



Victims' Compensation: A long way to go in context of Bangladesh.

Advocate Farhad Uddin Ahmed Bhuiyan

Someone may differ and can have allergy on the subject matter I am going to portrair. But in fact, whatever or whoever tries to nip in the bud of this kind of well-timed issue will not get marked in the mind of the conscious and concerned authority to leave no stone unturned regarding the burning issue "Victims' compensation". If I focus on and stir the basket of my bitter and bad experience on dealing with victims, it will, for sure, account for and ratify the attempt of inking. As a legal professional, I have witnessed and have to see thousands of victims of different scale and dimension which more particularly urges to bleed in my heart.

However, crime and criminal tendency in the society is the finished goods of the primitive age which have been spinning to date like as allergy which can, in fact, be kept under controlled through proper mode of measures but a little bit tough to wash away from the society. In this land, crime and brutality on the victims are skyrocketing. The victims of crimes and other factors have to await and count the year after year to get justice and equity having zero down their emotion and hope to get justice for the brutality upon them.

But in real sense, few and far between the fate of the victims may be at opted state to get justice on the other hand most of the victims deprived of their expected just and impartial trial showing thumb to the constitutional bindings. In our country, for the criminal offences Justice and Equity is ensured and criminals are penalized through proper judicial process and trial; but the question is what exactly the victims are personally getting? Nothing else. Victims loss their lives, reputation, social status, become loser in family, social, professional and personal life.

Not only this, our society throws naked stigma upon some victims too. No telling to say that victims loss their lives being murdered. They become handicapped by losing important organs of their body. There is no denying fact that even the rape victims have to remain aloof themselves having the fear of facing critical eyes from every four walls of the country and /or society. More so, the victims of crimes have to count irreparable loss both in financial and other aspects.

Withal, sufferings and harassment march on getting Justice and Equity from the courts of law and other authorities which very often demoralises the victims to seek justice. In our country, having serious backlog of cases, continuation of the cases in the courts costs a lot which also bends the victims at large having no legs to stand.

Most importantly, my point is that even though criminals are punished, in most of the cases in accordance with law, the victims do not get back their pains, sufferings, lives, damage, reputation, mental and physical illness, quality time of life, modesty, virginity in case of rape victims etc. After a long legal fight and tiresome sufferings when victims only get the verdict in favour of them & against the offenders but the victims do not get any compensation of their sufferings, pains, injury and so on.

It is, to me, seemed that irreparable loss of the victims walk on & stick to gun with the rest of lives of the victims which is unjustified. My logic and understanding is that victims should be awarded compensation in justified range and dimension as the courts think fit and in some cases, they may be rehabilitated as per their capacity, knowledge and so on. In the developed countries, this concept has already been in operation but in our country except rare cases the

question of giving compensation to the victims is unheard of. Eventually, time has come to think on this. Enactment of law on victims' compensation has been crying need of this era. There may have various lay out & dimension on how the victims will get compensation and who will pay that compensation.

If the Victims' compensation is introduced, then it would be added in our judiciary as a modern tool & lodestar of justice delivery system. There may have much work and research on this issue before enacting the law. Stakeholders in this connection may be a source of settling and setting a parameter upon which compensation to the victims can be determined. Loopholes of the concept of victims' compensation are not the shield but the prospects of victims' compensation will be a milestone in our judiciary. Critiques may laugh at on the issue. But when the efficacy of this matter will come to light, then all criticism will chase to the hole.

Losing, by brutal act of any criminal and/or negligence of the state and /or others, a beloved family member who would maintain and feed the whole family will have no way left except the helpless frustration and appeal to others for the token of financial help. Truly, thousands of victims & their family members are counting the days of wrapping up their untold sufferings being the victim of brutal & inhuman consequences of life.

Question may arise as to why & how this law can be implemented? Undoubtedly, there may have the clear Rules so as to the application of the law having out and out guidelines. In Bangladesh, a few of precedent of awarding victims' compensation has come up as being example that such can happen, though these reliefs were sought for in writ jurisdiction which is not affordable and convenient to mass people of the country.

However, considering the overall and core interest of the victims and their family enacting a law in this concern is the demand of the age. Law enactment, amendment, repealing and modification are the ongoing process which has to keep consistency with the demand of the age and need of the people of the concerned territory.

Though this write-up did not unveil the statistical data of victims in Bangladesh in different sectors and dimension, it has an ample focus on the overall drawbacks and loopholes of the ongoing system of justice delivery by not caring for providing the justified compensation to victims and/or their family (where applicable).

I am not bringing to book the ongoing justice delivery system at all. But to have a flying color & to down my pen, I would like to convene to all the concerned to think on this issue having minute concentration on the factors for which this may come up to be enacted as law may get well-placed in the thoughts of the concerned on the table of vetting and finally in the legislative assembly not to ensure the smiling but to drop down the silent crying of the millions of victims of this land.

-----*-----