

नमोःनमः



# **Policies Related to Victimology in Nepal**

-Shiva Prasad Acharya

Roll No. 09/076, LLM IV Sem (Day)

# Victimology

- Victimology is the scientific study of victimization including the relationships between victims and offenders, the interactions between victims and the criminal justice system that is, the police and Courts, and corrections officials — and the connections between victims and other social groups and institutions, such as the media, businesses, and social movements.
- Victimology is however not restricted to the study of victims of crime alone but may cater to other forms of human rights violations that are not necessarily crime.

# Examples of victims in Nepal



## किसानलाई धानबालीको क्षतिपूर्ति दिन राष्ट्रपतिको आग्रह

४ कात्तिक, काठमाडौं। राष्ट्रपति विद्यादेवी भण्डारीले अविरल वर्षाका कारण धानबालीमा क्षति ब्यहोरेका किसानलाई राहत र क्षतिपूर्ति दिन आग्रह गरेकी छन्। विहीवार विज्ञप्ति जारी गर्दै राष्ट्रपति कार्यालयले नष्ट भएको धानबाली र विभिन्न भौतिक पूर्वाधारको राहत, ...



## २९ जना द्वन्द्वपीडितलाई क्षतिपूर्ति दिने सरकारको निर्णय

२ पुस, काठमाडौं। सरकारले २९ जना द्वन्द्वपीडितलाई २३ लाख २० हजार रुपैयाँ क्षतिपूर्ति दिने निर्णय गरेको छ। विहीवार बसेको मन्त्रिपरिषद्को बैठकले सत्यनिरुपण तथा मेलमिलाप आयोगको सिफारिस बमोजिम पूर्णप्रसाद पौडेलसहित २९ जनालाई क्षतिपूर्ति उपलब्ध गराउने ...



## जग्गा व्यवस्थापन र क्षतिपूर्ति माग्नै बुटवल उपमहानगरको गेटमा कोरिडोर प्रभावितहरूको धर्ना

१३ पुस, बुटवल। रुपन्देहीको तिनाउ र दानव कोरिडोरमा निर्माणाधीन सडकबाट प्रभावित बासिन्दाले बुटवल उपमहानगरपालिका कार्यालयअगाडि धर्ना दिएका छन्। सडक बनाउँदा झण्डै दुई हजार परिवार विस्थापित हुनुपर्ने अवस्था रहे पनि उपमहानगरपालिकाले प्रभावित बासिन्दालाई उचित व्यवस्थापन ...



## स्याउ किसानले पाए क्षतिपूर्ति

२४ फागुन, खलङ्गा। जुम्लाका स्याउ किसानले क्षतिपूर्ति पाएका छन्। असिना र खडेरीका कारण स्याउ नष्ट भएपछि उनीहरूले क्षतिपूर्ति पाएका हुन्। शंखर इन्स्युरेन्स कम्पनी लिमिटेड जुम्लाले जिल्लाका एक हजार ४२० स्याउ किसानलाई दुई करोड ...



## नक्कली बीउपीडित किसानको असन्तुष्टि- क्षतिपूर्ति थोरै तोकियो

# Victim & Crime Victim

- One can be victim due to civil wrong, human right violation and so on. They are included in crime victim.
- A victim of a crime is an identifiable person who has been harmed individually and directly by the perpetrator, rather than merely the society as a whole.
- However, this may not always be the case, as with victims of white collar crime, who may not be clearly identifiable or directly linked to the crime. Victims of white collar crime are often denied their status as victims by the social construction of the concept.

# Types of Victimization

- **Psychological Victimization:** Three phases of crime: before, during and after the crime. The fear of crime being committed troubles all people, it is a source of mental anxiety to the victim.
- **Social Victimization:** victim faces social victimization through lengthy court proceedings, the police torture and ransom demand, and the attitude of society towards the victim.
- **Physical Victimization: Assault, Multilation, etc.**



# Compensation Provision to crime victim in the Constitution-1

- A **crime victim** shall have the right to justice along with social rehabilitation and compensation in accordance with law.[Art. 21(2)]
- A victim of **torture** shall have the right to obtain compensation in accordance with law. [Art.22 (2)]
- In case the authority having power to hold a person under **preventive detention** holds any person under preventive detention contrary to law or in bad faith, such person shall have the right to obtain compensation in accordance with law. [Art. 23(3)]
- All types of acts of **untouchability and discrimination** committed in contravention of this Article shall be punishable by law as a severe social offence, and the victim of such act shall have the right to obtain compensation in accordance with law. [Art.24(5)]

# Compensation Provision to crime victim in the Constitution-2

- No woman shall be subjected to physical, mental, sexual, psychological or other form of violence or exploitation on grounds of religion, social, cultural tradition, practice or on any other grounds. Such act shall be punishable by law, and the victim shall have the right to obtain compensation in accordance with law. [Art.38(3)]
- A child who is the victim of such act shall have the right to obtain compensation from the perpetrator, in accordance with law. [Art.39 (10)]
- To order for the provision of compensation in accordance with law to any person who is a victim of the violations of human rights. [Art.249 (3)(d)]

[Note: Victim of HR s violation may not necessarily be crime victim.]



# Compensation Provision to crime victim in the Constitution-3

- The victim may, within three months from the date of termination of that Proclamation or order, file a petition for compensation for such damage. In case such petition is made, the court may order for compensation by, and punish, the perpetrator as provided for in the federal law. [Art.273 (12)]

Other provision related to compensation which may not necessarily be related to crime.

- Art. 25(3)
- Art. 30(2)
- Art. 44(2)

# **Policy Related to Victim in Nepal**

- **Constitution of Nepal.**
- **Human Trafficking and Transportation (Control) Act, 2064**
- **Vehicle and Traffic Management Act, 2049**
- **Torture related Compensation Act, 2053**
- **Crime Victim Protection Act, 2075**
- **Crime Victim Protection Rules, 2077**
- **Criminal Offence (Victim Relief Fund) Rules, 2077**

# Crime Victim Protection Act, 2075

- **Category of Victim:**
  1. **Victim of first degree:** Victim from the perpetrator who hasn't need to bear criminal liability due to his age, mental condition, diplomatic immunity or withdrawn of the case. Victim who have directly suffer from the crime of [§ 2(h)]
  2. **Victim of Second degree:** The victim who has to suffer for being eyewitness to the crime or the guardian of the first degree victim .[§ 2(f)]
  3. **Family Victim:** Members under the safe roof of fist degree victim. [§2(i)]

# CVPA, 2075 contd.

- **Rights of Victim:**

1. Right to fair treatment.
2. Right against discrimination.
3. Right to Privacy
4. Right to information regarding investigation
5. Right to information regarding prosecution.
6. Right to information regarding judicial process.

# CVPA, 2075 contd.

- **Rights of Victim (contd):**

7. Right to security.

8. Right to give opinion.

9. Right to put his own lawyer.

10. Right to participate in hearing.

11. Right to get back the property taken for the sake of evidence.

12. Right to compensation and social rehabilitation.

# CVPA, 2075 contd.

## **Duties of Victim:**

1. To give timely information regarding the offence to authorized body.
2. To help the investigation and prosecutor officer.
3. To stand in front of the court or the officers for giving statement.
4. To give valid address and phone number and notify it soon incase of any change.

# Crime Victim Protection Rules, 2077

- Giving information to victim regarding the progress of investigation
- Giving information to victim regarding the charged filed upon the defendant
- Giving information regarding the the date of court hearing.



# **Criminal Offence (Victim Relief Fund) Rules, 2077**

- Formulated as per the authority given by Sentencing Act, 2075
- Establishment of Victim Relief Fund (Rule No. 3)
- Application must be submitted by the victim to receive the compensation.
- If the case is withdrawn or the defendant has no property to provide relief to the victim then in such case victim can receive compensation from victim relief fund. (Rule No. 10(3))

## VRF-contd

- If the case hasn't be filed due to the failure of detecting the accused, then victim of such case would receive releif from VRF. (Rule 11)
- Amount provided as relief to the victim is to be recovered from the accused.(Rule 13)

# **Crime Victims and Witness Assistance Directives, 2073 (OAG)**

**→ Crime Victims and Witness Assistance Directives,  
2073 (OAG)**

# Case-Bikash Vishokarma Vs.GON

**State duty to give compensation to victim:**

If defendant is unable to compensate the victim then state or social organisation should provide such relief to victim. [\*10532]

Compensation is necessary to assure Social Security to victim. [\*10532]

## **Triratna Chitrakar v Nepal Government, NKP, 2066, Decision No. 8148, P. 784.**

- In this case, the Supreme Court stated that in-camera hearing procedures have not been implemented up to now in such sensitive case. While conducting in-camera hearing process, parties of the case, defense lawyer, witness, victim's friend and her relatives, prosecutor, and court officials should only be permitted to attend the proceedings.

## Jyoti Lamsal v Government of Nepal, NKP (2067), Decision No. 8507, P. 1903.

- In this case, the Supreme Court issued directive to the Government of Nepal to set up **counseling center** for providing necessary assistance to the woman victim in every district as per availability of resources.

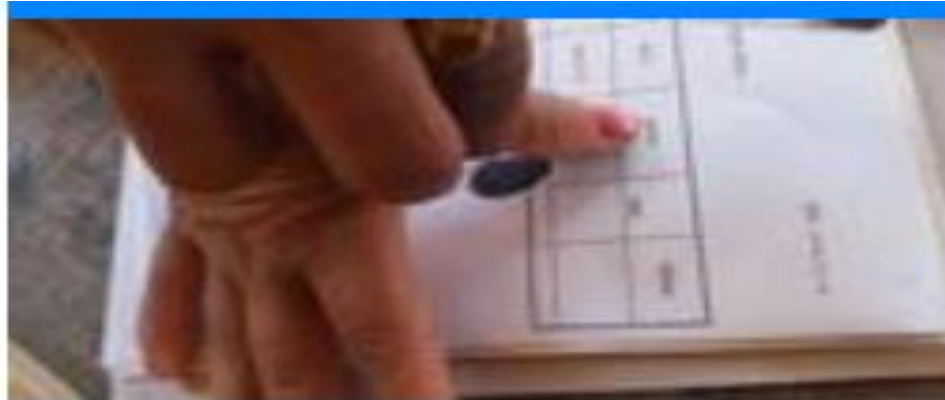
Source: <https://ekantipur.com/pradesh-3/2022/03/24/164808713379823369.html>

कान्तिपुर

## अदालतद्वारा घरमै पुगेर पीडितलाई क्षतिपूर्ति

बलात्कार मुद्दाका पीडकले भरेको राहत रकम अदालतका कर्मचारीले घरमै पुगेर पीडितलाई दिएका हुन्

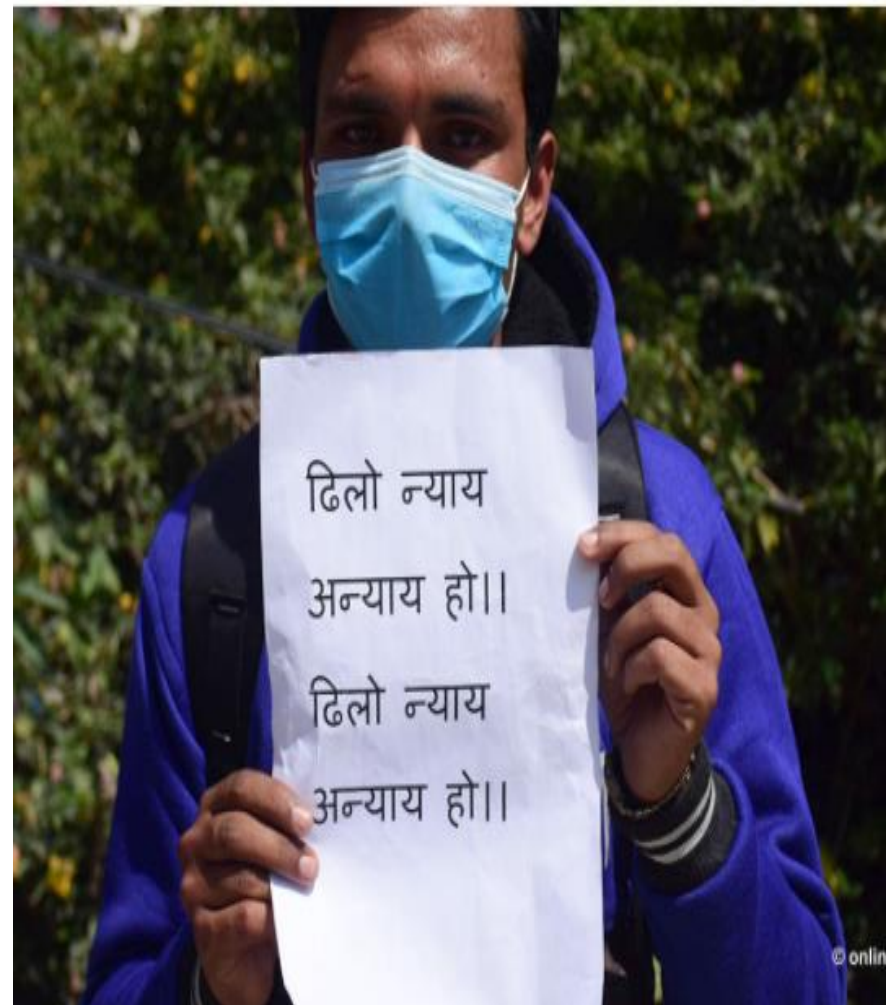
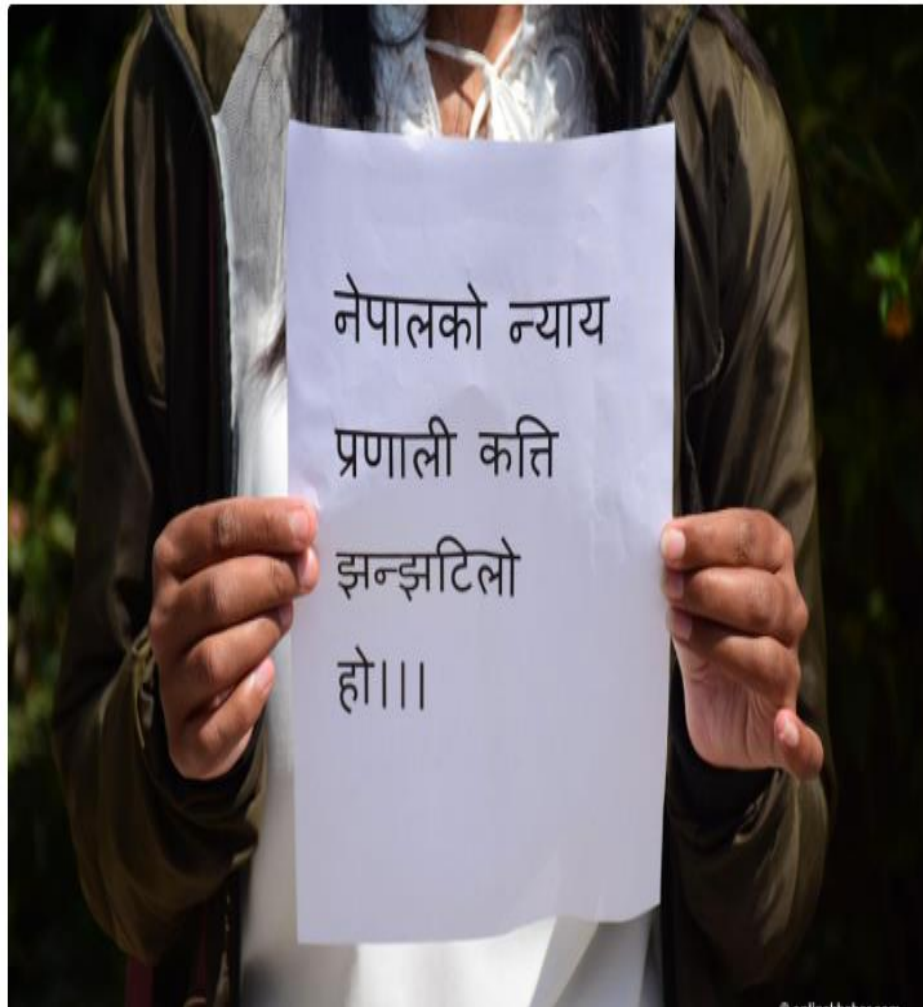
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अदालतद्वारा घरमै पुगेर  
पीडितलाई क्षतिपूर्ति



# Court Victims



# AG meets the Acid Attack Victim



**Thank You**