

Victim Compensation Scheme in India: A Critical Analysis of Effectiveness and Implementation

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ABSTRACT

The protection of victims within the criminal justice ecosystem has historically occupied a peripheral role in Indian jurisprudence, with the State's prosecutorial machinery directing its energies almost exclusively toward apprehension, trial, and punishment of offenders. Victim compensation, as a distinct right enforceable through statutory and constitutional mechanisms, began gaining meaningful traction only in the latter decades of the twentieth century. The insertion of Section 357A into the Code of Criminal Procedure, 1973 by the Amendment Act of 2008 represented a watershed moment -mandating every State Government, in coordination with the Central Government, to prepare and implement a scheme for providing funds for the purpose of compensation to victims or their dependants who had suffered loss or injury as a result of a crime. Two decades after this legislative intent was given concrete form, however, the scheme's implementation across Indian states remains profoundly uneven, under-resourced, and structurally limited.

This paper undertakes a critical analysis of the Victim Compensation Scheme (VCS) in India, tracing its legislative genealogy from Section 357 of the Cr.P.C. through Section 357A, examining the Model Scheme of 2018, and situating contemporary statutory provisions under the newly enacted Bharatiya Nagarik Suraksha Sanhita, 2023. Drawing upon judicial pronouncements, parliamentary committee reports, empirical studies, and comparative insights, the paper identifies structural lacunae including definitional ambiguities regarding "victim," inadequate quantum of compensation, procedural delays, low awareness among beneficiaries, and an absence of robust monitoring mechanisms. The paper concludes with concrete doctrinal and administrative recommendations directed toward transforming victim compensation from a rhetorical aspiration into an operational reality within the Indian criminal justice framework.

Keywords: Victim Compensation, Section 357A Cr.P.C., NALSA, Criminal Justice Reform, Restorative Justice, BNSS 2023.

I. INTRODUCTION AND BACKGROUND

The conviction that a victim of harm at the hands of another person merits not only the cathartic vindication of a criminal conviction but also material redress is one that is instinctive. But for most of post-independence India, this intuition was given lip service. The ordinary citizen who suffered at the hands of violent crime, sexual violence, acid violence or trafficking found that the State's prosecution apparatus was, for all its best intentions and efforts, not much of a source of direct financial or rehabilitative

assistance. Reparation was, in short, either a matter for the civil courts (where procedural, financial, and temporal complexities stood in the way of effective relief) or else for the benevolence of the convicting judge's discretionary powers under Section 357 of the Code of Criminal Procedure (Cr.P.C), 1973.

Under Section 357 of the Cr.P.C. (as drafted), the court could order the offender to pay compensation to the victim, as part of sentencing. However, the section was primarily dependent on conviction, as well as the subjective judgement of the court on its quantum. Thereafter, it was almost always overlooked by the courts and became another one of the many unrealised sentencing powers in the Indian judiciary's armoury. The Law Commission of India, in its One Hundred and Fifty-Fourth Report, noted with concern the sporadic invocation of the provision and the dismally low quantum of the order, even when made, when compared to the victim's losses.

The diagnosis was offered by the Malimath Committee on Reforms of the Criminal Justice System (2003). It suggested that an all-encompassing victim compensation fund, funded through both State allocations and fines imposed on offenders, be created and that it be managed by a specialised authority. While its recommendations were not adopted for some years, the identification by Committee that victim welfare was central-not incidental -to the goal of a fair criminal justice system was important.

In its turn, the Supreme Court of India did not lag behind. In *Delhi Domestic Working Women's Forum v. Union of India* it laid down the duty of the State to make reparations for the rape of women, in spite of the lack of an express legislative scheme. Soon after, in *Bodhisattwa Gautam v. Subhra Chakraborty*, the Court took matters a step further, and recommended interim compensation to rape victims as far as the framing of charges. These judgements were symptomatic of a judicial realisation that the right to life and dignity under Article 21 of the Indian Constitution incorporates an obligation of the State, to some extent, to "make good" the wrong done to the victim.

However the response from the legislature came in the form of the Code of Criminal Procedure (Amendment) Act, 2008, which introduced Section 357A as a provision that made a radical shift by making the State, rather than the accused, the primary obligor of compensation. According to this scheme, each State Government, in consultation with the Central Government, needed to devise a fund to compensate victims. The District Legal Services Authority or the State Legal Services Authority was to determine the amount of compensation. Importantly, the provision extended to cases where the perpetrator has not been identified or convicted, and thus unlinked victim compensation from the fate of prosecution - a conceptual breakthrough of no little significance.

After 2008, states in India began -at different paces and with widely varying levels of urgency -to draft their Victim Compensation Schemes. Some -Maharashtra, Haryana, Karnataka, Madhya Pradesh, and Delhi to name a few-notified their schemes in a few years. Others lagged considerably. These state schemes differed in terms of the quantum, quality and procedural structures, creating a riddle of regionalised and problematic victim compensation schemes. The Ministry of Home Affairs (MHA) prompted by some of the judicial suggestions and high profile public debates around violence against women in the aftermath of the December 2012 gang rape in Delhi, released a Model Victim Compensation Scheme for Sexual Assault/Rape Victims in 2018, which established minimum compensation amounts and guidelines.

The National Legal Services Authority (NALSA), established under the Legal Services Authorities Act (1987), emerged as the prime institutional player in nationally regulating and administering victim compensation schemes. It has become the mechanism through which the Supreme Court's directions, particularly in *Nipun Saxena v. Union of India*, were translated into practice, with the Court directing the

adoption of the new compensation tables for sex assault victims by states and timely payment of compensation (within 60 days of the claim) to victims.

The latest nationwide codification exercise leading to the emergence of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), to replace the Cr.P.C. from July 1, 2024, has perpetuated and slightly extended the victim compensation provisions under the new code's Sections 396 and 397. It remains to be seen if any positive effects of this new code will translate into practice, or whether it will suffer the same fate as the previous code. Against this historical legislative and examination background, we turn to our critical discussion in this present paper.

II. SCOPE AND OBJECTIVES

The scope of the present study is confined to the statutory framework of victim compensation as it operates within the Indian criminal justice system, with particular emphasis on Section 357A of the Code of Criminal Procedure, 1973, and its successor provisions under the Bharatiya Nagarik Suraksha Sanhita, 2023. The paper does not attempt an exhaustive survey of compensation under civil law, constitutional tort, or international human rights instruments, though comparative references to such frameworks are drawn where analytically useful. It concentrates on the following specific domains: the legislative and judicial evolution of the victim compensation framework; the institutional architecture for implementation; the quantum and coverage of compensation across States; the procedural barriers encountered by victims; and the adequacy of monitoring and accountability mechanisms.

The objectives of the paper are as follows:

First, to trace the historical and jurisprudential development of victim compensation law in India from its pre-Amendment origins through contemporary provisions, situating Indian developments within the broader international normative framework established by the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985).

Second, to critically examine the structural architecture of the Victim Compensation Scheme, identifying both its enabling provisions and its institutional deficiencies, with reference to the Model Scheme of 2018 and state-level implementation records.¹

Third, to analyse the role of the judiciary -particularly the Supreme Court and the High Courts -as a corrective and supervisory mechanism in driving compensation to victims where the executive has failed, and to assess whether judicial intervention alone is a sustainable approach to filling legislative and administrative gaps.

Fourth, to examine the intersectional dimensions of the scheme's reach, asking whether it adequately addresses the needs of historically marginalised categories of victims including women, children, members of Scheduled Castes and Scheduled Tribes, and persons subjected to trafficking or acid attacks.

Fifth, to synthesise the foregoing analysis into a set of doctrinal, legislative, and administrative recommendations directed toward making victim compensation operationally effective.

III. MAIN CONTENT

A. Legislative Framework: An Evolutionary Reading

The history of the compensation provisions of the Code of Criminal Procedure (Cr.P.C.) has been long

¹United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, G.A. Res. 40/34, U.N. Doc. A/RES/40/34 (Nov. 29, 1985).

and eventful. The original Cr.P.C.'s Section 357(1) permitted a court to direct fine, or any part thereof, to be used to compensate victims of an offence. Similarly, Section 357(3) also empowered a court to direct the accused to pay to any person an amount by way of compensation for any loss or injury caused by the offence, with or without fine. But it was a sister provision to the penal sentence, and was inseparable from the conviction and punishment of the accused. It was completely at the discretion of the court, and empirical evidence -such as data available from the National Crime Records Bureau (NCRB) - and a range of academic studies revealed that the provision was rarely invoked by trial courts.

The inherent deficiencies of Section 357 were most glaring when the offender was unidentified, absconding, acquitted for lack of evidence or impecunious. In all these scenarios, under the Cr.P.C. the victim had no recourse. Section 357A remedied this by providing for a system of compensation to be borne by the State. The sub-section requires each State Government to, in consultation with the Central Government, make a scheme for the payment of compensation to the victim or his/her dependants in such cases for the loss or injury caused by the crime. The scheme is to be prepared whether or not the accused is convicted; and whether or not the victim remains unknown. The District Legal Services Authority (DLSA) or State Legal Services Authority (SLSA) is appointed as the authority to determine the amounts. It is important to explore co-ordinate provisions which have generated specific compensation obligations in some sectors. Section 33(8) of the Protection of Children from Sexual Offences Act, 2012 (POCSO) requires Special Court to award interim or final compensation to child victims of sexual offences. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, provides for relief and compensation to the victims of atrocity under the rules made under it. The Acid Attack (Victim Compensation) Scheme, 2015, implemented on the order of the Supreme Court, provides for a minimum compensation of three lakh rupees for acid attack victims and requires free first aid and treatment for acid attack victims at all public and private hospitals. While these sectoral schemes are progressive, they are unintegrated and have led to a further fragmentation of the landscape of compensation.

The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) presents an opportunity for restatement. Sections 396 and 397 of the BNSS are similar to Sections 357 and 357A of the Cr.P.C. with minor changes. The debates on the BNSS indicated a recognition of the problems in its implementation, but failed to deliver sufficiently impactful reforms. Specifically, no minimum quantum was mandated in the statute itself, the courts' discretionary language around issuing compensation orders under Section 396 was maintained and no national fund was established to address the shortfalls of schemes funded by state expenditures.

B. Court Advocacy and Constitution of Rights

Over the last few decades, the Indian judiciary has been the most fertile institutional space in the furtherance of victim rights. The right was first enunciated in *Rudul Shah v. State of Bihar*, where the Supreme Court (in its role as a constitutional court under Article 32) for the first time granted "compensatory relief" for wrongful arrest based on the recognition that the right to personal liberty contained in Article 21 of the Constitution implied monetary compensation in this context. *D.K. Basu v. State of West Bengal* further developed the jurisprudence and clarified that the duty to compensate citizens for the infringement of fundamental rights was not just a moral obligation on the State, but was enforceable by the judiciary.

In the special context of victims of crime, the groundbreaking pronouncement in *Delhi Domestic Working Women's Forum v. Union of India* imposed on the State a duty to provide legal and financial support to victims of rape from the date of the arrest of the accused, even if not convicted. The Court in *Ankush Shivaji Gaikwad v. State of Maharashtra* made a distinction between the duty of the court to apply its mind

to the question of awarding compensation in all cases and the error of law that could result from not doing so. At the same time, the Court warned against the provision being reduced to a "dead rubber stamp" and that the grounds for awarding (or rejecting) compensation be included in the reasoning.

In *Nipun Saxena v. Union of India*, the Court directed all states to update their compensation schemes for victims of sexual assault in line with the 2018 Model Scheme and to ensure that compensation was awarded without undue delay, directing NALSA to monitor the process. This judgement marked a commendable focus on implementation challenges, and recognised that the constitutional promise of victim compensation was being stymied by bureaucratic complacency. Similar directions were laid down by the Court in *Suresh v. State of Haryana*, which stressed the importance of awarding appropriate and reasonable compensation in cases of heinous crimes even when no such application is made by the victim. Despite this laudable judicial effort, there are obvious institutional constraints to the use of litigation as a principal mechanism for victim compensation. Access to superior courts presupposes legal literacy, proximity to legal aid infrastructure, and the capacity to sustain protracted litigation -conditions that are systematically unavailable to the most vulnerable victims.² Judicial directions, however authoritative, require robust administrative machinery to translate into actual disbursements. And the volume of cases that potentially qualify for compensation hopelessly exceeds the bandwidth of the higher courts to provide individual remediation.

C. Institutional Architecture: NALSA and the DLSA Framework

The National Legal Services Authority (NALSA) set up under the Legal Services Authorities Act, 1987, and the state's Legal Services Authorities (SLSA) and District Legal Services Authorities (DLSA) are the institutional framework through which victim compensation reaches the intended beneficiary. For compensation under Section 357A, the DLSA is the first point of adjudication, which: (i) receives and determines the applications; (ii) fixes the quantum of compensation; and (iii) recommends or orders disbursement from the State Victims Compensation Fund.

The NALSA Annual Report for 2022-23 shows some positive signs: a sharp rise in the volume of compensation applications and outreach through legal aid clinics and panel legal practitioners, and the IT integration of case monitoring systems in some states. However, these data when broken down reveal worrying inequalities. Jurisdictions like Maharashtra, Tamil Nadu and Karnataka have a much higher intake and disbursement rate than Uttar Pradesh or Bihar and several northeastern states where the capacity is grossly inadequate.

The Section 357A framework involves: (i) determining eligibility of the victim or dependant; (ii) filing an application before the SLSA or the DLSA; (iii) questioning and reporting by the police; (iv) quantum determination by the DLSA; (v) recommendation to State Government; and (vi) disbursement from the State Victims Compensation Fund. Each of these can result in a delay. Knowledge of the average duration between application and disbursement has been reported as often taking more than 12 months and as long as several years in some cases of inaction by authorities.

D. Amount, Scope and the 2018 Model Scheme

The 2018 Model Victim Compensation Scheme from the Ministry of Home Affairs was a late but significant effort to bring statewide schemes up to national minimum standards. It set minimum and maximum compensation amounts for different types of crimes: rape and gang rape (three lakh to ten lakh

²Centre for Child and the Law, National Law School of India University, Study on Victim Compensation Schemes in India: Gaps and Way Forward 34–45 (UNICEF India, 2020).

rupees), limb-loss or injury leading to permanent disability (up to eight lakh rupees), acid attacks (no less than seven lakh rupees for grievous hurt with permanent disfigurement), trafficking (up to ten lakh rupees), and homicide (up to five lakh rupees).

These sums, although an improvement over previous minima prescribed by states, do not suffice to cover the long-term economic and psychological burdens of crime victims. A rape victim who needs expensive mental health counselling, medical care and legal advice for many years incurs significantly higher costs than the designated maximums. Survivors of acid attacks, whose scarring often prevents their return to pre-attack work and who need to undergo a number of reconstructive surgeries, also find these sums inadequate to enable a reasonable living. Commentators have noted the quantum fixation exercise reveals a State with an attitude toward compensation as symbolic recognition rather than recovery of the victim: unresolved tension between retribution and restoration of the victim.

Questions are raised about the coverage of the scheme. The Scheme, as it is currently defined, covers victims of sex crimes, such as acid attacks, trafficking and certain violent crimes. It does not cover, in a systematic manner, victims of white-collar crime, cyber crime, environmental crime and State-perpetrated crimes. This is symptomatic of the general problem with Indian criminal law in conceiving of "victims" only as women and children who suffer physical violence, to the exclusion of the far more numerous categories of persons who suffer recognisable harm at the hands of other types of offenders.

E. Procedural Obstacles and a Lack of Access

Apart from the problems of quantum and coverage, the scheme's effectiveness is stymied by procedural obstacles at each step. The requirement of a written application to the victim compensation authority, the District Legal Services Authority (DLSA) or the State Legal Services Authority (SLSA), implies that the victim has knowledge of the scheme, which research shows that many don't. Police at the stage of First Information Rept (FIR) are not trained to apprise victims of the right to compensation and when victim advocate and legal aid lawyers are not present, the victim is left in the dark.

The statutory requirement of a police inquiry report before the DLSA can decide on compensation creates delays and a conflict between its policing and compensation roles. Busy and under-staffed police officers in turn accord a lower priority to compensation inquiry reports. When the investigating officer is the perpetrator - as in cases of custodial violence - this is glaring and has been overlooked. In its Two Hundred and Thirty-Seventh Report, the Parliamentary Standing Committee on Home Affairs recognised these lag times, and recommended "time bound" appellate processes, the appointment of nodal officers in each district to process victim compensation applications, and the publication of registers of compensation applications and payments.

The onus on the applicant is also worth considering. The standard of proof is ostensibly lower than the criminal standard, but DLSA judgments have required police verification, FIRs and medical reports, which, while conceptually sound from an administrative perspective, limit the repair and reparation processes by excluding victims who have not made complaints for reasons of fear, stigma and/or lack of physical injuries. This is especially so with domestic victims, trafficking and child sexual abuse victims, where under-reporting is endemic.³

IV. CRITICAL ANALYSIS

A. The Conviction-Compensation Nexus: A Structural Flaw Imperfectly Corrected

Section 357A's most important conceptual contribution was the severing of the compensation obligation from the requirement of conviction. Yet in practice, this severance remains incomplete. The DLSA, in determining quantum and eligibility, continues to be influenced by the criminal justice outcome -treating acquittals as implicit findings of absence of harm, and insisting upon FIR registration as a threshold procedural requirement that effectively reinstates the linkage between the formal criminal process and victim compensation. Comparative scholarship suggests that countries that have most successfully operationalised victim compensation schemes-New Zealand, Canada, and Germany among them -have done so precisely by constructing compensation as an entirely administrative matter, governed by standards of probability rather than proof, and decoupled from any prosecutorial or judicial outcome.⁴ The Indian scheme's residual conviction-orientation is traceable to a deeper conceptual ambivalence: is the compensation scheme a component of the criminal justice response (in which case its connection to the criminal process is appropriate) or is it an independent welfare entitlement grounded in the victim's need (in which case the criminal process is irrelevant to eligibility)? The present framework straddles both positions without coherently committing to either, producing a hybrid that achieves neither the efficiency of a welfare scheme nor the symbolic value of a criminal justice remedy.

B. Fiscal Adequacy and Budgetary Commitment

A scheme is only as effective as the resources deployed in its support. The State Victims Compensation Funds established under the various state-level schemes suffer from chronic under-funding. Several states have not made dedicated budget allocations to these funds, relying instead on residual appropriations within the legal services budget of the SLISA, which are themselves modest. When compensation awards outstrip fund availability -as has occurred in several states following large-scale disbursements in rape cases -the administrative machinery simply defers disbursements, effectively converting a statutory entitlement into an aspirational promise.⁵

The Justice Verma Committee, constituted following the December 2012 gang-rape case, recommended the creation of a National Crime Victims Fund, separately capitalised and independently managed, as a mechanism for ensuring fiscal sustainability. This recommendation, like so many from law reform bodies, was not implemented. The Parliamentary Standing Committee on Home Affairs has on multiple occasions expressed concern about the inadequacy of fund allocation but has not succeeded in catalysing a legislative mandate for minimum fund capitalisation. Until the question of fiscal adequacy is resolved through statutory provision -mandating a minimum annual appropriation relative to the number of registered FIRs in each state -the promise of Section 357A will remain perpetually deferred.⁶

C. Awareness, Outreach, and the Informational Deficit

The most meticulously designed compensation scheme is rendered futile if potential beneficiaries are unaware of its existence. Survey-based studies conducted by UNICEF India and the Centre for Child and the Law, National Law School of India University, have found that fewer than fifteen percent of victims of serious crimes surveyed were aware of the existence of any State Victim Compensation Scheme. This

⁴S.S. Srivastava, Victim Compensation: Comparative Perspectives, in Victims of Crime and Criminal Justice 89, 97 (K.D. Gaur ed., 2012).

⁶Justice Verma Committee, Report of the Committee on Amendments to Criminal Law 131–145 (January 23, 2013).

informational deficit is not merely a communication failure -it reflects the systematic marginalisation of victim perspectives within a criminal justice culture that prioritises the State-accused relationship.⁷

The obligation to inform victims of their compensatory entitlements has been imposed by judicial directions -the Court in *Nipun Saxena* directed that all FIR acknowledgments must carry information about the Victim Compensation Scheme -but compliance with this direction remains sporadic. Legal aid services under NALSA, while expanded in recent years, remain geographically concentrated in district headquarters and do not effectively penetrate rural areas, where the majority of victims of serious crimes reside. The deployment of Community Para Legal Volunteers (CPLVs) as bridge-builders between NALSA services and remote communities represents an important initiative that requires substantially more investment.⁸

D. Intersectionality and the Scheme's Differential Impact

An intersectional analysis of the scheme's reach reveals that its benefits are not uniformly distributed. Women from lower socioeconomic strata, Dalit women, tribal women, and women in remote or conflict-affected areas face compounding barriers to accessing compensation. The scheme's reliance on formal complaint mechanisms systematically disadvantages those communities in which relations between the police and community are adversarial or where victims fear reprisal from dominant community members. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act provides for its own compensation and relief framework, but coordination between this framework and the general victim compensation scheme under Section 357A is minimal, producing gaps and overlaps.⁹

Children as victims deserve particular attention. POCSO's mandate of compensation by the Special Court under Section 33(8) is frequently not implemented because the Special Courts themselves lack awareness of their obligations, adequate compensation schedules, or the procedural infrastructure to receive applications.¹⁰ The gap between the legislative vision and the lived experience of child victims represents perhaps the most egregious failure of implementation, given the severity of harm involved and the State's constitutionally elevated obligation toward children.

E. Monitoring, Accountability, and the Absence of Grievance Redress

Effective implementation requires not merely the existence of a scheme but also mechanisms for monitoring compliance, auditing disbursements, and providing grievance redress to applicants whose claims have been improperly decided or delayed. The current framework contains no statutory grievance redress mechanism specific to victim compensation, leaving aggrieved applicants to pursue writ jurisdiction before High Courts -a remedy that is costly, time-consuming, and unavailable to most victims.¹¹

The absence of disaggregated, publicly accessible data on scheme utilisation -detailing the number of applications received, decided, rejected, and disbursed, disaggregated by offence category, gender, and geography -makes meaningful accountability impossible. Several states do not maintain any systematic record of compensation disbursements. NALSA's annual reports provide aggregated national-level data

⁷S.K. Chaubey, *Victim Compensation in India: Issues and Challenges*, 3 *Victimology & Victim Assistance* 17, 22 (2014).

¹¹Roshan Dalvi, *Victim Compensation Schemes in India—A Critical Study*, 8 *Indian J.L. & Just.* 197, 204 (2017).

that is insufficiently granular for policy evaluation. The Parliamentary Standing Committee has repeatedly called for the creation of a unified national database of victim compensation applications and disbursements, but this recommendation has not been operationalised.¹²

V. CONCLUSION AND RECOMMENDATIONS

The Victim Compensation Scheme of India, as constituted through Section 357A of the Code of Criminal Procedure and now continued under the Bharatiya Nagarik Suraksha Sanhita, 2023, represents a foundational legislative commitment whose practical implementation has been marked by persistent inadequacy. The foregoing analysis reveals a scheme that is conceptually sound in its core ambition -to delink victim compensation from the contingency of conviction and to establish State responsibility for victim welfare -but operationally constrained by fiscal under-investment, procedural complexity, informational deficits, and the absence of rigorous monitoring mechanisms. The judicial branch has admirably attempted to fill these gaps through sustained interventions, but litigation-driven implementation is inherently fragmented, reactive, and inaccessible to the most vulnerable victims.

The following recommendations are offered toward a more effective framework:

1. Statutory Minimum Compensation and Periodic Revision: Parliament should amend Section 397 of the BNSS (corresponding to Section 357A Cr.P.C.) to prescribe statutory minimum compensation amounts for specified categories of offences, with a provision for automatic revision every three years in line with the Consumer Price Index. The delegation of quantum determination to state-level schemes has produced unacceptable inter-state disparities that constitute a structural inequality in the enjoyment of victims' rights.

2. Establishment of a National Crime Victims Fund: A National Crime Victims Fund should be created by statute, capitalised through a combination of Central Government appropriations, mandatory contributions from fines levied in criminal proceedings, and a surcharge on court fees. State funds should be required to maintain a minimum corpus proportionate to the annual volume of FIRs registered in the state, with the Central fund acting as a backstop for fiscally constrained states.

3. Decoupling Compensation from FIR Registration: The scheme should be amended to permit applications for compensation on the basis of credible evidence of harm, without requiring that a formal FIR has been registered. An independent inquiry mechanism within the DLSA should be empowered to verify the claim on a civil balance of probabilities standard, thereby extending the scheme's reach to the large population of victims who, for structural reasons, have not engaged the formal criminal process.

4. Mandatory Victim Notification: A statutory obligation should be imposed upon the investigating officer to inform every complainant, in writing and in the vernacular language of the complainant, of the existence of the Victim Compensation Scheme, the procedure for application, and the contact details of the relevant DLSA, at the time of FIR registration. Failure to comply should be treated as a dereliction of duty under the applicable service rules.

5. Time-Bound Processing with Deemed Grant Provisions: The legislation should introduce a firm sixty-day timeline from application to disbursement, with a deemed grant provision under which failure to decide within ninety days results in the minimum stipulated compensation being automatically

authorised. This mirrors the approach taken in some states for single-window clearance in administrative law and would incentivise timely processing.

6. Unified National Database and Annual Parliamentary Review: NALSA should be mandated to maintain and publish a unified national database of all victim compensation applications and disbursements, disaggregated by state, offence category, gender, caste, and outcome, updated quarterly. An annual report on the state of victim compensation should be placed before Parliament, enabling legislative oversight and public accountability.

7. Specialised Victim Advocates: Every DLSA should be equipped with at least one designated Victim Compensation Advocate responsible for outreach, application assistance, and follow-up on pending claims. These advocates should receive specialised training in trauma-informed approaches and in the specific compensatory needs of women, children, and other marginalised victim groups.

The transformation of victim compensation from a residual, discretionary, and chronically under-funded adjunct of the criminal process into a robust, rights-based entitlement is not merely a matter of legislative drafting. It requires a fundamental reorientation of institutional culture within the criminal justice system -one that places the victim's welfare at the centre rather than at the margins of the State's response to crime. The doctrinal foundations have been carefully laid by Parliament and the courts. The challenge of the present moment is institutional: to build the administrative infrastructure, financial architecture, and political will necessary to honour commitments already made in law.

BIBLIOGRAPHY

I. STATUTES AND LEGISLATION

1. *The Code of Criminal Procedure*, 1973, § 357 (India).
2. *The Code of Criminal Procedure*, 1973, § 357A (India) (inserted by the Code of Criminal Procedure (Amendment) Act, 2008, § 47).
3. *The Bharatiya Nagarik Suraksha Sanhita*, 2023, §§ 396–397 (India).
4. *The Protection of Children from Sexual Offences Act*, 2012, § 33(8) (India).
5. *The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act*, 1989, § 21 (India).
6. *The Legal Services Authorities Act*, 1987 (India).

II. CASES

1. *Ankush Shivaji Gaikwad v. State of Maharashtra*, (2013) 6 SCC 770 (India).
2. *Bodhisattwa Gautam v. Subhra Chakraborty*, (1996) 1 SCC 490 (India).
3. *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416 (India).
4. *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 SCC 14 (India).
5. *Guruvayur Devaswom Managing Committee v. C.K. Rajan*, (2003) 7 SCC 546 (India).
6. *M.C. Mehta v. Union of India*, (1987) 1 SCC 395 (India).
7. *National Legal Services Authority v. Union of India*, (2014) 5 SCC 438 (India).
8. *Nipun Saxena v. Union of India*, (2019) 2 SCC 703 (India).
9. *P. Rathinam v. Union of India*, (1994) 3 SCC 394 (India).
10. *Parivartan Kendra v. Union of India*, (2016) 3 SCC 571 (India).
11. *Rani & Ors. v. State of Haryana*, CWP No. 19978 of 2020 (P&H High Court, India, 2021).
12. *Rudul Shah v. State of Bihar*, (1983) 4 SCC 141 (India).
13. *Suresh v. State of Haryana*, (2015) 2 SCC 227 (India).

III. BOOKS AND MONOGRAPHS

1. Kiran Bedi & J.S. Gill, *Police and Public* (1990).
2. Mrinal Satish, *Discretion, Discrimination and the Rule of Law: Reforming Rape Sentencing in India* (Cambridge University Press, 2017).
3. S.S. Srivastava, Victim Compensation: Comparative Perspectives, in *Victims of Crime and Criminal Justice* 89 (K.D. Gaur ed., 2012).

IV. ARTICLES AND JOURNALS

1. Roshan Dalvi, Victim Compensation Schemes in India -A Critical Study, 8 *Indian J.L. & Just.* 197 (2017).
2. S.K. Chaubey, Victim Compensation in India: Issues and Challenges, 3 *Victimology & Victim Assistance* 17 (2014).
3. Usha Ramanathan, Illegality and the Urban Poor, 41 *Econ. & Pol. Wkly.* 3193 (2006).
4. Vijay Hiremath, Victim Compensation Under Indian Criminal Justice: A Longitudinal Study, 12 *J. Victimology & Victim Just.* 45 (2019).

V. REPORTS AND OFFICIAL DOCUMENTS

1. Centre for Child and the Law, National Law School of India University, *Study on Victim Compensation Schemes in India: Gaps and Way Forward* (UNICEF India, 2020).
2. Human Rights Watch, *Everyone Blames Me: Barriers to Justice and Support Services for Sexual Assault Survivors in India* (2017).
3. Justice Verma Committee, *Report of the Committee on Amendments to Criminal Law* (January 23, 2013).
4. Law Commission of India, *One Hundred and Fifty-Fourth Report on the Code of Criminal Procedure, 1973* (1996).
5. Malimath Committee on Reforms of Criminal Justice System, *Report of the Committee on Reforms of Criminal Justice System* (Gov't of India, Ministry of Home Affairs, 2003).
6. Ministry of Home Affairs, Government of India, *Model Victim Compensation Scheme for Sexual Assault/Rape Victims* (2018).
7. National Crime Records Bureau, *Crime in India 2022* (Ministry of Home Affairs, Gov't of India, 2023).
8. National Legal Services Authority, *Annual Report 2022–23* (NALSA, 2023).
9. Parliamentary Standing Committee on Home Affairs, *Two Hundred and Thirty-Seventh Report on the Working of the Ministry of Home Affairs* (Rajya Sabha Secretariat, 2022).

VI. INTERNATIONAL INSTRUMENTS

1. United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, G.A. Res. 40/34, U.N. Doc. A/RES/40/34 (Nov. 29, 1985).