

# Compensation for victim of crime in India

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## INTRODUCTION

These days, crime is an essential component of society that cannot be ignored or dismissed. In today's society, the administration of the law has become accused-centric, which implies that its primary goal is to punish the offender rather than providing justice to the victim, who is the core of any crime.

Today, the victim of any rape case must deal with the trauma of the incident every day. This is because, in order to file a FIR under section 154 of the Criminal Procedure Code, the victim must describe the entire incident to the relevant police officer. Additionally, during the trial stage, the victim is repeatedly questioned about the incident, further traumatising her and increasing the risk of future physical or emotional harm.

### Who is victim?

A victim is someone who has been harmed physically or psychologically, had their property damaged, or lost money as a result of criminal activity (in case of death of a person family member will be victim).

### Compensation

The act or state of making up for someone's loss, damage, or injury by providing the harmed person with a suitable benefit. Examples of compensation include paying someone for their service something given or received as compensation for goods or services, a debt, an injury, pain, a lack of something, etc.

### Victim Compensation

A means of protection that offered immediate assistance to the victim and those who were reliant on them, or it is a direct cash payment to a victim for a cost incurred as a result of a crime, such as medical expenditures, lost wages, or the victim's own salary and expenses.

### Impact of Crime on victim

#### Physical

Injury deaths physiological apprehension (rapid heart rate, hyperventilation, stomach problem) greater likelihood of developing chronic illnesses (heart problem, chronic pain) Disability, whether long-term or temporary, drug and alcohol misuse, exposure to STDs, and unintended pregnancy.

#### Social

Relationship disturbance, ongoing disruption of family life, lifestyle changes, isolation, natively negative effects on general productivity, and poor effects on general quality of life.

#### Financial

Medical costs, prescription drug costs, mental health services, missed wages, replacement costs for lost property, physical or occupational therapy, relocation costs, higher costs for child care, transportation, insurance premium increases, and crime scene cleanup.

#### Emotional

Fear, anxiety, shock, anger or rage, PTSD, difficulty concentrating, bewilderment, feeling powerless or dangerous, guilt, feeling out of control, despair, extreme grief, and suicide are just a few of the symptoms that can accompany a traumatic event. Ideation, loneliness, anxiety, disengagement from life, mistrust, and a focus on criminal activity.

#### Spiritual

Increased engagement with religious groups or beliefs, loss of a religion-based community, loss of faith or a questioning of faith, and change in worldview. Not every victim responds to a crime in the same way or has the same

requirements. It's crucial to keep in mind that each crime victim experiences their incident in a different way, with no typical reactions.

### **Rights of Victim of crime**

- Right to reasonable protection against questioning and investigation
- Right to reparation, particularly for violent crimes
- Right to privacy
- Right to information
- Right to speedy proceedings
- Right to notification
- Right to be presented
- Right to be heard
- Right to be treated with self-respect

### **Victims Right under Crpc**

According to Section 2(wa), the term "victim" includes the accused person's guardian or legal heirs if they have incurred any loss or injury as a result of the conduct or omission for which they are being held accountable.

### **Victim as informant**

- The police are required by section 154(1) of the Criminal Code to reduce information provided by the victim of a crime to writing, or a First Information Report (FIR).
- A free copy of the FIR is guaranteed to victims under Section 154(2).
- According to Section 154(3), the victim has the right to contact the superintendent of police if the officer in charge refuses to act on the information.
- Victims have the right to complain to a magistrate under Section 190 if the aforementioned method fails.
- For the purpose of identifying the accused and any object, the victim may be contacted.
- No woman or boy under the age of 15 years old may be ordered to visit any location other than where they currently reside, according to Section 160 of the Criminal Procedure Code.
- Section 357, 357A provides compensation to victims.
- Victims have the option to appeal unfavourable decisions made by the trial court under Section 372 of the Code.
- Bail and prosecution case closure include the victim.
- A victim may request that bail be cancelled in court.
- The court cannot accept a closure report without hearing the complainant or informant.
- Compounding an offence in accordance with Section 320 is impossible without the complainant's involvement.
- legal assistance for the victim.
- Victims have the right to appeal a decision rendered unfavourably by the trial court under Section 372 Proviso.
- Proviso to Section 24(8): The court may allow the victim to engage an advocate of his choice to help the prosecution.
- The victim's safety from threats or harassment.
- Role in plea bargaining

### **Victim Compensation Scheme**

#### **1. Who Introduce this Scheme**

The preparation of the plan is the duty of each state government, working in conjunction with the Central government.

#### **Purpose**

For providing funds to be used as recompense.

#### **To whom it is given**

To the victim or his dependents who needed rehabilitation due to loss or harm sustained as a result of the crime.

#### **2. Who will determine the compensation amount**

The State legal service authority or the District legal service authority (based on the case to case).

**3. Trial courts have the authority to recommend compensation in the following situations.**

- Upon completion of the trial, if the trial court determines that the compensation granted pursuant to Section 357 is insufficient for any form of rehabilitation (then it can be make recommendation).
- where victims must undergo rehabilitation after trials result in acquittals or discharges.

**4. In Special situations**

Where no trial is held and the culprit is not tracked down or but the victim is identified. The victim or his dependent may make an application to the District Legal Service Authority for award of Compensation. On receiving such a recommendation or an application made pursuant to subsection 4, the victim or his dependents may submit an application to the state or district legal service authority for the award of compensation. The state or district legal service authority shall conduct a thorough investigation and award adequate compensation. The investigation shall be completed within two months.

On the certificate of a police officer not below the rank of officer in charge of the police station or a magistrate of the area concerned, the state or the district legal service authority may order that an immediate first aid facility or medical benefits be made available free of charge, or any other interim relief as the appropriate authority deems fit, to lessen the victim's suffering.

Compensation to be in addition to fine under section 326A or 376D of Indian penal code (section 357B)

1. Compensation to be in addition to fine under section 326A or section 376D of IPC (criminal Law amendment act 2013)
  2. The compensation payable by the state government under section 350 7E shall be in addition to the payment of fine to the victim under section 320 6A, 370 6AB, section 370 6D, section 370 6DA, section 370 6BB of IPC criminal Law amendment act 2013
- 326A- voluntarily causing grievous hurt by use of Acid etc.
  - 376D- Gang Rape
  - 376AB- Punishment for rape on women under 12 years of age.
  - 376DA- Punishment for Gangrape on women under 16 years of age.
  - 376DB- Punishment for Gangrape on women under 12 years of age.

**Treatment of victims**

Every public and private hospital, regardless of whether it is run by the Central government, a state government, a local government, or another entity, is required to provide free first aid or medical care to anyone who has been injured in an offence listed in the following section of the IPC.

- 376(Rape)
- 376A(intercourse by a man with his wife during separation)
- 376B( intercourse by a public servant with a women in his custody)
- 376C (intercourse by superintendent of jail or a remand home)
- 376D(Gang rape)

**Section 358** compensation to person groundlessly arrested In the absence of any admissible grounds, this section offers compensation to anyone who has been the target of an arrest for no apparent cause. The arrest must be brought on by a specific piece of information. It has been stated that the magistrate in such a case may grant compensation to the harmed in the amount of Rs. 1000 if there is insufficient justification for the arrest and the magistrate is satisfied that the person is not guilty in this case, in that case the complainant must pay Rs. 1000 to the sufferer.

**Conclusion**

the compensation is payable according to the victim compensation scheme of respective state the quotes have to give reason in case it is not recommending compensation to the victim of crime at the conclusion of the trial

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