CHAPTER 7

CONCLUSION AND SUGGESTIONS

“Of all the persons involved in the criminal justice system, the VICTIM is the one who has most often been overlooked”

Alfred Cohn and Roy Udolf

Throughout the world, administration of criminal justice is guided by a principle viz. the protection of rights of accused. However, the victim who is at the centre of the whole criminal justice procedure remains a forgotten man. It becomes the moral duty of the criminal justice system to provide relief to the victims of crime. Providing compensation is one such tool that can mitigate victim agony to some extent.

Although compensation is an age-old concept but its study as a proper branch has emerged in the recent past. In ancient times criminal law was victim-oriented and the victim enjoyed the prominent position in the entire criminal legal system with certain shortcomings. This period is called the ‘Golden Age’ of victims. It existed in the same form or the other in old Germanic law, Code of Hammurabi, and Law of Moses. In England in the Anglo-Saxon period, the compensation took the form of _wer_ or _bot_. And in India, the old Hindu Law required restitution and atonement. Setting of compensation during the _sutra_ period in ancient India was treated as a Royal Right. The Laws of _Manu_ required that compensation be paid by the offender, where bodily injuries have been caused the compensation was in the form of expenses for cure and case of injury to prosperity the damages were to be paid to satisfy the owner, however, in both cases the offender was also liable to pay a fine to the king. And the concept of penalty being adjusted to the level of the understanding of the culprit also comes through in the precept of _Manu_ that whereas penalty of theft by _Shudra_ should be 8 times (the value of the stolen goods) those higher in the social hierarchy should be more severely punished: the _Vaishya_ 16 times, the _Kshatrya_ 32 times and _Brahmin_ 64 times and may even a hundred or a hundred and twenty-eight times on the ground that he was educated to know the consequences of actions. The main emphasis in the old system was to punish the offender and seek his reformation, rehabilitation as well as compensation to victim. Thus a number of notable law codes were introduced before the Common Era (B.C.E.), most significantly the Code of Hammurabi in Babylon, the Mosaic Law of the Hebrews, the Draconian Law of Greeks, the Twelve Tables of the Romans, the Law Code of Gortyn in Crete.
In middle ages, Mohammedan Law was prevalent. The Mohammedan Law had its origin in the *Quran*, which is said to have been revealed by God to the Prophet Mohammad. In Muslim law, the concept of sin, crime, religion, moral and social obligation is blended in the concept of duty, which varied according to the relative importance of the subject matter. The Mohammedan criminal law classified all offences as incurring of one of these classes of punishments namely: *Kisas* or retaliation; *Diya* or blood money - the price of blood homicide; *Hud* or fixed punishment - specific penalties- theft and robbery etc; *Tazeer* or discretionary or exemplary punishment.

However, the notions of Kazis about crime were not fixed, and differed according to the purse and power of the culprits. As a result, there was no uniformity in the administration of criminal justice during the Muslim rule in India, and it was in a most chaotic state. *Diya* or *Aql* was compensation paid by one who had committed homicide or wounded another. In case the legal conditions necessary to render the *Qisas* possible were not present, or when the heirs of murdered person entered into a composition with the murdered for certain sum retaliation was remitted for *diya* or blood money. The indemnity for murder of a man was fixed by the Sunna at a hundred she-camels. The camels were to be of definite condition and age, ranging from one to four years. The *Diya* of a Jew or a Christian was one-third of a Muslim’s. There was no *diya* for a minor or an insane person. Subsequently in 16th and 17th century, the criminologists focused their attention towards the rights of criminals, conditions of the prisoners and preached the doctrine of fair play and justice ever to those who had earlier perpetrated injustice on other members of the society. It was the period of decline of victim’s role in ‘criminal justice system.’ The victim lost his position in the whole process.

It was 20th century when the task of understanding the importance of studying the criminal victim relationship began again. Towards the end of the middle ages, however the institution of compensation began to lose its force, due to the simultaneous growth of Royal and Ecclesiastical power which had a sharp distinction between torts and crimes. The concept of compensation was closely related to that of punishment and it was merged to some extent in the Penal Law, but at the same time, a number of offences like murder, robbery and rape were no longer regarded as torts which could be settled by compensation, but were regarded as crimes against society and were punishable as such. Gradually, as the State monopolized the institutions of punishment, the rights of the injured were separated from the Penal Law and the obligations to pay damages or compensation became a part of the Civil Procedure. The demand for compensation for the victims of crimes was revised during the Penal reforms.
movement of the 19th Century. It was discussed at fifth International Prison Congress in the later half of the century. Despite the strong advocacy of Jermy Bentham and a number of leading Penologists, the acceptance of the principles of the state liability to pay compensation for the victims of crime remained as distant as ever.

For nearly 200 years India was ruled by British Empire and rules were drafted according to Laws of England. In England the concept of State liability for the acts of the employees and officials is influenced by the doctrine of ‘King can do no wrong’. Plea of sovereign immunity was prevailing. King escaped from the duty to compensate by using sovereign immunity. Inspite of it, concept of state liability is come forward to provide some relief to the victim of crime. The State is liable for the actions of its employees in many areas of administrative functions. With the tremendous increase in the functions of the State, the extent of State liability for the acts of its employees is becoming complex day by day. All over the globe now-a-days the aim of any Government is to establish a welfare State. This has resulted in the expansion of powers and functions of the State in all spheres of the administration. Not only the concept of welfare State but also other functions of the State require its officials to implement various statutory provisions, regulations etc. Sometimes these administrative actions may effect the statutory and fundamental rights of the individuals and then only the question of State liability will arise. In India the common law governed the State liability in tort during the British Rule. And after independence, the provisions in the Constitution of India, 1950 govern the State liability.

Now a day the concept of sovereign immunity is diluted. State is liable for the acts of its employees either they are performing sovereign or non sovereign functions. Any water-tight compartmentalization of the functions of the State as ‘sovereign and non-sovereign’ or ‘governmental or non-governmental’ was not on sound footing. It is contrary to modern jurisprudential thinking. The need of the State to have extraordinary powers cannot be doubted. But with the conceptual change of statutory power being a statutory duty for the sake of society and the people, the claim of a common man or ordinary citizen cannot be thrown but merely because it was done by an officer of the State even though it was against law and negligently done. Needs of the State, duty of its officials and right of the citizens are required to be reconciled so that the rule of law is a welfare State is not shaken. It is only one step in this direction for improving the plight of forgotten the victim.
In present India, the idea of compensation to victims of crime is present yet it acts as a ship without a rudder or a mouth without teeth. Its less implementation has crippled the criminal justice system and victims remain at the loggerheads in his/her fight for justice. While the Code of Criminal Procedure, 1973 accepts the principle of victim compensation. In practice, the provision has remained merely on paper. The number of judgements related to compensation reveals reluctance of judiciary to exercise it, may be due to the limited discretionary and circumscribed nature of this power, difficulty of recovery in majority of cases, lack of capacity of accused persons, lack of orientation for victim compensation in magistracy. Several general laws such as in the Code of Criminal Procedure, 1973 and Public law i.e. Constitution. S.357, of the Cr.P.C. is regarded a step forward in legislation as it recognized the philosophy of compensation helpful for the victim even where no sentence or fine is imposed as per s.357(3). S.357, Cr.P.C. inter alia, empowers a Criminal Court to award compensation out of fine imposed as a sentence as well as a specified amount as compensation when fine does not form part of the sentence imposed on him. A glance through the scheme of s.357 shows that compensation is among the lowest in the list of priorities of our ‘welfare state’. The frame-work of the system is such that optimum and substantial justice to the victim gives unjust relief to the oppressor. Payment of compensation under Probation of Offenders Act, 1958 and Code of Criminal Procedure, 1973, are both subject to the court’s discretion but payment under Code of Criminal Procedure is possible only when the act is both a tort and a crime. Victim compensation lacks proper motivation. S.357, as it stands today does not assure speedy or sure relief. Moreover the trial period is lengthy in India. There are few laws that provide interim or immediate compensation to victim on the lines of Motor Accidents claim cases, so as to meet the immediate needs caused due to the loss.

S.357 is regarded as the ‘offender’s liability.’ State liability does not enter the picture however desirable it may be as there is no reference to such under the section. But emerging theories of victimology support grants-in-aid by the state to assist the victim. As a welfare state, the state shall devise means to ensure speedy payment of compensation and should enact special provision in this direction, either in the existing Code of Criminal Procedure or through a special piece of legislation. An amendment in the Cr.P.C. was made by addition of s. 357 A in 2008. A welcome step in the changing scenario of unprecedented crime is introduction of new amendments in Cr.P.C. as s.357 B and s. 357 C in the year 2013 which lays the foundation stone of the modern compensatory jurisprudence. On the other hand, it is
quite vivid that the power of Supreme Court under Art. 32 to deviate from the traditional jargon and to formulate new horizons in granting relief for violation of fundamental rights particularly the right to personal liberty.

Inspite of these General laws there are Special laws i.e. Probation of Offenders Act, 1958, Motor Vehicle Act, 1988, The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Protection of Human Rights Act, 1993, The Workmen Compensation Act, 1923, Personal Injuries (Emergency Provisions) Act, 1962, Personal Injuries (Compensation Insurance) Act, 1963 in which compensation is awarded. Along with these laws parliament has passed The Victim of Terrorism (Provision of Compensation and Welfare Measures) Bill, 2012 to provide for payment of compensation to and provision of certain welfare measures for the victims of terror attacks’. There are some other Special laws i.e. Environment Protection Act, 1986, Dowry Prohibition Act, 1961, Prevention of Food Adulteration Act, 1954, Protection of Civil Rights Act, 1955, in which there is no provision of compensation to be awarded to the victims. In India there are numerous special laws which deal with compensation to the victim of crime but here only those special laws have been considered which are helpful to promote the present study although there are numerous laws in regard to compensation.

It leads to conclude that legal framework governing the payment of compensation to victims of crime in India reveals that law in India was fragmentary and inadequate to compensate victims of crime. But on the recommendations of Law Commission of India, recently the Code has been amended by the Criminal Amendment Act, 2008. It further strengthens the scope of law relating to compensation. Through this amendment s.357A has been introduced in the Code which is the need of the hour. Because the law is to be victim friendly so that the individuals also experience the real justice existing in the modern complex Indian society. Real and natural justice guarantee the rehabilitation and ultimate removal of hardships of aggrieved, which to an extent, can be achieved through compensation. And by introducing the victim compensation scheme it gives the platform to victims to get compensation from the accused if he is found otherwise in case of unidentified or untraced accused the District/State Legal Authorities will pay the adequate compensation to the victim for his/her sufferings after the inquiry which should be completed within two months.
However s.357A has also certain draw backs; it is not exhaustive in nature because the co-ordination between the centre and state is a pre- requisite for providing funds for the purpose of compensation scheme. Though there is lack of co-ordination due to the opposition of political parties at the centre and state level or for any other person and because of this the benevolent object of these provisions may be defeated. Clause (2) of s.357A provides that the recommendation for the compensation is firstly made by the Court (who decides the matter) and thereafter the District/State Legal Authorities shall decide the quantum of compensation which may generates the delay and denial the justice to victim of crime. Ultimately the sufferer again is the victim of crime. Thus it is completely clear that even if several amendments have been introduced in Cr.P.C yet there is dearth of proper comprehensive laws related to compensation that can bring actual relief to the victims of crime.

Apart from it, there are number of special laws which have proclaimed to award compensation for victims but the present study reveals that these statutes have been made for different purposes and there is no clear cut direction available from legislature as well as judiciary. These laws are less helping and more confusing to the victim. These Acts are providing compensation to their own victims of crime only. And the insertion of ss. 357 A, 357 B, 357 C is only one step in the direction of recognizing a range of victim’s rights in criminal justice. The criminal justice system has for too long been preoccupied with safeguards and protections of the accused. The case for a viable, social justice-oriented and effective scheme for compensating victims is very widely felt because the victim of crime being a component of criminal justice administration is entitled to social justice contained in Constitution.

Internationally, United Nations and International Court of Justice have made efforts to provide the rights to victims by UN Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power and Rome Statute respectively. Countries like USA, UK, New Zealand, Canada and Australia have separate laws on compensation. Margery Fry led the feminist movement in Great Britain directed attention in her Classic Arms of the Law towards the victims and the failure of state to develop a plan to compensate victim. This debate resulted into the enactment of Criminal Injuries Compensation Legislation, first in New Zealand in 1963, followed by the United Kingdom in 1964 with New South Wales enacting the first legislation in Australia in 1967. Thereafter on the legislative front a large number of countries passed several bills for victims. The ‘U.N. Declaration of basic Principles of Justice for Victims of Crime and Abuse of Power 1985’ adopted by the General
Assembly of the United Nations, Victims Bills of Rights were passed by the legislative bodies in many countries. United Nations Declaration of 1985 must be called ‘Magna Carta’ of victims’ rights. At international level, it was for the first time that serious efforts were made to define the victim and his rights. Access to justice and fair treatment, restitution, compensation and assistance were the most important rights of this declaration. The Right to Reparation for Victims of Human Rights Violation 1997, Handbook on Justice for Victims’ in 1999 and ‘UN Convention on Justice and Support for Victims of Crime and Abuse of Power- 14 November 2006’ are other major achievements of victims’ rights. ‘The Statute of the International Criminal Court’ (Roman Statute) dated 17th July 1998 also recognises the rights of victims reparation from the individual offender. It has also made the provision of creating ‘trust fund’ for the victims.

In United States, rights of victims have been given under both Federal laws as well as State Laws. Main rights of victims are: right to notice, right to be represented, right to be heard, right to protection, right to a speedy trial, right to restitution, right to privacy or confidentially, right to employment protection, victims’ right in juvenile proceeding and victims right when the defendant is mentally ill etc. In England, the rights of victims were first recognised in 1964 with the efforts of Margery Fry. In 1988 the State Compensation was formalized in legislation called the ‘Criminal Justice Act’ came into being. Thereafter Several acts have been enacted in order to strengthen the position of the victims. The Victim’s Charter of UK published in 1990 largely set out, in general terms, the existing arrangements for victims. It lacks any mention of informal dispute resolution. Basically these provisions provide welfare based support rather than any actual right. The needs of victim in Britain are addressed in two ways: officially through criminal justice system and unofficially through a large voluntary network of support schemes, most notably the Victim support Schemes (VSS). However, in both approaches victims have only opportunities rather than rights.

New Zealand is given the credit of being first country to enact Criminal Injuries Compensation Legislation in 1963. The victims of Offences Act 1987 (1987 No 173) which was repealed by Victims’ Rights Act 2002 also empowered many rights to victims. The Victims’ Right Act 2002 has made comprehensive provisions for rights of victims. It also facilitates greater participation of the victim in criminal justice system. This Act has complete provisions regarding victims’ rights and duties of various agencies. The basic aim of this Act is to improve provisions for the treatment and rights of victims of offences.
It is also seen that Australia is among the frontrunners in recognising the need to improve the positions of crime victims. Therefore in 1969 Criminal Injuries Compensation Scheme was introduced. The feminist movement in 1970 drew the attention towards emotional stress experienced by the victims of sexual assault and victims of domestic violence. South Australia was the pioneer in implementing legislation and specialized Services eg. in the form of a hospital based Sexual Assault Referral Centre, Child Protection Teams and a Crises Care Unit. The establishment of the Victims of Crime Service (VCCS) in 1979 worked as very active and effective non-Government force for counselling and victim advocacy. A Committee of Inquiry into Victims of Crime was also established in the same year. On the other hand, it is dismal to observe that third world countries lack in having particular laws that deal with compensation to victims of crime. These countries have neither complied nor implemented provisions of declaration and conventions.

There is a dire need to make balance between the rights of victims and rights of accused in India. The concept of plea bargaining is a ray of hope for victims as well as offender in present judicial system. It is a practice whereby the accused foregoes his right to plead not guilty and demand a full trial and instead uses a right to bargain and plead guilty for some concessions. Traditionally, it came into practice in America a century ago or more. Several other countries like UK, Australia, and Canada etc. have used it in their judicial system. Plea bargaining is an alternative dispute resolution. But in India it is yet to gain its position. In India Chapter XXI-A (Ss 265 A- 265 L) of Cr. P.C. deals with plea bargaining and the judgements reveals that it is often been declared unconstitutional and pleas have been rejected. Only few cases have reaped the benefits of plea bargaining. This concept has several advantages like speedy justice, low cost. Thus the idea of plea bargaining or mutually satisfactory disposition is to avoid expenses, unpredictable trials and the potential for harassment in all the small and medium crimes. It reduces the flow of criminal cases in the system and save the time, resources and energy of the system managers (Police, prosecutors and Judges) to deal with serious crimes, which threaten the national security and may cause large-scale damage to life and property. It is a device to ensure the victims to receive acceptable justice in reasonable time without risking the prospects of hostile witnesses, inordinate delay and unaffordable costs. It reduces the arrears and pendency in the system by diverting to large number of crimes for alternative settlement without trial under control of Court to ensure fairness in the process.
While it has some shortcomings like unjust sentencing, scope of disparity in sentencing and some legal issues. But it is worth noticeable that if plea bargaining is introduced in effective manner keeping into consideration both its pros and cons, it can bring a new era of relief to offender, victim as well as judicial system. It suits to Indian criminal justice system, because the arrears of criminal courts awaiting trial are assuming menacing proportions. Grievances have been vented in public that the disposal of criminal trials in the courts take considerable time and that in many cases trials do not commence for as long as a period of three or four years after the accused was remitted to judicial custody. Statistics as regards the criminal justice system in India reveals that thousands of undertrial prisoners are languishing in prisons throughout India. As per the National Crime Records Bureau in 2011, the number of inmates housed in jails was almost 50,000 more than their capacity. It was estimated that 65.1% of all inmates were undertrials and of these 0.6% had been detained in jail for more than five years at the end of 2011. Large number of persons accused of criminal offences have not been able to secure bail for one reason of the other resulted to become languish in jails as under trial prisoners for years. It is also a matter of common knowledge that the majority of cases ultimately end in acquittal. The accused have to undergo mental torture and also have to spend considerable amount by way of legal expenses and the public exchequers has to bear the resultant economic burden. During the course of detention as under-trial prisoners the accused persons are exposed to the influence of hard-core criminals. Quite apart from this, the accused have to remain in a state of uncertainty and unable to settle down in life for a number of years awaiting the completion of trial.

Thus it is requisite that the Indian courts have to use this informal system of pre-trial bargaining and settlement like western countries, especially in United States. The system is commonly known as “plea bargaining”. In it, a suspect may be advised to admit part or all the crime charged in return for a specified punishment or rather than await trial with the possibility of either acquittal or a more serious punishment. Plea bargaining as most criminal justice reformers believe, is more suitable, flexible and better fitted to the needs to the society, as it might be helpful in recurring admissions in cases where it might be difficult to prove the charge laid against the accused.

Indeed, plea bargaining is benevolent provision and it benefited to all i.e. accused, victim and Judge. Accused gets the lenient punishment instead of severe one, victim gets compensation for his/her sufferings and Judges can reduce their own burden such as backlog of cases, docket management. Everything has its own pros and cons, it depends on how we
ignore the demerits and reap the fruits in all the situations. Besides it, Indian judiciary has no alternate for getting the relief from the backlog of cases because our system is crippling under its own weight, experimentation is the only hope through which the confidence of the masses can be restored in the system. The outcome of the experiment would depend on the honesty of the Criminal Justice System in implementing the policy.

The judicial trends of compensatory jurisprudence in India clearly show that Indian courts have hardly evolved any concrete formula related to compensation. There are no clear cut trends related to compensation that can be discerned from the cases during the study period of 2008-2012 (Table 6.1). Only few courts of India are liberally using s.357 and that too in limited number of cases (Table 6.6). Most of the cases in which compensation is awarded under Arts 32 and 226 in comparison to s.357 of Cr.P.C. (Table 6.3). Majority of the cases that won compensation falls under Art. 21 and Cr. P.C. remains almost defunct in providing compensation to the victim (Table 6.4). Many cases remained unsuccessful in securing compensation from the court and the amount lying between one lac to ten lac has been awarded in most of the cases (Table 6.5). Our courts do not exercise these statutory powers as freely and liberally as would be desired. Mostly in number of cases compensation is awarded from Public Fund which gives moral boosting to erring or corrupt officials. Due to this reason, the order for compensation must be made from their own salaries not by public exchequers. It seems that while quantifying the amounts perhaps the judges went by their intuitions rather than any rational basis. In order to balance with scales to justice for fixing rational and reasonable amount to compensation the court must set out the principles on the basis of which compensation would be awarded, if the remedy is to be an effective one.

It is, thus, evident that the fragmented legal framework providing for compensation by an offender to his victims for loss suffered or injury caused by commission of the offence is inadequate. It does not provide for a comprehensive legislative scheme for either compensating victims of crime (for any ‘loss’ and physical, mental, or psychological ‘injury’) or the payment of ‘compensation’ and ‘specified amount’ awarded to them. It neither mandates courts to compensate the victims nor creates any legal right in their favour. It is entirely left to their (courts’) discretion to compensate victims of crime as well as to initiate legal action to recover the fine, out of which compensation is ordered, or the specified amount of compensation from the offender to pay it to crime victims. The whole scheme of award and payment of compensation in India thus solely depends upon the sweet will of courts.
The administration of justice is working only and only for the sake of accused and totally ignores the existence of victim and his/her sufferings. In this present research the data shows how the victim is ignored in Indian criminal justice system as there is no set criterion for awarding compensation to victims of crime. Generally, rich gets more and poor gets less. There are only few provisions for compensation in criminal law which are only the paper tiger and not in practical form. If the justice is done, it should be shown from both side i.e. victim and accused, the victim should be compensated for his/her suffering and accused should be punished or rehabilitated for his/her act.

However, an analysis of case laws also gives an indication that the courts in India, at least the higher level, have started realizing the importance of the victim and the necessity to ameliorate the plight of the victim to the extent possible by restitution.

SUGGESTIONS

In a criminal trial there are at least two active participants, viz; the offender for whose sake the entire machinery of justice always remains vigilant; and the victim of crime- the forgotten man of the criminal justice system especially in contemporary era. Now a day, reformatory form of punishment is prevalent in India i.e. beneficial for offender. The police, judges and lawyers all think about the offender and they give the stress to know in which situation he/she has committed such crime. If the accused is juvenile provide him/her juvenile home, teach the vocation studies for his/her bright future. It is miserable that juvenile is getting the benefit of age even if juvenile is committing the heinous crime. The accused gets the punishment on the basis of individualisation. There is no clear cut criteria to punish the offender, if he/she is under the age of 18 years he/she can take the benefit of probation under the Probation of Offenders Act, 1958. If the offender is poor free legal aid is provided since the case of Hussaira Khatoon. The offender has right to bail, right to fair trial, right to free legal aid. Offender gets the benefit of doubt and Indian system is based on the saying that no one is born criminal and innocent cannot be punished. On the other hand, victim got the same right of free legal aid in 2008 with amendment under s. 24 of Cr.P.C. In reality, victim gets nothing; he/she becomes the puppet in the hands of police and judiciary. He/she faces interrogation, postponements, delays, court appearance, loss of earnings, waste of time,

---

1 i.e. being a poor Rudal Sah in 1983 gets less and Bhim Singh, MLA in 1986 gets more compensation for same administrative wrong from the Supreme Court.

2 The Tribune, 18th July, 2013 at 1
frustration dawn on victim because the system does not serve the victim but it serves only itself or its minions.

The present study gives the stress on it that justice should be done from both sides - victim or offender. Victim should not be ignored. He/she must be compensated for his/her sufferings. But in India, the victim is the real sufferer remains a sufferer in the whole process. He/she is usually devoid of any compensatory relief. Besides it, the lengthy trial proceedings drain him/her at economic, social and psychological front. The compensatory jurisprudence and the concept of plea bargaining can be useful hands of the judiciary. But in India compensation is fragmentary in nature and the concept of plea bargaining is inconspicuous. Therefore the victim remains weakest link of criminal justice system. In order to bring some relief to the victims of crime following suggestions have been proposed:

- There should be comprehensive and uniform Code of law related to compensatory jurisprudence in India. It can minimize the confusion created by number of laws and Acts like Probation of Offenders Act, 1958, Scheduled Caste and Scheduled Tribes (Prevention of Atrocites) Act, 1989, Motor Vehicle Act, 1988 those talks about compensation, particularly about those victims of crime which fall under these Acts only.

- Compensatory jurisprudence in India still relies on the sole discretion of judges. Even s.357 A that introduced in 2008 fails to make it mandatory. So there is need of an hour that it should be mandatory.

- It is miserable to note that s.357 A is inserted in 2008 yet to be notified. Such long procedural delays reduce faith of the people in judiciary. So it requires that such delays should be avoided.

- S. 357 A creates more hassles for victims of crime as court after analyzing suitability of case refer it district board for awarding compensation. Rather than court should directly award compensation to victims of crime because they know the case minutely.

- If the court does not find suitability of the case on which the compensation is to be awarded the court should give the reasoned decisions. It should
act as check on judiciary. This is also felt by the Supreme Court in Ankush Shivaji Gaikwad v. State of Maharashtra\textsuperscript{3}.

- If the accused is unable to pay the compensation then state must step in and share the responsibility of providing compensation to the victims of crime. So that victim should not have to face any kind of apathy. The compensation should be provided on either by the offender or by the state or on the sharing basis of the accused and the state.

- Interim compensation should be prevailed to victims of crime so that the burden of going through lengthy as well as costly pendency can be minimized.

- Before the start of trial proceeding judge must ask from penal couple (accused and victim) about provisions of plea bargaining.

- Use of Plea bargaining should be mandatory in petty offences and the cases in which the punishment is upto 2 years. In India, there is dearth of any such mechanism which has resulted into a backlog of cases and docket management.

- To aware the public about the plea bargaining and its merits through media (television, radio and newspaper).

- Proper implementation of plea bargaining can improve Indian judicial system. Through this, victim will be completely satisfied because accused will be punished however with leniency in process and victim will also be gets requisite compensation.

It is need of the hour that there should be a change in the focus from offender-oriented justice to victim-oriented-justice, and justice to victim should be perceived as complementary and not contradictory to criminal justice. And with help of Plea bargaining anxiety of victim and offender is minimized. It also makes the victim totally satisfied because he gets compensation and accused is punished. According to Article 9(5) of International Covenant on Civil and Political Rights, 1966 which indicates that an enforceable right to compensation is not alien to the concept of enforcement of a guaranteed right. Article 9(5) reads as under:

“Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.”

\textsuperscript{3} Criminal Appeal No.689 of 2013 decided on 3\textsuperscript{rd} May, 2013, Retrieved from: www.supremecourtofindia.com
Thus in present economic scenario it would be in the best interest of justice to create better law and order situation for preventing and controlling crime so as to reduce crime victimization to the minimum level. As rightly said, Prevention is better than cure.

This humble effort would be a step towards the main objective of providing a viable legislation which could provide compensation to the victims of crime so that the victim is not ignored in the whole process of administration of justice. Thus this research is an attempt to streamline the existing laws relating to payment of compensation, particularly with special reference to plea bargaining under criminal justice system.