

Criminal victimization & Justice Administration in India

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Criminal influences the individual victims and their families. It causes serious physical and psychological injuries to the victim and victim's family. Sometimes due to the consequences of the crime victim suffer financial loss. They feel isolated from the society and want to live alone. For example a victim always feel afraid to walk into darkness alone than a non-victim person. They fear of what happened with him, which always happened to be an abstract on his path to move forward or start a new journey. His past always reminds him what happen with him

The current UN supported International Crime Victimization Surveys (ICVS) gauges demonstrated that one in five of all grown-ups will be victimized by a typical crime every year, with some of them re-victimized. The Code of Criminal Procedure (Amendment) Act, 2008, added clause 'wa' which says, "victim" means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression "victim" includes his or her guardian or legal heir".

The national crime victimization survey reported that the average annual rate of violent crime continues to be highest among youth between the age of 16 and 19 who were victimized at a rate of 55.6 per 1000 persons.

To secure the rights of the children in India, to protect from abuses and victimization and to empower children to give them education which is the basic tool to protect themselves which is their fundamental rights in which supreme court decided Article 21-A as a fundamental right. To give free and compulsory primary education is the right of every child between the ages of 6 to 14. Article 21-A state that "The state shall provide free and compulsory education to all children of the age 6 to 14 in such manner as the state may by law determine".

In order to secure the rights of children in India and to protect them from abusing, victimization or empower them, education must be provided them as their fundamental right. In *Unnikrishnan's case*,² during 1993 Supreme Court made Article 21-A to make education a fundamental right of children. The article clearly states that "The state shall provide free and

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² AIR 2178, 1998 SCR (1)594.

compulsory education to all children of age of 6 to 14 year in such manner as the state may by law determine".India also signed the united nation's convention on the rights of the children in 1992 in order to secure the rights of children and to promote it globally and act was taken as the basic and necessary step towards the protection of rights of children.

The Directive Principles of State Policy enshrined under Part IV provides 'foundation for a new social order'. In fact, crime victims and other victimized people fall into the domain of Article 41. Another set of provision is Article 51-A which provides a fundamental duty to every citizen of India to protect and improve the natural environment...and to have compassion for living creatures" and "to develop humanism".

The concept of criminal justice in India came into existence during the times of Manu. He described many forms of offences like murder, rape, breach of trust, theft, sedition, assault etc. Manu believe in "Divine theory" means king is the supreme and people are bound to follow his rules and regulations. King himself is an administrator of justice. He had power to decide matters relating criminal offence and give punishment on his own discretionary power.

In modern time we have codified laws. Essential objects of these laws are to protect society from unwanted criminal objects who want to break out the peace. For this very same purpose law holds the threat of punishments to criminals and makes suffer offenders by the prescribed punishments for their crimes.

In India for the criminal administration in justice we divide criminal law in two parts-

1. Substantive law
2. Procedural law

Substantive criminal law defines the offences and punishments for the offences while procedural law administered the substantive law and provides the producer which leads to the justice in reality. In criminal administration in India we have two statues of laws, Cr.P.C. (Criminal Procedure Code, 1973) as the procedural law and I.P.C.(Indian Penal Court 1860).IPC was drafted during 1860 on the recommendation of the first law commission of India established in 1834 under the charter act 1833 under the chairmanship of Lord Thomas Babington Macaulay and its elements or rules were inspired by Napoleonic Code. IPC defines the definition of offence like murder, culpable homicide, offences against state, etc. and also provides punishments for the offences which are carried out with proper procedure laid down in CrPC, 1973.

The procedure for administration of criminal justice is defined under CrPC. The procedure is divided into four steps 1.investigation 2.inquiry 3.trial and 4.punishment. There are two types

of offences, one is cognizable and second is non-cognizable offences. This is defined in the code cognizable offence under section 2(c). “Cognizable offence” means an offence for which, a police officer may, in accordance with the First Schedule or under any other law for the time being in force, arrest without warrant and this case is known as cognizable case. Section 2(1) defines non-cognizable offence. “Non-cognizable offence” means an offence for which, and “non-cognizable case” means a case in which, a police officer has no authority to arrest without warrant .Investigation is defined under section (h). “Investigation” includes all the proceedings under this Code for the collection of evidence conducted by a police officer or by any person (other than a Magistrate) who is authorized by a Magistrate on his behalf .Investigation is the primary elements in procedure of law in justice after the recording of FIR (First Information Report) in police station and under section 154(4) police has power to investigate the complaint of cognizable cases without the order of the police.In case of Bhim Singh vs. Union of India dated 5/9/2014. Court gave guide lines relating under trial prisoners, directed for effective implementation of section 346(A) of the code of Criminal Procedure by directing jurisdiction magistrate/chief judicial magistrate/session judge to hold one sitting in a week in each jails/prison for two months commencing from first October,2014 for the fulfillment of purpose of section 436(A).