



Extent of Crime in Indian Criminal Justice System

BALJIT SINGH, RESEARCH SCHOLAR

DR. SUDESH RANI, Assistant Professor

OM STERLING GLOBAL UNIVERSITY HISAR

Abstract: This research paper related to Extent of crime in Indian Justices. Relative data is menially primary for obvious reasons. Even in the case of crimes committed outside the home, offences relating to sexual assault or sexual harassment are also grossly under reported. The recent UN sponsored International Crime Victimization Surveys (ICVS) estimates showed that one in five of all adults will be victimized by a common crime each year, with some of them re-victimized. Violence against women is more prevalent than against men. About twice as many women will be victims of violence in Africa and Latin America as in Europe and Asia. In Africa, Latin America and Asia, victimization of women through violence is more prevalent than that of men.

Keywords: Crime, Criminal Justices, sexual harassment, victims of violence, significant financial

INTRODUCTION:

Impact of Crime on Victims: 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 Canadian Centre of Justice Statistics states that about one third of violent crimes resulted in victims having their day-to-day activities disrupted for a period of one day (31%), while in 27% of incidents, the disruption lasted for two to three days (Aucoin & Beauchamp, 2007). In 18% of cases, victims could not attend to their routine for more than two weeks. A majority of incidents caused emotional impact (78%). Irrespective of the type of victimization, one-fifth of the victims felt upset and expressed confusion and or frustration due to their victimization. Overall, victims felt less safe than non-victims. For example, only a smaller proportion of violent crime victims (37%) reported feeling very safe walking alone after dark than non-victims (46%). Just less than one-fifth (18%) of women who had been victims of violence reported feeling very safe walking alone after dark when compared to their male counterparts.

Extent of Crime: In most countries, officially reported crimes are only the tip of the iceberg as many crimes go unreported due to a variety of factors. Crimes such as family violence are hardly reported, for obvious reasons. Even in the case of crimes committed outside the home, offences relating to sexual assault or sexual harassment are also grossly under reported. The recent UN sponsored International Crime Victimization Surveys (ICVS) estimates showed that one in five of all adults will be victimized by a common crime each year, with some of them re-victimized. Violence against women is more prevalent than against men. About twice as many women will be victims of violence in Africa and Latin America as in Europe and Asia. In Africa, Latin America and Asia, victimization of women through violence is more prevalent than that of men. In large cities in Latin America and Africa, 10-15% of adult populations will become victims of violence each year - a rate 50% higher than that of affluent countries (Waller, 2003, p.13). The ICVS (2004) reports an interesting result: the 10 countries with the highest crime rates comprise both very affluent countries such as Switzerland, Ireland and Iceland, and less affluent nations (Estonia, Mexico).

Some Indications of Crime Statistics in India: The Code of Criminal Procedure of India divides offences as cognizable and non-cognizable. Cognizable offences are those for which a police officer can arrest a suspect without a court warrant. Non-cognizable offences are those for which a police officer cannot arrest a suspect without a court warrant. The recent “Crime in India” publication (Government of India, 2007) states that about 1.99 million cognizable offences were registered under the Indian Penal Code (IPC), whereas under the Special and Local Laws (SLL), 3.74 million cognizable



offences were registered. In total, 5.7 million offences were registered under both the IPC and SLL. The rate of total cognizable crimes per 100,000 persons during 2007 was 504.5, which rose from 455.7 in 2006.

OVERVIEW OF THE INDIAN CRIMINAL JUSTICE SYSTEM: India derived its criminal justice system from the British model. There is a clear demarcation of the role and powers and functions of 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 have been reiterated by many judgments of the Supreme Court. 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.

Evolution of Victimology in India: At present, a crime victim or a complainant is only a witness for the prosecution. Whereas the accused has several rights, the victim has no right to protect his or her interest during criminal proceedings. Sometimes, even the registering of a criminal case in the police station depends upon the mercy of the police officer: victims suffer injustice silently and in extreme cases, take the law into their own hands and seek revenge on the offender.

Though no separate law for victims of crime has yet been enacted in India, the silver lining is that victim justice has been rendered through affirmative action and orders of the apex court. Besides, many national level Commissions and Committees have strongly advocated victims' rights and reiterated the need for a victims' law. Studies on crime victims by researchers started in India only during the late 1970s. Early studies were on victims of *dacoit* gangs (i.e. gangs of armed robbers) in the Chambal valley (Singh, 1978); victims of homicide (Rajan & Krishna, 1981); and victims of motor vehicles accidents (Khan & Krishna, 1981). Singh and Jatar (1980) studied whether compensation paid to victims of *dacoits* in Chambal Valley was satisfactory or not. Since the 1980s, many scholars have conducted studies in Victimology, which have been published.

Recommendations of Commissions and Committees on Justice to Victims in India: During the last decade, there has been significant change in the thinking of the judiciary about the human rights of victims. The concern of the courts and the judicial commissions and committees about the need to have a law on victim compensation or a comprehensive law on victim justice has been reflected in their judgments and reports.

- **The Law Commission of India, 1996:** The Law Commission, in its report in 1996, stated that, "The State should accept the principle of providing assistance to victims out of its own funds, (i) in cases of acquittals; or (ii) where the offender is not traceable, but the victim is identified; and (iii) also in cases when the offence is proved" (Law Commission of India Report, 1996).
- **The Justice Malimath Committee on Reforms of Criminal Justice System (Government of India, 2003):** The Justice V. S. Malimath Committee has made many recommendations of far-reaching significance to improve the position of victims of crime in the CJS, including the victim's right to participate in cases and to adequate compensation.
- **The National Commission to Review the Working of the Constitution:** The Commission to review the working of the Constitution (Government of India, 2002) has advocated a victim-orientation to criminal justice administration, with greater respect and consideration towards victims and their rights in the investigative and prosecution processes, provision for greater choices to victims in trial and disposition of the accused, and a scheme of reparation/compensation particularly for victims of violent crimes.

CONCLUSION: In the process of prevention of victimization and the protection of victims, there are



many challenges faced in India which are being tackled through some positive measures. Some of the challenges and the countermeasures include:

- **No Separate Law for Crime Victims Yet:** But continuous efforts are going on to enact a national law for victims. The ISV's Victim Bill is a model draft Bill.
- **Corruption in the Indian Criminal Justice System:** Corruption by public officials erodes the entire health of the society and victimizes people in all sections of the population. Many steps to reduce the level of corruption and accumulation of illegal wealth have been taken by the Government. Declaration of assets and wealth by judges of the higher judiciary and ministers of the government is a recently introduced example.
- **Empowerment of Women to Prevent Victimization of Women:** Serious efforts to change the traditional submissive and victimized role of women have been taken up by NGOs and the Government. One attempt is the consistent struggle and active efforts by women's organizations to get more political power for women in the form of representation in the Parliament, state legislatures and local bodies through a 33% reservation of seats for women in these bodies. Women have already succeeded in getting representation in local self-government but the struggle continues to get reservations for women in Parliament and state legislatures. Many concessions, special privileges and tax rebates are provided for female students to encourage them in higher education and employment, and to encourage senior women citizens in economic self-reliance. The Cradle Baby scheme of the Tamil Nadu State Government is a step towards protecting female babies and preventing female infanticide.
- **Empowerment of Children:** Making primary education a fundamental right under the Constitution is a leaping step to empower children as education is the tool for development. The implementation of this right will have a bearing on other kinds of victimization such as child labour. Strengthening the Noon Meal scheme in the schools for the children in Tamil Nadu and the introduction of this scheme in other states will attract more children from the disadvantaged sections of the society to schools to pursue study.

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