VICTIM COMPENSATION AND THE ROLE OF FORENSIC EVIDENCE IN CRIMINAL CASES: AN INDIAN LEGAL PERSPECTIVE

Janani J, Tamil Nadu Dr. Ambedkar Law University (TNDALU) – School of Excellence in Law (SOEL), Chennai.

ABSTRACT

Compensating victims is a key part of any criminal justice system, as it acknowledges the physical injuries, financial losses, and psychological trauma that crime inflicts. While criminal trials mainly aim to decide whether the accused is guilty, true justice also demands that victims' recovery and well-being be addressed. Medical and forensic evidence can be central here, since it helps record injuries, establish the nature and extent of harm, and support compensation claims. In India, Sections 395 and 396 of the Bharatiya Nagarik Suraksha Sanhita, 2023, set out the legal basis for awarding compensation, and Section 397 deals with how victims of certain specified offences are to be treated. This study explores how victim compensation and forensic evidence are connected in criminal cases. It examines the relevant statutory provisions and court rulings, and identifies the practical obstacles victims face in securing compensation. Using a doctrinal research approach, the study relies on statutes, case law, and secondary legal literature. It contends that although India has built a framework for victim compensation, more must be done to ensure prompt medical documentation, effective implementation of compensation schemes, and meaningful rehabilitation. The study recommends stronger coordination among investigating agencies, medical practitioners, forensic laboratories, and legal services authorities so that victims can access justice more effectively.

Keywords: Victim compensation, victimology, forensic evidence, medical evidence, criminal justice, rehabilitation, victims' rights.

INTRODUCTION

The criminal justice system has long been set up to find crimes decide if the accused is guilty and hand down punishment. Yet crime does not hurt the offender; it also hurts the victim and the victim's family. The victim may suffer bones, deep emotional hurt, high medical bills, lost wages and changes in everyday life. Justice cannot stop at punishing the offender. Justice must also see the victim's pain. Give the victim help to heal.

Victimology means studying victims what victims feel and how victims are treated by the criminal justice system. Victimology shows why it is vital to protect victims' rights keep victims' dignity and care for victims' welfare. Victim compensation is one way that gives victims the help they need after a crime. Victim compensation lets victims pay for bills cover financial gaps and restart their lives.

Forensic evidence also has weight in criminal cases. Forensic evidence like DNA tests, fingerprints, medical documents, pictures of injuries and scientific data can prove what really happened in a crime. Medical records and forensic reports can also show how bad the harm was to the victim. This is useful when deciding how much victim compensation is fair.

In India, Sections 395 and 396 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) set rules, for court-ordered compensation and victim compensation plans. Section 397 says that the state must give treatment to victims of certain crimes. Even though India has these laws victims still face waits trouble getting medical records and few forensic services. This study looks at how forensic evidence can help the victim get victim compensation and asks how the legal system could give victims stronger protection, more money help and better ways to recover.

STATEMENT OF THE PROBLEM

Although Indian law recognizes the importance of victim compensation the practical process of getting help can be hard for victims. Serious crimes can lead to disability, long medical treatment, mental health issues and losing a job. Victims might need money before the court case finishes. Forensic and medical evidence can help show the injuries and effects of a crime. Delays in checking the evidence missing medical records problems getting expert reports and not enough teamwork between groups can hurt the quality of the proof.

Another issue is that compensation should not depend on whether someone is found guilty. Section 396 of the BNSS says that compensation can be considered even if the accused is not found guilty or if the case ends in a not verdict. It also covers cases where the person who committed the crime is not found or identified long as the legal rules are followed.

The main problem this research looks at is whether the current legal system connects the proof of harm from medical evidence, with the real needs of victims who want help and recovery.

LEGAL FRAMEWORK FOR VICTIM COMPENSATION IN INDIA

Victim compensation is a recognized part of the criminal justice system because it shows that crime affects people in ways. It causes pain, mental stress and financial problems. Justice should not just be about punishing the person who did the crime. It should also help the person who was hurt to get better to recover and to feel safe again. In India this system is mainly controlled by the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) along with rules from the Bharatiya Sakshya Adhiniyam, 2023 (BSA) about expert opinions.

- **Court-Ordered Compensation: Section 395 BNSS**

Section 395 lets courts decide that some or all of a fine from the person who did the crime should go to the person who was hurt. The court can also order money to help the victim even if there is no fine. How much money is given depends on the law? What happened in the case?

This rule shows that just punishing someone may not fix the money problems that come from a crime. Victims may have to pay for hospital visits lose money from not working pay for ways to get better and have costs. Medical reports, records of treatment opinions from experts and money documents can help the court understand what the victim went through.. Just having scientific proof is not enough. The court has to look at all the facts and the law.

- **Victim Compensation Scheme: Section 396 BNSS**

Section 396 says that every State Government along with the Central Government has to create a plan to help victims or their families who were hurt and need to get better. The State or District Legal Services Authority decides how much money is given based on the plan.

If the money from Section 395 is not enough for the victim to get better the court can ask for

help from the plan. This can also happen if the person who did the crime is not found guilty or is let go. If the person who did the crime is not known or cannot be found and there is no trial the victim or their family can ask the Legal Services Authority directly for help. The authority has to finish checking the case and give money within two months of getting the request. They can also give help away for medical care or temporary support. This section says that the victim still needs help when there is no guilty decision. Documents like records, reports of injuries papers that show disability and treatment papers help the authority see what the victim needs. The documents needed can be different depending on the plan and the case.

- **Treatment of Victims: Section 397 BNSS**

Section 397 says that all hospitals, whether public or private must give first aid or medical help right away to people who were hurt by certain crimes. They also have to tell the police. No victim should be turned away because of money or other problems. Getting help quickly can make the pain less stop harm and help the person get better.

The records made during treatment can be used later in court cases and in claims for money. For example, in a case of acid attacks the records can show how bad the burns are, how much skin or eyes are hurt what surgeries were done and what more care is needed. Section 397 makes sure that medical help is given. It does not decide how much money is given.

- **Expert Opinions: Section 39 BSA**

Section 39 of the BSA talks about expert opinions on things that need knowledge, like science, technology and medical matters. Experts and doctors can explain test results, physical proof and how injuries look. How good the opinion is depending on how qualified the expert's how the work was done how good the samples are, how clear the findings are and how the evidence was collected, kept and handled. In money cases this proof helps show what kind of injuries the person had, with help from bills proof of lost work, disability papers and records of getting better. It’s important to know that proof used to show that a person is guilty is different from proof used to show that a person was hurt. The two can be the same. Have different goals.

ROLE OF FORENSIC EVIDENCE IN VICTIM COMPENSATION

When a crime takes place victims can suffer injuries, emotional distress and financial difficulties. Forensic evidence can explain what happened and the harm caused to the victim.

Forensic evidence also helps courts understand the seriousness of the offence and make decisions.

- **Medical Evidence**

Medical reports record the injuries suffered by victims and the treatment they need. Medical reports may also show the seriousness of the injuries and the expenses involved which can be relevant when considering compensation.

- **DNA and Scientific Evidence**

DNA testing and other scientific methods can help investigators identify people connected with a crime. Such evidence may help establish the facts of a case. Compensation should also consider the victim's suffering and needs.

- **Photographic and Digital Evidence**

Photographs, videos and digital records may help show the injuries or circumstances surrounding an offence. When properly verified they can support evidence presented before the court.

- **Importance in Compensation**

evidence can help authorities understand the harm suffered by victims. However not every victim has access to testing or complete medical records. Therefore, the absence of evidence should not automatically prevent a victim from receiving compensation. Overall forensic evidence can support the process of victim compensation by helping establish the nature of the harm suffered. Forensic evidence should be used alongside relevant information with proper attention, to the victim's needs and rehabilitation.

CHALLENGES IN VICTIM COMPENSATION

1. **Lack of Awareness**

Many victims do not know about the compensation schemes that Indian law offers. Victims often do not know where to apply who is eligible or which documents are needed. This lack of awareness can stop victims from getting the help they need.

2. Delay in Processing Applications

Victims often need money for medical treatment, medicines and everyday costs. However long procedures and slow administration can keep victims from receiving compensation. This delay makes the financial problems of victims grow.

3. Inadequate Compensation

The compensation that victims receive may not cover all costs, loss of income or long-term rehabilitation. Victims who suffer disabilities or psychological trauma may need ongoing support. Therefore, compensation must match the seriousness of the harm and the needs of victims.

4. Difficulties in Producing Evidence

records, forensic reports and other documents can help prove the harm that victims suffered. Yet getting these records can be hard because of money problems, few facilities or slow service. The lack of evidence should not automatically stop a victim from getting compensation.

5. Complex Legal Procedures

The application process can confuse victims who do not know procedures. Filling out forms gathering documents and visiting authorities can be very hard for victims who come from poor backgrounds.

6. Emotional and Social Difficulties

Victims may already face trauma, fear and social stigma after a crime. Visiting government offices times and telling their story to many officials can add to the pain of victims. A kind and victim-friendly process is needed to keep the dignity of victims.

7. Lack of Coordination Between Authorities

Poor coordination between police, hospitals, courts and Legal Services Authorities can cause delays and confusion for victims. Better communication and clear guidance can help victims understand the steps and get the help they can get.

JUDICIAL APPROACH TO VICTIM COMPENSATION

The Indian judiciary has done a lot to give attention to crime victims and their need for compensation. For a time, criminal cases were about finding out who did the crime proving guilt and giving punishment. Courts have started to see that justice isn't done just by punishing the offender. The person who was hurt also needs help to heal and move on. This change shows that real justice must care for both sides. The person who did wrong and the one who was harmed.

The law around victim compensation has grown over time through laws and court decisions. The old Code of Criminal Procedure, 1973 had some rules about compensation. Now those rules are replaced by the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). Section 395 of the BNSS lets courts order compensation and Section 396 sets up victim compensation schemes. These laws say that victims should get help and support to recover. Courts and other government bodies must make sure victims know about these options. That their claims are handled fairly.

Ankush Shivaji Gaikwad v. State of Maharashtra (2013) the Supreme Court said compensation should not be treated as a routine step. Judges must think seriously about it when the case calls for it. Even though this case was under the law the court's thinking still matters today. It reminded everyone that money can really help victims deal with the pain and loss caused by crime. The court said justice must include care for the victim.

Laxmi v. Union of India (2014) The judiciary has also stepped in for victims of acid attacks. These attacks can cause physical injuries, permanent scars, deep emotional pain and social isolation. The Supreme Court gave orders to control acid sales and to improve social support for victims. The court saw that the harm from attacks doesn't end after the attack. It goes on for years. Victims may need surgeries, long-term treatment and mental health help. This case shows that justice must look at the long-term life of the victim not the moment of the crime.

Parivartan Kendra v. Union of India (2016) the Supreme Court looked at the reality faced by acid attack survivors. The court said compensation must be useful, not just a formality. It must match the harm suffered. The decision also pointed out how victims and their families often face financial and social challenges. The court made it clear that help should be meaningful.

Medical and forensic reports can help courts understand how serious the injury is. Things like records, injury reports, photos and expert opinions can show the real damage. This information helps courts decide what kind of support the victim needs. Compensation is not only based on scientific proof. Courts must also look at the victim's situation, the kind of harm and the law. Just because there's no evidence doesn't mean compensation should be denied. If the law allows help based on other facts, then help should be given.

With these good steps problems still exist. Many victims don't know about compensation schemes. They may wait long or they can't get the documents needed to apply. The judiciary can do more by making sure laws are followed and by pushing government agencies to act. Real change also needs teamwork. Between courts, police, hospitals and Legal Services Authorities.

Overall the courts are slowly changing how justice is seen. It's no longer about punishing the wrongdoer. Cases, like Ankush Shivaji Gaikwad, Laxmi and Parivartan Kendra show that victims need money, medical care and help to rebuild their lives. A fair system must hold people accountable. It must also help victims get their dignity back and start living again.

ROLE OF LEGAL SERVICES AUTHORITIES

Legal Services Authorities play an important role in helping crime victims access compensation and legal support in India. Many victims are unaware of their legal rights or cannot afford legal assistance. The Legal Services Authorities Act, 1987, provides a framework for offering free legal services to eligible persons and promoting access to justice.

Under Section 396 of the Bharatiya Nagarik Suraksha Sanhita, 2023, victim compensation schemes are implemented through the State Legal Services Authorities and District Legal Services Authorities. These authorities help eligible victims seek financial assistance for injuries, medical expenses, rehabilitation, and other losses arising from crime, subject to the applicable scheme and legal requirements.

Legal Services Authorities can also guide victims through the application process, explain the documents required, and help them approach the appropriate authorities. This support is particularly important for victims from economically weaker backgrounds who may find legal procedures difficult to understand.

Medical records and forensic reports may support a compensation claim by helping establish the nature of the harm suffered. Legal Services Authorities can help victims understand how such documents may be relevant and guide them in obtaining appropriate assistance. However, compensation should be assessed according to the applicable law and should not depend entirely on forensic evidence.

Despite their important role, challenges such as limited public awareness, procedural delays, and difficulties in accessing services may prevent some victims from receiving timely assistance. Greater public awareness, improved coordination, and simpler application procedures can help address these problems. Legal Services Authorities act as an important link between victims and the justice system. By providing legal guidance and facilitating access to compensation schemes, they can help ensure that victims receive appropriate support and have a fair opportunity to rebuild their lives.

SUGGESTIONS AND RECOMMENDATIONS

Victim compensation should focus on helping victims recover from the emotional and financial harm caused by crime. Although Indian law provides a framework for compensation its effectiveness depends on how it is implemented. The following measures may help improve the existing system.

Public awareness about victim compensation schemes should be increased. Police stations, hospitals and Legal Services Authorities should provide information about eligibility, application procedures and available assistance. This would help victims understand their rights and access support without difficulty.

Compensation applications should be processed without delays. Victims often require financial assistance for medical treatment, medicines and daily expenses. Simplifying procedures and improving coordination between the authorities could help ensure that eligible victims receive assistance on time.

Compensation should reflect the nature of the harm suffered and the victim's rehabilitation needs. Medical expenses, loss of income, disability and psychological trauma should be considered wherever relevant. Victims who require long-term treatment should receive support under the applicable legal framework.

Access to forensic facilities should be improved. Medical reports, injury records and forensic findings can help establish the harm suffered by victims. Hospitals and forensic laboratories should maintain records and provide them promptly when legally required. However, compensation claims should not depend entirely on evidence.

Finally, victims should receive legal guidance and emotional support throughout the process. Authorities should handle their cases with sensitivity protect their privacy and avoid procedures. Better coordination between courts, police, hospitals and Legal Services Authorities can make the compensation system more accessible and effective. These measures can help strengthen victim compensation, in India and ensure that victims receive support in rebuilding their lives.

CONCLUSION

Victim compensation is a part of the criminal justice system because the effect of crime often lasts long after the crime has happened. Victims can face costs, loss of income, emotional pain and trouble getting back to their normal life. So justice should not be about punishing the person who did the crime but also about understanding the needs and pain of the victims.

Indian law has a system for compensation through the Bharatiya Nagarik Suraksha Sanhita, 2023 Sections 395 and 396. Court rulings have also said that giving money and helping victims recover is very important. Problems like not knowing about the system, slow processes, hard steps and not enough help still make the system less effective.

Forensic and medical evidence can show what harm the victim went through. Compensation should be decided based on the rules in the law and should not only depend on scientific proof. The victim's situation and the help they need for recovery should also be taken seriously.

In the end a good victim compensation system needs to be easy to reach, quick and care about the people who were hurt by crime. More people knowing about it easier steps, money and better teamwork, between different groups can make the system better. At the end of the day the goal of victim compensation is not just to give money but to help victims get their dignity back build their lives again and feel that the justice system sees their pain.

REFERENCES:

A. Statutes

- Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, Acts of Parliament, 2023 (India).
- Bharatiya Sakshya Adhiniyam, No. 47 of 2023, Acts of Parliament, 2023 (India).
- Protection of Children from Sexual Offences Act, No. 32 of 2012, Acts of Parliament, 2012 (India).
- Constitution of India.

B. Cases

- Ankush Shivaji Gaikwad v. State of Maharashtra, (2013) 6 SCC 770 (India).
- Laxmi v. Union of India, (2014) 4 SCC 427 (India).
- Parivartan Kendra v. Union of India, (2016) 3 SCC 571 (India).

C. Official Websites

- India Code, Ministry of Law and Justice, Government of India, India Code (last visited Oct. 26, 2026).
- National Crime Records Bureau, Ministry of Home Affairs, Government of India, New Criminal Laws Portal (last visited Oct. 26, 2026).
- Bureau of Police Research and Development, Ministry of Home Affairs, Government of India, New Criminal Laws (last visited Oct. 26, 2026).