

The background of the journal cover features a top-down view of a desk. On the left, a pair of black leather brogue shoes is partially visible. In the center, an open notebook with lined pages and a silver pen lies on a light-colored wooden surface. To the right, a black leather bag with a zipper and a black leather watch with a silver face are also visible. A large, semi-transparent white rectangular box is centered over the image, containing the journal's title and ISSN information.

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FROM STATE-CENTRIC TO VICTIM-CENTRIC JUSTICE: EVOLUTION OF VICTIM RIGHTS IN INDIA

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ABSTRACT

The Indian criminal justice system has historically been rooted in a State-centric approach, where crimes were viewed primarily as offences against society rather than against individuals. This framework often marginalized victims, reducing them to mere witnesses in criminal proceedings. However, with the emergence of victimology and constitutional interpretations emphasizing dignity and fairness, there has been a gradual shift towards a victim-centric model of justice. This paper critically examines the evolution of victim rights in India, analyzing legislative reforms, judicial trends, and policy developments. It also highlights persistent gaps and suggests reforms to strengthen victim participation, compensation, and rehabilitation mechanisms.

INTRODUCTION

Criminal law in India has traditionally operated on the principle that a crime is a wrong against the State, thereby positioning the State as the primary party in prosecution. This approach, inherited from colonial legal systems, prioritized the rights of the accused to ensure fair trials and prevent wrongful convictions. While such safeguards remain essential, they inadvertently sidelined victims, who often lacked recognition, participation, and remedies within the system. Scholars have repeatedly pointed out that the Indian criminal justice system historically focused more on offenders than on victims, leaving victims inadequately addressed in legal processes ([IJLMH](#)).

The shift towards victim-centric justice reflects a broader transformation in legal philosophy, recognizing that justice must address not only punishment but also the needs and rights of victims. This evolution is closely linked to constitutional principles, particularly the right to life and dignity under Article 21, which has been interpreted to include victim protection and rehabilitation ([IJLLR Journal](#)).

KEYWORDS: Victim rights, victimology, victim-centric justice, criminal justice system, victim compensation, access to justice, restorative justice, Article 21.

CONCEPT OF VICTIMOLOGY AND VICTIM RIGHTS

Victimology, a relatively recent development in criminology, focuses on understanding the experiences, rights, and needs of victims within the justice system. It examines the impact of crime on victims and advocates for their inclusion in legal processes. Traditionally, criminal justice systems neglected victims, but modern victimology recognizes them as essential stakeholders in achieving justice and social balance.

Victim rights generally include access to justice, fair treatment, restitution, compensation, and assistance. These rights aim to prevent secondary victimization and ensure that victims are not further harmed by legal procedures. In India, although these rights exist in fragmented forms, their implementation remains inconsistent, highlighting the need for a more structured and comprehensive framework.

STATE-CENTRIC MODEL OF CRIMINAL JUSTICE IN INDIA

The traditional Indian criminal justice system is fundamentally State-centric, where crimes are treated as offences against society rather than individuals. Consequently, the State assumes the role of the prosecutor, and the victim's role is largely limited to that of a witness. This approach is rooted in the principle of maintaining social order and ensuring that offenders are punished. The emphasis on the rights of the accused—such as the presumption of innocence and the right to a fair trial—has been a defining feature of this model. While these safeguards are crucial, they have often overshadowed the needs of victims. For instance, procedural laws primarily focus on protecting the accused from arbitrary arrest and detention, whereas victim rights are not equally codified or enforced.

JUDICIAL RECOGNITION OF VICTIM RIGHTS

The judiciary has played a pivotal role in shifting the focus from a purely State-centric approach to a more balanced system that recognizes victim rights. Courts have increasingly acknowledged that justice must address the suffering of victims and not merely punish offenders.

Recent judicial observations emphasize that the rights of victims are as important as those of the accused, marking a significant shift in legal thinking ([The Times of India](#)). Earlier, courts primarily focused on ensuring fair trials for the accused, but contemporary jurisprudence highlights the need for equitable justice that includes victim participation and protection.

Judicial innovations have also expanded the scope of compensation and rehabilitation,

recognizing them as integral components of justice. Courts have interpreted constitutional provisions to ensure that victims receive timely and meaningful remedies, thereby strengthening the victim-centric approach.

LEGISLATIVE DEVELOPMENTS AND VICTIM RIGHTS

Legislative reforms in India have gradually incorporated victim rights into the criminal justice framework. The Code of Criminal Procedure (CrPC) introduced provisions for compensation, restitution, and victim participation. Notably, Section 357A established victim compensation schemes, requiring states to provide financial assistance to victims of crime.

The introduction of victim compensation schemes marked a significant step towards recognizing the State's responsibility to support victims. These schemes aim to provide financial relief for injuries, loss, and rehabilitation. However, their implementation has been inconsistent, with issues such as delays, inadequate funding, and lack of awareness affecting their effectiveness.

Recent reforms under new criminal laws, including updated procedural frameworks, further emphasize victim-centric justice by incorporating provisions for transparency, victim notification, and technological integration.

CONSTITUTIONAL FRAMEWORK AND VICTIM RIGHTS

The Indian Constitution provides a strong foundation for victim rights through provisions such as Articles 14, 21, and 39A. Article 21, which guarantees the right to life and personal liberty, has been expansively interpreted to include the right to dignity, fair treatment, and access to justice for victims.

Article 14 ensures equality before the law, requiring that victims receive fair and consistent treatment. Article 39A mandates free legal aid, enabling victims to access justice regardless of their socio-economic status. Together, these provisions create a constitutional mandate for a victim-centric justice system, emphasizing fairness, dignity, and accessibility ([IJLLR Journal](#)).

VICTIM COMPENSATION AND REHABILITATION MECHANISMS

Compensation and rehabilitation are central to victim-centric justice. The victim compensation scheme aims to provide financial assistance to victims for medical expenses, loss of income, and rehabilitation. This approach recognizes that justice extends beyond punishment and includes restoring victims to their pre-crime condition as far as possible.

Despite these provisions, challenges persist. Many victims face delays in receiving compensation, and procedural complexities often hinder access to these schemes. Studies indicate that inadequate funding and lack of awareness significantly limit the effectiveness of compensation mechanisms ([Advances in Consumer Research](#)).

Rehabilitation measures, including psychological counseling and social support, are equally important but remain underdeveloped in India. A comprehensive approach to victim support must address both financial and emotional needs.

CHALLENGES IN ACHIEVING VICTIM-CENTRIC JUSTICE

While significant progress has been made, several challenges hinder the realization of a truly victim-centric justice system in India. One major issue is the lack of awareness among victims about their rights and available remedies. Many victims remain unaware of compensation schemes and legal assistance, limiting their ability to seek justice.

Another challenge is the procedural complexity of the criminal justice system, which often discourages victim participation. Delays in trials and compensation disbursement further exacerbate the problem, leaving victims without timely relief.

Institutional limitations, including inadequate infrastructure and lack of trained personnel, also impede the effective implementation of victim-centric policies. Additionally, the absence of a unified legal framework for victim rights results in inconsistencies across states and jurisdictions ([IJLLR Journal](#)).

SUGGESTIONS FOR STRENGTHENING VICTIM-CENTRIC JUSTICE

- **Establishment of a Comprehensive Victim Rights Legislation**

A dedicated law focusing exclusively on victim rights should be enacted to provide a uniform and enforceable framework. Such legislation would consolidate existing provisions and ensure consistent implementation across the country. It would also clarify the roles and responsibilities of various stakeholders, reducing ambiguity and enhancing accountability.

- **Strengthening Victim Compensation Mechanisms**

Compensation schemes should be streamlined to ensure timely and adequate financial support. This can be achieved by increasing funding, simplifying procedures, and introducing digital platforms for application and disbursement. Timely compensation is crucial for addressing immediate needs such as medical care and rehabilitation.

- **Enhancing Victim Participation in Criminal Proceedings**

Victims should be given greater opportunities to participate in trials, including the right to be heard at critical stages such as bail hearings and sentencing. This would ensure that their perspectives are considered in the justice process, making it more inclusive and responsive.

- **Development of Victim Support Service**

Comprehensive support services, including counseling, legal aid, and rehabilitation programs, should be established to address the psychological and social impact of crime. These services should be easily accessible and tailored to the specific needs of different categories of victims.

- **Capacity Building and Training of Stakeholders**

Police officers, prosecutors, and judges should be trained to adopt a victim-sensitive approach. This would help in reducing secondary victimization and ensuring that victims are treated with dignity and respect throughout the legal process.

- **Awareness and Outreach Programs**

Public awareness campaigns should be conducted to educate citizens about victim rights and available remedies. Increased awareness would empower victims to seek justice and utilize existing legal provisions effectively.

CONCLUSION

The evolution of victim rights in India reflects a significant shift from a State-centric to a victim-centric approach in criminal justice. While traditional systems prioritized the rights of the accused, contemporary developments emphasize the need for balanced justice that addresses the needs of victims. Legislative reforms, judicial interventions, and constitutional interpretations have contributed to this transformation.

However, the journey towards a fully victim-centric system is far from complete. Persistent challenges such as inadequate implementation, lack of awareness, and institutional limitations must be addressed to ensure that victims receive timely and meaningful justice. A comprehensive and integrated approach, combining legal reforms, policy initiatives, and societal awareness, is essential to achieve this goal.

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