

## **VICTIMOLOGY AND MENTAL HEALTH: ADDRESSING PSYCHOLOGICAL TRAUMA AMONG CRIME VICTIMS IN CONTEMPORARY INDIA**

**Rasandeep Kaur**, Ph.D. Scholar, G D Goenka University, Sohna

**Dr. Kriti Kaushik**, Assistant Professor, School of Law, GD Goenka University, Gurugram

### **ABSTRACT**

Victims of crime often face long-term psychological effects such as post-traumatic stress disorder (PTSD), anxiety, and depression, which are frequently overlooked in the criminal justice system. This research explores the intersection of victimology and mental health, focusing on the psychological trauma experienced by crime victims in contemporary India. The research critically examines the recent legal reforms introduced by India, particularly the Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS), and Bharatiya Sakshya Adhiniyam (BSA), which aim to address the psychological needs of crime victims. These laws emphasize victim support, mental health care, and the protection of victims' rights throughout the legal process. Despite their potential, challenges persist in the effective implementation of these reforms, including inadequate infrastructure and limited victim support services. The research advocates a more integrated approach, wherein legal provisions and psychological interventions are harmonized to ensure comprehensive care for victims. It proposes recommendation as to strengthening of mental health provisions within the legal framework, fostering collaboration between mental health professionals and law enforcement, and raising awareness about the psychological needs of crime victims to create a more victim-centered justice system in India.

*Keywords: Victimology, Psychological Trauma, Mental Health, Crime Victims, Victim Support, Victim Compensation*

### **INTRODUCTION**

Victimology, a subfield within criminology, is the study of the victims of crime and the impact that criminal activity has on their lives. It extends beyond understanding the criminal's actions, focusing on the harm, suffering, and needs of the victim. Victimology aims to shed light on how crime affects individuals, families, and communities, often exploring the physical, emotional, and psychological consequences of victimization. The scope of victimology encompasses a wide range of issues, from victim rights and legal protections to the analysis of victim-offender relationships, trauma, and the societal role in providing support. As a discipline, it recognizes the importance of victim support systems, the psychological repercussions of crime, and the role of social, legal, and healthcare systems

in addressing these issues. Understanding victims' rights is essential in a democratic society where justice should be holistic, focused not just on punishing offenders but also on ensuring victims receive adequate care and support. In contemporary India, victimology has become increasingly relevant as the country faces a rising number of crime cases and a growing awareness of victim rights. There is an urgent need to bridge the gap between criminal justice proceedings and mental health care to create a more comprehensive and empathetic approach to crime and its aftermath.<sup>1</sup>

Mental health, particularly the psychological trauma that victims endure, is often underemphasized in the criminal justice system. Psychological trauma refers to the emotional and mental response to distressing or life-threatening events, and for crime victims, it may include conditions, such as PTSD, anxiety, depression, and survivor's guilt. The trauma caused by victimization can have long-lasting effects on an individual's overall well-being, often hindering their ability to heal and reintegrate into society.<sup>2</sup> Despite this, mental health care is frequently sidelined in legal proceedings, with focus typically placed on the legal aspects of the crime, such as evidence, prosecution, and punishment. In many instances, victims are expected to recover without adequate psychological support, which can exacerbate their suffering. Moreover, in India, a country where mental health has long been stigmatized and under-resourced, the criminal justice system often lacks the infrastructure and training to address these issues effectively. The need to incorporate mental health services into the justice process is therefore critical, as it acknowledges that crime not only harms victims physically but also take a significant toll on their mental and emotional well-being.<sup>3</sup>

## **THE ROLE OF VICTIMOLOGY IN CONTEMPORARY INDIA**

Historically, victimology in India has been a relatively underdeveloped field, with a primary focus on the rights and protection of the accused, while the needs of crime victims were largely neglected. However, in recent decades, there has been a discernible shift towards recognizing victims' rights, particularly as societal awareness regarding the psychological and emotional toll of victimization has increased. Initially, India's legal framework was predominantly punitive, with little regard for rehabilitating the victims of crime. This paradigm began to evolve with landmark judicial interventions, notably in cases such as *Laxmi vs. Union of India*,<sup>4</sup> where the Supreme Court emphasized the need for comprehensive victim compensation schemes and psychological rehabilitation for acid attack survivors. The

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<sup>1</sup> Manav Goyal, *Emerging Trends in Victimology*, 1 LAW ESSENTIALS J. 41 (October-December 2020).

<sup>2</sup> Tek Narayan Kunwar, *Protecting Crime Victim and Witnesses Especially in Sexual Crime*, 17 NJA L.J. 132 (2023).

<sup>3</sup> Antara Roy, *Understanding of Victimology on the Lens of Criminal Law*, 5 INDIAN J.L. & LEGAL RSCH. 1 (2023).

<sup>4</sup> *Laxmi v. Union of India & Ors.*, (2014) 4 SCC 427.

landmark *Visakha* judgment,<sup>5</sup> dealing with sexual harassment at the workplace, marked a significant turning point by focusing on victims' dignity, thus laying the groundwork for broader legal reforms concerning victim protection. Additionally, the adoption of the *Victim Compensation Scheme* under Section 357A of the CrPC, 1973 in 2008,<sup>6</sup> following the *Nirbhaya* case,<sup>7</sup> highlighted the shift towards a rehabilitative approach. In contemporary India, victimology has come to encompass not only the legal dimensions but also the psychological impact of crime, acknowledging the pervasive trauma that victims face. The growing recognition of PTSD, depression, and anxiety among victims of sexual violence, domestic abuse, and human trafficking underscores the importance of integrating psychological support into the criminal justice system.

Despite the legal progress, significant gaps remain in the mental health services available for victims in India. Victim support systems, while bolstered by NGOs and government initiatives like the National Commission for Women and various state-level schemes, continue to face challenges of underfunding, understaffing, and a lack of mental health professionals trained in trauma-informed care. The psychological impact of crime on victims, including trauma responses like PTSD, depression, and anxiety, is often minimized in the rush to secure criminal convictions. Gendered differences in trauma responses are particularly pronounced, as women and children's victims of domestic violence and sexual assault experience unique psychological burdens that require tailored support. The absence of systemic mental health support within the legal process often exacerbates the victim's trauma, particularly when victims are required to face perpetrators in court where the lack of emotional support during the trial process led to re-traumatization. The government has made strides with initiatives like the Women's Helpline and the provision of free legal aid, but the mental health needs of crime victims remain insufficiently addressed in practice. Victim rehabilitation, therefore, remains an area requiring urgent attention, with a need for further integration of mental health services into the victim justice framework, to ensure that psychological recovery is not sidelined in the legal pursuit of justice.<sup>8</sup>

## LATELY LEGISLATIVE REFORMS AND THEIR IMPACT ON CRIME VICTIMS' MENTAL HEALTH

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<sup>5</sup> *Vishaka & Ors. v. State of Rajasthan & Ors.*, AIR 1997 SC 3011.

<sup>6</sup> Central Victim Compensation Fund Scheme (CVCF), Ministry of Home Affairs, Gov't of India, [https://socialwelfare.vikaspedia.in/viewcontent/social-welfare/social-security/central-victim-compensation-fund-scheme\(cvcf\)?lgn=en](https://socialwelfare.vikaspedia.in/viewcontent/social-welfare/social-security/central-victim-compensation-fund-scheme(cvcf)?lgn=en) (last visited Nov. 9, 2024).

<sup>7</sup> *Mukesh & Anr. v. State (NCT Of Delhi) & Ors.*, (2017) 6 SCC 1.

<sup>8</sup> Hari Kishan, *Victim Compensation Laws in India: The Visible Fault Lines*, 3 INDIAN J.L. & LEGAL RSCH. 1 (December 2021 - January 2022).

In recent years, India has witnessed significant legal reforms aimed at improving victim protection and mental health support for crime victims, culminating in the enactment of three major criminal laws, *BNS, 2023*, *BNSS, 2023*, & *BSA, 2023*. These laws are designed to reshape the criminal justice landscape by prioritizing victimology, especially the psychological well-being of victims. The importance of these reforms cannot be overstated, as they seek to address the psychological trauma faced by victims of crime, which has often been neglected within the traditional punitive framework of Indian criminal law. Victimology, which examines the psychological impact of crime and the societal treatment of victims, is now acknowledged as a critical component of a just legal system. The new legislative framework is poised to integrate psychological support into the criminal justice process, ensuring that victims are not only protected physically but are also given the necessary mental health care and legal aid to recover from their trauma.

*BNS, 2023*, which replaces *IPC, 1860*, provides a crucial legal response to the issue of victim support by outlining comprehensive provisions for victim protection and compensation. One of its significant aspects is the enhanced focus on psychological trauma, acknowledging the long-term mental health challenges faced by victims, particularly those affected by violent crimes. The law mandates the establishment of dedicated counseling services and psychological support for victims, making it easier for them to access mental health professionals and support mechanisms. Additionally, *BNS* introduces an expedited process for victim compensation, including coverage for psychological treatment, which is crucial for addressing the emotional and mental repercussions of victimization. For example, in cases of sexual violence or domestic abuse, *BNS* provides victims with access to trauma-informed care, helping them navigate their psychological distress while also receiving legal remedies. This law thus represents a critical shift from punitive justice to restorative justice, emphasizing the need for psychological rehabilitation as an integral part of the victim recovery process.

*BNSS, 2023*, which replaces *CrPC, 1973*, builds upon the *BNS* by specifically focusing on victim safety and the prevention of further harm. The *BNSS* is groundbreaking in its provisions for the mental health of crime victims, particularly vulnerable groups such as women, children, and marginalized communities. The law mandates the creation of safe spaces for victims, where they can access not only physical protection but also psychological counseling and therapy. By ensuring access to professional mental health support, the *BNSS* directly addresses the trauma victims experience, facilitating a more holistic recovery. Furthermore, it recognizes the complex social realities that often exacerbate victimization, such as economic dependency, social stigma, and fear of retribution. Through the *BNSS*, the Indian legal system has taken proactive steps to protect the mental health of crime victims by integrating psychological care into the broader framework of victim protection.

Similarly, BSA, 2023, which replaces Indian Evidence Act, 1872, enhances the legal process by addressing the psychological challenges faced by victims and witnesses during trials. By integrating mental health professionals into the legal proceedings, particularly in the preparation of victims for testimony, the BSA helps mitigate the fear and trauma often associated with giving evidence in court. This innovative approach ensures that victims are not further traumatized by the justice process, fostering a more victim-centric legal environment that acknowledges both the emotional and physical toll of crime.

### **ADDRESSING THE CHALLENGES IN IMPLEMENTING THESE LAWS**

The implementation of victim support systems in India faces significant barriers, particularly regarding mental health infrastructure and the societal stigma associated with seeking mental health care. Despite the growing recognition of psychological trauma as a critical issue in victimology, there remains a profound scarcity of accessible and adequately funded mental health services for crime victims. India's mental health infrastructure is largely inadequate, particularly in rural areas, where psychological services are not readily available. Furthermore, the stigma surrounding mental health remains a substantial hurdle, with many victims of crime, especially women and children, refraining from seeking psychological help due to cultural taboos or fear of social exclusion. How many people with mental health conditions seek formal help, revealing a systemic failure to address the psychological needs of crime victims effectively as per 2024 or any latest data in India?<sup>9</sup>

According to the Economic Survey 2024, the treatment gap for mental disorders in India remains significant. The survey cites data from the National Mental Health Survey (2015-16) which found that 10.6% of adults in India suffered from mental disorders, but the treatment gap ranged between 70% to 92% for different disorders.<sup>10</sup> This indicates that a large number of individuals with mental health conditions do not seek formal help, revealing a systemic failure to address their psychological needs effectively. Additionally, law enforcement and judicial personnel lack sufficient training in understanding the trauma experienced by victims, often resulting in a re-traumatizing process during investigations and trials. The infamous case of *Nirbhaya* exemplified these gaps, where the victim's family had to navigate a legal system ill-prepared to handle the complexities of trauma, leading to a prolonged and distressing legal battle. The delay in justice, lack of trauma-informed approaches in police investigations, and insensitivity shown by the judicial process to the psychological toll on victims further exacerbate

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<sup>9</sup> Vibha Mohan, *Revisiting Victim Compensation in India*, 4 INDIAN J.L. & PUB. POL'y 88 (Summer 2018).

<sup>10</sup> Ministry of Health & Family Welfare, *World Mental Health Day 2024: Enhancing Mental Well-Being at Work*, Press Information Bureau (Oct. 9, 2024), <https://pib.gov.in/PressNoteDetails.aspx?NoteId=153261&ModuleId=3&reg=3&lang=1>.

the harm caused by the crime. These challenges indicate a critical need for reform not only in mental health services but also in the training and sensitization of law enforcement and judicial officers to ensure victim-centric justice.

From a legal implementation perspective, despite the advancements made through the BNS, BNSS, & BSA, there remain significant hurdles in the practical application of these laws. These offer substantial provisions aimed at victim support and protection; however, their effective implementation continues to be hindered by systemic issues such as bureaucratic delays, lack of coordination among authorities, and logistical constraints in victim protection programs. One of the primary challenges is the delay in victim compensation and legal proceedings, often prolonging the suffering of victims. Case studies, such as the prolonged legal proceedings in the *Nirbhaya* case, where the victim's family endured delays in justice and inadequate support during the trial, underscore the inefficacy of the legal process in providing timely relief. Moreover, the victim compensation schemes under these laws are often bogged down by red tape, with funds not being disbursed promptly, leaving victims in a state of financial and emotional vulnerability. There are also significant gaps in the protection mechanisms for victims under these laws. For instance, the BNSS, which is designed to protect victims and witnesses, has faced criticism for its failure to provide adequate protection to those at risk of retaliation, particularly in cases involving organized crime. The absence of a robust, nationwide framework to integrate legal and psychological support further impedes the recovery of victims. Thus, while these laws represent a progressive shift in victim rights, their implementation remains fraught with challenges that require comprehensive judicial, administrative, and societal reforms. Effective coordination between law enforcement, healthcare providers, and legal institutions is essential for creating a victim-centered justice system that can address the multifaceted needs of crime victims.<sup>11</sup>

## **PSYCHOLOGICAL APPROACHES TO SUPPORTING CRIME VICTIMS**

Psychological interventions for crime victims have become an essential aspect of modern criminal justice and victim support systems, focusing on trauma-informed care. Trauma-informed care involves recognizing the profound impact crime can have on an individual's mental health, ensuring that victims are treated with empathy and respect throughout their recovery process. This approach emphasizes safety, trustworthiness, and collaboration, ensuring that victims' experiences and emotional needs are at the forefront of their healing journey. Counseling services and therapeutic models tailored to the unique needs of crime victims, such as cognitive-behavioral therapy for those suffering from PTSD, or trauma-focused therapy for survivors of sexual violence, play a crucial role in helping

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<sup>11</sup> *Supra* note 8



individuals regain control over their lives. Mental health professionals, including psychologists, psychiatrists, and social workers, are integral in this process. They not only assist victims in managing psychological distress but also in navigating the emotional and psychological aftermath of criminal acts, often helping them re-engage with society and rebuilding trust in themselves and others. These professionals provide vital support in post-crime recovery, facilitating the development of coping mechanisms and assisting victims in overcoming the barriers that crime leaves in its wake.<sup>12</sup>

A holistic approach to victim rehabilitation requires the integration of legal and mental health services to provide comprehensive support. This integration ensures that victims' psychological needs are addressed alongside their legal rights, creating a more compassionate and effective support system. Community-based rehabilitation programs offer a vital avenue for ongoing care, emphasizing the importance of social reintegration and peer support. These programs often include initiatives that involve the victim's family, social networks, and support groups, which are critical in helping individuals heal emotionally and reintegrate into society. The family and close social networks act as crucial pillars of support, providing an environment of trust, empathy, and safety for the victim. Additionally, the collaboration between mental health professionals and legal institutions is paramount to ensuring that victims are not retraumatized by the legal process. This collaboration requires the training of law enforcement officers and judicial systems to understand trauma's psychological effects, ensuring that victims are not further victimized during investigation and trial. Mental health professionals should be involved in the legal process, particularly in preparing victims for testimony, supporting them through the trial, and providing post-trial counseling to address any emotional toll caused by the legal proceedings. Finally, effective coordination among government agencies, NGOs, and healthcare providers is essential to ensure that victims have access to a seamless network of both legal and psychological support, promoting their long-term recovery and well-being.<sup>13</sup>

## **CONCLUSION & THE WAY FORWARD**

The intersection of victimology and mental health is an often underappreciated yet critical component of the criminal justice process, particularly in contemporary India. Despite the significant advancements embodied in lately enacted laws vis-à-vis old laws, the implementation of victim-centric policies remains inconsistent, and challenges in addressing psychological trauma persist. While these reforms provide a robust legal framework for victim protection, compensation, and psychological support, their effectiveness is contingent on the integration of these provisions into

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<sup>12</sup> Hiba Zaheer & Erika Yagnik, *Psychological Warfare of Sexual Violence*, 1 INT'L J.L. MGMT. & HUMAN. 152 (August-September 2018).

<sup>13</sup> *Id.*

a comprehensive and operationalized system. The laws must not only address the procedural rights of victims but also ensure that the psychological aspects of victimization are adequately treated, supported, and prioritized. This involves addressing significant gaps in mental health infrastructure, training law enforcement and judicial officials in trauma-sensitive practices and ensuring timely and accessible counseling services for victims. Additionally, the societal stigma surrounding mental health care continues to impede victims from seeking the support they need, further complicating the pathway to healing.

The way forward requires a multidimensional approach that addresses both the legal and psychological needs of crime victims. First, it is imperative that legislative provisions related to victim support are operationalized effectively, with specific emphasis on mental health services as part of the victim compensation process. State and central authorities must ensure the availability of trained mental health professionals within the criminal justice system, including during police investigations, court proceedings, and victim rehabilitation programs. Furthermore, comprehensive reforms must include public education campaigns to reduce the stigma around seeking mental health care, particularly in post-crime scenarios. The legal framework must also be expanded to facilitate more victim-friendly procedures, such as reducing the duration of legal proceedings and incorporating victim impact statements into court decisions. Collaboration between mental health professionals, legal institutions, and non-governmental organizations is crucial for fostering a victim-centered justice system that prioritizes the long-term well-being of crime victims. By ensuring these reforms are genuinely implemented, India can create a more compassionate and just environment for victims, enabling their psychological recovery alongside their legal restitution.