



VICTIM COMPENSATION SCHEME IN INDIA: A CRITICAL ANALYSIS

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ABSTRACT

The concept of victim compensation represents a significant shift in the criminal justice system from an offender-centric approach to a victim-oriented model of justice. In India, the introduction of Section 357A of the Code of Criminal Procedure (CrPC) through the 2008 amendment marked a legislative milestone, recognizing the state's responsibility to provide monetary relief and rehabilitation to victims of crime. Despite this progressive legal framework, the implementation of victim compensation schemes remains inconsistent across states due to administrative lapses, lack of awareness, and inadequate funding mechanisms.

This study critically analyzes the evolution, legal framework, and practical operation of the Victim Compensation Scheme in India. It examines the judicial interpretation of victim rights through landmark cases such as *Bodhisattwa Gautam v. Subhra Chakraborty* (1996), *Nilabati Behera v. State of Orissa* (1993), and *Ankush Shivaji Gaikwad v. State of Maharashtra* (2013). A comparative perspective is also explored by referencing international instruments like the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) and foreign compensation models in the United Kingdom and the United States.

The research finds that while the judiciary has played a proactive role in recognizing victims' rights and enforcing compensation, systemic inefficiencies continue to hinder the realization of complete restorative justice. The paper concludes that effective implementation requires uniform national guidelines, enhanced coordination between legal service authorities and law enforcement agencies, and a greater focus on victim rehabilitation rather than mere financial compensation.

Keywords: Victimology, Restorative Justice, Compensation, Criminal Law, Victim Rights, Section 357A CrPC, Legal Aid.

INTRODUCTION

The criminal justice system in India has historically been offender-centric, emphasizing punishment and deterrence over rehabilitation and victim restoration. In traditional legal frameworks, the role of the victim was often confined to that of a mere witness, with minimal involvement in the prosecution or redressal process. This neglect of the victim's suffering and rights created a substantial gap in achieving true justice — a gap that modern jurisprudence now seeks to fill through the principles of *victimology* and *restorative justice*.

Victims of crime endure multifaceted harm — physical injury, psychological trauma, social ostracization, and economic hardship. Despite being the direct sufferers, they frequently remain marginalized during and after the criminal proceedings. Compensation, therefore, serves as both a symbolic recognition of their suffering and a tangible effort toward rehabilitation and reintegration into society. The notion of compensating victims is not merely a financial remedy but a vital component of social justice, upholding the constitutional guarantee of the right to life and dignity under Article 21 of the Constitution of India.¹

Globally, the concept of state-sponsored victim compensation emerged as a response to the inadequacies of offender-based restitution systems, particularly in cases where offenders are untraceable, acquitted, or unable to pay. In India, the early criminal law structure under the Indian Penal Code (IPC), 1860 and the Code of Criminal Procedure (CrPC), 1973, largely centered on retribution and deterrence. Victim redress was left to civil litigation, which was time-consuming and often inaccessible to poor or marginalized victims.

The Law Commission of India, in several of its reports, notably the *42nd Report (1971)* and *154th Report (1996)*, highlighted the absence of a structured victim compensation framework and recommended state responsibility in providing financial assistance to victims of crime. These recommendations eventually culminated in the Code of Criminal Procedure (Amendment) Act, 2008, which inserted Section 357A into the CrPC. This marked a historic shift from the conventional offender-oriented approach toward a victim-centric model of justice.

Section 357A CrPC mandates both the Central and State Governments to prepare a scheme for compensating victims or their dependents who have suffered loss or injury as a result of crime and who require rehabilitation. It directs the establishment of a Victim Compensation Fund, jointly managed by the State and the Central Government, to provide financial relief in cases where the offender is unknown, absconding, or otherwise incapable of paying compensation.²

The provision recognizes that justice must extend beyond conviction or punishment — it must encompass reparation, restoration, and rehabilitation. It acknowledges the moral and social responsibility of the State to support victims who have suffered due to the failure of its system to prevent or control crime. Furthermore, judicial interpretation of Section 357 and Section 357A by the Supreme Court of India has reinforced the idea that compensation is not an act of charity but a constitutional entitlement arising from the fundamental right to dignity and security of person.

EVOLUTION OF VICTIM COMPENSATION IN INDIA

The development of victim compensation in India represents a gradual but significant transformation of the criminal justice system from a punitive to a restorative framework. Historically, Indian criminal law prioritized the punishment of offenders as a means of maintaining social order, while the sufferings and rehabilitation needs of victims were largely overlooked. Over time, through judicial activism, recommendations from law reform commissions, and legislative amendments, the rights and welfare of victims have begun to receive greater recognition within the justice process.

¹ Basu, D. D. (2021). *Introduction to the Constitution of India*. LexisNexis Publications.

² Kelkar, R. V. (2020). *Lectures on Criminal Procedure*. Eastern Book Company.

1. Early Legal Framework

Before the enactment of the Code of Criminal Procedure (Amendment) Act, 2008, the statutory provisions dealing with victim compensation were limited and largely discretionary. The Code of Criminal Procedure, 1973, under Section 357(1) and (3), empowered criminal courts to order compensation to the victim out of fines imposed on the offender or even independently, in the absence of a fine. However, these provisions were discretionary and conditional upon conviction — meaning that victims could not claim compensation where the accused was acquitted, unidentified, or absconding.

Courts rarely invoked Section 357 due to the perception that their primary duty was to punish offenders rather than to provide reparation to victims. Moreover, the lack of procedural clarity and absence of a monitoring mechanism led to inconsistent application. Consequently, a vast number of victims, particularly those from vulnerable social and economic backgrounds, remained uncompensated despite suffering serious harm.

The Law Commission of India played an instrumental role in highlighting these deficiencies. The 42nd Report (1971) first recommended incorporating a structured compensation system within the criminal procedure, suggesting that courts be required to consider compensation in every case involving personal injury or loss. Later, the 154th Report (1996) reiterated this recommendation, emphasizing the need for a comprehensive statutory framework that places an obligation on the State to compensate victims when offenders are unable to do so.³

Parallel to these developments, judicial interpretation also began to shape the early contours of victim compensation. In *Rattan Singh v. State of Punjab* (1980), the Supreme Court observed that victims are “the worst sufferers in the crime scenario” and should not be left in the lurch once punishment has been imposed. Later, in *Hari Krishan v. Sukhbir Singh* (1988), the Court urged trial judges to liberally exercise their powers under Section 357 CrPC to ensure that victims receive just compensation. These judicial pronouncements signaled a gradual recognition of the victim’s right to restitution and the State’s moral duty to rehabilitate victims of crime.⁴

2. The 2008 Amendment and Section 357A CrPC

The most decisive reform in the area of victim compensation came through the Code of Criminal Procedure (Amendment) Act, 2008, which inserted Section 357A into the CrPC, effective from December 31, 2009. This marked a paradigm shift from an *offender-funded* model of compensation to a *State-funded* one, thereby making victim reparation an institutional responsibility of the government.

Under Section 357A, every State Government, in coordination with the Central Government, is mandated to prepare a Victim Compensation Scheme (VCS) for providing funds to compensate victims or their dependents who have suffered loss or injury as a result of a crime and require rehabilitation. Importantly, this provision applies even in cases where the offender is unknown, acquitted, or absconding, thereby ensuring that victims are not denied relief due to procedural or evidentiary limitations in criminal trials.

The key features of Section 357A include:

1. **State Responsibility:** The obligation to formulate and fund compensation schemes lies jointly with the State and Central Governments.
2. **Institutional Mechanism:** The **District Legal Services Authority (DLSA)** or the **State Legal Services Authority (SLSA)** is empowered to determine the quantum of compensation and ensure disbursement.
3. **Judicial Reference:** Courts may recommend cases to the DLSA/SLSA for compensation after conviction or acquittal if the victim requires rehabilitation.
4. **Direct Victim Application:** Victims may independently approach the authorities for compensation in cases of no trial, acquittal, or untraced offenders.

³ Nair, P. (2020). “Restorative Justice and Victim Compensation in India: Challenges and Prospects.” *Indian Journal of Criminology*, Vol. 48(2), pp. 45–62.

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

5. **Provision for Interim Relief:** Section 357A(6) allows for *immediate interim relief* to victims in need of urgent financial assistance.

This legislative reform brought India's victim compensation framework closer to international standards, particularly the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985), which recognizes the duty of states to provide fair and adequate compensation to crime victims.

3. Role of National Legal Services Authority (NALSA)

Following the introduction of Section 357A, the National Legal Services Authority (NALSA) emerged as the central coordinating body responsible for implementing and monitoring victim compensation across India. Under the Legal Services Authorities Act, 1987, NALSA and its subsidiary bodies — the State Legal Services Authorities (SLSAs) and District Legal Services Authorities (DLSAs) — were entrusted with the administration and disbursement of victim compensation funds.⁵

NALSA issued Model Guidelines for Victim Compensation Schemes in 2015, which served as a uniform template for states to design or modify their respective compensation schemes. These guidelines laid down detailed procedures for:

- Filing of claims by victims or dependents,
- Assessment of compensation amounts based on the nature and gravity of injury, loss of income, or death,
- Timelines for sanction and disbursement,
- Provision for appeal or review of DLSA/SLSA decisions, and
- Integration with victim rehabilitation services, including counseling and vocational support.

The NALSA framework encouraged the development of victim-friendly processes such as simplified application forms, interim relief mechanisms, and collaboration with NGOs for psychosocial rehabilitation. Despite these efforts, however, disparities persist among states regarding compensation quantum, eligibility criteria, and implementation efficiency.⁶

In 2018, NALSA further directed all states to revise their schemes to align with the Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018, which standardized compensation amounts nationwide for specific offences such as rape, acid attacks, and sexual violence. This marked a progressive step toward greater uniformity and gender-sensitive victim relief.

JUDICIAL CASE STUDY

Judicial interpretation has played a pivotal role in recognizing the rights of victims and strengthening the framework of victim compensation in India. While legislative provisions have provided the statutory foundation, it is the judiciary that has expanded their scope through progressive interpretation of constitutional rights — particularly those enshrined under Article 14 (Right to Equality) and Article 21 (Right to Life and Personal Liberty) of the Constitution.

The following case studies illustrate how Indian courts have advanced the principles of *restorative justice*, *reparation*, and *state responsibility* toward victims of crime.

⁵ National Legal Services Authority (NALSA), *Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes* (2018).

⁶ National Legal Services Authority (NALSA), *Victim Compensation Scheme for Trafficking in Persons* (2020)

Rattan Singh v. State of Punjab⁷

In this case, the appellant, a bus driver, was convicted of causing death by rash and negligent driving. The Supreme Court noted that while punishment of the offender is important, the criminal justice system must not overlook the suffering of the victim's family. Justice Krishna Iyer emphasized that the State has a responsibility toward the victim, observing that *"it is a weakness of our jurisprudence that the victims of the crime and the distress of the dependents of the prisoner do not attract the attention of the law."* This was among the earliest cases where the Court highlighted the need to incorporate victim compensation within the criminal justice process, setting the moral foundation for future legislative action.

Hari Krishan v. Sukhbir Singh⁸

The accused were convicted under Sections 307, 324, and 148 of the IPC for assault. The trial court imposed imprisonment and fines but failed to grant compensation to the victims. The Supreme Court observed that Section 357 CrPC should be used liberally by courts to provide compensation to victims. The Court held that the power to award compensation is not ancillary, but an integral part of sentencing, and directed trial courts to apply this provision in all appropriate cases. This case firmly established judicial expectation that compensation should accompany conviction wherever possible, embedding a sense of victim-conscious justice in the criminal process.

Delhi Domestic Working Women's Forum v. Union of India⁹

The petition was filed by an NGO on behalf of several domestic workers who were victims of sexual assault. The Court recognized the procedural difficulties faced by rape victims during investigation and trial. The Supreme Court directed the Central Government to establish a Criminal Injuries Compensation Board to provide financial and rehabilitative support to victims of sexual offences, irrespective of the outcome of criminal proceedings. This case was a turning point in recognizing State-funded victim compensation. It directly influenced the Law Commission's later recommendations and paved the way for the insertion of Section 357A CrPC in 2008.

Bodhisattwa Gautam v. Subhra Chakraborty¹⁰

The respondent, a woman, was deceived into a false marriage by the accused and sexually exploited over time. The trial court proceedings were pending when she sought compensation. The Supreme Court, referring to Article 21 of the Constitution, held that every victim of sexual assault has an inherent right to compensation as part of her fundamental right to live with dignity. The Court directed the accused to pay interim compensation to the victim even before the conclusion of the trial. This was a landmark case that judicially recognized the right to compensation as a constitutional right, independent of conviction, and introduced the concept of interim compensation in criminal proceedings.

Nilabati Behera v. State of Orissa¹¹

The petitioner sought compensation for the custodial death of her son at the hands of police officers. The Supreme Court awarded monetary compensation to the victim's mother, holding that the State is liable for violation of the fundamental right to life under Article 21. The Court clarified that such compensation is not ex gratia but enforceable under public law remedy. This case reinforced the doctrine of State liability and established that compensation is a constitutional obligation in cases of human rights violations. It served as a precursor for extending the principle to crime victims more broadly.

⁷ (1980) 4 SCC 481

⁸ (1988) 4 SCC 551

⁹ (1995) 1 SCC 14

¹⁰ (1996) 1 SCC 490

¹¹ (1993) 2 SCC 746

Ankush Shivaji Gaikwad v. State of Maharashtra¹²

The accused was convicted under Section 302 IPC for murder. The trial and appellate courts failed to grant compensation to the deceased's family. The Supreme Court observed that Section 357 CrPC must be interpreted as a *duty* of the court, not merely a discretion. It ruled that courts are required to record reasons for not awarding compensation, and non-consideration amounts to an error of law. This case operationalized the principle that victim compensation is a mandatory judicial consideration in every conviction. It marked the transition from discretion to obligation.

Laxmi v. Union of India¹³

Laxmi, an acid attack survivor, filed a PIL seeking stricter regulation of acid sales and adequate compensation for victims of acid violence. The Supreme Court directed all states and union territories to frame Victim Compensation Schemes for Acid Attack Survivors, with a minimum compensation of ₹3 lakh, to be provided by the government regardless of the offender's conviction. This case led to the nationwide standardization of compensation for acid attack victims and reflected judicial activism in expanding the scope of Section 357A to ensure gender-sensitive victim protection.

Nipun Saxena v. Union of India¹⁴

This public interest litigation addressed the rights and rehabilitation of rape victims, including confidentiality and compensation issues. The Court approved the NALSA Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes (2018), making it binding on all states and UTs. The scheme set uniform compensation standards for various offences, including rape, gang rape, and acid attacks. The judgment institutionalized uniform national standards for victim compensation and ensured that survivors of sexual violence receive consistent and adequate support.

Comparative Judicial Reflection

Collectively, these cases demonstrate a judicial evolution from discretionary, conviction-based compensation toward a constitutional, victim-centered framework. The courts have consistently recognized compensation not as charity but as an integral part of justice, rooted in the right to life and dignity. Through these decisions, the judiciary has bridged the legislative and moral gaps in India's victim compensation regime, urging proactive state responsibility and victim rehabilitation.

Implementation of Victim Compensation Schemes

Each State/UT has framed its own Victim Compensation Scheme (VCS). Examples include:

State	Scheme Name	Year	Maximum Compensation (in ₹)
Delhi	Delhi Victim Compensation Scheme	2018	Up to 10 lakh for sexual assault victims
Maharashtra	Maharashtra VCS	2017	Up to 5 lakh
Uttar Pradesh	UP VCS	2014	Up to 6 lakh
Tamil Nadu	Tamil Nadu VCS	2013	Up to 5 lakh
Kerala	Kerala VCS	2017	Up to 7 lakh

However, the disparity in compensation amounts and eligibility criteria among states reflects lack of uniformity.

¹² (2013) 6 SCC 770

¹³ (2014) 4 SCC 427

¹⁴ (2018) 10 SCC 435

CHALLENGES AND CRITICISMS OF THE VICTIM COMPENSATION SYSTEM IN INDIA

Despite its progressive intent, the Victim Compensation Scheme (VCS) in India faces multiple structural and operational challenges that limit its effectiveness. While Section 357A of the CrPC marks a historic shift from an offender-centric to a victim-centric justice model, the ground-level implementation often fails to translate legislative intent into tangible relief.¹⁵

1. Lack of Awareness

A major obstacle in the success of victim compensation programs is the lack of awareness among victims about their rights. Many victims—especially from rural, tribal, and economically weaker sections—remain uninformed about the availability of compensation schemes. Even when aware, they are often uncertain about the procedure for application, the required documentation, and where to seek help. The absence of proactive dissemination of information by police, legal aid institutions, and media further widens the awareness gap.

2. Inconsistent Implementation Across States

While every State and Union Territory has notified its Victim Compensation Scheme, the implementation remains inconsistent. States differ widely in terms of eligibility criteria, quantum of compensation, procedural requirements, and time limits for claim processing. For example, while Delhi offers up to ₹10 lakh for sexual assault victims, other states like Tamil Nadu cap it at ₹5 lakh. This lack of uniformity undermines the principle of equality before law and results in regional disparity in victim support.

3. Delayed Disbursement of Compensation

The intended goal of providing immediate relief is often defeated by bureaucratic red tape and procedural inefficiencies. Many applications take months, sometimes years, to be processed. Victims frequently face delays in receiving medical verification reports, police documentation, and approval from the State Legal Services Authority. Such delays exacerbate the trauma of victims who require urgent assistance for medical treatment, shelter, or rehabilitation.

4. Insufficient Funding and Budget Constraints

State Legal Services Authorities (SLSAs), the bodies responsible for administering these schemes, often face budgetary limitations. The allocation of funds for victim compensation is irregular and insufficient in several states, leading to pending cases and partial disbursement of approved amounts. Without sustained financial backing from both State and Central Governments, the promise of Section 357A remains largely aspirational.

5. Limited Compensation Amounts

Even where compensation is awarded, the quantum is often inadequate to cover the actual losses—whether medical expenses, loss of income, or long-term rehabilitation needs. For example, victims of acid attacks or sexual assault often require prolonged medical treatment, reconstructive surgeries, and psychological counseling, which far exceed the prescribed limits in most state schemes. This raises concerns about the realistic assessment of victim needs and the fairness of fixed compensation slabs.¹⁶

6. Absence of Psychological and Social Rehabilitation

Most Victim Compensation Schemes in India focus solely on monetary relief, neglecting the equally critical aspect of psychological and social rehabilitation. Victims of sexual assault, domestic violence, or violent crimes often suffer from post-traumatic stress disorder (PTSD), social ostracism, and emotional distress.

¹⁵ Sharma, R. (2021). "A Comparative Study of Victim Compensation Models." *International Journal of Law and Social Policy*, Vol. 7(1), pp. 88–103.

¹⁶ Kumar, V. (2022). "Judicial Response to Victim Rights in India." *Journal of Legal Studies and Research*, Vol. 9(4), pp. 55–69.

Unlike in developed countries, India's framework lacks structured counseling services, rehabilitation homes, and community reintegration programs.

7. Lack of Monitoring and Evaluation Mechanisms

There is no centralized monitoring system to track how effectively the schemes are being implemented. Data on applications received, cases approved, funds disbursed, and timelines followed are fragmented and inconsistent across states. The absence of annual reports or performance audits makes it difficult to assess impact and accountability. The need for an integrated national database and evaluation framework is critical for ensuring transparency and improving outcomes.

COMPARATIVE PERSPECTIVE: INTERNATIONAL MODELS OF VICTIM COMPENSATION

A comparative examination of international victim compensation frameworks reveals that while India has made considerable progress in acknowledging victims' rights, its approach remains fragmented, underfunded, and procedurally complex when compared with developed nations such as the United Kingdom, the United States, and Canada. These countries have evolved comprehensive, victim-centric models that not only provide financial compensation but also ensure psychological rehabilitation, social reintegration, and institutional efficiency.¹⁷

In the United Kingdom, the *Criminal Injuries Compensation Authority (CICA)*, established under the *Criminal Injuries Compensation Act of 1995*, serves as a benchmark for effective victim reparation. The system is entirely state-funded, reflecting a clear acknowledgment of governmental responsibility toward victims of crime. The CICA compensates both primary victims, who suffer direct harm, and secondary victims, such as dependents or family members affected by the crime. Notably, it recognizes not only physical injuries but also psychological trauma, thereby extending its reach to a broader spectrum of suffering. The UK's model emphasizes speedy processing, transparency, and fairness, with an online application system and an appeal mechanism that minimizes procedural delays. Compensation amounts can reach up to £500,000, reflecting a serious commitment to restoring victims' dignity and livelihood. This structure stands in stark contrast to India's fragmented system, where compensation varies significantly between states and where procedural hurdles often delay disbursement.

The United States, through the *Victims of Crime Act (VOCA) of 1984*, provides another exemplary model of a sustainable and coordinated compensation framework. Unlike India's state-funded schemes, VOCA's *Crime Victims Fund* is financed through fines, penalties, and forfeitures imposed on convicted federal offenders, rather than taxpayer money. This ensures a self-sustaining funding mechanism, reducing dependence on budgetary allocations. Each U.S. state operates its own victim compensation program under broad federal guidelines, ensuring both autonomy and standardization. Victims are eligible to receive financial assistance for medical treatment, counseling, lost wages, and funeral costs, among other needs. Moreover, the U.S. model integrates law enforcement agencies and community organizations in identifying and assisting victims, ensuring accessibility, coordination, and timeliness in service delivery. The result is a dynamic federal-state partnership that balances administrative efficiency with uniform victim protection standards — a balance that India's decentralized and inconsistent schemes have yet to achieve.¹⁸

Similarly, Canada's Criminal Injuries Compensation Program underscores the importance of holistic victim care. Administered by provincial boards, the Canadian model goes beyond financial reparation to emphasize rehabilitation and reintegration. It covers not only medical and counseling costs but also therapy, relocation expenses, child care, and vocational training, addressing both the immediate and long-term consequences of victimization. A distinctive feature of Canada's approach is its trauma-informed and victim-sensitive process, which prioritizes the psychological well-being of victims. The inclusion of ongoing assistance services helps victims rebuild their lives with dignity, illustrating a deep understanding that justice must also mean emotional and social restoration.

¹⁷ Singh, A. (2023). "Compensation to Victims of Crime under Section 357A CrPC: A Review of Judicial Trends." *Indian Bar Review*, Vol. 50(3), pp. 231–245.

¹⁸ Das, S. (2020). "Victim Compensation in India: From Judicial Activism to Legislative Framework." *Criminal Law Journal of India*, Vol. 124(5), pp. 101–117.

When assessed against these international standards, India's Victim Compensation Scheme (VCS)—though a landmark reform—still falls short in multiple dimensions. The efficiency of India's system is limited by bureaucratic complexity, with victims often facing months or even years of delay before receiving compensation. There is a lack of standardization across states; each state operates its own scheme with different eligibility conditions and compensation amounts, leading to inequality in victim treatment. Furthermore, India's VCS remains largely financial in scope, neglecting the equally crucial dimensions of psychological counseling, trauma care, and social reintegration that are integral to recovery. The sustainability of the scheme also poses a serious concern, as it relies heavily on fluctuating state budgets rather than a dedicated and recurring fund, unlike the self-financing model of VOCA in the United States.

In essence, while India's legislative and judicial developments represent significant progress toward recognizing victims' rights, the international experience highlights the need for a more institutionalized, holistic, and victim-friendly approach. The lessons from the UK, U.S., and Canada suggest that an effective victim compensation framework must be well-funded, centrally coordinated, easily accessible, and oriented toward comprehensive rehabilitation rather than limited financial assistance. To achieve parity with these global standards, India must strengthen its policy infrastructure, ensure uniform implementation across states, and integrate psychological and social support services within its compensation mechanism.

CONCLUSION

The evolution of the Victim Compensation Scheme in India marks a transformative step toward achieving a more victim-centered criminal justice system. Historically, Indian criminal jurisprudence focused predominantly on offenders, leaving victims marginalized and unrecognized. The introduction of Section 357A of the Code of Criminal Procedure (CrPC) in 2008 symbolized a paradigm shift from retributive to restorative justice, embedding within the system the idea that victims are not mere witnesses but rights-bearing participants in the pursuit of justice.

Despite these progressive developments, the practical realization of victim compensation remains fraught with implementation challenges. Disparities among state schemes, inadequate funding, bureaucratic delays, and lack of awareness among victims have significantly hindered the impact of this initiative. Moreover, the absence of a uniform national policy and limited provisions for psychological and social rehabilitation restrict the scope of victim support to monetary relief alone, leaving emotional and mental recovery unaddressed.

Judicial activism has played a crucial role in advancing the cause of victim compensation. Landmark judgments such as *Laxmi v. Union of India* (2014) and *Ankush Shivaji Gaikwad v. State of Maharashtra* (2013) have reinforced the State's constitutional obligation to protect victims' rights under Article 21—the right to life and dignity. However, for these judicial principles to be effective, there must be a structured, transparent, and time-bound mechanism for disbursing compensation across all states and union territories.

A comparative perspective reveals that countries such as the United Kingdom, United States, and Canada have established robust, well-funded, and victim-sensitive compensation models. India, though moving in the right direction, still lags behind in terms of efficiency, accessibility, and holistic rehabilitation. A national standardization framework, digitalized tracking systems, and integrated counseling programs could significantly improve the current system's responsiveness and accountability.

References

1. The Code of Criminal Procedure, 1973 (as amended by the Code of Criminal Procedure (Amendment) Act, 2008).
2. The Indian Penal Code, 1860.
3. Law Commission of India, *42nd Report on the Indian Penal Code* (1971).
4. Law Commission of India, *154th Report on the Code of Criminal Procedure* (1996).
5. Law Commission of India, *226th Report on Compensation to Victims of Crime* (2009).
6. *Ankush Shivaji Gaikwad v. State of Maharashtra*, (2013) 6 SCC 770.
7. *Laxmi v. Union of India*, (2014) 4 SCC 427.
8. *Bodhisattwa Gautam v. Subhra Chakraborty*, (1996) 1 SCC 490.

9. *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 SCC 14.
10. National Legal Services Authority (NALSA), *Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes* (2018).
11. United Nations, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, 1985.
12. Criminal Injuries Compensation Authority (CICA), United Kingdom — Official Guidelines, 2012.
13. Victims of Crime Act (VOCA), United States, 1984.
14. Government of Canada, *Criminal Injuries Compensation Program*, Ministry of Justice Reports, 2019.
15. Malimath Committee Report on Reforms of Criminal Justice System, Ministry of Home Affairs, Government of India (2003).
16. Nair, P. (2020). "Restorative Justice and Victim Compensation in India: Challenges and Prospects." *Indian Journal of Criminology*, Vol. 48(2), pp. 45–62.
17. Basu, D. D. (2019). *Introduction to the Constitution of India*. LexisNexis Publications.
18. Sharma, R. (2021). "A Comparative Study of Victim Compensation Models." *International Journal of Law and Social Policy*, Vol. 7(1), pp. 88–103.
19. Kumar, V. (2022). "Judicial Response to Victim Rights in India." *Journal of Legal Studies and Research*, Vol. 9(4), pp. 55–69.
20. National Crime Records Bureau (NCRB), *Crime in India Report* (Latest Edition).
21. National Legal Services Authority (NALSA), *Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes* (2018).
22. National Legal Services Authority (NALSA), *Victim Compensation Scheme for Trafficking in Persons* (2020).
23. United Nations, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, 1985.
24. United Nations Office on Drugs and Crime (UNODC), *Handbook on Justice for Victims*, 1999.
25. Criminal Injuries Compensation Authority (CICA), United Kingdom — *Official Guidelines and Tariff Scheme*, 2012.
26. United States Department of Justice, *Victims of Crime Act (VOCA)*, 1984.
27. Government of Canada, *Criminal Injuries Compensation Program: Policy Manual*, Ministry of Justice (2019).
28. Basu, D. D. (2021). *Introduction to the Constitution of India*. LexisNexis Publications.
29. Kelkar, R. V. (2020). *Lectures on Criminal Procedure*. Eastern Book Company.
30. Nair, P. (2020). "Restorative Justice and Victim Compensation in India: Challenges and Prospects." *Indian Journal of Criminology*, Vol. 48(2), pp. 45–62.
31. Sharma, R. (2021). "A Comparative Study of Victim Compensation Models." *International Journal of Law and Social Policy*, Vol. 7(1), pp. 88–103.
32. Kumar, V. (2022). "Judicial Response to Victim Rights in India." *Journal of Legal Studies and Research*, Vol. 9(4), pp. 55–69.
33. Singh, A. (2023). "Compensation to Victims of Crime under Section 357A CrPC: A Review of Judicial Trends." *Indian Bar Review*, Vol. 50(3), pp. 231–245.
34. Das, S. (2020). "Victim Compensation in India: From Judicial Activism to Legislative Framework." *Criminal Law Journal of India*, Vol. 124(5), pp. 101–117.
35. Rao, G. (2021). *Victimology and Criminal Justice: A Study of Emerging Trends in India*. Universal Law Publishing.
36. Chockalingam, K. (2018). *Victimology in India: Past, Present, and Future*. Serials Publications.
37. Bhatia, S. (2022). "Implementation Gaps in Victim Compensation Schemes in India." *Journal of Human Rights Law*, Vol. 12(1), pp. 78–93.
38. Ministry of Home Affairs, Government of India, *Guidelines for Victim Compensation Scheme Implementation*, 2019.
39. National Crime Records Bureau (NCRB), *Crime in India Report* (Latest Edition).
40. National Human Rights Commission (NHRC), *Annual Report on Victim Assistance and Compensation*, 2022.