

The Evolution of Victim Rights: A Comparative Study of Global Victimology Trends

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Abstract:

Globally, victim rights have experienced substantial changes as a result of changing legislative frameworks, human rights discussions, and policy initiatives. This study highlights significant developments, difficulties, and discrepancies in the protection of victim rights by comparing victimology trends across different jurisdictions. The study looks at legislative changes, historical trends, and the function of international organizations in harmonizing victim assistance programs. Emerging topics including victim compensation, restorative justice, and digital victimization are also covered. This study finds areas that need more reform and best practices by examining case studies from various legal systems. The results add to a more comprehensive understanding of the development of victimology and provide guidance to victim advocates, legal experts, and legislators globally.

Despite victimology's widespread popularity, it is surprising that no thorough history of the field has ever been produced, nor are there any systematic evaluations of its current status or anticipated future advances. This study is an attempt to address this issue. Victimology is an exciting field that is still in its infancy. Furthermore, even though victimization is as old as humanity, the scientific study of crime victims did not become a necessary addition to criminology's established research on offenders until after World War II. Victimology quickly became an essential component of criminology since it was developed to address a significant theoretical need. Even though victimology has established itself as a significant field of study within criminology, there is still a lot of debate and discussion about its nature, significance, and status.

Keywords: Victim Rights, Comparative analysis, Restorative Justice, Policy Reforms, Criminal Justice System

Introduction

Victimology is a crucial area of criminal law that focuses on comprehending and resolving the rights and requirements of those who have been harmed by criminal acts. As communities have come to understand the need of giving victims of crime justice and support, victims' rights have changed dramatically over time. This article explores the importance of victimology and the development of victims' rights in the context of criminal law, emphasizing the initiatives taken by the criminal justice system to empower and safeguard victims.¹

¹ Bidyut Thakur, Victimology and Victims' Rights in Criminal Law: Empowering Those Affected by Crime, Legal Service India (Dec. 4, 2025, 1:18 PM), <https://www.legalserviceindia.com/legal/article-12845-victimology-and-victims-rights-in-criminal-law-empowering-those-affected-by-crime.html>.

Historically, criminal justice systems have prioritized catching and convicting perpetrators over protecting victims' rights. Nonetheless, a change in society and legal perspectives has resulted from the increasing acknowledgement of victims as important participants in the criminal justice system.

Numerous movements to support victims' rights arose in the 20th century. The 1970s saw a surge in the victims' rights movement in the US, which resulted in the creation of victim aid programs and the enshrinement of victims' rights in both state and federal legislation. A foundation for defending victims' rights around the world was established in 1985 when the United Nations issued the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. Today's victimology is the result of almost 78 years of intense cultural transformation.

Over the past seventy-eight years, victimology has evolved through the development of concepts, laws, assistance programs, education, and research. This progress has transformed how victims are treated globally, aligning with the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. Victimology is shaped by cultural shifts while remaining rooted in traditional beliefs, values, laws, and pioneering efforts. It has grown into a distinct discipline, advancing victims' rights and assistance programs. Today, it continues to support the implementation of UN instruments and legal protections for victims. Victimology plays a crucial role in justice and advocacy. Soon, a UN instrument may fully address prevention, rights, and victim restoration.²

Objective of the Study

1. To assess international initiatives for victim support and compensation, with an emphasis on India.
2. To point out the problems and loopholes in existing present laws.
3. to research India's specific victim compensation remedial legislation.
4. to examine the Criminal Law's provisions regarding victim compensation.
5. to investigate the victim compensation provisions of the Criminal Law.

Historical Evolution of Victim Rights

Historically, restitution has been applied as a kind of discipline. Civil and criminal law were not clearly distinguished in ancient societies; instead, offenders were obligated to make amends for any harm they caused to the victim or their family. However, the primary goal of this restitution was to protect the perpetrator from violent reprisals by the victim or the community, not to provide compensation to the victim. In the past, victim compensation was handled under civil law rather than as a criminal remedy. Because of this, criminal law never included the duty to compensate or rehabilitate victims. According to the legal viewpoint, criminal justice prioritized punishing or reforming the offender over rehabilitating the victim. But as society evolved and criminology and sociology advanced, restitution was progressively included into criminal law, making victim recompense a crucial component of the legal system³.

The idea of victim compensation, which emphasizes justice, restitution, and fairness in resolving the harm caused by victims, has its origins in ancient Indian history. Ensuring victims receive proper compensation and dignity has been a well-established principle in Hindu legal traditions, from Manu to the royal decrees of emperors such as Jehangir. These historical examples demonstrate that victim assistance is an essential component of India's legal system and is not a novel idea. However, in contemporary governance, the

²John P. J. Dussich, The Evolution of International Victimology and its Current Status in the World Today. ResearchGate, 37-38 (2015).

³Aamer Bakrolwala, History and Development of Victims Rights, II, Indian Journal of Law and Legal Research.

moral and ethical obligations of ancient rulers and authorities must now be converted into organized legal frameworks and successfully implemented. The core of India's legal system should continue to be ensuring that victims receive not just monetary compensation but also their dignity and well-being back.⁴

Manu, the lawgiver of ancient India, stressed that if someone injures, wounds, or causes bleeding, they must pay the victim's medical bills in full. He added that anyone who purposefully or inadvertently causes harm to another person's property is required to compensate the owner for the loss. Through the adage "an eye for an eye, a tooth for a tooth," the retributive notion of retribution gave victims a sense of justice by making sure those who committed wrongdoing were held responsible. Compensation for victims of crime, however, is not viewed as a form of punishment for criminals. Rather, it is the responsibility of society to rebuild the victim's trust and faith, which were damaged by the wrongdoing of the perpetrator.⁵

The English common law concept of private prosecution, which was adopted by early American jurisprudence, gave victims of crime authority over investigations and prosecutions. The U.S. Supreme Court acknowledged this system as the cornerstone of the legal system, and it continued to be the standard throughout the 19th century. As public prosecution became commonplace during the early 20th century, victims' roles were diminished to that of witnesses. The victims' rights movement began to take shape in the late 1970s in response to worries that the system was out of balance. As a result, all states passed legislation to restore the legal status of victims, and more than 30 states changed their constitutions. Similar to the court system's initial victim-centered approach, these protections differ but all work at reintegrating victims within it.⁶

Global Trend for Victim Rights

In 1964, the UK implemented the Criminal Injuries Compensation Scheme as a non-statutory experiment to offer ex gratia compensation to victims of violent crimes and those hurt while trying to catch criminals or stop crimes. Compensation is paid as a lump amount instead of a regular pension and is calculated similarly to damages granted in civil cases. It covers any out-of-pocket costs, lost wages or earning potential, and pain and suffering brought on by the injury. In the event that the victim passes away, the widow or dependents receive compensation to cover burial expenses, lost wages, and other associated costs.

The development of victim rights and compensation in different jurisdictions shows a rising understanding of the importance of protecting and assisting people impacted by crime. The International Covenant on Civil and Political Rights (1966) and the Universal Declaration of Human Rights (1948) established the foundation for protecting people against cruel treatment while upholding their rights to justice and compensation. The international framework for victim compensation was further broadened in 1985 by the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which emphasized the necessity of just reparations and legal recourse.⁷

Several countries have created their own compensation plans. Through later legislation, state-funded victim compensation was formally established in the UK in 1964 with the introduction of the Criminal

⁴ Maaz Ali Khan, A study of Victim Compensation in India with Emphasis on Judicial Activism, 7 International Journal of Law management & Humanities 1593, 1595 (2024).

⁵ <file:///C:/Users/baps/Downloads/435095075-09-chapter-1-pdf.pdf>, (last visited Dec. 4, 2025).

⁶ Meg Garvin & Sarah Leclair & et al., Fundamentals of Victims' Rights: A Brief History of Crime Victims' Rights in the united States, Victim Law Bulletin, (2011).

⁷ WALLER IRVIN, JUSTICE EVEN FOR THE CRIME VICTIM: IMPLEMENTING INTERNATIONAL STANDARDS, 1 International Review of Victimology, 1989.

Injuries Compensation Scheme. While nations like New Zealand, Canada, and Australia have put in place extensive systems supporting victims' rights and rehabilitation, the United States guarantees victim protection and reparation by federal and state legislation. Together, these programs demonstrate a global dedication to justice by guaranteeing that victims receive proper care, respect, and access to systems that compensate them for the harm they have endured.⁸

The European Union and the Council of Europe have both set important guidelines for victims' rights at the European level. Minimum state compensation requirements were established by the European Convention on the Compensation of Victims of Violent Crimes in 1983, and Recommendation 85(11) was issued in 1985. The 2001 Framework Decision on the Standing of Victims in Criminal Proceedings, which is legally enforceable, was the result of 1999 proposals by the European Commission to improve victim protection. Assuring protection, justice, participation, and reparation, victims' rights are now a key component of criminal justice and international human rights law. It is encouraging to note that victims' rights to compensation are universally acknowledged by international legal instruments.⁹

The efforts of the World Society of Victimology (WSV), starting from its early years under the leadership of Hans Joachim Schneider, clearly reflect this expansion. The initial symposia organized by the WSV gathered victimologists from only a handful of countries. Two significant documents that called on the international community to improve victims' rights were released in 1985. The first was the General Assembly's adoption of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (A/RES/40/34). The second was the Recommendation on the Position of the Victim in Criminal Law and Procedure (R (85)11) from the Council of Europe. Both have inspired later international protocols, such as the European Forum for Victim Services' (EFVS) 1996 Statement of Victims' Rights, despite their disparities in language and specifics. Statutory bodies are not eligible for full membership in the EFVS, which serves as an umbrella organization for voluntary victim support groups. The EU Framework Decision on Victims' Standing in Criminal Proceedings (March 15, 2001) was the result of this development.¹⁰

The United States has a comprehensive Victim Compensation program across all states and territories. The first program was launched in California in 1965, and by 1982, 36 other states had followed suit. In 1984, the Victims of Crime Act (VOCA) created a Crime Victims Fund, which is managed by the Department of Justice's Office for Victims of Crime. Annually, \$250 million is distributed to over 110,000 victims. The main source of funding is fines imposed on corporate and federal offenders. Compensation efforts are supported by laws like the Victims of Crime Act (1984) and the Crime Victims Reparations Act (1974). Assistance is provided to victims for burial fees, lost income, mental health treatment, and medical bills. Some states additionally cover situations involving drunk driving and domestic abuse.¹¹

In the UK, victim support services are offered independently, apart from the legal system and law enforcement. Anyone impacted by crime, regardless of whether the incident was reported or when it happened, is eligible for free support. The Victim Support Charity promotes victims' rights and raises awareness in England, Scotland, Wales, and Northern Ireland. While Scotland and Northern Ireland have

⁸ Chetankumar T M & Chetan Irannavar, Victims Right to Compensation International Perspective, 1 Asia Pacific Journal of Research 175, 179-183 (2016).

⁹ Anushree A, RIGHT TO COMPENSATION OF VICTIMS OF CRIME IN INDIA: NEED FOR A COMPREHENSIVE LEGISLATION, 2 INTERNATIONAL JOURNAL FOR LEGAL DEVELOPMENTS AND ALLIED ISSUES 35, 41-42.

¹⁰ Michaela Lehner-Zimmerer. Future Challenges of International Victimology. African Journal of Criminology & Justice Studies, 4, 13-27 (2011).

¹¹ V.N. Rajan, Victimology in India 17-85 (Ashish Publishing House, N. Delhi, 1995).

their own organizations, England and Wales have local branches that span the entire country. Direct assistance or police referrals are two options available to victims. Dedicated support is also provided to witnesses, including defence witnesses, to make sure they are informed and supported during court appearances. Similar to Victim Support, the Witness Service provides free support to those involved in criminal proceedings while remaining separate from the police and courts.

The main goal of England and Wales' victim rights framework is to guarantee that victims receive the information and assistance they require during the criminal justice system. Nonetheless, even though they are secondary, participatory rights are still recognized and upheld through unofficial channels like speaking with prosecutors and law enforcement directly. While judicial review is a legal recourse in situations where prosecutorial choices, like the decision not to prosecute, are questioned, the Victim Personal Statement Scheme gives victims a forum to voice their opinions. Although the system successfully strikes a balance between victim participation and the public interest, victims' responsibilities in criminal processes should be strengthened by stricter legal enforcement of their rights. In addition to providing services, strengthening these rights will guarantee a more victim-centric approach to justice, increasing the system's equity and responsiveness to the needs of individuals impacted by crime.¹²

Each state in Australia has its own compensation plans based on local legislation, and Crime Victim Compensation is administered at the state level. In the state where the crime was committed, victims must submit claims to the courts or a compensation agency. Compensation amounts, which cover medical bills, burial expenses, missed wages, travel fees, mental health therapy, and other incidental charges, usually fall between AUS \$15,000 and AUS \$60,000. For victims experiencing extreme financial trouble, many states provide crisis assistance or expedited processing. Consolidated state revenue provides the funds for various compensation programs.¹³

National Approaches to Victim Rights

Section 2 (1) (y) of the Bharatiya Nyaya Suraksha Sanhita, 2023 defines the rights of victims of crime. Crime victims' rights are clearly outlined under the Indian Criminal Justice System, which guarantees them access to justice through a number of judicial and extrajudicial organizations. The inspector's first responsibility is to receive and record the victim's report when they come to the police station. The victim has the right to bring the issue up with the Superintendent of Police if the Station House Officer (SHO) declines to do so. Victims can also request and get a free copy of the FIR from the police station.¹⁴

Crime victims may receive compensation under the Motor Vehicles Act of 1988, the Probation of Offenders Act of 1958, the Fatal Accidents Act of 1855, the Bharatiya Nyaya Suraksha Sanhita, 2023, and the Constitution's Remedies for Human Rights Violations. The right to take charge of the criminal judicial system is not granted to victims. Based on witness testimony from victims, family members, acquaintances, or anybody else present at the time of the crime, the state's judiciary is in charge of

¹² Dr. Anusree A & Dr. Priya R, Participatory Rights of Victim of Crime: With Special Reference to Indian Position, 11 IJFANS 3306, 3312 (2022).

¹³ Divyansh Bhargava & Mrs. Bharti Nair Khan, Critical Analysis of Victim Compensation Schemes in India, Criminology and Justice Administration (2019).

¹⁴ Anmol K, Role of Judiciary for the Protection of Victims Right: A study with special reference to Acid Attack, Legal Service India (Dec. 5, 2025, 12:58 AM), <https://legalserviceindia.com/legal/article-7416-role-of-judiciary-for-the-protection-of-victims-right-a-study-with-special-reference-to-acid-attack.html>.

prosecuting and punishing perpetrators. Despite being personally impacted by the crime, victims are powerless to bring charges against or punish the perpetrators.¹⁵

India has established a comprehensive legal framework to protect and support victims of crime, incorporating constitutional rights, legal provisions, and compensation schemes. Victims are guaranteed access to justice, financial assistance, legal counsel, and support services by laws. Governmental and non-governmental groups are also essential for legal aid, counselling, and rehabilitation. However, victims are still unable to fully exercise their rights due to obstacles like stigma, inefficient implementation, and accessibility problems. To guarantee justice and protection for all victims, it is still imperative to improve the effectiveness of the criminal justice system, increase awareness, and fortify victim support services.¹⁶

Constitutional Framework for victim rights protection

The Indian Constitution is the ultimate legal framework that protects justice, equality, and the protection of fundamental rights for all citizens. It also integrates social justice principles into the criminal justice system, guaranteeing that victims' rights and compensation are essential to legal processes. Directive principles like Articles 39A, 41, 46, and 51C highlight the state's obligation to promote justice, provide legal aid, and protect human rights, while Articles 14 and 21 provide a solid foundation for equality before the law and the right to life with dignity.¹⁷

Despite these constitutional protections, the effective execution of victim rights remains a difficulty due to gaps in the functioning of law enforcement agencies, prosecutors, and judicial authorities. Strengthening the criminal justice system with a victim-centric approach, ensuring timely compensation, and enhancing legal aid procedures are critical steps toward attaining the constitutional ideal of justice and fairness. For victims in India to truly be protected and empowered, the core principles outlined in the Constitution must be actively enforced in practice in addition to serving as a guide for legal laws.¹⁸

Victim Assistance and Support Programs

The criminal justice system must adopt a systematic, victim-centered approach to victim assistance, which is a comprehensive procedure that goes beyond simple restitution. Effective victim care is nevertheless hampered by implementation gaps, a lack of coordination among parties, and low knowledge, notwithstanding India's progress in recognizing victims' rights through statutory provisions and judicial recommendations. Together, the police, courts, attorneys, medical professionals, and rehabilitation facilities must guarantee that victims receive respectable care, financial support, legal aid, and psychological support. Improving victim support services requires bolstering crisis intervention systems, raising public awareness, and guaranteeing procedural justice. Restoring public trust in the legal system requires a thorough, victim-centered legal framework. Justice should empower victims rather than retraumatize them.¹⁹

¹⁵ Aymen Najm Abed & L. Jayasree, Rights of Victims of Crime in India with international perspective, 7 JETIR 1006, 1010 (2020).

¹⁶ Mrs. Santosh Manjabapu Manchare, Protection of Victim Rights in Criminal Justice System, 4 IJARSCT 476, 477 (2024).

¹⁷ Akanksha Srivastava & Dr. Nagesh Sawant & Dr. Ramratan Dhumal, Protecting The Vulnerable: A Study Of Victim Rights And Compensation In The Indian Criminal Justice System, 13 health informatic journal 8031, 8032-8033 (2024).

¹⁸ Jani, N., Article 21 of Constitution of India and right to livelihood. Voice of Research, 2(2), 61-66 (2013).

¹⁹ Tanisha Prashant, Victim Assistance in India: Broadening the Scope of victim Reparations, The Criminal Law Blog (Dec. 5, 2025, 12:58 AM), <https://criminallawstudiesnluj.wordpress.com/2021/03/06/victim-assistance-in-india-broadening-the-scope-of-victim-reparations-in-the-criminal-justice-system/>.

Victim Participation in the Criminal Justice System

Victim participation in the criminal justice system is crucial to ensuring fairness, due process, and recognition of their rights. While the Indian legal framework does provide certain participatory rights under the Code of Criminal Procedure, 1973, victims still remain largely marginalized in the justice process. The recommendations made by Justice V.S. Malimath's Committee emphasize the need for a victim-centric approach that balances the rights of both the accused and the victims. Strengthening victim participation, ensuring procedural safeguards, and enhancing compensation mechanisms will not only restore victims' dignity but also build trust in the legal system. Legislative reforms, administrative accountability, and greater awareness of victim rights are essential steps toward making justice more inclusive and effective.²⁰

Challenges in Victim Rights Implementation

Effective compensation plan design presents a unique set of difficulties. It's critical to strike a balance between giving victims just compensation and preserving the scheme's viability. Vulnerable or marginalized victims may have trouble getting compensation because of administrative roadblocks or a lack of knowledge about relevant programs. Furthermore, it is still difficult to guarantee a just and equal distribution of compensation while guarding against abuse or exploitation of the system.

In order to acknowledge victims' suffering, support their rehabilitation, and advance justice, victim compensation programs are essential. However, obstacles like ignorance, low pay, sustainability of finances, administrative complexity, privacy difficulties, and cross-border legal issues limit their efficacy. Comprehensive legal reforms, expedited processes, more financing, and more robust victim support networks are all necessary to overcome these challenges. To guarantee these plans' long-term success, ongoing observation and assessment are necessary. The foundation of a more victim-centric and equitable criminal justice system can be established by enhancing victim compensation programs' efficiency, fairness, and accessibility.²¹

Conclusion and Suggestions

Globally, victim compensation has advanced dramatically over time, but India continues to lag behind. India needs comprehensive law that ensures structured victim support in order to enhance its system. To enable victims to communicate their pain and losses, victim impact statements—like those in the United States—should be implemented. Judges should have to provide justification for denying compensation, which should be acknowledged as a legislative right. To offer instant relief and stop additional victimization, state-funded victim aid programs ought to be set up. Financial assistance and subsidies can be provided by a designated fund, similar to the victim compensation schemes in the United States. Increased victim involvement in the legal system would improve justice and openness. Campaigns to raise awareness should inform victims of their rights and the resources that are accessible to them. For comprehensive victim support, police, courts, and NGOs must coordinate across agencies. Counselling and legal assistance are examples of specialized support services that need to be improved. These measures will ensure a more effective and victim-centric justice system in India.

²⁰ Debalina Roy, Victim Participation in Criminal Justice System: Status Quo and The way Forward, 2 IJLRA 5, 13-15 (2023).

²¹ Ashwini Kumar Sahu & Dr. Laxmikanta Das, Victim Jurisprudence and Victim Compensation Scheme: Socio-Legal Analysis, VIII NUJS Journal of Regulatory Studies 51, 57-58 (2023).

The rights of victims recognized by the UN General Assembly are upheld by the Indian Criminal Justice System. India has created a judicial system that protects victims, influenced by the British Code of Criminal Justice. By offering complete assistance to victims of crime, the criminal justice system in the United Kingdom has established a standard. Despite having robust laws and protections for victims, India's judicial system is poorly designed and frequently fails to adequately assist individuals in need. Because of this, victims are often taken advantage of by the current political and administrative structure.

Although the judiciary's progressive attitude in acknowledging victims' limited participatory rights is a welcome move, there is still a lack of public knowledge regarding these rights. To inform victims of their rights and available support services, Human Rights Commissions, Legal Services Authorities, and non-governmental organizations must collaborate. Victims can be further empowered by offering legal aid at police stations and publishing victim handbooks in local languages.

The emphasis on offenders and state interests has long eclipsed the role of victims in the criminal justice system. Although judicial and legislative actions have helped to acknowledge victims' rights, their issues are still not sufficiently handled. To guarantee that victims are active participants in pursuing justice rather than passive observers of court procedures, the current system needs to be changed.

The definition of crime should be expanded to encompass offenses against individuals in order to create a more victim-centric judicial system that places more emphasis on protecting victims' rights, privacy, and dignity. Crucial actions include giving victims regular case updates, including them in plea negotiations and prosecution choices, and making sure that vulnerable victims—like those of sexual assault and child abuse—get committed assistance. Putting in place specialized facilities and skilled staff can improve victim support even further and stop secondary trauma.

Any legal system's ability to benefit the individuals it is meant to protect is ultimately what determines how effective it is. Laws must be applied in a way that gives victims access to justice and makes it meaningful, not just as symbolic measures. A fair and just criminal justice system must balance the rights of victims and those who are accused. The general standard of living in society will be enhanced by comprehensive legal reforms and victim-focused policies, which will aid in closing the current gap and reestablishing trust in the judicial system.

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