



SECONDARY VICTIMIZATION AND SEXUAL OFFENCES: THE PRESENT SCENARIO IN INDIA - A CRITICAL SOCIO LEGAL STUDY

ABSTRACT

India, a nation where we talk about worshipping daughters and women's has become a nation where they are being tortured to death by the devils. The torture is so harsh that in spite of blaming the perpetrator, the victim is blamed at the end which in today's language is known as "Secondary Victimization."

Mahatma Gandhi who was an ardent follower of non-violence and always asked everyone to be the follower of same, would have never imagined a country with full of such heinous crimes.

The question that still arises today even after such a vast change in the world and after globalisation is that "who is going to protect women?"

Victims are not always women and when it comes to question of sexual offences victims, both men and women are in danger for the same. The only but recognisable difference is that the women's ratio of being a victim is way more than anyone could ever imagine.

The basic meaning of "victims" is that a person who has suffered collectively the harm to his/her body, be it a physical harm or mental harm. The injury which is suffered by them is so intense in nature that it leaves a very bad impact on the life of the person who is known as the victim. The victim has suffered not only physical or mental harm but also any financial, economic or any harm inter-related to it.

The dictionary meaning of victim stands for:

‘Any person who suffers from any kind of destructive or injurious injury to his/her body, so far so it makes them a victim of the accident’.

Talking about the secondary victimization, Secondary victimization in its simplest sense means ‘behaviour of individuals or the society towards any particular person who has been a victim of any offence or wrong committed to them, and that behaviour is of victim-blaming rather than victim-support’. Hence, it can be said that secondary victimization in its stricter sense means any person who is re-blamed for any wrong which has been caused to them by an individual person or by the society. As we all know the situation in India where a women or for that matter a men who has underwent through any sexual offence is re-blamed based on certain societal reasons be it commenting on their dress or any other related thing.

This paper primarily focuses on the secondary victimization of the victims and its inter relation with the sexual offences which is caused to them. The paper will focus on the study towards the current scenario of India in relation to secondary victimization and towards the end provide a critical comment on the same.

Key words: Sexual Offences, Secondary Victimization, India, Gender, Critical Analysis.

INTRODUCTION

This research paper focuses on the critical study of the society in terms of secondary victimization the people who have been victims of sexual offences in the country. The paper will primarily focus with the current situation of India but it will also provide a gist with reference to other countries situations as well.

As we all know, Sex is a biological difference between men and women. Though it is understood and pursued differently by both the genders but eventually it is a biological process which is performed by them with each other.

There is absolutely no harm in consensual sex and sexual closeness, but when there is no consent it is known as forced sex and in the legal terms it is called ‘Rape’. Gender violence or the other name which is sexual offences are the offences which is a hard and harsh reality of our nation and which cannot be treated permanently even though tried hard by everyone. Women generally are the victims of this gender violence and the graph of this violence is higher than anyone has ever expected.

We on our daily livelihood come across 10-15 cases of sexual offences committed by people and most of these offences are against women in they are compared. Later, we can also see how these victims of such harsh sexual offences are re-blamed by the society.

Violence against women is experienced by the women’s of all ages, class and colour. Even the nationality and religious differences does not count when it comes to the question of violence against

human body and especially when the question revolves around the women. It is sad to say but it is overwhelmingly perpetrated by men of all ages, colour and nationality.

Rape is highly gendered very violent behaviour in our country where the majority of the sexual perpetrators are men and the victims are women. We see rape as a part of human culture in the present world, where our life starts with a news of any person getting raped and even ends with the same type of news.

Rape is form of torture to the body and against the consent of any person which causes physical, mental and emotional injury to the victim. It is against the will of a person and it ends with lowering the bodily integrity of men and women.

We as humans has not only evolved as according to the Darwin's theory from monkey to human beings but have also evolved in science, culture and in every other possible manner but the only situation where we are lacking behind is changing the mentality of the person and protecting them from humans.

It is the need of the hour to protect men from men and women from women. In short humans have to be protected by humans as we all know, humans are one of the biggest enemies of humans. We are worse than animals and according to me, we are not even likely to be compared with animals. At least, animals protect their own community from being tortured but we humans, we not only don't protect our people but we are the ones who commit crime against them.

While the United Nations continues to promote democracy as the best system to secure women's dignity and rights, India the world's largest democracy fails to protect the nation's women.¹

Hence, we should stop victimizing the victim itself and stand by them during their need.

'Laughing at one's misery is the most cruel thing which is supported by us.'

STATEMENT OF PROBLEM

Since we have seen an essence of the research paper and its introduction along with the definition of victims and secondary victimization, the main question arises here is 'What is the current scenario of India in terms of secondary victimization'.

We all want to be aware of offences related to bodily injury but we don't want to work against it and try to end it from our country. The society wants to be called intellectuals but they don't want to behave like one or even follow the law to its pure form.

¹ Rape in India and how the state responds to it, United Nations Millennium Declaration, pg. 55/2. 19th Jan, 8:00pm.

If we really want to work against this problem, we all should work as one and not as different people of different castes, creed or even genders.

Even though the economic conditions are changing in India but the circumstances in which women live their life in this country is not getting worse day by day and there is nothing we as humans are doing against it, rather we are the ones who are committing those crimes. Women neither before used to feel safe in the society nor do they now. So the change in the country is of no use if the humans living and working for that country are not able to make other gender feel secure in their land. Hence, the development is of use as per my understanding.

OBJECTIVE OF ARTICLE

The primary objective of this article is to put emphasis on;

- a) Secondary victimization of the victims.
- b) The current situation of sexual offences which are happening in the country.
- c) The re-blaming process which is done by society.
- d) To present a critical legal study with regard to secondary victimization and its interrelation with the sexual offences with special reference to hampering the bodily integrity of women in India.

BACKGROUND

Sex related offences or sexual offences take place at a wide variety in our country. These offences happen under different circumstances and different social settings. These social settings are not only based on 'Impulsive Reaction' of a men towards women but also due to some rivalry. We often hear cases where a women is being subjected to some kind of sexual cruelty based on personal rivalry between two individuals or between families. More often such type of cases are being noticed in rural areas in comparison to urban cities. We make people subject to cruelty out of utter motives.

Some of the most common and prominent types of sexual offences are: sexual assault(without intercourse), sexually abusing mental health of a person, forcibly rape, sexually abusing mentally of physically disabled person, sexual assault of children which is covered under POCSO(with or without consent of minor), adultery, sodomy, forced marriage and co-habitation including the marriage of children, violent acts by men against the integrity of women's body by forcibly penetration of male genitals into females body.²

² Dr. Barindra N. Chatteraj, LNJNI National chairperson professor of criminology, Sex related offences and their prevention and control measures: An Indian Perspective, UNAFEI Publications, RS _ No. 72. 19th Jan,2021, 11:00pm https://www.unafei.or.jp/publications/pdf/RS_No72/No72_13VE_Chatteraj.pdf

In India, rape culture or culture of sexual offences are the fastest growing crime and reports indicate that rape of women and young girl children if compared to men, have considerably increased from past decade and the increase is seen in the few recent years. Where we as humans and science is growing to its fullest, the mental level is decreasing leading to criminal mentality at its boom.

According to National Crime Records Bureau of India, the crime rate related to sexual offences against women have increased from 58.8 in 2018 to 62.4 in 2019.³ there were 32,033 incidents of rape reported in the country where the crime rate of rape was highest in Rajasthan, topping the chart of the country.

As per Ministry of Women and Child Development, Sexual abuse cases only related with children are reported online is as under:⁴

- i. As reported by National Crime Records Bureau (NCRB), the total number of child pornography/rape and gang rape complaints lodged in the National Cybercrime Reporting Portal (NCRP) from 01.03.2020 to 18.09.2020 is 13244.
- ii. As reported by National Commission for Protection of Child Rights (NCPCR), information of 420 cases of child sexual abuse has been received by NCPCR from 1st March, 2020 till 31st August, 2020 via online portals, helplines and other media.
- iii. As reported by Childline India Foundation (CIF), 3941 calls have been received by CIF regarding child sexual cases from 1st March, 2020 to 15th September, 2020.

VICTIM AND VICTIMIZATION

Victims are the people who have suffered from any kind of destructive or injurious injury or assault by some other person. Victim is a person who has been cheated by the other person.

As per Criminal Procedure Code 1973⁵ section 2(wa):

“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.”

³ Kanu Sarada, under 30 percent conviction rate in rape cases in India, The New Indian Express, NCRB data- 2205090. 19th Jan, 2021, 11:10pm.

⁴ Ministry of Women and Child Development, Sexual Abuse cases of Children reported online, posted on 22sep, 2020 by PIB Delhi. 19th Jan, 2021. 11:30pm.

<https://pib.gov.in/PressReleaseSelfFramePage.aspx?PRID=1657679>

⁵ Section 2(wa), Criminal Procedure Code, 1973, Acts of Parliament 1973 (India).

According to United Nations General Assembly Declaration of Basic Principles⁶,

Article 1 defines victims as- Victims" 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 Member States, including those laws proscribing criminal abuse of power.

Therefore, victims are the people who have been injured, robbed or assaulted or killed by someone else to fulfil their ulterior motives. There are certain rights of victims which if violated by an individual or even if by the state can be prosecuted for the same. The state has tortious liability if any wrong is committed to them by the state.

Victimization means when a person who has been a victim of any wrong committed to them by someone else and later they are made to feel bad about themselves. If the person who has been a victim is treated poorly by the people or by the state, it is known as victimization.

As per the definition of Encyclopaedia of Quality Life⁷, Victimization refers to:

“Victimization is the process of being victimized, either from a physical or a psychological or a moral or a sexual point of view.”

Despite the crucial role of the victim, historically the victimization process was studied above all from the offender's point of view, in order to focus on their motivation and the causes of offending.⁸ Only during the 1960s criminologists began to understand the weaknesses of administrative sources and sought alternative methods which might provide a more accurate and informative description of crime problems.

⁶ Article 1, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985, 20th Jan, 2021, 8:00Am.

https://www.un.org/en/genocideprevention/documents/atrocitycrimes/Doc.29_declaration%20victims%20crime%20and%20abuse%20of%20power.pdf

⁷ Alex C. Michalos, Encyclopedia of Quality Life and Well- Being Research, Springer Link, Edition 2014. 20th Jan, 2021. 9:10Am. https://link.springer.com/referenceworkentry/10.1007%2F978-94-007-0753-5_3156

⁸ Ibid

There are basically 2 types of victimization according to which people are being classified or based upon and they suffer at 2 levels, Primary and Secondary⁹.

- 1) Primary Victimization- primary victimization refers to victimization which is caused as a direct result of the crime which has happened. It is caused between offender and the victims during the commission of the offence and later resulting it to be a crime. Therefore, primary victimization is the initial interaction between the person who is the victim of the crime and between the person who has caused the harm to the victim. Some of the examples of primary victimization can be Rape, Robbery or Violent Attacks.

In primary victimization, the victim has to show the initial happening of the crime scene which took place between the offender and the victim. The victim has to explain all the circumstances which took place during the crime and has to explain the suffering caused to them.

- 2) Secondary Victimization- secondary victimization refers to victimization which happens after the crime scene has taken place and even after the crime has been reported by the victim or the family of the victim. It is known as crime victimization or even double victimization.¹⁰ Secondary victimization is a form of victimization, where the victim is made to feel made oneself once the crime happened with them is reported to the authorities who are responsible to take action against the perpetrators. Not only the authorities but also the society and its institution also makes the victim feel bad about themselves and blame their own life for any such crime happened to them. Secondary victimization through the process of criminal justice system makes it difficult for the victim to even stand in front of the society because the society blames them and this happens with special regard to any sexual offences which take place to the women's body and saving their integrity.

It is said that the society itself causes the secondary victimization of the victims. Institutionalized secondary victimization is most clearly visible within the criminal justice system of our country.¹¹ Secondary victimization results in complete denial of the rights of victims which they are supposed to be provided and such violation of rights is intentional in nature.

⁹ HARVEY WALLACE & CLIFF ROBERSON, VICTIMOLOGY: LEGAL, PSYCHOLOGICAL AND SOCIAL PERSPECTIVES, 67 (5th ed., Pearson Publication 2019). 20th Jan,2021, 09:20Am

<https://www.pearson.com/us/higher-education/program/Wallace-Victimology-Legal-Psychological-and-Social-Perspectives-RENTAL-EDITION-5th-Edition/PGM1869524.html>

¹⁰ Dheerendra Kumar Baisla Secondary Victimization under the Criminal justice System, The Law Brigade, JLSR Journal, Journal of Legal Studies and Research [Vol 2 Issue 3] ISSN 2455-2437. 20th Jan,2021, 10:00 Am
<https://thelawbrigade.com/wp-content/uploads/2019/05/Dheerendra-Kumar.pdf>

¹¹ Akash Shah, Victims, Victimization and Victimology, Legal Service India, article 1349. 20th Jan, 2021, 10:25am.
<http://www.legalservicesindia.com/article/1349/Victims,-victimization-and-victimology.html>

SIGNS OF VICTIMIZATION

There are certain signs of victimization which leads in concluding that a person is being secondary victim of an offence.

- a) Re-experiencing the crime.
- b) Avoiding reactions.
- c) Recurring symptoms.
- d) Guilt
- e) Shame.
- f) Depression.
- g) Separation anxiety.
- h) Difficulty in copying up with ordinary life.

Nirbhaya case¹²- the most recognisable and best example of secondary victimization related with sexual offences especially with regard to women's bodily integrity. If the news was to be followed at that period of time we could clearly see how the society blamed the victim i.e., Nirbhaya for the cruelty which have had happened with her. Instead of blaming the perpetrators, the victim was being dragged by the societal institutions stating that "a girl should not go out at night with a boy."¹³

The mentality of people living in such a developed state is still the same and nothing could be done if the people themselves don't take a stand against the wrong. According to the interview which was aired on March 8 by British Broadcasting Corporation(BBC), one of the accused Singh said, "While being raped, she shouldn't have fought back. She should have remained silent and allowed us to rape her."

If such is the mentality of the people who are the offender and law breakers, then how could anyone save the victims and not accused them back for the wrong committed.

- 3) **Re-victimization**- re-victimization refers to victims who have been victimized second time for the same offence which has taken place. Repetition of victimization is sometimes because of the victim living with or around the offender or is associated with the offender. There is a larger risk of them getting victimized again and again by the perpetrator because they think that the victim is an easy and soft target to victimized again. Repeat victimization leaves a different level of mental and physical trauma on the victims. Repetition of victimization also happens because the criminal justice system is not able to protect the victim once and after they reported the case and because of their lack of capability, the victims are subjected to re-victimization.

¹² Mukesh & Anr v. State for NCT of Delhi & ors, CRIMINAL APPEAL NOS. 607-608 OF 2017(2017) 6SCC (India).

¹³ Kounteya Sinha, Nirbhaya Gang Rape victim blamed by the victim, Times of India(march3,2015). 20th Jan,2021,11:00 Am)

<https://timesofindia.indiatimes.com/city/delhi/Nirbhaya-gang-rape-convict-blames-victim-for-the-fatal-assault/articleshow/46433506.cms>

ILLINOIS UNIVERSITY OF CHICAGO

According to study survey conducted by university of Illinois and survey reviewed by Priscilla Schlz, LCSW¹⁴ they found out that 84% of people agreed that the trauma of being sexually assaulted or any sexual offence happened to them increases when they seek help from any social service provider be it any state authority or private individuals. They say that the probability of person who has been the victim being secondary victimized increases as soon as they report the case to the public officials.

Hence, we can clearly see the amount of trauma they already have built up inside them when it comes to reporting of any sexual offence. The survey conducted is not only that particular city, country based but it also includes a reviewer of India who based on their surveys conducted within the country presented their ratios.

SUPPORT AND ASSISTANCE TO SECONDARY VICTIMS

The United Nations Declaration of Basic Principles¹⁵ provides support and assistance to people who are subject to secondary victimization.

Access to justice and fair treatment (paras. 4-6)

¹⁴ Priscilla Schlz, LCSW, article on same title by Rebecca Campbell, and Sheela Raja, University of Illinois at Chicago, Secondary Victimization of Rape Victims: Insights from Mental Health Professionals Who Treat Survivors of Violence, publication Violence and Victims, V. 14 (3), 1999. 20th Jan,2021, 12:10 Am.

Is secondary victimization a problem?

1) Only 48% of study participants believed that contact with the social service system as a whole (i.e., legal, medical and mental health services considered together) can benefit rape survivors psychologically, and that those service providers are doing a good job of helping this population of clients.
2) The majority of mental health professionals surveyed (84%) agreed that contact with social service providers re-traumatizes rape victims.

a) Eighty-one percent of study participants believed that the legal system's treatment of rape victims is psychologically detrimental.

b) Eighty-nine percent of study participants agreed that the medical, post-rape exam was traumatizing for rape survivors.

c) Fifty-eight percent of study participants implicated mental health professionals in contributing to secondary victimization of rape survivors through harmful practices.

<https://mainweb-v.musc.edu/vawprevention/research/victimrape.shtml#:~:text=Secondary%20victimization%20refers%20to%20behaviors,being%20served%20by%20these%20agencies>.

¹⁵ United Nations Declaration of Basic Principles of justice for victims of crime and Abuse of power, 1985, para 4-6. 20th Jan,2021, 1:00Pm <https://www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-11/key-issues/3--the-right-of-victims-to-an-adequate-response-to-their-needs.html>

"4. Victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered.

5. Judicial and administrative mechanisms should be established and strengthened where necessary to enable victims to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Victims should be informed of their rights in seeking redress through such mechanisms.

6. The responsiveness of judicial and administrative processes to the needs

of victims should be facilitated by:

(a) Informing victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious crimes are involved and where they have requested such information;

(b) Allowing the views and concerns of victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and consistent with the relevant national criminal justice system;

(c) Providing proper assistance to victims throughout the legal process;

(d) Taking measures to minimize inconvenience to victims, protect their privacy, when necessary, and ensure their safety, as well as that of their families and witnesses on their behalf, from intimidation and retaliation;

(e) Avoiding unnecessary delay in the disposition of cases and the execution of orders or decrees granting awards to victims.

7. Informal mechanisms for the resolution of disputes, including mediation, arbitration and customary justice or indigenous practices, should be utilized where appropriate to facilitate conciliation and redress for victims."

CURRENT SCENARIO IN INDIA WITH REGARD TO SECONDARY VICTIMIZATION

The current scenario in India with regard to secondary victimization is really high. Mostly, we see that if a person especially if a women is being subjected to sexual assault then instead of blaming the criminal the public more often blames the victim. The current status of victims in Indian Criminal Justice System has provided special reference through certain sections which shall always be taken into consideration by the official authorities as well as by the victims.

With respect to Criminal Procedure Code, there is a necessity of amendments in the sections so as to empower the victims from not being getting into the trap of secondary victimization.

Amendments with respect to sections which are important in present scenario are:

According to section 24¹⁶ of CrPC it talks about the public prosecutor. Specifically talking about section 24(8), it states that;

“The Central Government or the State Government may appoint, for the purposes of any case or class of cases, a person who has been in practice as an advocate for not less than ten years as a Special Public Prosecutor.”

Hence, for a victim a public prosecutor shall be appointed to move forward with the proceedings in spite of blaming the victim itself. Also, a proviso shall be added in the same section with a means of amendment stating that the court may allow the victim to engage an advocate of his/her own choice to assist the prosecution in the sub-section.

In section 157¹⁷ of the principal Act, in sub-section (1), after the proviso, the following proviso shall be inserted, namely:- “Provided further that in relation to an offence of rape, the recording of statement of the victim shall be conducted at the residence of the victim or in the place of her choice and as far as practicable by a woman police officer in the presence of her parents or guardian or near relatives or social worker of the locality.”¹⁸

If such proviso is added in the section under the Principal Act it would provide our criminal justice system with a new power and would bring a great revolution in the entire country. The amendments have to be made according to the changing scenarios of the country so as to cope up with the increasing crime in the world.

Use of Audio/video for confession- according to section 164¹⁹ of crpc, it talks about the recording of confession and statements of the victim. There is a need for an amendment and addition of proviso in sub

¹⁶ Section 24 of Code of Criminal Procedure, 1973, Acts of Parliament of 1973 (India).

¹⁷ Section 157 of Code of Criminal Procedure, 1973, Acts of Parliament of 1973 (India).

157. Procedure for investigation preliminary inquiry.

(1) If, from information received or otherwise, an officer in charge of a police station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report and shall proceed in person, or shall depute one of his subordinate officers not being below such rank as the State Government may, by general or special order, prescribe in this behalf, to proceed, to the spot, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender; Provided that-

(a) when information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a police station need not proceed in person or depute a subordinate officer to make an investigation on the spot;

(b) if it appears to the officer in charge of a police station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

¹⁸ Supra9

¹⁹164. Recording of confessions and statements.

(1) Any Metropolitan Magistrate or Judicial Magistrate may, whether or not he has jurisdiction in the case, record any confession or statement made to him in the course of an investigation under this Chapter or under any other law for the time being in force, or at any time afterwards before the commencement of the inquiry or trial: Provided

section(1) of 164. There should be addition of audio and video method of recording the confession in presence of an advocate so that the victim of any offence especially with regard to sexual offence do not have to come to the court where they can be made a secondary victim of the offence by the society.

Our Indian society is as pointed out by other country personnel's is said to be with full of most kind-hearted human beings on the entire world but when it comes to protection of a women who has been a victim of any sexual offence, they become the most cruel and evil minded people on the earth as they mostly see that if a person is subjected to sexual offence then there must be some kind "instigation" from the women's side as well because they believe in an old saying, **"we cannot clap from one hand, both are needed."**

the current main problem with our criminal justice system is that the we don't respect the identity and integrity of a person who has been the victim of any sexual offence. The role of victim becomes very minimal once the investigation starts. The police at the very first step treats the victim especially a women and a girl child very indifferently and that makes the whole of the society look at them with the same perspective, which compels the victim to lower their eye in front of all and they start feeling as if it is their own fault. The police in many cases and victims have a lot of times tried to come out speak about the situations they face while they try to lodge a F.I.R. to the police. They either refuse to lodge a complaint completely if any big name is involved in it or if they lodge a complaint, they don't put any efforts during the investigation of the same.

Here, the problem not only lies with the officers but with the whole legal system which does not stand or raise their voice against such atrocities taking place in our country.

The roots of the cruelty are so deep that even when a person or a group of people try to solve or raise their voice, they are being quieten by the other people. Our system has become so ignorant that they only care about themselves and not about anyone else who has suffered any pain or loss.

This is the primary and the most dangerous trauma which is faced by the victims of our country which results in loosing of their faith in the criminal justice system and also their self-esteem which forces them to take a step which is never appreciated by their family, i.e., Suicide.

that no confession shall be recorded by a police officer on whom any power of a Magistrate has been conferred under any law for the time being in force.

WOMEN & CHILDREN: MORE VULNERABLE THAN BEFORE

OVERALL TRENDS

	2017	2018
Crime against women	3,59,849	3,78,277
Crime rate against women	57.9	58.8
Crime against children	1,29,032	1,41,764
Crime rate against children	28.9	31.8
Crime rate (all offences)	388.6	383.5



RAPE WITH MURDER

	2017	2018
All India	223	291
1	64 (UP)	66 (Assam)
2	27 (Assam)	46 (MP)
3	26 (M'rashtra)	41 (UP)



Fig.1, Report of NCRB on sexual crimes in India

If we go by the above figure of NCRB report, we can see how the crime rate has increased in our country in the recent years from 2017 to 2018.

Where the world is growing, we can see the crime rate which should be under control is also growing day-by-day. Mostly, the sexual offences taking place are against the women which makes the daily life of women to live in fear being the victim of any sexual offences.

CONCLUSION

From the above study we can conclude that the “Secondary Victimization and Sexual Offences in India”, is one of the most major problems which have deepened down its roots in our society. We also know that there are many laws with regard to protection of victims in our country but when it comes to the protection from secondary victimization, we lack behind because we are not letting our human minds grow in right direction. The social legal status of our country with regard to the current problem is so bad that it can only leave our country with time and if we start trying to eradicate the problem now.

We have different compensation and provisions with respect to victims but the only question that remains unanswered is that “**Whether the compensation and provisions are enough?**” and the question which I raised at the beginning of this article still remains answered that, “**Whether women are safe or not and who is going to protect them?**”

From the above discussion we know the meaning and understand the basic concept of victims, victimization and types of victimization. When we see that there is a direct relation between the offender

and the victim then the rate of protecting the victim from the offender is very low and that is the case because of which there is a low rate of conviction in our country.

The UN Declaration of basic principles though have certain norms where a victim is being protected and secondary victimization is tried to lowered down, still countries are not able to cope up with the law and hence, it becomes a big question on our criminal justice system and the International Law as well.

To conclude, I would like to add that the mental trauma through which the victim is already facing shall not be made to get worse by victimizing them to such extent that they lose their balance of life. The main problem in our country which no one talks about is protecting the victim’s health from deteriorating.

We all hope that not only our society but also our criminal justice system improves in the upcoming years where secondary victimization of sexual offences victims is lowered down and a better system prevails in the country.

