

Victimology & Victimization of Government Servants at Workplace – Legal Provisions in India

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Abstract—Victimisation of employees in government offices is a commonly observed fact by way of unfair treatments, penalisation and targeted harassment by their higher authorities in response to an employee who filed an application under RTI Act, 2005, reported a corruption by his / her senior, made a complaint against his / her higher officer; and / or who refused to follow an improper and illegal orders, etc. The fact that such employees in government offices faces unwarranted forms of actions such as unjustly transfer of an honest officer / staff to a remote and / or insignificant posting as a penalty. Similarly, the higher officer's orders malicious inquiries against the honest employees by way of launching fake and forged department charges and / or disciplinary actions thereof. In addition to the same, the honest employees are subjected to denial of rights such as withholding their promotions, annual increments, delay and denial of monitory / pension benefits, etc. The honest employees are prone to official bullying at workplace, public humiliation, unreasonable work pressure and /or stripping operation powers, etc. The authors of this paper are making an attempt to explore on the Victimology & Victimization of Government Servants at Workplace – Legal Provisions in India for the same.

Index Terms—Victimisation, legal provisions, harassment, government servant.

I. INTRODUCTION

Victimology is the scientific study of victims, victimization, and the relationship between victims and offenders. The term "Victimology" was first introduced by Benjamin Mendelsohn in the 1940s. He is often regarded as the "Father of Victimology." Another important contributor was Hans von Hentig, who published studies on victim-offender relationships and victim participation in crimes.

Initially, criminology focused mainly on offenders, but victimology emerged to understand the role, suffering, rights, and protection of victims.

Nature of Victimology:

The nature of victimology include –

(i) Scientific – Uses systematic methods to study victims, (ii) Interdisciplinary – Draws knowledge from criminology, sociology, psychology, law, and social work, (iii) Humanitarian – Focuses on victim welfare and rehabilitation, (iv) Dynamic – Continuously evolves with social and legal developments, and (v) Applied Science – Helps formulate policies for victim assistance and compensation.

Scope of Victimology:

(i) Study of Victims: Characteristics of victims, Victim-offender relationships and Victim vulnerability, (ii) Victimization Process: Causes and patterns of victimization; and Physical, emotional, and financial consequences, (iii) Victim Rights: Right to justice, right to compensation; and right to protection and rehabilitation, (vi) Victim Assistance: Counselling services, medical aid, Legal assistance, Shelter and rehabilitation, (v) Victim Compensation: State compensation schemes and Restitution by offenders, and (vi) Research and Policy Development: Crime prevention, Victim protection programs and Criminal justice reforms.

II. FORMS OF VICTIMISATION

Victimization refers to the process through which an individual suffers harm due to criminal acts, abuse, neglect, or misuse of power.

- **Primary Victimization:**

Direct harm suffered by the victim as a result of crime. Examples: Assault, Murder attempt, Theft and Rape. Effects: Physical injuries, Emotional trauma and financial loss

- **Secondary Victimization:**

Additional suffering caused by insensitive treatment by society or criminal justice agencies. Examples: Humiliating police questioning, Delays in court proceedings and Media invasion of privacy. Effects: Anxiety, Depression, Loss of trust in justice system

- **Tertiary Victimization:**

Victimization arising from social stigma and societal reactions. Examples: Social boycott of rape victims, and Discrimination against victims of domestic violence.

- **Criminal Victimization:**

Victimization caused by criminal acts. Examples: Robbery, Kidnapping, Fraud and Cybercrime

- **Domestic Victimization:**

Occurs within family or household relationships. Examples: Domestic violence, Child abuse, and elder abuse.

- **Sexual Victimization:**

Victimization involving sexual offences. Examples: Rape, Sexual harassment and Child sexual abuse.

- **Economic Victimization:**

Financial exploitation or deprivation. Examples: Cheating, Fraud, and financial abuse of elderly persons.

- **Psychological Victimization:**

Mental and emotional harm caused by abusive conduct. Examples: Threats, Intimidation, Bullying and Stalking.

- **Cyber Victimization:**

Victimization through digital technologies. Examples: Online fraud, Identity theft, Cyberstalking, and Hacking

- **State Victimization:**

Victimization caused by abuse of governmental authority. Examples: Custodial torture, Illegal detention, and Human rights violations.

Forms of Victimization in Government Offices:

- **Administrative Victimization:**

Misuse of administrative powers to harass employees. Examples: Frequent transfers without justification, Denial of promotions, Unfair performance reports, Withholding increments and benefits.

- **Professional Victimization:**

Actions intended to damage an employee's career. Examples: Exclusion from important meetings, Denial of training opportunities, Removal from significant assignments, and Unjust disciplinary proceedings.

- **Psychological Victimization:**

Conduct causing emotional distress. Examples: Public humiliation, Threats and intimidation, Verbal abuse and Continuous criticism.

- **Social Victimization:**

Isolation or exclusion within the workplace. Examples: Social boycott, Deliberate exclusion from office activities, Spreading false rumours.

- **Sexual Harassment and Gender-Based Victimization:**

Particularly affecting women employees. Examples: Unwelcome sexual advances, sexually coloured remarks, and hostile work environment.

- **Whistleblower Victimization:**

Retaliation against employees who expose corruption or misconduct. Examples: Transfers to remote locations, Threats and harassment; and False complaints and inquiries.

III. VICTIMISATION OF GOVERNMENT SERVANTS AT WORKPLACE

Victimization in the government workplace refers to unfair, hostile, discriminatory, or retaliatory treatment of officers and employees by superiors, colleagues, subordinates, or external persons because they have exercised their rights, reported wrongdoing, refused

illegal orders, or participated in official proceedings. Such victimisation adversely affects employee morale, productivity, mental health, and the efficiency of public administration. Workplace victimisation occurs when an employee is subjected to adverse treatment for: (i) *Filing complaints against misconduct or corruption*, (ii) *Reporting irregularities or whistleblowing*, (iii) *Refusing to participate in illegal activities*, (iv) *Seeking legal remedies*, (v) *Exercising workplace rights*, and (vi) *Belonging to a protected group*. It is observed that Workplace Bullying, Victimisation and Harassment (WBVH) are sensitive and multifaceted issues and have become a major agenda globally.

IV. CAUSES & IMPACTS OF VICTIMISATION

Causes of Victimisation in Government Workplaces include – (i) Abuse of authority, (ii) Personal rivalry and workplace politics, (iii) Corruption and vested interests, (iv) Lack of accountability, (v) Discrimination based on caste, gender, religion, or disability, (vi) Retaliation against whistleblowers, and (vii) Weak grievance redressal mechanisms.

Impact of Victimisation Government Workplaces include - (i) On the Employee - Stress and anxiety, Depression and mental trauma, Loss of confidence, Reduced job satisfaction, Health problems, and (ii) On the Organisation - Reduced productivity, Poor workplace morale, Increased absenteeism, Loss of public trust, and Inefficient administration.

V. LEGAL PROVISIONS AGAINST VICTIMISATION

Constitutional Protections:

- 1)Article 14 – Equality Before Law, Guarantees equal treatment by the State. Arbitrary, discriminatory, or mala fide actions against a government servant can be challenged as violations of Article 14.
- 2)Article 16 – Equality of Opportunity in Public Employment, Protects government servants from discrimination in appointments, promotions, transfers, and service conditions.
- 3)Article 21 – Right to Life and Personal Liberty, Includes the right to live with dignity and work in a safe environment. Workplace harassment and

victimisation affecting dignity may violate Article 21.

- 4)Articles 32 and 226 - Enable government servants to approach the Supreme Court of India or a High Court through writ petitions against arbitrary or illegal actions.

Service Law Protections:

- 5)Article 311 of the Constitution - Provides safeguards against arbitrary dismissal, removal, or reduction in rank of government servants.
- 6)Key Protections - Reasonable opportunity to defend oneself, Departmental inquiry before major penalties, and Protection against arbitrary disciplinary action.

Service Rules:

- 7)Central Civil Services (CCS) Rules:

Applicable to Central Government employees. CCS (Conduct) Rules Require Fair treatment among employees, Maintenance of integrity and dignity. Prevention of abuse of authority by superiors.

- 8)CCS (CCA) Rules:

The Central Civil Services (Classification, Control and Appeal) Rules provide - Due process in disciplinary proceedings, Appeal and revision remedies, and Protection against arbitrary punishment.

- 9)State Civil Service Rules:

State Government employees receive similar protection under respective state service rules. These generally provide - Appeal against adverse entries, Review of transfers, Protection against arbitrary disciplinary proceedings, and Departmental grievance redressal mechanisms.

Departmental grievance mechanisms:

- 1)Whistleblower Protection,
- 2)Whistle Blowers Protection Act, 2014 provides protection to persons exposing corruption and misuse of power,
- 3)Sexual Harassment Protection, and
- 4)Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 provides protection against workplace sexual harassment.

VI. PREVENTION & PROTECTION

Preventive Measures include - Transparent transfer and promotion policies, Effective grievance redressal systems, Protection for whistleblowers, Sensitisation and ethics training, Strong anti-harassment policies, independent inquiry mechanisms, and Regular workplace audits and monitoring.

Protection of Whistleblowers include - Whistle Blowers Protection Act, 2014 - Protects public servants who disclose: Corruption, Abuse of power, Misuse of public funds, administrative irregularities, Protection Includes - Confidentiality of identity, Protection against retaliatory action, and Inquiry into complaints.

Protection Against Sexual Harassment include - Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Provides protection to women government employees from - Sexual harassment, hostile work environment, Retaliation after filing complaints. The Mechanism includes - Internal Complaints Committee (ICC), Inquiry procedure, and Disciplinary action against offenders.

Criminal Law Protections include - Victimisation involving criminal conduct may attract provisions of the Bharatiya Nyaya Sanhita, 2023. Examples include: Criminal intimidation, Defamation, Assault, Wrongful restraint, Criminal conspiracy, Forgery and fabrication of records, Intentional insult and harassment. Where public servants abuse official position, anti-corruption laws may also apply.

Protection Under Labour and Human Rights Principles include - Government employees may seek remedies before - Administrative Tribunals, High Courts, Human Rights Commissions, Women's Commissions (in appropriate cases), Scheduled Castes and Scheduled Tribes Commissions where caste-based victimisation is involved.

VII. LEGAL REMEDIES AVAILABLE TO A VICTIMISED GOVERNMENT SERVANT

- Representation to the immediate superior authority.
- Departmental grievance petition.

- Appeal under service rules.
- Complaint to vigilance authorities.
- Complaint under the Whistle Blowers Protection Act.
- Complaint to Internal Complaints Committee (where applicable).
- Application before the Central Administrative Tribunal (CAT) or State Administrative Tribunal.
- Writ Petition before the High Court under Article 226.
- Criminal complaint where victimisation amounts to an offence.
- Claim for compensation in appropriate cases.

VIII. VICTIM COUNSELLING IN THE CRIMINAL JUSTICE SYSTEM (CJS)

Victim counselling is a professional process that helps victims cope with the emotional, psychological, social, and legal consequences of crime.

Objectives of Victim Counselling are to - Reduce trauma and stress, restore confidence and self-esteem, assist recovery and rehabilitation, help victims understand legal procedures, Promote emotional stability. Importance in the Criminal Justice System is for (i) Emotional Support - Victims often suffer shock, fear, anxiety, and depression. Counselling provides emotional relief and reassurance, (ii) Trauma Management - Helps victims overcome Post-Traumatic Stress Disorder (PTSD), Fear, Anger and Grief, (iii) Better Participation in Justice Process - Counselling enables victims to Give accurate statements, Cooperate with investigations, and Testify confidently in court, (iv) Prevention of Secondary Victimization - Counsellors help victims deal with insensitive treatment from police, courts, media, and society, (v) Rehabilitation and Reintegration - Assists victims in Returning to normal life, Rebuilding relationships, Resuming employment and education, (vi) Legal Awareness - Victims learn about Compensation schemes, Legal rights, Protection orders, and Available support services, (vii) Crisis Intervention - Immediate counselling is crucial in cases involving Rape, Domestic violence, Child abuse, Terrorist attacks, Natural disasters, and (viii) Strengthening Victim Rights - Counselling empowers victims and promotes a victim-oriented justice system.

IX. CONCLUSION

Victimology has transformed criminal justice by shifting attention from offenders alone to the rights, needs, and welfare of victims. Understanding forms of victimization and providing effective victim counselling are essential for ensuring justice, rehabilitation, and the protection of human dignity within the Criminal Justice System. Victimisation of officers and staff in government workplaces is a serious administrative and human rights concern. It undermines employee dignity, efficiency, and public service delivery. A fair, transparent, and accountable administrative system, coupled with strong legal safeguards and grievance mechanisms, is essential to prevent victimisation and ensure a healthy work environment in government institutions. Victimisation of government servants refers to harassment, discrimination, retaliation, unfair transfers, denial of promotions, false disciplinary actions, intimidation, or other adverse actions taken against a public employee for performing official duties, reporting misconduct, exercising legal rights, or refusing unlawful orders. Indian law provides constitutional, statutory, and service-rule protections against such victimisation. Indian law provides substantial protection against victimisation of government servants through constitutional guarantees, service rules, whistleblower protection, anti-harassment laws, criminal law provisions, and judicial remedies. Any arbitrary transfer, false disciplinary action, harassment, discrimination, or retaliation can be challenged through departmental, tribunal, and judicial mechanisms to safeguard the dignity and rights of public servants.

REFERENCES

Books:

- [1] B. Mendelsohn, *Victimology and Contemporary Society*.
- [2] H. von Hentig, *The Criminal and His Victim*.
- [3] A. Karmen, *Crime Victims: An Introduction to Victimology*. Cengage Learning, 2020.
- [4] W. G. Doerner and S. P. Lab, *Victimology*.
- [5] P. D. Sharma, *Public Administration in India*.
- [6] Avasthi and Maheshwari, *Public Administration*.
- [7] M. P. Jain, *Indian Constitutional Law*.
- [8] V. N. Shukla, *Constitution of India*.

- [9] Institute of Secretariat Training and Management, Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, *Handbook for Inquiry Officers and Disciplinary Authorities*, 2013.

Constitution of India:

- [10] Constitution of India, art. 14, "Equality before Law."
- [11] Constitution of India, art. 16, "Equality of Opportunity in Public Employment."
- [12] Constitution of India, art. 21, "Protection of Life and Personal Liberty."
- [13] Constitution of India, art. 311, "Safeguards to Civil Servants."
- [14] Constitution of India, arts. 32 and 226, "Constitutional Remedies."

Statutes and Rules

- [15] Government of India, *Whistle Blowers Protection Act*, 2014. New Delhi, India: Ministry of Law and Justice, 2014.
- [16] Government of India, *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act*, 2013. New Delhi, India: Ministry of Law and Justice, 2013.
- [17] Government of India, *Bharatiya Nyaya Sanhita*, 2023.
- [18] Government of India, *Bharatiya Nagarik Suraksha Sanhita*, 2023.
- [19] Government of India, *Central Civil Services (Conduct) Rules*, 1964.
- [20] Government of India, *Central Civil Services (Classification, Control and Appeal) Rules*, 1965.
- [21] Central Vigilance Commission, *Guidelines on Protection of Whistleblowers*.
- [22] United Nations, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, 1985.

Important Judicial Decisions:

- [23] E. P. Royappa v. State of Tamil Nadu, 1974.
- [24] Maneka Gandhi v. Union of India, 1978.
- [25] Vishaka v. State of Rajasthan, 1997.
- [26] Rudul Shah v. State of Bihar, 1983.
- [27] Nilabati Behera v. State of Orissa, 1993.
- [28] Union of India v. Tulsiram Patel, 1985.
- [29] A. Karmen, *Crime Victims: An Introduction to Victimology*. Cengage Learning, 2020.

- [30] Government of India, Whistle Blowers Protection Act, 2014. New Delhi, India: Ministry of Law and Justice, 2014.
- [31] Government of India, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. New Delhi, India: Ministry of Law and Justice, 2013.

Publications:

- [32] L. Ramakrishna, N. M. Dhanya, and R. Lakshmi Aishwarya, "Employment of women in India—An overview on problems & legal provisions," webinar, Bishop Caldwell College, India, 2020.
- [33] T. Fischer and L. Van Reemst, "Workplace aggression toward local government employees: Target characteristics," *International Journal of Public Sector Management*, vol. 29, no. 1, pp. 30–53, 2016, doi: 10.1108/IJPSM-05-2015-0100.
- [34] P. Pattabhi Ramarao, "Right to dignity at workplace: Need for a legislation," *Manupatra*.
- [35] T. Molotsi and M. M. Mokgolo, "Workplace bullying, victimisation and harassment: Psychological terror in South African government," University of South Africa, Office of the Public Service Commission, 2025, doi: 10.25159/UnisaRxiv/000134.v1.
- [36] L. Ramakrishna and N. M. Dhanya, "Crimes against women with regard to legal provisions and government intervention in India," in *National Seminar on Criminal Justice System in India—Recent Trends*, University College of Law, Osmania University, Hyderabad, India, 2016.