the scope within conservative tendency to the study of street crimes. A basic postulate of conservative ideology that is readily applicable for their actions and decisions including mistakes such as momentary lapses due to carelessness and provocative acts that incite violent responses. It means, that within Victimology, there is an opinion that the individual should strive to take personal responsibility for preventing, avoiding, resisting and reconvicting from criminal act and for defending themselves, their families and homes. Conservatives within Victimology and victim’s rights movements see the criminal justice system as the guarantor of retributive justice-satisfying victims within the knowledge that offenders are being punished for their crime. By they do not vouch for programmes to repay victims for their losses or to deliver services etc. which goes into the gamut of compensatory jurisprudence and victim assistance programmes.

2) Liberal Perspective:

the scope of the field beyond street crimes to include criminal harm inflicted on persons by delinquents. A basic theme within the liberal thought is the constitutional guarantee of equal protection under the law. All kinds of victims from all walks of life are thus entitled to fair treatment. The crux of the liberal victimological thinking is to ensure that the “safety net” provisions of the welfare state to cover any existing gaps in government’s benefit



programmes are utilised to compensate losses to the victims due to misfortune including crime. To reinstate the victim in the “previous position” adequate services must be provided which inter alia includes, state compensation funds, government subsidised crime insurance and rape rehabilitation centers etc. In selected cases, restitution and rehabilitation are deemed more appropriate ways of resolving conflicts than the arrest, prosecution and conviction of accused persons.

2) Radical-Critical Perspective:

Within Victimology argues that the field should not be limited simply to the study of the causalities of criminal activity. The inquiry must be extended to cover additional sources of suffering and harm inflicted by industrial polluters, owners and managers of hazardous workplace, brutal police force, discriminatory institutions and other agents of power and privilege. In such instances, the victims may not be individuals but whole groups of people such as scheduled caste, “factory workers”, “minority groups”, “consumers”, or “neighbourhood” residents” or impersonal entities such “small companies”. The key question which becomes important for radical victimologist is that “which suffering people get designated as victims, and which do not and why?” The answer is important, since it determines whether or not public and private resources will be mobilised to help them out and end their mistreatment. The radical victimologist places the blame for such needless suffering squarely on the “the system” the social structure, the ways in which society is organised and the operation of the social institutions. The radical-critical victimologist perceives the criminal justice system as a part of the problem because its safeguards the interest of powerful groups in society much more than it attends to the interests of the causalities of competition and conflict. Thus, emphasis on the State to ensure that institutional wrongdoing be avoided at all cost is more among radicalist.

Victimology in Indian context

The concern for victims in Indian society has its root in the history too. The victims did not have to face many difficulties in the past. There was an inbuilt mechanism for restitution and community support for them. We had a tradition of atonement and restitution. Those who atoned for the wrong were forgiven. The king had the right to determination the compensation. The laws of Manu provided for reparation “to the victim and payment of fine” to the King. When Moses ordained –‘Thou shall not take money from the murderer, he



surely put to death’, crime came to be regarded as an offence principally against king’s peace and only incidentally against the individuals’ wronged.” The victims were left to fend themselves. It appears that with the advent of British Rule in India, the laws of Manu were over taken by the dictas of Moses. The state started to prosecution of the offenders. Resultantly, the victims treated as a tool to support the system, to identify and punish the offender.

The teaching of Victimology in academic institutions has started as a paper/ specialisation in criminology/law/social work/in many Indian universities at Bachelor and Masters Level since 1980s. However, the curriculum focused mainly on the victims of crime and their role in the criminal justice system except social work curriculum which has addressed socio-cultural rehabilitation and other support to the victims of crime and social oppression etc.

In Indian context, the first empirical study regarding, “Victims of Dacoit Gangs in Chambal Valley”, was conducted by D.R. Singh in 1978. Thereafter, Bureau of Police Research and Development has published a report on ‘Compensation to the Victims of Crime’ in 1979. This report and some other studies, undertaken by the Institute of Criminology and Forensic Science, (now known as LNJN NICFS), New Delhi in early 1980s have started victimological orientation in the criminal justice research in the country. During 1990s, International donor organisations and the civil society organisations have highlighted victimisation process in the context of development. Thus, the research studies on Victimology in India have started gaining ground in the 1990s. Recently, a survey of Criminological studies has documented various studies undertaking in the field of Victimology in India.

Conclusion

The scope of victimology in India and global level as well is significantly expending. The traditional view on crime victims and redressal mechanisms such as financial support in the form of compensation and restitution is now considered a piece meal approach. The contemporary discourse on victimology focuses on rights based approach for empowerment of victims of crime and abuse of power as well as victims of human rights violations by state and non-state actors. It is now strongly felt that victims of crime and human rights violations shall be accorded legal rights enabling them to participate in the justice delivery process as one of the stakeholders through legal empowerment, enhancing accessible health services;



facilitating financial support and conversing of policies and programmes implemented by the state agencies, non-government organisations, media and partnership with business establishment for rehabilitation of victims.

References

- [1] Srivastava, S.P. (1997) : Theoretical and Policy Perspectives in Victimology An agenda for the development of Victimology in India, Police Research and Development Journal: July-September, pp.8-9).
- [2] Dr. Justice. Anand, A.S (2006) : Inaugural Address delivered by, Chairperson of NHRC at Seminar on ‘Rights of Victims of crime and their effective rehabilitation organised by Swami Sahajanad Saraswati Hithari Sanmaj at India International Centre on 26th February,2006.
- [3] Karmen,A (2003) :Crime Victims: An Introduction to Victimology, Wadsworth Publishing).
- [4] Rajkumar, C. (1997) : Emergence and Evolution of Victim Justice Perspectives in India, Indian Journal of Criminology, Volume 25(2), July,1997, pp.72-73).
- [5] Gupta, J.L (.1998) : key note address during National Seminar on Victimology held at Punjab Police Academy., Phillaur from May 12- 14,1998).
- [6] Bajpai, G.S. (2009) : Criminological Studies in Survey of Research in Sociology, ICSSR, New Delhi.
- [7] Amarnathan, L.C.(2000) : “Economic Crimes in India and Effective Countermeasures”, CBI Bulletin, April.
- [8] UNODC, (2007) : Crime and Development in Central America, 2007
- [9] Chockalingam, K. (2007): Vitimology and Victim Justice-Human Rights perspectives in C. Raj Kumar & K. Chokalingam, Human Rights Justice and Constitutional empowerment , New Delhi : Oxford University Press at p.437-461.