CHAPTER-V
VICTIM AND CRIMINAL JUSTICE

One important and basic factor in the administration of criminal justice is the victims’ decision as to whether he should invoke the judicial process. Crime reporting to the police would obviously depend to a great extent on the victim’s perception regarding efficiency of the police and the likely response from them. Judicial attitude as reflected in the sentencing also appears to be amenable to the personal factor and characteristics of victims. More severe judicial action discernable in cases helpless victims’ e.g. elderly persons, children and females. Lesser severity is reflected in the sentencing in victim precipitated crimes.

During the last hundred years there have been far reaching changes in criminal justice system concerning the right of the accused during the investigation of the crime, prosecution of the offenders and the punishment to the accused. Statistics on the offenders, details and manner of arrest by the police, the care to be taken during custody etc. and release of the criminal from panel institutions are highlighted. General care is taken to protect the human rights of the accused, but at the same time no efforts is made to collect relevant information about the victims, about their plight and denial of justice to them.

When the victim seeks justice, he seeks it on the basis of truth, he want only the real offender to be punished and not an innocent person. For the common truth and justice mean the same thing and the two are synonymous. So; when the truth fails, justice fails. If an innocent person is punished it means that truth has failed. So also when a guilty person exonerated, it means truth has failed. The key to justice or the soul of justice is truth. If truth should be the basis of justice, every effort must be made to ascertain it. Ways and means have to be found for ascertaining truth and obstacle to reach the truth must be removed. One such obstacle is law that the accused can not be questioned or cross examined because he has been conferred the right to silence by Article 20(3) of the Constitution.
Therefore, it is recommended by the conference of the Chief Justices that the victims or his legal representatives or an NGO be impleaded in all cases involving crime punishable with imprisonment of seven years and more. He shall have a right to engage a lawyer and if he is poor the state should provide a lawyer to the victim on the lines given to an indigent accused. The victim should have right to cross-examine the accused after the prosecution with the leave of the court. He shall have the right to adduce evidence. He should have the right to know the investigation and assist it. He should be heard when granting and canceling bail as his interests are directly affected. When prosecution seeks to withdraw the case, he should be given an opportunity to continue the case. He should have the right to advance arguments after the prosecution. He should be heard on the quantum of sentence, and more so, care must be taken towards his rehabilitation. Court shall take to provide sufficient amount of compensation by imposing fine and its recovery from the accused along with sentencing the accused. In case of acquittal of the accused or as a result of his poverty, if fine could not be recovered the state shall take the responsibility to pay the compensation to the victim or his dependents in case of death.

Volumes have been written on the right of the accused. The role of the prosecutors has been studied and the decisions of judges are reported in law reports and case book. Much has been written on the existence of discretion in the judicial process; yet, we seldom would know the consideration that influenced the actual exercise of discretion and how far they got reflected in the ultimate directions issued by the court, about how these decisions affect the situation and feelings of injured party. Likewise, we know comparatively little about how crime victims view the judicial process as such.

The victim of crime has been the "forgotten man" of the criminal justice system. This lack of knowledge about victims is astonishing, given that the criminal justice system as we know it today would collapse if their cooperation was not forthcoming. The victim's experiences with the professionals operating the system, police, lawyers, court officials and the judges/magistrates who decide the case are rarely considered, although they would affect the formation of definite attitudes on the part of the victim, towards that system. If victims come to regard their treatment as too stressful, demeaning, unfair, distorting of reality, too remote or too little concerned with their own rights, feelings and interests or if decisions are made which are felt to be unsatisfactory, it is possible that this
"secondary victimization", by the system may lead to disenchantment, disinterest and future non-cooperation, not only by the victim, but also by his friends and relatives.

There is a remarkable consensus that our criminal justice system-Police, prosecution, Court and Prison-are doing badly in dealing with the crime problem. That consensus reflects a pervasive feeling that the criminal law and the threat of sanction standing behind it, is not taken seriously. The decline of faith in the system of public order has had a corrosive effect victims reports fewer crimes to the police because they do not expect them to be responsive.1

Once a victim reports a crime to Police, then, the Prosecutors and Judges take over. What actually happened to the victim frequently seems to matter only in-so far as it guides law enforcement officials in determining how much attention to give to the complainant and how to classify or define the offence. For the most part, victim's opinions are rarely solicited; personal costs incurred by the victim are considered irrelevant. Instead, what was once a private matter now becomes the business of strangers to be handled mainly as they see fit. The working assumption of the criminal justice system is that, despite this transfer of interest, the victim will come forward and cooperate, because although the State brings the prosecution, yet, without the victim's cooperation, there may be no good case made out. Such cooperation is not always forthcoming.

Consider the judicial process from the victim's perspective. Victims are introduced to a system grounded on the legal fiction that victims are not the injured (effected) party. Victims soon learn they have no standing in Court, no right to counsel, no control over the prosecution of their case and no voice in its disposition.

In a study Ash2 and others have reported about the callous indifferent and exploitative treatment which victim receives from the criminal justice system.

5.1 Meeting the Police

The victim's first contact with the criminal justice system is with the police. Very often the police will remain the closest agency to the victim throughout the investigation of the case and the prosecution of the offender. For those victims whose assailants are not caught, the reaction of the police is, therefore, very important. The reverse, however, is also true, as we shall see, since victims play a major role in the reporting and
investigation of cases, and in the detection of offenders. Police and victims are mutually
dependent for the successful prosecution of the offender.

For the victim, however, another fact comes into play when the crime acquires an
official identity. The victim will become caught up in the various stages of a process
which may involve many different agencies. He may drop out of that process, but, after
the police are involved, the offence will have become recorded as a "crime" and the
victim as a "complainant". The offence will be processed according to provisions of the
Criminal Procedure Code.

When the victim first meets the police, he becomes caught up in the police process
of investigating the offence and catching and prosecution the offender. Once he has
decided to report the case, much of the power to direct the way the case proceeds passes
to the police. At the same time, the victim requires an emergency response by the police
to provide aid assistance. The nature of the first meeting with the police will obviously
vary for victims in different circumstances and with different degree of injury. The police
have a set routine which should be performed when first arriving on the scene of an
offence. Police Officers are concerned to discover what has happened and what the
victim's complaint is to attend to the victim's immediate physical needs, to acquire a
description of the scene of the offence if they are at that place and to ascertain what
future action is needed and set it in motion.

They, may, in addition, do many other things if circumstances allow, such as
apprehend the offender if present, search for him, ask the victim or witnesses to point
him out, take a statement from the victim at the time or ask the victim to go to the police
station or take the victim for treatment to a hospital and so on.

Victims often rates police as being unhelpful. Unhelpful means that the police are
officious, accuses the victim, and are not concerned or do not believe the victim.
Evaluating police performance is crucially shaped by people's prior attitudes and
expectations. They are not happy about the attitude of police men. This is not merely
the problem of "attitude", it can be seen as symptom of a much deeper problem a
misunderstanding on the part of the police role. Victims expect support and reassurance
from the police both at the initial meeting and subsequent.

The most common problems suffered by many of the victims while reporting an
offence is the absence of receptive and sympathetic attitude from police towards the victims who has come with all mental tension caused by the mental or physical or moral loss resulting from the crime. Occasionally, in addition to the helpful attitude, the harassment of victim of crime by the police is not an uncommon feature.\textsuperscript{3}

The detection of crime is a significant aspect of the criminal justice process. The victim, being the recipient or sufferer of the consequences of the conduct of the accused person has to play a crucial role in the process of identifying the offender and establishing the essential grounds for ensuing that justice is done.

The police require the cooperation and moral support of the victim to prepare the case for the prosecution before the court in addition to tracing and apprehending the offender. The victim is supposed to be able to give the description which would help the police to trace and arrest an offender who was not caught on the spot. He is expected to be able to give a vivid description as possible of the physical feature of the offender, his dress, his manners of speaking, etc., as also the circumstances in which the criminal act was committed.

The worries of victims about the attitude of the police, that the police do not necessarily value the victim as an important part of the criminal justice system and that they do not necessarily see their role as offering emotional support to victims. Because the victim is not sufficiently valued and appreciated (even for his part in reporting, detecting and prosecuting), it is not seen as vital to respond to his needs as opposed to, for example, those of pursuing the offender or preparing a prosecution case swiftly. Police officers interviewed varied considerably in their view on whether they should play a role in providing victim support.\textsuperscript{4}

Studies on victims\textsuperscript{5} of different offences and from different countries have found remarkably similar results: at the initial encounter and that any dissatisfaction is related primarily to an uncaring, routine or hostile attitude on the part of the police, the police refusal to take action and to general unthoughtfulness or disregard of obvious victim needs.

\textbf{5.2 Investigating the Offence}

Once an offence has been reported to the police, the focus for determining
subsequent action moves from the victim to the police. The police will be concerned with gathering evidence so that the accused can be prosecute. The victim will be involved in or concerned with many of these activities and decisions, but it is the police who will usually set the time table and control what is happening.

In offences the victim will often be a major prosecution witness. The evidence that he can provide will include not only his statement of what happened, but also evidence of the injuries he sustained, identification evidence as to the offender, samples for forensic analysis and evidence as to the place of the offence. There are several steps gradually taken by the police as a part of the process adopted by them in such cases, although the precise steps adopted by them vary according to the relevance of the case. It is only possible here to give an idea of how likely it was for victims to go through particular procedures commonly adopted and then to describe their experiences with and their reactions to the most common and most problematic of these. Of all types of contact with the police, the most common was for the purpose of making a statement about the offence. Checking up about details in the statement eliciting further information or persuading the victim to take a particular view on prosecution, together with victim attempts to contact the police themselves to provide information, was the next common category of contact.

Many victims believe that police is inefficient and corrupt as a result of that there is a low rate of detection of criminal cases. For such people, there is no need to seek the help of the police who are not capable of handling their problem and, in addition, would let off the criminal when bribed or would not do their duty as expected unless bribed by the victim. Thus a considerable number of victims do not trust police and would rather bear loss in silence than report crime committed against them to the police, except where very serious crimes are involved. Now, there is a growing tendency among the people not to respect the crime to police as studies reveal that most common reason given for failure to report are that the police would not be bothered as they could not do any thing effective about it any way.6

The police have the ultimate power to decide whether to file a charge sheet in any case. When there is disagreement between victim and police about deciding upon the issue of prosecution, or otherwise it causes the utmost concern and anxiety, where the
police feel that there is insufficient evidence of a crime or where the police consider that no purpose would be served by prosecuting particular offender.

The victim is expressing the central dilemma of a criminal justice system with a centralized power of prosecution that of the ownership of the case. The police need to have the power to initiate and continue prosecutions, so that victims and witnesses are not terrified into dropping cases. Yet, if we move from an ideology of automatic prosecution given sufficient evidence, to one of discretionary prosecution, then overriding the wishes of the victim can be seen as more dubious, unless everyone is agreed on the circumstances in which this discretion will be used.7

Many victims are actively involved in helping the police to detect the offender and to gather evidence towards prosecuting the offender, taking part in many procedures to do this. There have been hints, at several parts of the process, that victim satisfaction is linked to the amount of information they receive as to the progress of the case. As far as catching the offender and investigating the offence are concerned, we can consider the amount of information victims have by looking at the contacts between the police and victims which provide such information, separating out occasions when the police volunteered information from those where the victim contacted the police to ask for information.

Victims want to know all sorts of details: whether the offender is caught, obviously, but also what the charges are, whether the offender is on bail, what would happen next, what the victim would be required to do and whether he would be informed when this might occur. Victims feel aggrieved if they are not told and could not easily be found out.

The victim is vital to the police throughout the recording, detection and investigation of the case to the police. Yet the police do not seem to be concerned to fulfil the victim’s need to be informed, occasionally consulted and treated with dignity and respect. The victim does seem to be seen as a very important participant in the criminal justice system. We have two contradictory facts on the role of the victim - his practical importance and, in contrast, in apparent ignorance of and an ignoring of his attitudes and his experience by those involved in recording and investigating offences - the police. It is this paradox which we need to remember as we follow the victim into the courts.
5.3 Victim and the Court

Once the decision is made to prosecute an offender, control of the case passes from the police to the courts. Throughout the process, three aspects are of particular interest: what happened to the cases, whether (and how) the victims came to learn about it and what they thought about it.

Whether an offender is allowed on bail by the courts or whether he is remanded in custody is of great interest to victims. In fact, only a minority of offenders remained in custody at any stage during the progress of the case through the courts. Victim's knowledge of the police action in their case rarely extended beyond an awareness that the offender had been caught. They often did not know initially whether he was on bail or what the charges were. The lack of information continued with regard to court appearances before the trial and the resulting decisions of bail and on charges.

A particular worry of victims is that they do not know whether the offender is in custody or on bail. Now knowing the whereabouts of the offenders, they were constantly afraid that they would meet him unexpectedly in the street. However, where victims knew the offender is on bail, this fact did not worry them duly, even though they might not agree with the decision. It would appear that it was anxiety born of ignorance that produced concern. Fear of the unknown was more frightening than knowledge of the feared reality.

The lengths of time that take to come to trial vary considerably. If a case in which the plea is not guilty, the delay is for years together. There are long delays, particularly for not guilty trials at the magistrate's courts and courts of sessions, victims face the problem of waiting for a long time to give evidence. This is the subject of much worry. Victims feel that they would not be able to remember the details of the offence and may perform badly.

The victims generally have little idea of the progress of the case through the various pretrial appearances. Victims are usually almost completely uninformed about the progress of their case prior to the trial. The only information they may receive from official sources - the summons is itself found to be uninformative, even confusing, and added to victim's worry.
It is not that victims are apathetic about the progress of their case they very much wish to know what is going on and some would like to attend the court as for appearances, even though they will incur costs and not be entitled to expenses if they do. Some try, often unsuccessfully, to find out what is happening through official or unofficial means. Most feel either that the police or courts are too busy to be bothered by them or that it is not their place to find out; it is up to the system to inform them. This is not a criticism of any individual participant in the system. It seems rather that, because victims have no official, documentary role to play between reporting an offence and acting as a witness in a trial, they are forgotten in the business of processing the accused as quickly as possible through the courts to the trial.

For those victims who do attend court, the experience is not confined to answering questions in the witness box or listening to what is being said. There are the contracts they may have with the police and the courts when being summoned to come to court. There is the experience of waiting outside the court room and the contact they may have there with police officers, prosecution solicitor or counselor, of course, the offender. Even after giving evidence, there is the problem of obtaining witness expenses and whether these meet the costs of victims in attending court.

The prosecution is expected to be able to produce the witness on whatever date the case is finally listed for trial. The victim is not considered to have any special interest in the proceedings, compared to any other prosecution witness. The court administrator's task is a difficult balancing act, juggling available court time, judges, prosecution and defence counsel's prior commitments and witness availability. Most victims expected the defence to put forward some (false) story and did not blame them for saying that what the victims said was considered completely wrong or for trying to make out the victim to be a liar. The victim does feel manipulated by prosecution and defence, who use the structure of formal questioning to present their own view of the offence. However, the victim's problems are not all the result of court room tactics. They can also be seen as difficulties facing all lay participants in the court room, exacerbated by the nature of the "ideal victim" portrayed in the substantive and procedural criminal law.8

The evidential question-and-answer compels the witness to follow the sequential description of the event used by the questioner. Even prompts to witness to get them to
expand on an answer will often adopt this chronology ("And what happened next?").

At court, the case is normally prosecuted, not by the police, but by a prosecuting advocates acting for the police. Victims who did attend court, whether to give evidence or just to watch the proceedings, find that prosecutors and police officers did not live up to their expectations. In general, one get the impression of victims being isolated and confused at court, not knowing what they may be required to do or what they are allowed to do. They do not realize what it happening around them and it is rare for anyone to explain it to them. Police officers, when they were present, did seem to make some effort prosecutors did not see it as their job. In a study kelly found that rape victims felt they were denied participation in and information about what they saw as ‘their’ case. Some also felt their interests were not being represented by prosecutors. In sum, her victims objected to the present workings of the criminal justice system, one which they found, to their surprise, was not geared to their perspective. What they wanted was some contact with the prosecutors.

There is considerable inconvenience involved for victims who attend court which will definitely have a negative effect on potential victims going to the court, even when they suffer due to crime. The most important problems of victim during the trial is his plight in the court premises without absolutely any facility. A victim or a witness who has a single experience of attending court for giving evidence would never again in his life time to be put in that situation. this may include travel costs, loss of earnings, and difficulty in finding replacement staff at work or problems in finding some one to look after children. The total financial cost of being a victim over the whole period of the trial, including going to the police station and attending court, can add up to over hundred rupees for many victims. The only parts of this which can be recouped are those costs involved in attending court to give evidence which are available as witness expenses.

There are also a number of other factors responsible for the unwillingness of the victim to process the criminal case through the criminal justice system. The first is that the criminal justice procedure is a time consuming one, especially in a developing country like India where the necessary facilities to operate such a system efficiently are lacking, for example, judges and magistrates have to record the proceedings of the court by long hand. This tends to slowdown court procedure; besides, it generally, takes a
long time for the police to investigate criminal cases. Cases are usually adjourned on some reason or other. This also slows down court procedure and in turn discourages the victim seeking the criminal justice system. Thus, except in very serious criminal cases, a considerable number of victims would prefer to suffer their loss in silence rather than go through the criminal justice system.

The prospect of the case and the experience of the victims who report a crime is such that they may feel unmotivated to make the efforts required to have a case prosecuted. Victimization studies of other countries demonstrate that a majority of the victims even of serious crimes do not report their victimization to police. A recent study on victims who were serving as witness in criminal proceedings found that the more experience a person had with the court, the greater reluctance expressed about getting involved again.

It is seen that the victims dealing with the police and court are characterized by his status as a non-person. Strangely, the area of victim compensation and assistance seems very similar. Even the Criminal Procedure Code which provides for compensation as an alternative to civil procedure for victims, so that they may obtain financial assistance more quickly, more early, and at less potential cost. But in fact the prosecutors never insist on compensation to the victim for his loss or injury and so also the courts never liberally award compensation to the victim of crime.

State compensation, for example, has been justified on many grounds. It is well known that offence can have serious effects on victims of crime, particularly victims of violent crime.

The effects were divided into the broad categories of physical effects, financial loss, social effects (at home, at work and in the neighborhood) and psychological effects. The physical effects cover both temporary physical suffering such as headache or pain while performing every day activities and permanent disfigurements such as scars or missing teeth. Financial loss includes any loss of money specified as such by the victim, whether this concerned loss of earnings, damaged or stolen property or medical expenses, psychological effects include worry, anxiety, depression and their symptoms in the victims or in his relatives.

Above all, victims want their personal interests recognized by the judicial system.
They are surprised to learn how little their opinions matter and how rarely their interests are considered. They soon find that, as Geis observed their role in like an expectant father in the delivery room necessary for things to have gotten underway in the past but at the moment rather superfluous and mildly bothersome.

Victim wants the police to provide information on the status of their assailant. They want to be called when the accused is arrested and told whether he is in jail, released on bail, or roaming the neighborhood. Victim wants this information regardless of their utility to the case.

Victim wants more recognition from the legal system. Specifically, they want to be informed of deliberations, included in case developments, and offered an opportunity to participate in determining what happens to their assailant.

So, there is the paradox. The criminal justice system depends heavily upon victims for the reporting and detection of offences and for the provision of evidence in court. Yet, it does not appear to value the victim. The concern with attitudes, information and consultation shown by victims in our study and in other is an expression of the need to be valued, to be wanted and to be considered as an important participant. The system is not geared to the perspective to the victim. There appears to be a mismatch between the victim's expectations of the system and the system's assumptions about victim needs. The police, for example, have become, in Howley's words: "preoccupied with technical efficiency, whereas victims look to police for support and reassurance". Prosecutors and court staff are concerned with processing the ever-growing numbers of defendants through the system in the fastest and most economical way.

It does not seem that the system ignores the victim because he is perceived as a threat. Indeed, the victims were not expressing a desire to take over the criminal justice system. They did not want decision making power, they were happy that decisions to charge, to prosecute and to sentence, should be left with those who are doing them today. Eighteen per cent, of victims did, however, express some interest in the possibility of using a mediation dispute regulation procedure. There were some areas where victims wished for consultation before decisions were taken on whether charges should be pressed or dropped at court and on whether information about victims should be given to the press. But the major requirements were for information and for help not as charity but
in exchange for the very considerable time and effort the victims themselves put in at a
time when they were already injured or shocked as a result of the criminal act in question.

The changes in the criminal justice system necessary to approximate more closely to
the present expectations of victims are not major or structural ones. They are primarily
attitudinal. The victim's problem in participating in the criminal justice system may be
seen as due to his lack of status, or even accepted role within that system. If the victim is
a non person in the eyes of the professional participants, at least as far as the day-to-day
functioning of the system is concerned, then he will not be informed or consulted as a
matter of course. Even if those participants accept the desirability of retaining his good
will (because of his possible evidential usefulness), any information flow will tend to be
one-way. The victim will be told what is deemed necessary or helpful to tell him. It is
only if the victim is seen as being an important partner in the criminal justice system that
the flow of information will become automatically two-way and consultation will occur.
For example, the victim might have the right to know the outcome of the case and be able
to determine how this information is presented to him.

However, any changes intended to approximate more closely to present victim
expectations would involve teaching the professional participants in the criminal justice
system that the victim is to be treated courteously, kept informed and consulted about all
the stages of the process. They involve treating the victim as a more equal partner. That,
however, would imply a greater emphasis on the role of the victim and, potentially, less
emphasis on the role of the offender and that of the legal profession. This might include a
shift in working practices of the professional participants that might initially appear to
involve more work, more difficulty and more effort but, paradoxically, may result in
easier detection, a higher standard of prosecution evidence and fewer cases thrown out at
court.\(^{15}\)

Attitudes are, however, not absolute. They depend upon expectations and upon
knowledge of the system. So, if the system changes, so will the attitudes and
expectations of victims. At the moment, the similarity of victim attitudes over offences
and in different system is extraordinary. It tends to suggest similar roles for victims and
a similar perception of victims in different countries and in different systems. If,
however, we change our criminal justice system, if, say we adopt the more victim
oriented system suggested by the findings of these studies, we may merely produce a system more rounded in its concern but no less adversarial than at present. Or we may, in so doing, alter victim's attitudes and expectations so that, by a gradual process, a different model emerges, one perhaps closer to a mediated consensus model of dispute regulation. Such a development would produce a very different form of criminal justice system, which would have implications both for the offender and for the professional representatives involved.

The concept of crime is intimately linked with the existence of the victim. Yet in modern criminal justice systems, the victim was in oblivion till the close of the Second World War. Soon after that some criminologists took on themselves the task of underlining the importance of studying the criminal-victim relationship in order to obtain a better understanding of crime and its origin and implications. Thus, the seeds of victimology as a branch of criminology came to be sown in the U.K., West Germany, France, the Scandinavian countries, Canada, Australia, New Zealand, and the United States.

All this has hardly made any impact in India. But it is high time that we thought in terms of focusing our attention on the findings of victimology which have decisively enlarged the importance of the victim in criminal justice. The study of the victim in a scientific manner serves the following threefold purpose:

(a) Scientific interest always demands a study of the existing psycho-dynamic interaction between the victim and his offender.

(b) The criminal act is examined for possible projections and stereotypes which can be analyzed for their criminogenic significance, and ex post facto hypotheses can be made on the basis of that analysis.

(c) It has a prognostic function. The predisposing variables, namely, biological, sociological, and psychological, have to be worked out and systematized for the different crimes in order to contribute towards crime-control and prevention.

All this calls for empirical research. There is an acute dearth of systematic research investigation in India in the field of exploration of socio-psychological factors underlining the victims of any crime. In facing this problem the developing societies in
general and India in particular, face many compulsions but have few options. Given the understanding that the dynamics of victimology could be a useful tool within the criminal justice system for administrators and policy-makers, it is necessary to be selective while choosing the areas of research. Its broad objectives may be formulated as follows:

(a) To give an overall idea about the crime situation in general and select the crimes such as homicide, rape, fatal motor vehicle accident - these have the heaviest traumatic effect on the generality of the population.

(b) To make a survey of the socio-psychological background of the victims of such crimes.

(c) To make an assessment of the quantum of total material loss caused by the offence to the victim's family.

(d) To estimate, in case the state desires, the nature of liability for the public exchequer which will arise from the policy of compensation to the victims of such criminal offences.

In a big country like India, with over 10 million people, any country-wide survey will present formidable problems. Therefore, it is desirable from the pragmatic point of view to start with limited areas and go in for pilot projects for restricted periods. In this the random sample method could effectively be utilized. All the States in India do not have the same type or the same intensity of crime incidence. The different linguistic groups exhibit varying tendencies in this respect. The effectiveness with which crime is tackled also varies from region to region. Therefore, comprehensive surveys covering the whole country will not merely be time-consuming but would be wasteful as well at the present stage. Hence small samples should be chosen selectively. The resultant study is bound to give enough material for forming conclusions for policy-making on the basis of cost-benefit analysis.

There are numerous areas on which the attention of the researchers can be focused. Let us take, as an example, offences against women. On the basis of the available information, the following categories of offences can be easily identified:

(a) Wolf-whistling, ogling, winking, passing lewd remarks sometimes openly, and at other times behind the anonymity of the telephone.
(b) Bottom-pinching and forcing physical intimacy on board public transport, in bus queues, at festivals or on other occasions when large concourses of people gather.

(c) Molestation and rape.

(d) Harassment at home leading to suicide and murder of young brides.

(e) Immoral trafficking, exploitation of women, and commercialization of sex.

The recent public furor raised from time to time against the outrageous conduct of men toward women is based on impressionistic accounts and some individual instances which appear under banner headlines in some of the dailies and popular magazines. No empirical analysis of even the serious categories of offences listed as (c), (d) and (e) above has been undertaken by any agency in the country. Their incidence is not of the same intensity throughout the country. They differ from region to region and from city to city. There is a genuine demand for streamlining our legal procedures and revamping the standards of our Indo-Anglian jurisprudence, especially our antediluvian Evidence Act. Victim research surveys in these areas will not only be timely and topical but can also furnish information of great value to the administrator, the law-maker, and the policy-formulator.

It is a truism all the world over in general, and in India in particular, that crimes are not fully reported and the actual incidence of criminality is much higher than what the reported figures indicate. In order to fathom the reasons for the unwillingness of the victims of rape and molestation to report to the police, one has to look at these crimes from the point of view of the victim. This is where our criminal justice system has failed. The main reasons for the unwillingness of the victims to report appear to be the manner of police interrogation (the questioning personnel tend to dwell on the facts concerning the sexual details beyond the call of duty and beyond what is required to bring the case to a successful prosecution), the unwillingness of the victim complainants to go to court and face the harassment and humiliation of cross-examination by the defence attorneys whose only concern is the acquittal of the accused, the victim's fear of revenge by the offender when he is not a stranger and thus having to go through the harrowing experience once again, the victim's feeling in a rape case that she finds herself victimized not merely by the rapist but by the entire judicial proceedings, the open public setting of hearing at the time of trial with a number a scallywags who apparently derive psychic
pleasure by listening to the story of a woman's discomfiture, aspersions cast on the victim's behavior, her emotional state, vicious attempts at character assassination and lawyers playing on the words, such as 'consent', 'struggle', 'resistance' and 'self-defence', persistent attempts of the defence lawyers at browbeating the victim into saying that she did not struggle enough and thus trying to establish that she was a willing partner in the offence, attempts at casting doubt on the moral and general character of the victim, and the obdurate obscurantism of our society which expects differential standards of morality from men and women and, arising from it, fear on the part of the victim of sexual offences that she will be castigated by her own brother or husband without her culpability being established.

In every rape case, attempts are made by the defence advocate at making the woman appear as a willing partner who, after the occurrence, when it has received publicity and come to the notice of her close relatives, has decided to attribute unwillingness on her part and force and brutality on the part of the offender.

Research on rape in other countries confirms that the greater the resistance, the greater is the physical brutality used on the victim. When it becomes clear that she is going to lose the battle, she may, for various reasons, be too afraid to call for help. Her screaming may only further infuriate her attacker in his attempts at subduing her. Taught to avoid compromising situations, she may not want anyone, such as her next door neighbors, to see her in her unpreventable condition.

But no empirical study of this vital matter, which should be of interest to nearly 50 per cent of our population, has been undertaken in India although it offers plenty of scope for several research studies.

Empirical studies of rape cases are bound to be bedeviled by special problems which the other offences will not present. It is generally estimated (not based on study but on impressionistic accounts) that in western countries not more than ten per cent of the women who are victims of sexual offences prefer complaints to the police about their victimization. If that is so in that society which is more open than ours in such matters, the corresponding figure in India may be anybody's guess. The prevalent reticence to talk about such offences attributable to arbitrary social taboo cults at the root of any attempt at
quantifying the problem. The researcher has no option but to go by the police records and the police are hamstrung by incomplete and inadequate reporting by the complainant victims. Any researcher of sexual offences will necessarily have to operate under these inevitable constraints. But it will be possible for a woman researcher to obtain more information on reported cases than a man can.

The victimological perceptions of socio-economic crimes in India open a vast vista for the researcher to probe into. Smuggling, food adulteration, international racketeering in drugs and narcotics, evasion of taxes, misuse of official position by public servants, hoarding and black marketing, trafficking in licenses and permits, racketeering in overseas jobs and passports, theft of cultural property, monopolistic and restrictive trade practices, and corruption form the umbra of the criminal justice system while much light can be thrown by research.

India, with a cultural tradition going back to three millennia, it's a fertile pasture for crooks specializing in the pilferage of cultural objects. It is estimated that vandalism, theft, and organized racketeering in cultural property go on in the country at a much higher rate than comes to official notice. It is known that every year about 500 such cases are registered by the police in India. Cities such as Agra, Bombay, Delhi, Madras, and Varanasi, have earned a measure of notoriety in this regard. Markets are reportedly doing a booming business. Property worth Rs. 10 million concerned in one set of such cases was recovered in Haryana during the first week of December 1980. Archaeological art pieces change hands, transported from one place to another, and quite a few of them manage to get smuggled out of the country. Ingenious techniques have been evolved by the syndicates to camouflage their activities and their wares. Occasionally, they are not so successful and then law-enforcement officers are able to seize art pieces and unearth the organized gangs engaged in their traffic.

The cases relating to the display of Indian antiques in foreign museums are not without points of painful interest. Quite a number of Indian antiques of high aesthetic appeal were on display at the Los Angeles County Museum of Art. The meticulous planning which the thieves can undertake once they have set their heart upon a specific idol - such as in the case of the Thaneshwar Mahadeo Temple - is indeed staggering. The
case of the Shivapuram Natraj idol, which shocked India, is a standing testimony to the power of suggestiveness in art publicity, such as the Natraja idol received through the cover design of the kaleidoscope brochure published in 1959. It is plausible to suppose that the conspiracy to spirit the image away must have been consciously formulated, the designing of the fake and the substitution of the genuine being its integral part. That is how unscrupulous art connoisseurs of one country lend a helping hand in the smuggling out priceless art treasures of another. The thick veil of secrecy under which the Japanese Airlines took the Shivapuram Natraj idol to America is easy to understand, since the theft had not come to be suspected.

The Nalanda museum thefts forcefully bring out the striking fact that even when the thefts were reported promptly to the police, not much significant progress could be made. At least one of the stolen art pieces was eventually traced in a U.S. museum. The speed and the secrecy with which the exhibit reached the U.S. show that the conspirators had set their hearts on the precise antiques of the Nalanda museum. The watch arranged at the museum was certainly not of the best. Even in this case authorities are still looking forward to the return of the art masterpieces. Thefts of antiques and their movement take place with the connivance of the museum attendants, the temple priests, and the ineffective watch and ward arrangements at the cultural centers, occasionally helped by depredators from certain embassies' staff, drivers of railway engines, and airline pilots. The intermediaries, whose motive is only profit, transport them to a country like Switzerland to give the transaction a veneer of legality. The principal market - art collectors and museums - is in the United States.

It is estimated that more than one million people live directly or indirectly on the lucrative trade of smuggling of contraband goods, their distribution and disposal, according to the intelligence and anti-smuggling agencies. There are about one hundred gangs of "large-scale smugglers" in India who have international links with the Mafia and the West Asian syndicates. The value of the goods seized at airports, land routes, and sea ports during the past decade has fluctuated between Rs. 400 million and Rs. 1,000 million. What get through undetected could be anybody's guess. It is believed that annually gold, watches, electronic gadgets, diamonds, and other valuables worth Rs. 4,000 million are illegally brought into India. Besides the hundred "large-scale"
smuggling gangs, there are scores of distribution groups and thousands of retailers spread all over the country.

There are regular "wholesale markets" for smuggled goods in the metropolitan cities of Mumbai, Kolkata, Delhi, and Chennai. Deals are struck well in advance before the arrival of the consignments. There was a sharp decline in the smuggling of gold when the price of gold went up in the international market, drastically reducing the margin of profit compared to the risk.

There have been some big hauls of diamonds in some of the major ports. It is believed that the smuggling of diamonds has increased manifold as the demand among the middle-class families for diamonds has registered a sharp rise during the past few years. The increase in gold prices has also contributed to it substantially. The main items smuggled into the country have been identified as diamonds, gold, electronic gadgets (such as calculators, cassette tape recorders, video tapes, mini television sets), electronic watches, cameras, film rolls, textiles, cosmetics, mechanical and electrical toys, and many other such items. Sometimes goods against specific orders are also brought for parties who pay in advance Mumbai, Kolkata, Chennai, Delhi, Trivandrum, and towns along the India-Nepal border, India-Pakistan border along Punjab, Rajasthan, and Gujarat and the India-Bangladesh border are the main reception centers of smuggled goods on air, sea, and land routes.

The exact figures in respect of the number of persons arrested on charges of smuggling during the past three decades are not available, but it is known that they run into a few thousands. It is a well-known fact that during June 1975 to March 1977, when Internal Emergency regulations were in force in India, smuggling activity registered a sharp drop and correspondingly foreign exchange earnings of the national exchequer registered a sharp increase. In payment for the smuggled goods coming into India, it is known that dollars, pounds-sterling, silver, hashish, charas, cardamom, antiques, stolen statues of brass, bronze, and stone, wood carvings, ancient miniature paintings, embellished swords, guns, and carpets go out of the country.

Smuggling is dealt with in India under the Customs Act, the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976, and the Conservation of Foreign Exchange and Prevention of Smuggling Act. The effect of the strong measures
taken by the government and its readiness to utilize preventive detention in select cases brought about some decline in smuggling during 1975-77. The value of seizures fell from Rs. 600 million in 1974 to Rs. 450 million in 1975, to Rs. 360 million in 1976, and to Rs. 200 million in 1977. Another important effect of the measure is the conspicuous rise in remittances received in India from abroad, on non-trade accounts. These rose from Rs. 5,690 million in 1974 to Rs. 10,540 million in 1975, and to Rs. 15,150 million in 1976. During the first eight months of 1977 they touched Rs. 11,660 million.

Smuggling is on the increase once again. The airlines personnel and the air passengers are said to contribute a great deal to this type of gilded crime. It costs India more than Rs. 10,000 million every year. The government at one time permitted the import of television sets on payment of usual customs duty, but this facility was misused by the airlines staff for importing sets for selling at a premium. The prevention strategy to overcome this is a redemption fine levied in addition to the usual 120 per cent advalorem duty for bringing in a TV set. A quantitative difference in the incidence of smuggling offences may be expected to result from the recent liberalization measures adopted by government.

White-collar crime is a crime committed by persons of apparent respectability and high social status in the course of their occupational and professional activities. The financial loss to society from white-collar crime is probably greater than the financial loss from burglaries, robberies, and thefts committed by habitual criminals.

Investigation is in progress following the discovery that certain dealers in petroleum products were engaged in "systematic" manufacture of. Spurious petroleum products under such brand names as Caltex, Castrol, HP, and Sarvo, according to a statement made in the Indian parliament on 20 June 1980. Acting on the information about adulteration of and black-marketing in diesel and lubricating oil, the income-tax department authorized search in 21 places at Ahmedabad and 11 places at Bhavnagar some time ago. Searches were also simultaneously carried on in other cities in India. The department is reported to have found underground storage tanks and pumping equipment indicating large-scale black-marketing operations in petroleum products. Cash, jewellery, fixed deposits, promissory notes and shares, silver and gold with foreign markings valued at Rs. 9980,288 were seized in the raids conducted in Delhi, Jullundur, Ahmedabad, Aligarh,
Kanpur, Ludhiana, Calcutta, and Madras.

Food adulteration is one of the most atrocious 'gilded' crimes committed by the traders in India. It is so widespread that an estimated 25 to 70 per cent of most of the foodstuffs consumed in the country are adulterated or contaminated. Mutatis mutandis, the same is case of medicines. The Pharmaceutical Inquiry Committee appointed by the Government of India has found that the spurious drug trade flourishes in India to a colossal extent. This is due to the greed of the manufacturers, the ignorance of the consumers, the facile tendency to go in for cheap medicines from unauthorized dealers, and the shortage of genuine stocks.

Prosecutions under the Prevention of Food Adulteration Act fail quite frequently because of the defective reports of the public analysts or delay in the examination of samples, or because the procedure prescribed by the Act for taking samples is not followed.

Pointing out the difficulties involved in prosecuting the offenders under the Act, the Law Commission observed, inter alia:

"...The most significant feature of the prosecution process is undoubtedly the difference between the departmental inspector's view of the case and that which, in the event, he is able to give to the magistrate. The inspector's view of the case is obviously colored by his involvement in what may have been a lengthy series of visits and discussions with the accused and by his knowledge of the past history of the dealings with the accused over previous five or six years. The magistrate, on the other hand, is only permitted to hear the details of the particular incident with which the proceedings are concerned, and in addition he must pay some attention at least to the mitigating circumstances which defence counsel", ill put before him.

For a developing country, smuggling has ominous implications. Smuggling involves evasion of customs duty. It is directly responsible for the generation of black money in the economy' - It creates a vicious circle inasmuch as it generates black money which in turn boosts the demand for smuggled goods by those who have piled up black money. Smuggling also involves a drain on our foreign exchange resources. The smuggler appropriates a good part of the foreign exchange coming into the country and uses it to
finance his operations, with the result that the foreign exchange that could otherwise be used for import of essential goods, fertilizers, fuel, machinery, and raw materials is lost to the nation. Besides, in order to pay for smuggled goods, essential commodities such as food stuffs, vanaspati, and edible oils are smuggled out, thus creating shortages in the country. Over and above anything else, smuggling corrodes the very moral fibre of the society.

It is a matter of recent history that the rise of white-collar criminality in many countries has coincided with the progress in the economic and industrial fields. It would appear that the concentration of the economic and the consequent political power in a few hands, absentee ownership and impersonal monopoly, emphasis on money and credit, and decline in the sense of social responsibility among owning classes directly lead to white-collar crime. In a welfare state, the government controls various means of production and distribution of goods and material services, with a view to achieving its social objectives by regulatory legislation. The Vivian Bose Commission, appointed to probe into the working of ten companies in India, found that the concerned companies defrauded the government to the tune of Rs. 35 million. Again, the Santhanam Committee on Corruption found that in four years a sum of Rs. 70 million was the loss suffered by the government by the activities of 700 firms through misrepresentation, forgery, or other breaches of the export import control regulations. Illegal accumulation of foreign exchange through one type of fraud, viz., under-invoicing/over-invoicing of imports and exports, is roughly calculated to cost the Indian exchequer about Rs. 450 million, and tax evasion Rs. 3,000 million every year.

The inevitable result is the large-scale exploitation of the public by the businessmen and the professionals in the course of their occupational activities. A question arises as to how white collar offences continue to be 'gilded' and why many of the offenders go unpunished. The reasons readily suggested are: (a) the political and economic clout exercised by the offenders in the corridors of power, (b) the remedial philosophy of the violated law and regulations, (c) the haziness and popular ignorance of the dimensions and the impact of the offences committed, (d) the complexity of the laws and the resultant difficulty for the common man to understand them, (e) the capacity of the offenders to suborn and purchase news media, and (f) the collusion between the
offender and the victim, as in bribery cases.

Though scientific, systematic, and empirical studies relating to white-collar criminality are scarce, some high-powered inquiries instituted by the government have been very revealing. The Santhanam Committee report, which has been drawn upon heavily by Gunnar Myrdal in his *Asian Drama*, can not be bettered in its assessment of the impact of corruption and white-collar offences:

"Corruption can exist only if there is someone willing to corrupt and capable of corrupting. We regret to say that both this willingness and capacity to corrupt are found in a large measure in the industrial and commercial classes.... Contractors and suppliers who have perfected the art of getting business by undercutting, of making good the loss by passing off sub-standard works and goods generally spare no pain or expenditure in creating a favorable atmosphere. Possession of large amounts of unaccounted money by various persons including those belonging to the industrial and commercial classes is a major impediment in the purification of public life. If anti-corruption activities are to be successful it must be recognized that it is as important to fight these unscrupulous agencies of corruption as to eliminate corruption in the public services. In fact they go together."

Hoarding, profiteering, and black-marketing of essential commodities by the traders in India are becoming a serious problem. The Monopolies Inquiry Commission appointed by the Government of India has this to say:

"There is hardly anybody in India who has not been a victim of the practice of hoarding, cornering and profiteering, whenever there is a slight shortage - even temporary - in any consumer goods for which the demand is urgent and inelastic, almost every trader conceals his stock and blindly tells the customers that he has not got the commodity in stock, often putting the blame on producers for keeping him in short supply. After some time when the customer can no longer do without the goods, he proceeds to dispose of his stock at exorbitant prices. . . . Wheat, rice, sugar, edible oils, drugs, baby food - each of these commodities and many others have had their share of hoarding and cornering practice. . . . They have been called wicked, anti-social, criminal, but still these make their appearance every time there is any apprehension of even a slight shortage of such commodities."
The victims in practically all these offences are the entire citizenry - collectively and individually - and while the general public attitude towards them is to condemn, they feel powerless to do anything to stop them. No worthwhile study in depth has been made in India, for that matter anywhere else, of the complex interplay between economic growth (unplanned?) and economic offences and the 'protection' of the victim who is the voiceless citizen. The relatively lower wages levels in the developing countries directly lead to greater hardships to the economically weaker segments of the community from the offences listed above and thereby engender social tensions with political fall-outs. These could well be studied with profit.

There are the offences triggered by political terrorism which have introduced into contemporary life a new type of violence in terms of technology, victimization, threat, and response. The role of the mass media that publish these acts of violence under banner headlines and thereby, inadvertently perhaps, sub serve the terrorist cause is a fertile field for victim-oriented research.

No study has so far been made to ascertain why most of these offences, sometimes called white-collar offences, are gilded and how they meet with 'soft justice'. Does the political and economic influence-peddling by the offenders in the corridors of power neutralize the interests of the victims who form the bulk of the population? It the victims' ignorance of the complexity of the laws responsible for the guilty ones getting away with their misdeeds? What about the capacity of the offenders to suborn and purchase the news media, and the collusion between the offenders and the victims? Victimological probes into these will certainly be interesting, instructive, and useful from the point of view of the citizens and the policy-makers.

A few other areas for research may also be pointed out in this connection. They are by no means comprehensive but are only illustrative:

5.4 Self-defence for Women

Is there a tendency on the part of our women to submit meekly to the offender? Why is there an attitude of resignation towards male aggression? Has it got anything to do with our cultural traditions? If so, to what extent should such traditions be taught to be flouted by our women from a very young age? Is there a connection between female weakness
and backwardness in education? If so, are educated women capable of and willing to undertake self-defence more than their uneducated sisters? Is it true that a woman is less safe than a man in a lonely street? It is true that the more one broods over the problem the more it gets onto one's nerves. What are the deeper psycho-social, economic, and cultural cross-currents that prompt a man to seek physical intimacy with a woman whom he does not know? It cannot be just libido. Judo and karate exercises have helped restore the self-confidence, grit, and self-defence potential of many young women in Delhi. If it can be conclusively proved to be an effective deterrent against roadside Romeos, why should not there be a nationwide drive to popularize it among young people?

5.5 Prevention of Sexual Offences

Which areas or States in the country register such offences in intensity? Which class of women are more prone than the others? Do they belong to the working class, or the Harijan community, or any other sectoral, religious, or linguistic groups? Which age-group is exposed most to such victimization? How far are they responsible, partly or wholly, for their own victimization? What are the difficulties that a researcher is likely to encounter in practice? Is not research in this field much more intricate than in other fields because of the general hypocrisy in our comparative social values as between men and women?

5.6 Prevention of Victimization of Juveniles

A great deal has been studied and written about the subculture, operational strategy, and other features of juvenile delinquency. But what about their availability, the endless reservoir of manpower from which they are drawn, their exploitation by adults and by organized gangs - the 'dadas' operating in a major slum in Bombay have a recruiting agency which brings in regular supply of gullible youngsters from the southern districts of a Southern State - the reasons for their continuance in the palmy regions of anti-social activity, the cause of failure on the part of many well-meant social welfare agencies to retrieve them from their victimization?

Who are prone to be victims of homicide? Are they the very young? Or the old? Are women more victimized than men? A victimological study made in Delhi indicates that contrary to popular impression, young men are more often victimized than women. Are
there special areas where the offence is in evidence? Yes, as far as homicides are concerned, Delhi is five times as murderous as Bangalore. Even inside the city of Delhi, all areas are not equally violent. South Delhi (the vicinity of Jama Masjid and Chandni Chowk) is the worst, and central Delhi (the area around India Gate-Oberoi Intercontinental-Connaught Place) is the least violent. Has it got any connection between the classes of people who inhabit these areas, their habits, diversions, and living conditions? Presumably, yes. Those findings are also based on a study. What are the causative factors that contribute to murder? Can they be pre-empted, partially or fully? If so, can it be done by administrative action? Or, does it need legislation? As far as the individual citizen is concerned, there is no offence which causes as much distress, trauma, and hardship as homicide. Looked at from that angle, what actions can the state take to alleviate suffering?

5.7 Causation of Fatal Motor Vehicle Accidents

Is it true that the most productive age-group is prone to this victimization - the dashing young man with initiative, drive, and gumption? How far is aggression on the road responsible for it? Is it an inevitable offshoot of the sub-culture of the young? How far do personality factors override physical and environmental factors? What about defective highway engineering, poor planning, indiscipline and inadequate or faulty training, disobedience of motor vehicle regulations, defective maintenance of vehicles, absence of a machinery to insure proper maintenance, unsatisfactory enforcement of rules, and impatience? And what is the contribution of the pedestrian, the jay-walker, the unwary villager who comes to the town and ignorant of the ways of the town, exposes himself to accident victimization? Are there any other imponderable variables such as lax enforcement of licensing drivers, corrupt practices in licensing, corruption on the part of traffic enforcement staff?

5.8 Burglary

Is burglary, i.e., house-breaking and theft by night, the biggest or the second biggest item of crime in India? What is the total quantum of loss in monetary terms to the nation as far as this crime is concerned? What are the factors that aid the burglar in this county? The rainy season does in the Bombay - Malabar Coast. But is it true of West Bengal, Assam, and the north eastern States as well? How far are the victims responsible for other
factors? Is it possible to reduce the incidence of crime by the adoption of community
crime prevention programs? Have such programs been tried anywhere? Yes, in the City
of Seattle in the United States, Community Crime Prevention Programs have been able to
reduce the incidence of residential burglaries by 50 per cent.\textsuperscript{16} why should it not be
possible to adopt similar or modified programs in India?

5.9 Victimological Aspects of Terrorism

Who are the terrorists or political extremists? What are their aims? Who lead
them? Do they have popular support in the, areas where they operate? Do they have
international connections? Whom do they attack or victimize? Are they uniformly
spread throughout the country? If not, what factors help form terrorist pockets in certain
States such as Andhra Pradesh, Kerala, West Bengal, Bihar? Are any socio-economic
and political conditions prevalent in special areas responsible for throwing up local
support? Have victims been able to form any self-help groups and take protective
measures?

5.10 Police Attitude towards Victims of Offences

Do the police in India ever take into consideration any factor other than what is
required by the law and procedure? Do they have the time to devote to victim
counseling? Does any consideration of the traumatic effects of violent offences on
victims or their next-of-kin have a place in their system of priorities? Are not they
obsessed with presenting to the courts a presentable case? How far is such police attitude
responsible for indifferent reporting on the part of complainants? How often do they
expect victims to give standard versions meant to fall into pattern with their own pre-
conceived ideas of culpability? How often do their interrogations hurt victims'
susceptibilities? Do they not give an impression invader tenthsly or otherwise that the
plight of the victim is secondary?

5.11 Problems of Victims of Natural Disasters

Do victims of natural disasters such as floods and earthquakes receive prompt and
adequate succour? Is it necessary to undertake victimological surveys to ascertain the
truth? It is clear that there is no victim's contribution towards such disasters. Is there any
other angle from which the problem has to be viewed?
5.12 Marital Abuse and Causes of Suicide by Young Women

Is it not high time that critical analyses of our social customs and time old practices were undertaken to ascertain the root causes of this shameful phenomenon? Why is the evil confined to certain parts of the country? It can not be a coincidence that it is mostly prevalent in communities and areas where women are least educated. Why should society tolerate the woman to be treated as man's property? What methods can be thought of for rousing the popular conscience to this problem? How effective the enactments expected to come up in the current system of our parliament in this regard will have to be studied. What are the existing sanctions against the dowry system and how effective have they been?

5.13 Neglect and Ill-treatment of Children and its Effect on Juvenile Delinquency

How often do children get out of their homes? Has any attempt been made to quantify the effect of domestic tragedies arising from alcoholism? Has any study been made of the need for SOS villages in any city or town? What about rural children? How many millions of them need care and love? How much of the problem of uncared for children has been met by the UNICEF and the enthusiasm exhibited during the Year of the Child? What has happened to all the efforts made in States such as U.P., Maharashtra, and Tamil Nadu for redeeming young persons at the pre-delinquent stage? Have those efforts died down? If so, why? What about other States? Is the national effort in this field confined to one week of activity prior to 14 November every year?

5.14 Victim Perceptions of Alternatives to Incarceration

What are the victims' views of punishment of offenders in violent crimes, in socio-economic crimes, and in property offences? Does vengeance playa major part or a minor part or any part at all in victim's conceptualization of sentencing? Is an inadequate or a light sentence responsible for vengeful victimization of the offender by the victim? Is soft justice responsible for recidivism or violent, fierce, faction feuds? What contributes to deterrence from the point of view of the victim? Are victims cynical about the effects of sentencing? Does a death sentence against a murderer or a sentence of incarceration against a burglar or a robber or a dacoit satisfy a victim? Are fines considered adequate in
minor crimes? If so, in what types of crime? Do victims expect that a part of or the entire fine should be paid to them instead of being appropriated by the government? Do victims consider that terms of imprisonment make offenders vengeful? Do they feel that inadequate punishment is responsible for repetitious offences?

5.15 Genetic and Biological Perspectives of Victimology

Though the chromosome theory of crime causation has not been conclusively proved or accepted, it is worth while exploring whether corresponding to the xxy chromosome in some violent criminals, there is any other chromosomal defect or malformation which makes them specially liable or prone to crime victimization. This has special relevance to some of the "victimless crimes" which are dealt with in later paragraphs.

5.16 Silencing, Suborning and Intimidation of Victims and Witnesses and their Effect on Criminal Justice

Have any meaningful studies been conducted on the causes of acquittal of criminal cases in courts? Is it ever realized that there are 72 different causes, one or a combination of which is responsible for such acquittals? (This is indicated in an empirical study made by the Police Research Unit of Kerala.) How often are victims and witnesses threatened for making criminal complaints to the police or to the court? How successful is suborning of victims and witnesses concerned in criminal cases? What is the impact of the silencing of witnesses on criminal justice? How successful are offenders and their advocates in purchasing victims and witnesses? How often does it lead to miscarriage of justice? It is possible for the police or any other agency to pre-empt such practices? Has any cost-benefit analysis of this pernicious standard been undertaken? Is it possible under the existing dispensation to enthuse the functionaries of the criminal justice system to have their commitment to justice instead of a commitment to acquittal or a commitment to conviction? These are wide-ranging questions the answers to which will depend on prolonged study and research and their outcome will have a bearing on the entire gamut of forces governing the system.

Fear is not a quantifiable factor. Yet the impact of individual fear and group fear can be studied. What type of people are victims of fear of victimization? Are there specific areas where such fear is endemic? Is fear confined to any particular group? Does it arise out of knowledge or ignorance? What methods can be thought of for overcoming
fear of criminal victimization? How far can citizens' participation in crime prevention help overcome fear? What self-help measures in any locality, city, or State can counter such fear? Is fear of criminal victimization a temporary phenomenon? (In both North America and South America, I found that apart from the ordinary locks, hotel rooms have chains attached to the doors so that any possible intruder can not break in as soon as the lock is opened. Besides, there is also a specific instruction that chains should be fastened at night before retiring. It is an index of fear. Again, one is advised that while walking on the streets of New York at any part of the day or the night one should keep at least $20 in one's pocket so that a prospective assailant could be purchased with it and dissuaded from assaulting. It is another index of fear. These precautions arising from fear are well meant and pre-empt crime to a large extent. In our own cities, there are quite a few localities where law-abiding people fear to tread at certain hours of the night. As time passes, it appears that the fear syndrome will only worsen.) Is fear confined to big cities? Or is it there in smaller towns and villages as well? (At one time when the Naxalite violence was at its peak, the fear of victimization to violence was a rural phenomenon, confined to certain areas in West Bengal, Kerala, and Andhra Pradesh. Land values in those areas fell precipitously and the price of weapons and ammunition registered a steep increase. That was during the years 1968-71 and again 197576. Under the success of the anti-Naxalite drive launched by the State governments, that fear complex died down.) What is the role of the mass media in fomenting fear? The fear of Kidnapping of Children in Delhi is its latest manifestation. The impact of this fear syndrome on criminality is worth studying.

5.17 Methods of Combating Fear

Fear per se puts the victim of a crime in a dither and the offender at an advantage at the time of the commission of crime but precautions taken in time arising from fear can pre-empt the incidence of crime. What are the precautions to be taken by potential victims in various areas and at different hours of the day and the night? The type of precautions necessary in Delhi and Bombay may look ridiculous in Bangalore or Trivandrum. Only local surveys can answer pertinent questions in this sphere.
5.18 The Police as Victims of Criminal Offences

Which ranks in the police are susceptible to become victims of criminal offences? Is it the lone beat constable on his duty or night rounds or the armed policeman who goes to deal with riots and unlawful assemblies or the uniformed man who goes to apprehend the absconding criminals? Who is most exposed to physical danger? Or, are they the security guards sent to insure the security and safety of VIPs? How often do they fall victims to criminal offenders? Is the professional risk to which they are exposed a disincentive for their joining the police force? Has that factor ever affected recruitment to the police in our country? What about the policemen who go about their duties in plain clothes? Are they exposed to the same risk to which their uniformed colleagues are susceptible? Has fear of criminal victimization at any time resulted in the police not performing their duties properly? Are the members of the para-military units open to the same risks to which the members of the state police forces are exposed?

5.19 The Police as Perpetrators of Criminal Offences

How often do the members of the police force commit criminal offences? Is their rate of criminality higher than that of the professional groups? What are the causative factors in the phenomenon of police criminality? Is it a reflection of the political hobgoblin of the country? Do policemen have more opportunities to commit crime than others? Do social stigmatization, ill treatment from superiors, link-up with criminality have anything to do with criminal tendencies among policemen? How far are other factors such as approval of third degree by superiors, insistence on ends and indifference to means, vulnerability of the weaker sections of society responsible? Which segments of society suffer most from police victimization? Are the existing rules and procedures meant to provide security of tenure to police personnel over-weighted in favour of the wrong-doers among policemen? Is there a genuine case for revamping the existing procedures, and regulations and substituting them with others which will render administrative and legal action against every erring member of the police force easier than it is now? Is it possible to change behavioral patterns by radically changing the training methods? In a Southern State I was informed a few months ago that 4,000 police constables ables were recruited and put to work without any training. Of what earthly use
they can be I fail to see. Is brutalization part of the sub-culture to which certain ranks in
the police are exposed in the performance of their duties? How far is it condoned or
winked at by the higher echelons in the force? How is sensitization of the police to the
requirements of legality in dealing with unlawful elements to be achieved in practice?

5.20 Victimological Perceptions of Violence in Jails

Thanks to the humanistic judgment of Justice V.R. Krishna Iyer and the revelations
made by K.F. Rustamji, some light has been thrown on the conditions of our jails in one
or two States. But the picture of the jails in the country as a whole remains yet to be
exposed. What is the magnitude of violence in Indian prisons? What percentage of such
total violence occurs between prisoners, and between prisoners and jail staff? How much
of it can be attributed to recidivists, to misbehavior of jail staff, and to bad
administration? Are there other causes? Is it true that juveniles are thrown in cheek by
jowl with recidivists in most prisons in India? What is the cause of practically all inter se
violence among prisoners? Which type of prisoners or jail staff gets victimized in such
confrontations? How far are homosexual offences committed in our prisons? Is it not
possible to prevent them by segregating young prisoners and adolescents from confirmed
jail birds and recidivists? Is it not fair to take a fresh look at sentencing policies from this
angle? Is it a novelty to suggest that the Scandinavian experiment of conjugal visits to
jails may be tried out in India with a view to affording outlets for the physical and
emotional energies of long-term prisoners? Are there other measures that can be thought
of for preventing violence in jails?

5.21 Victimological Perspectives of Pollution

Most of the countries in the world have legislation on pollution and ecological
damage and provide penalties for violations. The main concern is to protect flora, fauna,
fresh water, and particular localities. The general idea of environmental protection covers
a wide range of concepts and legislation varies from country to country. On the face of it,
the police would appear to be the best agency to enforce such regulations and legislation.
But, burdened as they are with an increasing amount of "normal policing", are they in a
position to perform this additional task? Do they have the necessary infrastructure and
basic knowledge that this additional duty requires? Mer all, environmental problems have
little in common with the type of police work that is called conventional or traditional. Is
it enough if some groups in the existing police framework are specially trained and technically equipped or is it necessary to entrust the work to a special force to be selected and trained for the purpose? What will be the financial implications of either process?

Air pollution is obviously a matter of transnational concern. An understanding and interpretation of international environmental legislation will assume greater and greater importance as time passes by and our knowledge of air pollution improves. The declaration of the United Conference on Human Environment held in Stockholm in 1972 emphasized, inter alia, the responsibility of countries to insure that "activities within their jurisdictions or control do not cause damage to the environment of other States or of areas of limits of national jurisdiction" and went on to add that "States shall cooperate to develop further the international law regarding liability and compensation for the victims of pollution and other environmental damage caused by the activities within the jurisdiction or control of such States to areas beyond their control". A certain amount of pollution is a necessary concomitant of industrialization and no one can claim a right inside a country or an international right outside it to a completely pollution-free environment. If legal principles are to set national and international limits to the law on the subject, a lot more research on it appears to be called for, before irreversible damage is done to sensitive areas. Each nation makes its own contribution to the total regional atmospheric pollution load and it has yet to be ascertained in devising a national pollution control strategy. It would be desirable to incorporate in such a strategy international considerations even to begin with. Though India's neighbors are not yet in a position to cause damage to our atmosphere, the possibility of such a future contingency necessarily has to find a place in our perspective plan. Compensation to injured parties in such cases should serve not merely to provide monetary or some other relief to persons suffering from damages by pollution but also require the polluter to bear the cost of pollution. When an individual polluter cannot be identified or no provision for restitution exists, an environment damage fund is perhaps one escape valve to solve the problems. It should be possible for a claimant to prove environmental damage and lay a claim to compensation to an administrative agency which should be subject to demonstrable criteria and guidelines.
5.22 "Victimless crimes"

And then there are the "victimless crimes". Various authorities have opined that offences connected with prohibition laws, homosexuality, consumption of narcotics, abortion, gambling, and attempted suicide come under this group. There are the others who would include even prostitution, bribery, espionage, and currency and coinage offences under this category. But, to my mind, "victimless crimes" are a contradiction in terms. In all the categories of offences listed above there are victims. In drinking alcohol, consuming narcotics, gambling, or attempting to commit suicide, they are the victims who commit the offences themselves. Society has to protect itself and it has to be protected from its own chains. It may be true that "victimless crimes" arise because of organized society's attempt at banning through legislation the exchange between willing partners of mutually acceptable or desired goods or service~ or society's effort to protect the individual and itself from self-destruction. When exploitation plays on the gullibility of the individual human being, taking advantage of his or her helplessness, the question whether or not a victim is willing to undergo the pain or the degradation or suffer the harm implicit in a particular act to which he/she submits himself/herself should not arise. So the victimological perceptions of the crimes listed above are. Much more subtle than conventional crimes. They are the penumbra of the criminal justice system and the shadow which they cast on society's existence and the individual's pursuit of a self-respecting life can be removed only by viewing as severely as, if not more than, socio-economic offences and white-collar crime. There are limits to permissibility when men and women have to live in society. All offences may not be easily identifiable as much as a wound from a lethal instrument. Some may have harmless facades covering or concealing their harmful effects and societal organization has to protect the unwitting and the gullible from the unscrupulous and the unprincipled in its own ranks. In looking at victimless crimes, victimology enters the twilight zone between sociology, criminology, socio-psychology, and moral philosophy. It will necessarily have to be a multi-disciplinary analysis.

5.23 Practical Problems in India

In a country of the dimensions of India, to attempt nationwide surveys will be a fool-hardy venture since the infrastructural facility required for it will be of a size which it
will be difficult to organize within a reasonable time and the effort will be so time-consuming that by the time the results come out, they may have become outdated. Therefore, from the pragmatic point of view, it is best to have a series of small projects confining the samples to the victims of specific offences in limited areas and to institutionalize the arrangements in such a way that the expertise gained and utilized in one survey is not lost but is harnessed for the other projects. Here the random sample method is the best. In order to give proper weight age to the various zones which have peculiarities of their own in matters of language, habit, proclivity to violence, socio-economic conditions, and other special features, areas in different parts of the country may be selected to draw the samples.

There is no gainsaying the fact that data collection is the primary as well as the most important aspect of victimological research, the outcome of which is totally based on the facts collected by the field workers. Research on the victims of homicide in Delhi and Bangalore and on the victims of fatal motor vehicle accidents in Delhi being sensitive, involved special procedures and technicalities. To begin with, since reliance had to be placed on police stations for primary data regarding actual occurrences, the project director enlisted the cooperation of the police authorities in both the cities. That cooperation was forthcoming in ample measure. But for it, it would not have been possible to conclude the research successfully.

In order to collect secondary data, Performa were devised and sent to police headquarters. After collecting information from the different police stations, the proformae were returned to the Institute of Criminology and Forensic Science where they were checked, figures were tabulated, and analyzed qualitatively and quantitatively. For collecting primary data, research officers of the Institute approached Police station house officers and sought their active cooperation in the field in ascertaining the date of murder, the number of the first information report, the provision of law, the name(s) and address(es) of the victim(s) and his/her/their next-of-kin. These were verified by the research officers. This was followed by brief discussions with the respective station house officers. During these discussions, the complexity of the situation, if any, and the socio-psychological details of the victims and the next-of-kin were ascertained. Then the research officers, accompanied by a junior police officer who was familiar with the
topography of the locality and the addresses of the victims, approached the next-of-kin, introduced themselves, and interviewed in a relaxed -- atmosphere. At the time of the actual questioning, the escorting police officer was asked to withdraw since his presence was likely to inhibit the person in responding to the inquiries. Another precaution taken was to keep the persons other than those interrogated away at the time of the interview. These precautions helped free and frank expression of views and opened discussions of facts. The field research officers had instructions to avoid as far as possible noting down the details of responses at the time of interview.

Some essential precautions were taken by the researchers during the interview. Dignity and politeness were invariably exhibited, and these proved very helpful. Pomposity and condescension were avoided. Adjustment on the part of the field workers to the mental, social, and financial condition of the victims or their next-of-kin was scrupulously done. Understanding of and empathy for the emotional trauma required in the situation were insisted upon. In most of the cases the next-of-kin were either parents or spouses or siblings who had hardly got over the shock and the grief of their personal tragedies. Interrogating them meant subjecting them to the experience of re-living through those traumatic events once more. Yet our experience was that they were neither peevish nor bitter at having to answer questions. On the other hand, when they were told about the purpose of the research, they were pleasantly surprised that at long last an organization was taking interest in looking at crimes from the point of view of the victims and their next-of-kin. The principal difficulties experienced by our researchers were in locating the next-of-kin, wrong addresses, mobility of the people concerned, want of exactitude in the addresses, and inaccessibility of certain places. It so happened that several victims (and their relatives) in the offences covered by the project had criminal histories and therefore while reporting their victimization were apparently deliberately vague about their own activities and addresses. The resourcefulness and dedication of the researchers helped overcome the problems.

After the completion of the interview, they were required to go through the questionnaire once again order to fill in the responses which had not been recorded. Finally, they were required to write down their observations and remarks on each interview.
Soon after the data sheets were checked and re-checked, they were entered in the code sheets. The code sheets were again examined to ensure accuracy before being fed to the computer. Informed opinion of judges, police officers, politicians, and voluntary workers was collected by post through an interview guide/opinionnaire. Self-addressed stamped envelopes were sent for replies. The mailed questionnaire method suffers from several limitations and has low probability of returns. Yet, it is advantageous particularly in survey research since it is difficult to approach persons of eminence, busy people, office personnel, and workers during office hours. Besides, they may need more time to think over the problems from different angles before they record their responses. Keeping these in view, it was considered proper to approach them through a mailed questionnaire.

The primary and secondary data thus collected were subjected to analysis in both qualitative and quantitative terms using the relevant statistical techniques. Here are a few interesting sidelights of the researchers:

The involvement of women as victims in crime (murder) has been found everywhere 'low'. The data from both Bangalore and Delhi show that only three victims out of every ten were been women. As regards age, the very young and the very old have not been much of a subject of mayhem. The data show that the most vulnerable age is 22-50 years. However, the victims in Bangalore appear to be younger in age than those in Delhi.

Since the study is focused on urban areas, there is a chance that most of the victims would be from the service class. This is confirmed by the data. Most of the victims are seen to have been engaged in private service. But there are also other occupational groups such as daily wage-earners, businessmen and students. Focusing on both the cities the proportion of the housewives killed is sizable (14 per cent). About 85 per cent of the victims in the sample including 12.2 per cent of the women victims had a monthly income of less than Rs 1,000.00.

That homicide does not take place in a social vacuum is brought out by the data collected. A sizable section of the victims in both the cities have had prior interaction with the offender, but Bangalore leading Delhi.

These details relating to the homicide victims in the two cities may well have to be kept in mind while examining the aspects relating to the offence and compensation.
The data clearly show that Delhi is five times as violent as Bangalore and there has been a linkage between homicide and dark hours. About 50 per cent of the occurrences have taken place during the evening hours. In relation to place of occurrence, the two cities perceptibly differ. In Bangalore market-place and residential area have figured prominently; in the case of Delhi, an overwhelming number of cases have occurred in residential areas. However, at time residential, recreational, commercial, and other areas are far from being clearly demarcated. The motive behind the offence has mostly related to property or money. In a few cases sexual reason has also been an issue.

As regards the method used for committing the offence, in both the cities, stabbing has been the foremost method followed by beating or bludgeoning. It is further seen that firearms have been used only in metropolitan Delhi.

5.24 Compensation

That homicide has caused economic hardship to the bereaved family is brought out by the data. Such economic difficulties are reported more clearly from Bangalore than from Delhi. Apparently, people in the two cities are not insurance conscious. Only a small proportion of the victims had life insurance cover of varying values. This explains in part the economic difficulties faced by the bereaved family after the occurrence. This becomes particularly pointed in view of the fact that only a negligible number of families have been provided relief by the government. Even by way of school assistance, only one family (in Delhi) has been the beneficiary. Again, it is only in Delhi and that too in only two cases that a member of the bereaved family has been provided employment.

It may be noted that provisions relating to victims' compensation in the country is practically non-existent. Side by side, it also cannot be generalized that there are no compensatory measures available at all. There are some measures but, more often than not, official procedures are cumbersome. A few families in the capital city of Delhi who could get some succor report that they have had considerable difficulty in filling the official documents.

Apart from compensation, which relates to public assistance programs, another angle may be kept in view. The offender may be made to pay restitution. There is also some such provision in the procedural law. An attempt has been made at ascertaining
the views of the next-of-kin in this area. But there are not many among the respondents who feel so. About 30 per cent of them in Bangalore and only 7 percent in Delhi think that the offender should be compelled to pay restitution. The situation relating to victims of homicide in the two cities as outlined above shows that most victims are men, young or middle-aged, have low income, and have known the offender. The offence has taken place in the early evening hours in a residential area and, money or property has been the main issue. The offender has mostly taken to stabbing. Further, the bereaved families in the aftermath of the offence have been in economic straits particularly because there is no insurance cover and public assistance has been precious little. In respect of the economic difficulties faced by the bereaved family there are not many who feel that the offender should or could pay restitution.

These are some of the preliminary conclusions arrived at as a result of the first ever victimological survey in India conducted by the National Institute of Criminology and Forensic Science which is a pioneer in this field in the developing world.

Research reports on terror and terrorism from the victimological perspective are few and far between even in countries where the need for them is keenly felt. Reasons are simple enough inadequate data, limited access to victims and their next-of-kin, exiguous finance and poor documentation. The actual process of terrorization is the exertion of overwhelming force, under conditions which are sometimes anticipated, sometimes not, on victims who are either totally annihilated or threatened with annihilation. The victim's reaction is one of fear of imminent death, his or her own helplessness and unpredictability on the part of the terrorist. Three types of threats induce acute stress viz. threat to life or limb; threat to security; threat to self-respect.

Fear and intimidation are nothing unique to terrorist victimization. They are endemic in all violent crime. The difference is that in ordinary crime, a degree of pre-emption is possible by its predictability. In the thirties and forties of this century it was quite common to see house-holders of the middle and upper classes sleeping out in the open lawns or terraces of their homes at night during summer months in the whole of Northern India. Not so now; everyone sleeps indoors everywhere. Security chains on doors of residences were unknown. Now they are the rule. They are preemptive measures taken because of fear of criminal victimization. In terrorist victimization these precautions are
useless. So the intensity of fear is acute. Hence the need for resourcefulness of a different kind. At heart even the terrorist loves his own life. Self-preservation is an instinctive desire Providence has instilled in all creation. The way that attempted robberies in Ludhiana were thwarted is a pointer to the problem of coping with terrorism. First of all, the existing confidential instruction issued to all bankers to surrender weekly if there is a terrorist attack has to be countermanded. In place of employment of retired old people as guards, young people with adequate training in fire-arms and orders to shoot to kill armed intruders should be issued. Periodic in-service training is a must. The offer of district collectors in Punjab to grant revolver licenses to Bank managers who have never handled fire arms in their lives was quite justifiably rejected by them. First of all, a revolver is no match for AK 47s with which the terrorists are armed. Secondly, without adequate training to fire with it, a revolver will be an additional weapon presented to the terrorist. Thirdly a bank manager or any person doing sedentary work will not have agility and alertness to fire with the weapon at a fraction of a moment’s notice which is the requirement in any emergency situation. Quantification of these problems and detailing the infrastructural requirement in terms of organization, institutionalization and financing have a vital role in victimological research.

It is when research investigator begins to quantify these unquantifiable phenomena that they confront the nitty-gritty of their intricacies. Neither the victims nor the professional medical personnel who treat them are able to provide reliable data. More difficult is the problem of gaining the trust of the victims. This problem is so intractable that the author had to abandon a victim oriented research survey of rape victims in Delhi who felt it was all an exercise in futility as far as results were concerned and a repeat performance of the trauma as far as the victim was concerned. The victim's perception of the exercise was that of it was long on promise and short on achievement. Mutatis Mutandis the same penumbra of unwillingness to open up on their experiences on the part of hostages and kidnap victims who have political or organizational reasons for anonymity is said to bedevil research in Israel and the United States. It is on record that in many countries requests for Governmental support for systematic studies of victim by independent research are turned down for fear of adverse reaction from the subjects concerned, costs and the reliability quotient. As far as the technique of assessment in
victim research is concerned, useful equipment employed in Scandinavian countries is the Halsteav-Reiten Battery. It enables a series of neuropsychological tests designed to detect the presence of organic brain dysfunction and to measure the extent of disability caused by terrorist victimization to be conducted. The equipment is portable, concealable and quick working. We have nothing like it in India.

Reference has been made elsewhere in this volume to the brutalization of children—thousands of them. Research done elsewhere for several years shows that 'Little victims grow into big terrorists". 17 Some societies ameliorate and others exacerbate the effects of stress and distress arising from violence. No one has studied how far childhood experiences have been responsible for. The young men in Kashmir, Punjab, North East India and Andhra Pradesh becoming readily responsive to the anti-social and antinational appeal made to them from inside & outside the country and resort to inhuman acts of terrorism. According to Dr. Rona M. Fields, a noted researcher recent history suggests that terrorism appears in waves about once every two decades. This might be explained by considering the childhood experiences of the terrorists—to be in terms of national and social turmoil characterizing their early life. Not all children growing up in turmoil and violence become terrorists, but one shudders to contemplate the mental chemistry of future generations of Indian children victimized now, whose psychological, social and political ways have not been assessed in any meaningful manner. Clinical studies of children growing up in extreme stressful conditions elsewhere in the world strongly presage their growth into traumatic psycho-numbing, callous adults.

There is an object lesson in this for security agencies to ponder vis people who are ill-treated or unjustly punished will seek revenge. As a matter of fact, even those whose punishment is justified in legal terms will long to wreak vengeance on those who imposed that punishment and if the latter are not available, on society at large. So counter-terror should not be a means to counter terror. Hence the need to explore SATWIC remedies to solve the problem—a fertile area for research in India.

Researches done in other Countries in this area indicate that there is so much good in the worst of us and so much bad in the best of us that it will behaves any of us of find fault with the rest of us. Hardened criminals in high security prisons in the United
States, Philippines, Nigeria and other countries have turned over a new leaf after exposure to the SATWIC method of Transcendental Meditation over a short time. Analytical reports from the seasoned administrators of penitentiaries, like the Full some prison in New York, the California State Prison and so on testify to the effectiveness of the methodology in tackling professional criminals. If so, there is no reason why young terrorists captured alive should not be sought to be weaned away from their anti-national and antisocial behavior to which they have been pitch-forked by foreign and other agencies by brain washing over a period of time. An experimental project at a few centers in Punjab and Kashmir should be sufficient to test and verify the results for later adoption to wider groups in course of time.

The extent of health deterioration in victims of terrorism needs to be investigated. It may not be possible or fair to draw quantifiable conclusions on the basis of research done on stressors of different magnitude and duration. Owing to difference between individuals large number of cases may have to be examined to arrive at verifiable conclusions. Complaints of sickness will have to be distinguished from incidental disease. Besides, a control group will have to be readied in order to provide a base line rate of illness. This group will have to be as close as possible in age, social background and sex distribution to the group of terrorized victims. All this calls for a well planned psychosomatic research in order to gauge the damage cause to victims of terrorism. Mere conjectures and generalized platitudes based on media reports are not enough for imaginative, sympathetic and meaningful policy-making.

Research into fear of Criminal victimization has to take into consideration the subtle difference between concern for crime as a social issue, apprehension of crime as a general personal issue and fear of crime or fright as an intensely personal phenomenon. Role exaggeration in narration from mouth to ear, media presentation by over-emphasis, differences of perception of victimization in urban and rural areas, differences in social and financial status of different segments of society, financial cost of pre-emptive measures—all these factors which have a bearing on criminal victimization remain to be researched into and fed into policy-making.

It doesn’t need much of any research to suggest that the best and most obvious
method to reduce fear of criminal victimization is to adopt measures to reduce incidence of crime. That is quite a daunting proposition and enveloping the whole criminal justice administration, streamlining and pulling up by their own bootstraps the entire gamut of agencies like the police, the courts the prosecutors and rehabilitating and after-care institutions. A detailed treatment of the subject will be outside the scope of the present study. Yet, it will be useful to examine how a developing Country like INDIA can mobilize the services of Community Crime Prevention Agencies, Police patrols and adopt unofficial and environmental strategies for the purpose. Police response to a complaint of criminal victimization is an important-the most important-criterion by which to judge the popular satisfaction (or otherwise) with the functioning of the criminal justice system. In most Developed Countries, a gap of more than 7 minutes between a complaint and Police response is considered unsatisfactory. As far as India is concerned, the less said about Police delay or lack of response altogether, the better. A few research projects simultaneously conducted in all the States of the Indian Union meant to ascertain the degree of Police professional response or indifference in this respect will be a rewarding exercise. Two vital components of the prevalent inertia and/or incompetence in this respect are political interference and corruption. It was in interesting eye-opener to the author to watch a feature telecast by the BBC, London on one of its late night programs on Tuesday, September 21, 1993. Senior Police Officers of the link of Superintendents from all over the United Kingdom, in Conclave in London, unanimously passed a resolution characterizing the functioning of the British Criminal Justice System as a 'disgrace' and narrating how it had 'completely failed to serve the purpose which it was meant to serve'. A probe into the ways and means by which they intend to salvage the system should be useful for any intrepid researcher. A recent case in which a woman (said to be of easy virtue) who was an eye-witness in a murder case in Kerala was done to death before she could be examined in Court, at the behest of a smuggler who has clout in the corridors of power and the failure of the police to protect her comes to the author's mind in the context of this discussion-a typical instance in which a Victim witness Assistance Program, if it were existent could play a useful part as an item of Community Crime Prevention, supplementing and rectifying the role of the Police and helping the Courts to arrive at right decisions.
The reasons why Victimological and criminological research have been in the back burner are not far to seek. The cream of available human youthful talent in India is skimmed away by attractive disciplines like technology, higher administration (including the IAS, IFS, IPS, IRSE, IRS, IAAS, and other All India Services), engineering, medicine, banking and business administration. From what is left behind, law takes a slice. The rejects gravitate to Sociological and Criminological studies. It is futile to expect the requisite initiative and gumption for original research from that segment of youth. The allotment of funds at governmental level is an index of the lack of importance attached to these latter disciplines. Yet if the right type of talent is forthcoming, it should be possible to attract funds for research from organizations and funding agencies, like the Ford Foundation and even from parsimonious government budget (as the author found when he was Director of the National Institute of Criminology and Forensic Science).

Government at the highest policy-making levels and the University Grants Commission should not merely be circumspect in funding in service Courses of half baked professionals in the Criminological field but devise their own monitoring machinery to oversee and evaluate the Course from the point of view of encouraging professionalism and stalling careerism in the services concerned. More important is the need to do career planning and improve chances of advancement in the profession for Criminologists and Victimologists so that better human material may be attracted to the profession. In the absence of such measures, research is bound to wallow in mediocrity.
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