

Article

Right to Compensation under Constitutional Scheme in India

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Abstract: Compensation refers to financial assistance provided for any crime given either by the government or, in some cases, by any private group or association to the victims of violent crimes or to their families. It serves as a remedy in civil lawsuits. In the context of criminal cases, the primary focus is on punishing the offender to create a deterrent effect for both the offender and society. However, awarding compensation in specific criminal cases as mandated is also aimed at achieving justice. Recent legislative advancements and judicial responses to compensation provisions demonstrate that the importance of compensation is fully acknowledged within the framework of criminal justice. Various laws, including Indian Constitution, Tort Laws, the Code of Criminal Procedure, provide for the payment of compensation to individuals whose rights have been violated. In 1985, the Declaration of Basic Principles of Justice for the Victims of Crime and Abuse of Power, adopted by the General Assembly of United Nations, was a significant milestone in promoting the pro-victim movement and includes provisions. This declaration addressed the entitlement of the victim to approach the court to get equity, unprejudiced care, restitution, reparation, and assistance to the individuals affected by crime. This article explores in detail how information, when a person suffering from crime is not able to get justice from the court, due to the rigidity of procedural law, they may still seek relief through Articles 32 and 226 of Indian Constitution a sufferer may get relief from the apex court of India.

Keywords: criminal justice; human rights; victim compensation; victim rights; Indian constitution

1. Introduction

Humans are inherently social beings, and it is quite evident that actions can often infringe upon the rights of others within society. To address these circumstances, the law has established the concept of compensation. This ancient principle involves providing financial restitution to someone who has been harmed. *Ubi jus ibi remedium*, a Latin phrase - which means 'the law will never allow the sufferer to leave without the redress' or if a legal right exists there must also be a remedy available. The maxim is typically associated with Tort law, which holds that when a legal wrong is committed, some form of compensation is warranted (Ranchhoddas and Dhirajlal 2020).

However, it has also proven valuable in the realm of public law. The interpretation of this maxim is not only limited to tortious wrongs but also has expanded to include matters of public law, particularly in relation to human rights. Therefore, it is imperative to provide some form of compensation in instances of human rights violations. The plaintiff must necessarily have a remedy if he has right, "he must of necessity have a means to redeem and nurture it; and actually, it is a useless thing to imagine a right without a relief; desire of right and ought of panacea to be corresponding" (Ranchhoddas and Dhirajlal 2020).¹

2. Right to compensation under Indian Constitution

The Preamble to the Constitution represents the fundamental constitutional principles that define the essence of the Indian Constitution. It is very clear in the Indian Constitution that the country is sovereign, progressive, secular, self-governed, self-determined, committed towards justice, non-discriminate and free will of its citizens. The Indian Constitution does not explicitly give the provisions for compensation to crime victims; however, its essence can be inferred from various articles, such as Article 41 states that the state shall, within its financial means, establish effective measures to help in situations of disability and unmerited poverty (Paranjape 2023). Further, Article 51A outlines the fundamental duties of every Indian citizen to show compassion toward living

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¹ Ashby v. White, 92 Eng. Rep. 126. 136 (1703) (Holt, C. J.)

creatures and to foster humanitarianism and a spirit of reforms. Article 21 has been interpreted to include the victim's right to compensation as a fundamental right, as affirmed by the Hon'ble courts. Article 14 of the Indian Constitution speaks about the equality before law, on the other hand fair and just investigation and an impartial trial are essential to safeguarding the fundamental rights of an accused as stated in the constitution of India under Article 21.²

The Supreme Court of India and the High Courts of various States having the authority to provide compensatory justice by granting reasonable monetary compensation under Article 32 or Article 226 of the Constitution of India for any mental, physical, or financial harm sustained due to the violation of inalienable fundamental rights protected by the Constitution (Basu 1950). It must be clearly demonstrated that the State failed to take necessary measures to protect the natural rights of its citizens. There is no requirement for the victim to seek recourse through a Civil Court by invoking common law for damages due to the infringement of fundamental rights. The victim has the choice to pursue compensation through either constitutional or civil remedies. Given that the constitutional remedy is rooted in public law, it is not mandatory for the direct victim to present their case in Court. Relief may also be granted through the exercise of *suo-motu* authority or in cases of public interest litigation.

Globally, the welfare state has been widely praised, leading to an increase in its authority and responsibilities, as well as a greater significant intrusion into individual rights. Consequently, the range and scale of actions against the state for the enforcement of liability due to rights violations is on the rise. An established principle of civil and criminal law is that any person who violates another person's rights should face punishment, and in specific situations, the victim is entitled to receive financial compensation for any harm suffered due to such violation (Rao 2006).^{3,4} In a similar vein, the State, which operates through a vast network of workers, is generally accountable except in certain exceptional cases, for providing compensation when its agents violate individual rights⁵ as it is particularly in nations that uphold the rule of law and democratic principles. The case relates to the death of Suman Behera, a 22-year-old man, was apprehended by ASI Police on December 1, 1987, as part of an investigation into a theft in village. He was handcuffed, restrained, and held at the police station. His lifeless body, bearing shackles and several bruises, discovered on the rail tracks on December 2, 1987. His mother, Smt. Nilabati Behera, sent a petition to Supreme Court on September 14, 1988, claiming that her son had died at the time of when he was in police custody. The Court treating her letter as a writ petition under Article 32 of Indian Constitution took cognizance. The Court directed an investigation into the matter by the District Judge, Sunder Garh, who, after recording evidence, concluded that the deceased had succumbed to injuries sustained while in police custody at the station.

3. Development of right to compensation in India

The penal laws of India have not established a dedicated system for compensating crime victims for the harm they have suffered; there is no legal entitlement for victims to receive compensation. In cases involving permanent injury, financial compensation often remains the only viable remedy. India lacks comprehensive legislation or statutory frameworks mandating monetary compensation persists and no mandate is there which may set the State's liability to provide financial compensation to crime victims. The higher judiciary addressed, that due to the lack of any legal right for financial help for the infringement of natural rights and has provided an alternative remedy for compensation through the constitutional provisions.

According to Article 9 (5) of the International Covenant on Civil and Political Rights, any individual who has suffered from illegal arrest or imprisonment has the right to seek enforceable compensation. Nevertheless, this right to compensation is not specifically recognized as a natural right as mentioned in Part-III of the Constitution. Furthermore, when India acceded to the International Covenant on Human Rights, 1979 it made several declarations (or reservations), including the following:

"Referring to Article 9 of the ICCPR, the Indian Government asserts that the provisions of this Article shall be interpreted in conformity with clauses (3) to (7) of Article 22 of Indian Constitution. Not only is this the Indian Legal System lacking on the point of the scarcity of the legally enforceable right to compensation for individuals who assert they have been victims of unlawful seizure by the State".⁶

Indian Constitution does not provide explicitly the right to compensation. In instances where fundamental rights are violated, victims are permitted to seek enforcement through the Courts under Articles 32 and 226. To obtain compensation, they had to initiate a Tort case, which was often a cumbersome process. Therefore, when the Supreme Judicature had the chance to explore and acknowledge the complexities surrounding the right to compensation, it seized the moment. The drafting panel of Constitution has enshrined natural rights in Part III. Articles 12 to 35 outline the various rights available to citizens of India.

In a leading case⁸ a three-judge bench of the apex judiciary of India, observed that while exercising its authority under Article 32, the Bench has the power award monetary compensation for the violation of a petitioner's fundamental right to life and independence. In delivering the judgment, Chief Justice Chandrachud, D.Y. remarked:

"Article 21 of Indian Constitution, guarantees the right to life and liberty. This right would lose its essence if Court's authority were confined to issuing orders for release from unlawful detention. A compelling method to reasonably avert the breach of that right and to ensure adherence to Article 21's provisions is to hold violators financially accountable. Systemic failures are leading to gross violation of basic rights, which cannot be repaired by any means other than those available to the courts. Compensatory

² Available online: <https://legislative.gov.in/constitution-of-india/> (Accessed on 1 June 2025)

³ A.I.R. 1997 (Jour.) 167

⁴ M.S.V. Srinivas v. State of Andhra Pradesh & Ors. (2023)

⁵ Nilabati Behera v. State of Orissa, A.I.R. 1993 S.C

⁶ Available online: <http://hrlibrary.umn.edu/research/ratification-india.html> (accessed on 1 June 2025)

⁷ Constitution of India, 1950.

⁸ Rudul Shah vs. State of Bihar and another AIR 1983 SC 1086

rights serve as a remedy for the wrongful actions of public authorities under the cover of sovereign power. If we are to preserve our civilization in this country, unlike those whose downfall is known to the world, it is vital for us to learn to recognize that respect for individual rights is the true foundation of our democracy."

In *Hari Kishan Singh & State of Haryana's case*⁹, the apex judiciary granted Rs. 50,000/- as monetary relief to the victim and directed subordinate criminal courts to exercise their authority to award compensation more liberally, to ensure that victims do not need compelled to approach civil courts.

It is very unfortunate that the lower courts invoke this provision to grant compensation to victims, particularly when accused individuals are acquitted due to benefit of doubt or on technical legal grounds. The Court also emphasized that the amount of compensation should be determined by considering the nature of the offence, the credibility of the victim's claim, and the financial capacity of the accused. According to the Court, the compensation amount must be fair and will vary depending on the facts and circumstances of the case.

As per the Article 21 of Indian Constitution, the rape victim has the right to be compensated. In the *Bodhisattva Gautam's matter*¹⁰, it was held that the court is empowered to award compensation not only at the conclusion of the trial but also at any stage during the trial. The Supreme Court proposed a framework to compensate the rape victims during the trial in the *Delhi Domestic Working Women's Forum case*¹¹, through interim compensation, during the trial has concluded and recommended the establishment of a Criminal Injuries Compensation Board under Article 38(1) of the Constitution. The rape victim will be recompensed either by this Board or directly by the court (Krishna 2015).

In *Saheli: a Women's Resources Centre v. Commissioner of Police, Delhi Police Headquarters*¹², the court held that the State was responsible for compensating a mother whose 9-year-old child died after being beaten and assaulted by police and directed the Delhi Administration to pay Rs.75000/- to the mother as an example. The court determined that the State would be accountable for the wrongful acts of its employees. Implicitly, the Court rejected the principle laid down in *Kasturilal Ralia Ram Jain v. State of U.P.*¹³ which upheld state immunity related to vicarious liability of the State for the actions of its workers. It is argued that the Court's ruling aligns more closely with the principles outlined in *Rudal Shah v. State of Bihar*.¹⁴

In *State of Maharashtra v. Ravikant S. Patil*¹⁵, a respondent was arrested on suspicion of involvement in a murder investigation. He was handcuffed and had both his arms bound with a rope while being walked through the city streets. A writ petition by requesting the censure of the police officer and seeking reparation, filed. Division Bench of Bombay high court found that the police inspector had subjected the under-trial prisoner to unnecessary humiliation and indignity, which is not permissible for any Indian citizen and against the unalienable rights of individual. Therefore, the Police Inspector deemed liable, personally to pay compensation.

*Sunil Gupta and Others v. State of Madhya Pradesh and Others*¹⁶ is a significant ruling issued by the court on May 2, 1990. The case focuses on illegal detention and cruel treatment of social activists who were encouraging the rights of farmers and tribal communities of Madhya Pradesh. Sunil Gupta, Raj Narain, and Purushottam Nayak, petitioners experienced police violence, being restrained with handcuffs and paraded publicly, which raised important constitutional issues under Article 14, 19, and 21 of the Indian Constitution. The ruling is a vital affirmation of the importance of human dignity and personal freedom within the Indian legal context. Although the Court did not deem the detention period illegal, it strongly criticized the unjustified and arbitrary use of handcuffs by police officials, emphasizing the necessity for adherence to procedural standards and respect for constitutional rights. This case highlights the judiciary's essential role in defending citizens' rights against possible overreach by state authorities, thus reinforcing the fundamental principles of justice and human dignity that are enshrined in the Indian Constitution. In the present case, the principle established in *Rudul Shah*¹⁷ was upheld, and no further elaboration was provided. In *Saheli*¹⁸, a mention was made regarding the State's responsibility for the wrongful acts committed by its employees. Court granted compensation to deceased's mother following her son's death in police control outcome of physical assault¹⁹.

The chief court referred the various judgments given by itself in *Bhim Singh v. State of J&K*²⁰; *Saheli: A Women Resources Centre v. Commissioner of Police Delhi, Police Headquarters*²¹; *State of Maharashtra v. Ravikant S. Patil*²² and many more and concluded that the State of Orissa's obligation to provide compensation in the case is unquestionable. Court elucidates the State's liability in those circumstances, which relates to payment of compensation, and distinguishes the liability in private law as tort actions. The court noted that awarding the compensation in the proceedings under Article 32 or under Article 226 of the Constitution of India as a public law remedy based on absolute responsibility for the violation of basic rights. It is not the subject of the principle

⁹ Hari Kishan Singh & State of Haryana v. Sukhbir Singh (1988) 4 SCC 551

¹⁰ Bodhisattva Gautam v. Subhra Chakraborty 1996 SCC (1) 4

¹¹ (1995) 1 SCC 14

¹² (1990) 1 SCC 422

¹³ AIR 1965 SC 1039

¹⁴ Supra Note 5

¹⁵ (1991) 2 SCC 373

¹⁶ 1990 SCR (2) 871

¹⁷ Supra note 12

¹⁸ Supra note 10

¹⁹ AIR 1993 SC 1960

²⁰ (1985) 4 SCC 677.

²¹ (1990) 1 SCC 422.

²² (1991) 2 SCC 373.

of the sovereign shield, if such a defense might be applicable in private law for tort actions. This distinction between the two forms of remedy is crucial to understanding and highlights the rationale for how compensation is determined in these proceedings".²³

The Supreme Court in *Kasturilal Ralia Ram Jain v. State of U.P* has affirmed sovereign's immunity regarding the imputed liability of the State for the tortious activity of its employees²⁴. The bench distinguished between the State's immunity and the Courts' authority to grant compensation for breaches of fundamental rights as specified in Articles 32 and 226 of the Constitution, and stated:

In *Kasturilal*²⁵ the apex court, while the plea of sovereign immunity of the State for the torts of its employees upheld thereby limiting the scope of liability in tort. Further, the court stated that it is distinct from the liability of the State for violation of fundamental rights, to which the doctrine of sovereign immunity has no application in the constitutional scheme. The State's liability is distinct for contravention of fundamental rights to which the doctrine of sovereign immunity has no application in the constitutional scheme, and there is no defense to constitutional remedies under Articles 32 and 226 of the Constitution which provide for compensation for violation of fundamental rights. The only practical means of enforcing such fundamental rights can be through compensation.

The Supreme Court affirmed and pursued reinforced the principles in *D.K. Basu v. State of West Bengal*²⁶ laid down in *Nilabati Behra* matter.²⁷ A person whose fundamental right to life has been violated does not constitute adequate redressal by just proclaiming an action or findings of custodial tortures or death during the custody is unlawful as confirmed by the apex court. Additional remedial actions are necessary to address the situation. The Court referenced Section 220, Section 330, and Section 331 IPC, 1860 and held that these legal provisions alone are insufficient to rectify the harm caused to the citizen. While it is the State's duty to prosecute offenders for all crimes, victims are also entitled to compensation for their suffering. When a fundamental right has been violated, the Court should not limit itself to merely issuing a declaration. It must take further steps to provide compensatory relief, which should not be treated as damage in a civil lawsuit but as compensation under public law for the harm caused by the state's failure to uphold the citizen's fundamental right to life. Addressing the wrong done and providing judicial remedies through legal inquiry is an essential responsibility of the judiciary. In 1979 at the time of the rectification of international covenant on Civil and Political Rights, 1966,²⁸ a specific reservation mentioning that the legal system of India does not recognize the right to compensation for the victims of unlawful detention and arrest. As the result, India did not become a party to the Covenant, according to Dr. A.S. Anand, J. (Singh and Upadhaya 2017). The judge indicated that approximately twenty years ago, the Government's liability for the tortious actions of its public officials was typically restricted, and individuals impacted could assert their rights in tort by initiating a civil lawsuit, where the defense of sovereign immunity could still be utilized.

It is clearly recognized in many legal systems that financial compensation is an appropriate, effective, and often the only suitable relief for addressing violation of a citizen's fundamental right to life committed by public officials, the sovereign being vicariously accountable for their actions. The citizen's claim is based on the principle of strict liability, and does not permit a defense of sovereign immunity, and the citizen is entitled to receive restoration from the State, which retains the remedy to seek reimbursement from the person who committed the wrong.

In *Delhi Domestic Working Women Forum*²⁹ a PIL was preferred to invoke the compassionate provisions under Article 32 of the Constitution, dire situation of four domestic workers who were sexual assault by seven army personnel during the journey on from Ranchi to Delhi in Muri express. Victims were powerless women of Bihar's tribe; were susceptible to terrifying. Despite the phenomena of such a heinous thwack upon the women's fellow and dignity, neither the central nor the state government has shown any concern regarding the necessity for rehabilitation and compensatory justice for these women.

A three judges' bench of the court concluded the writ petition with several fundamental observations and directives. In delivering the verdict, Mohan, J. remarked that it is quite regrettable that there has been a rise in violence against women in recent times, raising serious concern. Rape indeed presents serious challenges for the criminal justice system. "Rape is an ordeal that profoundly disrupts the lives of victims. Its effects are long lasting, affecting the ability to form personal relationships, altering behaviors and values, and creating persistent fear. Beside the victim's trauma from the actual rape, have also endured pain throughout the legal process."³⁰

In the *People's Union for Civil Liberties* case³¹, petitioners invoked the provisions mentioned in Article 32 to seek relief through mandamus or by another suitable order or direction:

- (1) To initiate a judicial inquiry into the purported fake encounter conducted by Imphal's law officers on April 3, 1991, which resulted in the deaths of two individuals.
- (2) To compel appropriate action against the law enforcement official's agency; and
- (3) To indemnify the descents of the deceased, despite the police authorities rejecting claims of a fake encounter.

²³ (1993) 2 SCC 746 para 14 at p. 758.

²⁴ AIR 1965 SC 1039

²⁵ Id.

²⁶ (1997) 1 SCC 416.

²⁷ 1993 AIR SCW 2366

²⁸ Available online: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights> (Accessed on 1 June 2025)

²⁹ *Delhi Domestic Working Women's Forum v. Union of India* (1995) 1 SCC 14

³⁰ (1995) 1 SCC 14 para 13 at pp. 18-19.

³¹ AIR 1997 SC 1203

As the principles propounded in Delhi Domestic Working Women Forum's Case³² the apex judiciary in *Budhisattwa Gautam v. Subhra Chakraborty*³³, determined that compensation could be granted for the infringement of basic rights. A temporary reimbursement of Rs. 1000/- per month to the victim of rape until the allegations of rape were decided by the trial Court.

*Chairman Railway Board v. Mrs. Chandrima Das*³⁴, is the case in which the respondent, a practicing lawyer of Calcutta High Court, submitted writ petition against the Chairman, Railway Board and others, seeking compensation for Smt. Hanuffa Khatoon, a Bangladeshi national, gang- raped by several individuals, including Railway employees, in a room at Yatri Niwas located at Howrah Railway Station. The Calcutta High Court granted compensation of Rs. 10,00,000 to the victim on the basis that assault occurred in the property (Rail Yatri Niwas) owned by the Railways and controlled by its employees.

The case of *State of Andhra Pradesh v. Challa Ramkrishna Reddy*³⁵, established that the court possesses the authority to grant compensation for the infringement of natural rights (specifically existence right) of prisoners, whether they are convicts, under-trials, or detainees. In this case Challa Chinnappa Reddy, his son Challa Ramkrishna Reddy were detained in barrack no. 7 of Sub-jail Koilkuntla. During the midnight of May 5-6, 1977, around 3:30 AM, individuals gained access to the standby-jail premises, threw bombs into Cell No. 7, resulting in severe injuries to Challa Chinnappa Reddy, who later passed away in a government hospital. His son, Challa Ramkrishna Reddy, sustained some injuries but managed to escape. Challa Ramkrishna Reddy, along with his four brothers and mom, filed a lawsuit against Andhra Pradesh government to seek Rs. 10,00,000 as damages for the negligence of the prison authorities. The trial court dismissed their lawsuit, but higher court ordered in favor of the claimant, awarding them Rs. 1,44,000/- with interest at an annual rate of 6 percent. An appeal preferred by the State before the supreme court against the order of the subordinate bench. Appellant contended that prisons across nation established and maintained, by the center or state as part of their utmost responsibilities in upholding decorum, arguing that the suit for compensation cannot be permitted. Conversely, respondents contested that the principle of sovereign impunity regarding governmental actions had been discredited by numerous decisions of the apex judiciary, which endorsed the awarding of damages against the government, even in cases of prisoners' deaths. The Supreme judiciary rejected the appeal and upheld the High court's order to grant compensation.

The case of *S. Swathi v. The Station House Officer*³⁶, where a woman made a complaint to the police regarding stripping of her clothes. She was also beaten. The police refused to register her complaint. She was rather abused. An Advocate made a private complaint on her behalf. The Magistrate took cognizance of it. In retaliation to private complaint, police foisted false cases against the Advocate. The Advocate was detained for 20 days. He was not granted bail. The court upheld that the action of the police officials in restricting such officials from discharging duties entrusted to him significantly damaged his reputation in society. The court ordered for the payment of Rs. 50,000/- as compensation to the Advocate, which could be recovered from its erring officials. The proceedings instituted against the Advocate upheld as malicious driven by ulterior motives. Therefore, the proceedings were quashed (Singh 2022).

The deceased was a trial prisoner in *Marri Yadamma v. State of Andhra Pradesh*³⁷ and was suffering from acute abdominal pain and admitted to jail hospital. Later, he shifted to a government hospital. Autopsy report said that the cause of death congestive cardiac failure associated with aortic valve disease. Jail hospital authorities failed to produce the original record. It was upheld that as per medical theory, heart cannot massively grow within one or two days, and aortic valve disease cannot be developed at once. It appeared that no due care or timely medical attention was provided for examination by a surgeon or a specialist despite the complaints about the ailments. Hence held that deceased died due to negligence and tortious behavior of the prison authorities as well as by the jail doctors. Therefore, the court mentioned held that the government would be liable for wrongful actions of its employees. Trial prisoners therefore granted a compensation of Rs. two lacs, for the violation of the natural right of the deceased to get medical help (Singh 2022).

In the case of *Chiranjit Kaur v. Union of India*³⁸, petitioner's husband was serving as 'a major in Army' died under mysterious circumstances while in service. A thorough investigation was not conducted for the causes of his death. The authorities were responsible, showing negligence and cynical behavior while handling the matter. Court determined that the widow and her minor children were entitled 'a compensation' of Rs.00,000/- along with the special family pension and allowance for children according to the applicable rules (Pandey 2023).

*Sanjay Gupta v. State of Uttar Pradesh*³⁹ is the case in which India Brand Consumer show organized by Mrinal Events and Expositions at Vistoria Park at Meerut. On the last day of the show in a fire tragedy, 64 persons were charred to death and more than 100 persons were injured. The Park was a government owned ground, and permission was granted by the government to hold the events but due care and in violation of statutory requirements. A FIR lodged against the accused individuals. The ruling government appointed a Judicial Inquiry Commission to investigate the facts and causes of the accident and determine methods for controlling such situations, determination of the liability and the extent thereof and measures to be adopted to avoid the occurrence of such incident in future. A writ petition submitted before the apex court for the directions to the provincial government to give an extra amount of Rs. 500,000, on top of the Rs. 200,000 already given to the deceased's legal representative. This, along with the Rs. 200,000 granted by the central government to the families of those who perished in the incident. Furthermore, the Court mandated an extra Rs. 200,000. In addition, of the Rs. 100,000 that the State Government has already given to individuals who were severely

³² Supra note 28

³³ AIR 1996 SC 922.

³⁴ AIR 2000 SC 988

³⁵ AIR 2000 SC 2083.

³⁶ 2003 Cri.L.J. 1404 (AP)

³⁷ AIR 2002 AP 164

³⁸ (1994) 2 SCC 1.

³⁹ AIR 2014 SC 2982.

injured and Rs. 75,000 more, in addition to the Rs. 50,000 already granted to individuals by the State Government who sustained minor injuries (Pandey 2023).

4. Conclusions

In Indian criminal law, the accused holds a favorable position, being presumed innocent until proven guilty, and is entitled to a fair investigation and a just trial. However, it is essential not to treat the victim as a mere outsider in the criminal proceedings. Additionally, it is the court's responsibility to protect the rights of the victim. If, State fails to protect victim's rights, as it is an essential aspect of delivering justice for victims, then Indian Constitution provides a shield in the form of human rights of a victim. In addition to the conventional punishment approach, providing compensation to victims helps reduce the bias toward the accused in the justice system; though in India, despite some progress in this area, there remain numerous flaws and challenges that require coordinated efforts from all organizations involved in the justice system. After collaborative efforts, clarity and accountability within every facet of the criminal justice system become crucial to ensure the effective implementation of existing provisions. In the Indian Criminal Justice system, the victim's role adheres to a common law tradition that limits their position to that of a witness in the prosecution of an offense. In India, compensation is mandated as a public law remedy in alignment with Article 21 of the Constitution. In instances where the State or other entities neglect to safeguard the life, dignity, and freedom of victims, the Supreme Court has sometimes directed the provision of financial compensation and rehabilitation assistance to ensure justice for the victims.

References

- Basu, Durga Das. 1950. *Commentary on the Constitution of India*. The Madras Law Journal Office, Madras: India.
- Krishna, Iyer Vaidyanathapuram Rama. 2015. *The Indian Criminal Justice*. Central Law Publications, Allahabad: India.
- Pandey, Jai Narayan. 2023. *Constitutional Law of India*. Central Law Agency, Allahabad: India.
- Paranjape, Nageshwar Vithal. 2023. *Criminology & Penology with Victimology*. Central Law Publications, Allahabad: India.
- Ranchhoddas, Ratanlal and Dhirajlal, Keshavlal Thakore. 2020. *The Law of Torts*. Lexis Nexis, India.
- Rao, Sushila. 2006. Constitutional rights violations and compensatory jurisprudence constitutional rights violations and compensatory jurisprudence in India and U.S.A.: justifications and critique. *National Law School of India Review* 18: 94-110. <https://repository.nls.ac.in/cgi/viewcontent.cgi?article=1036&context=nlsir>
- Singh, Avtar. 2022. *The Constitution of India*. Central Law Publications, Allahabad: India.
- Singh, Jai S. and V.P. Upadhaya. 2017. *Expanding Horizons of Human Rights under the Constitution of India*. Ashoka Law House, New Delhi: India