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Victim Compensation in India: Issues and Challenges

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ABSTRACT

From the very inception of the judicial system, a court's primary function has been one of discovery, affirmation, and establishing truth. Does the responsibility of the State towards the victim end with the registration of a case, its investigation, prosecution for conviction, and then sentencing? Does this extend further beyond that? Principles of fair trial under criminal jurisprudence pose requirements for justice not only to the accused but also to the victim. This requires a fine judicial balancing between the rights of the accused, the victim, and the interests of society. Justice must be restorative, rehabilitative to the victim, but reformatory to the offender. Victims have a legitimate expectation of receiving financial compensation as well as rehabilitative support. Even when the legal system fails to identify the perpetrator or even gather enough evidence toward a conviction, the duty to compensate the victim is due. Though the states have implemented Victim Compensation Schemes in India but there is varying compensation amounts with respect to similar crimes in different victim compensation schemes which further leads to denial of their rights.

Keywords: *Victim, restorative, justice, Compensation.*

I. INTRODUCTION

The pursuit of justice is wrongly believed to end in the signing of a judgment. It is actually fulfilled in its delivery to the victim. If courts uphold justice principles, then the state must be the one to sustain such principles. The longstanding issue in the field of victimology and its legal discourse has been how far the State's responsibility goes is it only up to registration of cases, investigation, prosecution, and sentencing or takes further responsibility before a victim in addition to these? Argued further is whether a court has a duty to grant compensation to a victim even without the pronouncement of conviction. Yet, the victims and their families have a right to expect that the State can apprehend and punish the perpetrator as well as compensate the victim. Even where the administration of justice fails at the identification of suspects or at gathering enough evidence for a conviction, the duty to compensate remains alive.

India's justice system has side-lined what really vindicates the victim very substantially in

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pursuit of convictions. The narrow perspective has enabled systemic failure to exercise proper investigation, prosecution, and integrity in the delivery process as well. Further, infrastructure does not amount to sufficient need so that justice delivered to victims loses its standard.

Justice must be reformatory for the perpetrator and restorative for the survivor. The concern for the rehabilitation and giving justice to a victim therefore cannot be separated; in fact, is ancillary to, monetary compensation-rehabilitation support. Courts have ordered several such compensations under the scope of public law as a remedy granted under Article 21 of the Constitution. In many cases, the Supreme Court gave monetary compensation and rehabilitating settlement to victims where State or other authorities failed to protect their life, dignity, or liberty.

Article 21 jurisprudence has traversed a long distance over the last two decades and, in fact, now includes even rehabilitation of victims and their families.² Victim compensation under public law was initially restricted to the writ jurisdiction. The limitation is well recognized when one introduces Section 357-A of the Code of Criminal Procedure, which came into effect in 1973 and mandated a definite structured mechanism of compensation to the victims regardless of any outcome of the criminal prosecution.

(A) Compensation and Rehabilitation of Victims of Rape, Dr. Navin Kumar

Dr. Navin Kumars paper titled “Compensation and Rehabilitation of Victims of Rape” delves into the multifaceted aspects of rape focusing on the support structures for survivors. The document traces the progression of women’s rights and the evolution of rape, as an offense. It underscores the shifts in perceptions towards women and sexual violence that have shaped frameworks and victim assistance programs. Additionally, it offers insights into regulations and approaches concerning compensating and rehabilitating rape survivors. By showcasing how different nations have tailored their systems to meet victims needs it highlights both practices and areas requiring enhancement. A key emphasis is placed on the role played by women’s advocacy movements in championing victim’s rights driving reforms and raising awareness about the hurdles faced by survivors that influence public policies. The piece also delves into the distress and social ostracism experienced by rape victims drawing from studies that elucidate the enduring impact on their well-being and social inclusion underscoring the imperative for holistic rehabilitation initiatives. Moreover, it scrutinizes existing compensation mechanisms, across different countries to address the needs of victims, showcasing both successful models and areas needing improvement. The system pinpoints strategies. Brings attention to areas

² Maneka Gandhi v. Union of India, AIR 1978 SC 597.

where the Indian legal system falls short in terms of compensating and rehabilitating victims.

(B) Revisiting Victim Compensation in India, Manjinder Kaur Arti

This article examines the challenges of victim compensation and underscores that failing in this responsibility is both an executive remiss as well a constitutional delinquency on part of our courts. The paper highlights the ongoing debate in victimology regarding the State's responsibility towards victims of crime. It questions whether the State's obligations end with the legal processes of registering cases, conducting investigations, and prosecuting offenders, or if there is a further duty to provide compensation to victims. There is a significant discussion about whether courts have a legal duty to award compensation to victims, regardless of the outcome of a conviction. This raises important questions about the role of the judiciary in ensuring justice for victims, even when the legal system fails to deliver a conviction. The paper emphasizes that victims and their families have a legitimate expectation that the State will not only pursue justice by apprehending and punishing the guilty but also provide compensation for their suffering. This expectation persists even when the justice system does not succeed in identifying or convicting the perpetrator. The author argues that the duty of compensation remains intact, even when the justice system falters in its ability to deliver justice. The discussion in the paper suggests that victim compensation is not merely a legal obligation but also a moral imperative for the State. It calls for a re-evaluation of existing frameworks to ensure that victims receive the support they need, regardless of the judicial outcomes.

(C) An Analysis of Crime Victims in India, Kanchal Gupta

The paper "An Analysis of Crime Victims in India" explores victimology within the Indian context, highlighting the shift from viewing victims as passive subjects to recognizing them as active individuals with rights. It examines the physical, psychological, and financial impacts of victimization, emphasizing the need for comprehensive support systems. The paper classifies victims into primary, secondary, and tertiary groups to tailor support strategies accordingly. It also discusses the evolution of penological strategies, focusing on restorative justice and victim compensation, and reviews India's legal framework for victim rights, noting recent legislative progress. The paper connects modern practices to historical concepts of retribution and restitution and critically assesses the judiciary's role in promoting a victim-centred justice system, advocating for comprehensive legal and emotional support to restore victims' dignity in society.

(D) Compensation in Rape Cases: A Critical Analysis of Supreme Court Cases from 2005-2009, Ruhi Chanda

The paper titled “Compensation in Rape Cases: A Critical Analysis of Supreme Court Cases from 2005-2009” offers an in-depth look at the implications of sexual offenses, particularly highlighting the devastating effects of rape on victims and the societal responses to these crimes. It points out that sexual offenses are a widespread issue, occurring in every society, and often lead to severe physical and mental health consequences for victims. These consequences can manifest as various sexual and reproductive health problems, along with significant mental health challenges such as acute depression and suicidal thoughts, illustrating the profound impact of such violence on individual’s lives. The author further elaborates on how rape not only causes physical harm but also severely undermines the victim’s mental and emotional well-being, resulting in long-lasting effects that can disrupt the social fabric of communities. Victims frequently encounter stigma, which can lead to isolation and additional psychological distress, compromising their integrity both physically and mentally. Additionally, the paper advocates for a thorough examination of the legal frameworks surrounding compensation for rape victims, particularly through the analysis of Supreme Court cases from 2005-2009. This analysis is crucial for understanding how justice is administered and what measures are available to support victims. The paper also seeks to investigate the factors that contribute to the perpetration of sexual offenses and discusses potential prevention and control strategies, stressing the need for effective approaches to combat sexual violence in society. Overall, the literature survey highlights the complex nature of sexual offenses, their significant impact on victims, and the urgent need for a strong legal and social response to effectively address these critical issues.

(E) Victim Compensation does not Increase the Supply of Crime, Samuel Cameron

The paper “Victim Compensation Does Not Increase the Supply of Crime” reviews various perspectives on whether victim compensation affects crime rates. It cites the Public Choice School, which argues that compensation might increase crime due to moral hazard, where individuals engage in riskier behaviours if they expect compensation. Critics like Meiners (1978) suggest that compensation could incentivize crime, though they lack empirical evidence. The paper notes this gap and presents empirical findings showing that victim compensation does not lead to higher crime rates, challenging the assumptions of critics. Additionally, the authors argue that previous studies have not adequately explored how the institutional structure of compensation schemes impacts crime rates, emphasizing the need to understand these mechanisms before drawing conclusions. They suggest that implementing rape victim compensation in India is unlikely to increase crime rates.

(F) Compensation for Women Who Have Been Raped, Elizabeth A. Sheehy

The paper “Compensation for Women Who Have Been Raped” addresses financial redress for sexual assault victims, focusing on the need for appropriate judicial sentencing to recognize the severity of such crimes. Teresa Nahanee highlights the problem of lenient sentences, especially for cases involving Inuit women, underscoring the broader issue of recognizing sexual assault as a serious harm. Elizabeth Sheehy, the chapter’s author, explores two alternatives for financial compensation: tort claims and criminal injuries compensation. Unlike criminal trials that focus on punishing offenders, these routes aim to provide financial recovery for victims, emphasizing support and acknowledgment of their suffering. The paper examines trends in compensation awards and the barriers victims face, such as legal challenges and societal stigma. It also questions whether these forms of compensation are truly progressive for all women, prompting a deeper look into how financial redress can support broader societal changes in the treatment of sexual assault victims.

(G) Sexual Violence in India: The Discourses of Rape and the Discourses of Justice, Rachel Simon-Kumar

The paper discusses the intense public discourse on sexual violence in India, particularly after the 2012 Delhi rape case. It highlights the roles of politicians, academics, and activists in addressing the causes of rape, with a focus on socio-economic inequalities that perpetuate gender violence. The author argues for a broader understanding of gender justice that includes socio-economic justice, noting that perpetrators often come from impoverished backgrounds, which suggests that social and economic conditions contribute to violence. The paper critiques narratives that blame women or portray rapists as inherently depraved, advocating for a more nuanced view that considers societal and economic influences on male behaviour. It also examines the inadequacies of the legal system in addressing sexual violence, referencing the Verma report's recommendations for reform, many of which were not fully implemented. The paper calls for a comprehensive approach to tackling sexual violence in India, integrating gender, class, and governance issues, while emphasizing the need for broader socio-economic reforms to prevent violence against women.

(H) Crime victim compensation, Dmitriy Aleksandrovich Ivanov

The article examines international legal frameworks for compensating crime victims, comparing different countries’ legislative approaches. It finds that many existing compensation systems need improvement to better serve victims and meet modern justice standards. The study highlights the importance of updating these frameworks to provide fair, accessible, and effective

financial support for victims. It suggests that countries should revise their compensation laws, adopt best practices from other jurisdictions, and ensure victims are informed about their rights. The research offers valuable insights for policymakers and legal practitioners to create more equitable and supportive environments for crime victims.

(I) Attitude towards Rape and Its Victim: Voice of Indian Young Adults, Soumita Chatterjee

The paper “Attitude towards Rape and Its Victim: Voice of Indian Young Adults” examines gender-based perceptions of rape and its victims among young adults in West Bengal, India. Through interviews with 100 participants, the study reveals that women view rape as an imposition of unwanted social stigma, showing more empathy toward victims, while men often see it as the commodification of sex, reflecting a more detached perspective. The study highlights that gender stereotypes strongly influence these attitudes, with women displaying greater empathy than men. The findings emphasize the need to address gender stereotypes in discussions about sexual violence.

(J) Compensation. The Victim’s Perspective, J.D.W.E. Mulder

The paper “Compensation: The Victim’s Perspective” examines compensatory damages and their effectiveness in truly restoring victims. It critiques the traditional focus on financial compensation, arguing that existing literature overlooks the emotional and psychological impact on victims. The author reviews economic theories on compensation but highlights their limitations in addressing the full scope of victimization. By emphasizing the importance of understanding compensation from the victim’s perspective, the paper seeks to enrich the discourse and propose more effective ways to support victims.

II. CONSTITUTIONAL FRAMEWORK AND LEGISLATIVE HISTORY

Right to compensation is placed under the United Nations Declaration of Basic Principles of Justice, 1985, adopted by General Assembly on its 96th Plenary Meeting on November 29, 1985, in which it is stated that if compensation from the offender or other sources is not available, the State shall provide it. Compensation for victims is considered an important step towards justice. The Malimath Committee focused on issues related to victim compensation in the year 2003 and recommended that victims have a right to adequate compensation. In cases where there is inadequate compensation, then there should be an appeal for the victim. The Committee also made it emphatic that it is the responsibility of the State to offer compensation to the complainant, regardless of the fact that the culprit was caught, convicted, or acquitted. The Committee also proposed that there be a Victim Compensation Fund under the Legal

Services Authority. In its 226th report presented to the Supreme Court, the Law Commission of India recommended acid attacks as specific offenses within the Indian Penal Code and proposed a compensation law for the victims. It further suggested Criminal Injuries Compensation Boards at the center, state, and district levels to ensure compensatory justice for the victims.³

(A) The Law Commission Report and Section 357 of The CRPC

The 41st Report of the Law Commission of India, presented way back in 1969, dealt at length with Section 545 of the Code of Criminal Procedure, 1898. Again, it was submitted that the measure of compensation should be made enforceable similar to the public remedy under tort law, which can be pursued through civil courts. Cases hitherto barred by the earlier limitation of the term “substantial” were also excluded from relief. The Law Commission, however, opposed this restriction considering the fact that courts exercised their discretion to award compensation to victims quite rarely under this provision.

The Government of India introduced the Code of Criminal Procedure Bill, 1970, based on the recommendations made by the Commission. The Bill proposed the amendment of Section 545 and its reincarnation as Section 357 today. The Statement of Objects and Reasons for the bill Clause 365 (now Section 357), corresponding to Section 545, prescribes the payment of compensation to victims of crimes. Presently, compensation can be granted only when a fine is imposed, and the amount granted is equal to the fine. The new provision allows for compensation to be ordered irrespective of whether an offense is punishable by a fine and/or whether in fact a fine is imposed, but such compensation may be ordered only if the accused is convicted. Compensation may be granted for any physical or financial loss or injury. The court shall take into account the nature of the injury, how it was inflicted, the accused’s ability to pay, and all other relevant factors explained: These provisions were incorporated in the CrPC through amendments to it. The Statement of Objects and Reasons noted that section 357 was “meant to afford relief to the poorer sections of the community. The amended CrPC conferred upon courts the powers to grant compensation by directing an accused to pay to a victim of crime “to a greater extent’ than was permitted by the Court earlier.

Section 357 brought out some salient features. The scope of cases was altered by removing the word “substantial.” Two new sections were brought in. Section 3 permits compensation to be ordered even when a penalty is not imposed, and section 4 sets out jurisdiction and powers of

³ Law Commission of India. Proposal for Amendment of Laws Relating to Acid Attacks and Provision of Victim Compensation. Available at: <http://lawcommissionofindia.nic.in/reports/report226.pdf>.

the courts under the section. It provides that an appellate court, a high court, or court of session may give order of compensation while exercising its revisional powers.

(B) Other Provisions

In this above discussion about the compensation law for the victim, it is pertinent to mention other dimensions of what 'compensation' means for the wronged. This mandates that an extended exploration into other provisions included within the CrPC be undertaken, an example being Section 358. Section 358 has an unusual, if not an anomalous, definition of who is a 'victim' and who or what may be termed 'compensation' in this regard. It has been observed by the Supreme Court that:

The term 'victimization' is not defined either by the Central Act nor by the Bombay Act. Therefore, it must be understood in its general dictionary sense. The Concise Oxford Dictionary, 7th Edition, defines 'victimization' as: 'to make a victim cheat or cause suffering through dismissal or other exceptional treatment.'⁴

Section 358 confers compensation to persons wrongfully arrested upon frivolous grounds. In such cases, the Magistrate has the authority to render an award of compensation up to ₹1,000 to the aggrieved party of the unlawful arrest. Section 358, however provides for a prima facie case between the arrest and complainant wherein the arrest was upon the petitioner-informer's action without proper grounds.

Similarly, in Section 359, the complaint is filed with the court on the basis of a non-cognizable offense and the accused is found guilty. In that case, a Court of Session, an Appellate Court, or the High Court, exercising revisional jurisdiction may pass the order of costs in payment. Apart from any fine which the court may impose, the court shall order the accused to compensate the complainant, wholly or partly, for expenses incurred during the conduct of the prosecution. Additionally, the court shall have the power to pass a simple imprisonment for a term not exceeding 30 days in case such an accused fails to pay.

The CrPC also contemplates the situation wherein the accused is being victimized through false allegations. Under this consideration, Section 237 deals with compensation to the victims. The section gives a Court of Session power to take cognizance of an offence committed under Section 199(2) of the CrPC. Subsection (3) of Section 237 mentions:

"If in any such case, the Court grants or acquits any or all of the accused and finds that there was no reasonable ground for believing in the truth of the charge, it may, by its order of release

⁴Arryan Mohanty, "Detailed Analysis of Victim Compensation in India" (law insider, 2022)

or acquittal direct the person aggrieved by any act or omission alleged or found to have been committed by the accused while acting under a false colour of right to show cause why compensation should not be paid to the accused, or to each or any of the accused if they are more than one.”⁵

If the court arrives at a conclusion that there is no reasonable ground for the complaint, it may order the complainant to pay compensation up to ₹1,000 to the wrongfully accused after giving reasons for such decision. Similarly, section 250 CrPC empowers the Magistrate to direct the complainant to pay compensation to the person against whom false complaints have been made.

III. ANALYSIS AND CRITICISM

The precursor to Section 357 of the CrPC was Section 545 of the Criminal Procedure Code of 1898. Section 357 includes any order of compensation made by the trial court, an appellate court, or by the High Court or Court of Session while exercising their revisional jurisdiction. Compensation can be ordered by the Hon'ble Supreme Court also under this provision. Compensation Section 357 of the Indian Penal Code deals with compensation. Its applicability is to four specific instances. The complainant is entitled to get compensation awarded to him in respect of expenses incurred during the prosecution. In case it has been incurred, it can be recovered in the competent courts by any person who has suffered loss or injury due to that offense. Besides, awards of compensation under this provision can be made to persons otherwise having rights to damages under the Fatal Accidents Act provided there is a conviction for causing death or for abetment of such an offence. Section 357 also gives relief in the case of injury to property in the form of compensation to a bonafide purchaser of property involved in theft, criminal misappropriation, criminal breach of trust, cheating, or receiving, retaining, or disposing of stolen property and which is ordered to be restored to its rightful owner. It is, therefore, subsection (3) of section 357 that also gives the court the discretion to award compensation wherever the prescribed punishment does not consist of a fine.

The great weakness of the jurisprudence of Section 357 is that it can only be invoked upon a successful conviction. It assumes the accused has been identified and prosecuted. It does not take into account the situations when the accused is acquitted or when the police have filed Closure Reports and Summary Reports admitting that the offense had been committed, but either the accused has not been identified or the offence was not committed by the person charged. In this kind of situation, courts cannot invoke Section 357 to award compensation to the victim. For example, this generates the issue of burdening reparation upon only the

⁵ The Code of Criminal Procedure, 1973

convicted. Hence, the level of reparation is determined by the convict's budgetary ability instead of spreading liability between the State and the offender that ought to provide more security for the victim. The provision is mute on the distribution of liability to the State and also does not specify the quantum that the State should contribute towards compensation. Also, subsection (2) of Section 357 states that no compensation shall be paid if the order imposing the fine is in appeal and no payment can be made until the appeal period becomes extinct or the appeal is disposed of. This will attract a cost on the victim since he incurs time-bound expenses because of the commission of the offense. The provision makes no provisions for situations arising out of cases where emergency interim compensation needs to be provided or even the duration for providing the same. This stands in stark contrast to the absolute lack of amenability of Section 357 to the gap in the State's responsibility that Section 357A offers to bridge. It prescribes the establishment of victim compensation schemes by the state governments and elaborates on the role of DLSA in determining the amount of compensation, whether it is as per the order of the court or in an application filed under the scheme by the victim. Section 357A provides for compensation and rehabilitation steps even when the compensation as determined by the court is deemed inadequate. Even if a culprit is not traced out or in cases where no trial has taken place, applications for compensation under Section 357A can be made. Under the interim relief segment, Section 357A provides that DLSA shall be established with the view of providing prompt medical aid and other relief that seems fit to the concerned authorities. The major limitation of Section 357A is that it expects the states to declare a compensation scheme and provide budgetary provision. In the absence of this, applications are not worked out smoothly and victims have to wait and pray.⁶

IV. FUNDAMENTAL RIGHTS

The 154th Law Commission Report on the Code of Criminal Procedure dedicated a full chapter to "Victimology," stating that the focus of all criminal trials and judgments was increasingly toward the rights of victims. The report noted that criminologists, penologists, and reformers of criminal justice had increasingly focused their attention toward victimology, which comprised controlling victimization and protecting crime victims. It emphasized that the harm crimes appear to cause runs far beyond the superficial one to social order and highlighted that the cause and rights of victims should, therefore be placed above anything else in the judicial procedure. Compensation was part of the protection required to offer immediate relief to the victim, though it had the potential to extend support further to the victim's family in certain cases.

⁶ Vibha Mohan, "Revisiting Victim Compensation in India", Manupatra

It traced the roots of victimology as far as in Indian constitutional jurisprudence, particularly in Part III (Fundamental Rights) and Part IV (Directive Principles of State Policy) of the Constitution. These sections seek to establish “a new social order where social and economic justice can flourish in the country’s national life.” The State is also tasked to secure provisions for “securing the right to public assistance in cases of disablement and other instances of undeserved want.” Article 51-A of the Constitution also interestingly enumerates some fundamental duties, including a duty of compassion towards living creatures and the promotion of humanism. The Law Commission pleaded for consideration of the possibility that if such constitutional articles are “emphatically interpreted” and “imaginatively expanded,” they may yet serve as the base of a victim centered jurisprudence in India. It mentioned that, even at the same time, the rights of victims were acknowledged, the Law Commission showed discontent about the scope granted to recover compensation from the offender in Indian criminal law. It, however noted that Section 357 of the CrPC could be a redemption point because it made courts empower to include victim-supportive measures in their judgments.

The issue of differing compensation amounts for the same crime in India raises significant concerns regarding fundamental rights, particularly under Articles 14 and 21 of the Constitution, which guarantee equality before the law and the right to life, respectively.

The Code of Criminal Procedure the 154th Law Commission Report provided an entire chapter for “victimology,” emphasizing the fact that there is increasing interest and concern for the rights of victims over criminal trial. The report observes that criminologists, penologists, and criminal justice reformers are increasingly concerned with victimology, which deals with regulating victimization and other related aspects of protecting crime victims. It underlined the fact that crimes cause much more destruction to the parties involved than mere ripples on the water of social order, and it emphasized that the need and rights of the victims should take precedence over the dispensation process of justice. It regarded compensation as the most fundamental form of protection, as it granted relief to the victim for the first and immediate time at times also helping the family of the victim.

The report traced the roots of victimology back to Indian constitutional jurisprudence, mainly part III-Fundamental Rights and part IV-Directive Principles of State Policy of the Constitution. These sections aim to establish “a new social order where social and economic justice can flourish in the country’s national life.” Further, the State is required to ensure provisions for “securing the right to public assistance in cases of disablement and other instances of undeserved want.” Furthermore, Article 51-A of the Constitution enumerates fundamental duties, such as kindness to all living beings and promoting humanism. The Law Commission

pleaded that if these constitutional provisions were read “emphatically” and “imaginatively expanded, they would provide the basis for a victim-centered jurisprudence in India.” Though victim’s rights are recognized, Law Commission was highly disappointed with the scope of compensation to the victims under Indian criminal law. It, however, drew attention to the fact that Section 357 of the CrPC forms a point of redemption, since it empowers courts to introduce victim-friendly measures within judgment orders.

At the same time, this inequality in restitution for a single offense raises fairness and justice questions and much more importantly brings into light systemic flaws in India’s victim compensation mechanism. Such issues have to be addressed so that the victims receive fair treatment as well as assistance in their healing.

V. SUGGESTIONS AND CONCLUSION

There is an imperative to view Victim Compensation Schemes in India as an institution broadly outside the straitjackets of Sections 357 or 357A of the CrPC. Indeed, schemes would have to cover criminal provisions, civil remedies, and rehabilitative support, role of courts, and State accountability, besides any other aspect that fit the needs. Existing laws in India have to be reformed and brought within international standards. In addition, the process has to include the victim, not only in terms of suggestions but as a participant as well to such an extent that the compensation process becomes an enabling process that empowers him or her.

For schemes under Section 357A to function successfully and prove results oriented, every aspect of the provision in CrPC will have to be dealt with and all concerns harnessed. For the success of the scheme at the all-India level, the complicity of all states is required to formulate guidelines as well as to develop an integrated framework for determining the grounds and quantum of compensation. In addition, raising awareness by the states itself about the Victim Compensation Scheme and the procedures for its application are also essential. While there is more than one relief scheme the States should realize that these schemes have been designed with the welfare of the victim in mind and should not be cut off at any given time for any one more than the other. If compensation is withheld from the applicant, then a leeway redressal mechanism should be present to assist in appealing the decision.

The current compensation receiving mechanism under most schemes is too rigid. Demands like medical reports would further delay the payout of desperate compensation. Hence, provisions relating to interim compensation should be well underlined. Moreover, many schemes have been so simplistic in disbursement of compensation without ensuring rehabilitative follow-up activities and take care of only the evident somatic injuries and permanent mental disabilities,

while psychological trauma the victims undergo is overlooked. The children, especially, might only realize that they were assaulted much later in life when the evidence of the assault can no longer be seen. In that case, amnesty should be given to the individuals who exceeded the legal time in reporting abuses.⁷

There must be coordination of the judiciary arms which include courts, police, DLSA, and SLSA. Each organization shall sensitize and facilitate the victim to get compensation. Courts should actively make recommendations for compensation in cases where they find that some sort of assistance is required.

⁷ Drugs and Crime (UNODC), Handbook on Justice for Victims, 1999.