



“COMPENSATION TO THE WOMEN AS A VICTIM OF CRIME”

1st Author S. Kalpana, Research Scholar and Assistant professor, Vel Tech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi, Chennai. E-mail:kalpanakavismk@gmail.com

2nd Author Dr Kandula Veera Brahmam , Assistant Professor, Department of Law, D.N.R College of Law, Bhimavaram, West Godavary (Dist,)Andhra Pradesh,E-mail:brahmaiah1970@gmail.com

3rd Author professor(Dr)N.B.Chandrakala, Dr B.R.Ambedkar College of Law, Andhra University, Vishakapatnam,AP, India :E-mail: drkala.prof@gmail.com

4th Author Dr Pamarthi Satyanarayana*(Corresponding author), Assistant Professor, Vel Tech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi, Chennai.E-mail:satyanarayanapamarthi@veltech.edu.in

5th Author Ashok Kumar Yagati, Research Scholar, Dr B.R.Ambedkar College of Law, Andhra University, Vishakapatnam,AP, India :E-mail:ashokkumar.yagati@gmail.com

ABSTRACT

The article is going to speak about female victims and my research on the issues these victims encounter. As strong and sarcastic as it may sound, the administration of criminal justice is not particularly concerned with the victims of crime, with the exception of a few instances where a small gesture could be made to offer the victim some minimal assistance. Ancient societies can be used to date the notion of victimology. A victim nowadays is someone who experiences harm, loss, or hardship for any reason. Victims today refer to anyone who experiences harm, loss, or struggle for any reason. The problems with criminality against women are mostly related to and limited to sexual offences.

The majority of crimes committed against women in India can be directly linked to the social customs and precepts based on actual or fictitious religious beliefs that treat them as inferior and subordinate. Numerous areas of the criminal court system have undergone reform, but it is crucial to compensate the victim in order to expedite the trial and consider the victim's rights.

Key Words: Victims, Sexual Offences, Compensation, Court, Victimology

INTRODUCTION:

The term "victimology" is a recent invention that has grown significantly in significance as a result of the world society of victimology's tireless efforts. However, criminologists have always studied the impact and consequences of crime on people, communities, and even entire nations. The core of Indian criminal law, however, is accused-oriented rather than victim-oriented. We only consider the accused rights during a criminal

trial. When a crime is reported to the police, an investigation is conducted to identify the offender, and prosecution teams work to secure the accused conviction. The defendant is given special treatment throughout the trial and is given whatever assistance feasible, including a defence attorney at a cost to the defendant. Even after conviction, reformation remains a top priority, and the offender is treated with more humanity. As a result, the criminal has elevated himself to the status of a hero. Some victims, even after suffering harm, choose not to speak of it. Female sexual assault victims often choose to suffer in silence while bemoaning their bad luck. The rights of an offender are protected by the constitution against the wishes of victims.

Literature Review:

Within the fields of criminal justice and gender studies, compensating women who have been victims of crime has become a major concern. In order to understand the difficulties faced by women who have been victims of crime and the necessity for adequate compensation procedures to meet their particular requirements, this review of the literature will look at recent studies and scholarly works.

Meaning of Victim:

Victims are people who sustain harm or loss to their bodies, minds, reputations, or property. Injury is caused by loss, which can be from anything. A person Injury or loss is a crime, and the individual who experiences it has been the victim of crime.

According to section 2(wa) of the Criminal Procedure Code, a victim is a person who directly or indirectly experienced or anticipated experiencing physical, psychological, or financial injury as a result of a crime. Any analogous harm committed by a person or an authorised representative of another body or group that is primarily protected by civil or constitutional law, in the situation where the victim is an institutional entity, merits the support of the criminal justice system.

Victimology Nature and development:

A branch of criminology that studies crime victims scientifically. It aims to investigate how victims and offenders interact as well as who is most at risk of becoming a victim of crime and where victims fit into the criminal justice system.

1. This victimology focused attention on the victim's potential contribution to the circumstances that led to his surrender in the commission of crime.
2. It discovered a potential reason in the context of the morality-related crime that could be to blame for the victim's resistance.
3. The relationship between the victim and the accuser is one of feminised hierarchy or authority.

There has been a lot of focus on prosecuting criminals in the administration of the criminal justice system, while victims' issues have received less attention. Victimology, a new subfield of criminology dealing with the victim-offender relationship and the societal, administrative, legislative, and judicial reactions and legal measures for restitution, compensation, and rehabilitation of the victims, has grown out of the emphasis placed on victim reparation.

Differences in Victimization by Gender:

The gender gap in crime victimisation has been the subject of numerous research, especially when it comes to crimes like domestic abuse, sexual assault, harassment, and human trafficking. Women are disproportionately affected by these crimes, which have serious financial, psychological, and bodily repercussions. In order to secure appropriate recompense for women, research emphasises the necessity to address these gendered patterns of victimisation.

Contemporary Compensation Systems:

The literature gives a summary of the current systems for compensating crime victims, highlighting their restrictions and flaws when it comes to compensating women. Women's particular circumstances and vulnerabilities are frequently overlooked by standard compensation processes, which frequently leads to insufficient support for their particular needs.

Compensation and Intersectionality:

The importance of taking intersectionality into account while compensating female crime victims has been emphasised by academics. Intersectional viewpoints acknowledge that racial, socioeconomic, and cultural background are influences on how women experience victimisation. In order to create compensation systems that cater to the various demands of women from various backgrounds, it is essential to comprehend these intersections.

Financial Assistance and Legal Support:

Research examines the value of monetary compensation and legal representation for women crime victims. According to studies, robust compensation plans that offer financial aid are necessary to lessen the financial burden that victimisation causes. To further ensure that women obtain just compensation, legal support services, such as access to legal representation and understanding the legal system, are essential.

Having access to counselling and medical care:

According to the literature, it is crucial to give women who have been the victims of crimes access to medical care and counselling services as part of the settlement procedure. The long-term physical and psychological effects of victimisation are highlighted by research, which promotes the use of comprehensive support networks that cater to the demands of women's healthcare and offer trauma-informed counselling.

Preventive Measures and Social activities:

Academics agree that compensation should include preventative measures and social activities in addition to post-crime support. This involves initiatives to deal with the underlying causes of violence against women, advance education and awareness, and put into practise laws and programmes designed to deter victimisation and promote safer neighbourhoods. The literature study highlights the urgent need for better compensation systems for female criminal victims. It emphasises the differences between men and women in criminal victimisation, the shortcomings of current institutions, and the significance of gender-sensitive methods. The literature also highlights the value of intersectionality, financial support, legal aid, healthcare, counselling, and preventive actions in reimbursing women who have been the victims of crime.

Policymakers and stakeholders can strive towards developing more efficient and equitable compensation systems that prioritise the rights and wellbeing of women who become victims of crime by taking these aspects into account.

Compensation to the victim as per Indian Law

The main goal of section 357 of the CRPC is to make compensations available to those who have a right to sue a convicted person for damages even when those damages are not included in the sentence. It is not essential for the court to determine whether the case qualifies for compensation to be paid before granting compensation. If it is ruled that compensation should be given, it must be determined if the accused has the financial means to do so. The goal of ordering compensation is to collect the fine and give it to the individual who experienced the loss.

If the accused is unable to pay the fine or compensation, the purpose will not be served. Because doing so would defeat the purpose, no defence term could be imposed for failure to pay a fine. The supreme court further stated that when determining the fine or compensation amount, the court must consider the nature of the offence, the harm incurred, the client's justification for reimbursement, the accused's financial capability, and other pertinent facts.

Problems of the victims

1. Financial burden on the family:

When a family's breadwinner is killed in a crime, the aftermath is severe family disarray. This is due to the fact that there is no assurance that you will receive appropriate compensation from any reputable source.

2. Change of dependents' social status:

Sometimes the victim's elderly parents are forced to work, and other times the victim's wife, who has no prior work experience, tries to make money.

3. Frustration and suicide:

The victim who experiences physical impairment as a result of victimisation A financial and legal liability to his own family. Extreme levels of inferiority and a pessimistic outlook do exist, and they form the root of frustration on the inside.

2. Social stigma:

Sexual offence victims become the target of social stigma. The victim's entire family suffers from social deterioration. The issue of younger generation marriage in the family of rape victims is also present.

3. The emergence of criminal behaviour:

As a result of numerous pressures, stressors, and strains, it's possible that a victim of the situation lost control and committed a crime.

Women as a Victim

Police and dominant caste group gang rapes, wife beatings, prostitution, and other crimes against women are all routine. Legislation is already in place and is occasionally strengthened to address the changes brought on by some of the ailments stated above, but effective enforcement of the law is not forthcoming and the flawed legislation contributes only minimally to the overall sociopolitical climate of the nation. Rapid growth is being seen

in crimes against women, particularly dowry murder. Additionally, the frequency of girls' schoolgirls being molested in Delhi buses has grown. at work, there is sexual harassment of women.

Compensation and punishment:

In the case of Rachhupal Singh, the honourable Supreme Court upheld the fundamental principle and ruled that, in accordance with section 357(3) of the Criminal Procedure Code, the court may pay damages to the victim or his family. According to us, the High Court has full authority over the matter. It is noted that it is obvious from the passage that the supreme court accepts the court's authority to award compensation. The session court in the present case imposed that penalty along with a fine of 5000 rupees under life imprisonment and a requirement that each convict compensate the victims 2 lakhs of rupees. The supreme court of held the imprisonment for life but reduce the compensation to 100000 only but it was more than the amount that session court has ordered.⁷

Compensation in offence of rape:

AjitbhaiGanpatbhai Chauhan and Others V. State of Gujarat

The Gujarat High Court ruled that, while upholding the accused person's conviction and the sentence imposed by the trial court, compensation must be given to the victim from the latter. For determining the amount of compensation, factors such as the type of crime, the victim's suffering, and the stigmatisation they have experienced are also taken into account. In cases of gang rape, compensation of Rs. 20,000 is given.

Chandirama Das vs Chairman railway board

Where Bangladeshi women was sexually assaulted at Kolkata railway station. The railway department was forced to pay compensation in this case.

Mrs Selvam vs. State of Tamilnadu

When the deceased was jailed for failing to pay maintenance to his wife but committed suicide in jail, the state was deemed responsible for compensating the deceased's wife as a palliative gesture.

Suggestions for Better Implementation of Compensation to Women as Victims of Crime

1. Gender-Sensitive Policies and Guidelines:

Set up and put into effect gender-sensitive rules and procedures that expressly deal with reimbursing female crime victims. In addition to taking into account variables including the nature of crime, the effect on physical and mental health, financial ramifications, and potential long-term consequences, these policies should also recognise and address the specific demands and obstacles faced by women.

2. Outreach and Awareness Campaigns:

To guarantee that women who have been the victims of crimes are aware of their rights to compensation and the support services that are available, launch extensive outreach and awareness programmes. These initiatives must to be created with varied communities and demographics in mind, using inclusive and culturally sensitive strategies. Collaboration with neighbourhood associations, non-governmental organisations, and grassroots movements can boost the impact of such efforts.

3. Streamlined and Transparent Application Processes:

The application procedures for compensation should be streamlined and made simpler so that women who have been victims of crime can access them more easily. To help women with the application process, offer clear guidelines, detailed instructions, and support services. Additionally, make sure that the decision-making process is transparent and set up channels for review or appeal in the event that a claim is turned down.

4. Adequate Financial Compensation:

Make sure the compensation is adequate and accounts for the expenses and monetary losses incurred by women who become crime victims. Paying for counselling fees, medical expenses, missed wages, and other financial problems brought on by the crime may fall under this category. Regularly review and adjust pay rates to reflect inflation and other expenses.

5. Comprehensive Support Services:

Develop and enhance all-inclusive support services for female criminal victims, including social, medical, and counselling services. To guarantee coordinated and comprehensive help for victims, work with appropriate stakeholders such as healthcare professionals, counselling centres, legal clinics, and social welfare organisations.

6. Training and Sensitization:

Provide specialised training and sensitization programmes for those working in the compensation process, such as law enforcement officers, attorneys, counsellors, and support service providers. As well as addressing biases, this training should put a strong emphasis on comprehending the unique needs and experiences of female crime victims and how to offer them trauma-informed and gender-sensitive support.

7. Research and Evaluation:

Conduct continuous study and evaluation to determine how well the systems for compensating female criminal victims are working. Gather information on women's experiences with the pay system on a regular basis, paying attention to their satisfaction levels, difficulties they've encountered, and suggestions for improvement. Use this data to find gaps and make the required adjustments to the compensation scheme.

8. Collaboration and Stakeholder Engagement:

Encourage cooperation and participation between every relevant stakeholder, including government organisations, the criminal justice system, law enforcement, civil society organisations, and proponents of women's rights. Create forums for discussion and cooperation to exchange ideas, work together on projects to increase recompense for women who are victims of crime, and debate issues. By putting these recommendations into practise, societies may build a system of compensation for women crime victims that is more equal and responsive, ensuring that they get the assistance and reparation they deserve while also attempting to stop further victimisation.

Conclusion:

The victims or their families will undoubtedly benefit from this type of alleviation, but on the other side, it will further fuel the system's corruption. In order to convince the victim that he is paying out of his own pocket, the authorities who are required to pay the sum are not doing so on time or in full. We look forward to the day when everyone who is

required to provide protection but does not will be held accountable and punished by the law. The government must deliver this sum to the appropriate court via demand draught rather than cheque. Compensation is useful it is furnished as early as possible. With the passing of time the money and justice are no longer nor useful nor serve the purpose.

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