CHAPTER - VI

CONCLUSION AND SUGGESTIONS

The foregoing study reveals that the idea of compensatory jurisprudence is as old as the history of human civilization itself. The history of human civilization depicts that the basic rights of human beings were in existence and many references in ancient scriptures which establish beyond the shadow of doubt that compensation was provided by the king whenever there was violation of any basic right from time to time. The analytical study of ancient period reveals that the compensatory jurisprudence has occupied a place of prominence in India's rich legacy of traditions, culture and legal administration.

The ancient period of Hindu polity was dominated by the religious principles mainly, derived form Vedas, Smritis, Dharamshastras, Sutras and other texts. The development of Hindu polity over a period of time shows continuity at least in one respect i.e. the influence of religion on law, however, this influence was maximum in ancient period and as we step further form ancient to medieval and towards modern period the role of religion went on decreasing. The basic reason for this perhaps
lies in the fact that during the medieval period of the Hindu polity, it was generally influenced by non-Hindu culture such as Muslim and English.¹

The equality of all human beings in case of food, water and natural sources is incorporated in many of the declarations made in the Vedas. No individual can claim to be superior to or having more right than other. The basic duty of the king as incorporated in Raj Dharma of the ancient India was to protect each and every individual in every respect and to ensure him all possible happiness. The Arthashastra lay down that the happiness of the king lies in the happiness of his subject and in their welfare. He was responsible for the well being of his subjects in all respect. The administration of justice was one of the foremost duty of the king. The Hindu polity has a gradual growth from time to time, place to place according to the needs and requirements of the society.

The king was under the Dharma. It was the duty of the king to punish those who deserve to be punished. The ancient criminal justice administration laid much stress on the imposition of punishment rather than asking the offender to pay compensation. Manu in his Smriti observed:

¹ For more details see, Chapter – 11 of the study.
"Men who are guilty of crime and who have been punished by the king, go to heaven becoming pure like those who performed meritorious deeds."\(^2\)

In general, the ancient Hindu jurists had not even rejected the concept of payment of compensation to the victim. They further suggested, that to enable the victim to overcome the effects of crime, he must also be paid some compensation. The king used to settle the issue of compensation in all matters in accordance with the Raj Dharma. In ancient period whoever caused hurt to domestic animal belonging to another, became liable to compensate the owner for the loss. In all the cases of hurting a limb wounding or fetching blood the offender was to pay the expenses of perfect cure.

Brahaspati has also laid down emphasis on the compensation and impose fine on the offender, the fine went to the State which provided compensation to the victims. The king could take *suo moto* action of many wrongs such as theft, assault, adultery, rape, etc., and impose corporal punishment in first instance and monetary compensation at second.

Invasion by Muslims ended the golden era of ancient Hindu philosophy. The political theory of

Muslims was based on religion i.e. Islam. They derived the law from teachings of Koran, the tradition of Prophet Mohammad and other precedents. No well defined political institution was specifically created by Koran. The Muslim law basically consisted of Koran, the Sunna, the Ijma and the Qiyas.

During this period Islamic law or Shara was followed by all emperors. In the Islamic criminal law any violation of public right was considered an offence against the State and it was the duty of the ruler to punish the criminal under the mentioned law and order. Muslim law recognised three forms of punishment i.e. Hadd, Tazir and Qisas. No compensation was available in Hadd and Tazir but Qisas authorized the State to punish the criminal for grave offences and impose compensation also.

Britishers came to India and settled at Surat in 1612 during the regime of Emperor Jahangir. After the death of Emperor Aurangzeb, Mughal empire begun to disintegrate and British India Company got an opportunity to lay down its foundation very strongly in England as well as in India. Gradually the Company started exercising its authority at Bombay, Madras and Calcutta in the changing situation. Various charters were granted to the Company in order to administer the
justice in civil and criminal matters, Company decided to adopt the existing Mughal pattern. However, existing Mughal law was subjected to many changes from time to time. Corn Wallis introduced many reforms in criminal law and all the *Nizamat Adalats* were directed to decide cases according to the modified rules. The relatives of the murdered persons were now deprived of their right of pardoning the criminal. Imprisonment and hard labour for 14 years were substituted where the punishment prescribed was the loss of two limbs and that of one limb respectively. Situations remained unchanged till 1833 when on the recommendations of Law Commission various important enactments were made, which brought a drastic change in the concept of compensation to the victim.

The courts in India started granting compensation as per the provisions of Code of Criminal Procedure, 1898, Workmen’s Compensation Act, 1923 and the position continued till independence.

The term compensation is derived from the Latin word *‘compensatio’* which means the things given as recompense. The Oxford dictionary signifies properly the word ‘compensation’ as is given in recompense, an equivalent rendered and that damages, on the other hand constitute the sum of money claimed or adjusted
to be paid in compensation for injury or loss sustained; the value judged or estimated in money of something lost or withheld. The word 'compensation' etymologically indicates the image of balancing one thing against another, the primary importance of the word 'compensation' is equivalence, and the secondary and more common is meant something obtained or something given as an equivalent.

The Supreme Court of India defined the word compensation in *Lucknow Development Authority vs. M. K. Gupta*\(^3\) as under:

"The word 'compensation' is again of very wide connotation. It has not been defined in the Act. As per dictionary, it means compensating or being compensated; things given as recompense. In legal sense it may constitute actual loss or expected loss and may extend to physical, mental or even emotional suffering, insult or injury or loss. Therefore, when the Commission has been vested with the jurisdiction to award value of goods or services and compensation it has to be construed widely enabling the commission to determine compensation for any loss or damage suffered by a consumer which in law is otherwise included in wide meaning of compensation. The

\(^3\) AIR 1994 SC 787
provision enables a consumer to claim and empowers the Commission to redress any injustice done to him. Any other construction would defeat the very purpose of the Act. The Commission or the Forum in the Act is thus entitled to award not only value of the goods or services but also to compensate a consumer for injustice suffered by him. Public administration, no doubt involves a vast amount of administrative discretion which shields the action of administrative authority. But where it is found that exercise of discretion was malafide and the complainant is entitled to compensation for mental and physical harassment then the office can no more claim to be under protective cover. When a citizen seeks to recover compensation from a public authority in respect of injuries suffered by him for capricious exercise of power and the National Commission finds it duly proved then it has a statutory obligation to award the same. It was never more necessary than today when even social obligations are regulated by grant of statutory powers. The test permissive form of grant are over. It is not comparative and implicit in the exercise of power that it should be for the sake of society. When the court directs payment of damages or compensation against the State the ultimate sufferer is the common man. It is the tax
payers money which is paid for inaction of those who are entrusted under the Act to discharge their duties in accordance with law. It is, therefore, necessary that the Commission when it is satisfied that a complainant is entitled to compensation for harassment or mental agony or oppression, which finding of course, should be recorded carefully on material and convincing circumstances and not lightly then it should further direct the department concerned to pay the amount to the complainant from the public fund immediately but to recover the same from those who are found responsible for such unpardonable behaviour by dividing it proportionately where there are more than one function arises.”

Article 9(5) of the International Covenant on Civil and Political Rights, states, “any one who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.”

Every violation and infringement of right created a right which is called by jurists as a sanctioning right. Sometimes damages have also been used in place of compensation. Although there is a slight difference between them but both imply a monetary remedy to compensate the aggrieved party. However, there is a

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4 See, International Covenant on Civil and Political Rights, 1966, Art. 9(5).
distinction between compensation and damages. Damages are given for injury suffered but compensation is by way of atonement for the injury caused with the intention to put either the injured party or those who may suffer on account of injury in position as if the injury had not been caused by making pecuniary atonement. Damages may be to the person, property or reputation and compensation is a monetary redress that is offered to the victim of constitutional tort and violation of legal rights.

In India we have failed to develop the concept of compensatory jurisprudence to the extent it is required to be developed. Even the State is not serious and is not taking any interest to develop and implement the law of compensation. Provisions under Indian Constitution and Criminal Procedure Code are not adequate. The principle on the basis of which the compensation or indemnity is awarded, in the loss of injury sustained by the complainant and not on any other ground.

The United Nations General Assembly in its declaration has declared 12 types of victims of crime who are entitled to compensation.5

In every democratic country, State owe the responsibility to protect the interests of its citizens. But

5 For more details see, supra note 1.
it has been observed that the various rights provided to the citizens under their respective constitution are being violated by the State itself in exercising their administrative powers and duties. The rights of the victims which are infringed may be restored, but in each and every case as well as in every circumstance the restoration may not be possible. In such situations the victim is to be compensated in term of money for the loss suffered by him. Indian Constitution does not provide remedy to victims for Fundamental Rights, except in the form of Articles 32 and 226.

The Supreme Court of India has attempted to evolve an innovative new compensatory jurisprudence based on necessity for giving new meaning to the rights of people. The court has fixed the liability of the State for a government lawlessness and violation of the petitioner's fundamental rights to life and personal liberty under Indian Constitution. To form a substantive basis for creation of positive remedies (compensation and damages) for violation of fundamental rights guaranteed in Part III of the Constitution of India. Chief Justice Chandra Chud (as then) observed:

7 Ibid, Article 14.
8 Rudul Sah vs. State of Bihar, AIR 1983 SC 1086 at 1089.
"It is true that Article 32 cannot be used as substitute for the enforcement of right and obligation which can be enforced efficaciously through the ordinary processes of Courts, Civil and Criminal. A money claim has, therefore, to be agitated in and adjudicated upon in a suit instituted in a court of lower grade competent to try it. But the important question for our Consideration is whether in the exercise of writ jurisdiction under Article 32, this court can pass an order for the payment of money if such an order is in the nature of compensation consequential upon the deprivation of Fundamental Right."

The Indian judiciary has opened a new chapter in the field of compensatory jurisprudence and contributed to the development of compensation law. Under the Constitution of India very wide powers have been conferred on the courts to issue a direction, order or writ for the enforcement of fundamental rights. The courts in India are using this power to protect the interest of individuals in the form the Public Interest Litigation also. The question of locus standi or standing to sue or initiate a proceeding in a court of law assumed a great significance in the domain of Public Interest
Litigation. In order to have a *locus standi* a person should have ‘aggrieved person’. The ‘aggrieved person’ means, ‘who has a genuine grievance because an order has been made which prejudicially affects his interests.’ In *People Union for Democratic Right vs. Union of India*, the Supreme Court elaborated the concept of *locus standi*:

“... *the workmen whose rights are said to have been violated and to whom a life of basic human dignity has been denied are poor, ignorant, illiterate humans who by reason of their poverty and social and economic disability, are unable to approach the Courts for judicial redress and hence the petitioners have under the liberalised rule of standing, *locus standi* to maintain the present writ petition espousing the cause of the workmen.*”

In this manner the traditional rule of *locus standi* has been made more liberal. The court in such cases put aside all the technicalities and entertained even a letter addressed by an individual acting ‘pro bono publico’. This liberal approach of *locus standi* allowed Public
Interest Litigation against the violation of human rights on behalf of the victim by a person or an organization.

The earlier position taken by the Indian judiciary was that no compensation and monetary relief awarded by courts under Articles 32 and 226 of Indian Constitution. But now the position has been reversed. The courts have awarded compensation to the victim of infringement of fundamental rights in number of cases.\(^{11}\)

Many Acts have been passed by Indian Parliament in which a specific provision inserted to award compensation to the victim. In 1923, Workmen’s Compensation Act was passed. The basic object of the Act was to make provision for the payment of compensation by employer to their workmen for injury suffered by accident. In order to make employer liable to pay compensation, death and injury must be in the consequence of an accident arising out of or in the course of employment. The word compensation is defined in the Act\(^{12}\) as a lump sum provided to the workers or his dependent in case of death, permanent


\(^{12}\) For more details see, Workmen’s Compensation Act, 1923, Section 2(1)(c).
disablement or temporary disablement. It may be pointed out that in case of temporary disablement the mode of payment of compensation differs as it is payable in such an event in the form of recurring half monthly payments.

In order to claim compensation it is necessary that the personal injury caused to the workman must result in the total or partial disablement for a period exceeding three days, or the workman must have died due to the personal injury by accident arising in the course of employment. The quantum of compensation is to be determined on the basis of the nature and degree of disablement which in turn depends upon the percentage of loss of earning capacity of workman. In case of occupational diseases as specified in Schedule 3 of the Act, contracting any one of these is deemed to be an accident injury caused by an accident out of and in the course of employment. In case of a death, the amount of compensation is to be determined by making reference to Schedule - IV.

The Employee's State Insurance Act was passed in 1948. The basic object of the Act is to provide certain benefits to employees in case of sickness, maternity,

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13 Ibid, Section 3.
14 For more details see, Chapter IV of the study.
employment injury and in certain other matters. The provisions of the act also provide for Contributory Insurance Scheme. The payment of the benefits to the insured persons in the event of his death is extended to his dependents from the insurance funds. The corpus created for this purpose is to be paid by the employer and the employees to the Insurance Corporation. The Act further provides the provision for certain benefit in the form of compensation.\(^{15}\)

To protect the interest of the consumer in the society, the Consumer Protection Act was passed in 1986. The object of the Act is to protect the rights of the consumer against marketing of goods which are hazardous to life. The Act also provides the right to information, the quality, quantity, purity and potency of the product. The Act further provides for setting up of Consumer Disputes Redressal Forums both and Central and State levels and to establish consumer redressal agency.\(^{16}\) Various agencies under the Act can entertain complaints as per their pecuniary jurisdiction to award compensation to the aggrieved consumers. In case of

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\(^{15}\) For example, sickness benefits, maternity benefits, disablement benefits, dependent's benefit, medical benefit and funeral expenses.

\(^{16}\) For details see, Consumer Protection Act, 1986, Section 9. These agencies are Consumer Disputes Redressal Forum known as District Forum; Consumer Dispute Redressal Commission, known as State Commission and lastly National Dispute Redressal Commission known as National Commission.
deficiency of service and defect in the goods Forum under the Act may award compensation if two conditions are satisfied, firstly the consumer must have suffered some loss or injury, secondly, the loss or injury must have been caused due to negligence of the opposite party.\textsuperscript{17} The burden of proof always rests upon the injured party to prove negligence that the defect which caused injury was present in the Article.

Another important Act on Environment Protection was passed in 1986. This Act was passed with an object to protect and improve environment and to prevent hazards to human beings, other living creatures, plants and property. A specific provision has been made in the Act to impose a penalty in the form of imprisonment and fine.\textsuperscript{18} In the year 1995 the National Environment Tribunal Act was passed to develop such system under which the liability and compensation awarded to the victims of environmental pollution and other environmental damages.

Public Liability Insurance Act, 1991 provides a protection not only to workmen employed in such undertaking but also to the innocent members of the public who may be in the vicinity of such undertaking.

\textsuperscript{17} For details see, Consumer Protection Act, 1986, Section 14; also see, chapter-V of the study.

\textsuperscript{18} For details see, Environment Protection Act, 1986, Section 15
Section 4 of the Act makes it compulsory for an owner to take out an insurance policy before handling any hazardous substance to meet any potential liability for an accident. The Collector of every district has power under the Act to entertain a claim for compensation applied for by a victim of an accident as defined in the Act.

In 1993, Human Rights Act has been passed. The Act lays down the provisions for the constitution of National Human Rights Commission. The Commission is empowered to all functions like suo moto inquiry or on a petition presented to it by victim or any other person on his behalf, into a complaint of violation of human right or abetment, any negligence in the prevention of such violence by the public servant. The victim of crime has not been given the rights to claim compensation for the violation of human rights. The Commission can only make recommendations to the Government for the award of compensation left and implementation to the discretion of the Government.

Old Criminal Procedure Code, 1898 was replaced by new Criminal Procedure Code, 1973 and provision for the compensation has been specifically made in Sections

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19 For details see, National Human Rights Act, 1993, Sec. 3.
20 Ibid, Section 12.
Section 357 of the Act enables the Trial Court, Appellate Court or the High Court or Court of Session in revision at the time of passing a judgement to pass an order of compensation out of fine imposed by such court. In order to claim compensation under Section 357 it is necessary to show that person suffered a loss. The compensation under this Section not only corresponds to the damages awarded in the civil proceeding but is also to be taken into consideration by a Civil Court in determining the quantum of damage in a subsequent civil suit relating to the same matter. Section further, empowers the Criminal Court, in its discretion, to order the accused person to pay, by way of compensation such amount as may be specified in the order to the person who has suffered any loss or injury by reason of the Act for which one accused person has been so sentenced.

Section 358 provides provision of compensation to the person groundlessly arrested where the amount of compensation is very nominal i.e. Rs. 100. Whenever any complaint of non-cognizable offence is made to court, the court, if it convicts the accused may, in addition to the penalty imposed upon him, order him to pay the complainant, in whole or in part, the cost.

incurred by him in the prosecution as compensation. Section 250 of the Act also provide compensation for acquisition without reasonable cause.

The Law Commission of India in its 42nd report recommended the insertion of new scheme in Indian Penal Code 1860. But Parliament did not pay any attention to the recommendations.

Probation of Offender Act, 1958 also provide a provision for reasonable compensation to any person for loss or injury caused to him by the commission of offence and cost of the proceeding.22 Section 5 of the Act lays down powers of the Court to require released offender to pay compensation and costs, but powers only vest with the court releasing the offender and is purely within its discretion.

The study further reveals, that Indian Judiciary has applied the concept of compensatory jurisprudence to award compensation to the victims of crime as well as to the victims who fall under other laws. Indian courts have held employer liable to pay compensation to the employees in case of injury caused to him in accident during the course of employment.23 The Supreme Court of India expanded the ambit of Workmen's Compensation

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23 For details see, Chapter-V of the study.
Act and propounded the theory of notional extension. The Supreme Court in case of Saurashtra Salt Manufacturing Company vs. Bai Velu Raja, observed that:

"It is well-settled that when a workman is on a public road or on a public place or on a public transport he is there as any other member of the public and is not there in the course of his employment unless the very nature of his employment makes it necessary for him to be there. A workman is not in the course of his employment from the moment he leaves his home and is on his way to his work. He certainly is in course of his employment if he reaches the place of work or a point or an area which comes within the theory of notional extension, outside of which the employer is not liable to pay compensation for any accident happening to him."\(^{24}\)

The Allahabad High Court included environmental accident resulting from the surrounding in which the workmen is employed through which he has to reach the place of work, in order to carry out his obligation to his employer, also falls within the scope of phrase arising

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\(^{24}\) AIR 1958 SC 881
out and in the course of employment to grant compensation under the Workmen’s Compensation Act, 1923. The court further held that in case of a permanent partial disablement the employer is liable to compensate the workmen according to given scale,\(^{25}\) even where law does not insist and have nowhere indicated that the disablement should be solemnly and directly attributable to the accident.\(^{26}\)

In case of a Consumer Protection Act the court held\(^{27}\) that the power to re-schedule the flight is a rare power and if the Indian Airlines Corporation exceeds that power, the corporation should be considered to be negligent and hence it should be held liable to bear damages.

In another case where the daughter of the complainant fell down and died passing through a interconnecting passage in the train going from Delhi to Gauhati where the passage was not protected by grill, the State Commission granted compensation of Rs. 2,00,000 for the death of the girl and Rs. 25,000 for mental agony suffered by the parents of the deceased on account of deficiency of services by railways.\(^{28}\)

\(^{25}\) For details see, Chapter -V of the study
\(^{26}\) *Ibid.*
\(^{27}\) Patel Ramabhai Shankerlal vs. Indian Airlines Corporation, (1991) 1 CPR 422 (Guj CDRC)
\(^{28}\) For details see, Chapter - V
National Commission even included the patient as a consumer and the medical assistance as a service. In the event of any deficiency in the performance of medical services, the Consumer Court have the jurisdiction. Patient aggrieved by any deficiency in the treatment by private clinic and Government hospitals are entitled to seek damages/compensation under Consumer Protection Act, 1986. The court further held that service rendered by the medical practitioner to the patient by way of consultation, diagnosis and treatment both medical and surgical would fall within the ambit of services as defined in Section 2(1)(O) of Consumer Protection Act, 1986.

In *M. C. Mehta vs. Union of India*, the Supreme Court further enhanced the scope of Article 32 and held that this Article also include the power to grant compensation for the violation of fundamental rights such as right to pollution free environment. The Supreme Court also quantified the damages in the form of compensation to the tune of Rs. 750 crores in Bhopal Gas Tragedy when the matter was brought before the Court under Article 136 of Constitution.

Now the Supreme Court even entertains letter and post-card posted to it by Non-Government organization.

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29 AIR 1987 SC 1086
or individual in the form of Public Interest Litigation where the cases fall under Environment Protection Act.

Indian Courts have also awarded compensation in so many cases under Code of Criminal Procedure and Indian Penal Code. But in awarding compensation under these legislations certain factors play major role. Firstly, paying capacity of the offender, secondly general reluctance on the part of Criminal Courts with the indifferent attitudes of lawyers and clients, thirdly, where the courts are reluctant to impose fine along with substantial imprisonment and lastly, where the conviction is necessary for the payment of compensation. The Supreme Court also laid stress to award compensation to the victim and held that the courts should exercise its power in granting compensation to victim under the Probation of offenders Act also.30

After the inception of National Human Rights Commission the National Commission played a very pragmatic role in awarding compensation, where human rights have been violated.

In a whole the Indian Judiciary has applied the principle of social and distributive justice in awarding the compensation to the victims of the offences,

30 For more details see, Chapter - V
government atrocities, riots, cases covered under environment law, consumer protection law, labour law, criminal law, civil law, etc.

**SUGGESTIONS**

Therefore, in view of the above observations, the following suggestions deserve for consideration:

1. It is suggested that the ambit of criminal justice system be expended keeping in view the overall change in the approaches, thinking and circumstances. The victim should not be forgotten while administering justice. He should be fairly compensated for the injury caused by the act of offender. In matters of violation of fundamental rights, the technical procedure should be relaxed and compensation should be awarded to the victim even without specific prayer. This would prove to be an effective mean to achieve the ends of justice in better way.

2. The provisions under Section 357 of the Code of Criminal Procedure, 1973 which empowers the court to award compensation out of the fine imposed be suitably amended by inserting new sub-clause in the section, empowering the court to impose a compensation in cases where the
fine does not form a part of sentence. Normally, no compensation is ordered by the court in such cases where there is no provision of fine. It is imperative to convert discretionary power of the court into a legal mandate requiring it in all suitable cases to pass compensation orders. And when it decide not to do so it may be made obligatory to record reasons for doing so. The victim of an offence be legally allowed to intervene in the criminal proceeding against the offender to claim compensation for loss or injury. Such a provision will certainly enhance the use of statutory provisions to compensate victims of crime, for it would amount almost to presume that the compensation is to be considered in every case.

3. The order of compensation imposes an obligation on the court to take into account the nature of crime, the injury suffered, the justification for the claim of compensation, capacity of the accused to pay and other circumstances in fixing the amount of compensation. It would be better that order of compensation should be passed by the court in the first instance in presence of the party concerned.
4. In case of a sentence of death with the sentence of fine which may be directed to be paid as compensation to the dependents of the victim. It would be better way to convert the death penalty into imprisonment for life along with fine to be paid as compensation to the victim's dependents. It is also suggested that in case the person is poor then the compensation should be provided from the State exchequer.

5. The recommendations made by 42nd Law Commission should also be taken into consideration and suitable amendments be made in Section 62 of the Indian Penal Code as proposed by the Commission. Such a step would bring criminal law and criminal process in India at par with Western countries and also make the administration of criminal justice 'just' and 'equitable' showing equal concern to the offender and the victim.

6. In cases of illegal detention or a death, trial courts should also follow the principle established in *Rudul Sah vs. State of Bihar*, and in such cases the amount of compensation must be charged from erring officials and only then their reckless and inhuman behavior,
responsible for illegal deprivation of life and liberty will be controlled. It is necessary to ensure that the state officials do not act with gross negligence and do not abuse their power to the detriment of life and liberty of citizen in general and undertrial prisoners in particular.

7. In cases of police atrocities and excesses the courts assess the quantum of compensation in most unscientific manner and do not specify the principles for the determination of quantum of compensation payable to victims or his dependents. It is suggested that a clear-cut principle should be laid down by the respective governments.

8. A provision under Section 376 of Indian Penal Code should be made to award the interim compensation to the victim during the proceedings of trial and the offender or the government concerned should bear the same.

9. It is also suggested that a uniform compensation code should be enacted and provisions be made in the code for creation of Compensation Board. As and when matters are brought before the court where compensation is demanded or needed be immediately provided to
the victims out of corpus created for this purpose. To start with organisation and operation of Criminal Injury Compensation Board operating in United Kingdom may be used as a model. The proposed institutionalized payment of compensation would strengthen the suggested law requiring the payment of compensation by offender to do away with adhoc and arbitrary ex-gratia payment of compensation by the State to the victim of violence.

10. The limitation imposed under Workmen’s Compensation Act, 1923, where maximum compensation has been defined be lifted and left to the discretion of the court in deciding the quantum of compensation, it is further suggested that the ‘generally realized’ existing limitations, restrictions or technical impediments preventing possibility of compensation order under Workmen’s Compensation Act, 1923 by court be abolished.

11. The offences under Environment Protection Act, 1986, a hefty amount should be imposed to a concerned establishment, which is polluting the environment and causing damages to the flora and fauna of the country.
12. A suitable mechanism should be made in the form of alternative dispute resolution systems by amending Legal Services Authority Act, 1987 for the speedy disposal of the matter pertaining to the compensation be referred to the Compensation Adalat, because the procedures adopted in criminal law is very lengthy and expensive.

13. The National Human Rights Act, 1993 be amended and National Commission should be allowed to grant compensations by directing the concerned authority in case of violation of human rights. The word 'recommendations' should be substituted by 'directions'.

14. It is suggested that when a court is empowered to impose financial conditions to the award of a deferred or suspended sentence, of a probation order or of any other measure, it should give more importance, among these conditions, to compensation by offender to the victim.

15. The thinking at the international level in the area of payment of compensation to the victim of crime be taken as potential persuasive value for country like India to review its legislations, statutory provisions governing payment of
compensation to victim and their working in practice.

16. In offences relating to female, the punishment should not be the sole concern and hence the court should provide exemplary compensation too, to make the people adhere the law strictly.