

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

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White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

- Constitutional and Administrative Law
- Criminal Law and Criminal Justice
- Corporate, Commercial, and Business Laws
- Intellectual Property and Technology Law
- International Law and Human Rights
- Environmental and Sustainable Development Law
- Cyber Law, Artificial Intelligence, and Emerging Technologies
- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

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ROLE OF JUDICIARY IN THE SUBJECT MATTER

AUTHORED BY - M. RAGUL & MRS. KALAIVANI

(Victims of Crime in the Indian Criminal Justice System: A Study on Victim Rights and Compensation)

Introduction

The Indian judiciary has played a pivotal role in transforming the position of victims within the criminal justice system. Historically, the system was largely accused-centric, focusing on adjudication and punishment, with limited recognition of victim rights. Through progressive interpretation of constitutional provisions and statutory laws, courts have expanded the scope of justice to include compensation, rehabilitation, and dignity for victims. This chapter analyses landmark judgments, judicial doctrines, and the evolving role of courts in shaping victim-centric jurisprudence.

Constitutional Interpretation and Expansion of Victim Rights

The judiciary has relied extensively on Article 21 of the Constitution, which guarantees the right to life and personal liberty, to expand victim rights. Courts have interpreted this right to include not only protection from unlawful acts but also the right to live with dignity, seek compensation, and receive rehabilitation.

In *Rudul Sah v. State of Bihar* (1983), the Supreme Court awarded compensation for unlawful detention, establishing that monetary compensation is a remedy for violation of fundamental rights. This case laid the foundation for the concept of compensation under public law.

Similarly, in *Nilabati Behera v. State of Orissa* (1993), the Court reaffirmed that compensation is an appropriate remedy for infringement of fundamental rights. These judgments extended constitutional protection to victims and emphasized state accountability.

Landmark Judgments on Victim Compensation

- **Delhi Domestic Working Women's Forum v. Union of India (1995)**

In this case, the Supreme Court recognized the need for compensation and legal assistance for victims of sexual offences. The Court issued guidelines for victim support, including legal aid, confidentiality, and rehabilitation measures. This judgment marked a significant step towards institutionalizing victim rights.

- **Bodhisattwa Gautam v. Subhra Chakraborty (1996)**

The Court held that rape is a violation of fundamental rights and ordered interim compensation to the victim during trial. This case emphasized that victims should not have to wait until the conclusion of proceedings to receive relief.

- **Ankush Shivaji Gaikwad v. State of Maharashtra (2013)**

The Supreme Court clarified the scope of Section 357 CrPC, holding that courts must consider awarding compensation in every case and provide reasons if they choose not to do so. This judgment strengthened the implementation of statutory compensation provisions.

- **Laxmi v. Union of India (2014)**

In this case concerning acid attack victims, the Court directed governments to provide minimum compensation and ensure rehabilitation. The judgment led to policy changes and highlighted the importance of state responsibility in victim welfare.

Judicial Interpretation of Statutory Provisions

The judiciary has played a crucial role in interpreting statutory provisions related to victim rights, particularly Sections 357 and 357A of the Code of Criminal Procedure (CrPC).

Courts have expanded the scope of Section 357 by emphasizing that compensation is not merely ancillary but an integral part of justice.

Section 357A, which mandates state compensation schemes, has been interpreted purposively to ensure that victims receive financial assistance even in cases where the offender is not identified or convicted.

Through such interpretations, the judiciary has ensured that statutory provisions are applied in a manner consistent with constitutional values and social justice.

Doctrines and Principles Evolved by the Judiciary

The judiciary has developed several important doctrines in relation to victim rights:

Compensation as a Public Law Remedy: Recognizes compensation as a constitutional remedy for violation of fundamental rights.

Victim-Centric Justice: Shifts the focus from offender punishment to victim welfare and rehabilitation.

Right to Dignity: Expands Article 21 to include psychological and social well-being of victims.

Restorative Justice Approach: Encourages compensation and healing rather than purely

punitive measures.

These doctrines have contributed significantly to the evolution of victim jurisprudence in India.

Impact of Judicial Decisions on Governance and Legislation

Judicial decisions have had a profound impact on governance and legislative reforms. The introduction of Section 357A CrPC and the establishment of Victim Compensation Schemes were influenced by judicial observations emphasizing the need for victim support.

Courts have also directed governments to:

Establish victim compensation funds

Provide legal aid and counseling services

Ensure timely disbursement of compensation

These directions have strengthened institutional mechanisms and improved policy implementation.

Influence on Rights of Individuals and Social Justice

Judicial activism has significantly enhanced the recognition of victims as rights-bearing individuals. Victims now have greater access to:

Compensation and rehabilitation

Participation in criminal proceedings

Legal representation and assistance

From a social justice perspective, the judiciary has addressed the needs of vulnerable groups, including women, children, and marginalized communities. By emphasizing dignity and fairness, courts have contributed to reducing inequalities within the justice system.

Evolution of Victim Jurisprudence Through Case Law

Over time, judicial decisions have transformed the approach to victim rights:

Initial Phase: Limited recognition of victim rights, focus on punishment

Development Phase: Introduction of compensation as a remedy for rights violations

Modern Phase: Adoption of a victim-centric approach, emphasizing rehabilitation and participation

This evolution reflects the judiciary's commitment to adapting the legal system to changing societal needs.

Challenges and Limitations in Judicial Approach

Despite progressive developments, certain challenges remain:

Inconsistent application of compensation provisions across cases

Dependence on judicial discretion, leading to variability in outcomes

Delays in implementation of court orders

Lack of coordination between judiciary and executive authorities

These limitations highlight the need for stronger institutional mechanisms and clearer guidelines.

