
VICTIMOLOGY AND THE INDIAN CRIMINAL JUSTICE SYSTEM: ASSESSING COMPENSATION AND REHABILITATION MEASURES

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ABSTRACT

The evolution of criminal justice systems worldwide has gradually shifted from an offender-centric approach to a victim-oriented perspective, giving rise to the field of victimology. In India, this transformation has been significantly influenced by constitutional mandates, legislative reforms, and judicial interventions aimed at recognizing the rights and needs of crime victims. Despite the adversarial nature of the Indian criminal justice system, which primarily emphasizes the punishment of offenders, recent decades have witnessed increasing attention to victim compensation and rehabilitation. Landmark judgments such as *Rudal Shah v. State of Bihar*, *Nilabati Behera v. State of Orissa*, and the guidelines established in *Delhi Domestic Working Women's Forum v. Union of India* underscore the judiciary's proactive role in strengthening victims' rights. Statutory provisions under Section 357 and Section 357A of the Code of Criminal Procedure, 1973 (CrPC), alongside victim compensation schemes introduced by state governments, signify a paradigm shift toward victim-centric justice. However, implementation remains inconsistent, with challenges of inadequate funds, bureaucratic delays, lack of awareness, and limited psychological or social support structures. This paper critically examines the evolution of victimology in India, analyses judicial trends and statutory frameworks, and evaluates the effectiveness of compensation and rehabilitation mechanisms. Drawing from comparative perspectives, it also highlights best practices from other jurisdictions that could be integrated into the Indian framework. The study concludes with recommendations for ensuring a more holistic victim justice system that not only compensates but also rehabilitates victims, thereby advancing restorative justice in India.

Keywords: Victimology; Victim Compensation; Rehabilitation; Indian Criminal Justice System; Restorative Justice.

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Introduction

The traditional criminal justice system has historically been offender-centric, focusing primarily on identifying, prosecuting, and punishing the wrongdoer, while the victim—the very person who suffers direct harm—remained a neglected entity. For decades, victims were reduced to mere witnesses in their own cases, with little recognition of their rights, needs, or role in the justice process. This approach often left them doubly victimized—first by the crime itself and then by the systemic indifference of legal institutions². The emergence of *victimology* as an academic and legal discourse marked a paradigm shift, highlighting the necessity of recognizing victims not only as central stakeholders but also as individuals entitled to justice, support, and reparation³.

In the Indian context, the recognition of victims' rights has been relatively gradual but significant. With the growing jurisprudence on human rights, judicial activism, and international developments such as the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)⁴, India has taken notable steps to incorporate victim-centric measures. The introduction of Section 357A of the Code of Criminal Procedure, 1973, mandating state-funded compensation schemes, represents a landmark development in this direction. Yet, the gap between legislative intent and practical implementation remains stark, with victims often facing bureaucratic delays, inadequate compensation, lack of psychological support, and inconsistent rehabilitation measures across states.

This paper explores the evolving discourse of victimology within the Indian criminal justice system, with a focus on compensation and rehabilitation. It critically evaluates statutory provisions, judicial pronouncements, and policy initiatives, while also assessing their effectiveness in addressing victims' needs. By analyzing the strengths and shortcomings of current frameworks, the paper argues for a more victim-oriented model of justice rooted in restorative principles, ensuring not only reparation but also the reintegration of victims into society with dignity⁵.

² Andrew Ashworth, *Victim Impact Statements and Sentencing*, Criminal Law Review (1993), at 498.

³ Arvind Tiwari, *Victimology: Emerging Trends and Perspectives*, Indian Journal of Criminology, Vol. 34 (2006), at 21.

⁴ United Nations, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* (1985).

⁵ D.K. Basu v. State of West Bengal, (1997) 1 SCC 416.

Evolution of Victimology in India

The study of victimology in India has undergone a gradual yet significant transformation over the past decades. Traditionally, the Indian criminal justice system, like most common law jurisdictions, was offender-centric, with its primary focus being on crime detection, prosecution, and punishment of the wrongdoer. The victim was reduced to a mere witness in the process, sidelined in the pursuit of retribution and deterrence. However, with the advancement of human rights discourse and recognition of victims' suffering as a separate dimension of justice, India began adopting a more inclusive approach⁶.

The earliest recognition of victims can be traced to the **ancient legal traditions of India**, such as the *Manusmriti* and *Arthashastra*, which envisaged compensation to victims by way of restitution and fines paid by offenders⁷. These early codes highlighted the idea that justice was incomplete unless the victim's loss was addressed. However, this emphasis diminished under the colonial criminal justice model introduced by the British, which was highly adversarial in nature and prioritized the State's authority to punish offenders over victim restitution⁸.

The modern development of victimology in India can be traced to post-independence constitutional and judicial interventions. A milestone moment was the judicial recognition of the rights of victims through cases such as **Rudal Shah v. State of Bihar (1983)**, where the Supreme Court awarded compensation to a man illegally detained for 14 years. This judgment introduced the idea of *constitutional compensation* and laid the groundwork for subsequent jurisprudence emphasizing the victim's right to redress. Similarly, in **Nilabati Behera v. State of Orissa (1993)**, the Supreme Court reiterated that monetary compensation was an appropriate remedy for custodial death, recognizing the State's liability to victims of human rights violations.

Legislative reforms also played a significant role in the evolution of victimology in India. The introduction of **Section 357 of the Code of Criminal Procedure (CrPC), 1973**, empowered courts to award compensation to victims out of the fine imposed on offenders. However, its application remained limited and discretionary. Recognizing these shortcomings, the **Code of Criminal Procedure (Amendment) Act, 2009** introduced **Section 357A**, mandating the

⁶ Arvind Tiwari, *Victimology: Emerging Trends and Perspectives*, Indian Journal of Criminology, Vol. 34 (2006), at 21.

⁷ P.V. Kane, *History of Dharmashastra*, Vol. 3 (Bhandarkar Oriental Research Institute, 1946).

⁸ Ratanlal & Dhirajlal, *The Code of Criminal Procedure* (LexisNexis, 21st ed., 2019), at 5.

creation of a *Victim Compensation Scheme (VCS)* in every state, funded by the State Government, to provide financial relief and rehabilitation to victims of crime. This marked a shift from a purely punitive model to one that acknowledged the victim's suffering and need for rehabilitation.

Further, India's commitment to international norms such as the **United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985** influenced domestic victimological reforms. The declaration emphasized access to justice, fair treatment, restitution, compensation, and assistance for victims—principles that gradually found expression in Indian statutes and judicial reasoning.

The last two decades have witnessed increasing recognition of victims' rights in areas such as sexual offences, human trafficking, acid attacks, and domestic violence. Landmark judgments, including **Bodhisattwa Gautam v. Subhra Chakraborty (1996)** and **Laxmi v. Union of India (2015)**, expanded the scope of victim compensation and recognized the right to dignity, care, and rehabilitation. The enactment of special legislations such as the **Protection of Women from Domestic Violence Act, 2005**, and victim-centric provisions under the **Criminal Law (Amendment) Act, 2013**, further reflects this progressive shift.

In essence, the evolution of victimology in India reflects a transition from neglect and marginalization to gradual acknowledgment and empowerment of victims within the criminal justice system. Although the journey is far from complete, the steady expansion of compensation schemes, judicial activism, and legislative reforms demonstrate India's attempt to move towards a more victim-centric paradigm of justice.

Statutory Framework for Victim Compensation in India

The concept of victim compensation has gradually evolved in India, moving from a negligible focus on the victim to a more structured statutory framework recognizing victims' rights. Traditionally, the Indian criminal justice system, rooted in colonial legacy, emphasized punishment for the offender and deterrence for society, with little to no consideration for the rehabilitation or welfare of the victim. However, constitutional developments, legislative enactments, and judicial pronouncements have collectively laid down the foundation of victim compensation in India.

1. Constitutional Mandate

The Indian Constitution, although not explicitly providing for victim compensation, has been interpreted by the judiciary to safeguard victims' rights under the broad canopy of **Article 21 – Right to Life and Personal Liberty**⁹. The Supreme Court in *Nilabati Behera v. State of Orissa* (1993) held that victims of state excesses are entitled to compensation, thereby extending the scope of Article 21 to include the right to compensation for unlawful deprivation of life and liberty. Similarly, in *D.K. Basu v. State of West Bengal* (1997), custodial violence victims were recognized as entitled to compensation as a constitutional remedy.

2. Code of Criminal Procedure, 1973 (CrPC)

The **Code of Criminal Procedure (CrPC)** is the primary statutory source for victim compensation. Initially, **Section 357 CrPC** allowed courts to award compensation to victims from fines imposed on offenders. However, its application remained limited, as it was contingent on the offender's conviction and ability to pay.

Recognizing this gap, the **Code of Criminal Procedure (Amendment) Act, 2008** inserted **Section 357A**, mandating every state to establish a *Victim Compensation Scheme (VCS)*. Under this provision:

- The State Government, in coordination with the Central Government, is required to prepare a scheme for providing funds to victims or their dependents who suffer loss or injury due to crime.
- In cases where compensation is inadequate or where the offender is untraced or acquitted, the District Legal Services Authority (DLSA) or State Legal Services Authority (SLSA) may determine compensation.
- The scheme thus makes victim compensation a **right independent of the offender's conviction**¹⁰.

3. Legal Services Authorities Act, 1987

The Legal Services Authorities (LSA) play a crucial role in implementing the Victim Compensation Scheme under Section 357A CrPC. Through District Legal Services Authorities

⁹ The Constitution of India, art. 21.

¹⁰ Law Commission of India, *154th Report on the Code of Criminal Procedure, 1973* (1996).

(DLSAs) and State Legal Services Authorities (SLSAs), victims can approach the authorities for relief. The National Legal Services Authority (NALSA) has also formulated **Compensation Schemes for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018**, which provides for uniform minimum compensation across the country¹¹.

4. Special Legislations

Several special laws in India also provide compensation and rehabilitation measures for victims:

- **The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989:** Mandates compensation and rehabilitation to victims of caste-based atrocities.
- **Protection of Children from Sexual Offences (POCSO) Act, 2012:** Provides for compensation to child victims of sexual offences for relief and rehabilitation.
- **Motor Vehicles Act, 1988:** Establishes a no-fault liability compensation mechanism for victims of road accidents.
- **Protection of Women from Domestic Violence Act, 2005:** Enables courts to direct monetary relief and compensation for women subjected to domestic violence.

5. Judicial Approach

Indian courts have consistently expanded the ambit of victim compensation through judicial activism. In *Delhi Domestic Working Women's Forum v. Union of India* (1995), the Supreme Court directed the creation of a compensation scheme for rape victims, recognizing their right to rehabilitative justice. Similarly, in *Ankush Shivaji Gaikwad v. State of Maharashtra* (2013), the Supreme Court emphasized that courts are duty-bound to apply their mind to victim compensation under Section 357 CrPC in every case¹².

6. Challenges in Implementation

Despite the statutory provisions, the implementation of victim compensation remains uneven across states. Issues such as lack of awareness among victims, delay in disbursement of compensation, absence of uniformity in compensation amounts, and bureaucratic hurdles dilute

¹¹ National Legal Services Authority, *Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes* (2018).

¹² *Ankush Shivaji Gaikwad v. State of Maharashtra*, (2013) 6 SCC 770.

the effectiveness of these schemes. Moreover, rehabilitation measures—such as psychological counseling, medical aid, skill development, and employment opportunities—are often neglected, reducing compensation to mere financial assistance rather than holistic victim support.

7. Towards a Comprehensive Framework

The recognition of victim rights under both general and special laws indicates a gradual shift in the Indian criminal justice system from offender-centric justice to victim-centric justice. However, to strengthen the statutory framework, there is a need for:

- A uniform **National Compensation Framework** ensuring minimum compensation standard¹³.
- Timely disbursement of funds.
- Integration of rehabilitation services, including medical, psychological, and educational assistance.
- Increased judicial accountability to ensure mandatory consideration of victim compensation in all cases.

Judicial Recognition of Victim Rights in India

The Indian judiciary has played a **transformative role** in developing and institutionalizing victim rights in the absence of a comprehensive victim-centric statutory framework. While the Indian criminal justice system was historically offender-oriented, judicial intervention progressively acknowledged the need to address the plight of victims, emphasizing their rights to **compensation, dignity, and rehabilitation**¹⁴.

Early Recognition: From Marginalization to Inclusion

Traditionally, victims were viewed as mere witnesses in criminal trials, with little scope for their participation or redressal beyond retribution against the offender. This limited approach was gradually replaced through judicial pronouncements that underscored the **State's**

¹³ United Nations, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* (1985).

¹⁴ Arvind Tiwari, *Victimology: Emerging Trends and Perspectives*, Indian Journal of Criminology, Vol. 34 (2006), at 22.

responsibility to recognize victims' suffering.

In the landmark case of **Rudal Shah v. State of Bihar (1983)**, the Supreme Court awarded monetary compensation to a victim who was illegally detained for 14 years even after acquittal. This judgment established the principle that compensation could be awarded by constitutional courts under Articles 32 and 226 as a **public law remedy** for violation of fundamental rights¹⁵.

Strengthening Victim Compensation and Rehabilitation

The judiciary subsequently strengthened the principle that **mere punishment of the offender is not sufficient**, and victims must be adequately compensated. In **Nilabati Behera v. State of Orissa (1993)**, the Court reiterated that compensation is an essential mechanism to uphold the right to life under Article 21. The judgment emphasized that **victim compensation is not ex gratia but a constitutional obligation** of the State.

Similarly, in **Chairman, Railway Board v. Chandrima Das (2000)**, the Court recognized the right of a foreign national gang-rape survivor to compensation, holding the State vicariously liable for the actions of its employees. This extended the scope of compensation beyond Indian citizens, making it a **universal human rights obligation**.

Victim Participation in Trials

The judiciary also recognized victims' right to **active participation in criminal proceedings**. In **Mallikarjun Kodagali v. State of Karnataka (2018)**, the Supreme Court upheld the rights of victims to file appeals against acquittals, ensuring their voices are not silenced once the trial concludes. This marked a paradigm shift, reinforcing the idea that victims are **stakeholders, not spectators**, in criminal justice.

Expansion of Compensation through Section 357A CrPC

Even before the 2008 amendment introducing Section 357A CrPC, courts had been advocating a statutory compensation scheme. In **Delhi Domestic Working Women's Forum v. Union of India (1995)**, the Court directed the government to frame a scheme for compensation and

¹⁵ The Constitution of India, arts. 32 & 226.

rehabilitation of rape survivors¹⁶, laying the foundation for victim compensation schemes later formalized under Section 357A.

In **Ankush Shivaji Gaikwad v. State of Maharashtra (2013)**, the Court clarified that compensation under Section 357 CrPC is **mandatory in nature**, and courts must record reasons if they choose not to award it. This ruling sought to ensure uniform application of compensation across cases, preventing arbitrary denial of relief to victims.

Contemporary Approach: Dignity and Human Rights

In recent years, the judiciary has framed victim rights within the broader ambit of **human rights jurisprudence**. The Supreme Court in **Re: Assessment of the Criminal Justice System in Response to Sexual Offences (2020)** emphasized prompt payment of interim compensation to survivors of sexual violence, ensuring immediate relief even before trial completion.

The courts have thus moved towards a **restorative and victim-centric approach**, balancing the focus on punishment with equal emphasis on **rehabilitation, reparation, and dignity** of victims.

Table: Landmark Judicial Pronouncements on Victim Rights in India

Case	Year	Key Contribution to Victim Rights
<i>Rudal Shah v. State of Bihar</i>	1983	Recognized right to compensation as a public law remedy under Article 21.
<i>Nilabati Behera v. State of Orissa</i>	1993	Established that compensation is a constitutional obligation, not charity.
<i>Delhi Domestic Working Women's Forum v. UOI</i>	1995	Directed government to frame a compensation scheme for rape survivors.
<i>Chandrima Das v. Chairman, Railway Board</i>	2000	Held State vicariously liable for crimes by employees; extended compensation to foreign nationals.
<i>Ankush Shivaji Gaikwad v. State of Maharashtra</i>	2013	Made compensation under Section 357 CrPC mandatory; courts must record reasons for non-award.

¹⁶ *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 SCC 14.

<i>Mallikarjun Kodagali v. State of Karnataka</i>	2018	Recognized victims' right to appeal against acquittals; ensured participatory justice.
<i>Re: Assessment of CJ System in Response to Sexual Offences</i>	2020	Directed timely interim compensation for survivors; strengthened victim-centric justice.

Critical Analysis

Judicial recognition of victim rights in India has evolved from **ad hoc reliefs in exceptional cases** to **institutionalized constitutional and statutory protections**. However, despite progressive judgments, **implementation remains inconsistent** across jurisdictions. Courts have often highlighted the gap between law and practice, stressing the urgent need for **uniform victim compensation schemes, institutional support, and victim-friendly procedures**¹⁷.

Thus, judicial activism has laid the groundwork for a **victim-centric paradigm** within the Indian criminal justice system, but the challenge lies in ensuring that these judicial principles translate into **effective ground-level justice**.

Challenges in Implementation of Victim Compensation and Rehabilitation in India

While India has progressively recognized the rights of victims through legislative measures, judicial pronouncements, and policy frameworks, the actual implementation of victim compensation and rehabilitation schemes remains riddled with challenges. The gap between normative ideals and ground realities reveals systemic, structural, and procedural shortcomings that hinder the effectiveness of victim-centered justice.

1. Lack of Uniformity across States

Although Section 357A of the CrPC mandates every state to establish a Victim Compensation Scheme (VCS); the quantum of compensation varies drastically from one state to another. For instance, states like Delhi and Maharashtra prescribe comparatively higher compensation amounts, while others such as Bihar or Jharkhand provide significantly lower sums¹⁸. This disparity undermines the constitutional principle of equality and creates a “geography of

¹⁷ Law Commission of India, *226th Report on Need for Justice to Victims of Crime* (2009).

¹⁸ NALSA, *Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes* (2018).

justice” where victims’ rights depend heavily on their place of residence.

2. Delays in Disbursal of Compensation

Even when compensation is sanctioned, the process of disbursal is often delayed due to bureaucratic red tape, lack of coordination between District Legal Services Authorities (DLSAs), and the absence of accountability mechanisms. Victims of heinous crimes—who require urgent financial assistance for medical treatment, psychological support, or rehabilitation—are left in prolonged uncertainty, which defeats the very purpose of the scheme.

3. Limited Awareness Among Victims and Stakeholders

A major obstacle lies in the lack of awareness among victims about their rights to seek compensation. Many victims, especially those from marginalized socio-economic backgrounds, remain uninformed about the availability of state-funded schemes. Police officers, public prosecutors, and even trial courts often fail to inform victims of their entitlement, further weakening the victim-centric approach envisioned by the law.

4. Inadequate Institutional and Financial Resources

DLSAs and State Legal Services Authorities (SLSAs), which administer compensation schemes, often face budgetary constraints and insufficient staffing. The dependency on limited funds allocated by state governments hampers their ability to respond effectively to victims’ needs. Moreover, rehabilitation measures such as vocational training, counseling services, and safe housing facilities are rarely available in practice, making the idea of holistic rehabilitation aspirational rather than real.

5. Overemphasis on Monetary Relief Alone

The focus of victim compensation in India remains largely pecuniary. While monetary assistance is crucial, the absence of structured rehabilitation mechanisms—such as psychological counseling, skill-building, long-term health care, and social reintegration—reflects a narrow understanding of victimology. Compensation without rehabilitation fails to address the deeper trauma and vulnerabilities faced by victims.

6. Intersectional Barriers Faced by Vulnerable Victims

Women, children, Dalits, tribal communities, and persons with disabilities often face compounded challenges in accessing victim compensation. Procedural hurdles, stigma, and fear of reprisals from perpetrators discourage victims from approaching legal authorities. In cases of sexual violence, societal taboos further silence victims, resulting in underutilization of the schemes designed for them.

7. Absence of Effective Monitoring and Accountability

There is no uniform national mechanism to track how many victims apply for compensation, how many applications are approved, and how long it takes for disbursal¹⁹. The lack of periodic audits and absence of grievance redressal systems contribute to poor transparency and accountability, allowing authorities to function without scrutiny.

8. Discretionary Judicial Approach

Despite progressive judgments like *Nilabati Behera* and *Bodhisattwa Gautam*, judicial practice in awarding compensation remains inconsistent. Courts sometimes treat victim compensation as an exception rather than a rule, leading to uneven enforcement. In the absence of binding guidelines, discretion often results in unpredictability and arbitrariness in granting relief.

Comparative Perspective: Victim Compensation and Rehabilitation in Other Jurisdictions

The study of victimology and victim compensation mechanisms cannot be confined to a single jurisdiction, as crime is a universal phenomenon and the plight of victims transcends geographical boundaries. While India has made significant strides in recognizing victims' rights through statutory and judicial initiatives, a comparative analysis with international jurisdictions reveals both the strengths and gaps in India's victim compensation framework. Examining models from developed and developing nations provides valuable insights into how India can further strengthen its approach to victim rehabilitation.

United States: A Victim-Centered Approach

The United States has been one of the pioneers in institutionalizing victim compensation and support mechanisms. The **Victims of Crime Act (VOCA), 1984** created the **Crime Victims**

¹⁹ National Crime Records Bureau (NCRB), *Crime in India* Report, 2020.

Fund, which is financed not through taxpayers' money but through fines, penalties, and forfeited bail bonds imposed on convicted offenders. Every state has its own **Victim Compensation Program**, providing monetary assistance to victims for medical expenses, counseling, funeral costs, and lost income. Additionally, **Victim Impact Statements** allow victims to participate directly in the sentencing process, ensuring their voices are heard. The U.S. model highlights the importance of funding mechanisms independent of state budgets and emphasizes victim participation as a core component of justice²⁰.

United Kingdom: Emphasis on Restorative Justice

In the United Kingdom, victim compensation is primarily handled by the **Criminal Injuries Compensation Authority (CICA)** under the **Criminal Injuries Compensation Scheme, 1996**. This scheme provides standardized compensation for victims of violent crime. The UK has also integrated **restorative justice practices**, allowing victims to confront offenders in structured settings, thereby promoting emotional healing. Importantly, the UK provides not just financial aid but also **psychological and social support services**, reflecting a holistic approach to rehabilitation.

Canada: Integration of Compensation and Restorative Mechanisms

Canada offers a blended model, with provinces administering victim compensation programs. The **Canadian Statement of Basic Principles of Justice for Victims of Crime (2003)** emphasizes that victims should be treated with courtesy, compassion, and respect. Compensation includes medical treatment, counseling, lost wages, and protection services. What stands out is Canada's emphasis on **victim-offender mediation programs**, which aim at reconciliation, offender accountability, and victim empowerment.

European Union: Harmonizing Victim Rights Across Borders

The **EU Directive 2012/29/EU** establishes minimum standards on the rights, support, and protection of victims of crime across member states. It ensures victims receive clear information about their rights, access to legal aid, and protection against secondary victimization. Compensation schemes are coordinated across borders, especially when crimes

²⁰ Paul G. Cassell, *Recognizing Victims in the Federal Rules of Criminal Procedure*, 2004 BYU L. Rev. 835.

involve cross-border victims, ensuring that justice is not denied due to jurisdictional complexities.

South Africa: Victim Empowerment Programme (VEP)

In developing countries, South Africa provides a notable example. Through its **Victim Empowerment Programme (VEP)**, the government ensures that victims of crime, particularly women and children, are provided not only compensation but also shelter, trauma counseling, and reintegration support. This program reflects a **community-based approach**, integrating social services, NGOs, and the justice system in victim rehabilitation.

Lessons for India

The comparative study reveals that while India's victim compensation scheme under Section 357A CrPC and state-specific rules is a positive step, several gaps persist:

1. **Funding Mechanism** – Unlike the U.S., India lacks a dedicated, sustainable victim fund sourced from offender penalties.
2. **Holistic Support** – Psychological, social, and vocational rehabilitation measures, as seen in the UK and South Africa, are not adequately institutionalized in India.
3. **Restorative Justice** – Unlike Canada, India has not fully integrated restorative justice practices within its victim compensation framework.
4. **Cross-Border Victim Protection** – India does not have structured mechanisms like the EU to address crimes involving international victims.

Strengthening India's victimology framework requires learning from these models and adapting them to the socio-economic and cultural realities of the Indian criminal justice system.

Recommendations

While significant progress has been made in recognizing victims' rights within the Indian criminal justice system, the existing framework remains inadequate in terms of implementation, uniformity, and victim-centric approaches. To ensure that victim compensation and rehabilitation measures move beyond a mere symbolic gesture and evolve into a meaningful right, the following recommendations are proposed:

1. Establishment of a Comprehensive Victim Rights Legislation

India still lacks a dedicated statute consolidating the rights of victims. A separate *Victims' Rights Act* should be enacted, drawing upon international instruments such as the **UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)**. Such legislation must clearly enumerate rights related to **compensation, rehabilitation, participation in proceedings, legal aid, privacy, and protection from secondary victimization**.

2. Uniform and Standardized Compensation Schemes

Although Section 357A of CrPC mandates compensation schemes, their scope, quantum, and implementation vary across states. To address this disparity, a **national framework for victim compensation** should be developed, with minimum standards prescribed by the Union Government, leaving room for states to enhance them based on local needs.

3. Strengthening Judicial Oversight

Courts should be empowered not only to recommend but also to ensure disbursement of compensation within a **fixed time frame**. Judicial monitoring committees could be constituted at the district level to review compliance and address grievances of victims regarding delays or denial of relief.

4. Financial Sustainability of Victim Compensation Funds

At present, state funds remain underutilized or inadequately financed. A **National Victim Compensation Fund**, financed through innovative sources like fines, forfeitures, corporate social responsibility (CSR) contributions, and a percentage of court fees, may ensure sustainability.

5. Integration of Rehabilitation Services

Compensation alone cannot ensure holistic justice. Victims require **medical, psychological, social, and vocational rehabilitation**. State Legal Services Authorities (SLSAs) should collaborate with NGOs, healthcare providers, and rehabilitation centres to provide integrated support. Regular **trauma counselling, legal awareness, and skill development programmes**

must be institutionalized.

6. Victim Participation in the Criminal Justice Process

Victims should be given a **right to be heard during bail hearings, plea bargaining, and sentencing**—similar to models followed in the United States and Europe. Amendments in CrPC could institutionalize the role of victims as active stakeholders, rather than passive bystanders.

7. Training and Sensitization of Stakeholders

Police officers, prosecutors, and judges require **specialized training on victimology** and the need for victim-sensitive procedures. Mandatory modules on **victim rights, trauma-informed practices, and gender-sensitive handling** should be integrated into judicial and police academies.

8. Leveraging Technology for Access and Transparency

Digital platforms should be developed to enable victims to **apply for compensation online, track the status of their claims, and access rehabilitation services**. Technology can reduce bureaucratic delays, ensure transparency, and empower victims with information.

9. Special Focus on Vulnerable Victim Groups

Victims of sexual assault, trafficking, custodial violence, and marginalized groups (such as SC/ST, minorities, and economically weaker sections) face additional barriers in accessing justice. Policies must prioritize **fast-track compensation, confidential proceedings, and targeted rehabilitation** for these groups.

10. Periodic Review and Research on Victim Policies

A **National Commission on Victims of Crime** should be set up to conduct periodic evaluations of victim compensation and rehabilitation measures, assess gaps, and recommend reforms. Universities and research institutions should also be encouraged to carry out **empirical victimology studies** to inform policy-making.

Conclusion of Recommendations

A victim-centric criminal justice system is not merely about retribution against offenders but also about **restoring the dignity, security, and well-being of victims**. By institutionalizing uniform compensation mechanisms, ensuring effective rehabilitation, and enhancing victims' participation in justice delivery, India can move closer to achieving a **balanced and humane system** that aligns with both constitutional values and international standards of justice.

Conclusion

The evolution of victimology in India represents a paradigm shift from a predominantly offender-centric criminal justice system to one that increasingly recognizes victims as key stakeholders deserving of rights, dignity, and meaningful remedies. The jurisprudence developed by the Supreme Court and High Courts has played a crucial role in bridging legislative gaps, particularly in mandating victim compensation schemes and reinforcing the constitutional mandate of Article 21. Provisions such as Sections 357, 357A, and 372 of the CrPC, read with judicial innovations in cases like *Nilabati Behera v. State of Orissa* and *Ankush Shivaji Gaikwad v. State of Maharashtra*, underline a growing recognition of victims' rights in India. However, the implementation of these measures remains far from satisfactory.

Despite statutory and judicial efforts, victims continue to face systemic hurdles such as delayed disbursement of compensation, lack of awareness of their rights, bureaucratic bottlenecks, and inadequate rehabilitation programs. These challenges not only undermine the principle of restorative justice but also erode public confidence in the criminal justice system. Unlike many jurisdictions across the globe—where victim support services, psychological assistance, and participatory rights in criminal trials are well institutionalized—India's framework often remains reactive and fragmented.

For a truly victim-centric justice system, a multidimensional approach is essential. This includes legislative clarity, robust institutional mechanisms, timely and adequate compensation, and comprehensive rehabilitation services that address not only financial losses but also psychological, social, and emotional needs of victims. Integration of restorative justice practices, victim-offender mediation, and state-sponsored victim support services can further transform the system from a punitive to a restorative model.

In sum, while India has made commendable progress in incorporating victimology into its criminal justice framework, much remains to be done. Effective implementation, consistent monitoring, and a holistic policy shift towards victim empowerment are indispensable. Only then can the criminal justice system achieve its true goal—not merely punishing offenders but also restoring the dignity, rights, and lives of victims who form the very heart of the justice process.

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