
VICTIM-CENTRED SERVICES AND COMPENSATION INITIATIVES IN GUJARAT: LEGAL STUDY

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ABSTRACT

Justice is frequently misinterpreted as being achieved through the issuance of a verdict, but meeting the victim's needs is where it really comes to fruition. The State is in charge of maintaining and bolstering the principles of justice, even though courts act as its custodians. The scope of the State's responsibility is a topic of continuous discussion in victimology jurisprudence: does it stop with the registration of the case, the investigation, the prosecution, and the sentencing of the accused, or does it also encompass a more comprehensive duty to the victim that goes beyond these formalities? In a similar vein, it is questioned whether courts have the authority to grant compensation even in cases where there is no conviction. Regardless of these debates, victims of crime—and their families—hold a legitimate expectation that the State will not only apprehend and punish the offender but also provide due compensation. Even when the justice system fails to identify the perpetrator or secure a conviction due to lack of evidence, the State's responsibility to compensate the victim remains intact.

Keywords: Victim Services, Assistance, Disposition of Cases

INTRODUCTION

Victimization is defined as "an asymmetrical relationship that is abusive, parasitical, destructive, unfair, and illegal," in which the perpetrators cause the victims to suffer financial, emotional, and physical suffering.¹ The victim's bodily injuries might range from "light scratches and bruises to permanent disfigurements or even death." "Direct property losses, medical care costs, legal costs, a diminished ability to earn an income, or immaterial damages such as costs related to pain and suffering or loss of quality of life" are some examples of financial loss. "Depression, reduction in self-esteem, and anxiety, while severe forms of violence can even result in post-traumatic stress disorder (PTSD)" are examples of emotional harm that victims may experience.²

"The right to compensation is some palliative for the unlawful acts of instrumentalities which act in the name of public interest and which present for their protection the power of the State as a shield. Respect for the rights of individuals is the true bastion of democracy. Therefore, the State must repair the damage done by its officers to their right"

In "**Manohar Singh v. State of Rajasthan**",³ the Court held that-

"Court has to give attention not only to the nature of the crime, prescribing sentencing, mitigating and aggravating circumstances to strike just balance in needs of society and fairness to the accused, but also must keep in mind the need to give justice to the victim of crime."

VICTIM COMPENSATION

"Victim compensation takes place when the state, rather than the perpetrator reimburses the victim for losses sustained at the hands of the criminal." The trend of State compensation which has grown in recent times "has been promoted by international conventions such as the European Convention on the Compensation of Victims of Violent Crime."⁴

¹Burt Galaway & Leonard Rutman, "Victim Compensation: An Analysis of Substantive Issues", Social Service Review, Vol. 48, No. 1 (1974), pp. 60-74, p. 60.

²Id

³ (2015) 3 SCC 449

⁴ UNODCCP, Guide for POLICY MAKERS On the Implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, (1999).

VICTIM SUPPORT SERVICES

Victim Support Services are activities that are applied in response to victimizations to provide relief to the sufferings and facilitate recovery. These activities include offering individual interventions, information, assessments, system advocacy, case advocacy, public policy and programme development.⁵

LITERATURE REVIEW

Andrew Karmen in his book Crime Victims an Introduction to Victimology⁶ mentions that the concept of victim can be traced back to ancient societies. Victim was connected to the notion of sacrifice. In its original meaning, a victim was a person or an animal put to death during a religious ceremony to appease some supernatural power or deity. Over the centuries, the term victim has picked up additional meanings. Nowadays it commonly refers to individuals who have suffered injuries, losses, or hardships for any reason. Crime victims are harmed by illegal acts.

Stephen Schafer in his article “Victim Compensation and Responsibility” (1970) emphasizes the historical origin of compensation and restitution and also on the genesis of modern compensation programs. The author focuses on various scholars’ comments such as Margery Fry, Marvin Wolfgang, Sutherland, and Cressey etc. in advocating compensation. Moreover, he has mentioned the existing programs along with the problems with compensation of some states such as England, California, Commonwealth of Massachusetts. Additionally, he also emphasizes on the case for correctional restitution where he differentiates the concept between compensation and restitution.

Tapan Chakraborty in his article “Compensation to Victims of Crime: A General Approach” (2006)⁷, explains the meaning of victim of crime within the Indian legal framework in providing compensation to victims. The author emphasizes the relation of police with the general people in general and as a mechanism for assistance to victim in particular

⁵ J. P. J. Dussich, VICTIMOLOGY-PAST, PRESENT AND FUTURE

⁶ Karmen, supra note 3.

⁷ Chakraborty, T. (2006). *Compensation to victims of crime: A general approach*. **Criminal Law Journal**, 112, 240–248.

which is not satisfactory. The author urges for legal safeguard for crime victims in India. However, he has not given sufficient explanation of the legal provisions.

Vishwanath Paranjape in his article “Victims of Crime: A Victimological Approach” (2013)⁸ has defined the term victim as explained in the “Basic Principles of Justice of Victims and Abuse of Power” within the term compensation. He has also tried to find out the evolution of the concept of compensation to victim of crime along with the problems to adjuvate it. The author also focuses on the law relating to victim compensation in India highlighting the legal provisions and judicial response to compensatory relief to victims of crime. The author also mentions the situation of other countries on this issue and supports the Committee on Reforms of Criminal Justice System (2003). However, the author fails to identify the loopholes of the legal provisions in India in providing compensation to victim of crime.

RESEARCH OBJECTIVE

The present study has the following objectives-

- To Study and identify various victim centre services provided to them.
- To study various initiatives taken by Government to rehabilitees.

RESEARCH METHODOLOGY

The doctrinal technique of research is used in this work, which includes case law analysis as well as the organization, ordering, and systematization of legal ideas using legal reasoning. The analytical, comparative, and critical methodology has been chosen in light of the problem's nature. Through these techniques, in addition to applying the decisions of cases that have previously been determined, efforts have been made to use information and facts that are already available and analyse them in order to critically assess the issue. The current study's materials were gathered from both primary and secondary sources.

DATA ANALYSIS AND INTERPRETATION

⁸ Paranjape, N. V. (2013). *Victims of crime: A victimological approach*. **Journal of the Indian Law Institute**, 55(2), 170–185.

Type of Victim Services			
Services	Frequency	Percent	Cumulative Percent
Community-based victim services	18	18.0	18.0
Police-based victim services	7	7.0	25.0
Court-based victim services	32	32.0	57.0
System-based victim services	18	18.0	75.0
Shelters for women or children	3	3.0	78.0
Specialized victim services for domestic	6	6.0	84.0
Specialized victim services for sexual assaults	6	6.0	90.0
Specialized victim services for children	10	10.0	100.0
Total	100	100.0	
Source: Primary Data			

Table 1: Type of Victim Services

services for children are provided, 7% respondents are knowing that Police-based victim services are provided whereas 6% respondents are knowing that Specialized victim services for domestic and Specialized victim services for sexual assaults are provided respectively in this research work.

Type of Assistance			
Assistance	Frequency	Percent	Cumulative Percent
Information (e.g., about police investigation, court procedures, outcomes)	32	32.0	32.0
With preparing victim impact statement	6	6.0	38.0
Witness support	15	15.0	53.0
Counselling	15	15.0	68.0
Emotional Support	6	6.0	74.0
Compensation / Financial Assistance	18	18.0	92.0
Crisis assistance immediately after the crime	6	6.0	98.0
Shelter	2	2.0	100.0
Total	100	100.0	
Source: Primary Data			

Table 2: Type of Assistance

provided to victims, 15% respondents are agreed that assistance like Witness support, Counselling provided to victims, 6% respondents are agreed that assistance like With preparing victim impact statement, Emotional Support and Crisis assistance immediately after the crime

Table 1 shows that out of 100 Respondents, 32% respondents are knowing that Court-based victim services are provided, 18% respondents are knowing that Community-based victim services and System-based victim services are provided, 10% respondents are knowing that Specialized victim

Table 2 shows that out of 100 Respondents, 32% respondents are agreed that assistance like Information (e.g., about police investigation, court procedures, outcomes) provided to victims, 18% respondents are agreed that assistance like Compensation / Financial Assistance

provided to victims, 2% respondents are agreed that assistance like Shelter to victims in this research work.

HYPOTHESIS TESTING

H0: There is no significance difference in VictimServices and type of Assistance provided to victims.

H1: There is significance difference in VictimServices and type of Assistance provided to victims.

Table 3 ANOVA

	Sum of Squares	df	Mean Square	F	Sig.
Between Groups	254.611	7	36.373	6.880	.000
Within Groups	486.389	92	5.287		
Total	741.000	99			

Interpretation: Above Table 3 ANOVA shows that P – Value (0.000) is less than significance value (0.05). Therefore, H0 is rejected. So, Relationship between type of Assistance provided to victims is significant.

RECOMMENDATIONS

- In addition, the Law Commission of India's 42nd Report from 1971 suggested amending the Indian Penal Code to include compensation as a form of punishment. In addition to this, the notion of victim compensation was partially backed by earlier sections 545 and 546 of the Code of Criminal Procedure, 1898, which are part of India's

procedural criminal law.

- First, the trial court should propose it; second, the defendant or victim must apply to either authority for compensation. When the trial court makes a recommendation, it must be satisfied that the victim needs to be rehabilitated because the compensation granted under section 357 is insufficient for such rehabilitation, or when the case ends in acquittal or discharge.
- The DLSA/SLSA must be empathetic to the pain and agony of victims of crimes and their consequent necessities and difficulties. Accordingly, orders must be made to provide the best deal to the victim, whereby he/she is able to rehabilitate, re-assimilate and re-socialize for a dignified living.

CONCLUSION

Using this strategy led to a revolutionary change in the state of the victims, who were the underprivileged group in the legal system, both globally and regionally. Consequently, several nations, including India, offered them the opportunity to integrate into their contemporary criminal justice systems and also provided them with state compensation, allowing them to at least pursue various avenues to make amends for the harm caused by crime. It is noteworthy that there is no definition for the word "victim compensation," but it is clear that it differs from restitution to victim, which refers to monetary aid given to the victim by the criminal. To fill the gap, Victim Compensation Scheme is a bold attempt by the states to compensate the losses or injuries suffered by the victims as well as meet the needs for rehabilitation.