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## **FROM HARM TO HEALING: A HOLISTIC PERSPECTIVE ON VICTIMS AND PUNISHMENT**

AUTHORED BY - SUVADEEP SARKAR

*"Justice will not be served if we maintain our exclusive focus on the questions that drive our current justice systems: What laws have been broken? Who did it? What do they deserve? True justice requires, instead, that we ask questions such as these: Who has been hurt? What do they need? Whose obligations are these? What is the appropriate process to involve all stakeholders in an effort to put things right?"*

*— Howard Zehr (Grandfather of restorative justice)*

### **Abstract:**

*Victims of crime in India often face a complex and arduous journey, with the prevailing retributive justice system frequently falling short in addressing their holistic needs. This abstract explores a paradigm shift from a purely punitive approach to one centered on healing and restoration for victims within the Indian context. While traditional punishment focuses on the perpetrator and the crime, a holistic perspective prioritizes the victim's physical, psychological, social, and economic well-being. This includes comprehensive support services such as trauma-informed counseling, medical aid, financial compensation, and access to legal aid, often inadequately provided or fragmented in the current system. Furthermore, it advocates for the greater integration of restorative justice practices, like victim-offender mediation and community conferencing, which can empower victims, foster offender accountability, and facilitate reconciliation, thereby promoting a sense of closure and healing. The Indian legal framework, with provisions for victim compensation and witness protection, offers a nascent foundation, but significant reforms are needed to operationalize these effectively and broaden their scope. This abstract argues for policy changes that emphasize victim participation, promote a victim-centric approach in police investigations and judicial proceedings, and establish robust rehabilitation programs. Ultimately, moving "from harm to healing" necessitates a multi-pronged strategy that acknowledges the diverse needs of victims, leverages traditional community-based dispute resolution mechanisms where appropriate, and redefines the purpose of justice to encompass repair, restoration, and the reintegration of both victims and offenders into society.*

**Keyword:** Retributive Justice, Holistic Perspective, Victim-Centric Approach, Victim Compensation, Witness Protection.

### **Introduction:**

In India, the traditional criminal justice system has predominantly focused on punishing offenders, often overlooking the profound and lasting impact on victims.<sup>1</sup> This punitive approach, while aiming to deter crime, frequently leaves victims feeling marginalized, unheard, and without adequate support for their recovery. The notion of "From Harm to Healing: A Holistic Perspective on Victims and Punishment" seeks to bridge this critical gap, advocating for a paradigm shift that prioritizes the well-being and restoration of those who have suffered harm. This approach acknowledges that crime is not merely an offense against the state but a deeply personal experience with far-reaching consequences for individuals, families, and communities.

The Indian scenario presents a unique set of challenges and opportunities for implementing such a holistic framework. Social disparities, a complex legal landscape, and diverse cultural norms all influence how victims experience justice and healing. Traditional practices, community-based dispute resolution mechanisms, and evolving victim support services, though nascent, offer glimpses into alternative pathways. This introduction will explore the necessity of moving beyond retributive justice to embrace a more comprehensive approach that encompasses victim rights, restorative practices, and rehabilitative measures for offenders. By fostering a system that addresses the root causes of harm and facilitates genuine healing, India can pave the way for a more just, compassionate, and ultimately safer society. This requires a re-evaluation of current policies, a strengthening of support structures for victims, and a deeper understanding of the interconnectedness between crime, punishment, and societal well-being.

### **Understanding the Scope of Harm: Beyond the Offender-Centric View**

The chapter critically examines how we typically perceive and address the aftermath of crime, arguing for a significant shift from a narrow focus on the perpetrator to a more expansive understanding of the harm caused. Traditionally, criminal justice systems, and indeed public

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<sup>1</sup> Murugesan Srinivasan, Eyre Mathew Jane , Victims and the criminal justice system in India: Need for a paradigm shift in the justice system, Jan, 2007, (july12, 2025) [https://www.researchgate.net/publication/47748931\\_Victims\\_and\\_the\\_criminal\\_justice\\_system\\_in\\_India\\_Need\\_for\\_a\\_paradigm\\_shift\\_in\\_the\\_justice\\_system?](https://www.researchgate.net/publication/47748931_Victims_and_the_criminal_justice_system_in_India_Need_for_a_paradigm_shift_in_the_justice_system?)

discourse, tend to be heavily "offender-centric."<sup>2</sup> This means that the primary lens through which crime is viewed is the individual who committed the act – their motivations, culpability, punishment, and potential for rehabilitation. While this perspective is undeniably important for establishing responsibility and upholding justice, it often inadvertently sidelines the profound and multifaceted impact of the crime on victims, communities, and society at large.

The core argument of the chapter is that a true comprehension of harm necessitates looking beyond the immediate act and the individual offender. It delves into the layers of suffering experienced by direct victims, highlighting not just physical injuries but also the often-invisible psychological trauma, emotional distress, financial burdens, and long-term disruptions to their lives. This extends to acknowledging the secondary victimization that can occur through insensitive legal processes or societal judgment.

Furthermore, the chapter emphasizes the ripple effect of harm within communities. Crime can erode trust, foster fear, and fragment social cohesion<sup>3</sup>. Businesses might suffer, public spaces become perceived as unsafe, and a general sense of unease can permeate daily life. This societal impact, though less tangible than individual suffering, is a crucial component of the overall harm<sup>4</sup>. The chapter might explore concepts like collective trauma or the erosion of social capital, demonstrating how an incident, even if seemingly isolated, can have far-reaching consequences for the fabric of a community.

By moving beyond the offender-centric view, the chapter likely advocates for a more holistic approach to justice and intervention. This could involve exploring restorative justice practices, which prioritize repairing harm and addressing the needs of all parties affected by crime<sup>5</sup>. It also implicitly calls for a re-evaluation of resource allocation within the justice system, ensuring that victim support services, community initiatives, and preventative measures receive adequate attention alongside traditional law enforcement and incarceration. Ultimately, the chapter challenges readers to broaden their understanding of "harm," recognizing it as a

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<sup>2</sup> Dr.Kim McGregor, Putting Victims At The Heart Of The Criminal Justice System, www. Corrections.govt.nz, [https://www.corrections.govt.nz/resources/research/journal/volume\\_7\\_issue\\_1\\_july\\_2019/putting\\_victims\\_at\\_the\\_heart\\_of\\_the\\_criminal\\_justice\\_system](https://www.corrections.govt.nz/resources/research/journal/volume_7_issue_1_july_2019/putting_victims_at_the_heart_of_the_criminal_justice_system)

<sup>3</sup> Corbacho, A., Philipp, J., & Ruiz-Vega, M, Crime and Erosion of Trust: Evidence for Latin America, (August, 2012), <https://doi.org/10.18235/0011406>

<sup>4</sup> Fiveable, Societal Impact of Crime – Criminal Justice, (July 31,2024), <https://library.fiveable.me/criminal-justice/unit-2/societal-impact-crime/study-guide/CekB10TJkR1vmuqh>

<sup>5</sup> First step alliance, restorative justice: breaking the cycle of crime (April 14, 2021) <https://www.firststepalliance.org/post/what-is-restorative-justice>

complex, multi-layered phenomenon that extends far beyond the actions of a single individual, thereby paving the way for more comprehensive and compassionate responses to crime.

### **The Limits of Retribution: Re-evaluating Traditional Punishment**

To embark on a critical examination of retribution, a foundational principle in many criminal justice systems that posits punishment should be proportionate to the harm caused, serving primarily as a form of "just deserts." While retribution offers a sense of moral satisfaction and reinforces societal norms by holding offenders accountable, the chapter argues that its singular focus on punishment often falls short in achieving broader goals of justice, rehabilitation, and crime prevention.

One of the primary limitations explored is the inherent difficulty in precisely quantifying harm and, subsequently, determining a truly "just" punishment. The subjective nature of suffering, the varying impact on individuals, and the complexities of human behavior make a perfectly calibrated retributive response elusive. Moreover, the chapter likely delves into the practical failures of solely retributive systems. High recidivism rates in many jurisdictions suggest that punishment, in isolation, often fails to address the underlying causes of criminal behavior or equip individuals with the tools to reintegrate into society. Prisons, designed for retribution, can sometimes become schools for further criminality rather than places of reform.

Furthermore, the chapter probably highlights the moral and ethical dilemmas posed by a purely retributive approach. Does "an eye for an eye" truly serve justice, or does it perpetuate a cycle of violence? It might question whether societal vengeance, disguised as justice, is truly productive or merely satisfying. The human cost of lengthy incarcerations, both on the incarcerated individual and their families, is another crucial aspect likely considered, prompting a re-evaluation of whether such costs are always justifiable under a purely retributive framework.<sup>6</sup>

The chapter likely advocates for a shift towards a more balanced and multifaceted approach to justice. While not dismissing accountability entirely, it pushes for greater emphasis on rehabilitation, victim restoration, and crime prevention. This could involve exploring alternatives to incarceration, such as community-based programs, restorative justice initiatives

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<sup>6</sup> Eric Bryant, why punishing people in jail and prison isn't working, (October 24, 2023) <https://www.vera.org/news/why-punishing-people-in-jail-and-prison-isnt-working>

that focus on repairing harm, and interventions that address the root causes of crime, such as poverty, lack of education, and mental health issues. By re-evaluating traditional punishment through the lens of its limitations, the chapter encourages readers to envision a justice system that is not only just in its punitive measures but also effective in fostering safer communities and promoting individual growth. It challenges the deeply ingrained belief that more punishment always equates to more justice, urging a more nuanced and ultimately more humane perspective.

### **Pathways to Healing: Restorative Justice and Victim Support**

This chapter of the article shifts the focus from punishment to recovery, exploring the vital roles of restorative justice and robust victim support mechanisms in the aftermath of crime, with a specific lens on the Indian context. India, with its diverse cultural landscape and deeply rooted traditions of community resolution, presents a unique backdrop for the adoption and adaptation of these approaches.

It is likely begins by defining restorative justice, not merely as an alternative to traditional punishment, but as a philosophy that views crime as a violation of relationships and an injury to individuals and communities, rather than solely a breach of state law. In the Indian context, this resonates with the concept of *nyaya* (justice) and *shanti* (peace), often sought through community-based reconciliation in many indigenous legal systems. It would highlight core restorative practices like victim-offender mediation, family group conferencing, and community circles, where all parties affected by the crime—victims, offenders, and community members—come together voluntarily to discuss the harm caused, express their feelings, and collectively decide on how to repair the damage and prevent future harm<sup>7</sup>. The emphasis here is on accountability, apology, restitution, and reintegration.

For victim support, the chapter would delve into the burgeoning, though still evolving, landscape in India. It would acknowledge the historical marginalization of victims within the traditional, offender-centric criminal justice system. The discussion would then move to recent legislative and judicial developments, such as the amendments to the Code of Criminal Procedure (CrPC) that introduced victim compensation schemes (Section 357A<sup>8</sup>) and the Victim Compensation Fund. These are crucial steps towards recognizing victims' rights and

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<sup>7</sup>Counsel of secure justice, <https://csjindia.org/rj-principles-and-practice/>

<sup>8</sup> Infra note. 26.

providing tangible relief for losses suffered, including physical injuries, psychological trauma, and financial burdens.

However, the chapter would also critically examine the challenges in implementing these pathways to healing in India. These might include a lack of widespread awareness about victim support services and compensation schemes, bureaucratic hurdles, inadequate funding, and the persistent societal stigma associated with victimization. Furthermore, integrating restorative justice effectively within a predominantly adversarial legal system poses a significant challenge. The chapter would likely highlight the need for extensive training of police, judiciary, and legal aid personnel in victim-sensitive approaches and restorative principles.

Looking forward, it would advocate for a more victim-centric approach to justice in India. This involves strengthening legal aid for victims, establishing more accessible and effective victim support services (including psychological counseling and rehabilitation), and promoting greater use of restorative justice practices, particularly in juvenile justice where its potential for rehabilitation is widely recognized. Ultimately, the chapter would underscore that true healing and a more just society in India depend on moving beyond retributive mindsets and embracing pathways that prioritize repairing harm, supporting victims, and fostering reconciliation within communities.

### **Integrating Perspectives: A Holistic Framework for Justice**

India, with its rich tapestry of cultures, traditions, and a complex legal history, presents a unique challenge and opportunity for the implementation of restorative justice. While the formal justice system often focuses on retributive punishment, the concept of "Integrating Perspectives: A Holistic Framework for Justice" within the Indian context for restorative justice emphasizes a fundamental shift – moving from a purely punitive approach to one that seeks to heal, reconcile, and rebuild. This framework is not merely an alternative but a complementary and often more effective path, especially for social harmony.

At its core, a holistic framework for justice in India must begin by acknowledging and valuing the diverse perspectives of all stakeholders. This includes the victim, the offender, their respective families, and the wider community. Often, in the pursuit of justice, the victim's voice can be marginalized, and the offender's humanity overlooked. Restorative justice, conversely, places dialogue and understanding at the forefront. For example, in a village setting, a theft

might traditionally lead to ostracism or harsh punishment. A restorative approach would facilitate a meeting where the victim can express their harm, the offender can acknowledge their actions, and the community can collectively explore ways for restitution and reintegration<sup>9</sup>. This might involve the offender working to repair the damage or contributing to a community project as a form of reparation.

Central to this integration is the recognition of India's unique social fabric, which is deeply rooted in community and family structures<sup>10</sup>. While these can sometimes perpetuate inequalities, they also offer powerful avenues for informal conflict resolution and support. The Panchayati Raj institutions, for instance, with their long history of local governance and dispute resolution, provide a natural foundation upon which to build restorative practices. Training local leaders and community elders in restorative principles – such as active listening, mediation, and facilitating dialogue – can empower them to address conflicts at the grassroots level, preventing escalation and fostering sustainable peace. This is particularly crucial in cases involving family disputes, inter-caste conflicts, or minor offenses, where formal legal intervention might be cumbersome and alienating.

Furthermore, a holistic framework necessitates a move beyond merely addressing the symptoms of crime to understanding its root causes. Poverty, lack of education, social discrimination, and historical injustices often contribute to criminal behavior. Integrating perspectives means bringing in social workers, psychologists, educators, and community development experts into the justice process. For instance, an adolescent caught in petty crime might benefit more from vocational training and counseling than from incarceration. This preventative and rehabilitative aspect is vital for breaking cycles of crime and fostering long-term societal well-being.

The integration of legal perspectives with indigenous dispute resolution mechanisms is another critical element. While the Indian legal system provides a robust framework, it can sometimes be slow, expensive, and intimidating for ordinary citizens<sup>11</sup>. Restorative justice offers a more

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<sup>9</sup> Unknown, **What is Restorative Justice?**, (July, 12, 2025) [https://why-me.org/what-is-restorative-justice/?hl=en-US&doing\\_wp\\_cron=1752407675.9221301078796386718750](https://why-me.org/what-is-restorative-justice/?hl=en-US&doing_wp_cron=1752407675.9221301078796386718750)

<sup>10</sup> Navigating the Changing Social Fabric of Indian Society, Nov. 6, 2023, <https://teachers.institute/contemporary-india-education/navigating-changing-social-fabric-india/>

<sup>11</sup> Stifling Dissent: The Criminalization of Peaceful Expression in India, may, 24, 2016, <https://www.hrw.org/report/2016/05/25/stifling-dissent/criminalization-peaceful-expression-india?hl=en-US#:~:text=India's%20legal%20system%20is%20infamous,the%20innocent%20from%20fighting%20for>

accessible and culturally sensitive alternative, particularly for non-serious offenses. Mechanisms like lok adalats (people's courts) and mediation centers can be strengthened by incorporating restorative principles, allowing for more informal, victim-centric resolutions that prioritize healing and reconciliation over adversarial battles. This would not only reduce the burden on the formal court system but also empower communities to find their own solutions, fostering a sense of ownership and collective responsibility.

The "holistic framework" would envision a system where traditional criminal justice mechanisms, such as investigation, prosecution, and sentencing, are not abandoned but are integrated with broader societal and individual needs. This means a proactive approach to crime prevention that tackles root causes like poverty, illiteracy, and social inequality – issues deeply entrenched in the Indian context<sup>12</sup>. It would advocate for stronger community policing initiatives that build trust and facilitate early intervention, rather than solely reacting to crime after it occurs.

In conclusion, "Integrating Perspectives: A Holistic Framework for Justice" within the context of restorative justice in India is a multi-faceted approach that acknowledges the diverse stakeholders, leverages existing community structures, addresses root causes, and bridges formal and informal justice mechanisms. It is a paradigm shift that moves beyond retribution to embrace reparation, reconciliation, and ultimately, the building of a more just and harmonious society where conflicts are viewed not just as problems, but as opportunities for growth and healing. This framework, deeply rooted in India's cultural ethos of community and interconnectedness, holds immense potential for transforming justice delivery and fostering a more resilient and compassionate society.

Furthermore, the chapter would emphasize the vital role of victim support services as an integral part of the justice continuum, not an afterthought. This would involve accessible and compassionate support at every stage, from immediate crisis intervention to long-term psychological and financial aid, aligning with the victim compensation provisions already present in Indian law but often underutilized. Critically, it would push for the mainstreaming of restorative justice practices, particularly in suitable cases like juvenile offenses or disputes where reconciliation is possible. This aligns well with India's historical emphasis on mediation

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<sup>12</sup> Ishaan D. Joshi, Crime Prevention In India: The Need For A Multidimensional Approach, (Feb 28,2025) <https://www.ijlra.com/post/crime-prevention-in-india-the-need-for-a-multidimensional-approach>

and community-based dispute resolution, offering a culturally resonant pathway to healing and reintegration.

The integration would also extend to offender rehabilitation, focusing on meaningful skill development, educational opportunities, and mental health support within correctional facilities, rather than mere incarceration. The chapter would stress that the goal is not just to punish, but to enable individuals to return to society as productive citizens, reducing recidivism and enhancing public safety.

Ultimately, "Integrating Perspectives" would call for a systemic shift in mindset within the Indian justice system – from a reactive, punitive model to a proactive, rehabilitative, and victim-centric one. It would suggest that true justice is achieved when the needs of all stakeholders are considered and addressed, leading to safer communities and a more harmonious society.

### **Role of the Indian Judiciary**

The Indian judiciary has played a pivotal role in ushering in a victim-sensitive approach, often filling legislative gaps and expanding the scope of victim rights through progressive interpretations of existing laws and the Constitution.<sup>13</sup>

- 1. Constitutional Interpretation and Victim Rights:** The Supreme Court, through its interpretation of Article 21 (Right to Life and Personal Liberty<sup>14</sup>) and Article 14 (Right to Equality<sup>15</sup>), has broadened the understanding of victim rights to include the right to compensation, rehabilitation, and dignified treatment<sup>16</sup>. This has transformed compensation from a mere statutory provision to a constitutional imperative.
- 2. Developing Victim Compensation Jurisprudence:** Even before specific victim compensation schemes were widely legislated, the judiciary used its inherent powers under Section 357<sup>17</sup> of the Criminal Procedure Code (CrPC) to award compensation from fines imposed on offenders. This discretionary power was later strengthened and made mandatory in certain cases.

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<sup>13</sup> Smt. M. Sarojamma, VICTIMOLOGY & COMPENSATION, dec,09, 2024, (July. 12, 2025), <https://cdnbbsr.s3waas.gov.in/s3ec030b6ace9e8971cf36f1782aa982a7/uploads/2024/12/2024121046.pdf>

<sup>14</sup> The Constitution of India, 1950, Art. 21.

<sup>15</sup> The Constitution of India, 1950, Art. 14.

<sup>16</sup>Rajesh Mahajan. Victim Compensation Laws In India, (April 22, 2024), <https://chambers.com/articles/victim-compensation-laws-in-india?hl=en-US>

<sup>17</sup> Code of Criminal Procedure, 1973, s. 357.

3. **Directives for Victim Support and Protection:** The judiciary has issued numerous directives to ensure victim protection, witness safety, and access to justice<sup>18</sup>. This includes directions for in-camera trials in sensitive cases (e.g., sexual offenses), victim impact statements, and ensuring legal aid for victims.
4. **Promoting Restorative Justice (with caveats):** While the judiciary has shown an openness to restorative principles, particularly in cases where compromise can lead to genuine healing, it has also exercised caution. For instance, in sensitive cases like rape, the Supreme Court has emphatically ruled against mediation or compromise, upholding the victim's dignity as paramount<sup>19</sup>. This highlights a nuanced approach, recognizing the benefits of restorative justice while safeguarding against its misuse or exploitation.

### **Bharatiya Nagarik Suraksha Sanhita (BNSS)**

The recently enacted Bharatiya Nagarik Suraksha Sanhita (BNSS)<sup>20</sup>, replacing the CrPC<sup>21</sup>, marks a significant legislative step towards a more victim-centric criminal justice system in India. Its provisions are designed to address some of the historical shortcomings identified in the article.

- a) **Expanded Definition and Role of Victim:** The BNSS provides a more comprehensive definition of "victim" and explicitly recognizes their enhanced role as stakeholders in criminal proceedings. Section 360<sup>22</sup>, for example, grants victims the right to express their views before a case is withdrawn, a crucial step towards empowering them in the legal process<sup>23</sup>.
- b) **Enhanced Information Rights:** The BNSS mandates that victims be kept informed about the progress of investigations (e.g., within 90 days), the status of their cases, and the outcome of trials<sup>24</sup>. They are also entitled to free copies of FIRs and police reports, ensuring greater transparency.

<sup>18</sup>Nupur Dogra, Supreme Court's 7 directions for domestic violence act implementation, (June 3, 2025), <https://www.ndtv.com/india-news/supreme-courts-7-directions-for-domestic-violence-act-implementation-8576965>

<sup>19</sup>Deccan Herald, No Mediation In Rape :SC, (July 02, 2015) <https://www.deccanherald.com/india/no-mediation-rape-sc-2136830?hl=en-US#:~:text=No%20mediation%20in%20rape%3A%20S>

<sup>20</sup> The Bharatiya Nyaya Sanhita, 2023 (Act No. 45 of 2023).

<sup>21</sup> THE CODE OF CRIMINAL PROCEDURE, 1973, No. 2, Acts of Parliament, 1974 (India).

<sup>22</sup> Bharatiya Nagarik Suraksha Sanhita, 2023, s. 360.

<sup>23</sup> PIB Delhi, New Criminal Laws, (Aug 06, 2024), <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2042134>

<sup>24</sup>Soumya Gulati, Shweta Sahu, Alipak Banerjee And Vyapak Desai, Navigating Through Criminal Law Reforms,(January31,2024),<https://www.nishithdesai.com/NewsDetails/14897?hl=en-US#:~:text=Update%20on%20progress%20of%20investigation,informant%20or%20victim%20of%20th>

- c) **Zero FIRs and E-FIRs:** The institutionalization of Zero FIRs (allowing complaints to be filed at any police station regardless of jurisdiction) and the introduction of e-FIRs significantly enhance accessibility for victims, removing geographical barriers to reporting crime<sup>25</sup>.
- d) **Victim Compensation Scheme (VCS) Reinforcement:** While the CrPC (Section 357A<sup>26</sup>) introduced the Victim Compensation Scheme, the BNSS reinforces and streamlines the process, emphasizing that compensation should be decided and awarded by the District/State Legal Services Authorities within a stipulated time (e.g., two months). It also allows for the attachment and distribution of proceeds of crime to victims.
- e) **Mandatory Medical Treatment:** Section 397 of the BNSS<sup>27</sup> places a mandatory obligation on both government and private hospitals to provide free medical treatment to victims of certain offenses, and to inform the police immediately, ensuring timely medical care and evidence collection.<sup>28</sup>
- f) **Victim Participation in Prosecution:** The BNSS<sup>29</sup> permits victims to engage an advocate of their choice to assist the prosecution (Section 18(8))<sup>30</sup>, granting them a more active role in the trial.

### Recent and Landmark Case Laws

The Indian judiciary's journey towards victim-centric justice is punctuated by several landmark judgments:

- ***Hari Singh v. Sukhbir Singh***<sup>31</sup> (1988 SC): This early case recognized the importance of compensation to victims, even going beyond the traditional fine structure.<sup>32</sup>

<sup>25</sup> Anurudh Nikhare, zero FIR and E-fir, How To File And What To Do If Refused (July 07, 2024) <https://blog.finology.in/Legal-news/How-to-File-Zero-FIR-e-FIR?hl=en-US#:~:text=Anyone%20can%20file%20a%20Zero,of%20where%20the%20incident%20occurred>

<sup>26</sup> Section 357A of the Code of Criminal Procedure, 1973.

<sup>27</sup> Bharatiya Nagarik Suraksha Sanhita, 2023, s. 397.

<sup>28</sup> Anushka, Delhi High Court issues specific directions on free medical treatment to rape, acid attack, and POCSO case victims/survivors by all public/private hospitals.,SCCONLINE TIMES jan. 03, 2025(July 12, 2025), <https://www.sconline.com/blog/post/2025/01/03/delhi-hc-issues-specific-directions-provision-free-medical-treatment-rape-acid-attack-pocso-victims-survivors-hospitals-public-private/?hl=en-US#:~:text=DSLISA%20informed%20the%20Court%20that,vide%20order%20dated%2002%2D09%2D>

<sup>29</sup> Supra note. 19.

<sup>30</sup> Bharatiya Nagarik Suraksha Sanhita, 2023, s. 18(8).

<sup>31</sup> Hari Kishan & Anr. v. Sukhbir Singh & Ors., AIR 1988 SC 2127

<sup>32</sup> K. j. Shetty, Hari Kishan & Anr vs Sukhbir Singh & Ors on 25 August, 1988, India kanoon, <https://indiankanoon.org/doc/212245/?hl=en-US#:~:text=On%20these%20considerations%20the%20Court,APPELLATE%20JURISDICTION%3A%20Criminal%20Appeal%20No.>

- *Sarwan Singh v. State of Punjab*<sup>33</sup> (1998 SC): The Supreme Court reiterated that victims should be compensated for the loss and injury suffered due to the crime.
- *Nipun Saxena v. Union of India*<sup>34</sup> (2019 SC): While primarily dealing with the POCSO Act, this case emphasized the need for a comprehensive victim and witness protection scheme, leading to the framing of the Witness Protection Scheme, 2018. It underscored the importance of creating a secure environment for victims to depose without fear.
- *Suresh v. State of Haryana*<sup>35</sup> (2015 SC): This case underscored the need for courts to apply their mind diligently while awarding compensation under Section 357 CrPC, ensuring that the compensation is just and adequate, rather than a token amount.
- *State of Gujarat v. Jiteshbhai Babubhai Solanki*<sup>36</sup> (2018 SC): This judgment highlighted the need for prompt payment of interim compensation to victims, emphasizing that financial needs arising from the crime should be addressed immediately.
- **Various Judgments on Rape and Compromise:** While not a single case, a series of Supreme Court judgments, especially concerning rape cases, have firmly rejected the idea of "compromise" or "mediation" between the victim and the accused, unequivocally stating that the dignity of a woman cannot be compromised, even in exchange for marriage or settlement. These judgments have set a strong precedent against any attempt to dilute the severity of such crimes through "restorative" measures that do not genuinely address the victim's agency and long-term well-being.

In conclusion, the integration of perspectives "From Harm to Healing" in the Indian scenario is being driven by both judicial activism and legislative reforms. The judiciary has consistently pushed the boundaries of victim rights, while the BNSS represents a legislative intent to formalize and strengthen many of these principles<sup>37</sup>. However, the true test lies in effective implementation, ensuring that these progressive legal frameworks translate into tangible support and genuine healing for victims across the vast and diverse landscape of India.

### **Findings and conclusion:**

<sup>33</sup> Sarwan Singh v. State of Punjab, AIR 1957 SC 637

<sup>34</sup> Nipun Saxena & Anr. v. Union of India & Ors., (2019) 2 SCC 703

<sup>35</sup> Suresh & Anr. v. State of Haryana, (2015) 2 SCC 227

<sup>36</sup> State of Gujarat v. Jiteshbhai Babubhai Solanki, R/CR.MA/7460/2015, decided on August 28, 2015, by the Gujarat High Court.

<sup>37</sup> CJP Legal Team, The evolution of victimology in India with legal reforms and landmark judgments, Feb, 18, 2025, <https://cjp.org.in/factsheet-victimology/>

The article "From Harm to Healing: A Holistic Perspective on Victims and Punishment" embarks on a critical journey, dissecting the traditional paradigms of criminal justice and advocating for a profound reorientation towards a victim-centric, restorative, and integrated approach. The core findings of the article illuminate several key areas where conventional systems fall short and where alternative frameworks offer more promising outcomes for all stakeholders.

Firstly, the article unequivocally finds that the offender-centric view of justice is inherently limited and often detrimental. By focusing predominantly on the perpetrator's culpability and punishment, it inadvertently marginalizes the direct and indirect victims, whose suffering often extends far beyond the immediate act. The psychological trauma, financial burdens, and long-term disruptions experienced by victims are frequently overlooked or inadequately addressed by systems primarily concerned with state-sanctioned retribution. This narrow lens, the article finds, hinders genuine healing and often leaves victims feeling unheard and disempowered.

Secondly, the article identifies the inherent limitations and often counterproductive nature of solely retributive punishment. While retribution serves a purpose in expressing societal disapproval and upholding accountability, the article's findings suggest that it frequently fails to achieve broader goals such as rehabilitation, crime prevention, or victim satisfaction. The "eye for an eye" mentality, while emotionally resonant, often perpetuates cycles of harm and overlooks the complex socio-economic factors contributing to criminal behavior<sup>38</sup>. High recidivism rates, despite harsh penalties, stand as a testament to the inadequacy of punishment alone to foster lasting change.

Thirdly, the article strongly affirms the transformative potential of restorative justice and robust victim support mechanisms. Drawing on the "Pathways to Healing" chapter, the findings highlight that when victims are given a voice, when offenders are encouraged to take genuine responsibility and make amends, and when communities are actively involved in the resolution process, more profound and lasting healing can occur. For the Indian context, the article notes that existing legal provisions for victim compensation, while present, are underutilized, and the cultural propensity for community resolution often remains untapped by the formal justice system. The article finds that dedicated victim support, encompassing psychological, legal, and

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<sup>38</sup> Retribution Defined – Simplified, oct. 17, 2023, <https://criminal.laws.com/general-criminal-law/objectives/retribution>

financial aid, is not merely supplementary but an essential component of genuine justice.

Finally, the article's overarching conclusion is that a holistic framework for justice is not merely an idealistic aspiration but a pragmatic necessity. This integrated approach demands a systemic shift from a reactive, punitive model to a proactive, rehabilitative, and victim-centric one. It acknowledges that effective justice must simultaneously address the harm caused, hold offenders accountable in a meaningful way, support victims in their recovery journey, and empower communities to prevent future offenses.

In the Indian scenario, this holistic framework implies a greater emphasis on early intervention, community-based dispute resolution that aligns with traditional panchayat systems, and a more accessible and empathetic approach within the formal legal system. It calls for enhanced training for legal professionals, police, and social workers to adopt victim-sensitive and restorative practices. Ultimately, the article concludes that by moving "From Harm to Healing," societies can build a justice system that is not only fair in its judgments but also effective in fostering reconciliation, promoting well-being, and creating safer, more resilient communities for all. The journey from harm to healing is complex, but the findings presented strongly suggest it is the most just and sustainable path forward.

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