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VICTIM RIGHTS AND COMPENSATION IN INDIA: A COMPREHENSIVE LEGAL AND PROCEDURAL ANALYSIS WITH SPECIAL REFERENCE TO THE MOTOR VEHICLES ACT

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ABSTRACT

This paper focuses on the development and the modern system of victim compensation in India and how the system was developed with the principles of restorative justice in ancient India and the developed statutory provisions of the modern time.¹ The research paper compares the legislative framework as Code of Criminal Procedure², 1973 (Sections 357, 357A, 357B, and 357C), the Bharatiya Nagarik Suraksha Sanhita, 2023 and the Motor Vehicles Act, 1988, with its amendments in place in 2019. Through critical analysis of landmark judgments of the Supreme Court including Rudal Shah case³ and, Nilabati Behera case⁴. The paper by National Insurance Co. Ltd. v. Pranay Sethi illustrates the important role of the judiciary in increasing the rights of victims and creating compensation as an essential part of justice⁵. The study

¹ *Introduction to victim compensation* available at <https://www.criminallawjournal.org/article/85/4-1-30-396.pdf> (last visited on 21st December 2025)

² *THE CODE OF CRIMINAL PROCEDURE, 1973* available at http://indiacode.nic.in/bitstream/123456789/15272/1/the_code_of_criminal_procedure,_1973.pdf (last visited on 21st December 2025)

³ *The study on victim compensation scheme under section 357 A of the CRPC* available at <https://www.vintagelegalvl.com/post/study-on-victim-compensation-scheme-under-section-357a-of-the-crpc> (last visited on 21st December 2025)

⁴ *Nilabati Behera vs. State of Orissa*, (1993) available at <https://indiankanoon.org/2 S.C.C. 746> (last visited on 21st December 2025)

⁵ *National Insurance Co. Ltd. vs. Pranay Sethi*, (2017) available at <https://indiankanoon.org/16 SCC 680> (last visited on 21st December 2025)

assesses the adherence of the global statutes like ICCPR, CEDAW, and the UN Declaration of Basic Principles of Justice of the Victims in India.⁶ Particular attention is given to compensation mechanism of the Motor Vehicles Act and three of its instances, which are Motor Accident Claims Tribunals (MACTs), multiplier method, heads of damages and procedural reforms⁷. The paper notes that although much has been accomplished to achieve a victim-oriented restorative paradigm, it has to be effectively implemented through long-term judicial dedication, proper funding, and holistic rehabilitation other than monetary rewards.

Keywords: The Motor Vehicles Act, 1988, Victim Compensation, The Bharatiya Nagarik Suraksha Sanhita, 2023, Motor Accident Claims Tribunals (MACTs), DAR (Detailed Accident Report).

Introduction:

Victim compensation symbolises a great change in the criminal justice principles that are mainly punitive to approach that accommodates and alleviates crime victims suffering. This system offers financial help and mandate to the people that have fallen victims to criminal activities in the consideration of the state mandate to see that they get the proper assistance to help them heal and recover. This article aims to examine everything about the Indian victim compensation system including its history and legal framework, the mode of implementation, and problems of the system today. It intends to evaluate the effectiveness of the victim compensation system in India to deliver justice and rehabilitation to the victims of the crime and also to provide a detailed insight into how it has translated the ancient concepts of restitution to the present day systems of victim compensation laws.⁸ A victim is an individual, whether the crime is reported to the police, whether the offender is arrested, prosecuted, or convicted, and whether or not the victim and the lawbreaker are related under family relationship. The term victim also, where it is appropriate, means the nearest relatives or dependants of the greatest victims and those who have suffered in assisting the needy victims or in averting victimisation.⁹

⁶ *International Covenant on Economic, Social and Cultural Rights*, available at (Dec. 16, 1966), United Nations, Treaty Series, vol. 993, p.3(last visited on 21st December 2025)

⁷ <https://www.casemine.com/search/in/structured+formula+under+section+163A+of+Motor+VEhicle+Act>(last visited on 21st December 2025)

⁸ *Introduction to victim compensation* available at <https://www.criminallawjournal.org/article/85/4-1-30-396.pdf> (last visited on 21st December 2025)

⁹ *Penology and victimology* available at [ilideinfo_penology_and_victimology_renaissance_pr_4d889fb492857\(2\).pdf](https://www.criminallawjournal.org/article/85/4-1-30-396.pdf) (last visited on 21st December 2025)

The compensation is a payment money that is paid to an individual to compensate a loss, suffering or any negative impact caused by the misdeed of another party.¹⁰

Historical Background:

The new concept of victim compensation in India has its origins in the ancient jurisprudence of Indian that stressed on restitution more than retribution. A restorative type of justice was codified by the Manusmriti and Arthashastra which provided that the offender should pay compensation to the victim of an injury or loss. This practice developed in the Mughal regime in which compensation substituted retaliation as the redressal technique of choice.¹¹

During the British rule, emphasis was made on punishment and the only compensatory measures were in Section 545 of the Code of Criminal Procedure, 1898. Section 357 of the CrPC (1973) introduced judicial discretion again to provide compensation to the victims after independence. An idea of the compensation of victims as a state obligation by 14th and 154th Law Commissions Reports resulted in the creation of proposals like the Victim Assistance Fund.¹² Additional institutionalization was provided by the Victim Compensation Bill, 1995, and recommendations of the Malimath Committee, both of which supported a state-based compensation programme. All these developments are indicative of how India is slowly shifting towards restorative justice over punitive justice, by considering the rehabilitation of victims as a key component of a balanced legal system.

Legal Provisions¹³:

The 1973 CrPC amendments contributed to the creation of the current crime victim support system in India. Rather than merely incriminating criminals, courts can now distribute fines on them wholly or partially to compensate victims who have suffered injuries or damage. With the CrPC Amendment Act of 2008, introducing Section 357A, a massive amendment came in. It is through it that all the states have to collaborate with the central government to establish a

¹⁰ Definition of compensation available from <https://www.oxfordlearnersdictionaries.com/definition/english/compensation>(last visited on 21st December 2025)

¹¹ *The advancements in compensatory jurisprudence in India* available at <https://thelaw.institute/criminal-justice-processes/advancements-compensatory-jurisprudence-india/> (last visited on 21st December 2025)

¹² *Background of victim compensation* available at <https://docs.manupatra.in/newslines/articles/Upload/5C770380-C132-4069-A666-41373B4935FB>(last visited on 21st December 2025)

¹³ *THE CODE OF CRIMINAL PROCEDURE, 1973* available at http://indiacode.nic.in/bitstream/123456789/15272/1/the_code_of_criminal_procedure,_1973.pdf(last visited on 21st December 2025)

strategy where money, assistance and care are provided to victims of crime or their relatives. District or state legal service groups are no longer determined by one high-ranking entity on the amount of assistance an individual receives. Pivotal point: this applies whether or not a conviction occurs; it functions when one is convicted, released on parole, released early or when the rapist is untraceable. The further specifications came along with the Act of 2013, providing the introduction of Section 357B, according to which money provided by the state under Section 357A has to follow the fines imposed by the court due to such serious offenses like rape or acid violence. Meanwhile, Section 357C appeared, which means that all government and privately run hospitals must provide immediate no free treatment to victims of sex crimes or child abuse; in addition to that, they must immediately inform the police.

The BNSS of 2023 was based on the previous rules. Section 396 replaces Section 357A but incorporates improvements such as the need to have states and the centre collaborate, the two-month deadline on claims reviews, and; the provision of victims with the ability to get payouts even in the event that the accused is not found. Then Section 397 replaces Section 357C and it is more straightforward that the hospitals will have to provide care without charging and encourage doctors to report cases promptly.

Supreme Court Guidelines and Landmark Judgments:

The Indian Supreme Court has significantly contributed to the development of victim compensation cases by issuing significant rulings that have widened the definition of victim rights and established essential principles. By awarding ₹35,000 in compensation to a victim who had been unlawfully detained for 14 years despite being acquitted in the case of **Rudal Shah v. State of Bihar (1983)**, the Apex Court established the idea that compensation is an essential feature of the right to life and liberty under Article 21.¹⁴ In 1993 the case of **Nilabati Behera v. State of Orissa** further established state responsibility for deaths that occur while a person is in custody. The court ordered monetary compensation as a public law remedy for infringement of fundamental rights.¹⁵

Boddhisattwa Gautam v. Subhra Chakraborty (1996), a landmark case, established

¹⁴ *The study on victim compensation scheme under section 357 A of the CRPC* available at <https://www.vintagelegalvl.com/post/study-on-victim-compensation-scheme-under-section-357a-of-the-crpc>(last visited on 21st December 2025)

¹⁵ *Nilabati Behera vs. State of Orissa*, (1993) available at <https://indiankanoon.org/2> S.C.C. 746(last visited on 21st December 2025)

contemporary victimology and victim justice concepts. The Court believed that a Court could award compensation as interim relief to prevent an unwarranted lapse of time in the dispensation of justice and this was applicable even when the accused was acquitted due to the undue delay in criminal proceedings. These ideas were later included in the 2009 amendment to the CrPC.¹⁶

The Supreme Court held in **Ankush Shivaji Gaikwad v. State of Maharashtra (2013)** that “the long line of judicial pronouncements of the Court recognised without ambiguity an important shift in the approach towards victims of crimes who were held entitled to reparation, restitution, or compensation for loss or injury suffered by them.” This case highlighted a major shift towards restitution. The Court ruled that giving compensation is the standard practice and that when courts refuse to give compensation, they must give a valid justification.¹⁷ By directing states to pay at least ₹3 lakhs in compensation and creating detailed guidelines for treatment and rehabilitation, **Laxmi v. Union of India (2014)** established minimum compensation standards for victims of acid attacks. This lawsuit resulted in improved schemes for compensation as well as modifications to the laws governing the selling of acid.¹⁸

The jurisprudence surrounding victim compensation has been further strengthened by recent Supreme Court rulings. The Court increased compensation for victims of acid attacks in **Parivartan Kendra v. Union of India (2015)**, giving the principal victim ₹10 lakhs and reaffirming the state’s commitment to provide thorough treatment and rehabilitation.¹⁹ NALSA was instructed by the court in **Nipun Saxena v. Union of India (2018)** to formulate comprehensive programs for victims of sexual offences, including those covered by the Protection of Children against Sexual Offences Act (POCSO), to guarantee targeted assistance for children who have been sexually assaulted.²⁰

¹⁶ *Boddhisattwa Gautam vs. Subhra Chakraborty*, (1996) available at <https://indiankanoon.org/> 1 S.C.C. 490 (last visited on 21st December 2025)

¹⁷ *The study on the victim compensation scheme under section 357 A of the CRPC* available at <https://www.vintagelegalvl.com/post/study-on-victim-compensation-scheme-under-section-357a-of-the-crpc> (last visited on 21st December 2025)

¹⁸ *Laxmi vs Union of India, landmark judgment a case analysis* available at (<https://lawfullegal.in/laxmi-v-union-of-india-landmark-judgment-a-case-analysis/>) (last visited on 21st December 2025)

¹⁹ *Parivartan kendra vs union of india* available at <https://testbook.com/landmark-judgements/parivartan-kendra-vs-union-of-india> (last visited on 21st December 2025)

²⁰ https://nja.gov.in/Concluded_Programmes/2022-23/P-1341_PPTs/3.Victim%20compensation%20scheme%20Session%20V.pdf (last visited on 21st December 2025)

International Conventions on Victim Compensation Relevant to India:

The victim compensation system in India complies with several important international human rights treaties, agreements, and principles that emphasise states' duties to compensate victims of crime and rights infringements.

Universal Declaration of Human Rights (UDHR), 1948

The UDHR establishes fundamental human rights concepts, placing a strong emphasis on equality, dignity, and the right of all victims of human rights abuses to receive justice. It has influenced national and international laws requiring compensation as part of a complete justice response to victimisation, even if it is not legally binding.²¹

International Covenant on Civil and Political Rights (ICCPR), 1966

In 1979, India ratified the ICCPR. It requires India to guarantee appropriate redress for those whose rights under the Covenant are infringed. In particular, "anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation" is guaranteed by Article 9(5). States are required by the ICCPR to grant victims of crimes and violations of human rights the right to remedies, such as restitution and compensation.²²

International Covenant on Economic, Social, and Cultural Rights (ICESCR):

ICESCR, which is also legally obligatory on India, guarantees the right to the best possible level of bodily and mental well-being as well as suitable living conditions, which is important for rehabilitation assistance for crime victims.²³

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

As part of a gender-sensitive approach to victim compensation, CEDAW mandates that States take all necessary steps, including passing legislation, to give restitution to women who have

²¹ *Universal Declaration of Human Rights*, available at G.A. Res. 217(III) A, U.N. Doc. A/RES/217 (III), (Dec. 10, 1948)(last visited on 21st December 2025)

²² *International Covenant on Civil and Political Rights*, available at (Dec. 16, 1966), S. Treaty Doc. No. 95-20, 6(last visited on 21st December 2025)

²³ *International Covenant on Economic, Social and Cultural Rights*, available at (Dec. 16, 1966), United Nations, Treaty Series, vol. 993, p.3(last visited on 21st December 2025)

been the victims of abuse. It places a strong emphasis on restitution and rehabilitation in addition to monetary compensation in order to restore status and dignity.²⁴

UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985.

International guidelines for victim rights are established by this UN General Assembly-adopted declaration, which includes:

- access to equitable treatment and justice;
- Compensation;
- restitution for monetary and ethical losses;
- support for rehabilitation and reintegration.
- States are urged to put in place victim compensation programs that acknowledge victims as owners of rights rather than just victims

Basic Principles and Guidelines on the Right to a Remedy and Reparation, 2005

The agreement offers comprehensive foundations for reparations, which include guarantees of non-repetition, restitution, compensation, rehabilitation, and satisfaction. It emphasises that compensation must be sufficient, timely, and efficient, and it places the burden of ensuring that victims rights are respected on the State.²⁵

India's International Obligations and Domestic Framework

India is legally and morally required to offer victims of crime and human rights violations timely and sufficient compensation, restitution, and rehabilitation as a signatory and party to international treaties. Incorporating concepts like victim dignity, non-discrimination, and access to efficient remedies, India's criminal justice reforms and victim compensation programs mirror these international norms. According to international best practices, the nation's policies are progressively emphasising victim empowerment, healing, and engagement.

²⁴ *Convention on the Elimination of All Forms of Racial Discrimination* available at (Dec.18, 1979), United Nations, Treaty Series, vol. 1249, p. 13 [hereinafter "CEDAW"].(last visited on 21st December 2025)

²⁵ *UNGA Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, available at UN Doc A/RES/60/147 (2006).(last visited on 21st December 2025)

In **Railway Board v. Chandrima Das**, the Supreme Court directed that a Bangladeshi national who had been sexually assaulted by railway workers on several occasions receive Rs. 10 lakhs in compensation. The Court maintained the Calcutta High Court's ruling that she had a constitutional claim to compensation because, despite being a foreign national, she was entitled to India's fundamental right to life.²⁶

The SC stated in **D.K. Basu v. State of West Bengal** that monetary damages for the court's remedy are beneficial. For the family members of the deceased victim, who might have been the family's primary provider, it is potentially the only practical way to "apply balm to the wounds."²⁷

The Supreme Court opposed the High Court's ruling in the **A.K. Singh case**, ruling that Rs. 10 lakh was more than the amount of money that was necessary to make amends for the crime. Even though innocent participants in a nonviolent protest were the victims of this crime committed by state employees, this decision was made.²⁸

Victim Compensation under the Motor Vehicles Act (MVA):

In India, victims of crime may receive compensation under five different statutory provisions: the Motor Vehicles Act of 1988, the Criminal Procedure Code of 1973, the Probation of Offenders Act of 1958, the Fatal Accidents Act of 1855, and the Constitutional remedies for human rights violations. Before 2009, India lacked comprehensive laws or a well-thought-out legislative framework that would have permitted a victim to pursue damages against the offender or the State.²⁹ The right of compensation for victims was addressed in the 2009 notification of a recent change to the CrPC. It is a positive move, but there are still some underlying problems.³⁰

²⁶ *Chairman, Railway Board vs. Chandrima Das*, (2000) 1 available at [https://indiankanoon.org/S.C.C.\(last visited on 21st December 2025\) 465, ¶ 19](https://indiankanoon.org/S.C.C.(last%20visited%20on%2021%20December%202025)%20465,%20¶%2019)

²⁷ *D.K. Basu vs. State of West Bengal*, (1997) 1 available at [https://indiankanoon.org/https://indiankanoon.org/S.C.C. 416\(last visited on 21st December 2025\)](https://indiankanoon.org/https://indiankanoon.org/S.C.C.416(last%20visited%20on%2021%20December%202025))

²⁸ *A.K. Singh vs. Uttarakhand Jan Morcha*, (1999) available at [https://indiankanoon.org/4 S.C.C. 476\(last visited on 21st December 2025\)](https://indiankanoon.org/4%20S.C.C.%20476(last%20visited%20on%2021%20December%202025))

²⁹ *N.R. Madhava Menon, Victim's Rights and Criminal Justice Reforms, THE HINDU*, Mar. 27, 2006, at 7, available at [http://www.hindu.com/2006/03/27/stories/2006032703131000.htm.\(last visited on 21st December 2025\)](http://www.hindu.com/2006/03/27/stories/2006032703131000.htm.(last%20visited%20on%2021%20December%202025))

³⁰ Report of Committee on Reforms of Criminal Justice System, Ministry of Home Affairs, Government of India (2003) at 80-81, ¶ 6.8.(last visited on 21st December 2025)

Traffic crashes have a significant human and economic toll loss of life, disability, income and medical burdens. The Motor Vehicles Act (now the Motor Vehicles Act, 1988, as amended in 2019) has provided for a special and speedy remedy, “just compensation” through the medium of MACTs. However, judicial interpretation has, over time, by content change, made the award of damages realistic and humane, seeing the prospects, consortium heads and structured disbursement of similar funds for maintenance needs. MVA is additionally supported by certain principles from general victim compensation jurisprudence, recognition, rehabilitation and access to remedy.³¹ A specific, efficient system for victim compensation is established under the Motor Vehicles Act of 1988 through specialised tribunals and unambiguous statutory provisions:

Statutory Basis:

Without admitting negligence, plaintiffs may pursue fixed, temporary compensation for death or certain grave injuries under **Section 164** (no-fault relief). The central government guarantees prompt relief and notifies recipients of preset sums (e.g., ₹2 lakhs for death; ₹1 lakh for grave damage).

When negligence, recklessness, or unfit driving is demonstrated, **Section 166** (fault-based claims) gives Motor Accident Claims Tribunals (MACTs) the authority to grant “just compensation.” The multiplier technique is used by tribunals, which evaluate several heads, including consortium, pain and suffering, medical expenditures, prospects, dependency, and possibly other heads like loss of estate and burial expenses.³²

To avoid repetition with ordinary civil courts, MACTs have exclusive jurisdiction over all civil claims for damages resulting from auto accidents. A claim can be made in the location of the accident, the victim’s residence, or the office of the car owner or insurance. The typical parties are applicants (dead individuals or their dependents), car owners, drivers, and insurers; insurers participate as respondents in accordance with the “Act-policy” requirement.³³

The Motor Vehicles Act compensation regulation is based on the following Supreme Court rulings, which set forth guidelines for victim protection, heads of damages, quantum, and

³¹ <https://law.uok.edu.in/Files/5ce6c765-c013-446c-b6ac-b9de496f8751/Custom/Tort-V-Dr.%20Shabina%20Arfat%20-%20April%202020.pdf>(last visited on 21st December 2025)

³² <https://blog.ipleaders.in/overview-motor-vehicles-amendment-act-2019/>(last visited on 21st December 2025)

³³ <https://www.casemine.com/search/in/structured+formula+under+section+163A+of+Motor+VEhicle+Act>(last visited on 21st December 2025)

procedural standards:

Delhi Transport Corporation v. Sarla Verma (2009) fixed deduction rates for personal living costs and standardised the multiplier approach for determining dependency. created tables to choose the right multiplier according to the age range of the deceased. outlined precise instructions for increasing income with future chances.³⁴

Madan Mohan v. Reshma Kumari (2009) reaffirmed the concepts of Sarla Verma. By requiring respect for the multiplier tables and deduction criteria, it emphasised uniformity among tribunals.³⁵

National Insurance Co. Ltd. v. Pranay Sethi (2017), A Constitution Bench ruling that included the following heads of compensation: prospects, burial costs, consortium, loss of estate, and dependency. Ad hoc rewards outside of recognised heads were prohibited, guaranteeing predictability and equity. confirmed that the traditional headings (funeral, loss of estate, and consortium) were required elements of “just compensation,” and clarified the process for estimating prospects.³⁶

Kajal v. Jagdish Chand (2013) awarded a sizable settlement that covers future medical treatment and related expenses for a child who has a 100% permanent impairment. emphasised the need to estimate the expenses of assistive devices and long-term rehabilitation.³⁷

K. Suresh v. New India Assurance Co. Ltd. (2016) increased non-pecuniary damages for severe injuries, including loss of amenities, disfigurement, and pain and suffering. It supported the use of a humanistic method to determine “just compensation.”³⁸ A modification eliminated the previous six-month bar, enabling MACTs to consider claims that have been delayed in the interest of justice, even though prompt submission is advised to preserve evidence. In order to pay for immediate medical expenses, tribunals frequently give interim relief under Section 140

³⁴ *Sarla Verma vs. Delhi Transport Corporation, (2009)* available at [https://indiankanoon.org/6 SCC 121](https://indiankanoon.org/6%20SCC%20121).(last visited on 21st December 2025)

³⁵ *Reshma Kumari vs. Madan Mohan, (2009)* available at [https://indiankanoon.org/6 SCC 498](https://indiankanoon.org/6%20SCC%20498).(last visited on 21st December 2025)

³⁶ *National Insurance Co. Ltd. vs. Pranay Sethi, (2017)* available at [https://indiankanoon.org/16 SCC 680](https://indiankanoon.org/16%20SCC%20680).(last visited on 21st December 2025)

³⁷ *Kajal vs. Jagdish Chand, (2013)* available at [https://indiankanoon.org/16 SCC 217](https://indiankanoon.org/16%20SCC%20217).(last visited on 21st December 2025)

³⁸ *K. Suresh vs. New India Assurance Co. Ltd., (2016)* available at [https://indiankanoon.org/6 SCC 398](https://indiankanoon.org/6%20SCC%20398).(last visited on 21st December 2025)

(historically) or Section 164, frequently within days of the petition being filed.

The MV Amendment Act of 2019 strengthened hit-and-run compensation, enhanced enforcement, sanctions, and insurance compliance measures, and introduced **Section 164**, a fixed compensation structure for death and grave injury. Redesigned Hit-and-Run Scheme: Dedicated claims officers, streamlined paperwork, and increased pay and cashless care in affiliated hospitals. DAR ecosystem: Standardised formats, video hearings, and e-filing; increased state-by-state adoption. Assistive technology and house modifications are becoming more and more accepted in disability situations due to the growing awareness of mental trauma, carer stress, and long-term rehabilitation expenditures.

Suggestions for Policy and Practice:

Strict deadlines and uniform state DAR (Detailed Accident Report) procedures; digital dashboards for monitoring deposits and payouts. Regular updates to notional earnings and conventional sums that are linked to inflation. District medical boards with expertise in evaluating disabilities in MACT cases; uniform forms for functional capability. Increase the number of cashless treatment panels for severe injuries that pay hospitals directly from insurers. Pretrial mediation windows are required for uncontested liability claims to expedite relief.

Through a systematic, principle driven evaluation process that includes the multiplier technique, prospects, complete consortium, and functional disability analysis, MVA compensation law today provides victims with strong protection. While procedural advancements like DAR speed up processes, the Supreme Court direction has harmonised heads and quantum. The objective of “just compensation” can be further aligned with results by maintaining the focus on reasonable incomes, rehabilitation expenses, cashless treatment, and protected disbursement.³⁹

Conclusion:

Several victim remediation mechanisms are now available in the legal framework such as state-sponsored schemes, which are done under Legal Services Authorities as well as compensation as imposed by the courts. The jurisprudence of the Supreme Court, especially in cases of

³⁹ *Report of Committee on Reforms of Criminal Justice System*, Ministry of Home Affairs, Government of India (2003) at 80-81, ¶ 6.8..(last visited on 21st December 2025)

Ankush Gaikwad and Laxmi has relegated the issue of compensating the victims to be a part of criminal justice system and not a favour. This framework is in tandem with international human rights and adheres to principles of such instruments as the ICCPR and the UN Declaration of Basic Principles. In addition to its provision of monetary aid, victim compensation is necessary in restoring dignity, recognition of suffering, and provision of rehabilitative support of a comprehensive nature. Victim compensation system in India is moving to a more victim-focused and victim-restorative paradigm due to legislative changes, judicial directions, and administrative enhancements, which act as a very critical form of protection to the victim of crime. Finally, the effectiveness of the victim compensation system in India depends on its steady application, sufficient financial base, and judicial dedication and long-term attention to interests and rights of people who have become victims. With the changing framework, the concept of the importance of justice is asserted not only in terms of punishing the criminals but also in terms of offering true assistance and healing to the victims.

References:

1. <https://www.criminallawjournal.org/article854-1-30-396.pdf>
2. https://ilide.info/penologyandvictimologyrenaissancepr4d889fb492857_2.pdf
3. <https://www.oxfordlearnersdictionaries.com/definition/english/compensation>
4. Motor Vehicles Act, 1988 (as amended by Motor Vehicles Amendment Act, 2019)
5. Code of Criminal Procedure, 1973 – relevant sections
6. Bharatiya Nagarik Suraksha Sanhita, 2023
7. <https://thelaws.institute/criminal-justice-processesadvancements-compensatory-jurisprudence-india>
8. <https://www.ijhssi.org/papers/vol13/121312153162.pdf>
9. <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID1812410>
10. <https://docs.manupatra.in/newlinearticles/Upload/5C770380-C132-4069-A666-41373B4935FB>
11. <https://lawfullegal.in/laxmi-v-union-of-india-landmark-judgment-a-case-analysis>
12. <https://www.drishtijudiciary.com/bharatiya-nagarik-suraksha-sanhita-/code-of-criminal-procedurevictim-compensation-scheme>
13. <https://www.lawweb.in/202503/llm-notes-evolving-legal-framework-for.html>
14. <https://www.advocatekhoj.com/library/bareacts/bharatiyanagarik2023396.php?TitleBharatiyaNagarikSurakshaSanhita2C2023STitleVictimCompensationscheme>

15. <https://docs.manupatra.in/newlinearticles/Upload/5C770380-C132-4069-A666-41373B4935FB.pdf>
16. <https://nalsa.gov.in/victim-compensation>
17. <https://chambers.com/articles/victim-compensation-laws-in-india>
18. <https://www.tataaig.com/knowledge-center/car-insurance/the-essentials-of-section-166-of-the-motor-vehicles-act>

