CHAPTER TEN
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CONCLUSION AND SUGGESTIONS

The main object of criminal law undoubtedly is the protection of personal rights to life, personal liberty and property in the wider sense against unlawful invasion by the lawless, the violent, the fraudulent and the predatory. Therefore, everyone has a right not to be victimized. Hence, when one is victimized, he has a right to seek justice under the law. Our Constitution enshrines social justice, therefore, the need is for equitable and effective reparation of victims of crime. But with the present law seemingly inadequate and fragmentary in nature, justice seems a distant possibility. To increase practical utility of the statutory provisions of a law governing compensation in India, it is imperative to convert discretionary power of the Court into a legal mandate requiring it in all suitable cases to pass compensation orders.

As regards the present provisions regarding payment of compensation by the offender, it may be noted that only a small number of offenders are actually apprehended and convicted. Even then, these offenders are generally not capable of providing adequate compensation due to their own economic difficulties. It is, therefore, submitted that state compensation scheme be introduced. A victim welfare fund should be created under this scheme to meet both the immediate financial assistance that some victims in distress will need inclusive of medical and hospitalization expenses and compensation. The Fund may be created from the total amount collected by the state as fine from the offender and also suitable grant should be provided by the State. Thus when the offenders is not in a position to compensate victim, it is the moral duty of the welfare state to restore to the victim his previous position and in case of death compensation to his heirs, since the state
is responsible for protecting its citizens from crime, the failure to do so obligates the state to indemnify those who are victimized.

Further, there is no mechanism for immediate relief to the victims. Compensation is awarded only when the matter is decided on merit. Delay in providing relief is not of much avail. What is the use of that money which is released after years and is also often highly inadequate? This inadequate compensation would enrage the victims rather justifying them. There is a trend in foreign countries e.g. Australia, U.K., U.S.A and Canada to grant immediate relief to the victims without determining the merits of the case. For this purpose, we should have legislation on the lines of the enactments in force in the said countries. Especially, when we have adopted so many conventions on human rights which give due respect for human dignity and personality to alleviate the sufferings of the victims, it is legitimate to expect the criminal justice system to recognize the victims interest. He should be given some reasonable standing in the system and accorded a proper participation at all levels.

As recommended by the Malimath Committee, the victim must be taken as an essential third party in the case and should be legally allowed to intervene in criminal proceedings against the offender. The concept of 'Plea-Bargaining was not statutorily recognized in the administration of criminal justice system in India before the Criminal Law (Amendment) Act, 2005 (2 of 2006) which provision came into force with effect from 5th of July 2006. According to the provisions of section 320 of the Code of Criminal Procedure, 1973, some of the offences of the Indian Penal Code are compoundable by the aggrieved persons mentioned in the table even without permission of the court and some of the offences mentioned in another table can be compounded with the permission of the court. The remaining offences of the Indian Penal Code were not compoundable i.e. in such offences no compromise could be affected by the parties. The course left was to change the version of the prosecution witnesses during trial of the case to suit the defence so
that the accused may be acquitted of the charge against him in terms of the compromise reached between the aggrieved party and the accused. In such suitable cases even the High Courts allowed compounding of offences in exercise of their inherent powers under section 482 of the Code of Criminal Procedure, where a compromise was reached between the parties to the proceedings in non-compoundable offences on the ground that no useful purpose shall be served in continuing the trial so as to come to the logical end because of the reason that the prosecution witnesses shall not depose in support of the prosecution. Which shall amount to wastage of the valuable time of the trial court and abuse of the process of the court.

In the mean time victim compensation jurisprudence also started developing and victim of crime also came to the center stage in the administration of criminal justice system who is entitled to get compensation from the accused for the loss caused by the offence committed against his person or property by the offender. The courts are over burdened due to pendency of huge arrears of cases. The jails are over crowded due to delay in the disposal of cases of the under trial prisoners languishing in jails for even longer periods than the term of imprisonment prescribed under the offence charged against them by the prosecution. Hence they are a great burden on the exchequer of the country.

Keeping in view all these aspects the concept of plea bargaining has been statutorily recognized in the criminal justice system by incorporating into the Code of Criminal Procedure, 1973, Chapter XXXI-A through the Criminal law (Amendment) Act, 2005, and it is considered as a big reform in the criminal justice system. Plea bargaining means the process whereby accused and the complainant/prosecutor, in a criminal case, work out a mutually satisfactory disposition of the case subject to the approval of the court. In India, plea bargaining cannot be availed of in respect of offences punishable with a sentence exceeding seven years. In other words, Plea bargaining would not apply to serious
offences and offences committed against women and children and the repeaters of the same offence. The offences affecting socio-economic conditions of the country are also excluded from plea bargaining process.

In this process, when the court is informed that such disposition has been worked out, the magistrate has to prepare a report which shall be signed by all the person concerned. This has to be followed by a judgment imposing lighter sentences on the accused and providing compensation to the victims. The emphasis is laid on the aspect of victim compensation and reformatory concept of reformation of the offender through use of probationary measures where ever applicable and in more serious cases in which minimum punishment is provided by the law, the quantum of minimum punishment has been halved and in other cases it has been reduced to one fourth of the punishment prescribed for the offence. This innovation in our criminal justice system would be considered as a step towards the restitution of the victims. Restitution is viewed as the best way to the offender to realize the harm he has done and to accept genuinely his responsibility by repairing it, while also offering greater promises of rehabilitation than fine or imprisonment. Restitution also serves retributive goals of punishment. Retribution should be within the limits, and for such the victim-offender relationship can be studied to bridge the gap between the two. In our society based on human relationships, the set up of crime demands means to satisfy the victim loss. Agreed money cannot buy back lost happiness but financial redress is a better and more rehabilitative process than imprisonment.

**Crime Compensation Scheme In India**

As a welfare state, it is an essential obligation of the state to provide safety and security of all its citizen and their property as well. Crimes under various penal statutes are treated as crime against society in India. Therefore, prosecution of the accused persons is the responsibility of the state under the prevailing Criminal Justice System. It is unlike the civil wrongs which are pursued by the citizens
themselves under the law of Tort wherein damages for the actionable civil wrongs are claimed and adjudicated upon by the court under the civil jurisdiction.

The evolution of the scheme for the compensation to the victims of the crime in India will be a concrete measure for the translation into reality of the essential obligation of the Indian state to provide safety and security for the life and property of the citizen. To start with, this scheme can be considered for the victims of crime and their dependents/legal representatives in the following cases:-

(i) Loss of life.

(ii) Permanent disability in the capacity to earn livelihood.

(iii) Temporary disability to prevent the person for attending to his normal routine to earn a livelihood and lead a normal life

(iv) Suffering of a stigma and mental agony as a consequence of crime.

(v) Loss of property including house and household goods and means of earning livelihood.

The introduction of victim compensation programme in India has also to be seen in the light of its total population and number of citizens who suffer injuries due to the crime against their body and property. As against 1068.20 millions estimated mid-year population for the year 2003 in India, crime figures as published by the National Crime Records Bureau shows following salient facts:-

**General Crime Statistics**

<table>
<thead>
<tr>
<th>INCIDENCE</th>
<th>RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(Per lakh of Population)</td>
</tr>
<tr>
<td>IPC</td>
<td>SLL</td>
</tr>
<tr>
<td>2002: 17,80,330</td>
<td>2002: 37,46,198</td>
</tr>
</tbody>
</table>
54,94,814 cognizable crimes comprising 17,16,120 Indian Penal Code (IPC) crimes and 37,78,694 Special & Local Laws (SLL) crimes were reported, showing a marginal decline (0.6%) over 2002 (55,26,528).

IPC crime rate in 2003 was 160.7 per lakh of population as compared to 169.5 in 2002 recording 5.2 percent decrease in 2003 over 2002.

SLL crime rate in 2003 was 353.7 as compared to 356.6 in 2002 recording 0.8 percent decrease in 2003 over 2002.

On an average, 3 IPC crimes and 7 SLL crimes were reported every 1 minute in the country.

166 cases of deaths due to negligence, 139 cases of cruelty by husband & relatives, 90 cases of murder and 55 cases of kidnapping and abduction reported everyday in the country. 25,10,892 persons were arrested under IPC crimes and 43,78,275 persons were arrested under SLL crimes. Thus overall 68,89,167 persons were arrested under IPC and SLL crimes. On an average, 1.5 arrests per IPC case and 1.1 arrests per SLL cases were reported in the country.

### Violent Crimes

<table>
<thead>
<tr>
<th>INCIDENCE</th>
<th>RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002: 2,21,810</td>
<td>2002: 21.1</td>
</tr>
<tr>
<td>2003: 1,96,550</td>
<td>2003: 18.4</td>
</tr>
</tbody>
</table>

### Crime Against Women

<table>
<thead>
<tr>
<th>INCIDENCE</th>
<th>RATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002: 1,43,034</td>
<td>2002: 13.6</td>
</tr>
<tr>
<td>2003: 1,40,601</td>
<td>2003: 13.2</td>
</tr>
</tbody>
</table>
Crime Against Children

INCIDENCE
2002: 10,469
2003: 11,633

RATE
2002: 1.0
2003: 1.1

10 percent increase in incidents of crime against children over 2002. More than 7 times increase in selling of girls for prostitution (5 in 2002 to 36 in 2003) cases.

Crime Against Scheduled Castes/Scheduled Tribes

INCIDENCE
SC  ST
2002: 33,507  2002: 6,774
2003: 26,252  2003: 5,889

RATE
SC  ST
2002: 3.2  2002: 0.6
2003: 2.5  2003: 0.6

Property Crimes

INCIDENCE
2002: 3,70,629
2003: 3,63,181

RATE
2002: 35.3
2003: 34.0

Property crimes accounted for 21.2 percent of total IPC crimes. Such crimes reported a decline of 2.0 percent over 2002.

Disposal of Cases during the year 2003

Trials were completed in 9,59,567 IPC crime cases out of 65,77,778 cases sent for trials. 54,51,727 cases remained pending for trial in courts at the end of December 31, 2003.

Conviction rate for IPC crimes decreased from 40.8 in 2001 to 40.6 in 2002 and 40.1 in 2003.
78 percent (16,91,945 out of 21,69,268) of all IPC cases registered were disposed off by police, 80.0 percent true cases (12,71,504 out of 15,86,562) were charge sheeted.

29.6 percent of trials were completed in less than 1 year (2,83,921 out of 9,59,567), 31.9 percent of trials (3,06,107) were completed within 1 to 3 years, 23.1 percent (2,21,537) were completed between 3 to 5 years, 12 percent of trials were completed between 5 to 10 years (1,15,596) and 3.4 percent (32,406) cases took more than 10 years.

**Custodial Crimes during the year 2003**

A total of 40 cases of custodial crimes were registered. 94 custodial deaths reported, 27 policemen charge sheeted and none convicted in the country. While 33 custodial deaths reported in police remand during the year 2003.

Out of the above mentioned total figures of crimes in India, we can consider introducing a scheme for payment of ex-gratia relief or compensation to the victims of crime falling in the category of violent crime, crime against women, abduction/kidnapping, robbery, dacoity and arson. The figures for the above type of crime for the year 2002-2003 as published in “Crime in India” brought out by the National Crime Records Bureau are given below:-

<table>
<thead>
<tr>
<th>SR. No.</th>
<th>Type Of Crime</th>
<th>Year 2002</th>
<th>Year 2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Murder</td>
<td>35290</td>
<td>32716</td>
</tr>
<tr>
<td>2.</td>
<td>Attempt to Murder</td>
<td>30380</td>
<td>25942</td>
</tr>
<tr>
<td>3.</td>
<td>C.H. Not amounting to Murder</td>
<td>3624</td>
<td>4029</td>
</tr>
<tr>
<td>4.</td>
<td>Rape</td>
<td>16373</td>
<td>15847</td>
</tr>
<tr>
<td>5.</td>
<td>Kidnapping/Abduction</td>
<td>21850</td>
<td>19992</td>
</tr>
<tr>
<td>6.</td>
<td>Dacoity</td>
<td>6101</td>
<td>5303</td>
</tr>
</tbody>
</table>
The scale of compensation can also be adopted as the one as made applicable to the victims of crime falling under the Scheduled Castes and Scheduled Tribes category. Financial implications for making payment to the victims in the aforesaid category roughly works out as below:-

<table>
<thead>
<tr>
<th>SR. No.</th>
<th>Type Of Crime</th>
<th>Year 2003</th>
<th>Scale of Compensation per unit</th>
<th>Total Amount Required for Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Murder</td>
<td>32716</td>
<td>Rs.1,00,000/-</td>
<td>Rs.3271600000/-</td>
</tr>
<tr>
<td>2.</td>
<td>Attempt to Murder</td>
<td>25942</td>
<td>Rs.50,000/-</td>
<td>Rs.1297100000/-</td>
</tr>
<tr>
<td>3.</td>
<td>C.H. Not amounting to Murder</td>
<td>4029</td>
<td>Rs.1,00,000/-</td>
<td>Rs. 402900000/-</td>
</tr>
<tr>
<td>4.</td>
<td>Rape</td>
<td>15847</td>
<td>Rs.50,000/-</td>
<td>Rs.792350000/-</td>
</tr>
<tr>
<td>5.</td>
<td>Kidnapping/Abduction</td>
<td>19992</td>
<td>Rs. 50,000/-</td>
<td>Rs.999600000/-</td>
</tr>
<tr>
<td>6.</td>
<td>Dacoity</td>
<td>5303</td>
<td>Rs. 50,000/-</td>
<td>Rs.265150000/-</td>
</tr>
<tr>
<td>7.</td>
<td>Robbery</td>
<td>17512</td>
<td>Rs. 50,000/-</td>
<td>Rs.875600000/-</td>
</tr>
<tr>
<td>8.</td>
<td>Arson</td>
<td>9365</td>
<td>Rs. 50,000/-</td>
<td>Rs.468250000/-</td>
</tr>
<tr>
<td>9.</td>
<td>Hurt</td>
<td>261444</td>
<td>Rs. 25,000/-</td>
<td>Rs.653610000/-</td>
</tr>
<tr>
<td>10.</td>
<td>Dowry Death</td>
<td>6208</td>
<td>Rs.1,00,000/-</td>
<td>Rs.620800000/-</td>
</tr>
<tr>
<td>11.</td>
<td>Sexual Harassment</td>
<td>12325</td>
<td>Rs.1,0,000/-</td>
<td>Rs.1232500000/-</td>
</tr>
</tbody>
</table>
The aforesaid calculation is made presuming that there is only one victim for each crime.

It shows that if we start with scheme involving victim of crime subjected to aforesaid types of crime, roughly a minimum Rs. 17,25,29,65,000/- amount will be required to be paid every year.

Modalities will have to be worked out as to the contribution which may be made by the State Governments and the Central Government to finance the scheme.

Alternatively, penal provisions relating to the aforesaid provisions can be so amended as to provide for compensation as per the scale mentioned above by the trial courts itself. This will, however, leave out a large number of victims whose cases do not result in filing of the charge sheet or if chargesheeted, does not lead to conviction. The scheme shall have to provide for at least those cases in which the acquittal is based on benefit of doubts or inadequacy of evidence to establish the guilt of the accused person or in cases where the offences remains untraced.

Another alternative for funding the scheme could be through introduction of Group Personal Accident Insurance Scheme to provide monetary relief to the victims of crime on the basis of nature and extent of their losses suffered by the victim. The detailed modalities of such scheme can be got worked out from any of the Insurance Corporation dealing with similar risks against assurance.
The introduction of Victim of Crime Compensation Scheme shall need consultation with the States before drawing up the final contours as regards the various modalities as indeed the desirability/feasibility itself of the scheme. This will include criteria for eligibility, extent and scale of compensation to be paid, compensation determining and paying machinery, funding of the scheme through the consolidated funding from States and Union or Group Insurance Schemes and related matters. A public debate can also be initiated through the States to elicit views of informed members of the public and various organizations including NGOs of national repute with regard to the different elements of the scheme.

The proposed scheme shall have important implication for the criminal justice system. Therefore, views of Ministry of Law & Justice and other ministries of the Government of India shall also be taken into account.

**SUGGESTIONS & MEASURES**

The following measures be considered for compensating the victims more effectively.

(i) Payment of compensation should be a matter of right. It should not be linked with whether the offender is apprehended or whether he has been found guilty or whether he has the ability to pay a fine or the discretion of the judges. In other words, payment of compensation should be independent of all these restrictions. The factors that should be taken into consideration while deciding these cases are, the needs of the victim and the justness of the claim for compensation. The paying capacity of the offender would be of significance only while determining the quantum of fine to be imposed as punishment.

(ii) Under the present criminal justice system, victim compensation carries a number of ambiguities and the award of compensation is at the discretion of the
judges. As there is no separate compensation fund even when it is awarded unless the fine is voluntarily paid the litigation for its recovery can be long drawn out legal battle and involve a lot of expenditure. It is little wonder that the victims either do not move the courts or prefer out of court settlements. It is clear that the provisions relating to victim compensation require a close look. Hence, I feel that the subject should be thrown open for a public debate at various levels, so that the existing lacunae are discussed specific terms of reference could be appointed to go into this and draft amendments where necessary.

(iii) There is need to establish an independent tribunal with financial jurisdiction specified. The functions of the Tribunal would be:
(a) To investigate into all aspects of the crime and the needs of the victims as soon as it is reported and award a suitable compensation.
(b) To administer the fund created for this purpose.
(c) To ensure that the fine imposed is recovered and the compensation amount is collected by the victims.
(d) To maintain a comprehensive register of the fines imposed, compensation awarded and that collected. This is very essential so that the impact of the scheme may be evaluated periodically and monitored to suit the needs of the time.

The staffing pattern of the Tribunal can be decided upon after a study of the likely work load and type of assistance required by the Tribunal. People from various relevant walks of life, like judges, advocates and social workers should be involved in the activities of the Tribunal.

The needs of the victims arises as soon as the incident occurs. As in the case of victims of hit and run cases, for serious crime, awarding a solatium could be considered. A filing limitation of six months could be specified and the type of supporting documents to be presented could be specified. This solatium could be
considered as an interim measure to help the victims tide over the immediate problems until the special tribunal or the court of law, after due consideration of all the aspects of the case, awards compensation. The amount paid as solatium could be made recoverable from the compensation awarded or insurance amount received by the victim in due course.

For awarding compensation, to expedite matters, a schedule of losses for which compensation could be awarded should be drawn out taking care to see that the judges have sufficient flexibility to consider other aspects like mental agony, tensions etc., which cannot be quantified within the framework of the schedule. As in the model under operation in the State of Maryland, USA time limitations can be imposed for reporting of crime and application for compensation.

A preliminary enquiry would be helpful in determining whether the claim should be accepted for investigation or not. A suitable procedure can be adopted for investigation, hearing, review and appeal.

For victims of crime against property, the first attempt should be to recover the stolen property. Depending on the circumstances in which the victim is placed and the seriousness of loss, compensation could be considered if the property is not recovered within a specified time, after taking into account any insurance amount the victim has been able to get.

(iv) Compensation awarded can be of three types:
(a) Lump sum amount
(b) Periodic Payment
(c) Non-monetary, like institutional care, rehabilitation, counseling, alternative employment etc. Towards this, the Tribunal should establish close working relationships with Government Departments, hospital boards, the medical and dental professions, and other relevant bodies and organizations so as to make the
maximum utilization of all public and private facilities available and provide for further facilities where necessary.

(v) Two separate funds could be constituted for making payments viz. Accidents Compensation Fund and Crimes Compensation Fund, to be administered by the Tribunal. The point of adequacy of these funds can be ascertained through a sample study of accident and crime victims over a period. It is suggested that income tax facilities could be provided for voluntary contributions to this fund, and the possibility of organizing a weekly lottery for raising funds should be looked into.

(vi) In the case of serious crimes like murder and rape the adequacy of the amount hitherto paid should be enquired into through further case studies.

(vii) In many cases of traffic offences, the insurance companies disclaim any liability for payment if it is found that the driver, at the time of the offence, did not have a valid driving license. This is as per the insurance contract. This puts the victims to a lot of difficulty, like verifying whether the driver had a license or not, especially when the victims are from poor socioeconomic background. In one case, the victim had to engage in a legal battle for four years before it was revealed that the driver had, at that time, a valid license. Under these circumstances, the owners of the vehicles should be held responsible for the crime.

(viii) Victims/survivors of victims who were illiterates or had very low level of education found it very difficult to understand court proceedings, and required assistance. This also indicates that obviously if they are given monetary compensation, they would require assistance to ensure that the money is properly utilized/invested. Here again, organized effort by banks/insurance companies and welfare agencies would be essential to guide them properly, and give the necessary introduction to banks/post office, etc.
ix) An awareness of the needs of the victims should be created among the police force through periodic re-orientation programmes, so that a positive and sympathetic approach is taken by them. This will encourage the victims to come forward and register their complaints promptly as also seek their help when required.

x) The public, in general, should be made aware of the traffic rules and regulations, the modus-operandi of the criminals, especially in case of cheating, extortion, etc. as well as the legal remedies available to them, so that they become more vigilant. This can be achieved with the help of the media of mass communication and through the efforts of various voluntary organizations. The tribunal mentioned above can form a Safety Division. This division can provide safety education and training and co-ordinate the activities of organizations already functioning in this area.

xi) In pursuance of Article 39A of the Constitution of India, State should constitute State Legal Aid and Advice Boards to take steps to provide legal aid to the weaker sections of the community in the States of Punjab and Haryana similar establishments have been set up in other States as well.

The activities of these Boards and the Committees established there under should be given adequate publicity so that the weaker sections for whom the scheme has been instituted get the maximum benefit. Separate studies could be undertaken to assess the impact of this scheme.

The role of voluntary organizations in helping the victims of crime should not be under estimated, as the victims are not organized and there is no single non-political organization to represent their interests. In this context, what is being done in Australia is very instructive. In report No.15 of the Australian Law Reform Commission published recently, the following observations have been made:
"That the interests of victims of crime in Australia are of significant dimension, can be realized from the fact that at least one million Australians each year are victims in some way or the other of criminal Conditions against their will. A measure of the frustration felt by the public about the state of crime in general has been seen in the responses obtained to the public opinion survey. This frustration gave rise to new voluntary organizations designed to promote the welfare of crime victims, especially of violent offences. In South Australia, a new "Samaritan Institute" has been established as a victim of crime service having the following aims:

(a) Actively representing the interests of all victims of crime.
(b) Providing informed and independent comment on the strengths and weaknesses of the police and the justice system in protecting citizens.
(c) Researching the effects of crime on its victims.
(d) Monitoring the ways in which fear of crime influences the behaviour patterns and restricts the freedom of a large number of citizens.

In the U.S.A. also such associations have received widespread support from the public. The work they do include establishing victim and witness assistance units in police and prosecutor agencies.

In India also, voluntary agencies like the Good Samaritan Society, Legal Aid Society, are rendering valuable service to the victims of crime. These societies should be encouraged and strengthened by giving sufficient publicity and support.

(xii) It is a matter of concern that there is constant erosion in the social and ethical values, which gets reflected in different types of crimes. Under these circumstances alongside a scheme to compensate victims of crime, there is need to create better law and order situation, bring about speedy disposal of cases, award
deterrent punishment to crime doers, provide counseling to criminals so as to understand the motivation for crime and guide them properly, study the ill effects of violence on the screen and create public opinion in this respect, take up concreted efforts to root out poverty and to improve the overall quality of life, etc. These are many of the long term measures that can reduce the incidence of crime and keep victim compensation within manageable limits. The Government, the police, voluntary organizations, professionals and the general public has their roles to play in this.

(xiii) It would be appropriate to evolve the Group Personal Accident Insurance Scheme for the victims of crime as one of the social security measures which is the obligatory on the part of the State. Under this scheme monetary relief is proposed to be provided to the victims of crime on the basis of the nature and extent of their losses to be evaluated by the trial court while awarding compensation to the victims of crime, as is being done in case of Motor Vehicle Act and is also being run by the National Foundation for Communal Harmony for child victims.

(xiv) The Ministry of Law and Justice, Government of India, New Delhi may also be consulted for their considerate views on this subject before formulating a concrete view in this matter.

The compensation scheme is the only one step in the direction of recognizing a range of victims’ rights in criminal justice. The Governments at the Centre and in States will be well advised under the Directive Principles as well as under International human rights obligations to legislate on the subject without further delay. Eventually, the State must consider enacting a comprehensive victim’s Right Bill recognizing his right to participation in Criminal Judicial Process. Meanwhile, a victim compensation law is the minimum that the Social Welfare State should offer to millions of innocent victims of criminal violence who are too poor and helpless to protect their dignity in an exploitative society.
On the basis of the discussion it can be summarized that the courts in India have started visualizing the importance of awarding compensation to the victims of crime, and violations of fundamental rights by the instrumentality of the state as discussed elaborately above. But the trend of the courts is not in the right earnest. It needs a vital change in its conception and the use of the power to award compensation to the victims logically.

There are no provisions in the existing law to help and support the victim or his participation in the enquiry or investigation of the crime and till the actual trial commences he is at the mercy of the police. The victim requires help and support of the state and the society after the commission of the crime. The victim requires proper medical care psychological support and legal aid and advice, safety of his life and property and protection against harassment by police and the media. The victim is also to be protected from the accused and his associates. It is his right to oversee that the investigation is done in the right direction and the eye witnesses are given due protection In the present criminal justice system there is no arrangement for the victim to seek financial and other support to secure punishment of the offender and for restitution of his life. The authorities under the District Legal services constituted under the Legal Services Authorities Act of 1987 are statutorily required to coordinate with the Human Rights Commission in helping and supporting the victims.

The legislature has also made several amendments to the Code of Criminal Procedure for providing right of participation and an opportunity of hearing of the victim during the trial at the time of grant of bail, examination of witnesses, on the quantum of punishment and in the event of acquittal a right of appeal has been provided to the victims. The time has come for recognizing the rights of the victims in the right earnest.