

Right to compensation of victim crime, victimization & victimology in Bangladesh perspective

Md. Abdul Karim¹, Dr. Md. Emran Parvez Khan²

¹(Lecturer, Departmen of Law, Z.H. Sikder University of Science & Technology, Bangladesh)

²(Associate Professor & Dean, Faculty of Humanities & Social Science, Z.H. Sikder University of Science & Technology, Bangladesh)

Corresponding Author: Md. Abdul Karim

ABSTRACT: Everyday thousands of people from all over the country are falling victims to different kinds of offences. As a result of the occurrences the victim as well as his/her family suffers tremendously. The victims as beneficiaries of the laws do not have any specific access to receive compensation as of right rather have been made optional by the laws in particular and by the courts in general. Apart from this the existing laws are quite insufficient to redress the sufferings of the victims as a whole. In this write-up, effort has been made to analyze the inherent weaknesses of the existing laws, to show inevitability of formulation of sufficient laws and to leave findings and recommendations befitting with the socio-economic conditions of Bangladesh. Structurally this paper has an open ending, as such, it calls for more and more debates to generate a holistic remedy for the victims.

Keywords: Victim of crime; reluctance of victims to report crimes; crime victim compensation right; concept & nature of victimization with effects; primary victimization & its consequence; idea & scope of victimology with its variants; crime victim's compensation right-International perspective; crime victim in the criminal justice system of Bangladesh; findings, recommendations & unit summary.

Date of Submission: 01 -06-2017

Date of acceptance: 17-07-2017

I. INTRODUCTION

The aim of the criminal justice system is to protect the rights of individuals against the intentional intrusion of criminals who infringe the basic rules and regulations of the society and of the state. An effective administration of the criminal justice system is the gateway to a democratic society and an essential ingredient to build up public confidence in government machineries. After 190 years of British Colonial rule and another 24 years of Semi-colonial rule Bangladesh got its independence in 1971. Posting dependent Bangladesh inherited and has continued to use a substantial body of criminal law as was codified by the then British ruler. The code of criminal procedure of 1898 is one of those statutes, which still regulates the procedural law in the criminal justice administration. Though remarkable changes have been initiated from time to time over last 38 years the statutes are still almost dormant about the rights of the victims regarding compensation. However, some legal provisions do exist in this regard in some special laws. Due to lack in these provisions of general and special law victim's right to receive compensation is very much uncertain. This paper is an endeavor to show the loopholes of the existing laws and, a hand out prescribing for necessary infiltration, modification and formulation.

II. OBJECTIVES

The entire criminal justice system of Bangladesh is designed in such a way that a person accused of an offence can get fair trial and justice. Article 35 of the Constitution of Bangladesh ensures this right to fair justice as a fundamental right. But the state and the society are hardly concerned about crime victim's right to get justice as well as compensation. The main objectives of this study are three folds:

1. To focus on the present criminal justice system of Bangladesh from victim's perspective.
2. To identify lacunae in the prevailing system regarding crime victim's right to receive compensation.
3. To suggest a few necessary steps to change the scenario.

III. VICTIM OF CRIME

A victim of a crime, or crime victim, is in criminology and criminal law, the identifiable person who has been harmed individually and directly by the perpetrator or defendant, rather than merely society as a whole. However, this may not always be the case, as with victims of white collar crime, who may not be clearly identifiable or directly linked to the crime, and are often denied their status as victims by the social construction of the concept.

A victim of crime is a person who has sustained physical, moral, material or social damage on account of being direct or indirect object of depredation. In the commission of every crime there must be a direct or indirect victim. In cases of offence as against person and offence as relating to property there exist direct victim. But in case of white-collar crime there are no direct visual victims.

According to article 1 of the *UN declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, "Victim" means persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights through acts or omissions that are in violation of criminal laws operative within members states, including those laws proscribing criminal abuse of power.

Article 2 states, a person may be considered a victim, under this Declaration, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim.

The term "Victim" also includes, where appropriate, the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victim in distress or to prevent victimization. (General Assembly Resolution 40/43: 1985) From this wide definition, any person feeling aggrieved or injured from any dimension, directly or indirectly, may be considered as victim. Thus the persons financially or psychologically dependent on the direct victim of a crime are also considered as victims.

3.1 Reluctance of victims to report crimes

The reluctance of victims to report cases to the police remains an issue to be probed in by victimologists. Some of the reasons for non-reporting of crimes are:

1. People's apathy and attitude of indifference;
2. The effect of crime being insignificant or petty;
3. Identity of the offender being unknown;
4. Apprehension of threat or harassment from the culprit;
5. Social and public indignation, particularly in cases of rape, illegal abortion and other sexual offences;
6. Considerable loss of time, money in prolonged criminal litigation;
7. Reluctance of witnesses to testify or possibility of their turning hostile;
8. Lack of faith and confidence in police action.

Needless to say that apathy of victims to report against the offender encourages criminality. Therefore, victimologists should concentrate the problems which hinder victim's approach to the agencies of criminal justice system for redressal of their woes and sufferings. Since the ultimate end of penal justice is to protect and add to the welfare of the people and society as a whole, victims' rights should not only be recognized by the State but they should be well protected by the law and victim's services should be further extended. The emergence of compensatory jurisprudence is indeed a welcome step from the point of view of human rights philosophy.

3. 2 Crime victim compensation right

The idea of paying compensation to a crime victim is not an idea of recent time. In most of the ancient societies such system was recognized in different forms. "Recreations to criminality by general confiscation of property or by imposition of a fine has existed in most literate societies, but there have been great variations in the emphasis placed upon this system. The practice developed somewhat as the general punitive reaction developed. When another injured an individual, he might claim damages, the amount depending on the injury done and the social position of the injured party. Then the king claimed a part of this payment or an additional payment for the participation of the state in the trial and for the injury done to the state by the disturbance of the peace. About the twelfth century, the victim's share began to decrease and the exactions of the king to increase, until finally king took the entire payment. (Sutherland, 1960:275) Paranjape stated that punishment should include both compensation as well as imprisonment. As a matter of general policy, it would be ideal to prescribe

reparation or payment of compensation for offences relating to property while penal sentence with or without fine may be awarded for crime against persons. (Paranjape, 2005:217) In ancient criminal legal system of India "the right to claim compensation was very much recognized. The right to claim compensation from the wrong doer was generally accepted. In certain cases, the court was empowered to grant compensation to the aggrieved party in addition to the punishment given to the offender." (Kulshrestha, 2005:22)

Article 12 of the '*UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*' reads, "When compensation is not fully available from the offender or other sources, states should endeavor to provide financial compensation to:

- a. Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious crimes;
- b. The family, in particular dependants of persons who have died or become physically or mentally incapacitated as a result of such victimization." (General Assembly Resolution 40/43:1985)

IV. CONCEPT & NATURE OF VICTIMIZATION

The noun "victimization" has two meanings, "an act that exploits or victimizes someone" and "adversity resulting from being made a victim" (Victimization, N.d). Despite these two descriptions of the same word, both illustrate the problem of victimization. One of the most controversial sub-topics within the broader topic is victimization. The concept of "victim-proneness" is a "highly moralistic way of assigning guilt" to the *victim of a crime*, also known as *victim-blaming*. Victim blaming is holding the victims of a crime, an accident, or any type of abusive maltreatment to be entirely or partially responsible for the unfortunate incident that has occurred in their life, often when the victim had performed no actions to facilitate the incident. It is also about blaming individuals for their personal distress or for social difficulties, rather than the other parties involved or the overarching social system in place. There have been some studies recently to quantify the real existence of *victim-proneness*. Contrary to the urban legend that more women are repeat victims, and thus more victim-prone than men, Actually men in their prime (24 to 34 year old males) are more likely to be victims of repeated crimes. While each study used different methodology, their results must be taken seriously and further studies are warranted.

The study of victimology may also include the "culture of victimhood," wherein the victim of a crime reveals in his status, proclaiming that self-created victimhood throughout a community by winning the sympathy of professionals and peers. In the case of juvenile offenders, the study results also show that people are more likely to be victimized as a result of a serious offense by someone they know; the most frequent crimes committed by adolescents towards someone they know were sexual assault, common assault, and homicide. Adolescents victimizing people they did not know generally committed common assault, forcible confinement, armed robbery, and robbery.

One particularly well known example of a class at increased risk to varying forms of attacks is the prostitute. These people have been known anecdotally to have an abnormally high incidence of violent crime, and such crimes go unresolved frequently. Victimological studies of the matter might investigate current societal mores (expectations, roles, social status), legal status of prostitutes, typical working/living conditions, statistical analysis of the actual increased risk and secondary risk factors, and the economic activity of a prostitute. Another example is when the victim actively precipitates or initiates the crime scene, for example, by starting a fight or baiting another individual.

4.1 Effects of victimization:

Victimization is a highly complex process encompassing a number of possible elements:

- **The first element** (often referred to as 'primary victimization') comprises whatever interaction may have taken place between offender and victim during the commission of the offence, plus any after effects arising from this interaction or from the offence itself.
- **The second element** encompasses the victim's reaction to the offence, including any change in self-perception that may result from it, plus any formal response that s/he may choose to make to it.
- **The third element** consists of any further interactions that may take place between the victim and others, including the various criminal justice agencies with whom s/he may come into contact as a result of this response. Where this interaction has a further negative impact on the victim, it is often referred to as secondary victimization'.

4.2 Primary Victimization and Its Consequences:

With regard to the primary victimization phase of the process, it may be helpful to begin by distinguishing between the effects or consequences that are known to result from crimes of different kinds and their impact on victims themselves. It is a relatively straightforward task (see e.g. Newburn, 1993) to identify and categorize the different types of *effects* with which various crimes may be associated, even though in practice (and particularly from the victim's own perspective) it may be much more difficult to compartmentalize them in this way. Certain crimes entail physical effects, which are likely to involve some degree of pain and suffering, and may also entail loss of dexterity, some degree of incapacity and/or possible temporary or permanent disfigurement. Many crimes also have financial effects, which may be either direct where they are attributable to the theft of or damage to property or indirect. Very often crime can result in additional costs that might be incurred, for example, in seeking medical treatment or legal advice, or loss of income as a result of attending to the crime and its aftermath, or possible loss of future earning potential.

Certain crimes can also have psychological and emotional effects upon victims including depression, anxiety and fear, all of which can adversely affect their quality of life. Finally, though it is often overlooked, crime can also adversely affect victims' social relationships with family, work colleagues and friends. In principle, at least, it should be possible to quantify most of these effects reasonably objectively, though in practice it is methodologically very difficult to do this (see Maguire, 1991: 387–402), particularly in the case of those effects that do not have direct financial consequences. The measurement of any emotional effects is particularly problematic, not least because both the emotional experience itself and the extent to which people are willing and able to discuss it are themselves highly subjective and, to some extent, culturally specific (see Wortman, 1983). One additional general observation is that the effect of crime specifically on victims social relationships with family friends and associates has largely been neglected by researchers, or if acknowledged has been treated merely as an aspect of the psychological effect of crime. This is somewhat surprising as crime and its aftermath are known to be a stressful experience for victims, and social relationships are also known to be adversely affected by stress of different kinds.

V. IDEA & SCOPE OF VICTIMOLOGY

Victimology in a broader sense describes the study of people who have experienced any of the wide range of victimization experiences from any one of the following perspectives: the victim, the offender, family and society.

Victimology is the study of victimization, including the relationships between victims and offenders, the interactions between victims and the criminal justice system that is, the police and courts, and corrections officials -- and the connections between victims and other societal groups and institutions, such as the media, businesses, and social movements (Andrew Karman, 2003). A *victim of a crime* (or *crime victim*) is in criminology and criminal law, the identifiable person who has been harmed individually and directly by the perpetrator or defendant, rather than merely society as a whole. However, this may not always be the case, as with victims of white collar crime, who may not be clearly identifiable or directly linked to the crime, and are often denied their status as victims by the social construction of the concept. (Croall, 2001). Not all criminologists even accept the concept of victimization or victimology.

The aim of victimology as a science is to help such sufferers of crime and remove the social confusion by addressing to the problems of victims of crime. It is a relatively new area which is considered as a field of specialization within criminology. In other words, criminology encompasses within it the study of law making, law-breaking and societal reactions to law-breaking whereas victimology forms a part of specialized study in the field of societal reaction to law-breaking. Thus it has been generally accepted that criminology comprises four sub-fields:

- Penology and the sociology of law;
- Delinquency;
- Comparative and historical criminology; and
- Victimology.

Victimology as a branch of criminology encompasses the study of the following:

- Victimization;
- Victim-offender relationships;
- Victim-criminal justice relationships;
- Victim and the media relationship;
- Victims and costs of crime;

- Victims and societal reactions; and
- Compensatory remedy for victims.

5.1 Variants of the victimology

Victimology as a field of study is a recently developed sub-discipline of criminology. Whereas the latter is very broadly concerned with the study of crime and criminals, victimology focuses equally broadly on crime and its victims. As within criminology itself, however, individual victimologists have tended to focus on very different sets of issues, as a result of which a number of variants within the sub-discipline may now be differentiated. The position within victimology is further complicated by the fact that the academic study of victimology is closely intertwined with and is consequently almost impossible to disentangle from the equally diverse philosophies and practices that have been adopted by various sets of activists who have championed the cause of victims (Fattah, 1989). In this section, three principal variants within the field of victimology positivist, radical and critical victimology are briefly described and linked with the discrete tendencies within the diverse victims movement with which they are most closely associated.

VI. CRIME VICTIM'S COMPENSATION RIGHT: INTERNATIONAL PERSPECTIVE

In the mid sixties (60s) in a number of countries we notice that a tendency has been initiated to formulate laws of compensation and restitution of the victims. Crime victim compensation program was introduced first in the Great Britain in 1964 and then in New Zealand in the same year. Compensation is paid in the UK under the criminal injuries compensation scheme 1964. Under the Criminal Justice Act of 1988 a statutory body is created to that effect. In the USA, for the first time Senator Ralph Yarborough of Texas introduced in 1964 to establish a crime victim compensation program as was established in the Great Britain, and in New Zealand but his attempt failed. California was the first state to establish the nation's first compensation program in 1965. By 1980, 28 states were providing victim compensation, and most of the rest of the states authorized programs during the next decade.

Ultimately in 1984 the Federal Government enacted the Victims of Crime Act (VOCA). Currently, all 50 states, plus the District of Columbia, the Virgin Islands and Puerto Rico, are operating compensation programs. The UK, Switzerland, Canada, Australia, New Zealand, Japan and some other European countries also have victim compensation program.

The counties, running crime victim compensation program includes direct victim (who is injured physically or mentally, or died) and his or her dependents (spouse, children, parents) as eligible applicants for compensation. By this time, United Nations General Assembly in 1985 adopted the *Declaration of the Basic Principles of Justice for the Victims of Crime and Abuse of Power*. This declaration recognizes victims' right to information, treatment, restitution and compensation.

VII. CRIME VICTIMS IN THE JUSTICE SYSTEM OF BANGLADESH

7.1 Crime scenario of Bangladesh

Crime is one of the most challenging issues for the socioeconomic development of Bangladesh. The rate of crime is increasing day by day which is a serious impediment on ways to economic development and social stability. Bangladesh police statistics of the last four years show that crime is increasing alarmingly. Here the statistics includes the crimes reported to the police. Some crimes are reported to the newspaper, but not to the police. There are numerous offences committed every year which are rather not only remaining not-prosecuted but also remaining not reported to the police and not included in the government statistics. The number of offenders against 165,339 crimes in 2007 was 327,896 and they victimized a total of 166,762 persons. (Source: Crime Index Bangladesh 2007:45,57) The numbers of victims shown above are the direct victims of crime, that is, offences committed against those particular persons or against property of those persons. But there are numerous indirect victims of those offences who are dependent on the direct victims. In 2007, 8,244 people have been killed. Those victims left away their family members who are none but the indirect victims of the crime.

All these victims of crime suffer mental, physical, financial and social injury. As a result of an offence one may become permanently incapable of working. This huge numbers of victims seek justice the justice they want is not only to penalize the offender but also to ensure compensation for them. In 2007, the total number of acid incidents was 155, which victimized 192 persons.

The victims are usually poor and insolvent. Imprisonment for certain period with or without fine or even death penalty to the accused may not compensate the injury suffered by the victim and his/her family

members. The punishment given to the accused may give some sort of mental satisfaction to the victim but in addition he/she may be in need of some financial help. So the victim must get adequate monetary compensation as of right.

7.2 Existing laws regarding victim's compensation right

Sufficient legal provisions do exist in different legislations regarding protection of individual from being victims of crimes. Very effective legal and penal measures are there to punish criminals. But still there is an absence of relevant laws for the protection of interest of the victims of crimes. This may be due to poverty and stringent economic condition of the people, which is why the legislature did not want to inflict financially burdensome punitive sentence upon the criminals. The statutes listed below have some provisions for compensation of the victims of crime.

- a. The Code of Criminal Procedure, 1898 (Act V of 1898).
- b. The Nari-O-Shishu Nirjaton Daman Ain (Act VIII of 2000).
- c. The Acid Niyontran Ain (Act I of 2002)
- d. The Acid Aparadh Daman Ain (Act II of 2002).

The Code of Criminal Procedure (Act V of 1898)

The Code of Criminal Procedure 1898 (Act V of 1898) is an enactment of the then British colonial regime. Since its enactment it has been regulating the procedure of criminal adjudication. By the Code of the Criminal Procedure (Amendment) Act, 1923 (Act XVIII of 1923) the legislature introduced a provision in the code empowering criminal court to deliver order for payment of compensation to a victim. The provision reads as follows: "545.-(i) Whenever under any law in force for the time being a Criminal Court imposes a fine or confirms in appeal, revision or otherwise a sentence of fine, or a sentence of which fine forms a part, the Court may, when passing judgment, order the whole or any part of the fine recovered to be applied- (a) In defraying expenses properly incurred in the prosecution; (b) In the payment of compensation to any person for any loss or injury caused by the offence, when substantial compensation is, in the opinion of the Court, recoverable by such person in a Civil Court." It is clear from the above section that there is no recognition of the right of the victim to get compensation. This section confers a discretionary power on the criminal courts to pass an order to the effect that whole or part of the fine recovered to be applied in the payment to any person as compensation for any loss or injury caused by the respective crime. Besides, the substantial compensation shall be recoverable by such a person in a civil court and the victim shall have to file a civil suit by paying ad-valorem court fee. So this provision does not ensure a victim the possibility of getting compensation.

The Nari-O-Shishu Nirjaton Daman Ain (Act VIII of 2000)

In the Nari-O-Shishu Nirjaton Daman Ain 2000 (Act VIII of 2000) there are some provisions in this regard. According to section 15 of the Ain - from section 4 to 14, the offences for which fine is imposed by the tribunal, such fine may be treated as compensation for the victims and if it is not possible to realize the fine from existing wealth of the convict, the fine shall be recoverable from the future wealth of which the convict will be the owner and in such cases realization of fine will have more priority than that of other claims. Procedures for realization of fine have been mentioned in section 16 and sub-section 4 of section 4. Section 4(4) says, the fine recovered from the offender or from his/her property or from the property he/she leaves after his/her death will be paid to the victim or to her heir/heirs, if the victim dies. Provisions mentioned in the Ain are also enabling provisions empowering the tribunal to treat the fine imposed as compensation. Another provision mentioned in section 13 of the Ain somehow is related to victim's restitution. Section 13 provides that a baby born as a result of rape is to be looked after by its mother or mothers relation and the expenses to be defrayed by the government and the Government is authorized to realize the amount of money required for that purpose from the offenders present or future assets.

The Acid Niyontran Ain (Act I of 2002)

The Acid Niyontran Ain 2002 (Act I of 2002) and the Acid Aparadh Daman Ain, 2002 (Act II of 2002) were enacted in consideration to the interests of victims of acid offences. These two statutes have incorporated laws for rehabilitation, compensation and restitution of victims of acid offences. The preamble of the Acid Niyontran Ain, 2002 (Act I of 2002) articulates the purpose of the Act. It says that the law intends: (a) to give medical treatment (b) to rehabilitate and (c) to give legal aid to the victims of acid-offences. The law contemplates the formation of the National Acid Control Council whose duty, among others, is to make funds available for treatment and rehabilitation of the victims of acid offences. Section 13 of this Act requires that the government shall establish a rehabilitation center for the victims of acid offences. Section 14 authorizes local officers to make arrangements for the treatment of acid-victims. Section 15 authorizes the district committee to make arrangements for giving legal aid to acid-victims. Section 44 of the said Act enjoins that any amount of

fine realized from an offender or from his/her property shall be given to the victim and in case of the death of the victim, the amount shall be given to his/her heir/heirs.

The Act provides for establishment of a National Acid Control Council Fund. The main source of the fund according to section 10 shall be from inter alia the following sources: government, local authority or institution, individual, foreign government, international organization and any other sources. Money from the fund will be spent for making people aware of misuse of acid and, for treatment, rehabilitation and legal aid of the acid victims.

The Acid Aparadh Daman Ain (Act II of 2002)

The Acid Aparadh Daman Ain, 2002 (Act II of 2002) also follows the same line of legislation insofar as the interests of victims of offences are concerned. Section 9 of the Ain provides same provision as is in section 44 of the Acid Niyontran Ain. Section 10 provides the procedure for realization of the fine.

VIII. FINDINGS

Existing laws related to crime victim's compensation in Bangladesh are quite insufficient. Besides, the existing laws are not in conformity with the assurance that the victim would receive the compensation as of right. Section 545 of Code of Criminal Procedure has empowered the court to pass an order to the effect that the fine charged on the offender to be paid to the victim as compensation. But this provision does not confirm the victim to receive the compensation as of right. Section 15 of Nari O Shishu Nirjatan Daman Ain-2000 suffers the same shortcomings in confirming the victim to receive the compensation as of right. It is only an enabling provision. On the other hand, though the provision of section 4 (4) is mandatory for the courts yet it does not guarantee the right of the victim. Because, receipt of money charged on the offender as fine would be made by the victim or by his/her heir only when the same could be realized from the present property or from any such property the offender leaves after his death. This conditional payment provision has a serious lacking in ensuring the victim to receive the compensation as of right. Like section 4 (4) of Nari O Shishu Nirjatan Daman Ain-2000, section 9 of Acid Aparadh Daman Ain-2002 & section 44 of Acid Niyontran Ain -2002 suffer the same weaknesses. So no way it would be concluded that the existing laws confirming receipt of compensation by the victim as of right have got a strong footing in legal system. Beside those a few among a huge criminal incidents fall within the ambit of the authority of the laws under section 4 of Nari O Shishu Ain and Acid Aparadh Daman Ain. In 2007, according to the statistic of Bangladesh Police 15,217 of 1,57,200 offences fall within Nari O Shishu Ain. The total number of acid incidents in the same year is 155. So, though the concurrent sections of these laws are considered to have been victim friendly those cover only a fraction of a huge number of cases occurred every year. Since there is no reliable source to get specific information about in how many cases the fine charged against the offender has been treated as compensation and whether the victim has received that compensation. Study on how far the provisions under the existing laws have been materialized at present is absent. There could be a further study on this issue.

IX. RECOMMENDATIONS

- a. In the light of the above discussion it can be emphatically said that the need for making provisions for payment of compensation to a crime victim should top the list without any variation in opinion. It is the duty of the state to ensure security of lives & property of its citizen. Responsibility goes on to the state if it cannot protect its citizen from being victimized. So ascertaining compensation for the victim is the prime responsibility of the state of which he/she is a citizen. State has to play a participatory role by cognizing the degree of its responsibility. Necessary amendments in the existing laws side by side formulation of new laws have to be accomplished to make sure that the victims could be paid compensation as of right.
- b. Such provisions may be added by way of amendment in the existing penal laws. The term 'fine' could be changed to 'compensation' for the victim in the offences for which there are provisions to charge fine as an instrument to award punishment to the offenders.
- c. Provisions for ascertaining payment of compensation for all sorts of offences are no way seemed to be either realistic or possible under the prevailing socioeconomic condition of our country. But grievous offences causing physical injury for which penalty is 7 or more years imprisonment could be brought under compensatory offence.
- d. An enactment as proposed above should include various provisions regarding (i) definition of victim & aggrieved person etc. (ii) compensatory offences, (iii) eligibility to get compensation, (iv) process of assessment of loss or damage, (v) procedure for filing application for compensation, (vi) extent of the liability of the accused to pay the compensation assessed or determined by the Court, (vii) extent of the

liability of the State, (viii) establishment of a Fund from which such payment may be made, (ix) procedure for realization, (x) evidence to be considered in support of the claim and similar other many more provisions. There is a difficult question of arranging money for making payment of compensation. There could be a 'State Compensation Fund' like 'National Acid Control Council Fund (NACC)' as mentioned in section 10 of Acid Niyatron Ain. The sources of the said fund could be as same as those of the NACC fund. Fine realized from the offenders could also be included as a source.

- e. There could be the provisions to ensure receipt of compensation by the victim even when the offender is unidentified or not convicted. The main concern is whether the said person is a victim of that particular offence or not.

X. Unit Summary

Criminologists turn to the study of victims and their relationship to the criminal act, as a method of countering the problem of crime and of dealing with the numerous victims left by such criminal acts. The term crime victim refers to any person, group or entity who has suffered injury or loss due to illegal activity of someone. The harm can be physical, psychological or economic. It is not far from reality to say society itself is the victim of many crimes, especially such homicide felonies as murder and manslaughter. The concept of victimization includes victim-proneness also known as victim-blaming. Victim blaming is holding the victims of a crime, an accident, or any type of abusive maltreatment to be entirely or partially responsible for the unfortunate incident that has occurred in their life, often when the victim had performed no actions to facilitate the incident. Victimology is the study of victimization, including the relationships between victims and offenders, the interactions between victims and the criminal justice system -- that is, the police and courts, and corrections officials -- and the connections between victims and other societal groups and institutions, such as the media, businesses, and social movements. There are several sub-branches within field of victimology such as, positive victimology, radical victimology and critical victimology. Restorative justice is a theory of justice that emphasizes repairing the harm caused or revealed by criminal behaviour. It is best accomplished through cooperative processes that include all stakeholders. The concept dates back to the Pentateuch the Israel. Restorative justice operates on three important principles namely, justice requires that we work to restore those who have been injured, those most directly involved and affected by crime should have the opportunity to participate fully in the response if they wish, government's role is to preserve a just public order, and the community's is to build and maintain a just peace. Over the past decades, there has been growing interest in new approaches to justice, which involve the community and focus on the victim. The current system, in which crime is considered an act against the State, works on a premise that largely ignores the victim and the community that is hurt most by crime. Instead, it focuses on punishing offenders without forcing them to face the impact of their crimes.

BIBLIOGRAPHICAL INDEX

- [1]. Faruk, Omar and Khatun, Nurjahan (2008), Crime Index Bangladesh 2007, First Edition, Academic Press and Publishers Library, Dhaka, Bangladesh.
- [2]. Kulshrestha, V.D (2005), Landmarks in Indian legal and constitutional History eighth edition, India.
- [3]. Paranjape, Dr. N.V. (2005), Criminology and Penology; Twelfth Edition; Central Law Publications; India.
- [4]. Sutherland, Edwin H. & Cressy, Donald R. (1960); Principles of Criminology, J.B. Lippincott Company, USA.

Statutes and Declaration

- [6]. The Code of Criminal Procedure (Act V of 1898).
- [7]. The Nari-O-Shishu Nirjaton Damon Ain (Act VIII of 2000).
- [8]. The Acid Niyantran Ain (Act I of 2002).
- [9]. The Acid Aparadh Daman Ain (Act II of 2002).

Md. Abdul Karim. "Right to compensation of victim crime, victimization & victimology in Bangladesh perspective ." IOSR Journal Of Humanities And Social Science (IOSR-JHSS) 22.7 (2017): 81-88.