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## **Victim-Centric Justice under the New Criminal Laws: Myth or Reality?**

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### **ABSTRACT**

*The criminal justice system has traditionally been accused of being offender-centric, often sidelining the interests and rights of victims. In response to long-standing criticism and evolving societal demands, India has recently enacted new criminal laws aimed at reforming the existing framework and enhancing justice delivery. These reforms claim to adopt a victim-centric approach by strengthening victims' rights, improving access to justice, and ensuring greater participation of victims in criminal proceedings. This paper critically examines whether the new criminal laws genuinely transform the criminal justice system into a victim-centric model or merely create an illusion of reform. Through doctrinal and analytical analysis, the study evaluates statutory provisions, procedural safeguards, and institutional mechanisms introduced under the new legal regime. It argues that while the reforms reflect progressive intent, significant structural and practical challenges continue to limit the realization of true victim-centric justice.*



## 1. Introduction

The concept of justice in criminal law has historically been centered on the relationship between the State and the accused, with the victim often relegated to a passive role. Criminal proceedings have traditionally emphasized punishment, deterrence, and retribution, rather than restoration or redressal for victims. This offender-oriented framework has been widely criticized for neglecting the emotional, psychological, and economic harm suffered by victims of crime.

In recent years, the discourse on criminal justice reform has increasingly emphasized the need to reposition victims at the heart of the justice system. The growing recognition of victims' rights, influenced by international human rights norms and comparative legal developments, has prompted states to re-evaluate their criminal justice models. In India, this shift has culminated in the enactment of new criminal laws, which claim to modernize the justice system and adopt a victim-centric approach.

However, the mere inclusion of victim-friendly provisions does not automatically guarantee meaningful justice for victims. The effectiveness of a victim-centric framework depends on the implementation of laws, institutional responsiveness, procedural fairness, and accessibility of remedies. This paper seeks to critically assess whether the new criminal laws represent a substantive shift towards victim-centric justice or remain symbolic reforms with limited practical impact.

## 2. Conceptual Framework of Victim-Centric Justice

### 2.1 Meaning and Scope of Victim-Centric Justice

Victim-centric justice refers to a model of criminal justice that prioritizes the rights, needs, and interests of victims throughout the legal process. It emphasizes recognition, participation, protection, compensation, and rehabilitation of victims, rather than viewing them merely as witnesses for the prosecution.

Key elements of victim-centric justice include:

Recognition of victims as stakeholders in criminal proceedings

Right to information and participation

Protection from secondary victimization

Access to compensation and rehabilitation

Speedy and fair resolution of cases



This approach seeks to balance the rights of the accused with the legitimate interests of victims, without compromising the principles of due process and fair trial.

## **2.2 Evolution of Victims' Rights in Criminal Law**

Historically, victims played a central role in criminal justice systems, particularly in pre-modern societies where private vengeance and restitution were common. With the rise of the modern state, crimes came to be viewed as offenses against society rather than individuals, resulting in the marginalization of victims.

In the latter half of the twentieth century, victimology emerged as a distinct field of study, highlighting the systemic neglect of victims in criminal justice processes. International instruments and judicial developments gradually influenced domestic legal systems to recognize victims' rights as an integral component of justice.

## **3. Victims in the Traditional Indian Criminal Justice System**

### **3.1 Marginal Position of Victims**

Under the traditional criminal justice framework, victims in India have largely been confined to the role of complainants or prosecution witnesses. Once a case is registered, the State assumes control over the prosecution, often leaving victims with minimal involvement in decision-making processes.

Victims frequently encounter procedural delays, lack of information, and limited access to remedies. The focus on securing conviction or acquittal overshadows the need to address victims' suffering and restore their dignity.

### **3.2 Challenges Faced by Victims**

Victims in India face multiple challenges, including:

Prolonged trials and judicial delays

Intimidation and lack of witness protection

Financial burden of litigation

Inadequate compensation mechanisms

Emotional and psychological trauma

These challenges contribute to secondary victimization, where victims experience additional harm due to systemic inefficiencies and insensitivity.



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## **4. Rationale for New Criminal Law Reforms**

### **4.1 Need for Reform**

The demand for criminal law reform in India arose from widespread dissatisfaction with delays, low conviction rates, and perceived inefficiency of the justice system. High-profile cases involving serious crimes intensified public scrutiny and underscored the need for reforms that enhance accountability and responsiveness.

The new criminal laws were introduced with the stated objectives of modernizing legal procedures, strengthening victim protection, and ensuring speedy justice. A key claim of these reforms is the transition from an accused-centric to a victim-centric justice system.

### **4.2 Objectives of Victim-Oriented Reforms**

The reforms seek to:

Enhance victims' participation in criminal proceedings

Improve access to compensation and rehabilitation

Strengthen procedural safeguards against intimidation

Promote timely investigation and trial

Restore public confidence in the justice system

These objectives reflect a normative shift towards recognizing victims as central to the administration of criminal justice.

## **5. Victim-Centric Provisions under the New Criminal Laws**

### **5.1 Recognition of Victims' Rights**

The new criminal laws introduce provisions that explicitly acknowledge victims' rights at various stages of the criminal process. These include rights to be informed about the progress of investigation, filing of charges, and outcomes of proceedings. Such recognition marks a departure from earlier frameworks that treated victims primarily as instruments of prosecution rather than rights-bearing participants.

### **5.2 Participation of Victims in Criminal Proceedings**

Enhanced participation rights enable victims to engage more actively in criminal trials. Victims may be permitted to submit representations, seek remedies against procedural lapses, and challenge decisions that



adversely affect their interests. However, the extent to which these participatory rights translate into meaningful influence remains contingent on judicial interpretation and administrative practices.

### **5.3 Compensation and Restorative Measures**

The new laws emphasize compensation and rehabilitation as essential components of justice. Victim compensation schemes are intended to provide financial relief and facilitate recovery, particularly in cases involving serious physical or psychological harm. Despite statutory recognition, practical implementation of compensation mechanisms continues to face obstacles, including bureaucratic delays and inconsistent application across jurisdictions.

## **6. Myth versus Reality: Preliminary Assessment**

### **6.1 Normative Commitment versus Practical Outcomes**

While the new criminal laws reflect a strong normative commitment to victim-centric justice, the reality on the ground reveals persistent challenges. Structural deficiencies, resource constraints, and lack of institutional sensitivity often undermine the effectiveness of victim-oriented provisions. The gap between law on the books and law in action raises critical questions about whether the reforms genuinely empower victims or merely create an appearance of reform.

### **6.2 Balancing Victims' Rights and Fair Trial**

A victim-centric approach must coexist with the constitutional guarantee of a fair trial for the accused. Overemphasis on victims' interests may risk compromising procedural fairness and due process. Therefore, the challenge lies in achieving an equitable balance that respects the rights of both victims and accused while ensuring justice and accountability.

## **7. Research Methodology**

This study adopts a doctrinal and analytical research methodology. Primary sources include statutory provisions under the new criminal laws and judicial interpretations, while secondary sources comprise books, journal articles, commission reports, and scholarly commentaries. The research critically evaluates the effectiveness of victim-centric provisions within the broader framework of criminal justice reform.

## **8. Victim Protection and Witness Security Mechanisms**

### **8.1 Need for Victim and Witness Protection**

One of the most persistent weaknesses of the criminal justice system has been the lack of effective protection for victims and witnesses. Fear of intimidation, social stigma, and retaliatory violence often



discourages victims from pursuing legal remedies or testifying truthfully. Recognizing this challenge, the new criminal laws emphasize victim protection as a cornerstone of justice delivery.

Victim-centric justice cannot be realized unless victims feel safe and supported throughout the criminal process. Protection mechanisms are therefore essential not only for safeguarding victims' rights but also for ensuring the integrity of investigations and trials.

## **8.2 Statutory Recognition of Protection Measures**

The new criminal laws strengthen provisions related to victim and witness protection by mandating confidentiality of identity in sensitive cases, restricting unnecessary disclosure of personal details, and enabling courts to adopt protective measures during trials. These measures aim to minimize secondary victimization and psychological trauma.

However, statutory recognition alone is insufficient. The absence of uniform protection programs, limited infrastructure, and inadequate training of law enforcement personnel often restrict the practical impact of these provisions.

## **8.3 Challenges in Implementation**

Despite progressive legal intent, victim protection mechanisms face significant challenges. Many States lack dedicated witness protection schemes or fail to allocate adequate resources for their effective implementation. As a result, victims continue to face intimidation, especially in cases involving powerful accused persons or organized crime. The success of victim-centric justice depends on bridging the gap between legal provisions and their enforcement at the ground level.

# **9. Speedy Justice and Procedural Reforms**

## **9.1 Importance of Timely Justice for Victims**

Delay in justice disproportionately affects victims. Prolonged trials exacerbate emotional distress, financial burden, and social stigma. Recognizing this reality, the new criminal laws emphasize expeditious investigation and trial as integral to victim-centric justice. Speedy justice is not merely an administrative goal but a substantive right that directly influences victims' confidence in the justice system.

## **9.2 Procedural Innovations**

The new laws introduce procedural timelines, increased reliance on technology, and streamlined investigation processes to reduce delays. These reforms are designed to enhance efficiency and reduce the backlog of cases, thereby benefiting victims who often suffer the consequences of prolonged litigation.



Nevertheless, procedural reforms must be supported by adequate judicial capacity, infrastructure, and manpower. Without systemic strengthening, procedural timelines risk remaining aspirational rather than enforceable.

### **9.3 Limitations of Speed-Oriented Reforms**

While speedy justice is desirable, excessive emphasis on efficiency may compromise thorough investigation and fair trial standards. Victim-centric justice must therefore balance speed with accuracy and procedural fairness to ensure that justice is both timely and reliable.

## **10. Comparative Perspective on Victim-Centric Justice**

### **10.1 International Developments**

Globally, criminal justice systems have increasingly recognized victims' rights as human rights. International instruments emphasize access to justice, restitution, compensation, and assistance for victims of crime. Many jurisdictions have adopted restorative justice models that prioritize healing and reconciliation alongside punishment. Comparative experiences demonstrate that victim-centric justice requires a holistic approach that integrates legal reforms with social support mechanisms.

### **10.2 Lessons for India**

Comparative analysis reveals that successful victim-centric models are supported by robust institutional frameworks, victim support services, and community-based interventions. Merely incorporating victim-friendly provisions in criminal laws does not automatically transform justice delivery. India's experience underscores the need for sustained institutional commitment and capacity-building to translate normative ideals into practical outcomes.

## **11. Implementation Challenges and Institutional Gaps**

### **11.1 Administrative and Structural Constraints**

One of the major obstacles to victim-centric justice is the lack of administrative capacity. Overburdened courts, understaffed police forces, and inadequate support services hinder effective implementation of victim-oriented provisions. Victims often lack awareness of their rights and available remedies, further limiting the impact of legal reforms.



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## **11.2 Socio-Economic Barriers**

Socio-economic disparities significantly affect victims' access to justice. Marginalized communities, women, and economically disadvantaged victims face additional barriers, including lack of legal representation and social support.

Without addressing these structural inequalities, victim-centric justice risks remaining inaccessible to those who need it most.

## **11.3 Institutional Sensitivity and Training**

Victim-centric justice requires a shift in institutional culture. Law enforcement agencies, prosecutors, and judicial officers must be trained to adopt empathetic and rights-based approaches toward victims. The absence of systematic training and sensitization programs undermines the transformative potential of legal reforms.

## **12. Critical Analysis: Myth or Reality?**

### **12.1 Normative Advancement**

The new criminal laws undeniably represent a normative advancement in recognizing victims as central stakeholders in the criminal justice process. The inclusion of rights-based provisions, protection measures, and compensation schemes reflects a conscious shift toward victim-centric justice. From a legal perspective, these reforms challenge the traditional offender-centric model and acknowledge the multidimensional harm suffered by victims.

### **12.2 Practical Realities**

Despite normative progress, practical realities reveal persistent gaps between legislative intent and actual outcomes. Implementation deficiencies, institutional inertia, and resource constraints often dilute the effectiveness of victim-centric provisions. As a result, victim-centric justice under the new criminal laws remains partially realized, oscillating between aspiration and reality.

### **12.3 Balancing Competing Interests**

A critical concern in victim-centric reforms is maintaining balance between victims' rights and the constitutional rights of the accused. Justice must not become punitive at the cost of due process and fairness. True victim-centric justice lies not in privileging victims over the accused but in creating an equitable system that addresses harm while upholding fundamental legal principles.



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## 13. Way Forward

### 13.1 Strengthening Institutional Frameworks

To transform victim-centric justice from myth to reality, institutional frameworks must be strengthened. Dedicated victim support units, uniform protection schemes, and accessible compensation mechanisms are essential. Coordination between law enforcement agencies, judiciary, and social welfare institutions is crucial for holistic victim support.

### 13.2 Enhancing Awareness and Accessibility

Legal reforms must be accompanied by awareness initiatives to educate victims about their rights and remedies. Simplified procedures and legal aid services can enhance accessibility and empower victims to seek justice.

### 13.3 Continuous Monitoring and Reform

Victim-centric justice is not a static goal but an evolving process. Continuous monitoring, empirical assessment, and periodic reforms are necessary to address emerging challenges and ensure effective implementation.

## 14. Conclusion

The new criminal laws signify an important shift toward recognizing victims as central to the criminal justice system. By incorporating victim-oriented provisions, protection mechanisms, and restorative measures, the reforms aim to address long-standing criticisms of offender-centric justice. However, the realization of victim-centric justice depends not merely on legislative change but on effective implementation, institutional sensitivity, and socio-economic support. At present, victim-centric justice under the new criminal laws remains a work in progress—neither a complete myth nor an absolute reality. Bridging the gap between promise and practice requires sustained commitment to constitutional values, human dignity, and equitable justice. Only then can victim-centric justice evolve from a normative aspiration into a lived reality. This study contributes to the existing scholarship by offering a critical evaluation of victim-centric justice within the framework of India's new criminal laws. It highlights the tension between normative reform and practical implementation, providing insights into the structural and institutional challenges that limit the effectiveness of victim-oriented provisions. The paper advances the discourse on criminal justice reform by emphasizing the need for a balanced, rights-based approach that integrates victims' interests with procedural fairness.



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