BLOGS

Victim Compensation Scheme under CrPC

Khushi Malviya · 14 Jun 2023

Edit TABLE OF CONTENTS Introduction Why do victims need compensation? Victim Compensation Scheme What are the objectives of the Victim Compensation Scheme? Eligibility for the Victim Compensation Scheme Challenges and Suggestions Conclusion

Introduction

A victim is any person, group, or entity that has experienced harm, injury, or loss due to illegal activities perpetrated by others. This harm can manifest in various forms, including economic, mental, or physical consequences. Regardless of whether the offender has been identified or prosecuted, anyone who has suffered harm due to a violation of criminal law is considered a victim.

Moreover, the term “victim” encompasses individuals who have endured harm while aiding distressed victims or working to prevent victimization. It is important to note that victims extend beyond those directly affected by loss or injury; family members and loved ones of the primary victims can also be considered victims themselves.

In essence, the term “victim” encompasses a wide range of individuals affected by the unlawful actions of others, encompassing those directly impacted as well as those who support or care for them.

Why do victims need compensation?

In ancient Hindu law, the granting of compensation was exclusively reserved as a prerogative of the monarchy, highlighting its regal nature. However, a global awakening in recent years has shed light on the neglected rights of crime victims, who have often been overlooked by lawmakers and legal systems.

Despite the extensive focus on criminals and their actions, the plight of victims has remained one of the most disregarded subjects in the study of crime. A victim of crime is defined as an

individual who suffers various forms of loss or injury directly resulting from a criminal act. Unfortunately, in our current judicial system, where cases can languish for years before resolution, victims find themselves enduring prolonged periods of waiting, often spending a significant portion of their lives yearning for justice to be served.

Victim Compensation Scheme

The provision of **Section 357A of the Code of Criminal Procedure**, which states that every State Government shall prepare a scheme for providing funds for the purpose of compensating the victim of crime, governs the compensation portion of the rehabilitation of victims of violence, including rape.

The Victim Compensation Scheme has been created by 24 states so far, along with 7 UTs. To support victims of rape, acid attacks, human trafficking, and women killed or injured in cross-border shooting, the government has established the Central Victim Compensation Fund (CVCF) scheme, with an initial corpus of Rs 200 crores. Up until this point, state governments have paid compensation amounts that range from Rs. 10,000 to Rs. 10 lakhs.

What are the objectives of the Victim Compensation Scheme?

The objective of the Victim Compensation Fund (VCF) is to provide additional support and complement the existing VCS implemented by States and UT Administrations in India. The VCF aims to address the disparity in the compensation amounts awarded to victims of similar crimes across different states and UTs. By doing so, it seeks to ensure a more equitable distribution of compensation for victims.

One of the primary goals of the VCF is to encourage effective implementation of the VCS established by states and UTs under the provisions of Section 357A of the Criminal Procedure Code (Cr.P.C.).

This initiative emphasizes the need to provide financial support to victims of various crimes, particularly those affected by heinous acts such as sexual offences, rape, acid attacks, crimes against children, and human trafficking. The VCF recognizes the importance of providing adequate compensation to victims, as it not only helps in their rehabilitation and recovery but also serves as a form of redress for the trauma and suffering, they have endured.

By supplementing the existing VCS, the VCF aims to ensure that victims receive the support they need to rebuild their lives and move towards a path of healing and recovery. Furthermore, the VCF serves as a catalyst for harmonizing the compensation amounts awarded by different states and UTs. This helps in reducing the disparities and inconsistencies that currently exist, ensuring that victims are treated fairly and receive a comparable level of compensation regardless of their geographical location.

By establishing the VCF, the government acknowledges the significance of victim compensation and strives to create a more uniform and effective system across the country. The fund acts as a mechanism to bridge the gaps in compensation provisions and promote a standardized approach to victim support and rehabilitation.

Eligibility for the Victim Compensation Scheme

To be eligible for compensation, the victim or their dependent must meet certain criteria.

- Firstly, they should not have received compensation for the same loss or injury from any government authority or other Central/State government scheme. To confirm this, the applicant or their dependents must provide a declaration stating that they have not received any prior compensation along with the application form.
- Secondly, the loss or injury suffered by the victim or their dependents should have resulted in a significant reduction in their family's income. This financial impac should be substantial enough to make it challenging to meet their basic needs without financial assistance.
- Additionally, the incurred expenses for medical treatment, whether physical or mental, should be beyond their means, further justifying the need for compensation.
- In cases where the offender responsible for the crime is untraceable or cannot be identified, but the victim remains identifiable, the victim or their dependents may still apply for compensation under subsection (4) of Section 357A. This provision ensures that victims are not excluded from seeking compensation solely due to the inability to identify the perpetrator.

These eligibility criteria serve as guidelines to determine whether the victim or their dependents are qualified to receive compensation. By meeting these requirements, victims can seek the financial aid they need to cope with the aftermath of the crime and alleviate the burden caused by

their loss or injury.

Challenges and Suggestions

The challenges of the Victim Compensation Scheme (VCS) include limited awareness and accessibility, inadequate compensation amounts, lengthy processing and delays, insufficient funding and resource allocation, complex application processes, and disparities among states/UTs. To address challenges in the VCS, increase awareness through campaigns and accessible information channels, review and adjust compensation amounts regularly, streamline processes to reduce delays, allocate adequate funding and resources, simplify application procedures, and promote uniformity among states/UTs. These measures will enhance the effectiveness and accessibility of the VCS, benefiting victims of crime.

Conclusion

In modern criminology, victim compensation is increasingly recognized as a fundamental human right. It is crucial to differentiate between the right to restitution and the right to compensation, as these terms have often been used interchangeably within our criminal justice system, resulting in significant confusion.

To ensure clarity, the Victim Compensation Scheme should undergo a revitalization process that focuses on enhancing accessibility and adequacy. Currently, our criminal justice system primarily emphasizes two values: criminal control and due process. However, there is a pressing need to introduce a third value: victim participation. Without this value, the objective of achieving justice will remain unfulfilled.

The VCS is a crucial component of a fair and supportive criminal justice system. By providing victims with financial assistance and recognition for their losses, it plays a pivotal role in their journey towards healing and rebuilding their lives. However, it is essential to continually evaluate and reform the scheme to address challenges and ensure that victims' needs are adequately met. By doing so, we can create a system that truly empowers victims, enhances their participation, and upholds the principles of justice and compassion.