
FORENSIC VICTIMOLOGY AND THE INTERPLAY OF VICTIMIZATION

Jasmine Suri, B.A.LL.B. (H), Amity Law School, Amity University Uttar Pradesh

Dr. Jyotsna Singh, Assistant Professor, Amity Law School, Amity University Uttar Pradesh

ABSTRACT

Victims are frequently confined to the boundaries of the criminal justice system; their voices drowned out in the legal debate. However, the field of forensic victimology serves as a beacon, exposing the avenues to justice and healing for people caught up in the aftermath of criminal activity. This study explores the field of forensic victimology, emphasising its critical significance in understanding the intricate interaction of victimisation.

At a foundational level, forensic victimology goes beyond standard legal paradigms, taking a multidisciplinary approach that combines law, psychology, sociology, and criminology. This research investigates the symbiotic relationship between victimisation and forensic science, offering insight on how forensic evidence interacts with victim narratives to build a complete picture of criminal activities.

This paper analyses the case illustrations and case studies for effective understanding of the scope and aim of the topic. It contains the theoretical as well as the practical aspects of the forensic victimology.

At last, this paper will critically analyse the practices and challenges in addressing the needs of victims within forensic settings. The paper aims to generate recommendations for enhancing victim-centered approaches to forensic investigations and justice administration. Hence, by embracing a holistic understanding of victimization, we pave the way for a future where survivors emerge not merely as statistics but as agents of change in the pursuit of a more equitable society.

Keywords: Victims, forensic victimology, victimisation, criminology, investigation.

1. INTRODUCTION TO VICTIMOLOGY

The violators of the public order have been punished for the maintenance of good and safety since time immemorial. There is extremely harsh punishment prescribed in the scriptures of *Manu Smriti* for the offenders of public safety. With the advent of the Industrial Revolution and French Revolution, colossal changes were seen in every walk of life and in every corner of the world. The criminologists made a fundamental shift, focusing their attention on offenders' rights and prison conditions while arguing for fairness and justice. They were vehemently opposed the punitive methods and emphasised the humanity of convicts. Until the end of World War II, victims were primarily overlooked. It wasn't until the rise of Western civilization when criminologists, penologists, and nations began to investigate and analyse the dynamics between victims and their perpetrators. Prior to this, the focus was primarily on the offender, whether through punishment or fighting for their rights.

After B. Mendelsohn introduced victimology as a discipline of criminology, numerous legal scholars and criminologists in West Germany, the United Kingdom, Canada, Australia, and elsewhere began to focus on the subject that sets law in action, i.e. victim. As a result, victimology evolved throughout time into a discipline of criminal Jurisprudence that examines the relationship between victims, crimes, and criminal justice. It investigates the victim's psychological state when the crime occurred.¹ While studying the notions of victimology, it is vital to first analyse and comprehend the meaning contained within this complicated terminology.

Victimology is the study of the etiology (or causes) of victimisation, its effects, how the justice system in general accommodates and aids the victims, and how other societal elements, such as the media, treat victims. As a result, victimology is a science, and victimologists apply scientific methods to address the questions related to it. While studying the biological, sociological, psychological, and criminological aspects of the victim; victimology prioritizes the victim-offender relationship and role played by the victim. Compensation to victims is a recognised tenet of criminal law and is regarded as a vital step in the procedure of restoring the victim to the position she/he held prior to the conduct of the crime.² The

¹ Para jape, Rd. N.V., *Criminology and Penology with Victimology*, 15th Ed., Central Law Publications Ltd., Allahabad, 2011

² S Walklate, *Victimology: The Victim and the Criminal Justice Process* (London: Unwin Hyman, 1989)

emergence of compensatory jurisprudence in the context of human rights is a positive signal indicating that the judiciary has taken on the task of protecting all people's right to life and personal liberty, despite the absence of any express constitutional provision or judicial precedent.³

Ultimately, victimology is a subject of criminology. This field has been the subject of regular discussion and study with intellectuals, activists from different NGOs, and lawmakers, with politicians causing a lot of pressure in this "boiling pot"⁴ involving multiple concerns. Some authors argue that victimology is a unique and acknowledged academic and scientific profession; an innovative move in the scientific study of victims distinguished by a transparent and distinct spectrum as well as a complicated and multidisciplinary research approach.

Regardless of the primary purpose, victimology in its true essence is the investigation of the perpetrator's interactions with the victim's personality and behaviour, as well as the process by which they become victims.

Nonetheless, in most situations, the victims of crime are primarily considered as informants and the one who sets the criminal justice system in motion and notifies the state machinery, primarily the police, to conduct an investigation.

1.1 Introduction to Forensic Victimology and Victimization

Forensic victimology and the politics of victimisation intersect at the intersection of criminology, social dynamics, and human rights, providing critical insights on the experiences of the survivors of crime. While forensic victimology uses investigative methods to understand victims' lives and aid in crime resolution, the broader issues of victimisation consider the sociological, cultural, and political factors that influence victim perceptions. These ideas overlap in the larger framework of human rights, emphasising the moral and ethical requirement of victim care. This investigation takes place in the context of altering societal norms and global discussions on justice, dignity, and the role of victimology in preserving and advancing human rights.

³ Randhawa, Gurpreet Singh, *Victimology and Compensatory Jurisprudence*, 1st Ed., Central Law Publications, Allahabad, 2011

⁴ The term "boiling pot" has been used by Sandra Walklate in her study "Imagining the Victim of Crime", published in McGraw-Hill International, New York, and 2006 pg.29.

1.1.1 Forensic Victimology

The fundamental purpose of forensic victimology is to unravel the many layers of a victim's life, using criminological approaches to shed light on the events that led to victimisation. Forensic victimologists provide crucial insights into criminal investigations by investigating the background information of the victim, relationships, and behavioural tendencies. This method not only helps law enforcement to solve crimes, but it also expands our comprehension of criminal dynamics and patterns. It emphasises the significance of a victim-centered approach, in which the victim's story becomes an essential piece of the investigative puzzle.

Forensic victimology is a subset of interactionist victimology that defines victims as those who have suffered harm or loss as a result of a violation of the law. It entails providing an accurate, critical, and impartial account of the victim's lifestyle and factors, the events that led up to their injury, including the specific nature of the damage or loss they sustained. Forensic victimology is a practical discipline, not a theoretical one. Forensic victimologists investigate, consider, and interpret specific victim evidence in a scientific manner in order to respond to investigative and forensic (i.e., legal) concerns.

Forensic victimology upholds the notion that true victim information is preferable than fictionalised testimonies. It emphasises the consistent, complete, and objective collection and analysis of victim evidence, in accordance with scientific methods. Evaluating victims and their situations in depth is critical for appropriately understanding harm and identifying perpetrators. Limited knowledge of the victim leads to limited insights on the crime itself and perpetrator. Thus, the collecting and production of victim evidence is just as important as subsequent interpretations, necessitating the evidence-based principles.

1.1.2 The interplay:

Forensic victimology and victimisation have a complex relationship that includes a variety of aspects such as the investigation, evaluation, and examination of criminal victimisation. The idea that victims are active participants in illicit events, rather than inert entities, is central to this interaction. Forensic victimology aims to identify the individual and situational aspects that contribute to victimisation, such as vulnerabilities, behaviours, and the impacts on the environment. By investigating these elements, forensic victimologists can help law

enforcement authorities establish patterns of victimisation, profile criminals, and devise preventive strategies.⁵

Furthermore, forensic victimology plays an important role in the aftermath of victimisation, offering assistance to victims and their relatives. Addressing the psychological, emotional, and physical consequences of victimisation is critical for delivering appropriate victim support services and assisting victims through the process of the criminal justice system.⁶

As a result, the relationship that exists between forensic victimology and victimisation is dynamic and multifaceted, encompassing both the investigation of victimisation patterns and practices and the provision of victim support services.

1.1.3 Victims, Human Rights and Victimology:

The concepts of human rights serve as the ethical foundation of to determine how societies should handle victims. At the nexus of victimology, victims, and human rights; a dedication to justice, dignity, and assistance emerges as a driving force.⁷ This triad emphasises the importance of a comprehensive knowledge of victims' perspectives and calls for systemic improvements to provide a fair and equitable response in the context of criminal justice. As we navigate the complexity of forensic victimology and the social context of victimisation, our ultimate purpose is to establish a society in which victims' rights and well-being are unwaveringly protected.

Human rights and victimisation are inextricably linked, because protecting and strengthening human rights is essential for coping with victimisation. Victimisation frequently results in an infringement of fundamental human rights. Victims of illegal activity may suffer psychological, physical, and emotional harm, which violates their rights to life, liberty, and personal safety. Individuals may be subjected to major violations of their dignity and autonomy in the context of infringements of human rights such as assault, trafficking, or discrimination. Furthermore, failing to defend victims' rights can lead to a cycle of victimisation and injustice.⁸

⁵ Volume 6, Issue 2, M. Cherif Bassiouni, pp. 203–204, *Human Rights Law Review*, 2006.

⁶ *Ibid*, p.206.

⁷ S. K. Kapoor & Nagendra Singh (1998), *International Law 335* (Central Law Agency, Allahabad)

⁸ Volume 27, Issue 4, May 1949, Hans von Hentig, 'The Criminal and his victim', p. 446, New Haven: Yale University Press, 1948, *Social Forces*.

Without having access to justice, fair treatment and care; victims may be vulnerable to further suffering and abuse.

Upholding human rights principles such as the right to justice, non-discrimination and inclusiveness, and justice for all is critical for breaking the cycle and encouraging victim reintegration and empowerment.⁹

Moreover, human rights' frameworks provide opportunities for accountability and compensation for victims of crime. Legal measures, such as international agreements on human rights and domestic legislation set procedures for holding abusers accountable and compensating and rehabilitating victims. Ensuring victims' access to these channels increases their rights while also address the systemic factors that contribute to victimisation.

1.2 Understanding who is a victim

There is no single, widely acknowledged definition of the word 'victim'. However, there are a number of important national and international instruments that emphasise the critical features of being a 'victim' and are frequently used by the many institutions that deal with victims directly or indirectly.

The "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" is one such instrument, and 'victims' are defined as follows:

*“Victims' mean 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 proscribing criminal abuse of power”.*¹⁰

Specific to the Indian Justice System, the theoretical and the speculative definition of a *victim* is mentioned under the New clause (wa) in Section 2 which has been added by Section 2 of the

⁹ Kilpatrick, D.M., Beatty, D., Smith Howley, S. (1998) *the Rights of Crime Victims—Does Legal Protection Make a Difference?* Washington: National Institute of Justice, U.S. Department of Justice.

¹⁰ Para 1 “Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power” (Declaration of Basic Principles) (General Assembly resolution 40/34)

Cr.PC (Amendment) Act, 2008 (Act No. 5 of 2009).

S. 2(wa) – *‘Victim’ means a person who has suffered any loss or injury caused by reasons 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.*¹¹

This new provision defines the term "victim" and grants certain rights to the victim's guardians and legal heirs. The logic for adding this new term is demonstrated by the addition of a provision to Section 24(8) of the Criminal Procedure Code (Cr.PC), which allows a victim or others falling under this category to retain a legal representative of their choice to assist the prosecution. Given that the entire criminal justice system is initiated at the victim's plea or as a result of the victim's suffering, lawmakers believe it is fair to empower the victim to actively participate in the judicial process.

However, despite all of the new provisions and rationales, victims of crime are frequently marginalised within the criminal justice system, reduced to the status of "forgotten persons" and considered primarily for their contribution in reporting crimes and testifying in court. They are supposed to support a system that has historically treated them with less regard than it does offenders. The lack of awareness among victims is shocking, especially given that the criminal justice system relies on their cooperation to function properly. Victims' interactions with various professions, such as police, lawyers, court officials, and those in charge of compensation organisations, are sometimes disregarded, despite the fact that these interactions have a substantial impact on their perceptions and attitudes towards the system.

2. THEORIES OF VICTIMIZATION

2.1 Introduction to the theories

Theories of victimisation are frameworks that attempt to explain why people end up as victims of crime, elements that influence victimisation, and the relationships between perpetrators and victims. These theories shape our understanding of the causes and effects of victimisation, influencing both research as well as practical approaches to preventing crime and victim support. Various theories provide various perspectives on the multifaceted interaction of

¹¹ THE CODE OF CRIMINAL PROCEDURE, 1973, S. 2(wa), Ins. by Act 5 of 2009, s. 2 (w.e.f. 31-12-2009).

human, societal, and environmental elements that contribute to victimisation.¹² Some well-known ideas are routine activity theory, lifestyle exposure theory, social learning theory, strain theory, and critical victimology. These theories help to provide a thorough knowledge of victimisation patterns and lead efforts to develop successful ways for both avoiding and reacting to victimisation in a variety of societal circumstances.

2.1.1 The Victim Precipitation Theory

Wolfgang used the word "victim precipitation" in the 1950s to describe situations in which the victim was the primary aggressor in the action that caused their injury or loss.¹³ The victim precipitation theory holds that victims, either through passive or active methods may initiate the criminal act that culminates in their harm or death, providing a unique viewpoint on victimology. During passive precipitation, the victim unwittingly engages in behaviours or qualities that initiate or support the attack. Fundamentally, this theory holds that passive precipitation of violence is the product of a power conflict. This idea challenges established perspectives that concentrate mostly on the offender's role in illicit activities. It defines three types of victim precipitation: active, passive, and interactive.

- a. **Active Precipitation:** Victims have an active part in initiating or inciting criminal acts. For example, a person engaging in a heated dispute may start a physical conflict by urging violence or using aggressive words.
- b. **Passive Precipitation:** Victims unintentionally contribute to the crime. Individual susceptibility, a lack of awareness, or participating in high-risk behaviours can all be drivers of criminal action. For example, leaving valuables exposed in an unattended car may passively encourage theft.
- c. **Interactive Precipitation:** This kind involves escalating confrontation between victim and offender. Both parties contribute to the escalation, resulting in a reciprocal dynamic. For example, consider a situation in which a verbal fight between two people worsens.

¹² Schultz, D., & Schultz, S. (2008), "A history of modern psychology" (9th. Ed.), pp. 89-90, Upper Saddle River: Wadsworth Cengage Learning.

¹³ Petherick W (2017) Victim precipitation: Why we need to expand upon the theory. Forensic Research and Criminology International Journal

It is vital to understand that the Victim Precipitation Theory does not absolve criminals of responsibility for their conduct. Instead, it attempts to comprehend the participatory nature of certain criminal acts. Critics believe that this approach should be employed with caution because it may erroneously blame victims, undermining attempts to solve systemic conditions that contribute to victimisation.

2.1.2 The Lifestyle Theory

Many criminologists believe that people whose lifestyle increases their criminal susceptibility are more probable to become victims of crime. According to this hypothesis, persons can end up as victims of crime as a result of their lifestyle choices that put them at a higher risk of criminal victimisation. Its perspective holds that an individual's demographic characteristics are directly related to his or her lifestyle and victimisation rates (e.g., gender, marital status, age, race, and income). Lifestyle choices such as going out alone at night, living in areas with high crime rates, connecting with known offenders, engaging in immoral behaviour, consuming too much alcohol, and drug use are thought to increase the likelihood of coming across criminals or getting involved in situations that contribute to criminal activity.¹⁴

However, this hypothesis is both commonly accepted but largely rejected also. The reason for its acceptability and disapproval is that it is typically conventional and correct in terms of data.

The idea questions the assumption that victimisation is entirely random and suggests that some behavioural habits may increase one's vulnerability to criminal victimisation, which is partially correct. Furthermore, the Lifestyle Theory observes that victims frequently share psychological qualities with criminals, with impulsivity and low self-control being prevalent characteristics among both victims and offenders.

While the Lifestyle Theory sheds light on the interactive aspect of victimisation, it has been criticised for potentially victim blaming and oversimplifying complicated social interactions. Critics claim that systemic constraints such as poverty or discrimination may limit certain people's ability to choose their lifestyles.¹⁵

¹⁴ Matthew Robinson, "Lifestyles, Routine Activities, and Residential Burglary Victimization," pp. 27–32, *Journal of Criminal Justice* 22 (1999).

¹⁵ *Ibid.*

The Lifestyle Theory provides a complex explanation of how human decisions and behaviours influence the risk of criminal victimisation. While acknowledging its importance, it is critical to analyse broader socioeconomic variables and avoid assigning excessive guilt to victims. The idea is a useful tool for understanding the interacting aspects of victimisation within specific lifestyles.

2.1.3 Deviant Place Theory

According to the deviant place theory, increasing exposure to dangerous places increases an individual's likelihood of becoming a victim of crime. Unlike the victim precipitation idea, victims do not deliberately or passively encourage crime, but are victimised as a result of living in "bad" locations. To reduce the likelihood of becoming a victim of a crime, individuals should avoid "bad" neighbourhoods with high crime rates.

Furthermore, according to the deviant place hypothesis, implementing safety precautions in these locations may be ineffective because victimisation is influenced by the neighbourhood rather than lifestyle choices.¹⁶

The Deviant Place Theory, in its original form, it implies that if a community is judged "deviant," the primary way to lessen the danger of victimisation is to relocate to an area with lower levels of deviance and crime. This shows that the environment has a major impact on the chance of victimisation.

Expanding on this concept, a "deviant" neighbourhood is often defined as a place where social standards are broken, criminal activity is common, and community cohesion is missing. Residents in such communities may be more vulnerable to victimisation as a result of increased exposure to criminal elements, restricted access to protective resources, and a culture that normalises or tolerates illicit activity.

The notion that moving to a less deviant or a low-crime region is the most effective technique for lowering victimisation risk originates from the recognition that environmental factors have a significant impact on criminal activity and victimisation patterns. Moving to a neighbourhood

¹⁶ Seigel, L., J. (2006). *Criminology*, 10th Edition. University of Massachusetts, Lowell. Thomson Wadsworth.

with fewer levels of deviance and crime may provide individuals with a safer environment with less exposure to potential risks.

However, it's critical to recognise the intricacies of this concept. Relocating to a different neighbourhood is not always feasible or desired for everyone, as it can result in major financial costs, logistical difficulties, and social disturbance. Furthermore, the approach of blaming victims for their victimisation by proposing that they simply leave their communities ignores systemic factors such as poverty, inequality, and insufficient social support networks.¹⁷

3. INTEGRATING FORENSIC TECHNIQUES WITH THE CRIMINAL JUSTICE SYSTEM

3.1 Strengthening the criminal justice system through forensic techniques

With recent advances in the field of forensic sciences, such procedures have proven extremely useful in the identification and classification of compounds discovered at a crime scene. These compounds are accurately separated and recognised from other frequently available substances that are unrelated to criminal investigations. For example, whether a stain on the crime scene is blood or not, and whether the white powder is cocaine or salt. Forensic examination allows the experts to determine whether the bite marks on the victim's body are those of the offender or another human or animal, whether a bullet shot from a handgun belongs to the offender or not, etc.¹⁸

Such classification allows an examiner to determine that the evidence in question may have come from a certain source or person. Furthermore, forensic examination can help determine the common origin of evidence. This is accomplished by comparing a piece of evidence to a known source's reference standard, so determining that the evidence is identical in all respects to the common source or origin. This is commonly employed in DNA or fingerprint matching, in which a DNA or fingerprint sample collected from a crime scene is matched with accessible data to associate and connect people to the crime or the tools of the crime (weapons, knives, etc.).¹⁹

¹⁷ Ibid, p.109.

¹⁸ Sharma, B. R, Scientific Criminal Investigation, 2nd ed. LexisNexis - 2018.

¹⁹ Fisher, Barry A. J. Techniques of Crime Scene Investigation, 7th ed, CRC Press LLC - 2004.

Another important application of forensic examination is the reconstruction and verification of crime scenes. Forensic exams let detectives recreate the movements and interactions of suspects and victims, as well as corroborate or refute statements made by witnesses, suspects, or victims. What happened during the course of the crime? How was the deed carried out? Who was or were involved in the act? When and where did the act occur (physical surroundings)? These are all relevant issues that can be answered by reconstructing and corroborating happenings at a crime scene.²⁰

The other essential component of a forensic examination is the negative identification of compounds found at a crime scene. Such investigation can demonstrate that the substance discovered at the crime scene was not the same as the investigator suspected, i.e. the white powder was salt, not cocaine, and the scarlet stain was fresh paint, not blood. Such exclusions are required to separate individuals or items from the crime at hand. Thus, forensic investigation aids in the determination of the suspect's innocence and the prevention of erroneous convictions.

3.2 Challenges in integrating forensic in criminal justice system

Forensic examination necessitates certified and well-equipped laboratories. There are currently 7 Central Forensic Science Laboratories (CFSL) and 28 State Forensic Science Laboratories (SFSL).²¹ The central laboratories are well-equipped with advanced equipment, whereas the state laboratories are not. The state laboratories, like the central labs, are already overwhelmed with accumulation. Statistics show that 7135 cases were sent to the Delhi State Forensic Laboratory between 2006 and 2018, with all of them still pending.²² In 2017, there were 9000 still on-going cases DNA analysis cases in Delhi, and 1700 pending DNA cases in Mumbai.

Practically all SFSLs lack skilled professionals and staff, as well as substandard facilities that cannot accommodate the increasing number of cases each year. There are also other mini labs and private labs that handle a small percentage of evidence examinations. State government entities have begun to outsource forensic examinations to private mini-labs. This raises

²⁰ Joe Nickell & John F. Fisher, *Crime Science - Methods of forensic detection*, p. 23, The University Press of Kentucky - 1998.

²¹ Ministry of Home Affairs, Government of India, Lok Sabha, Unstarred Question No. 3136 to be Answered on 22nd March, 2022. <https://www.mha.gov.in/MHA1/Par2017/pdfs/par2022-pdfs/LS-22032022/3136.pdf>

²² Hindustan Times, Karn Pratap Singh, "Long Wait at Delhi's Forensic Labs Leading to Rising Backlogs of Police Cases" (17-7-2018)

additional concerns about the cost of examination in private labs. The question is: who will cover the escalating costs of forensic examination? Is it the victims or the state? According to the National Crime Records Bureau (NCRB) data, the number of reported crimes in India in 2021 was 36.28 lakhs, with the majority of instances including murder, crimes against women and children, kidnapping and abduction, and robbery.²³ All of these instances would be subject to mandatory forensic examinations and tests under the Home Ministry's new mandate. The concern therefore is whether 35 labs with substandard infrastructure will be able to handle the new inflow of cases. Should state governments outsource testing and examinations to private laboratories? Rather than outsourcing forensic examination and incurring significant expenditures, states should invest in infrastructure and increase the capacity of qualified professionals and staff within forensic laboratories.

Another point of concern is the role of the investigating officer; they are the first responders to a crime and the first to arrive at the scene. It is their responsibility to treat the crime scene with maximum professionalism and scientific expertise. These IOs lack scientific equipment and experience in gathering and preserving evidence at crime scenes. As emergency responders to crime, these IOs must be informed about what evidence must be collected from a crime scene. For the time being, there are no guidelines accessible to IOs to help them determine what evidence must be collected from a crime scene in order to win successful convictions.

Currently, there are no guidelines available to IOs to help them determine what evidence must be collected from a crime scene in order to obtain successful convictions. Since there is no recommended criteria for crime scene administration, it is primarily done on an ad hoc basis, with everything depending on the forensic disposition of individual investigators. As has been widely observed, rapid arrests do not result in successful court convictions. Thus, it is critical for an IO to grasp the importance of crime scene management, and policymakers and academia must work together to guarantee that adequate crime scene management principles are implemented as soon as possible.

One last area of concern is the reliability of forensic procedures. The National Research Council's 2009 study "Strengthening Forensic Science in the United States: A Path Forward"²⁴

²³ Ministry of Home Affairs, National Crime Records Bureau, Crime in India 2021 Statistics, <https://ncrb.gov.in/en/Crime-in-India-2021>

²⁴ Evans C, Criminal Investigation: Crime Scene Investigation, Chelser House Publisher - 2009.

called into question the scientific foundations of many of these forensic procedures. According to the research, there are basic difficulties to the accuracy of these procedures, and they must be applied with caution. In India, we utilise the same forensic techniques, which are prone to errors.²⁵ Thus, in order for investigators and prosecutors to rely on these forensic procedures for arrest and subsequent convictions, their credibility must be built on rigorous scientific and evidentiary standards, as well as by emulating best practices in the field.

Hence, The Ministry of Home Affairs' decision to fully integrate forensic technology into crime investigation and prosecution for any crimes punishable by more than six years is a mandatory and a crucial step in ensuring speedy arrest and successful conviction of perpetrators. However, given the requirement to gather forensic samples from crime scenes and examine them in forensic laboratories, the government must address the issue of inadequate forensic lab infrastructure. Both the state and central governments must invest in new and better equipped facilities, as well as staff and lab personnel training at all levels, including the district, state, and central levels. Further scientific training of investigating police or first responders to crime is required in order to successfully manage a crime scene without damaging the physical evidence there. Furthermore, the validity and dependability of forensic techniques must be strengthened so that forensic professionals can clearly verify the many components of crime commission.²⁶ To successfully convict perpetrators, the court system must rely on forensic evidence that has been examined against scientific and evidential criteria.

3.3 Case studies illustrating forensic victimological principles

Case Example: Investigative use of forensic victimology

3.3.1 Jamie Anderson Jones:²⁷

Jamie Anderson Jones, a 35-year-old woman, was discovered dead in her flat in a quiet suburb on December 19, 2007. Initial investigations uncovered evidence of a violent struggle, implying that Jane was the victim of homicide. The perpetrator's identification and motive remained unknown, providing a serious problem for law enforcement officers.

²⁵ Singh, H. N. (2021). Collection, preservation and transportation of biological evidence for forensic DNA analysis.

²⁶ Gardner, Ross M. and Bevel T. Practical Crime Scene Analysis and Reconstruction, CRC press - 2009

²⁷ Jerin, A., and L. Moriarty. 1998. Victims of Crime. Chicago: Nelson Hall Publishers.

Forensic Victimology in Action:

- 1. Victim Profiling:** Forensics analysed Jamie Anderson Jones' background information, lifestyle, and social contacts to create a victim profile. During interviews with relatives, friends, and acquaintances, they learned about Jamie's personality, routines, and potential conflicts or threats.
- 2. Behavioural Analysis:** Forensic psychologists analysed the perpetrator's behaviour using crime scene and victimology data. They created a mental assessment to aid the inquiry by analysing the dynamics of the offence, such as the amount of aggression, weapon used, and mode of operation.
- 3. Interviews:** Law enforcement authorities interviewed Jamie Anderson Jones' neighbours, co-workers, and romantic partners. These interviews were designed to obtain information regarding Jamie's recent actions, interactions, and any possible suspects or individuals of interest.
- 4. Trauma Analysis:** Forensic medical examiners investigated Jamie's injuries to identify the cause of death and the manner of assault. They gave crucial insights into the attack's dynamics by comparing the nature and placement of injuries to the forensic evidence.

Outcome:

The coordinated efforts of authorities, legal officials and forensic professionals resulted in substantial leads in the investigation. Based on the victim description and behavioural research, investigators discovered a suspect with a record of aggressive behaviour and a close connection to Jaime Jones. Further forensic evidence, such as DNA analysis and forensic pathology discoveries, confirmed the suspect's role in the crime.²⁸

Thus, the example of Jaime Jones demonstrates the investigative value of forensic victimology in solving complex criminal cases. By combining victim-centered methods and scientific methodologies, forensic victimologists provide vital insights into the dynamics of violent

²⁸ Ibid.

crimes, assisting law enforcement authorities in apprehending perpetrators and providing justice to victims and their families.

3.3.2 Sarah Davis Brown²⁹

In a sexual assault case within a college campus, forensic victimology was vital in locating critical evidence and assisting in the arrest of the perpetrator.

Sarah, a female college student, informed campus authorities that she had been sexually assaulted during a social event at a fraternity house. Sarah's narrative described the assault, but she struggled to provide specific information about the perpetrator as a result of alcohol and trauma.

Forensic Victimology in Action:

1. **Victim-Centered Interviewing:** Forensic victimologists interviewed Sarah to acquire information about the assault, including events, places, and individuals involved. They provided Sarah with a safe space to narrate her experience and give crucial facts by asking empathic and impartial questions.
2. **Trauma-Informed Examination:** Forensic nurses performed a medical examination on Sarah to document physical injuries, gather evidence, and assess mental well-being. This examination supported Sarah's version of the assault and offered important forensic evidence for the purpose of the investigation.
3. **Psychological Assessment:** Forensic psychologists evaluated Sarah's mental state and cognitive performance after the assault. They used standardised tests and clinical interviews to measure the effect of trauma on Sarah's perceptions, memory, and capacity to recall investigation-related details.
4. Forensic victimologists used **analysis of social networks** to identify persons who could have had contact with Sarah before, during, or shortly after the assault. By mapping

²⁹ Smith, Emily. "Concerns Rise over Handling of Sexual Assault Cases on College Campuses." The Washington Post, 27 February 2023

Sarah's social relationships among the campus community, they were able to identify prospective witnesses, suspects, and individuals of interest for additional inquiry.

Outcome:

The collaborative efforts of victimologists, forensic nurses, and forensic psychology professionals resulted in substantial results that aided the inquiry. Forensic evidence gathered throughout the medical examination supported Sarah's version of the incident and provided important leads for law enforcement. In addition, the psychological examination and the analysis of social networks provided insights that assisted police in identifying and apprehending the culprit.

Thus, Sarah's case demonstrates the investigative value of forensic victimology in sexual assault cases. Using victim-centered techniques, trauma-informed methods, and interdisciplinary teamwork, forensic victimologists play an important role in assisting survivors, unearthing evidence, and holding criminals responsible for their crimes.

3.3.3 Landmark cases in India**1. Bazari Hajam v King Emperor³⁰**

The debate arose as to whether it was safe to announce the accused's guilt based on uncorroborated fingerprint evidence. On this point, Bucknill, J, observed thus: "I think that apart from the fact that I would be rather sorry without any corroborative circumstances to convict a person of a serious crime solely and entirely on similarity of the thumb marks or finger prints, the very fact of obtaining of a thumb impression from an accused for the purpose of the possible manufacture of the evidence by which he could be incriminated is in itself sufficient to warrant one in setting.

This view was rejected by Schwabe, C J in *Public Prosecutor v Kandasami Thevan*³¹, despite the fact that the issue did not arise directly in the case because there were thumb impressions

³⁰ BAZARI HAJAM AND ANR. VS EMPEROR AIR 1922 PATNA 73

³¹ AIR 1927 MAD 696

of the accused in the evidence other than those taken by the judge in court for comparison with the thumb impressions in the document alleged to have been forged.

2. Tandoor Murder Case (1995) Delhi³²

This was India's first forensically solved criminal case. Shusil Sharma murdered his wife by shooting her in the head because he suspected she was having an illegitimate relationship with a friend of hers and fellow congress worker Matloob Karim. After his criminal act, he drove her body to the Bagiya restaurant, where he and the restaurant's manager, Keshav Kumar, attempted to burn her in a tandoor. Sharma's gun and blood-stained clothing were confiscated by police and taken to the Lodhi Road forensic laboratory. They also took blood samples from Sahni's parents, Harbhajan Singh and Jaswant Kaur, and sent them to Hyderabad for DNA testing. Lab reports confirmed that the body was that of Shusil Sharma's wife; the DNA report stated, "The tests prove beyond any reasonable doubt that the charred body is that of Naina Sahni, who is the biological offspring of Mr Harbhajan Singh and Jaswant Kaur." Finally, Mr. Shusil Sharma was found guilty based on forensic evidence.

3. Aarushi Talwar murder case (2013) Noida³³

Aarushi Talwar, the 14-year-old daughter of a dental couple, was discovered dead with her throat slit at her parents' home at Jalvayu Vihar in Noida, an upscale Delhi suburb. Suspicion quickly fell on the family's live-in man-servant, Yam Prasad Banjade alias Hemraj, a 45-year-old Nepalese native who was discovered missing from the home. However, after the investigations were completed, it was discovered that the murder was done by her own parents, and the case was labelled an honour killing.

Later after the appeal in the Supreme Court, it was discovered that the parents have been found guilty on false pretence and lack of proper forensic investigation by the local police team, and the officers involved were suspended as well and the parents of Arushi Talwar were acquitted and all the charges were hence removed.

³² 8Sushilsharma Vs State of Delhi (2014) 4, SCC, 317.

³³ Dr Rajesh Talwar & anr vs. CBI: 2013(82) ACC 303.

4. CONCLUSION

The history of crime is as old as mankind, and crime has long been immoral. Crime has existed from the beginning of humanity, and it has always been immoral. In a primitive civilization, some basic procedures are followed by each member of the community. "An eye for an eye, an eye for an eye" was a retribution or revenge theory that existed in prehistoric societies. As civilization advanced, new conceptions of individual rights and responsibility towards co-workers emerged, and crime was deemed as a crime against society as a whole and the state. One of the most serious weaknesses in the present system is the inability to safeguard society from increasing criminality.³⁴ The penal structure is founded on the Anglo-Saxon model, which often overlooks victims in lieu of focusing on perpetrators. However, efforts are being carried out today to restore justice to previously neglected victims.

The criminal justice systems across the world prioritise the criminals by punishing them, correction, or rehabilitation. On the other side, the victims of the criminal act are largely ignored. In India, the criminal justice system protects the perpetrators since the prosecution system retains the accused until he is found guilty. The presumption of innocence places a number of constitutional and legal safeguards on those accused.

The rights of people in the criminal justice system, especially the right to due process, right of representation, and release on bail, are intended to promote equitable treatment while safeguarding against arbitrary arrest and punishment. These rights are intended to defend the notion of innocence until proven guilty, protecting against incorrect conviction and non-fulfilment of justice.

While the criminal justice system is primarily concerned with establishing the innocence or guilt of the accused; victims have legitimate reasons in holding criminals accountable for their crimes. If culprits are not punished, victims may lose faith in the justice system, leading to a rise in personal vengeance and subsequently leading to a rise in criminal activities.³⁵

³⁴ Dijk van J.J.M., 1997, "Introducing Victimology", in Dijk van J.J.M., Kaam van R.G.H., Wemmers J. (Eds.) (1999), "Caring for Crime Victims- Selected proceedings of the 9th International Symposium on Victimology", Criminal Justice Press, N.Y. (1999), "Caring for Crime Victims- Selected proceedings of the 9th International Symposium on Victimology", Criminal Justice Press, N.Y.

³⁵ Katherine S. Williams, Textbook on Criminology, pg.95, Oxford University Press, New Delhi, 680 2001.

To achieve fair outcomes and sustain the trust of the victims in the justice system, the accused's rights must be balanced against the needs and preferences of the victims, and should constitute more weight while measuring the ends of equitable justice while protecting the rule of law and natural justice.

4.1 Indian Perspective

In India, where the criminal justice system frequently suffers delays in legal proceedings, a lack of funding for victim support programmes, and systemic prejudices, forensic victimology is critical in advancing victim rights and improving investigative procedures. By carefully analysing victim-related data, gathering evidence, and guiding legal procedures, forensic victimologists help to achieve justice and defend the human rights of all individuals harmed by crime.³⁶

However, significant challenges prevent the effective execution of forensic victimology procedures. Limited access to victim data, insufficient financing for victim support services and social constraints to reporting crimes are among the major issues that must be addressed. Furthermore, assuring victims' ethical treatment and preserving their rights along the investigative and legal procedures must be a top focus.

Despite these challenges, there have been some positive advances, including the enactment of laws including the Protection of Women from Domestic Violence Act of 2005 and the Criminal Law (Amendment) Act of 2013, which attempts to improve victim protection and support services.

Furthermore, the growing recognition of forensic victimology as a vital instrument for combating crime and victimisation emphasises the need for on-going research and training capacity-building efforts in this field.

4.2 Recommendations for addressing gaps and improving victimological responses-

To address gaps and enhance victimological responses, the following recommendations are proposed:³⁷

³⁶ Bharat B. Das, *Victims in the Criminal Justice System*, p.127, APH Publishing Corporation, New Delhi, 1997.

³⁷ Seigel, L., J. (2006). *Criminology*, 10th Edition. University of Massachusetts, Lowell. Thomson Wadsworth.

1. **Strengthen Victim Support Services:** Increase funds and resources allotted to victim support organisations so that victims of crime can receive comprehensive services such as counselling, legal aid, and access to healthcare.
2. **Promote Victim Participation:** Ensure victims' meaningful participation in judicial procedures by informing them about their rights, providing chances for feedback, and encouraging involvement throughout the procedure involved in the provision of justice.
3. **Improve Data Collection and Reporting:** Create standardised methods for collecting and submitting victim data for ensuring accuracy and consistency in documenting victimisation incidents.
4. **Enhance Training and Education:** Provide educational and training opportunities for law enforcement officers, legal experts, and supporters of victims to raise understanding of victim rights, trauma-in techniques, and standards of excellence in victimology.
5. **Strengthen Legal Protection:** Advocate for legislative reforms that would strengthen legal protections for victims, such as comprehensive victim rights legislation and measures to avoid re-victimization within the justice system.
6. **Encourage research and evaluation efforts** to better understand victims' needs and experiences, evaluate the efficacy of victim support programmes, and identify new trends and issues in victimisation.
7. **Encourage multidisciplinary collaboration among diverse stakeholders**, including as law enforcement, victim support organisations, healthcare professionals, and community-based organisations, in order to establish comprehensive and organised responses to victimisation.
8. **Raise Awareness and Outreach:** Develop public awareness programmes to inform the general public regarding victim rights, relevant support services, and reporting options. This includes focusing on vulnerable people and marginalised communities to guarantee equal opportunities for victim support services.

9. **Identify and remove barriers to reporting crimes**, such as cultural shame, fear of revenge, and mistrust of the criminal justice system. This could include organising community-based outreach programmes and establishing confidential reporting methods.
10. **Implement trauma-informed practices**: Integrate methods that are trauma-informed into victimological responses to make sure victims receive sensitive and compassionate care that recognises the detrimental effects of trauma on their well-being.

4.3 Summary of key findings and contributions

The key findings are as follows:

1. **Importance of Forensic Victimology**: Forensic victimology is important because it helps to understand victimisation dynamics and informs investigative processes in the context of the criminal justice system.
2. **Intersectionality and Human Rights**: The interaction of forensic victimology and human rights principles emphasises the ethical responsibility to protect victim rights and dignity throughout the investigative and legal procedures.
3. **Methodological Approaches**: It uses a variety of techniques, including data collecting, analysis, and interpretation procedures, to acquire evidence and assist legal proceedings.
4. **Challenges in Practice**: Despite its importance, forensic victimology confronts challenges that include limited availability of victim data, inadequate representation of marginalised communities, and ethical considerations during data collection and processing.
5. **Recommendations for Improvement**: To address gaps and improve victimological responses, consider boosting victim support services, enhancing the gathering and dissemination of data, enhancing training and education programmes, and fostering multidisciplinary cooperation.
6. **Implications for Policy and Practice**: These findings have important implications for

policy creation and improvement of practice in victim support services, legal safeguards for victims, and the expansion of trauma-informed techniques within the criminal justice system.

Overall, the study emphasises the value of forensic victimology for fostering victim rights, enhancing investigative processes, and ensuring justice for all those affected by crime. By addressing challenges and adhering to recommendations, stakeholders can help to create a more fair and victim-centered approach to tackling victimisation dynamics in the criminal justice system.

In conclusion, the interaction of forensic victimology and the victimisation dynamics highlight the intricate relationship between victim encounters, legislative structures, and how society responds within the criminal justice system. Throughout this dissertation, the author has thoroughly examined the multiple facets of forensic victimology and its critical role in comprehending, addressing, and preventing victimisation. The author has also attempted to explore the wider implications of forensic victimology in light of human rights values and victimological inquiry.

Forensic victimology, as a subfield of victimology, offers a methodical approach to analysing victim-related data, acquiring evidence, and directing investigative and forensic procedures. Using scientific approaches and thorough analysis, forensic victimologists help to accurately evaluate victim harm, identify criminals, and pursue justice for victims. Forensic victimology improves the standard and scope of investigations by consistently recognising, collecting, preserving, and documenting victim evidence, resulting in more successful legal outcomes.

However, despite the developments in forensic victimology, considerable challenges persist in fully realising victims' rights and overcoming systemic hurdles existing within the system itself. Victims continue to encounter difficulties to receive assistance, aid, they face difficulty through navigating legal processes, and seeking restitution for their experiences. Such challenges disproportionately affect marginalised and vulnerable populations, such as women, children, LGBTQ+ people, and ethnic minorities, compounding already existing inequities, etc.

Considering these challenges, it is important to prioritise the incorporation of victim-

centric approaches and the concepts of human rights within forensic victimology and the practice and policy surrounding it. This necessitates interdisciplinary teamwork, stakeholder participation, and a determination to address the underlying causes of victimisation. Furthermore, forensic victimologists, victim representatives, and other professionals who work with victims require more resources, training, and assistance to guarantee that their needs are fulfilled and their rights are safeguarded.

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