



Justice and Human Rights for Crime Victims in India: An Evolving Landscape

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Abstract

The Malimath Committee Report formally titled the Report of the Justice V. Malimath Committee on Reforms of the Criminal Justice System, Volume 1 (March 2003) serves as a foundational resource for this academic inquiry. The Committee's members put forward wide-ranging recommendations to strengthen the criminal justice framework and enhance its overall effectiveness. A central theme of the report is the role of the victim within the justice process: it proposes concrete measures to elevate the victim's standing and ensure meaningful participation. The researchers endorse the report's findings because it treats the victim's suffering with the same gravity as the offence itself, while also presenting a thorough critique of systemic shortcomings in the prevailing legal structure.

Keywords: Malimath Committee; Criminal Justice Reform; Victim Rights; Criminal Justice System; Legal Reforms.

Introduction

Constitutional law safeguards individuals against arbitrary arrest and detention under defined circumstances. The doctrine of State liability which recognises the government's legal responsibility for criminal harm inflicted on its citizens reinforces the State's duty to uphold and protect human rights. This principle simultaneously advances the public interest by fortifying the criminal justice system and furthering public welfare in line with the Directive Principles of State Policy.

The existing criminal justice system has, by and large, fallen short of maintaining law and order or instilling confidence among the public. A significant contributor to this shortfall is the manner in which court proceedings give primacy to and at times overly accommodate the accused's right to defence, a fundamental entitlement guaranteed under Articles 20, 21, and 22 of



the Constitution of India. In trials governed by the penal laws of Madhya Pradesh, the judicial focus remains firmly on the accused, affording them every opportunity to mount a comprehensive defence. By contrast, the rights and welfare of victims and witnesses the very individuals whose testimony determines the outcome of the trial receive comparatively little attention under current procedural norms.

Recommendations of the Malimath Committee

The Justice V.S. Malimath Committee on Reforms of the Criminal Justice System, Volume 1 (March 2003) widely known as the Malimath Committee Report contains recommendations from a range of committee members aimed at making the criminal justice framework more effective. Alongside broader reform proposals, the committee devotes particular attention to the victim's position in the justice process and suggests practical steps to improve the victim's status. Scholars find the report compelling because it accords serious consideration to the victim alongside the crime, and it undertakes a detailed examination of inherent weaknesses in the existing legal architecture.

The report's coverage of investigative procedures, the judiciary's function, the distinction between favourable and adverse circumstances, and the proposed model for overhauling the criminal justice system all provide valuable reference points for reviewing and strengthening the present framework. Notably, the report speaks directly to the victim's current standing and lived reality within the criminal justice system.

Mohammad Farjiha Ghazvini, in *Police Protection to Victims of Crime* (Deep & Deep Publications Pvt. Ltd., 2011), explores the concept, definition, origins, and classification of victims. The work traces the genesis of victimhood as a category and examines the pathways through which individuals become victims of different crimes. It remains an important resource for understanding the historical evolution of the victim's status and the true scope of the term.

G.S. Bajpai, in *Victims in the Criminal Justice Process: Perspectives on Police and Judiciary* (Uppal Publishing House, 2011), focuses on the dynamics of victimisation, the aftermath of violent crime, and the deep-seated problems that crime engenders for those who suffer its consequences.

Research Methodology

This research topic was selected with careful regard for the significance of and the pressing need for the protection of victims within the current criminal justice system, viewed against the backdrop of prevailing social conditions. The subject is one of broad socio-legal relevance, touching on social, political, and economic dimensions and carrying particular weight within the legal domain. Because the study is socio-legal in nature, an entirely empirical approach is not feasible. Specific theoretical frameworks and research methodologies have



instead been employed to critically analyse the Indian legislative landscape spanning relevant statutes, policies, and the judiciary's role in the context of safeguarding crime victims.

The Imperative of Justice and Human Rights for Crime Victims

Ensuring the effective protection of human rights is a legal obligation of the State. This duty encompasses providing domestic remedies, conducting thorough investigations, prosecuting and punishing offenders, and preventing human rights violations. Although no single, all-encompassing legal provision enshrines this obligation, its validity is well-supported across a range of legal sources.

The Constitution of India, as the supreme law of the land, safeguards the rights of every individual and contains specific provisions directed at protecting crime victims. By guaranteeing protection against the arbitrary deprivation of life and liberty, the Constitution places a binding obligation on the State to compensate victims of criminal violence. Constitutional law further provides safeguards against arbitrary arrest and detention. The principle that the State bears legal liability for criminal harm suffered by its citizens reinforces the broader duty to protect human rights, strengthen the criminal justice system, and promote public welfare in keeping with the Directive Principles of State Policy.

The Victim's Central Role in the Criminal Justice System

No one anticipates becoming a victim of or a witness to a crime, yet every year countless citizens find themselves in precisely that situation. The knowledge that victims and witnesses hold about a criminal case is of paramount importance: no crime can be effectively resolved without their cooperation. Their active participation in the justice process can also deter future offending. The criminal justice system depends on victims coming forward, reporting offences, and assisting in the apprehension of perpetrators. Without this cooperation, the system would effectively cease to function.

Despite this centrality, victims and witnesses are, with few exceptions, either overlooked or treated merely as instruments for identifying and punishing offenders. The existing system has struggled to maintain law and order and to satisfy public expectations of justice. A principal reason for this shortfall is the procedural emphasis on the accused's right to defence constitutionally guaranteed under Articles 20, 21, and 22 which, during the trial of penal offences, ensures that the accused is given every opportunity to contest the charges with full vigour. Current court procedures devote minimal, if any, attention to the rights of victims and witnesses the very individuals on whose testimony the trial's outcome ultimately depends.

The neglect of victims' rights, combined with their minimal or non-existent participation in proceedings, aggravates the recurring problem of witnesses turning hostile under threats, coercion, or inducement. This distortion frequently results in the acquittal of the guilty. Victims are consequently left to endure physical, psychological, and financial suffering in the aftermath



of crime. The balance of rights between offender and victim has tilted sharply in the offender's favour, whereas it ought to lean in the opposite direction. Within this dysfunctional arrangement, the victim remains the ultimate casualty.

The Supreme Court and Victim's Rights

On 5 February 1989, a Constitution Bench of the Supreme Court of India presided over by the then Chief Justice R.S. Pathak stayed all criminal proceedings connected with the disaster on three specific grounds. Without entering into a discussion of the voluminous material before it or hearing the comprehensive arguments filed by the parties, the Supreme Court concluded the matter by observing that the case was suited to a comprehensive settlement addressing the claims, rights, and liabilities of all parties in their entirety. With respect to the issues arising from the disaster, the Court deemed a settlement amount of 470 million to be just and reasonable.

Certificate of Dependency

A Certificate of Dependency is to be issued by the Tehsildar of the applicant's tehsil or by another competent authority designated by the Government within fifteen days of the applicant submitting the requisite application.

Time Limit

Any claim made by a victim or their dependent under Sub-section (4) of Section 357-A of the Code must be filed within one hundred and eighty days of the date on which the crime was committed. The District Legal Services Authority may, if satisfied and for reasons recorded in writing, condone a delay in filing.

Appeal

A victim or their dependent who is aggrieved by the rejection of their claim by the District Legal Services Authority may file an appeal before the State Legal Services Authority within ninety days. A second appeal against the decision of the First Appellate Authority such as the State Legal Services Authority must be preferred to the Home Department of the Government within thirty days from the date of the order.

Finality of the Authority's Decision

The State Legal Services Authority or the Government may, for sufficient reasons recorded in writing, condone a delay in filing an appeal. A decision made by the District Legal Services Authority and accepted by the applicant is generally deemed final. Nevertheless, the State Legal Services Authority or the Government may reopen a case where a material change has occurred in the victim's medical condition such that leaving the original compensation unaltered would result in injustice or where the victim has died as a consequence of the injury.

Historical Evolution of the Concept of 'Victim'

The concept of the "victim" has its roots in ancient cultures and civilisations. Its original meaning lay in the act of sacrifice the offering of a person's or animal's life to appease a deity.



Over the centuries, however, the term has broadened to encompass any individual who suffers injury, loss, or hardship as a result of another's actions.

Ancient societies recognised the victim's inherent right to punish a wrongdoer, often through retribution. Hindu scriptures such as the Manusmriti prescribed severe penalties for lawbreakers. In time, however, it was acknowledged that victims should not be permitted to take the law into their own hands. The responsibility for ensuring that the offender received appropriate punishment came to be seen as the collective duty of the State and society.

In earlier eras, deterrent punishment was regarded as a crucial instrument for controlling crime. Following the French Revolution and the advent of the Industrial Revolution, however, a profound transformation swept across societies worldwide. It became increasingly apparent that deterrent punishment alone was ineffective in curbing criminal behaviour. The study of crime from the offender's perspective led to the recognition that criminals are, in many respects, products of their social environment. Concern at both the national and international levels then turned to the treatment and rehabilitation of offenders, with the goal of reintegrating them into mainstream society. As a consequence, the focus of jurists, criminologists, and governments shifted toward the rights of the accused and the rehabilitation of convicts; the victim, in effect, became the "forgotten figure" of the criminal justice system.

Conclusion

The plight of crime victims has become a subject of intensive scholarly inquiry. Research consistently shows that victims worldwide often fail to obtain adequate redress. Movements in various parts of the world driven by the goal of improving the condition of victims prompted the United Nations to take decisive action. The General Assembly ultimately adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. This declaration sought to secure for victims the rights of access to justice, fair treatment, restitution, compensation, and assistance; it is for this reason regarded as the "Magna Carta" for crime victims.

A crime victim is entitled to respect and recognition at every stage of the criminal justice process. Victims possess the right to receive ongoing information about the progress of their case, to be heard by decision-makers concerning the offender, to access legal counsel, to have their personal integrity and physical safety protected, and to receive financial compensation. The Declaration further stipulates that court officials must be trained to address victims' specific needs a provision that represents a meaningful advance in the protection of victims' rights and encourages nations worldwide to develop appropriate safeguards.

The Council of Europe has likewise strengthened protections for victims of crime. Building on the European Convention on Human Rights initiated in the 1950s to protect human rights and fundamental freedoms the Committee of Ministers issued a specific recommendation



in 1985 titled On the Position of the Victim in the Framework of Criminal Law and Procedure. This recommendation set out guidelines for prosecution, sentencing, and penal authorities in member states, underscoring the government's responsibility to provide information, compensation, personal-integrity protections, and assistance to crime victims.

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