

## **Victim-Centric Justice in Criminal Law: A Critical Analysis of Victim Protection, Compensation and Restorative Mechanisms**

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### **Abstract**

The traditional criminal justice system has largely operated on an offender-centric model, prioritizing prosecution and punishment while relegating victims to a peripheral and passive role. Such an approach has often resulted in inadequate protection, limited participation and insufficient redress for victims of crime. In response to these shortcomings, contemporary criminal jurisprudence has witnessed a significant shift towards victim-centric justice, which recognizes victims as rights-bearing stakeholders within the justice delivery system. This paper critically examines the concept of victim-centric justice in criminal law with specific focus on three core dimensions victim protection, compensation and restorative justice mechanisms. It analyses the legal foundations, judicial interpretations and practical implementation of these mechanisms, particularly within the Indian criminal justice framework. The study explores how protective measures aim to prevent secondary victimization and ensure victims' dignity and safety during criminal proceedings, while compensation and restitution seek to address the economic and psychological harm suffered by victims. The study evaluates the role of restorative justice as a complementary approach that emphasizes accountability, dialogue and social healing alongside formal adjudication. The paper argues that victim-centric justice represents a normative and ethical transformation of criminal law, aligning it with constitutional values, human rights principles and social justice objectives. Despite progressive legal developments, significant challenges persist in effective implementation due to institutional fragmentation, procedural delays and lack of awareness. The study concludes that a genuinely victim-centric justice system requires sustained institutional reform, sensitization of justice actors and integrated support mechanisms to ensure that justice is not merely punitive but also reparative and humane.

**Keywords:** Victim-Centric Justice, Victim Protection, Compensation, Restorative Justice, Criminal Justice System, Victims' Rights, Justice Delivery System

### **1. Introduction**

Victim-centric justice signifies a fundamental shift in contemporary criminal jurisprudence, reflecting a conscious transition from an offender-dominated criminal justice framework to one that places victims at the core of the justice delivery system. Traditionally, criminal law has prioritised the definition of offences, determination of guilt and imposition of punishment, while victims of crime were largely confined to a peripheral role within judicial proceedings. They were perceived primarily as evidentiary instruments rather than as individuals who had suffered physical, psychological, emotional and socio-economic harm. Such marginalisation frequently resulted in secondary victimisation, procedural exclusion and a deep sense of injustice, ultimately undermining public trust in the criminal justice system. Victim-centric justice emerges as a corrective legal and philosophical framework aimed at addressing this

imbalance by recognising victims as rights-bearing stakeholders whose dignity, autonomy and well-being must be protected throughout the criminal process. In its essence, victim-centric justice in criminal law focuses on the identification, protection, participation and reintegration of victims alongside the prosecution of offenders. It is grounded in the understanding that crime constitutes not merely a violation of law against the State, but also a serious infringement of individual rights and human dignity. Justice, therefore, remains incomplete unless the harm suffered by victims is acknowledged and addressed through legal redress, institutional support, compensation and restorative mechanisms.

By emphasising victim protection, compensation and restorative justice, the victim-centric approach seeks to ensure that victims are safeguarded from intimidation, retaliation and re-traumatisation, while also securing access to rehabilitation and psychosocial assistance. This paradigm shift aligns criminal justice with broader human rights ideals and social justice objectives by redirecting attention from abstract legal violations to the lived experiences of those harmed by crime. The development of victim-centric justice has been significantly influenced by international human rights law, victimology and restorative justice theory. International instruments such as the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) played a crucial role in redefining victims' rights by emphasising access to justice, restitution, compensation and support services. These standards encouraged states to move beyond purely punitive models and adopt holistic approaches that address the multidimensional needs of victims.

As a result, several jurisdictions, including India, have gradually incorporated victim-oriented provisions within constitutional, statutory and judicial frameworks. This evolution reflects a growing recognition that the legitimacy of the criminal justice system depends not only on its capacity to punish offenders but also on its ability to repair harm and restore social balance. One of the central pillars of victim-centric justice is the provision of effective protection to victims, particularly during investigation and trial. Victims of crimes such as sexual violence, domestic abuse, human trafficking, terrorism and organised crime often face threats, intimidation and social stigma, discouraging them from reporting offences or participating in proceedings. To counter these vulnerabilities, criminal law increasingly endorses protective measures such as witness protection schemes, in-camera trials, anonymity safeguards, victim-friendly court environments and sensitive handling by law enforcement and judicial authorities. These measures enhance victims' access to justice while improving the quality and fairness of adjudication. Compensation and restitution constitute another essential dimension of victim-centric justice in criminal law, addressing both the material and symbolic consequences of victimisation. Crimes frequently cause financial loss, medical expenses, loss of livelihood and long-term economic insecurity, particularly among vulnerable populations. Compensation schemes acknowledge the responsibility of the State to provide financial relief where offenders are unable or unwilling to compensate victims. In many legal systems, including India, statutory provisions empower courts to award compensation irrespective of the outcome of criminal trials, underscoring the principle that justice extends beyond conviction and punishment to encompass victim rehabilitation. Nevertheless, challenges persist regarding

delays, inadequacy of compensation amounts, restrictive eligibility criteria and administrative inefficiencies.

Restorative justice mechanisms further strengthen the victim-centric framework by offering complementary or alternative responses to conventional adversarial processes. Restorative justice emphasises dialogue, accountability and healing by actively involving victims, offenders and the community in addressing harm. Unlike retributive models that focus predominantly on punishment, restorative justice prioritises acknowledgment of wrongdoing, offender responsibility and victim empowerment. When appropriately safeguarded, restorative practices can facilitate emotional closure, reduce recidivism and promote social reconciliation. Their effectiveness depends on voluntary participation, skilled facilitation and sensitivity to power imbalances, particularly in cases involving severe violence or structural inequality. For victim-centric justice to function effectively within the criminal justice system, comprehensive institutional reforms, capacity building and attitudinal transformation among justice actors are essential. Police officers, prosecutors, judges and support services must adopt empathetic, rights-based approaches that recognise victims' needs and experiences. Effective coordination among law enforcement agencies, social welfare departments, legal aid institutions and civil society organisations is necessary to ensure holistic victim support. Systematic data collection, monitoring and evaluation are required to assess the effectiveness of victim-oriented reforms and identify gaps in implementation. In the absence of sustained political will and institutional commitment, victim-centric justice risks remaining a normative ideal rather than a practical reality.

In the Indian context, victim-oriented justice has increasingly gained prominence through constitutional interpretation, legislative amendments and judicial pronouncements. Expanding recognition of victim protection, compensation and fair treatment reflects a growing judicial emphasis on humane and inclusive justice. Despite these developments, persistent challenges such as trial delays, inadequate victim support systems, limited awareness of rights and uneven policy implementation continue to impede effective justice delivery. Against this backdrop, the present paper critically examines victim-centric justice in criminal law with specific reference to victim protection, compensation and restorative mechanisms. It evaluates the extent to which the justice delivery system addresses victims' needs while enhancing substantive justice and it identifies the limitations and challenges associated with implementing victim-focused approaches. Ultimately, the paper argues that victim-centric justice embodies the principles of human dignity and social solidarity, reaffirming that justice must not merely punish wrongdoing but also heal harm by ensuring meaningful victim participation in the criminal process.

### **Conceptual Framework of Victim-Centric Justice**

This model considers victims as active stakeholders and not passive bystanders, they are entitled to protection, participation, reparation and rehabilitation. It takes legal, social, psychological and ethical factors into consideration with the view of rendering justice outcomes humane and inclusive and responsive to experienced victimization realities. The core idea behind this framework is the notion of recognition and dignity according to which judges

are to approach the victims with the attitude of respect and compassion and justice when addressing the justice system. Victim-centric justice is a justice that puts into consideration the multifaceted harm that the victims have undergone physically, emotionally, socially and economically. The paradigm anticipates respect and discourages the behavior that leads to secondary victimization such as insensitive questioning, time wastage in the process and institutional indifference. Instead, it suggests victim agreeable practices, expressed rights and inured consent that will reestablish the feeling of agency among the victims and hope within the legal institutions. The other initial aspect of the conceptual framework is access to justice and effective participation. Victim-centered justice recognises the reality that no true justice can be achieved where victims are not involved in areas of coming up with decisions that directly affect their interest. In this respect, the framework protects the rights of the victims to information, right to access legal services and take a focal role in important processes, including investigation, trial, sentencing and post-conviction. The participation, however, does not imply that it has to interfere with the due process rights of the accused, it is designed to balance the procedural fairness and inclusivity. The framework can be used to ensure the procedural legitimacy, where the victims are heard and taken into consideration and therefore yield more just outcomes.

The other very important pillar in the conceptual framework is protection and safety. The victims are usually at the risk of intimidation, retaliation, or social ostracism especially in the situations that are linked to organized crime, sexual violence, domestic abuse, or unequal power distribution. The framework thus tackles protective measures that are preventive and responsive such as confidentiality, witness protection programs, in-camera trials and psychosocial support. Protection is theorized not just as physical security, but also as emotional and psychological security and victims are free to participate in legal proceedings without any fear, coercion or re-traumatization. This dimension is an indication of the knowledge that justice systems should provide assurance of security before they can anticipate the cooperation of victims. Reparation and compensation are also fundamental components of substantive justice that are included in the framework. Victim-centric justice goes beyond the symbolic recognition of harm to material and restorative compensation. The compensations, restitution and state-funded victim assistance programs are idealized as programs aimed at redressing the economic damages, health care costs and rehabilitation costs. It is indicative of the moral obligation of the state towards victims especially when the perpetrators are not or cannot compensate them. In this context, compensation is not considered charity but rather a legal obligation that is inherent in the principles of justice that underpin the fact that victims should be provided with physical compensations as much as the criminals are. One of the most peculiar aspects of the conceptual framework is that it incorporates the principles of restorative justice. Restorative justice re-establishes justice as a restoration of harm instead of just imposing on one punishment. Under the victim-centric paradigm, restorative processes ensure the dialogue and responsibility recognition and emotional healing where victims have an opportunity to express their experiences and demands in a conducive atmosphere. The framework however highlights that restorative processes should be voluntary, victim-initiated and should not be

affected by power imbalances. Restorative justice adds to the formal action of law by focusing on accountability, empathy and reconciliation where necessary and helps to achieve social harmony in the long term. There is also the institutional coordination and capacity building, which is also an important aspect of the conceptual framework. The victim-oriented justice system involves cooperation between the law enforcement institutions, courts, legal aid centers, social welfare departments and civil societies. The framework lays emphasis on the significance of trained staff, uniform guidelines and support networks to achieve continuity of care to the victims. Victim-centric principles cannot work without institutional coherence and professional sensitivity as it is likely to remain on paper instead of functioning. Lastly, the victim-centric justice conceptual framework is based on the human rights and social justice principles. It conforms criminal justice procedures with human rights guarantees and international standards and principles on equality and non-discrimination. The framework aims at changing justice into a more holistic and healing system that empowers and restores by focusing on the rights of victims without sacrificing the rule of law. In its basic concept, victim-centered justice can be viewed as a conceptualization of justice as a punishment of the wrong, as well as a moral and legal obligation to restore damage, as a restatement of dignity and development of trust between the justice system and individuals.

### **Victim Protection within the Justice Delivery System**

Victims protection of the justice delivery system is an essential element of the victim-focused justice as it is the legal and ethical responsibility of the state to protect the people who are harmed by crimes as a side effect. Many types of vulnerabilities are regularly faced by the victim not only at the time of victimization, but also during their exposure to the criminal justice system. Such weaknesses might consist of physical threats, psychological trauma, social stigma, economic insecurity and fear of retaliation by criminals or related networks. Without proper protection, the victims can be made not to report the crimes, engage in any investigations or testify in trials and this compromises access to justice as well as efficiency of trials. Victim protection is thus aimed at establishing a safe environment which is supportive and respectful of the rights of the victims, ensuring that they can approach the justice system without fear, coercion or secondary victimization. Theoretically, protection of victims does not only apply to physical protection but rather emotional, psychological, procedural, social aspects. A victim-focused strategy acknowledges that even legal procedures may serve as causes of harm to the victims when they are insensitively questioned, retell their traumatic experiences repeatedly, have their proceeding delayed, or are subjected to hostile conditions. Protective measures are therefore aimed at reducing re-traumatization and protecting the dignity of the victims in all levels of the justice system. This involves being treated respectfully by the law enforcement institutions, keeping their personal information confidential and receiving timely information about the progress of the case and receiving counseling and support services. The integration of sensitivity and care in the framework of procedures makes the protection of victims solidify the idea that justice should not cause additional harm to those to whom justice is meant to help. The prevention of intimidation and retaliation is one of the most important aspects of victim protection. In most situations especially with organized crime, sex, domestic

violence, or power imbalances, the victims are threatened, either directly or indirectly to silence their voice. Protection mechanisms that are strong like the witness protection programmes, relocation assistance, provisions and restrictions of anonymity and prohibition of disclosure of identification information should be therefore enforced by the justice delivery system. The in-camera trials and video-conferencing as a form of testimony also minimise the possibility of the accused being confronted and another way of intimidating the accused. Such steps not only contribute to the safety of the victim, but also create the credibility of the judicial results as it allows the truthful and free testimony.

Another critical issue in the justice delivery system that provides victim protection is the procedural protection. Victims usually do not understand the legal procedures and this may confuse them, cause anxiety and powerlessness. Victim based model requires a proper articulation of rights, procedures and remedies available and have victims make decisions that are informed. Victim advocates and support officers employed by legal aid services are very important in taking victims through the procedural processes that they have to go through, starting with generation of complaints and concluding with post-trial remedies. Procedural protection is also associated with the timely investigation and adjudication as the long delays contribute to the increased level of psychological suffering and lack of trust in justice institutions. Emotional and psychological safeguarding is also important, as a consequence of victimization is disastrous effects on mental health. Criminal experiences usually come with trauma, fear, shame and loss of self-esteem especially when the crimes or experiences are sexual or gender-based violence. The justice delivery system should consequently incorporate psychosocial support services such as counseling, trauma-inspired services and referral services to mental health care providers. Victim protection is holistic in that it considers the interrelatedness of justice and healing by considering both emotional and legal needs. These are also measures that help victims to recover and integrate back to society in the long term. Social protection is one more victim protection layer that includes the consideration of the general implications of victimization in the family and communities. Socially excluded, discriminated or economically disadvantaged may also be the consequences of the experiences of the victim. Protective frameworks thus focus on rehabilitation, livelihood support and community based assistance in order to alleviate these effects. Whenever dealing with vulnerable populations, including children, women, persons with disabilities, or marginalized groups, there is a need to implement specific protective interventions to deal with the intersectional nature of vulnerability. Through the application of an inclusive strategy, the justice delivery system gives credence to non-discrimination and equality. On the institutional level, successful victim protection involves making different actors work together such as the police, the judiciary, the prosecution services, the social welfare agencies and civil society groups. Lack of coordination or fragmentation in the responses may put the victims in gaps of protection and support. The justice system based on a victim-focused approach will thus focus on cross-functional services, uniform guidelines and capacity development to deal with officials dealing with victims. Sensitivity, ethics and trauma-informed practices Training should also be conducted to help make sure that protective measures are effective and put in

place consistently. Simply put, victim protection as part of the justice delivery system creates an embodiment of a transformative vision of justice that is more concerned with safety, dignity and empowerment. It appreciates the fact that justice cannot be established in case victims remain at the mercy of more injuries or exclusion. The justice delivery system has shifted towards a more human and responsive model by institutionalizing protective measures that tackle physical, psychological, procedural and social aspect. Victim protection is therefore not merely a guarantee to individual rights, but also a key to societal trust and a justification to the rule of law.

### **Compensation as a Tool of Victim-Centric Justice**

Victim-centered justice is compensation, which is a radical shift in the paradigm of criminal jurisprudence of a purely punitive approach to criminal justice to the model of restorative and rights-centered justice. Traditionally, criminal law has been organized on the framework of State-offender relationship, in the present scenario, the penalty of the accused individual was assumed to be the final satisfactory objective of justice. According to this paradigm, much attention was not paid to the agony of the victim, whether physical or psychological or even economical since the victim was therefore seen as a simple witness to hearings which were instituted in the name of the State. Victim-centred justice assists in dealing with this unbalanced role by considering the concept of compensation beyond the dimension of charity and discretion, it is a kind of legal compensation founded on values of fairness, equity and human dignity. This leads to compensation, as an important juridical tool of imparting credit to injury to alleviate suffering and guarantee trust to the victims in the justice administration system. The term compensation in the law suggests the intervention of the State to counter the impact of crime in addition to the conviction and punishment of the criminals. The final result of crime is often both material and emotional losses, including medical expenses, earnings, property destruction, post-traumatic stress and long-term displacement in the society. Criminal defendants in most cases may not be financially efficient to pay restitution or criminal prosecutions may result in acquittals due to technical or evidentiary failings. The victim approach is geared towards valuing the fact that justice would fail in refusal to indemnify such a case. In this regard, compensation is a compensatory mechanism that offers the disparity between the formal legal outcomes and substantive justice and leaves the victims with no system due to institutional limitations. Doctrinally, the compensation in a justice system that is founded on victim centricity is strongly related with constitutional values of justice, equality and right to life with dignity. The jurisprudential foundation of compensation lies in the fact that right to life does not only imply the right to survive, but the provision of dignity, security and well-being. The State is under a positive obligation to offer corrective actions in instances where these rights have been violated by criminal acts. The compensation schemes, thus, point to the evolving conception of the constitutional and human rights norms, according to which the victims are considered to be the individuals whose rights can be reinstated under the help of the state. This approach reiterates the fact that justice ought to be responsive to the victim and not restricted to one of conviction or acquittal.

The other role that is played by compensation is a symbolic acknowledgment of harm, which is an expressive role of justice delivery system. Courts and legal facilities through compensation officially recognize the suffering the victim is undergoing and establish that it is real and reinstate the value in a victim. This is particularly relevant in cases of sexual violence, custodial abuse, terrorism or mass victimization where the harm is not confined on individual loss but also on collective trauma. Here the compensation agrees with the moral right of the legal system and the compromise of the wish of the State to protect the rights of the victims. It also gives the people more faith in the law institutions by suggesting them the justice system is sensitive to the human suffering and not indifferent to them. In victim based paradigm, compensation is also inextricably connected with rehabilitation and restorative purposes. Money payment will not be able to undo the damage that has been inflicted by the crime, but it can assist in seeking medical attention, psychotherapist, education and earning livelihood. The compensation in combination with rehabilitation services will result in the inclusion of the victims back to the society and the lessening of the socio-economic impacts of victimization over the long run. As a restorative justice approach suggests, compensation is among the healing methods to restore the balance to supplement the punitive sanctions provided to the perpetrator. Thus, the concept of compensation does not contradict the concept of punishment, but it is the system, which is parallel with the aim of holistic justice. It is worth noting that the effectiveness of compensation as an institution of victim oriented justice depends on its accessibility, adequacy and timeliness. The compensation plans are normally undermined by procedural intricacies, bureaucratic delays and unawareness and hence inefficiency. A victim-based restorative model that concentrates on law therefore is concerned with lean practices, judicial autonomy in the awarding of compensation irrespective of proceedings and judicial coordination of the courts, legal services organization and welfare service. The compensation must be amicable to the victim, in time and sufficient to compensate the actual loss otherwise it will only be a mere show that will not result in any concrete impact.

### **Restitution and Offender Accountability**

The chief component of the victim-centered system of justice is restitution and offender responsibility, which is a reasonable response to a more punitive attitude to criminal justice systems, to a more restorative, more moral culpable system of justice. The criminal law has traditionally been dominated by the focus on punishment as the best way of making sure that criminals pay that does not necessarily imply the direct damage to the victims. Accountability in such a paradigm was similar to prison or payment of fines to be paid to the State but in most instances the victims never compensated their damages. Victim-centric approach re-invents the concept of accountability because it links the concept to the concept of restitution indicating that offenders should accept the harm that befalls them due to their behavior and actively be involved in the action of restitution. The emotion of restitution, in this case, is not a financial one, but the legal expression of the offense and moral impropriety. A concept of restitution in the religious teachings is seen as a form of punishment that a criminal would get to restitute a loss or damage he has committed on a victim as a direct outcome of a crime committed. This can include the restoration of stolen or damaged property, compensation of

medical expenses, loss of income compensation or other damages of a character which might be quantified. The restitution is quite different than the punitive fines because this is victim-oriented and not State-oriented since it aims at restoring the victim to the pre-performance of the offence place. The aspect of restitution in the law department is perceived as part of corrective justice, which adheres to the civil law of restitution and equity of punishment.

To the legal responsibility, moral and social responsibility is added to the offender responsibility in the theoreticalization of a victim based theory of justice. Accountability means that those that commit crimes are not merely punished based on their crime but also on the person they victimized in the society with their ill deeds. Restitution is one of the realistic means whereby this accountability is exercised. The justice system makes the offenders to pay the victims directly therefore verifying that wrong is a personally liable offence and the damage is not an issue that can be quantified as an offence against the State. This model proves to be more enabling on accountability which is inclusive of harm recognition, responsibility-taking and repairing. The restitution is the other rehabilitative key to accountability of the offenders. Since the perpetrators are made to undertake cleanup, they are also made to learn how to empathise, reflect and realise the consequences of his/her actions. This is contrary to the purely retributive penalties that can only augment alienation but not the actual factors and implications of criminal acts. According to restorative justice, restitution proves handy in correcting behavior through accountability and positive action development in a chain where passive punishment exists. By so doing, restitution would help in alleviating recidivism, social integration and in the meantime, the interests of a victim will be maximized. Restitution increases both procedural and substantive fairness of justice delivery system as it balances the interests of both accused and those of the victims. Although due process guarantees are indispensable, a victim-friendly point of view of the law will note that justice should not ignore reasonable claims by the victim to recover and acknowledgement. The courts then have been bestowed with the mandate to sentence them by offering restitution whereby the imprisonment or the fines do not absolve the offenders. This type of discretionary treatment of the judicial system is one of the indicators of the changing approach to criminal responsibility as a multidimensional one and it includes both the legal guilt and the moral culpability and reparative responsibility. It is interesting to note that restitution notes that accountability cannot be absolute without redress. The punishment can fulfill the desire of deterring and avenging that is sought by the society, but not much to recompense the victims and restore the ideal social balance. The justice system sends a message that accountability is the question of the ability to pay back and not the punishment in a form of imposing restitution in sentencing and post-conviction. This follows the principles of constitutional and human rights that uphold the dignity, fairness and social justice. Accountability and restitution of the offender are normative words, which present the transitional image of criminal sanctions in which the definition of accountability is not limited to the extent of punishment but it encompasses the aspiration and the necessity to mend. They support the fact that the form of justice should be a relationship since the offenders, the victims and the society are interdependent. The concept of restitution within a law department

can be seen as a prominent activity of the law, which renders the perpetrator to pay and ensures justice, that is victims-centered and assists in providing a more human and well-proportioned form of justice provision.

#### **List of Cases**

- 1. Bodhisattwa Gautam v. Subhra Chakraborty**, (1996) 1 SCC 490  
*Supreme Court of India*  
→ Victim compensation recognized as part of the right to life under Article 21, interim compensation to rape victim upheld.
  - 2. Nilabati Behera v. State of Orissa**, (1993) 2 SCC 746  
*Supreme Court of India*  
→ Constitutional compensation for custodial death, State liability for violation of fundamental rights.
  - 3. Delhi Domestic Working Women's Forum v. Union of India**, (1995) 1 SCC 14  
*Supreme Court of India*  
→ Recognition of rape victims' right to compensation, counseling and legal assistance.
  - 4. State of Gujarat v. Hon'ble High Court of Gujarat**, (1998) 7 SCC 392  
*Supreme Court of India*  
→ Affirmed victim compensation as an integral part of criminal justice administration.
  - 5. Ankush Shivaji Gaikwad v. State of Maharashtra**, (2013) 6 SCC 770  
*Supreme Court of India*  
→ Mandatory duty of courts to consider compensation under Section 357 & 357A CrPC.
  - 6. Suresh v. State of Haryana**, (2015) 2 SCC 227  
*Supreme Court of India*  
→ Victim compensation independent of conviction, emphasis on victim rehabilitation.
  - 7. Laxmi v. Union of India**, (2014) 4 SCC 427  
*Supreme Court of India*  
→ Acid attack victims' right to compensation, medical care and rehabilitation.
  - 8. Mallikarjun Kodagali v. State of Karnataka**, (2019) 2 SCC 752  
*Supreme Court of India*  
→ Victim has a right to be heard, recognition of victim as stakeholder in criminal proceedings.
  - 9. Rekha Murarka v. State of West Bengal**, (2020) 2 SCC 474  
*Supreme Court of India*  
→ Clarified scope of victim participation without violating fair trial rights of accused.
  - 10. Union of India v. K. A. Najeeb**, (2021) 3 SCC 713  
*Supreme Court of India*  
→ Emphasized humane approach and balancing of rights in criminal justice.
- Bodhisattwa Gautam v. Subhra Chakraborty, (1996) 1 SCC 490  
Principle of Victim-Centric Justice  
In *Bodhisattwa Gautam v. Subhra Chakraborty*, the Supreme Court of India authoritatively affirmed that compensation to victims of crime particularly victims of sexual offences

constitutes an integral component of the criminal justice system and forms part of the fundamental right to life and dignity guaranteed under Article 21 of the Constitution. The Court decisively rejected the traditional view that victims must await the conclusion of criminal trials to receive relief. It emphasised that the criminal justice process cannot remain indifferent to the immediate physical, psychological and economic suffering endured by victims of serious crimes. The Court clarified that the grant of compensation is not contingent upon the conviction of the accused and may be ordered during the pendency of trial as a measure of justice, equity and human dignity. Recognising the grave and lasting impact of sexual violence, the Court observed that rape is not merely an offence against an individual woman but a violation of her bodily integrity, autonomy and inalienable human dignity. Consequently, the judiciary bears a constitutional responsibility to ensure that victims receive timely financial assistance to enable access to medical treatment, psychological counselling and rehabilitation. This landmark decision laid the jurisprudential foundation of victim-centric justice in India by reorienting criminal law from an exclusive focus on punishing the offender towards addressing the needs and suffering of the victim. It underscored that effective justice must encompass not only retribution but also restorative and reparative measures that acknowledge and respond to victim harm.

**Example:** In case of a rape victim who is supposed to be heard in court and the suspect is likely to spend several years in court, the court can ask the suspect to make interim compensation to the victim before the case is finally decided. This reparation may be spent on urgent medical treatment, mental counseling or simple food. The right of the victim to dignity and life cannot be suspended even in the case when the trial is still underway. The case therefore shows how victim-focused justice works in actual sense through the consideration of victim welfare and criminal prosecution.

#### **Restorative Justice Mechanisms**

Restorative justice mechanisms are a paradigm shift in the contemporary criminal jurisprudence, which redefines the sense and purpose of justice by putting the emphasis on repairing as opposed to punishing, accountable and reconciled. Conventionally, criminal justice system has been designed along the retributive model whereby the crime is perceived to have mostly been an offence to the State and justice realized by the administration of penal punishments to the offenders. Within such a structure, victims are always marginal and their demands to be recognized, healed and repaired do not get proper attention. The mechanisms of restorative justice contravene this paradigm in its conceptualization of crime as an offense against the person and society, thus necessitating their response through repairing the damage, restoring relationships and reintegrating all stakeholders into society. Restorative justice in a law department model is seen as a supplementary, but not substitute, process that exists in parallel with the formal law enforcement process in order to facilitate justice that is victim-focused. On the conceptual level, the restorative justice mechanisms base on the principles of participation, accountability, voluntariness and proportionality. These processes establish a structured space whereby victims, offenders and sometimes representatives of the community

talk to each other with the assistance of trained neutral mediators. The ultimate goal is to empower victims to describe the effects of the crime, communicate their needs and get recognition about the damage and force criminals to admit their actions and be involved in fence-mending efforts. This participatory paradigm is an extreme to adversarial proceedings where the voices of victims are helped to be heard by lawyers and formalities and can, as a result, result in a lack of feeling and disappointment in the results. In legal terms, the restorative justice processes lay stress on the accountability of the offenders in a substantive and not tokenic way. Accountability is not pegged on punishment but entails recognition of wrongness, facing of remorse and taking of reparation or other restitution measures. Victim-offender mediation, family group conferencing and community justice circles are only some of the mechanisms that enable offenders to face the human impacts of their actions and commit to responsibilities which are geared towards repairing the damage. This type of responsibility goes along with the ideals of corrective justice and makes criminal responsibility consistent with the ethical and social aspects of wrongness.

The restorative justice processes are also extremely protective and curative to the victims. The criminal processes are mostly conventional and victimize the victims in cross-examination and secondary victimization process, secondary victimization took in the form of narration of trauma, cross-examining adversarialism and prolonged delays. By doing the restorative processes, which are carried out with adequate protection, a sense of control is given to the victims, validation and emotional healing. Empowering the victims to volunteer and without any coercion is also a kind of respect to the right to autonomy and psychological integrity of victims since restorative justice mechanisms are done through means of volunteers. Within the law department model, this anthropocentric inclination reminds the fact that justice should be sensitive to human suffering and should not be tied to procedural implications. The mechanisms of restorative justice have institutional features that operate within a controlled legal framework that serves to encourage fairness, consent and proportionality. The mechanisms are typically applied in suitable cases, e.g. juvenile offences, minor or first-time offences and cases where they accept to participate in restorative participation. We need protection so as not to be manipulated, power imbalance or re-traumatized particularly where there is extreme violence or frail victims. Restorative justice, based on that, is not conceptualized as an all-powerful alternative, but as a circumstantial tool that does not substitute formal adjudication and satisfies the due process rights of the accused. Normatively restorative justice mechanisms presuppose broader change in criminal justice thinking into human rights, dignity and social justice. They do not ignore the fact that the cruel backlashes are inadequate to address the complex social and emotional crime effects. The incorporation of dialogue, responsibility and repair will result in the victim being satisfied, rehabilitation of the offender and peaceful co-existence within the community due to restorative justice. Such mechanisms are integrative model of justice in law department paypoint that establishes a balance between legal responsibility and moral responsibility which improves the legitimacy and humanity of the justice system delivery system. To be honest, the mechanisms of restorative justice redefine justice as a healing process and not as a punishment process.

Focusing on the needs of the victims, promoting the duty of offender and the process of social reconciliation, those mechanisms render the principles of victim-centered justice in the manner that will not discard the values of the Constitution and the modern state of legal philosophy. The application of restorative justice as components of an emerging system of justice provision has immense potential in support of justice being just, effective and popular among the citizenry.

### **Challenges in Implementing Victim-Centric Mechanisms**

Victim centric mechanisms as practised in the justice delivery system have a host of structural, procedural and normative issues that in most instances, complicate the achievement of their desired goals. Although victim-based justice has attempted to place the victims back to the status of rights-bearing stakeholders who deserve protection, input, compensation and restitution, the practicality of criminal justice systems remains to be largely controlled by offender-focused and state-based systems. This institutional orientation makes it difficult to effect the reforms that would provide the victims with the enhanced priority, which leaves a considerable distance between the legal acknowledgment of the rights of the victims and their adequate implementation. The victim-focused mechanisms are therefore often idealistic and not practical to effect any change to the law. Among the main problems is institutional fragmentation and discoordination of agencies, which deal with the protection and support of victims. Victim centric justice calls on a smooth co-operation among the police, prosecution, the judiciary, the legal aid authority, the social welfare department and non-governmental organizations. As a matter of fact, these institutions have tended to be silos in practice thus creating delays, duplication of efforts and gaps in service delivery. This type of fragmentation disrupts the continuity of care and subjects the victims to procedural insecurity and repetitive traumas. A law department viewpoint of victim-centric mechanisms undermines accountability and invalidity of victim-focused mechanisms in the absence of integrated institutionalizing structures.

The other issue of concern is the absence of the balance of the process between the accused people and the victims. The criminal justice systems are well formulated on the principles of due process founded on the presumption of innocence and rights of the accused. Nevertheless, the proactive focus on these precautions tends to lead to the neglect of the interests of the victims. The potential victims of the proceedings are not provided with any serious steps of the actions, deprived of the opportunity to receive the timely information or the opponents of the cases are cross-examined without the necessary protection. In the absence of integrity in the trials, it is difficult to strike a balance between the interests of the victims of taking a trial and the due process standards. In order to have this balance, the courts should be delicate and there should be little change in the law but it does not happen. The impossibility to implement the victim-centric mechanisms is also furthered by slowness and inefficiency of the justice delivery system. The additional studies and experiments cause the victims to be further psychologically distraught and develop mistrust of the legal institutions. The bureaucracy barrier, the insufficient funding and created winding bureaucracy are the primary factors, which explain the tendency of the compensation and rehabilitation actions to be postponed. Theologically,

delayed justice is justice denied in which recovery and reintegration of victimized parties is a time factor. The systemic delays prejudice is therefore a method used to erode the remedialism of the victim-centric justice. One of the normative issues is critical and is associated with institutional insensitivity and secondary victimization. The law imposed by the prosecutors and court employees are usually not friendly, even though they are not feeling the victims which results to emotional trauma and loss of status. Intrusion of privacy, insensitive interrogation, re-telling of the traumatizing events and insensitive interrogation of the victims are some of the reasons that lead to secondary victimization and the victims can not seek redress in court. It is also a delicate situation considering that patriarchal, caste based or class based prejudice still prevails and to even a more pronounced extent affects women, children, as well as underprivileged classes. These attitudinal impediments bear a greater structural injustice that cannot be treated through legislation reforms. Access to victim centred mechanisms and ignorance is also a giant challenge. There are so many victims who do not know their rights to the compensation, protection or restorative process but still many do not have enough resources and do not know the law to work in the confusing processes. Legal aid services are in an obligatory manner, which is usually underfunded and unevenly allocated. This has the effect of creating the imbalance in access to victim-centered solutions, which negates the concept of equality before the law. The victim oriented justice can only be effective under the perceptions of the law department where there would be mass awareness, legal empowerment and institutional outreach. The utilization of restorative justice mechanisms is also linked with other challenges especially in the provision on the aspect of voluntariness, fairness and proportionality. This imbalance between the victims and the offender may cause the former to be forced to experience the procedures of restorative justice or be pressured unnecessary whether the victims are re-traumatized or not. Further, there is no standardization in the guidelines and the trained facilitators and this will not allow the standard application of restorative practices. The infringement of the authority and the rights of the victims in the absence of the defense can be the outcome of the restorative justice which is the opposite of the postulates of the given concept. Lastly, the mechanisms based on the victim will never be sustainable because it lacks monitoring, evaluation and accountability. Insufficient evidence-based policy making is influenced by inability to gather credible evidence to establish experience of victims, support services use and reparation/ compensation program success. Without the strong systems of control and the institutional responsibility will be undermined, the loopholes in the implementation process will not be closed up. The formal aspects of enforceability and accountability are needed to ensure that victim-centric justice is an efficient practice, not an idealistic source. In general, the issues of introducing the victim-centric mechanisms lie in the institutional framework, the rules of the procedures and the socio-cultural convictions. The two issues demand the radical reforms of the law, capacity building, inter-institutional coordination and long-term adherence to human rights and dignity to respond to these challenges. The victim centered justice can only be effectively incorporated into the system of justice delivery through such systemic endeavors and thus its promise of inclusive and substantive justice can be fulfilled.

## **Conclusion**

Victim-centric justice represents a fundamental reorientation of criminal jurisprudence from a predominantly offender-centred paradigm to a more inclusive, humane and rights-based system of justice delivery. The analysis undertaken in this paper clearly demonstrates that justice cannot be meaningfully achieved without recognising and responding to the experiences, needs and rights of victims alongside the prosecution of offenders. Victims are not merely peripheral participants in the criminal process, they are individuals whose dignity, safety and well-being are directly and profoundly affected by crime. A justice system that neglects their suffering risks losing both its moral authority and public legitimacy. This study identifies victim protection, compensation and restitution and restorative justice mechanisms as the core pillars of victim-centric justice in criminal law. Protective measures enable victims to participate in the legal process without fear of intimidation, retaliation or secondary victimisation, thereby strengthening both access to justice and the integrity of adjudication. Compensation and restitution function as essential instruments of reparative justice, acknowledging the harm suffered by victims and providing practical relief to address economic, physical and psychological losses caused by crime. These mechanisms reaffirm that justice extends beyond punishment to include rehabilitation and recovery. Restorative justice further enriches this framework by emphasising accountability, dialogue and healing, addressing the relational and social dimensions of harm that punitive sanctions alone cannot adequately resolve. Together, these mechanisms constitute a holistic conception of justice that seeks not only to penalise wrongdoing but also to repair damage and restore social balance. The paper also highlights that the effective implementation of victim-centric mechanisms remains fraught with significant challenges. Institutional fragmentation, procedural delays, lack of awareness, inadequate resources and entrenched culture-insensitive attitudes continue to impede the realisation of victims' rights in practice. Reform efforts are further complicated by the need to ensure that enhanced victim participation does not undermine the due process rights of the accused. Achieving this balance requires nuanced legal reform rather than simplistic or ad hoc solutions. These limitations indicate that victim-centric justice cannot be achieved through legal recognition alone, it demands sustained institutional commitment, coordinated infrastructure and long-term cultural transformation within the justice system.

In the Indian context, victim-oriented justice has gained recognition through judicial pronouncements and evolving statutory frameworks. Nevertheless, a persistent gap remains between normative legal principles and their practical enforcement, particularly in cases involving vulnerable and marginalised victims. Bridging this gap requires integrated institutional structures, systematic training of justice actors in victim-sensitive practices, effective monitoring mechanisms and widespread legal awareness among the public. Importantly, victim-centric justice should not be viewed as antithetical to due process or the rights of the accused, it complements these principles by enhancing fairness, legitimacy and public confidence in the justice delivery system. Victim-centric justice embodies the broader constitutional values of human dignity, social justice and fairness. A truly just legal system is not defined solely by how it punishes offenders, but by how effectively it recognises, protects

and restores those who have been harmed. By placing victims at the forefront of the criminal justice process while upholding procedural fairness, the legal system can evolve towards a model that both heals and punishes. Victim-centric justice thus stands as a vital pillar of a modern, responsive and humane criminal justice system.

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