

Understanding Victim Compensation in India: A Review of Statutory Framework and Judicial Trends

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ABSTRACT

Victim compensation, a cornerstone of modern criminal justice systems, acknowledges the state's responsibility to alleviate the suffering of victims of crime. In India, the journey towards a robust victim compensation framework has been gradual, marked by significant statutory reforms and proactive judicial interventions. This paper critically examines the evolution and current status of victim compensation in India, analyzing the key statutory provisions, particularly Sections 395 and 396 of the Bharatiya Nyaya Sanhita, 2023 (Section 357, 357A, 357B, and 357C of Cr.P.C.), alongside other specialized legislations. It delves into the transformative role of the judiciary, tracing landmark judgments that have broadened the scope of compensation, mandated its implementation, and advocated for victim-centric approaches. While significant progress has been made, the paper identifies persistent challenges, including inadequate funding, procedural delays, lack of awareness, and inconsistencies in state-level implementation. Finally, it offers recommendations for systemic reforms aimed at ensuring timely, adequate, and rehabilitative compensation for all victims of crime in India, striving towards a more equitable and compassionate justice delivery system.

Keywords: Victim Compensation, India, Cr.P.C., BNSS, Judicial Trends, Statutory Framework, Victimology, Restorative Justice.

INTRODUCTION:

The traditional criminal justice system has primarily focused on the offender and the state, often relegating the victim to a secondary, testimonial role. However, a paradigm shift towards victim-centric justice began globally in the latter half of the 20th century, recognizing the profound physical, psychological, and financial impact of crime on individuals. Victim compensation, as an integral component of this shift, acknowledges the state's moral and legal obligation to provide succour and restitution to those harmed by criminal acts, especially when offenders are indigent, untraceable, or acquitted. This welfare-oriented approach is rooted in the principles of restorative justice, aiming to repair the harm caused by crime and facilitate the victim's reintegration into society.

In India, the concept of victim compensation has evolved from a discretionary provision to a fundamental right, albeit with persistent implementation challenges. The journey has been spurred by international human rights instruments, growing victim advocacy, and, crucially, a proactive judiciary that has consistently pushed for legislative reforms and effective implementation. This paper aims to provide a comprehensive review of the statutory framework governing victim compensation in India and analyze the judicial trends that have shaped its interpretation and application. By doing so, it seeks to identify the strengths and weaknesses of the current system and propose actionable recommendations for its enhancement.

The primary objectives of this research are threefold:

1. To meticulously analyze the key statutory provisions related to victim compensation in India, specifically the amendments to the Code of Criminal Procedure, 1973, and other relevant special legislations.
2. To critically examine the significant judicial pronouncements by the Supreme Court and various High Courts that have influenced the understanding and implementation of victim compensation.
3. To identify the systemic challenges and gaps within the existing framework and offer practical recommendations for fostering a more effective, equitable, and victim-responsive compensation mechanism.

This paper adopts a doctrinal research methodology, involving a detailed analysis of primary legal sources, including statutes, rules, and judicial precedents, complemented by a review of secondary literature such as academic articles, reports, and commentaries. The scope is primarily focused on victim compensation as a state responsibility, distinct from civil damages or private restitution, within the Indian context.

2. CONCEPTUAL FRAMEWORK OF VICTIM COMPENSATION

Victim compensation refers to the monetary or non-monetary assistance provided by the state to victims of

crime to alleviate their suffering and facilitate their recovery. It is distinct from restitution (paid by the offender) and insurance (contractual agreement). The theoretical underpinnings of victim compensation are multifaceted, drawing from various schools of thought:

- **State Liability Theory:** This theory posits that the state, having a primary duty to protect its citizens from crime, implicitly assumes responsibility when it fails to do so effectively. When a crime occurs, it represents a breakdown of state machinery, obligating the state to compensate the victim for its failure to maintain law and order.
- **Social Welfare Theory:** Rooted in the concept of a welfare state, this theory argues that providing compensation to victims is a societal obligation, akin to social security or unemployment benefits. It recognizes that victims are often innocent sufferers who require assistance to cope with the unforeseen and devastating consequences of crime.
- **Restorative Justice Principles:** While traditionally focusing on offender-victim mediation, restorative justice also informs victim compensation by emphasizing the need to repair the harm caused by crime. Compensation, in this context, is a means of restoring the victim's dignity, financial stability, and sense of justice, even if the offender cannot directly provide it.
- **Humanitarian Theory:** This theory emphasizes the moral imperative to assist those who have suffered unjustly. It views compensation as an act of compassion and solidarity with the victim.

Internationally, the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) has been a foundational document, advocating for state-funded compensation schemes for victims of serious crimes, particularly when compensation cannot be obtained from the offender. Many developed nations have established comprehensive victim compensation boards or schemes, providing financial aid for medical expenses, lost wages, and pain and suffering. India's efforts, though more recent, resonate with these global principles, seeking to establish a framework that aligns with contemporary victimological thought.

3. Statutory Framework for Victim Compensation in India

The Indian legal landscape for victim compensation has undergone significant evolution, moving from an incidental concept to a statutory mandate. The journey has seen the introduction of general provisions in the Cr.P.C (BNSS) and specialized clauses in specific legislations.

3.1. Code of Criminal Procedure, 1973 (Cr.P.C)

The Cr.P.C, the primary procedural law for criminal justice in India, has been instrumental in shaping victim compensation.

- **Section 357: Power of Court to Order to Pay Compensation Originally,** Section 357 Cr.P.C. was the sole provision allowing courts to order compensation. It empowers a criminal court, at the time of passing judgment, to direct the accused, if convicted, to pay compensation to the victim for any loss or injury suffered due to the crime. This provision, however, was fraught with limitations:
 - **Conditional upon Conviction:** Compensation could only be awarded if the accused was convicted. In cases of acquittal or untraced offenders, victims received nothing.
 - **Discretionary Power:** The power was entirely discretionary, leading to inconsistencies in application.
 - **Dependency on Offender's Solvency:** Compensation was contingent upon the offender's ability to pay, often leaving victims without recourse if the offender was indigent.
 - **Limited Scope:** It did not envision situations where the state itself would contribute to victim compensation directly.
 - **Despite these limitations,** judicial activism, particularly by the Supreme Court, steadily expanded the scope of this section, recognizing its potential for victim relief.
- **Section 357A: Victim Compensation Scheme (VCS)** The most significant amendment came with the insertion of Section 357A into the Cr.P.C. by the Code of Criminal Procedure (Amendment) Act, 2008 (effective from December 31, 2009). This landmark provision transformed the landscape of victim compensation by mandating the establishment of Victim Compensation Schemes:
 - **State Responsibility:** It obligates every State Government, in coordination with the Central Government, to prepare a scheme for providing funds for compensation to victims or their dependents.
 - **Recommendations by Courts:** When a court recommends compensation and the accused is acquitted or discharged, or the compensation under Section 357 is inadequate, or the offender is untraceable, the Legal Services Authority (State or District) must award compensation.
 - **Application to Legal Services Authority:** Victims can directly apply to the State or District Legal Services Authority for compensation, irrespective of the trial's outcome.

- Interim Relief: The Section also provides for immediate first-aid or medical benefits to victims, and implicitly encourages interim compensation, as prescribed by the schemes.
- Section 357A was a direct response to various Supreme Court pronouncements that highlighted the inadequacy of the existing framework and the need for state-funded victim compensation. It shifted the primary responsibility for compensation from the offender to the state, recognizing the welfare role of the government.
- Section 357B: Compensation to be in Addition to Fine Inserted alongside Section 357A, Section 357B clarifies that the compensation payable to the victim under Section 357A shall be in addition to any fine imposed on the offender under Section 357 Cr.P.C. . This ensures that victim compensation is not viewed as an alternative to penal sanctions but as a distinct form of relief.
- Section 357C: Mandatory First Aid and Medical Treatment Added by the Criminal Law (Amendment) Act, 2013, in the aftermath of the Nirbhaya case, Section 357C mandates that all hospitals, public or private, immediately provide free first-aid or medical treatment to victims of acid attacks, rape, or other sexual assaults, and must inform the police of the incident . While not direct 'compensation', it is a crucial component of victim support, ensuring immediate assistance without financial burden, which is an indirect form of relief and a precursor to rehabilitation.
 - Bharatiya Nyaya Sanhita, 2023: Under the earlier Cr.P.C framework, the system of victim compensation had several practical shortcomings. In most cases :
 - Compensation was contingent on conviction or court recommendation.
 - Delays in disbursement due to bureaucratic hurdles.
 - Lack of clear timelines for processing victim applications.
 - The BNSS, 2023, introduces significant advancements in victim compensation provisions:
 - Section 396: Victim Compensation Scheme:
 - State Governments, in coordination with the Central Government, must prepare schemes for compensating victims or their dependents requiring rehabilitation due to crimes.
 - Compensation is payable even when offenders are not identified or trials do not occur.
 - Key Features of Bharatiya Nyaya Sanhita, 2023:
 - Court Recommendations: Courts can recommend compensation at the conclusion of trials if fines are insufficient or if cases end in acquittal/discharge.
 - Direct Applications: Victims can directly apply to the District Legal Services Authority (DLSA) or State Legal Services Authority (SLSA) for compensation.
 - Timelines: Authorities must complete inquiries and award compensation within two months of receiving recommendations or applications.
 - Interim Relief: Immediate first-aid or medical benefits can be provided upon certification by a police officer or magistrate.
 - Compensation under Section 396 is in addition to fines imposed under Sections 65, 70, and 124 of the Bharatiya Nyaya Sanhita (BNS), 2023.

Here is Comparative Table:

1. Court-Ordered Compensation		
Cr.P.C. Section	BNSS Section	Comparison
357	395	Both allow courts to award compensation, but BNSS expands discretion, emphasises victim-centric judgment, and integrates with modern victim justice norms.
2. Victim Compensation Scheme (State-Funded)		
Cr.P.C. Section	BNSS Section	Comparison

357A (2008 amendment)	396	BNSS strengthens the scheme with: <ul style="list-style-type: none"> • Mandatory setup by State + Centre • Victim can apply even if no trial/accused unknown • Legal Services Authorities decide amount • Strict 2-month timeline for deciding applications • Provision for immediate medical/first-aid
3. Additional Compensation by State		
Cr.P.C. Section	BNSS Section	Comparison
357B	397	Both allow state-paid compensation in addition to fines. BNSS modernizes language according to Bharatiya Nyaya Sanhita (BNS).
4. Free Medical Treatment for Victims		
Cr.P.C. Section	BNSS Section	Comparison
357C	398	Both ensure victims of certain offences receive free first-aid or medical treatment. BNSS includes a clearer linkage with emergency relief under Section 396.
5. Compensation When Accused is Not Found		
Cr.P.C. Section	BNSS Section	Comparison
No explicit provision (only by interpretation under 357A)	396(3)	BNSS expressly allows victims to apply even when offender is unidentified and no trial occurs.
6. Timeline for Disbursement		
Cr.P.C. Section	BNSS Section	Comparison
No fixed timeline	396(4) – Decision within two months	BNSS resolves delays caused by CrPC’s open-ended procedure

3.2. Other Specialized Legislations

Beyond the BNSS, several special statutes include specific provisions for victim compensation, recognizing the particular vulnerabilities and needs of certain victim categories.

- Protection of Children from Sexual Offences (POCSO) Act, 2012: This Act contains robust provisions for compensation to child victims of sexual offenses. Section 33(7) of the POCSO Act empowers the Special Court to order compensation to the child victim, covering expenses for medical treatment, rehabilitation, and education. It also states that the compensation so awarded should be in addition to any compensation under Section 357A Cr.P.C. . The "POCSO Rules, 2020" further streamline the process and link compensation to the State Victim Compensation Schemes.
- Motor Vehicles Act, 1988: This Act provides for compensation to victims of motor vehicle accidents, primarily through the Motor Accident Claims Tribunals (MACTs) which award compensation

based on strict liability or fault liability, often against the vehicle owner and insurer . While distinct from criminal compensation, it serves a similar purpose of providing financial relief to victims.

- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989: Designed for the protection of marginalized communities, this Act includes detailed provisions related to victims of atrocities for relief and rehabilitation, including monetary compensation, which are often higher than general schemes, recognizing the aggravated nature of such crimes .
- Legal Services Authorities Act, 1987: This Act is basic as it established the National Legal Services Authority (NALSA) and State Legal Services Authorities (SLSAs), which is now statutorily responsible for formulating and implementing Victim Compensation Schemes under Section 357A Cr.P.C. . NALSA has subsequently formulated model schemes and guidelines to promote uniformity.

3.3. State Victim Compensation Schemes(VCS)

Pursuant to Section 357A Cr.P.C., all states and union territories in India have formulated their own Victim Compensation Schemes. While NALSA has provided model schemes, there remains significant variation across states regarding:

- Eligibility Criteria: The types of crimes covered and the conditions for eligibility.
- Compensation Amounts: The quantum of compensation for different categories of harm (e.g., death, grievous hurt, rape, acid attack).
- Procedural Aspects: The application process, timelines for disposal, and payment mechanisms.

This diversity, while reflecting local conditions, often leads to disparities in justice for victims across different states, highlighting a need for greater standardization.

4. JUDICIAL TRENDS AND INTERPRETATIONS

Here is a humanized and paraphrased version of the sentence:

The Indian judiciary, especially the Supreme Court has consistently taken an active and progressive stand in strengthening and expanding the rights of victims to receive fair compensation. Before the statutory mandate of Section 357A Cr.P.C., judicial pronouncements laid the groundwork by expanding the interpretation of Section 357 Cr.P.C. and invoking constitutional powers to award compensation.

4.1. Pioneering Judgments and Constitutional Compensation

- Rudul Sah v. State of Bihar (1983) : This landmark case marked a watershed moment. The Supreme Court, exercising its powers under Article 32 of the Constitution, awarded monetary compensation to a petitioner for illegal detention, asserting that monetary recompense for human rights violations was an appropriate remedy. This judgment opened the floodgates for public law compensation for state misconduct, laying a foundational principle for victim compensation.
- Bhim Singh v. State of J&K (1985) : Following Rudul Sah, the Supreme Court awarded compensation for wrongful arrest and detention under Article 32, further solidifying the state's liability to compensate for violations of fundamental rights.
- S. Nambi Narayanan v. Siby Mathews and Ors. (2018) : In a more recent case, the Supreme Court awarded a substantial compensation of ₹50 lakhs to former ISRO scientist Nambi Narayanan for wrongful arrest and malicious prosecution, reinforcing the principle of state accountability for grave injustice.

These cases established the principle that compensation is not merely a statutory remedy but can also be a constitutional one, awarded by higher courts for infringements of fundamental rights.

4.2. Expanding the Ambit of Section 357 Cr.P.C.

Even before the introduction of Section 357A, the Supreme Court endeavoured to make Section 357 Cr.P.C. more effective:

- Harikrishnan and Another v. The State of Andhra Pradesh (1993) : The Court emphasized that section 357 Cr.P.C. should be applied in a meaningful and realistic manner, not merely as a token gesture. It directed trial courts to consider awarding appropriate compensation to victims.
- Sarwan Singh v. State of Punjab (2003) : The Court reiterated the importance of compensation, stating that the power under Section 357 is not limited to cases where fine is also imposed but can be exercised even when a sentence of imprisonment is awarded. It also stressed that compensation should be "reasonable" and "adequate".
- 4.3. Mandating and Interpreting Section 357A Cr.P.C.
- Post-2009, the judiciary's focus shifted to ensuring the effective implementation of the newly introduced Section 357A, pushing states to formulate and operationalize their VCS.
- Suresh v. State of Haryana (2010) : This was one of the earliest cases post-amendment where the Supreme Court unequivocally stated that Section 357A of the Cr.P.C. is mandatory and not discretionary. It directed states and union territories to implement Victim Compensation Schemes without delay, emphasizing the state's responsibility.
- State of M.P. v. Mehtab (2015) : The Court underscored the need for effective administration of Victim Compensation Schemes, directing all courts to examine the possibility of awarding compensation to victims in every criminal case and, if appropriate, to make recommendations to the Legal Services Authority.
- Nipun Saxena v. Union of India (2018) : This landmark judgment, specifically addressing child victims of sexual assault, issued comprehensive guidelines. The Court directed all states to ensure that their Victim Compensation Schemes conform to the guidelines for compensation for sexual assault victims, emphasizing not just monetary relief but also rehabilitation. It reiterated the mandatory nature of interim compensation, which must be paid within 30 days of the incident reporting.

- **Laxmi v. Union of India (2014)** : In the context of acid attack victims, the Supreme Court issued wide-ranging directions, including mandating state governments to provide compensation of at least Rs. 3 lakhs to acid attack victims, with Rs. 1 lakh paid within 15 days of the incident for immediate medical needs. This case highlighted judicial activism in prescribing specific compensation amounts where statutory schemes were inadequate or absent.

4.4. Focus on Specific Victim Categories

The judiciary has shown particular sensitivity towards vulnerable victims:

- **Rape and Sexual Assault Victims:** Beyond Nipun Saxena, numerous High Court judgments have stressed the need for adequate and prompt compensation for rape victims, recognizing the profound trauma and long-term consequences. The courts have often enhanced compensation amounts beyond what was initially granted by the state schemes, asserting their constitutional power to ensure justice.
- **Child Victims:** Cases under the POCSO Act frequently see courts recommending substantial compensation, often directing legal services authorities to act swiftly.
- **Victims of Medical Negligence/Wrongful Acts:** While often civil in nature, higher courts have occasionally invoked writ jurisdiction to award compensation for egregious cases of medical negligence or custodial violence, blurring the lines between public and private law remedies in the interest of justice.

4.5. Emphasis on Speedy and Interim Compensation

A consistent judicial trend has been the insistence on timely disbursement of compensation, recognizing that delayed justice is often denied justice. The concept of "interim compensation" has gained traction, with courts directing immediate financial relief to victims, especially in cases of sexual assault and acid attacks, to cover immediate medical treatment and sustenance, without waiting for the final outcome of the trial or the complete processing of the compensation application. This proactive approach aims to mitigate the immediate economic and medical challenges faced by victims.

The judicial trends clearly showcase a progressive approach, evolving from rudimentary provisions to a robust framework that emphasizes state responsibility, victim-centricity, and speedy justice. The courts have not merely interpreted the law but have actively shaped it, filling legislative gaps and pushing for systemic reforms.

5. Challenges and Gaps in the Indian Victim Compensation System

Despite significant statutory reforms and proactive judicial interventions, the victim compensation system in India faces several formidable challenges that impede its effectiveness and accessibility.

5.1. Lack of Awareness and Accessibility A large segment of the victim population, particularly in rural and marginalized communities, remains unaware of their right to compensation and the procedures to claim it. This lack of awareness extends to police personnel, prosecutors, and even some members of the lower judiciary, who are crucial in guiding victims. The complex bureaucratic procedures, coupled with illiteracy and socio-economic barriers, further deter victims from accessing the schemes.

5.2. Inadequate Funding and Budgetary Allocations The efficacy of victim compensation schemes heavily relies on adequate and consistent funding. Many state governments allocate insufficient funds, leading to delays and non-payment of compensation. The existing corpus in many Victim Compensation Funds is often meager, struggling to meet the demands, especially for heinous crimes requiring substantial relief. The lack of a dedicated, robust national fund often leaves states struggling.

5.3. Procedural Delays and Bureaucratic Hurdles The process of applying for and receiving compensation can be arduous and time-consuming. Victims often have to navigate multiple agencies – police, courts, legal services authorities – each with their own procedures. The application review and approval process by District or State Legal Services Authorities can be slow, defeating the purpose of immediate relief. This prolonged wait can exacerbate the victim's distress and financial burden.

5.4. Inadequate Compensation Amounts While some judicial pronouncements have pushed for higher compensation, the amounts stipulated in many state Victim Compensation Schemes are often insufficient to cover the actual losses incurred by victims, including medical expenses, lost wages, psychological counselling, and long-term rehabilitation. The compensation rarely accounts for the loss of quality of life or the enduring psychological trauma, particularly in cases of severe injuries, sexual assault, or death.

5.5. Lack of Uniformity and Standardization Although NALSA has issued model schemes, there is considerable disparity in the eligibility criteria, compensation amounts, and procedural aspects across different states. This lack of uniformity creates an unequal playing field for victims, where the same crime might fetch vastly different compensation depending on the geographical location of its occurrence. Such disparities undermine the principle of equal justice.

5.6. Limited Focus on Holistic Rehabilitation Most schemes are primarily focused on monetary compensation, often overlooking the critical need for holistic rehabilitation services. Victims of severe crimes,

such as acid attacks and sexual assaults, require extensive medical, psychological, vocational, and social support for long-term recovery and reintegration. Current schemes often lack integrated provisions for such comprehensive support, treating compensation as an end in itself rather than a means to rehabilitation.

5.7. Role of Police and Prosecution Police personnel, often the first point of contact for victims, are not always adequately sensitized or trained to inform victims about their compensation rights or assist them in the application process. Similarly, prosecutors sometimes do not actively advocate for victim compensation during trials, either due to lack of awareness or prioritization of conviction.

5.8. Legal Aid and Representation Gaps While Legal Services Authorities are mandated to provide legal aid, the quality and accessibility of such aid for victim compensation claims can be inconsistent. Many victims struggle to find competent legal representation to navigate the complexities of the compensation process.

5.9. Enforcement and Recovery Challenges Even when compensation is awarded by the court under Section 357 Cr.P.C. against the offender, recovery can be a significant challenge if the offender is indigent or absconding. This further highlights the importance of state-funded schemes, but even then, the actual disbursement can face hurdles.

These challenges collectively underscore the gap between the progressive intent of the law and its practical implementation, pointing towards the need for concerted efforts for systemic reform.

6. Recommendations for Reform

To transform the victim compensation landscape in India into a truly effective and victim-centric system, a multi-pronged approach involving legislative, administrative, and judicial reforms is essential.

6.1. Enhanced Awareness and Outreach Programs

- Public Awareness Campaigns: Launch national and state-level awareness campaigns using various media (print, electronic, social media) to inform the public, especially vulnerable groups, about their rights to compensation and the application procedures.
- Sensitization and Training: Conduct regular and mandatory training programs for police, prosecutors, judicial officers, medical personnel, and legal aid workers on victim rights, the operation of VCS, and their role in facilitating compensation.
- Simplified Information Dissemination: Develop easy-to-understand brochures, posters, and online resources in multiple languages, outlining the compensation process, eligibility, and contact points.

6.2. Standardization and Rationalization of Schemes

- National Guidelines with Minimum Standards: NALSA should develop comprehensive national guidelines for Victim Compensation Schemes, establishing minimum compensation amounts for various categories of crimes and standardized procedural requirements, to ensure uniformity across states.
- Periodic Review and Revision: Compensation amounts should be periodically reviewed and revised to account for inflation, changing socio-economic realities, and the actual cost of recovery and rehabilitation, rather than remaining static for years.

6.3. Adequate and Dedicated Funding

- Establish a National Victim Compensation Fund: Create a centrally administered, dedicated 'National Victim Compensation Fund' to supplement state funds and ensure adequate resources are available. This could be funded through direct government allocations, a portion of fines collected in criminal cases, and possibly grants or endowments.
- Adequate State Budgetary Allocations: Mandate state governments to make significantly higher and consistent budgetary allocations for their respective Victim Compensation Schemes, ensuring that funds are not a limiting factor.

6.4. Streamlined and Time-Bound Procedures

- Single-Window Application System: Implement a simplified, single-window application process, potentially through District Legal Services Authorities or specialized Victim Support Centres, to reduce bureaucratic hurdles.
- Strict Timelines: Enforce strict, legally stipulated timelines for the processing of applications, approval of compensation, and actual disbursement of funds, with provisions for accountability in case of delays.
- Proactive Initiation: Empower police and courts to proactively initiate the compensation process at the earliest stage of investigation or trial, without solely depending on the victim's application.
- 6.5. Holistic Rehabilitation Integration
- Beyond Monetary Compensation: The schemes must evolve beyond mere monetary relief to include provisions for comprehensive rehabilitation, encompassing medical care, psychological counselling, vocational training, educational support, and reintegration services.
- Collaboration with NGOs and Social Workers: Foster partnerships with non-governmental organizations and social

welfare agencies to provide specialized support services to victims.

- Establishment of Victim Support Centres: Set up dedicated victim support centres at district levels, offering a range of services from legal aid to psychological counselling and assistance in claiming compensation.

6.6. Strengthening the Role of Legal Services Authorities

- Enhanced Capacity Building: Provide SLSAs and DLSAs with enhanced human resources, financial backing, and infrastructural support to effectively manage the increased workload of victim compensation.
- Proactive Engagement: Encourage DLSAs to actively identify victims, inform them of their rights, and assist them throughout the compensation process, rather than waiting for applications.

6.7. Mandatory Interim Compensation

- Universal Mandate: Explicitly make interim compensation a mandatory provision across all Victim Compensation Schemes, especially for heinous crimes, to address immediate needs, to be disbursed within a fixed, short timeframe (e.g., 7-15 days) of the incident or reporting.
- Simplified Interim Process: The process for accessing interim relief should be minimal, requiring only prima facie evidence of victimization and the incident.

6.8. Victim Impact Statements (VIS)

- Formal Incorporation: Formally incorporate Victim Impact Statements (VIS) into sentencing and compensation decisions. This would allow victims to articulate the full extent of the harm suffered, influencing the quantum of compensation awarded and ensuring a more victim-centric approach to justice.

These recommendations, if implemented diligently, have the potential to significantly enhance the effectiveness, accessibility, and humaneness of the victim compensation system in India, aligning it more closely with international best practices and the constitutional mandate of justice.

CONCLUSION

The journey towards establishing a robust and equitable victim compensation system in India has been a testament to the evolving understanding of justice, encompassing not just punishment for offenders but also solace and support for victims. From the limited and discretionary provisions of Section 395 of BNSS, the Indian legal landscape has progressed significantly with the introduction of Section 396 of BNSS. and other specialized legislations, firmly placing the onus of victim compensation on the state. The Indian judiciary,

through a series of landmark judgments, has been a driving force in this evolution, not only interpreting existing laws but also actively shaping policy, mandating implementation, and advocating for victim-centric approaches, particularly for vulnerable groups.

Despite these commendable strides, the practical implementation of victim compensation schemes continues to face substantial challenges. The persistent issues of low awareness, inadequate funding, bureaucratic delays, insufficient compensation amounts, lack of uniformity across states, and limited focus on holistic rehabilitation undermine the noble intent of the law. These gaps result in a distressing disparity between the promise of justice and the lived reality of countless victims.

Moving forward, it is imperative for all stakeholders the legislature, executive, and judiciary to collaborate in addressing these systemic deficiencies. Implementing reforms such as enhanced awareness campaigns, standardization of schemes, dedicated and ample funding, streamlined time-bound procedures, and an integrated approach to rehabilitation will be crucial. By strengthening the capacity of legal services authorities and mandating interim compensation, India can move closer to its constitutional goal of ensuring access to justice for all. A truly compassionate and just society is one that not only punishes wrongdoers but also genuinely cares for and adequately supports those who suffer the consequences of crime. The ongoing efforts must converge to build a victim compensation framework that is not just statutorily present but is genuinely effective, accessible, and restorative, ensuring that victims are truly at the heart of the justice delivery system.

REFERENCES

1. Dunkel, F., & Rössner, D. (2013). What is Victim Compensation? A Comparison of Different Approaches in Europe and the USA. In R. K. Chopra (Ed.), *Victimology: A Critical Introduction* (pp. 235-256). Sage Publications.
2. Mawby, R. I., & Walklate, S. (2014). *Critical Victimology: New Directions in Research and Policy*. Sage Publications.
3. Elias, R. (1986). *The Politics of Victimization: Victims, Victimology, and Human Rights*. Oxford University Press.
4. United Nations General Assembly Resolution 40/34, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, A/RES/40/34 (November 29, 1985).
5. Code of Criminal Procedure, 1973, No. 2 of 1974, India Code (1974), s. 357.
6. Singh, M. P., & Om Prakash, S. (2018). *Code of Criminal Procedure*. LexisNexis.
7. Code of Criminal Procedure (Amendment) Act, 2008, No. 5 of 2009, India Code (2009), s. 357A.
8. Code of Criminal Procedure (Amendment) Act, 2008, No. 5 of 2009, India Code (2009), s. 357B.
9. Criminal Law (Amendment) Act, 2013, No. 13 of 2013, India Code (2013), s. 357C.

10. Protection of Children from Sexual Offences Act, 2012, No. 32 of 2012, India Code (2012), s. 33(7).
11. Motor Vehicles Act, 1988, No. 59 of 1988, India Code (1988), ss. 163A, 166.
12. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, No. 33 of 1989, India Code (1989), s. 12 & Schedule.
13. Legal Services Authorities Act, 1987, No. 39 of 1987, India Code (1987), ss. 4, 12.
14. Rudul Sah v. State of Bihar, (1983) 4 SCC 141.
15. Bhim Singh v. State of J&K, (1985) 4 SCC 677.
16. S. Nambi Narayanan v. Siby Mathews and Ors., (2018) SCC OnLine SC 1832.
17. Harikrishnan and Another v. The State of Andhra Pradesh, (1993) 2 SCC 694.
18. Sarwan Singh v. State of Punjab, (2003) 1 SCC 240.
19. Suresh v. State of Haryana, (2010) 7 SCC 306.
20. State of M.P. v. Mehtab, (2015) 11 SCC 368.
21. Nipun Saxena v. Union of India, (2018) 18 SCC 567.
22. Laxmi v. Union of India, (2014) 4 SCC 427.
23. Gupte, S. V., & Gupte, D. S. (2018). Criminal Procedure Code. EBC Publishing.
24. Sharma, G. (2019). Victim Compensation Schemes in India: Challenges and Prospects. *Indian Journal of Criminology & Criminalistics*, 40(1), 1-15.
25. National Law University Delhi. (2015). Study on the Implementation of Victim Compensation Schemes. Project Report for Ministry of Home Affairs, Government of India.