

RESEARCH PAPER

# Victim Compensation Schemes: A Comparative Study of India, USA and UK

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## ABSTRACT

Victim compensation has become an essential part of contemporary Criminal Justice Systems, reflecting a shift from offender-centric approaches to frameworks that recognize and address victim rights and needs. This study undertakes a comparative study of victim compensation programs in the United States, UK, and India, with a focus on their legal structures, institutional mechanisms, and practical effectiveness. Adopting a comparative doctrinal methodology, the study evaluates these systems based on efficiency, accessibility, funding mechanisms, and uniformity. The findings reveal that while all three jurisdictions recognize the importance of compensating victims, their effectiveness varies significantly. The United Kingdom demonstrates high levels of efficiency and consistency due to its centralized and standardized system, whereas the United States offers financial sustainability through offender-funded mechanisms despite variations across states. In contrast, India, despite having a progressive statutory framework under Section 396 BNSS (earlier 357A Cr.PC), encounters difficulties with delays, lack of awareness, and inter-state inconsistencies. The study highlights that institutional design and administrative coordination play a decisive part in the successful implementation of compensation schemes. It concludes by emphasizing the need for structural reforms, including standardization, time-bound procedures, and sustainable funding models, to strengthen victim compensation mechanisms and ensure equitable and timely relief for victims.

**Keywords:** Victim Compensation, Comparative Law, Criminal Justice System, Restorative Justice, Victim Rights

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## 1. INTRODUCTION

The development of Criminal Justice Systems has always focused on the offender, with primary emphasis placed on punishment, deterrence, and the maintenance of public order. Within this framework, victims of crime were often relegated to a peripheral role, treated merely as instruments for prosecution rather than as individuals with independent rights and interests. However, over time, this perspective has undergone a significant transformation. The emergence of Victimology as a specialized field has contributed to a growing recognition that justice must further attend to victims' rights, needs, and experiences. With this change, an offender-centric model gives way to a more balanced strategy that incorporates victim interests within contemporary Criminal Justice Systems.

Among these mechanisms, victim compensation has emerged as a crucial component of justice systems that aim to address the consequences of crime in a more holistic manner. Compensation acts as an official recognition of the injury that victims, encompassing physical injury, economic loss, and psychological trauma. Unlike traditional criminal sanctions, which are primarily punitive in nature, compensation is restorative, aiming to alleviate the consequences of crime and facilitate recovery. Research indicates that victims frequently experience severe financial hardships, such as lost wages and medical costs, and costs associated with long-term care, which necessitate structured and accessible compensation frameworks. In this sense,

compensation operates not only as a financial remedy but also as a means of acknowledging the State's obligation to victims.

The importance of compensation extends beyond immediate financial relief to include the broader processes of rehabilitation and reintegration. Victims frequently experience long-lasting psychological and social impacts, which can hinder their ability to resume normal life. Access to compensation and support services has been shown to be essential in helping victims deal with trauma and restructure their lives. Furthermore, effective compensation mechanisms demonstrate a dedication to justice and diversity in order to boost public trust in the criminal justice system. The absence of such mechanisms, on the other hand, can result in secondary victimization, where individuals feel neglected or unsupported by the mechanism designed to keep them safe.

A key aspect of victim compensation lies in the responsibility of the State to provide redress in situations where offenders are unable or unwilling to compensate victims. Given that many offenders lack the financial capacity to make restitution, State-funded compensation schemes have become an important feature of modern justice systems. These schemes are grounded in the principle that crime represents not only an individual wrong but also a societal failure, thereby justifying State intervention to support victims. Empirical studies suggest that the accessibility and efficiency of compensation

significantly influence victims' perceptions of justice and satisfaction with legal processes.

Despite the growing acknowledgement of victim reparations as an integral component of justice, there exists considerable variation in how different jurisdictions design and implement such schemes. While some countries have developed comprehensive and efficient systems, others continue to struggle with issues of accessibility, adequacy, and administrative delays. Existing studies have largely focused on the legal provisions and theoretical foundations of victim compensation; however, they often fail to critically compare the implementation efficiency, institutional design, and practical outcomes of compensation schemes across jurisdictions. There is limited comparative analysis that examines how structural differences in legal and administrative frameworks influence the actual delivery of compensation to victims. This problem is particularly significant for developing economies like India, where institutional capacity constraints and resource limitations directly affect the efficiency of victim compensation mechanisms.

In this context, the present study is guided by the following objectives:

- To examine the concept and evolving significance of victim rights and compensation within Criminal Justice Systems;
- To analyze the legal and institutional framework governing victim compensation in India; and
- To undertake a comparative analysis of victim compensation systems in the United States, UK, and India.

Through this analysis, the study seeks to contribute to the development of a more efficient and victim-focused compensation system by drawing insights from comparative legal systems and identifying areas for reform.

## 2. RESEARCH METHODOLOGY

This study examines and assesses victim compensation regimes in India, the United States, and the UK using a comparative doctrinal research technique. The doctrinal component involves a systematic analysis of statutory provisions, policy instruments, and judicial decisions governing victim compensation in each jurisdiction. This includes an examination of key legal frameworks such as Section 396 of Bhartiya Suraksha Sanhita (earlier 357A Cr.PC), the Victims of Crime Act (VOCA) in the United States, and the Criminal Injuries Compensation Scheme (CICS) in the United Kingdom. Relevant case law and secondary academic literature have also been analyzed to understand the evolution, interpretation, and practical application of these frameworks.

## 3. CONCEPT OF VICTIM COMPENSATION

### 3.1 Definition and Scope

Victim compensation refers to the provision of financial assistance by the State to those who have been harmed by illegal behavior. It functions as an institutional mechanism aimed at addressing the consequences of crime, particularly

in situations where offenders are unable or unwilling to provide restitution. Unlike civil remedies that depend on establishing liability and enforcing judgments against offenders, victim compensation schemes are State-administered and are designed to ensure that victims are not denied relief due to the financial incapacity of the perpetrator. This shift reflects a broader transformation in criminal justice systems, where the focus increasingly extends beyond punishment toward restoration and victim support.

A clear distinction must be drawn between compensation, restitution, and damages. Restitution is typically offender-driven and forms part of sentencing, while damages are adjudicated through civil proceedings based on fault and liability. In contrast, victim compensation is grounded in public policy and social responsibility, operating independently of the offender's capability to pay. This distinction highlights the role of the State as an active guarantor of victim welfare, rather than merely an enforcer of criminal liability.

The scope of victim compensation extends beyond immediate physical injuries to encompass economic and psychological harms, reflecting a more comprehensive understanding of victimization. Modern compensation frameworks increasingly recognize that the impact of crime is multidimensional, requiring mechanisms that address both short-term losses and long-term consequences.

### 3.2 Nature of Loss Covered

Victim compensation schemes typically address a wide spectrum of losses that arise from criminal victimization. These include direct financial costs such as medical expenses and loss of income, which often impose immediate economic burdens on victims. In addition, compensation frameworks account for rehabilitation-related expenses, including counseling and therapeutic support, which are essential for long-term recovery.

A significant development in contemporary compensation systems is the recognition of psychological and emotional harm as compensable injury. This reflects an evolving understanding that the effects of crime are not confined to physical damage but also include lasting mental health consequences. Empirical studies demonstrate that victims frequently suffer from ailments including depression, anxiety, and PTSD, which require sustained intervention and support.

By incorporating both tangible and intangible harms, compensation schemes move toward a more holistic model of redress. This broader scope not only enhances the adequacy of compensation but also aligns legal responses with the lived experiences of victims, thereby strengthening the legitimacy of the justice system.

### 3.3 Rationale Behind Victim Compensation

The justification for victim compensation is grounded in a combination of welfare principles, social justice considerations, and human rights norms. *From a welfare perspective*, compensation reflects the State's responsibility to support individuals who have suffered harm within its

jurisdiction. Crime, in this sense, is not only an individual act but also indicative of systemic failures in ensuring safety, thereby legitimizing State intervention to mitigate its consequences.

*From a social justice standpoint*, compensation serves to address inequalities that arise from victimization. Victims, particularly those from vulnerable backgrounds, often lack the resources to absorb the financial and psychological costs of crime. Compensation schemes therefore function as redistributive mechanisms that aim to restore balance and facilitate reintegration, reinforcing the principle that justice must be equitable and inclusive.

The theoretical foundation of victim compensation is further strengthened by its connection to *restorative justice*, which prioritizes making amends and addressing the needs of victims rather than focusing solely on punitive outcomes. Within this framework, compensation represents a tangible form of restoration, contributing to the healing process and enhancing victims' perceptions of justice. Empirical research suggests that restorative approaches, including compensation, can improve victim satisfaction and promote a sense of closure.

At a broader level, victim compensation is closely linked to human rights principles, particularly the right to dignity and effective remedy. Victims of crime often experience a loss of autonomy and security, and the provision of compensation serves to restore a degree of agency and recognition. By ensuring access to financial and institutional support, compensation schemes operationalize the State's obligation to provide meaningful remedies for harm, thereby reinforcing the integration of human rights within criminal justice systems.

In sum, victim compensation is more than just a financial system it's a normative and institutional response that bridges legal, social, and ethical dimensions of justice. Its conceptual significance lies in its ability to transform the role of the State from a passive adjudicator of crime to an active provider of victim support, thereby contributing to a more responsive and inclusive justice framework.

## 4. LEGAL FRAMEWORK IN INDIA

### 4.1 Statutory Provisions

India's victim compensation laws have changed significantly over time, moving from a discretionary to a more regulated system and rights-based approach. The Code of Criminal Procedure, 1973 has now been repealed and replaced by the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), which retains and strengthens provisions relating to victim compensation. Traditionally, compensation to victims was provided under Section 357A of the Code of Criminal Procedure (CrPC), which empowered courts to award compensation out of fines imposed on offenders. Nevertheless, the scope of this clause was constrained and dependent on the financial capacity of the accused, thereby leaving many victims without adequate relief.

A major shift occurred with the introduction of Section 396 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), which corresponds to the earlier Section 357A CrPC and mandates the establishment of Victim Compensation

Schemes. This provision recognizes compensation as an independent entitlement of victims, regardless of whether the perpetrator is found, captured, or able to make amends. It reflects a move toward institutionalizing victim support within the criminal justice system and supports the more general goal of guaranteeing access to justice for victims.

In practice, compensation amounts vary significantly across states. For instance, compensation for rape victims may range from approximately Rs. 3,00,000 to Rs. 10,00,000 depending on the state scheme, while compensation for death cases can extend up to Rs. 5,00,000 or more. Such variation reflects the decentralized nature of implementation and highlights the absence of a uniform national standard. While the statutory framework marks a progressive step, its effectiveness is contingent upon consistency in policy design and execution across jurisdictions.

### 4.2 Victim Compensation under BNSS, 2023 (Refined Version)

The Bharatiya Nagarik Suraksha Sanhita, 2023 introduces a comprehensive framework for victim compensation and protection, reflecting a significant shift toward a more victim-centric criminal justice system. Under *Section 2(1)(y) of the BNSS*, a "victim" is defined as any person who has suffered loss or injury as a result of the act or omission of the accused, including their guardian or legal heir, thereby broadening the scope of legal recognition.

*Section 396 of the BNSS* mandates the *establishment of a Victim Compensation Scheme by every State Government in coordination with the Central Government*. The scheme is funded by the State and administered through institutional mechanisms such as the District Legal Services Authority (DLSA) and the State Legal Services Authority (SLSA), which are responsible for determining the quantum of compensation. Importantly, compensation may be awarded even in cases where the offender is not identified or apprehended, thereby recognizing victim compensation as an independent entitlement. Victims or their dependents are permitted to apply directly to the competent authorities, and courts are empowered to recommend compensation during or after trial proceedings.

The provision also emphasizes timely relief, *requiring claims to be verified within a period of two months*. Additionally, it ensures that *victims receive immediate first-aid and medical treatment free of cost, with such support being provided irrespective of the outcome of the trial*. Compensation under this framework is supplementary to any fine imposed under the Bharatiya Nyaya Sanhita, thereby reinforcing its restorative function. These measures collectively acknowledge that victims often bear significant financial and emotional burdens and require state-supported rehabilitation.

Further strengthening victim protection, *Section 397* mandates that all hospitals, whether public or private, provide free first-aid or medical treatment to victims of serious offences, including acid attacks and sexual offences, and promptly inform the police. This provision corresponds to *Section 357C* of the Code of Criminal Procedure, 1973. Additionally, *proviso to Section 413 grants victims the right*

to appeal against acquittal, conviction for lesser offences, or inadequate compensation, thereby enhancing their participatory role within the criminal justice process.

Taken together, these provisions represent a clear transition from a predominantly punitive framework toward a restorative and victim-oriented model of justice. The BNSS emphasizes inclusivity by extending compensation even in cases involving unidentified offenders, ensures timely support through procedural safeguards, and strengthens victim protection through medical and appellate rights. Consequently, the Victim Compensation Scheme under the BNSS marks a crucial advancement in recognizing victim rights, promoting rehabilitation, and aligning the Indian criminal justice system with contemporary standards of justice and equity.

#### 4.3 Institutional Mechanism

In India, victim compensation programs are being implemented facilitated through a multi-tiered institutional framework comprising the National Legal Services Authority (NALSA), State Legal Services Authorities (SLSAs), and District Legal Services Authorities (DLSAs). These bodies play a central role in operationalizing compensation schemes and safeguarding that victims have access to financial assistance.

NALSA serves as the highest authority in charge of creating policies, issuing guidelines, and coordinating efforts across states. SLSAs administer schemes at the state level, while DLSAs act as the primary interface for victims at the district level. The process generally involves submission of an application by the victim or a recommendation by the court, followed by an inquiry into the nature and extent of harm. However, in practice, delays in processing claims are common. Compensation disbursement can take several months and, in some cases, extend beyond a year due to administrative bottlenecks, verification procedures, and lack of coordination among agencies. These delays significantly undermine the objective of providing timely relief to victims.

#### 4.4 Important Judicial Decisions

Judicial intervention has been essential in bolstering India's victim compensation system. Courts have always stressed that compensation is not merely ancillary to criminal proceedings but constitutes an essential component of justice.

In *Ankush Shivaji Gaikwad v. State of Maharashtra*, the Supreme Court underscored the importance of victim compensation and held that courts must apply the issue of compensation in each criminal prosecution. The judgment clarified that awarding compensation is not optional but a mandatory consideration.

Similarly, in *Suresh v. State of Haryana*, the Supreme Court reiterated the duty of courts to award compensation even in the absence of a specific request from the victim. These decisions have significantly contributed to growing the scope of victim rights and promoting a proactive judicial approach.

In *Arun Bora v. State of Assam*, which was among the first

reported cases recognizing the application of Section 357A CrPC, the Court, while convicting the accused for the offence of murder, directed the State Government to deposit an amount of Rs. 50,000 to be paid to the dependents of the victim. This decision acknowledged the inability of the offender to provide equitable compensation and reinforced the role of the State in ensuring victim support.

In *Laxmi v. Union of India & Others*, the Supreme Court issued comprehensive directions to all States and Union Territories to strengthen the implementation of victim compensation schemes, particularly in cases of acid attacks. The Court directed that:

- a) A minimum compensation of Rs.3,00,000 must be provided to each acid attack victim;
- b) No government or private hospital shall refuse treatment to such victims, and free medical care, including medicines, food, bedding, and reconstructive surgeries, must be provided;
- c) A Criminal Injuries Compensation Board should be established within the District Legal Services Authority (DLSA), comprising the District Judge and relevant officials such as the District Magistrate, Superintendent of Police, and Chief Medical Officer;
- d) States and Union Territories must effectively implement victim compensation schemes under Section 357A CrPC and continue financial support for victims of serious crimes, including sexual offences, acid attacks, crimes against children, and human trafficking.

Subsequent jurisprudence has further interpreted victim compensation within the broader framework of constitutional rights, particularly the right to life and dignity, thereby aligning Indian legal practice with international standards.

These judicial interventions significantly strengthened the victim compensation framework by ensuring both financial relief and institutional support mechanisms for victims.

#### 4.5 Implementation Challenges

Despite the progressive statutory and legal system, the execution of victim compensation plans in India still faces a number of structural obstacles. One of the most critical issues is the *delay in disbursement*, often caused by procedural complexity, administrative inefficiencies, and lack of coordination between authorities. Such delays weaken the remedial value of compensation and may lead to further hardship for victims.

Another major concern is the *lack of awareness among victims regarding available schemes*. Many individuals, mainly from marginalized communities, remain oblivious of their entitlements and the procedures required to access compensation, resulting in underutilization of the system.

Additionally, significant disparities exist across states in terms of compensation amounts, eligibility conditions, and procedural requirements. This lack of uniformity raises concerns regarding equality before law, as similarly situated victims may receive different levels of support depending on geographical location. Institutional weaknesses, including inadequate staffing, absence of monitoring

mechanisms, and lack of digital infrastructure, further contribute to inefficiencies in implementation. As illustrated in Table 1 below, significant inter-state variations exist in

compensation amounts and processing timelines, reflecting the fragmented nature of implementation across India.

**Table 1: State-wise Variation in Victim Compensation Implementation in India**

State (Illustrative)	Compensation Range (₹)	Average Processing Time	Implementing Authority
Delhi	₹3,00,000 – ₹10,00,000	3–6 months	Delhi SLSA
Maharashtra	₹2,50,000 – ₹7,50,000	4–8 months	Maharashtra SLSA
Uttar Pradesh	₹1,00,000 – ₹5,00,000	6–12 months	UP SLSA
Tamil Nadu	₹2,00,000 – ₹8,00,000	3–6 months	TN SLSA

## 5. VICTIM COMPENSATION IN THE UNITED KINGDOM AND THE UNITED STATES

The United Kingdom and the United States have developed distinct yet influential models of victim compensation, each reflecting different legal traditions, administrative structures, and policy priorities. While both jurisdictions recognize compensation as an essential component of justice systems, their approaches diverge significantly in terms of institutional design, funding mechanisms, and operational efficiency. A comparative examination of these systems highlights how structural choices influence the accessibility and effectiveness of compensation delivery.

*In the United Kingdom, The Criminal Injuries Compensation Scheme (CICS) governs victim compensation, a centralized and State-funded framework designed to provide compensation primarily to victims of violent crimes. The UK model is characterized by its statutory clarity and policy consistency, with periodic revisions ensuring responsiveness to evolving social conditions. This structured approach minimizes ambiguity in eligibility and compensation determination, thereby enhancing predictability for applicants.*

Administration under the UK system is centralized through the Criminal Injuries Compensation Authority (CICA), which processes claims and disburses funds. This centralized model ensures uniformity in decision-making and reduces regional disparities. The use of online application systems further improves accessibility and contributes to relatively faster processing times. Claims are assessed based on predefined criteria, enabling administrative efficiency and consistency in outcomes. However, the system's strict eligibility requirements such as mandatory reporting and cooperation with law enforcement may limit access for certain vulnerable victims.

A key feature of the UK framework is its tariff-based compensation structure, which assigns fixed monetary values to specific categories of injury. This enhances transparency and allows victims to anticipate compensation outcomes. Additionally, the inclusion of psychological harm reflects a broader and more holistic understanding of victimization. Judicial interpretation complements this framework by reinforcing fairness and ensuring that compensation aligns with broader principles of justice.

*In contrast, the United States operates a decentralized federal-state model under the Victims of Crime Act (VOCA), 1984. States manage compensation systems, but the federal government contributes funding through the Crime Victims Fund. This hybrid structure allows flexibility in*

implementation but introduces variability across jurisdictions in terms of eligibility criteria, compensation limits, and procedural requirements.

The United States system is distinguished by its innovative funding mechanism, relying on fines, penalties, and forfeitures imposed on offenders rather than general taxation. This ensures a dedicated and sustainable funding stream while reinforcing the principle of offender accountability. At the administrative level, the Office for Victims of Crime (OVC) oversees fund distribution, while state agencies manage claims and disbursement. Although this decentralization enables responsiveness to local conditions, it may also result in inconsistencies in access and efficiency.

Eligibility criteria in the United States similarly focus on victims of violent crimes, with requirements such as timely reporting and cooperation with law enforcement. While these conditions support the integrity of the system, they may discourage participation among certain victims, particularly those facing social or institutional barriers. The United States model provides broad coverage, including medical expenses, counseling, lost wages, and support for families of homicide victims, thereby addressing both immediate and long-term impacts of crime.

From a comparative standpoint, the UK and United States systems illustrate two contrasting but complementary approaches. The UK model prioritizes centralization, uniformity, and procedural clarity, resulting in higher consistency and efficiency in compensation delivery. In contrast, the United States model emphasizes flexibility and financial sustainability, allowing adaptation to diverse state contexts but at the cost of uniformity. While the UK system reduces administrative complexity, the United States system offers a more resilient funding structure and broader program adaptability.

These differences demonstrate that institutional design plays a critical role in shaping the efficiency of victim compensation systems. The UK approach highlights the benefits of standardization and centralized administration, whereas the United States model underscores the importance of diversified funding and decentralized implementation. Together, they provide valuable insights into how legal frameworks can balance efficiency, accessibility, and sustainability in delivering compensation to victims.

In sum, both jurisdictions offer important lessons for strengthening victim compensation mechanisms. An effective system requires not only a strong legal foundation

but also coherent institutional structures and sustainable funding models that ensure timely and equitable support for victims.

**6. COMPARATIVE ANALYSIS**

**6.1 Basis of Comparison**

An analysis of the victim compensation systems in the US, UK, and India shows substantial differences in institutional design, implementation efficiency, and policy effectiveness. To ensure a structured and meaningful comparison, this analysis is based on four key parameters: eligibility conditions, quantum of compensation, funding mechanisms, and administrative efficiency. These criteria allow for a systematic assessment of how different legal systems translate normative commitments into practical

outcomes.

Eligibility criteria shape access to compensation and reflect underlying policy priorities. Similarly, the determination of compensation whether discretionary or standardized affects predictability and fairness. Funding mechanisms influence sustainability, while administrative efficiency determines whether compensation serves its intended purpose of timely victim support. Importantly, these parameters also reveal deeper institutional characteristics such as centralization, accountability, and coordination.

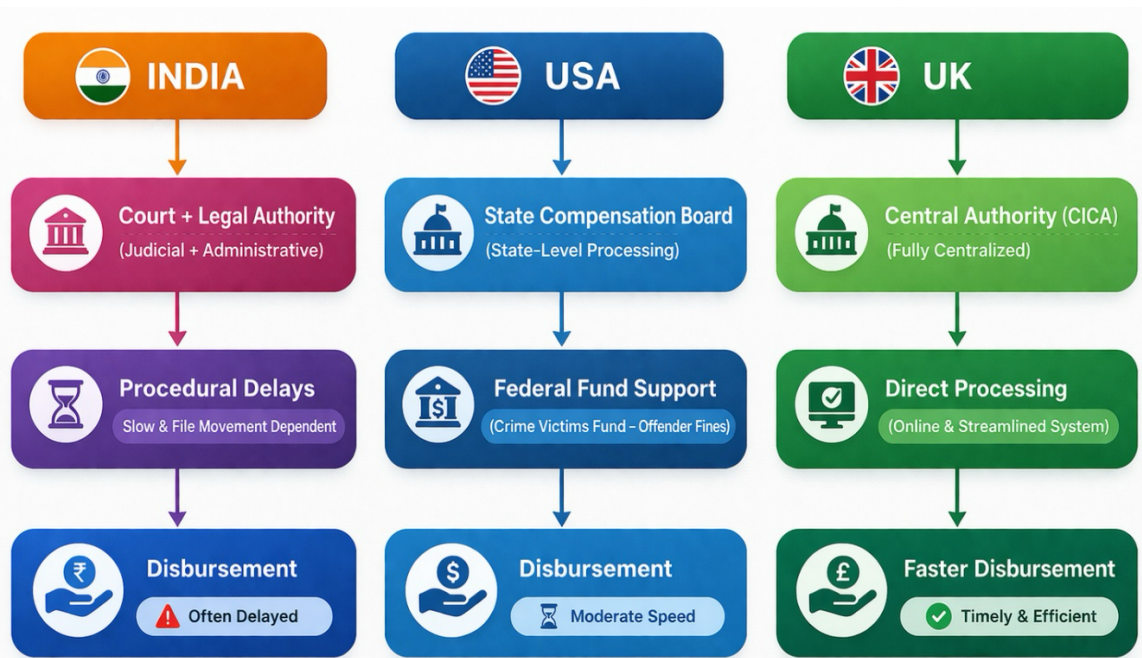
As shown in Table 2, the three jurisdictions differ significantly in their structural and functional approaches to victim compensation, particularly in terms of uniformity, funding sustainability, and procedural efficiency.

**Table 2: Comparative Analysis of Victim Compensation Systems (India, USA, UK)**

Parameter	India	USA	UK	Critical Insight
Legal Basis	396 BNSS	VOCA	CICS	India lacks uniform enforcement
Funding	State based	Offender funded	Govt funded	US model most sustainable
Eligibility	Broad	Moderate	Strict	UK restrictive but efficient
Time Efficiency	Low	Moderate	High	Administrative design determines outcomes
Uniformity	Low	Medium	High	Centralization improves consistency

The structural pathways of compensation delivery vary considerably across jurisdictions, directly influencing

efficiency and accessibility, as illustrated in Figure 1.



**Figure 1: Comparative Structure of Victim Compensation Systems**

**6.2 Analytical Discussion**

The comparative analysis demonstrates that the efficacy of victim compensation systems is closely linked to institutional design and administrative coherence. The United Kingdom's model is notably efficient due to its centralized administrative structure and standardized tariff system, which reduce ambiguity and ensure consistency in compensation outcomes. This centralization minimizes

bureaucratic overlap and enables faster decision-making, thereby enhancing both efficiency and predictability.

In contrast, the United States model derives its strength primarily from its financial architecture. The reliance on offender-generated funds through fines and penalties ensures a sustainable and dedicated funding stream, reducing dependence on public budgets. However, the decentralized nature of the system introduces variability

across states, leading to differences in access and procedural requirements. While this flexibility allows adaptation to local conditions, it also results in moderate levels of uniformity and efficiency.

India's system, despite its progressive statutory foundation under Section 357A CrPC, faces significant challenges arising from institutional fragmentation and policy inconsistency. The hybrid structure combining judicial and administrative elements—creates procedural complexity and delays in disbursement. Furthermore, the absence of uniform national standards leads to disparities across states, undermining the principle of equitable justice. These issues reflect deeper structural inefficiencies, where the gap between legal provisions and practical implementation remains substantial.

From a comparative perspective, it becomes evident that efficiency is not merely a function of legal provisions but of institutional coordination and design. The UK's centralized model demonstrates how standardization can enhance consistency, while the United States system highlights the importance of sustainable funding mechanisms. In contrast, India's challenges underscore the consequences of decentralized implementation without adequate coordination mechanisms.

These findings suggest that improving victim compensation systems requires a balanced integration of standardization, financial sustainability, and administrative efficiency. The comparative insights indicate that adopting elements such as centralized oversight, clear procedural guidelines, and diversified funding structures can significantly increase the efficiency of compensation plans.

## 7. CHALLENGES IN INDIA

Despite the progressive statutory India's victim compensation system, major obstacles persist in its implementation, which undermine the efficacy of these schemes in delivering timely and adequate relief to victims. These challenges are not merely procedural but reflect deeper structural and systemic gaps within the criminal justice and administrative framework.

### 7.1 Lack of Awareness

The lack of knowledge among victims about their rights and entitlements is one of the biggest obstacles to the efficient operation of victim compensation programs in India. Many victims are still in the dark about the existence of compensation plans, the eligibility criteria, and the procedures for filing claims. This issue is particularly pronounced among marginalized and vulnerable populations, who often lack access to legal information and support systems. As a result, many eligible beneficiaries fail to avail themselves of compensation, leading to underutilization of available resources. Studies further indicate that the absence of effective outreach mechanisms and legal literacy programs exacerbates this problem, thereby weakening the intended impact of compensation frameworks.

### 7.2 Delays in Compensation

Another significant challenge is the delay in the processing and disbursement of compensation. The procedural framework often involves multiple stages of verification, documentation, and administrative approval, which can lead to prolonged timelines. In practice, delays of several months and, in some cases, extending beyond one year have been reported in the disbursement of compensation, particularly in states with limited administrative capacity. Such delays defeat the very purpose of compensation, which aims to give victims prompt financial help and relief. Bureaucratic inefficiencies, lack of coordination among authorities, and inadequate infrastructure contribute to these delays. Empirical studies have highlighted that victims frequently experience prolonged waiting periods before receiving compensation, which can exacerbate their financial and psychological distress.

### 7.3 Variations Between States

The decentralized nature of victim compensation schemes in India has resulted in considerable variation across states in terms of compensation amounts, eligibility criteria, and procedural requirements. While flexibility allows states to tailor schemes to local conditions, it also leads to inconsistencies that raise concerns regarding fairness and equality. The idea of uniform justice may be undermined if victims in various states get noticeably varying amounts of compensation for comparable injuries. Research suggests that the lack of standardized guidelines contributes to disparities and creates confusion among both beneficiaries and implementing authorities.

### 7.4 Institutional Weaknesses

Institutional limitations further hinder the successful execution of victim compensation programs. These programs are mainly administered by Legal Services Authorities, who frequently struggle with staffing, infrastructural, and resource shortages. Additionally, the absence of robust monitoring and accountability mechanisms leads to inconsistencies in decision-making and delays in processing applications. The lack of a centralized database or tracking system also makes it difficult to monitor the progress of claims and ensure transparency in disbursement.

Moreover, studies have pointed out that coordination between various stakeholders such as the police, judiciary, and administrative authorities is often inadequate, resulting in institutional fragmentation in implementation. This lack of integration not only affects efficiency but also contributes to gaps in service delivery, leaving victims without timely and effective support.

In sum, while India has established a comprehensive legal framework for victim compensation, its practical effectiveness is constrained by issues of awareness, delay, inconsistency, and institutional inefficiency. It takes more than just procedural changes to address these issues structural improvements aimed at enhancing coordination, accountability, and accessibility within the system.

## 8. RECOMMENDATIONS

Given the difficulties found in putting victim compensation plans into practice in India, there is a pressing need for targeted and structural reforms that move beyond general policy intent toward operational precision and institutional accountability. Strengthening the framework requires a multidimensional approach that integrates legal uniformity, administrative efficiency, and rights-based policy design grounded in enforceable standards.

### 8.1 Standardized National Framework

One of the foremost requirements is the establishment of a uniform national victim compensation framework with clearly defined minimum and maximum compensation thresholds across all states. Instead of broad guidelines, a centrally notified compensation matrix similar to the tariff-based model in the United Kingdom should be adopted to ensure consistency and predictability in awards. This framework should include standardized categories of offences and corresponding compensation ranges, while allowing limited flexibility for state-specific adjustments. Additionally, the creation of a Central Victim Compensation Authority (CVCA) is recommended to oversee implementation, monitor compliance, and ensure uniformity across states. Such centralization would address disparities arising from decentralized administration and strengthen accountability mechanisms. From a human rights perspective, uniform access to compensation is essential to uphold the principle of equality before law.

### 8.2 Time-Bound Processing Mechanism

To address delays, it is essential to introduce a mandatory statutory timeline for compensation processing, such as a maximum 60 day period from the date of application or court recommendation to final disbursement. This timeline should be legally enforceable, with provisions for automatic escalation in cases of non-compliance.

The process should also incorporate single window clearance mechanisms, reducing the need for multiple levels of verification and approval. Digital documentation and predefined eligibility criteria can further streamline decision-making. Ensuring timely compensation is critical to preventing secondary victimization and aligns with international standards on effective remedies.

### 8.3 Sustainable and Diversified Funding Model

A major reform area lies in strengthening the financial foundation of compensation schemes. In addition to increased budgetary allocation, India should adopt a hybrid funding model inspired by the United States system, incorporating:

- Offender-based contributions (fines, penalties, forfeitures)
- Dedicated victim compensation funds at national and state levels
- Periodic financial audits to ensure fund utilization

Such diversification would reduce reliance on state budgets and ensure long-term financial sustainability. A ring-fenced compensation fund would also prevent delays caused by

administrative fund shortages and reinforce the State's obligation to provide effective remedies.

### 8.4 Structured Awareness and Access Mechanism

To address the issue of low awareness, a mandatory victim notification system should be introduced, requiring police authorities to inform victims of their compensation rights at the time of FIR registration. This should be supported by:

- Standardized information sheets provided to victims
- Integration of compensation awareness into police and judicial training programs
- Targeted outreach through legal aid clinics and community-based organizations

In addition, a centralized digital portal should be developed to provide accessible information, application facilities, and real-time tracking of claims. This would reduce dependency on intermediaries and enhance transparency in the system.

### 8.5 Administrative and Institutional Reforms

Institutional strengthening is essential for improving implementation efficiency. The introduction of a national digital compensation management system is recommended, enabling:

- Online application submission
- Real-time status tracking
- Automated processing workflows
- Centralized data collection for monitoring and evaluation

Further, performance-based accountability mechanisms should be introduced for implementing authorities, including periodic audits, compliance reviews, and grievance redressal systems with defined resolution timelines.

Improved coordination between the police, judiciary, and legal services authorities is also critical. This can be achieved through integrated case management systems, ensuring seamless information flow and reducing procedural delays. Such reforms would address existing institutional fragmentation and enhance the overall responsiveness of the system.

In sum, the proposed recommendations emphasize a shift from policy intent to enforceable institutional design, ensuring that victim compensation mechanisms are not only legally sound but also operationally effective. By integrating standardization, time-bound procedures, sustainable funding, and digital governance, India can create a more comprehensive and fair compensation system that truly takes into account the needs of victims while upholding their dignity and rights within the justice system.

## 9. CONCLUSION

Victim compensation has become a crucial part of modern criminal justice systems, reflecting the increasing recognition of victim rights within legal and policy frameworks. The comparative analysis of India, the United States, and the United Kingdom demonstrates that while the normative acceptance of compensation is well established, its effectiveness is largely shaped by institutional design,

funding mechanisms, and administrative efficiency. The United Kingdom model illustrates the advantages of centralized and standardized systems in ensuring consistency and timely delivery, whereas the United States framework highlights the importance of sustainable, offender-based funding and adaptive implementation. In contrast, India's framework, despite its progressive statutory evolution under the BNSS, continues to face challenges arising from institutional fragmentation, procedural delays, and lack of uniformity across states. These limitations underscore the need for a transition from a predominantly legalistic approach to one that emphasizes effective implementation through institutional coordination, accountability, and digital integration. Ultimately, the success of victim compensation mechanisms depends on their ability to deliver timely, equitable, and accessible relief, thereby ensuring meaningful support and reinforcing a truly victim-oriented justice system. Future research may focus on empirical assessment of victim satisfaction and system performance to strengthen evidence-based policy development in this domain.

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