

A Victim Centric Approach to the Criminal Justice System: Strengthening Compensation Victim Schemes in India

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ABSTRACT

Traditionally, the Indian criminal justice system has functioned through an offender-centric lens, focusing heavily on retributive justice and punishment. However, a progressive shift toward a restorative framework is emerging, which recognizes the victim not just as a witness, but as a primary stakeholder entitled to rights, rehabilitation, and reparation. The introduction of Section 357A in the CrPC (now Section 396 of the Bharatiya Nagarik Suraksha Sanhita, 2023) marked a significant legislative milestone, establishing State-funded victim compensation schemes. Despite these advancements, the implementation of these schemes is hampered by bureaucratic delays, inadequate funding, and a lack of uniformity across states. This paper analyses the current landscape of victim compensation in India and proposes reforms to create a truly victim-centric justice system also highlights the various laws on Victim compensation scheme.

Introduction

The Indian criminal justice system has long been criticized for neglecting the plight of victims, reducing them to passive participants in a process where the state fights the offender. In recent years, victimology¹ the scientific study of victims and victimization has gained prominence, highlighting the need

¹ <https://cdnbbsr.s3waas.gov.in/s3ec01a0ba2648acd23dc7a5829968ce53/uploads/2024/12/2024122730.pdf>



for restorative justice², which focuses on repairing the harm done to the victim. A victim-centric approach ensures that compensation is not an act of charity but a constitutional entitlement, ensuring the right to life and dignity under Article 21³ of the Indian Constitution.

Research Questions

1. Effectiveness & Gaps in Current Schemes:

- Awareness & Access: How aware are victims⁴, especially from marginalized communities, of their rights under India's Victim Compensation Scheme (VCS), and what factors impede their access to it?
- Implementation Disparities: What accounts for the significant variation in VCS implementation, eligibility, and compensation⁵ amounts across Indian states?
- Timeliness & Bureaucracy: How do procedural inefficiencies and bureaucratic red tape⁶ cause delays in compensation disbursement, defeating its purpose of immediate relief?
- Funding & Adequacy: Are current funding levels⁷ sufficient, and are compensation amounts adequate to cover holistic needs (medical, income loss, rehab), or just nominal?

2. Victim Experience & Holistic Needs:

- Holistic Impact: How do emotional trauma, financial burdens, and social disruption affect victims in India, and how well do current schemes address these beyond just monetary relief?
- Rehabilitation Gap⁸: To what extent do VCS neglect crucial psychological and social rehabilitation, and what are the consequences for victims of violent crimes?
- Secondary Victimization: Do victims experience secondary victimization (re-traumatization) during the compensation process, and how can this be mitigated?

3. Legal Framework & Implementation:

- CrPC & Legal Reforms: How effectively do provisions in the CrPC (like Sec 357A) empower victims, and what specific legislative reforms⁹ are needed for a truly victim-centric approach?
- Balancing Rights: How can India's CJS achieve a fair balance between accused rights and victim well-being during the shift to a victim-centric model?

² <https://ijlmh.com/paper/victimology-victim-compensation-scheme-as-restorative-justice/>

³ <https://indiankanoon.org/doc/1199182/>

⁴ <https://blog.ipleaders.in/victims-rights-under-the-indian-criminal-law-system/>

⁵ <https://articles.manupatra.com/article-details/Compensation-to-victims-under-Indian-criminal-justice-system>

⁶ [https://www.regulation.org.uk/library/2003-RIU-](https://www.regulation.org.uk/library/2003-RIU-Making_a_Difference_Reducing_Bureacracy_in_the%20_Criminal_Justice_System.pdf)

[Making_a_Difference_Reducing_Bureacracy_in_the%20_Criminal_Justice_System.pdf](https://www.regulation.org.uk/library/2003-RIU-Making_a_Difference_Reducing_Bureacracy_in_the%20_Criminal_Justice_System.pdf)

⁷ <https://chambers.com/articles/victim-compensation-laws-in-india>

⁸ https://nja.gov.in/Concluded_Programmes/2019-20/P-1202_PPTs/2.Victim%20Compensation%20&%20Rehabilitation.pdf

⁹ <https://prsindia.org/billtrack/overview-of-criminal-law-reforms>



4. Solutions & Best Practices:

- Restorative Justice: What role¹⁰ can restorative justice processes play in India's CJS for victim healing and offender accountability?
- Stakeholder Perspectives¹¹: What are the experiences and recommendations of victims, legal professionals, and support service providers for systemic improvement?
- Model Solutions: What best practices¹² from other jurisdictions or proposed models can strengthen India's VCS and support services?

The primary aims of research on a victim-centric approach to India's criminal justice system, focusing on compensation schemes, are to analyze legal frameworks, evaluate implementation gaps, identify best practices, and propose reforms for effective victim support, ensuring compensation becomes a true right for rehabilitation and justice, moving beyond offender punishment to include victim recovery, dignity, and empowerment.

Core Research Aims:

1. Analyze Legal & Judicial Frameworks: To study existing laws (like CrPC provisions, BNSS) and landmark judicial decisions (e.g., *Ankush Shivaji Gaikwad*¹³) that define victim rights, compensation, and support, identifying both statutory intent and judicial interpretation.
2. Evaluate Implementation & Gaps: To assess the practical effectiveness of victim compensation schemes across different states (e.g., Gujarat, Delhi, Kerala) and identify challenges like procedural delays, lack of awareness, resource allocation, and institutional fragmentation.
3. Assess Impact on Victims: To understand how compensation helps restore victim dignity, confidence, and facilitates recovery, particularly for marginalized groups, and to see if it encourages crime reporting¹⁴.
4. Explore Restorative Justice: To examine restorative justice mechanisms¹⁵ (beyond just financial aid) as complementary tools for healing, accountability, and social reintegration.

¹⁰ <https://www.lawjournals.org/assets/archives/2025/vol11issue7/11153.pdf>

¹¹ <https://pmc.ncbi.nlm.nih.gov/articles/PMC10498651/>

¹² https://ovc.ojp.gov/sites/g/files/xyckuh226/files/pubs/InnovativePractices/Practices_Best%20practices%20guidelines-508.pdf

¹³ <https://indiankanoon.org/doc/61901185/>

¹⁴ https://pulsar.punjab.gov.in/media/documents/New_Victim_Compensation_Scheme_ok.pdf

¹⁵ <https://ijlmh.com/paper/victimology-victim-compensation-scheme-as-restorative-justice/>



- Propose Reforms & Best Practices: To recommend concrete measures¹⁶ for strengthening schemes, such as training for officials, better funding, expanding accessibility, integrating victim impact statements, and creating a more unified national framework, ensuring it aligns with constitutional rights (Article 21).

Key Focus Areas:

- Statutory Provisions: Examining Sections 357, 357A, 357B, 357C of CrPC and new BNSS¹⁷ provisions.
- Judicial Activism: Role of courts¹⁸ in expanding victim rights.
- Comparative Analysis: Comparing state-level schemes¹⁹ for efficacy.
- Capacity Building: Need for training judges, police, and prosecutors.

Key Methodological Components:

- Conceptual & Theoretical Frameworks:
 - Victim-Centric Approach: Defining justice beyond offender punishment²⁰ to include victim healing, dignity, and restoration.
 - Key Theories²¹: Utilizing State Liability, Social Welfare, Humanitarian, and Restorative Justice theories to ground the analysis.
- Research Approach:
 - Doctrinal Research: In-depth study of statutes (CrPC, BNSS), case law (Supreme Court, High Courts), and legal literature.
 - Policy Analysis: Examining existing Victim Compensation Schemes (VCS) at state and central levels.
- Data Collection & Analysis:
 - Legal Analysis: Examining provisions like Section 357A CrPC, Section 360 BNSS, focusing on victim rights (information, participation).

¹⁶<https://cdnbbsr.s3waas.gov.in/s37a68443f5c80d181c42967cd71612af1/uploads/2025/03/20250319598301777.pdf>

¹⁷ <https://www.drishtijudiciary.com/to-the-point/bharatiya-nagarik-suraksha-sanhita-&-code-of-criminal-procedure/victim-compensation-scheme>

¹⁸ <https://thelaw.institute/criminal-justice-processes/indian-judiciary-role-victim-compensation/>

¹⁹ <https://jgu.edu.in/child-rights-clinic/state-wise-victim-compensation-scheme/>

²⁰ https://nja.gov.in/Concluded_Programmes/2022-23/P_1341_PPTs/3.Victim%20compensation%20scheme%20-Session%20V.pdf

²¹ <https://www.lawctopus.com/academike/theories-of-compensation-in-criminal-law/>



- Case Law Study: Analyzing landmark judgments on compensation, eligibility, and quantum.
 - Comparative Study (Optional): Benchmarking India's system²² with countries like the US, UK, Canada, or Australia.
4. Focus Areas (Empirical/Qualitative Aspects):
- Implementation Gaps: Identifying bottlenecks like procedural delays, lack of awareness, institutional fragmentation, and inconsistent funding.
 - Impact Assessment: Evaluating how compensation restores dignity, promotes access to justice, and encourages reporting.
5. Outcome & Recommendations:
- Proposing measures to enhance effectiveness, streamline processes, ensure adequate funding, and strengthen victim support systems for better implementation of victim-centric principles.

Evolution of Victim Compensation in India

- Historical Context: Historically²³, Indian criminal law focused on punitive measures, with minimal attention to victim rehabilitation.
- Legislative Milestones: The 2008 Amendment to the CrPC introduced Section 357A, mandating State governments, in coordination with the Central government, to create a Victim Compensation Scheme (VCS).
- Current Statutory Framework (BNSS 2023): With the introduction of the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023, the provisions are now reinforced under Section 396, offering a more robust, centralized structure that provides compensation regardless of whether the offender is convicted, acquitted, or untraced.
- Judicial Activism: The Supreme Court of India has played a pivotal role in strengthening these rights, notably in *Ankush Shivaji Gaikwad v. State of Maharashtra* (2013)²⁴, where the Court deemed compensation a mandatory part of sentencing, and in *Laxmi v. Union of India* (2014)²⁵, which set standards for compensation for acid attack victims²⁶.

²² <https://www.ijert.org/papers/IJCRT2511249.pdf>

²³ <https://docs.manupatra.in/newline/articles/Upload/5C770380-C132-4069-A666-41373B4935FB.pdf>

²⁴ Supra note 14 at 25.

²⁵ <https://indiankanon.org/doc/90443079/>

²⁶ <https://www.mha.gov.in/en/commoncontent/compensation-acid-attack-victims>



Limitations of Current Victim Compensation Schemes

Despite the existence of legal provisions, the implementation of compensation schemes faces significant challenges:

- Inconsistent²⁷ Implementation Across States: Disparities in compensation amounts and eligibility criteria across different states create a "geography of justice" where victims in some states receive far less support than others.
- Delayed²⁸ Disbursement: The process is often hindered by bureaucratic red tape, lack of proper infrastructure at District Legal Services Authorities (DLSAs), and a lack of accountability.
- Lack of Awareness: A large percentage of victims, particularly those from rural or underprivileged backgrounds, remain unaware of their right to compensation.
- Overemphasis on Monetary Relief²⁹: Most schemes focus solely on monetary compensation, neglecting the need for holistic rehabilitation, including psychological counselling and vocational training.
- Inadequate Funding³⁰: Many State Legal Services Authorities (SLSAs) face severe budgetary constraints.

Strengthening the Victim Compensation Framework³¹

To move from a, victim-oriented model to a truly, victim-centric one, the following reforms are necessary:

- Uniform National Framework: The Central Government should introduce a, uniform compensation scheme to reduce disparities between states, similar to the NALSA Compensation Scheme for Women Victims/Survivors (2018).
- Immediate Interim Relief: Schemes must ensure that interim compensation and medical treatment (as mandated by Section 357C) are provided immediately upon reporting, often within 30 days, without waiting for the final trial outcome.
- Strengthening DLSAs: District Legal Services Authorities need more resources and training to process claims faster and with empathy.
- Digitalization: The implementation of e-FIRs and online compensation application portals can increase accessibility and reduce bureaucratic delays.

²⁷ <https://www.sciencedirect.com/science/article/pii/S2590291125001640>

²⁸ <https://www.ndtv.com/opinion/compensation-denied-justice-delayed-the-silent-wails-of-pocso-victims-8657101>

²⁹ <https://judicialacademy.nic.in/sites/default/files/Judgment-Karan.pdf>

³⁰ <https://palsa.punjab.gov.in/en/schemes/victim-compensation-schemes/>

³¹ <https://www.ijcrt.org/papers/IJCRT2511249.pdf>



- Holistic Support System: Victim Compensation Funds should be expanded to include funding for counseling, educational support for children of victims, and vocational training for rehabilitation.
- Public Awareness Campaigns³²: Increased outreach initiatives are needed to educate victims about their rights and the available resources.

Conclusion

While India has made commendable progress in establishing a legal framework for victim compensation, the gap³³ between law and reality persists. Strengthening victim compensation schemes requires a transition from a, bureaucratic, "check-the-box" approach to a, victim-friendly, empathetic model. A, victim-centric justice system is essential not only for the rehabilitation of the individual but for upholding the, democratic values of justice, equality, and dignity for all.

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³² <https://nalsa.gov.in/victim-compensation/>

³³ <https://cclnusr1.wordpress.com/2024/03/17/unveiling-the-cracks-exploring-gaps-in-indias-victim-compensation-schemes/>