

ANALYSIS OF PROVISIONS OF VICTIMOLOGY AND COMPENSATORY JURISPRUDENCE IN CONTEXT WITH REHABILITATION OF WOMEN AND CHILDREN VICTIMS

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Abstract

This paper, "Analysis of Provisions of Victimology and Compensatory Jurisprudence in Context with Rehabilitation of Women and Children Victims," addresses the increasing attention towards victims' rights in the felonious justice system in India. With the preface of Bhartiya Nyaya Sanhita, 2023 and Bhartiya Nagarik Suraksha Sanhita, 2023¹, the legal context, which has substantially been offender-centered, has now converted to an approach where victims of crime will be accepted as rights holders and meritorious of compensation and recuperation. The paper examines the changes in victimology and compensatory justice and stresses that compensation is a constitutional duty rather than an act of charity, and is flowing from Article 21² of the Constitution of India. The study highlights how right to compensation has been shaped into a form of uplifting justice via judgements of the Indian courts similar as Rudul Sah v. State of Bihar and Nilabati Behera v. State of Orissa³. The paper also interprets statutory vittles similar as the POCSO Act, 2012, SC ST Act, 1989⁴, and Victim Compensation Schemes, and while they show the pledge of guarding rights of women and child victims' survivor, it reveals that there's an endless distance and gaps in relation to enforcement and on the ground the reality is that womanish and child survivors continue to face enormous hurdles. The cases of Kathua and Unnao, and others are used as exemplars where compensation fails to give real recuperation in absence of cerebral and social detriment.

Key Words: Victimology, Compensatory Jurisprudence, Rehabilitation, Women and Children, BNSS 2023⁵, Restorative Justice.

¹ Supra note 2&3.

² India Const. art. 21.

³ Supra note 6&7.

⁴ Supra note 21,22&23.

⁵ Ibid.

INTRODUCTION

Fiat justitia ruatcaelum~ “let justice be done though the heavens fall”, reverberates with new determination in India’s jurisprudence system moment. This legal maxim is no longer a superior ideal but a functional requirement. Victimology and compensatory legal philosophy now lodge an essential place in India’s legal converse. The introduction of the *Bhartiya Nyaya Sanhita, 2023*⁶ and the *Bhartiya Nagarik Suraksha Sanhita, 2023*⁷ has transformed focus on victim rights. *Section 396 of the BNS*⁸ apparently strengthens the requirement of courts to thoughtful victim compensation, while the BNS expands procedural precautions for women and child victims of sexual and gender grounded crimes. These statutory growths, united with progressive judgments in 2024–25, similar as the Delhi High Court ruling on constancy in victim compensation disbursement signal a systemic shift.

Crime statistics remain unapproachable the recent *NCRB Crime in India Report* proved an increase in cyber sanctioned sexual exploitation of minors, while acid attacks and trafficking events endure to scar women’s lives. Behind these figures are real people survivors who must direct not only suffering but also aggressive police procedures, tardy trials, and the social smudge of victimhood.

Recent events have also shaped this line. The *2024 Mumbai minor trafficking*⁹ chatter, uncovered by NGOs and leading to numerous apprehensions, carried to light the inadequacy of victim rehabilitation homes. The Supreme Court’s *Suo motu cognizance* in 2025 of refusals to release reparations payments under state laws on the basis that it fundamentally undermined the notion of reparations now lawfully captures how financial assistance often does not reach survivors in a timely manner.

VICTIMOLOGY: CLASSIFICATION, THEORETICAL FRAMEWORK, AND SCOPE

The term *victimology* derives from the Latin word “*victima*”(one who suffers harm or sacrifice) and the Greek suffix “*logia*”(study of). In its narrow sense, victimology is *the scientific study of victims of crime, their relations with offenders, and their part in the criminal process*. In a broader sense, it’s a standardizing and legal discourse that advocates for the rights, recognition, and rehabilitation of victims enclosed by the jurisprudence classification.

Benjamin Mendelsohn, frequently called the “*father of victimology*”, first invented the term in the 1940s. Beforehand victimological studies were offender centric, seeking to organize victims by their degree of “*liability*” in the crime. This problematic enclosing, still,

⁶*Bhartiya Nyaya Sanhita, 2023*, No. 45 of 2023, Acts of Parliament, 2023 (India).

⁷*Bhartiya Nagarik Suraksha Sanhita, 2023*, No. 46 of 2023, Acts of Parliament, 2023 (India).

⁸*Bhartiya Nyaya Sanhita, 2023*, No. 45 of 2023, § 396, Acts of Parliament, 2023 (India).

⁹ Ahmed Ali, Interstate Child Trafficking Racket Busted; 9 Arrested, *Times of India* (Dec. 16, 2024), <https://timesofindia.indiatimes.com/city/mumbai/interstate-child-trafficking-racket-busted-9-arrested/articleshow/116377239.cms>

gradationally gave way to a right grounded exposure by the ultimate half of the 20th century, especially in response to feminist movements and transnational human rights converse.

In the Indian context, this shift is crucial for understanding women and children's victims of violence, whose misery is frequently provoked by socio-cultural disgraces. Now, victimology covers both optimistic victimology (focused on self-protective factors and recovery mechanisms) and critical victimology (interrogating structural disparities that produce victimization, similar as patriarchy, caste, or poverty).

COMPENSATORY JURISPRUDENCE: MEANING, LEGAL IMPLICATION AND PRINCIPLES.

The idea is not new ancient code from the law of Hammurabi¹⁰ (c.1754 BCE) to Manu smriti in India honored forms of compensation where offenders had to recompense victims or their families. In common law, tort remedies historically offered a civil pathway for retribution. What's distinguishing in modern lawful jurisprudence is the acknowledgement that reimbursement is not a matter of private action but a constitutional and statutory responsibility of the State, graceful from the right to life and dignity.

Compensatory jurisprudence refers to the form of legal principles that command reimbursement, compensation, or rehabilitation for victims of crime or State excesses. Unlike disciplinary jurisprudence, which centers on punishing offenders, compensatory jurisprudence prioritizes remedial and restoration.

In India, compensatory jurisprudence attained raise through judicial invention, beginning with *Rudul Sah v. State of Bihar (1983)*¹¹ and *Nilabati Behera v. State of Orissa (1993)*¹², where the Hon'ble SC held that the State must give pecuniary compensation for obliterations of fundamental rights. Over time, this opinion molded into statutory authorizations like Section 395 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023¹³ (*Section 357 A of the Code of Criminal Procedure*) and focused outlines for victims of sexual assault, trafficking, and atrocities.

COMPENSATORY JURISPRUDENCE UNDER INDIAN LEGAL CONTEXT

In *Ankush Shivaji Gaikwad v. State of Maharashtra (2013)*¹⁴, the SC declared that *Section 357 of Crpc now Section 395 of BNSS*¹⁵ is not a subsidiary matter but a compulsory consideration every condemning court essentially apply its mind to the question of compensation. *The Code of Criminal Procedure, 1973 now Bhartiya Nagarik Suraksha*

¹⁰ L.W. King, *The Code of Hammurabi, King of Babylon: About 2250 B.C.* (Robert Francis Harper trans., Univ. of Chicago Press 1904).

¹¹ *Rudul Sah v. State of Bihar*, (1983) 4 S.C.C. 141 (India).

¹² *Nilabati Behera v. State of Orissa*, (1993) 2 S.C.C. 746 (India).

¹³ *Bharatiya Nagarik Suraksha Sanhita, 2023*, No. 46 of 2023, § 395, Acts of Parliament, 2023 (India).

¹⁴ *Ankush Shivaji Gaikwad v. State of Maharashtra*, (2013) 6 S.C.C. 770 (India).

¹⁵ *Bharatiya Nagarik Suraksha Sanhita, 2023*, No. 46 of 2023, § 395, Acts of Parliament, 2023 (India).

*Sanhita, 2023*¹⁶, delivers the introductory statutory governance for compensatory jurisprudence. *Section 357* empowers courts to reward compensation to victims from forfeitures assessed upon offenders. For decades, this providing was treated as an uncertain add on, further exemplary than considerable. Judicial clarification, still, shifted its meaning. Indeed, more transformative was the enhancement of *Section 357 A in 2009*¹⁷, which gratified state governments to create *Victim Compensation Schemes*¹⁸ in alliance with the central government. This Alterationtrans formed the legal landscape by moving compensation from a realm of judicial pleasure to that of statutory privilege. Victims, long concealed in an offender centric system, were privileged as rights bearing individualities justified financial and established support for their rehabilitation. By introducing compensation in the statutory fabric of unlawful procedure, the law approved that discipline of the offender alone cannot recompense the complex compensations suffered by victims.

The context of compensatory jurisprudence in India has advanced contrary, overlying both constitution and statutory terrains. At its standardizing foundation lies under *Article 21*¹⁹ of the Constitution, which assurances *the right to life and personal liberty*. From *Rudul Sah v. State of Bihar (1983)*²⁰ to *Nilabati Behera v. State of Orissa (1993)*²¹, courts have claimed that compensation is not a matter of state assistance but a public law remedy curving directly from constitution obligations. Yet, constitutional jurisprudence has not by itself served to make a coherent victim centric governance. That responsibility has also been borne by statutory context, utmost prominently *the law of Criminal Procedure, the Protection of Children from Sexual Offences Act*²², and *the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act*²³, alongside state level victim compensation schemes. Judicial interpretation has constantly lengthened this guarantee, moving beyond bare protection from unlawful withdrawal of life to comprehend the right to live with dignity, to seek requital when wronged, and to admit compensation when state or private person infringe upon fundamental rights.

By 2025, the POCSO frame stands out as one of the further progressive victim centric statutory managements, embedding in law the idea that child survivors require sustained support that goes well beyond the conviction of perpetrators. *The Protection of Children from Sexual Offences Act, 2012 (POCSO)*²⁴, added another measurement to this statutory elaboration. Feting the unique vulnerability of children, *Rule 7 of the POCSO*

¹⁶ Supra note 8.

¹⁷ *Code of Criminal Procedure (Amendment) Act, 2008*, No. 5 of 2009, § 13 (inserting § 357A into the Code of Criminal Procedure, 1973), Acts of Parliament, 2009 (India).

¹⁸ National Legal Services Authority (NALSA), *Victim Compensation Schemes*, <https://nalsa.gov.in/victim-compensation/>

¹⁹ *India Const.* art. 21.

²⁰ *Rudul Sah v. State of Bihar*, (1983) 4 S.C.C. 141 (India).

²¹ *Nilabati Behera v. State of Orissa*, (1993) 2 S.C.C. 746 (India).

²² *Protection of Children from Sexual Offences Act, 2012*, No. 32 of 2012, Acts of Parliament, 2012 (India).

²³ *Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989*, No. 33 of 1989, Acts of Parliament, 1989 (India).

²⁴ *Protection of Children from Sexual Offences Act, 2012*, No. 32 of 2012, Acts of Parliament, 2012 (India).

*Rules*²⁵ approves special courts to grant both provisional and final compensation to child victims to cover remedial treatment, psychological care, education, and long-term rehabilitation. This provision is embedded not only in domestic legal reform but also in India's compulsions under the *UN Convention on the Rights of the Child*²⁶. Judicial practice under POCSO demonstrates a widening grasp of restorative justice courts have constantly ordered immediate fiscal relief to ensure that survivors have access to critical medical and counselling services without staying for the frequently prolonged course of criminal proceedings. Similarly, *the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989*²⁷, particularly after its 2015 amendment, established compensation for victims of caste grounded violence. This outline reflects pivotal recognition victims of caste atrocities frequently face settled profitable marginalization and systemic discrimination, and the state bears a confirmatory obligation to alleviate those walls through fiscal and institutional backing. The Rules define stage wise payments of minimal compensation, safeguarding that victims and their families collect fiscal support not simply upon conviction but at earlier stages of the process, similar as FIR registration or charge sheet filing. In this sense, the SC/ST Act links compensatory jurisprudence straight to constitutional values under *Articles 14, 15, and 17*²⁸, transforming compensation into an instrument of social justice rather than a bare assistant to criminal procedure.

In practice, still, the pledge of these schemes has been undermined by regulatory inefficiency, lack of mindfulness, and wide difference in perpetration between countries. Reports by the *National Legal Services Authority (NALSA)*²⁹ and independent NGOs continue to punctuate procedural obstacles that obstruct or indeed deny compensation to the veritably victims the schemes were meant to cover. Overlapping these statutory outlines are Victim Compensation Schemes (VCS) reported by every state under *Section 357A CrPC*. The formation of the *Nirbhaya Fund in 2013*³⁰ and *the Central Victim Compensation Fund in 2015*³¹ brought a degree of national consistency to what had been a patchwork of state level schemes. Compensation sums under these schemes can range from *three to ten lakh rupees* in cases of rape and acid attack, with enhanced entitlements for minors. Judicial inventions have constantly pushed the boundaries of statutory compensation, investing it with constitution and human rights content. As earlier as *Delhi Domestic Working Women's Forum v. Union of India (1995)*³², the SC highlighted that criminal trials alone could not meet the requirements of rape survivors and called for the formation of Criminal Injuries Compensation Boards. In *Bodhisattwa Gautam v. Subhra Chakraborty (1996)*³³, the Court declared that rape is not

²⁵ *Protection of Children from Sexual Offences Rules, 2020*, Rule 7, Ministry of Women and Child Development, Acts of Parliament (India).

²⁶ *Convention on the Rights of the Child*, Nov. 20, 1989, 1577 U.N.T.S. 3.

²⁷ *Supra* note 13.

²⁸ *India Const.* arts. 14, 15, 17.

²⁹ National Legal Services Authority (NALSA), <https://nalsa.gov.in/> (last accessed Sept. 9, 2025).

³⁰ Ministry of Finance, Government of India, *Nirbhaya Fund*, 2013, https://dea.gov.in/sites/default/files/NirbhayaFund_16122013.pdf (last accessed Sept. 9, 2025).

³¹ Department of Justice, Ministry of Law and Justice, Government of India, *Central Victim Compensation Fund*, 2015, https://www.mha.gov.in/sites/default/files/CVCFGuidelines_141015_2.pdf (last accessed Sept. 9, 2025).

³² *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 S.C.C. 14 (India).

³³ *Bodhisattwa Gautam v. Subhra Chakraborty*, (1996) 1 S.C.C. 490 (India).

simply an crime under the Penal Code but abuse of fundamental rights, justifying the entitlement of temporary compensation indeed before trial concluded. More lately, in *Nipun Saxena v. Union of India (2019)*³⁴, the Court commanded time bound disbursement of compensation and directed adjustment across states, motioning a move toward national uniformity. These interventions reveal a judicial philosophy that treats compensation not as optional compassion but as a right grounded entitlement essential to reinstating victims' quality.

By 2025, compensatory jurisprudence in India therefore signifies a covered and dynamic field. At the constitution level, it functions as a communal law remedy for obliterations of fundamental rights. At the legislative level, it's established in criminal procedure, and child protection. At the institutional position, it's operational zed over victim compensation schemes sponsored by both states and the Union. And at the judicial level, it has been extended through advanced interpretations that stress victims' rights and the state's duty of care. Yet the system remains marked by pressures between generous judgments and decelerate perpetration, between statutory entitlements and regulatory resistance, and between the pledge of jurisprudence and the lived reality of marginalized victims. The upcoming line of compensatory jurisprudence will depend on whether the state can move past representative recognition to effective, timely, and accessible relief for women and children whose pride has been violated.

EMPIRICAL INSIGHTS: ANALYSIS OF GOVERNMENT AND NGO REPORTS

Although jurisprudence paints a determined and liberal picture of victim compensation, empirical realities frequently tell a story of systemic indifference and conflict between law and lived experience. The *National Crime Records Bureau (NCRB)*³⁵ *Crime in India Report* proved that Rape cases increased by 1.1% more than 31,000 cases of rape across the country, with minors counting for over 50% of the victims³⁶. Yet, the *Victim Compensation Scheme (VCS)* a statutory annuity under Section 357 A CrPC replaced by Section 396 of the *Bharatiya Nagrik Suraksha Sanhita (BNSS), 2023*³⁷, remains under enforced. lower than 35% of eligible victims reportedly entered interim relief in 2023, exposing a striking perpetration deficiency.

Further, a 2023-24 *National Commission for Women (NCW)*³⁸ study revealed that survivors frequently stay over six months for their compensation operations to be administered, a delay that defeats the critical rehabilitative ideal of similar schemes. Numerous survivors ultimately withdrew from the process altogether, dissuaded by determined disgrace, administrative harassment, and the emotional burden of reliving trauma in sanctioned proceedings.

³⁴ *Nipun Saxena v. Union of India*, (2019) 8 S.C.C. 725 (India).

³⁵ National Crime Records Bureau, *Home*, Govt. of India, Ministry of Home Affairs, <https://www.ncrb.gov.in/> (last visited Sept. 15, 2025).

³⁶ Ministry of Home Affairs, Government of India, *Unstarred Question No. 1251*, to be answered on 11th February 2025, available at <https://www.mha.gov.in/MHA1/Par2017/pdfs/par2025-pdfs/LS11022025/1251.pdf> (last accessed Sept. 9, 2025).

³⁷ *Bharatiya Nagrik Suraksha Sanhita, 2023*, No. 46 of 2023, § 396, Acts of Parliament, 2023 (India) (replacing *Code of Criminal Procedure, 1973*, § 357A, as inserted by CrPC (Amendment) Act, 2008, No. 5 of 2009).

³⁸ National Commission for Women, *Annual Report 2023–2024*, available at <https://cdn.ncw.gov.in/wp-content/uploads/2025/03/NCWAnnualReport20232024Eng.pdf> (last accessed Sept. 9, 2025).

Civil society intrusions add another subcaste of empirical substantiation. NGOs like *Prajwala* and *HAQ Centre for Child Rights* have proved cases where victims of trafficking and sexual abuse endured years of waiting for compensation, undermining the very promise of state led rehabilitation. Their field studies emphasize the ocean between doctrinally robust compensatory jurisprudence and the disintegrated, underfunded, and administratively entangled execution mechanisms on the ground.

These empirical accounts inclusively affirm that while India's victimology framework has gained legislative and judicial legality, its practical enforcement remains discontinuous, uneven, and frequently exemplary rather than substantial.

A CASE STUDY ON VICTIMOLOGY AND COMPENSATORY JURISPRUDENCE: THE KATHUA AND UNNAO CASES

The elaboration of India's victimology dissertation cannot be understood in concept; it's best illuminated through milestone cases that exposed systemic failures and compelled judicial and legislative responses. Two similar moments were *the Kathua rape and murder case (2018, Jammu & Kashmir)*³⁹ and *the Unnao gangrape case*⁴⁰ (2017, Uttar Pradesh).

In *Kathua*, the ruthless rape and murder of an 8-year-old child within a temple premises shook public heart. The victim's family not only endured violent social ostracism and communal threats but also witnessed the inadequacy of state response. Although the Jammu and Kashmir government blazoned a ₹10 lakh compensation under its VCS, the disbursal was delayed and partial, forcing civil society groups to step in with critical fiscal and cerebral support. This episode harshly revealed how compensation, when treated as a mere monetary transaction, fails to meet the multidimensional requirements of victims and their relatives.

The *Unnao case* further exposed the conspiracy of political and institutional power structures. The survivor, a minor girl, accused a sitting MLA of rape. During the course of proceedings, her father was killed in police guardianship, allegedly due to custodial torture. It was only after patient public roar that the Supreme Court intervened, transferring the case to Delhi, directing ₹25 lakhs provisional compensation, and placing the survivor under CRPF protection. Then, judicial intervention not state action came the decisive factor in safeguarding rehabilitation and safety.

Together, these cases illustrate that compensation in India is no way simply a financial remedy. It's deeply entangled with protection, psychological care, and social quality. They also highlight the crossroad of power, politics, and justice, representing that the effectiveness of victim reimbursement frequently hinges less on statutory provisions and more on the responsiveness of institutions in moments of crisis.

³⁹*Kathua Rape and Murder Case*, No. 32 of 2018, Special Court, Pathankot, Punjab, India, Judgment delivered June 10, 2019.

⁴⁰*Central Bureau of Investigation v. Kuldeep Singh Sengar*, No. 373/2019, Special Court, Delhi, India, Judgment delivered Dec. 16, 2019.

COMPARATIVE UNIVERSAL STANDPOINTS ON VICTIM COMPENSATION

*The United Nations Declaration of Basic Principles of Jurisprudence for Victims of Crime and Abuse of Power (1985)*⁴¹ established restitution, reimbursement, and backing as crucial elements of jurisprudence. Structure on this, several authorities institutionalized victim compensation as a statutory right rather than a optional measure.

India's efforts at emerging a comprehensible victimology and compensation framework reverberate with global dialogues but remain far less intertwined than international best practices. In Germany and France, state funded compensation schemes operate in a quasi-automatic fashion, with eligibility not rigorously contingent on conviction a recognition of the secondary trauma caused by prolonged trials.⁴² correspondingly, *South Africa's Victims Charter (2004)* explicitly enshrines the right to compensation and restoration within its constitution order, transforming victim relief from an executive scheme into a constitution privilege.

By contrast, India's model remains fragmented, over reliant on judicial discretion, and characterized by interstate difference. The absence of a centralized statutory body similar to the *UK's Criminal Injuries Compensation Authority*⁴³ results in uneven compensation framework, leaving victims rehabilitation contingent on geography, political will, and judicial activism. This relative lens reveals that while India has made doctrinal strides, it still lacks institutional consonance and certainty, which global models increasingly emphasize.

ETHICAL CONSIDERATIONS AND POLICY IMPLICATIONS

Beyond statutory gaps, the veritably notion of victim compensation raises profound ethical and policy dilemmas. Can trauma truly be soothed through fiscal relief alone? Does reducing the dissertation of justice to compensation threat co modifying suffering?

Feminist scholars have long cautioned against equating compensation with justice, arguing that it frequently becomes a cover for, rather than a complement to, systemic reform. In patriarchal societies, compensation schemes risk getting tokenistic unless accompanied by structural interventions addressing the roots of unsexed and child centered violence.

The Jurisprudence *J.S. Verma Committee Report (2013)*⁴⁴ which remains seminal in this discourse emphasized that compensation must be holistic, encompassing medical,

⁴¹ United Nations General Assembly, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, A/RES/40/34 (Nov. 29, 1985), available at <https://www.unodc.org/pdf/rddb/CCPCJ/1985/A-RES-40-34.pdf>.

⁴² South African Department of Justice and Constitutional Development, *Service Charter for Victims of Crime*, approved by Cabinet on Dec. 1, 2004, available at <https://www.justice.gov.za/vc/docs/vc/vc-eng.pdf>.

⁴³ Criminal Injuries Compensation Authority, *Home*, GOV.UK, United Kingdom Government, <https://www.gov.uk/government/organisations/criminal-injuries-compensation-authority> (last visited Sept. 15, 2025).

⁴⁴ *Report of the Committee on Amendments to Criminal Law* (Justice J.S. Verma Committee), Jan. 23, 2013, available at https://adrindia.org/sites/default/files/Justice_Verma_Amendmenttocriminallaw_Jan2013.pdf

psychological, educational, vocational, and community reintegration support. Yet in practice, utmost schemes reduce rehabilitation to one-time payouts, leaving survivors to navigate their futures without sustained institutional support.

Therefore, the policy debate in India must move from charity to rights-based agendas, where rehabilitation is seen as a state obligation flowing from constitutional guarantees of dignity and equality rather than a benevolent grant.

RECOMMENDATIONS FOR REFORM

The preceding analysis makes it evident that while India's victim compensation framework has developed a strong normative foundation through constitution jurisprudence and statutory enactments, its functional effectiveness continues to remain inconsistent and fractured. Addressing these lacunae requires institutional, structural, and community position reforms that move beyond ad hoc measures. The following recommendations are proposed: -

- a) *Establishment of a public Victim Compensation Authority (NVCA)*: -The formation of a centralized statutory authority is authoritative to insure uniformity, probability, and responsibility in victim compensation. At present, the civil structure of India results in significant interstate difference in both the amount and punctuality of disbursement. A National Authority, modelled on the UK's *Criminal Injuries Compensation Authority*⁴⁵, could harmonize norms across jurisdictions, produce a consolidated corpus for victim relief, and guarantee time bound disbursement of compensation. Likewise, such an Authority should be empowered to coordinate with health, housing, and social welfare departments to give a multidisciplinary rehabilitative package.
- b) *Relinquishment of a Holistic Rehabilitation Framework*: -Compensation cannot be understood solely in terms of financial relief, it must be reconceptualised as a comprehensive package that restores dignity and facilitates long term reintegration into society. Such a human rights-based method would align compensation with the principles of substantial equality under *Articles 14 and 15*⁴⁶ and with transnational scores under the *UN Declaration of Basic Principles of Jurisprudence for Victims of Crime and Abuse of Power (1985)*⁴⁷. This context must contain fiscal assistance, access to psychological counseling, medical maintenance, professional training, education, and housing backing. Survivors must be watched as rights holders under *Article 21*⁴⁸ of the Constitution, rather than submissive beneficiaries of state largesse.
- c) *Community Centric enactment Mechanisms*: - Effective rehabilitation demands decentralization of processes. Local governance organizations similar as panchayats and external bodies, in association with attributed NGOs and trained community workers, should be involved in the enactment of compensation schemes. This would improve accessibility, reduce the ignominy faced by survivors, and bypass the regulatory backups

⁴⁵ Criminal Injuries Compensation Authority, GOV.UK, <https://www.gov.uk/government/organisations/criminal-injuries-compensation-authority>

⁴⁶ *India Const.* art. 14,15.

⁴⁷ U.N. Gen. Assembly, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, A/RES/40/34 (Nov. 29, 1985), available at <https://www.unodc.org/pdf/rddb/CCPCJ/1985/A-RES-40-34.pdf>

⁴⁸ *India Const.* art. 21

that presently delay or discourage privileges. Importantly, similar community participation would enable culturally complex and environment specific support systems, mostly for women and children in marginalized and rural areas.

Taken collectively, these reforms would not only support the recognized design of victim compensation but also reiterate India's constitution commitment to dignity, equality, and justice. By treating compensation as a multidimensional right rather than an optional remedy, the State can transform victimology from a marginal concern into a central pillar of criminal jurisprudence reform.

CONCLUSION

The elaboration of victimology and compensatory jurisprudence in India reflects a gradational but profound rebalancing of criminal justice. From *Rudul Sah* to *Nipun Saxena*, the bar has played a catalytic part in ensuring that victims are no longer inconspicuous. Statutory frameworks similar as *Section 357 A⁴⁹ CrPC*, *POCSO*, and *SC/ST Act* have institutionalized compensation, though inversely implemented.

For women and children's victims, rehabilitation is not a matter of compassion but of justice, justice that restores dignity, rebuilds futures, and confronts systemic violence. Real life cases like Kathua and Unnao remind us that compensation is not abstract law but lived experience.

As India marches towards a more humane jurisprudence system, the challenge lies in transforming supercilious judicial dicta into tangible realities for the most vulnerable. Victimology, when coupled with robust compensatory jurisprudence, has the potential to achieve this transforming. But the task requires not only bills and judgments, but also empathy, responsibility, and unwavering political will.

⁴⁹Supra note 17.