

## The Impact of Victimization on Victims of Crime: The Issue of Compensation within the legal system in Bangladesh

Homaira Nowshin Urmi\*

### Abstract

*Everyday thousands of people are getting victimized to different kinds of offences in all over the world. Victims of crime and their family members suffer enormously as a result of the crime committed against them. The main goal of the judicial system is to ensure justice to victim of crime and providing compensation can be a way to meet this purpose. The existing legal provisions of Bangladesh are to a certain extent inadequate to retrieve the sufferings of the victims of crime as a whole. Victims endure physically, psychologically, financially and also socially as an outcome of crime. In this article, the author tries to trace agonies of the victims after being victimized. It has been suggested that much attention needs to be given to the victims of crime for their financial and material needs as the impact of crime on victims is enormous. The objective of this research is to investigate the impact of victimization on a crime victim's daily life functioning and the need for legislative framework regarding compensation to console their sufferings at least financially and to strengthen their position in society. To this end, an empirical method has been used to corroborate the statements regarding the impact of victimization mentioned in this write-up. The provisions of the draft bill prepared by the Law Commission of Bangladesh to provide compensation to the victims of crime can be taken into consideration for necessary amendments and additions complying with international standards for reforming the status of the victims of crime in our criminal justice system*

**Keywords:** Crime Victim, Victimization, Compensation, Criminal Justice, Impact, Injury.

### *The Impact of Victimization on Victims of Crime: The Issue of Compensation*

#### **1. Introduction:**

Most of the time crime brings life-changing effects on victims. The experience of victimization of crime is terrifying. This kind of experience is unpredicted and never welcomed. It can be devastating to the victim's life. Different kinds of

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\*Homaira Nowshin Urmi  
Assistant Professor  
Department of Law, Premier University, Chattogram  
Email: h.urmicu@gmail.com

complexities i.e. physical, mental, financial, social sufferings are faced in the daily life functioning of a victim of crime. Even the family members of a victim may experience these kinds of sufferings. Victims often are not able to conquer the agonies faced by them. They may get confused and feel insecure for what happened to them. In our society, even most of the victims have no knowledge of where to go for getting justice.

Victims of crime have always been neglected, and the traditional justice systems have not always been perfect. (UN Office for Drug Control and Crime Prevention, [UNODCCP] 1999) Most of the crime victims complain that they are treated similar to defendants, and criminal justice officials ignore the human needs of victims (McDonald, 1976, p. 23). Even the main reason for what they have been used is the information they can make available. (McDonald, 1976, p. 23). However, after victims' rights movement in 1960's children and women got recognition as victims of violent crimes and thus crime victims became significant in mid-1970s, and they were given preeminent academic and political attention from that span (Walklate, 1998, p. 9). During the 1980s victims' rights were given emphasis and the impact of crime on the crime victims, the nature and extent of criminal victimization were highlighted (Walklate, 1998, p. 113).

This article attempts to examine the existing legal framework on compensation to crime victims which is not that much effective. It also suggests that efforts should be taken by the Government of Bangladesh for enacting a law recognizing and granting compensation as a right of the victims of crime. The recommendations made in the Draft Bill prepared by the Law Commission of Bangladesh on compensation to crime victims would be helpful to meet the purpose.

In order to achieve the purpose in a meaningful way, the author conducted interviews of several victims of crime with structured questionnaire and thus followed empirical method besides theoretical method. Analytical approach and socio-legal approach have been applied to conduct the research which is basically based on the review of primary and secondary literatures including books, scholarly articles, laws etc. Internet browsing is being used for collection of most recent literature on the subject.

## **2. The Impacts of Crime on Victims**

Crime is one of the most challenging concerns for the socio-economic progress

of Bangladesh. Here the crime rate is alarming and it is a grave obstruction on ways to economic development and social stability of the country. A number of offences are committed every year which are not reported by the victims to the police or not prosecuted and, as a result, these offences are not even included in the statistics of the government (Barrin, 2008).

Crime may be committed against person or property or it may affect both person and property. Whenever it happens, it causes harm to the victim. Most of the time crime leaves long term effects on the victims. All crimes are serious and even comparatively minor crime can enormously affect a person's life (Canadian Resource Centre for Victims of Crime [CRCVC], 2005). The consequences of crime on crime victims, on their families and friends, and even on communities are huge (Wasserman & Ellis, 2007). The victim suffers from bodily injury as well as psychological injury as a consequence of crime. Sometimes it causes not only physical or psychological injury but also financial and social injury to the person who has experienced the crime.

### **2.1 The Physical Impact of Victimization**

Most of the crimes against person affect the victims physically. The physical injuries of a victim of crime may be of several kinds i.e. minor, moderate and severe (CRCVC, 2005). Sometimes the injury caused from a crime may also cause death of the victim. Minor injuries are like scrapes, strikes or slight bodily pain etc. These types of injuries are not of serious nature and can be recovered easily. Minor injuries may be caused from offence like simple hurt which is defined in the section 319 of the Penal Code, 1860. Moderate injury (fracture or dislocation of bone or teeth, bruises etc.) is an injury which is of serious nature and the victim suffering moderate injury needs to take medical treatment and care to be cured.

On the other hand, severe injury is an injury which is of serious and permanent nature. According to section 320 of the Penal Code, 1860, "Permanent deprivation of any member or joint of human body, stabbing, hurt which endangers life, etc., are the severe injuries". Victims may have to be hospitalized for their serious injuries caused by the crime and often a victim of a brutal crime needs to go through prolonged physical rehabilitation. The victim who is severely injured by a crime suffers severe bodily pain and it makes him unable to follow his ordinary pursuits. Though all road accidents may not be crime the author has interviewed some victims of those road accidents which had been

designated as crime (M. Alam, personal communication, March 12, 2017; F. Alam, personal communication, May 29, 2017). The victims who were interviewed had to undergo lengthy medical treatment after getting injured by the accident. The accidents caused severe bodily injury to them like fracture or dislocation of bone and they were unable to follow their ordinary pursuits for long time. Sometimes this injury may also cause death of the victim.

Crime victims may suffer disfigurement or permanent disability. They cannot be cured and are unable to lead their previous normal lifestyle. All of the physical injuries discussed are visible injuries. Some physical injuries such as internal injuries of any organ or limb or brain injury or vaginal injury caused by sexual assault or rape may not be visible (Barrin, 2008). Sometimes, even after the physical wounds have cured, crime victims may suffer continuous side effects as an outcome of the crime committed against them (Barrin, 2008).

## **2.2 The Psychological Impact of Victimization**

Crime victims suffer psychologically or emotionally at the time of the crime as well as after the crime. Victims of crime and their family and relatives may have a deep and overwhelming impact because of the shock of victimization (CRCVC, 2005). Crime affects psychologically every victim in different ways. Victims of crime may behave differently even after getting victimized from the same crime, therefore mental impact of victimization cannot be generalized (Ronel, Jaishankar & Bensimon, 2008). However, there may be some emotional impacts which are common to most of the crime victims. Many crime victims are incapable to function similar to what they did before the crime. The initial psychological impact on the victim is fear. Victim of crime gets scared at the time of the offence committed against him/her and even after. S/he may get frightened by being reminded of the horrible memories of the crime committed against him/her. At the same time, often s/he has a strong feeling of insecurity since crime is a threat to the safety of his/her life as well as to his/her family. The feeling of insecurity is increased when victim finds the offender a powerful one who could again victimize the victim by committing another crime against him/her. The rape victim interviewed by the author agrees that she always feels lack of security as she thinks the same thing will happen again in her life (N. Farjana, personal communication, November 11, 2016). Most of the time threat to life comes from the offender and it makes the victim unable to access to justice (Singer, 1988, p. 289). When, however, the victim comes to court for giving evidence in the trial of a case, he often turns hostile due to threats or

pressure from the accused or his associates who remain nearby in the court room. Sometimes, during the trial in the court, the victim says the opposite to his own statement which was made in the First Information Report (FIR) or at the time of inquiry because of fear of getting victimized again (Law Commission of Bangladesh, 2007). In our country, often victim withdraws his complaint against the offender(s) for the safety of him as well as of his family members. He does not want his family members to experience the same frightening incident which has been suffered by him.

Some of the victims can recover this initial shock but some may not. Feelings like shock or fear may cause great harm to the mental health of the victim. Victim may feel anger and hatred about the person who made his life miserable. They may also feel the need for revenge against those who committed the crime, even they may be angry with the persons who are not liable for the occurrence. Sometimes they blame themselves and feel humiliated for what have happened to them. They may feel ashamed of themselves. Particularly rape victims or victims of sexual assault blame themselves for the occurrence happened to them and they feel ashamed (Effects of Sexual Assault and Rape). As a result, victims do not get attached with the people of the society and even with their families or friends, even sometimes victims may commit suicide (Resick, 1993).

Victims may develop stress disorders, like post-traumatic stress disorder (PTSD), which causes them severe distress (UNODCCP, 1999). Frustration aftermath of crime is very frequent in case of victims and life can seem to slow down and lose its meaning (UNODCCP, 1999). Even the beliefs and faiths formerly held may not console him any longer (UNODCCP, 1999). They feel helpless and powerless as the criminal justice system in our country does not provide sufficient support to the victims. Sometimes they do not even have access to justice and this becomes a major reason to be in frustration.

The secondary victims also have emotional impacts of victimization. The family members of a victim of murder feel sorrow till the end of their lives as they have lost their beloved one. The family members of two victims of murder have been interviewed who are going through severe psychological sufferings because they lost their dear ones (S. Biswas, personal communication, June 26, 2016; N. Nahar, phone interview, October 5, 2016). Besides, they feel lack of security in their life as in both the cases accused are powerful persons of the society. They

are always threatened to withdraw their cases by the accused and their associates. Victim who suffers physical disability or any kind of disfigurement as an outcome of crime also goes through emotional pain since this physical condition always reminds him of the incident of crime (The Impact of Victimization, 2005). The sorrow and pain of the victim also emotionally affect the family members and friends of him (The Impact of Victimization, 2005). Shock, frustration, fear are the common feelings of the secondary victims(The Impact of Victimization, 2005). It can leave deep psychological wounds which could be hard to heal(The Impact of Victimization, 2005).

### **2.3 The Financial Impact of Victimization**

Victims of crime face a variety of financial effects. Crime committed against property directly affects the victim financially. Victim suffers financial injury when his property is damaged or dispossessed or diminishes its value due to the crime committed against his property. In most cases these financial injuries cannot be healed. One victim of theft has been interviewed who lost his money he was supposed to spend for the construction of his house as a result of the crime committed against him. Another victim of robbery lost her gold ornaments, mobile phone, laptop, money as well as all her academic certificates which cause her severe financial loss that she could not recover. Both the victims cannot regain their properties which have been lost due to the crime committed.

Crime committed against person may also affect victim financially. Victim needs to bear the expenses for accessing health and medical services and sometimes they spend money for obtaining professional counseling to come out from the emotional distress of the crime (Ronel et. al., 2008). Victims' employment could also be affected adversely in the long term (UNODCCP, 1999). Victims may not be able to return to work when he suffers disfigurement or physical or mental disabilities and this causes financial loss. Even crime may affect the marital and other relationships of crime victims that may have a significant consequence on the financial position of their families (Wasserman & Ellis, 2007). The family of victim of murder becomes completely helpless if the victim is the only earning member of his family as in most of the cases the family could not even make sufficient necessities available for its members. The families of victims have to spend the funeral or interment expenses which are another financial impact of victimization.

Victim needs to go to the police or to the court in the aftermath of crime to lodge an FIR or a complaint against the offender. While participating in the criminal justice system, victim needs to pay out in every possible step which may cause lack of interest to get justice particularly by the victim who is not capable of bearing such a huge amount of money. The financial effects of victimization are comparatively rigid on poor and powerless victims.

#### **2.4 Social Impacts of Crime on Victims and Secondary Victimization**

Social impacts of victimization on a victim of crime may often cause secondary victimization. Secondary victimization may occur through the reaction of the social institutions and persons of the society to the victim. It does not happen as a direct consequence of the criminal act rather it may result from social injuries (CRCVC, 2005) which may be caused by society in the outcome of the crime (Barrin, 2008). Most of the time victims are avoided by other individuals of the society after being victimized and they become isolated.

Neighbours, friends and relatives maintain detachment from the victim of serious crime because of fear of insecurity and they do not even help the victim to avoid any kind of harassment made by police or offender. Oftentimes, victim is being interviewed by the police and questioned by other individuals of the society, even near relatives and friends, in a pessimistic approach (Perez, 2012). They try to signify that the victim is somehow liable for what happened to him or did something wrong which increased his chances of being victimized (Perez, 2012). Victim, who has already gone through a lot of sore experiences, get victimized over again by the intrusive or inappropriate conduct by police or media.

When victims participate in the criminal justice system, they may also undergo secondary victimization by people of that system (Victimisation). More subtly, secondary victimization may cause in every step of the criminal investigation and trial process (Barrin, 2008). It is a matter of regret that in our country the whole process of criminal investigation and trial is rarely cooperative to the victims rather than to the accused. It can affect the victims deleteriously due to lack of support to deal with situation faced by them after getting victimized (Ronel et. al., 2008).

This is a common scenario of Bangladesh that rape victims or victims of sexual assault, acid victims or victims of domestic violence are blamed by the

members of society as well as the members of their family for the occurrences happened to them. Victim may drop-out her education or may not participate in any social event after being victimized. Victims become lonely and frustrated due to lack of support from the society as well as from their families. Rape victims or victims of sexual assault may often get victimized by the society members, particularly in rural areas. This kind of victimization regularly occurs through announcing 'fatwa', an extra-judicial punishment (Nigar, 2015). 'Fatwa' is a clear violation of the fundamental rights of women which are guaranteed specifically in Articles 31, 32 and 35 of the Constitution of Bangladesh (Nigar, 2015). In this way the victim is further victimized following on from the original victimization instead of getting justice. Moreover, especially women are victimized by the society in more convoluted way.

### **3. Legal Framework in Bangladesh for Compensation for Victims of Crime**

Crime takes a massive bodily, monetary and psychological toll on its victims (UNODCCP, 1999). If the offender is convicted, it may console the victim of his family members but it would never be able to reimburse the definite pecuniary loss sustained by the victim or the family members of a deceased victim (Law Commission of Bangladesh, 2007). The Constitution and other laws of the country contain provisions relating to the rights of accused or convict and people often talk about argue on this issue at various forums. (Ronel et. al., 2008). However, victims' rights to restorative justice by providing compensation are hardly discussed; it is really very significant for ensuring justice to the crime victim or his family since they have endured loss or injury because of the crime (Ronel et. al., 2008).

Many international instruments touch on victims' rights and internationally victims' rights have been recognized as basic human rights. Right to compensation is one of those basic human rights which have been acknowledged in several national and international instruments. Article 8 of the UDHR tells about right to effective remedy and Article 9(5) of the ICCPR states about right to compensation of the victim of unlawful arrest or detention. Article 10 of the American Convention on Human Rights also mentions about right to compensation of person who has been sentenced for any crime through miscarriage of justice. In the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985 the right to compensation of crime victim was described clearly for the first time (Ronel et. al., 2008). This Declaration discusses international preminent practices for

treatment of crime victims (Victims' Rights, 2011). The document showed the way to a number of nations to enhance victims' rights by providing a victim-friendly environment. It provided guideline to enact new laws and several local projects relating to victims' rights and thus led to protect and uphold victims' rights and meet their needs in domestic legal system (Victims' Rights, 2011). The General Assembly has urged the states to treat 'victims' with 'compassion and respect' and also to resort to appropriate measures to improve their access to justice and fair treatment (Article-4 to 7), restitution (Article-8 to 11), compensation (Article-12 to 13) and assistance (Article-14 to 17).

Different western countries have already adopted their crime victims' compensation programs. For example, in USA the first crime-victim compensation program was undertaken in California in 1965 (Crime Victims' Rights in America, 2013). Later other states of USA set up compensation programs and other services for victims of crime (Crime Victims' Rights in America, 2013). The Federal Government of USA enacted its Victims of Crime Act (VOCA) in 1984 which makes a federal victims' compensation program available for supporting the state victim compensation and local victim service program (Afroz, 2007). The Criminal Injuries Compensation Act was enacted in UK in 1995 (Criminal Injuries Compensation Act, 1995). Furthermore, there exists a long practice in Nigeria and other African countries that victims prefer compensation in lieu of getting offender punished for the crime committed which is shown in a recent study (Afroz, 2007). Additionally, in our sub- continent, India has recently taken initiatives to uphold crime victims' right to compensation through a number of judicial pronouncements and significant developments have been made in the shape of new laws to alleviate the agony of victims (Ronel et. al., 2008).

Bangladesh is far behind to meet the terms with the international standards relating to awarding compensation to the crime victims though this practice has become a fundamental part of the most of the legal systems. Getting compensation is now a tenable right of victims in most of the developed countries, even in India, but Bangladesh is yet to accept it as a right of the victim. There exist adequate provisions of law regarding protection of individual in different legislations from being victims of crime (Barrin, 2008). Very effective legal and penal provisions are there to punish the offenders who have committed offences against victims. But still there is lack of relevant laws for the protection of interest of the victims of crime. Most of the laws in Bangladesh are silent about the necessity for providing compensation to

victims of crime though in some exceptional cases compensation is given as a reward of the state but not as a matter of right (Faruq & Hoque 2012). Some of the laws in Bangladesh contain provisions about compensations for crime victims but these laws do not prescribe any provision regarding the consequences of non-payment of compensation.

According to section 545(1) of the Code of Criminal Procedure, 1898 (hereinafter CrPC 1898) "criminal court may order the whole or any part of the fine in the payment of compensation to the victim of crime recoverable by him in a civil court which is a discretionary power of the court and cannot be claimed by the victim as a right" (CrPC1898, § 545(1)). In this issue section 15 of the Nari-O-Shishu Nirjatan Daman Ain, 2000 (hereinafter NSNDA 2000) makes it comparatively easier to get compensation as the victim is not required to go to the civil court for recovering the compensation (NSNDA 2000, § 15). The tribunal may treat the fine as compensation in some specific offences mentioned in sections 4 to 14 of the said act (NSNDA 2000, § 15). Section 15 of the Environmental Court Act, 2010 (hereinafter ECA 2010) reiterated the same observation of treating the fine as compensation by the Court (ECA 2010, § 15). Section 16 of the Domestic Violence (Prevention and Protection) Act, 2010 (hereinafter DVA 2010) also contains provision regarding the power of the court to award compensation to the victims of domestic violence who can make a complaint for compensation for physical damage or monetary loss or trauma or emotional scratch or any kind of injury to property or its possibility as an outcome of domestic violence (DVA 2010, § 16). Section 28 the Prevention and Suppression of Human Trafficking Act, 2012 (hereinafter PSHTA 2010) provides provisions regarding compensation to the victim and according to this section if the accused is convicted under this Act, the Tribunal is empowered to pass an order of paying compensation to the victim of human trafficking (PSHTA 2010, § 28). Even the victim also has the right to sue for compensation by filing a civil suit for his sufferance or legal injury created by the offence according to the Act (PSHTA 2010, § 39). According to section 40 of the Act, Government may provide financial assistance to the victim from the fund established under this Act (PSHTA 2010, § 40). The Acid Niyontron Ain, 2002 (hereinafter ANA 2002) and the Acid Aparadh Daman Ain, 2002 (hereinafter AADA 2002) have also incorporated provisions regarding compensation and rehabilitation of acid victims (ANA 2002, §§ 10, 13, 14 & 44, AADA 2002, §§ 9 & 10). The victim of motor accident is entitled to claim compensation under Motor Vehicles Ordinance, 1983 (hereinafter MVO 1983) (MVO 1983, § 127).

Recently, in early 2007, the Bangladesh Law Commission has realized that there is an urgent need for enacting a new law providing for the rights and benefits of the crime victims and for payment of monetary compensation to them for their survival in the society with respect, self-esteem and prestige and as such (Law Commission of Bangladesh, 2007). The Commission prepared a Draft Bill to meet this end which would be appreciated considering its essence, extent and intensity.

The Proposed Draft Bill for making a new law providing for compensation to the victims of different crimes of grave nature and of rash and negligent act of 2007 (Law Commission of Bangladesh, 2007) gave the impression to have covered all proportions of probable protection regime. It interprets the term 'Compensation' and states that money-compensation is payable to crime victim who has suffered personal, financial or psychological injury as a result of crime (Law Commission of Bangladesh, 2007, § 2). If the victim dies as a result of crime, the immediate dependants or family members of the victim of crime are also entitled to get monetary compensation (Law Commission of Bangladesh, 2007, § 2). Section 6 of the Act provides provision for establishing a Victim Services Committee (hereinafter Committee) in every district which shall deal with the proceedings relating to claims for compensation (Law Commission of Bangladesh, 2007, §§ 6 & 9). The Committee shall also send an annual report of its activities to the Ministry of Law, Justice and Parliamentary Affairs (Law Commission of Bangladesh, 2007, § 7). Committee may make an interim order of payment of money for meeting victim's immediate medical, funeral costs (Law Commission of Bangladesh, 2007, §11). The amount of compensation shall be paid from the crime victim's compensation fund (Law Commission of Bangladesh, 2007, §16) which will be established in each district under the Committee's supervision (Law Commission of Bangladesh, 2007, § 13).

The Supreme Court of Bangladesh has discretion to pass judgment to issue appropriate remedy to crime victims by way of making order like awarding compensation to victims though the Court rarely tried to take such initiatives to establish victims' rights. However, recently the higher judiciary has taken initiatives to develop a jurisprudence of restorative justice for the victims, numerous judicial pronouncements especially in road accident cases which is in fact incredibly appreciable.

#### **4. Concerns on Existing Regime for Compensation of Crime Victims**

People who are victimized face frightening and unsettling experience for

lifetime which is never welcomed (CRCVCR, 2005). It is important to keep in mind that no victim prefers to be victimized (Faruq & Hoque 2012). Crime related issues leave devastating impact on the quality of life of the victim as well as on secondary victims. It is the most disagreeable and unwanted life experience to become a victim (Faruq & Hoque 2012). Often victim is ignorant about what steps should be taken after effects of crime and is not able to believe anyone in this regard. Repeatedly victims of crime face frightening challenges which they need to deal with as best they can (Hill, 2009). Crime victims' various types of sufferings have been discussed in this write-up which could be prolonged till the end of his life and even impact could continue in the life of his descendants. These impacts of crime can be distressing to victims of crime and it is really a difficult process to survive and recover from victimization (Barrin, 2008).

Most of the time victim is unable to overcome the impact of victimization. It can result inability to cope with the world around the victim. Hence, there is an urgent requirement to give emphasis to prevent victimization as well as to give shelter and assistance during and after the criminal justice process and to rehabilitate them (Srinivasan & Mathew, 2007).

According to Srinivasan and Mathew:

*"The traditional approaches of handling of crime have not altered the position of victims of crime for better in anyway. Contrary to the common belief held by criminal justice officials that victims would expect retaliation or retribution to their offenders, many victims are found to be interested in restorative approaches in order to deal with disputes rather than punishments and penalties to the offender"* (Srinivasan & Mathew, 2007).

Providing compensation to victims of crime is one of the recognized ways of protecting them (Srinivasan & Mathew, 2007). There are crimes like rape that affects the victim psychologically as much as physically and it is true that money cannot repair the loss suffered by her. On this issue Bajpai says,

*"These cannot be weighed to be sufficiently avenged but to consider such means one can never draw the line. In case of rape, the trauma which the victim of the crime undergoes in our society or the stigma which a woman feels after being victimized of rape is ineffable but the victim faces the problem as aftermath of rape is loneliness and desertion by family.*

Consequently a woman is left to starve, just due to being victimized and now she is left in such a condition where there may be chances of repeated several abuse. If sufficient compensation is granted to her, she would not have to depend on the mercy of anybody.” (Bajpai, 2005).

No one can measure the sufferings victim faced as an outcome of crime and nothing like financial compensation can replace it. But if the victim gets monetary compensation, his financial loss can be recovered.

The steps taken by Government of Bangladesh for giving compensation to the victims by the existing legislations are definitely encouraging but failed to produce the desired result as the procedure for recovering fine is long and convoluted. So the provisions regarding compensation to crime victims in these statutes have remained largely unused. If the court does not invoke its power to grant compensation, no legal provision could make it compulsory (Bhandari). In addition, there exists lack of useful institutional method for recovering the compensation which has been awarded by the court if the accused is reluctant to pay it to the victim (Bhandari).

It is really appreciable that the Law Commission of Bangladesh has realized the importance of enacting such an act by the state which would be able to provide at least some relief to the neglected victims. Truly it has focused on an issue which has been overlooked by the Government for years. Nonetheless, there exist some conceptual complexities in the Draft Bill. The Bill says about establishing a committee by official gazette for implementing the policy which shall be led by the Ministry of Law, Justice and Parliamentary Affairs (Law Commission of Bangladesh, 2007, § 6). Such kind of policy is vital in managing the protection regime but the functional capacities could be affected negatively if the committee turns out to be too much government centered (Faruq & Hoque 2012). It is suggested that the Committee should be a complete autonomous body which would be helpful to meet the main purpose of the Act more effortlessly.

At the same time, making delay in all official bureaucratic processes is a common practice in Bangladesh for which victims who wants to get compensation may undergo through an interruptive process of awarding compensation. Besides, poor victims living distant from the district head-quarters need to spend money to appear and plead their cases before the

Committee which may cause secondary victimization. Provisions should be made in favour of the victims so that they can avail the opportunity of getting compensation more rapidly and easily as well as the process of applying for compensation should be cost-effective.

### **5. Conclusion**

The effect of victimization is really hard on the victims of crime. The shock waves from victimization affects the victim of crime in different ways and these impacts can make him suffer for years or even for the rest of his life. In this situation, responsibility goes to the state if it fails to protect its citizens from being victimized and state has to play a participatory role by cognizing the degree of its responsibility to console the agony of victims of crime. Thus many developed and developing countries have started to enact laws regarding compensation to crime victims and during the last few decades the traditional approach of the criminal justice system to deal with the victims of crime has been changed (Law Commission of Bangladesh, 2007). The CrPC 1898 and some special laws contain provisions relating to victims right to compensation in Bangladesh which are almost dormant. This situation creates uncertainty in receiving compensation by victims. There are certain major barriers in the establishment and implementation of compensation program to victim of crime. As a small number of accused are actually detained or convicted and generally most of them are incapable of providing compensation to the victim for being from the lowest socio-economic strata of society, victims' chance of getting compensation from accused gets susceptible (Srinivasan and Mathew, 2007). Besides, a prisoner would not be able to earn sufficient money to pay the compensation (Srinivasan and Mathew, 2007), thus compensation cannot alone solve the problems of the victim of crime. Hence, it is imperative that a consolidated state funded victim welfare fund should be created on a statutory basis, which will be designed to meet both the immediate financial assistance that some victims in distress will need, inclusive of medical and hospitalization expenses, along with compensation.

A ray of hope is the report of the Law Commission of Bangladesh on a proposed law relating to payment of compensation and other reliefs to the crime victims and of course, the recent judicial pronouncements relating to road accident cases. The Commission has emphasized the need for enactment of a new law for providing compensation to the victims of crime which is required to provide justice to that ignored part of our society.

The Commission has emphasized the need for enactment of a new law for providing compensation to the victims of crime which is required to provide justice to that ignored part of our society. However, the Government of Bangladesh avoided taking any action to initiate victim support scheme which is a matter of regret. The proposed draft bill has not been passed as an Act in the Parliament yet which indicates the lack of concern of our society towards the miseries of crime victims. Although the proposed draft bill does not contain all rights of crime victims like those of the victims of developed countries, the Government of Bangladesh may have to take efforts to implement the proposal of the Commission with necessary amendments and additions for reforms of the status of the victim in our criminal justice system. The Bill prescribes to establish a committee led by the Ministry of Law, Justice and Parliamentary Affairs to implement the policy which appears to be crucial in managing the protection regime. But, it might negatively impact on the functional capacities of the protection regime and it is urged that this committee should be completely autonomous. The proposal for establishing victim compensation fund in each district and the process of awarding compensation should be reconsidered as victims living far away from district head-quarters would not be interested to travel so far for complicated process of getting money. A provision for interim compensation for victims' immediate treatment may be made for payment of compensation from the accused.

Without this initiative crime victims will not be able to take recourse to it for getting compensation, so the legislature and the executive must take the initiative. Nothing can soothe the intense affliction faced by the victim of crime but compensation will at least provide some solace to him, even if his lost honour cannot be fully recompensed.

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