
VICTIM RIGHTS AND THE CONSTITUTION OF INDIA: CONSTITUTIONAL ACCOUNTABILITY AND REDRESS MECHANISMS

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ABSTRACT

Victims of crime in India often discover that the criminal case can move forward while their own recovery stands still. Police investigation and court hearings may continue, but the victim still has to manage medical bills, time away from work, fear of retaliation, and social pressure—usually without structured support from the State. This paper argues that a stronger victim-centred response already exists within the Constitution. Article 21, understood through dignity and fair procedure, requires remedies that arrive when they are still useful and processes that do not add avoidable trauma. Article 14, through equality and the ban on arbitrariness, requires consistent standards and written reasons when authorities decide questions of protection and compensation.

The paper sets out three ways constitutional accountability can be made practical: first, judicial review to address silence, delay, and non-reasoned orders; second, public law compensation where State failure aggravates harm in a manner that violates rights; and third, administrative design that reduces the need for repeated litigation by providing accessible, time-bound and reviewable support systems. Bihar is used as a case study through the Bihar Victim Compensation (Amendment) Scheme, 2019 (Part-II for women victims/survivors). The paper highlights design elements that aim to reduce delay and improve access, including mandatory FIR sharing with legal services authorities, a fixed timeline for inquiry, interim relief provisions, structured factors for deciding quantum, and an appeal route.

Keywords: Section 357A CrPC; Article 14; Article 21; victim rights; compensation; rehabilitation; Bihar; legal services authorities.

1. INTRODUCTION

Indian criminal procedure has traditionally treated crime as an offence against the State. In that structure, the victim's role is often most visible at the edges: reporting the offence, giving a statement, and later appearing as a witness. Many decisions that shape the victim's day-to-day reality—safety arrangements, communication about case progress, and access to compensation—are handled within institutions and sometimes disappear into files and delays.

For victims, this gap is not theoretical. It can mean repeated trips to the police station and court, pressure to compromise or withdraw, uncertainty about what is happening in the case, and long waits for compensation even when a scheme exists. These problems are frequently described as “implementation issues.” But when they occur repeatedly because responsibility is unclear, discretion is uneven, or decisions are not communicated, they become constitutional problems. The Constitution matters here because it converts victim support from a discretionary welfare gesture into a duty that must be delivered fairly.

A victim-centred approach is sometimes criticised as being unfair to the accused. That is not what is argued here. The claim is narrower and constitutional: the accused must receive a fair trial, but the victim should not be left without safety and repair. Victim-centred justice, in this paper, means three things: (a) the system treats victim safety and dignity as genuine institutional goals; (b) victims receive meaningful information and limited participation when their direct interests—especially protection and compensation—are being decided; and (c) remedies are delivered through processes that are transparent, time-bound, and capable of review.¹

Bihar is a useful case study because it adopted a detailed compensation framework and later introduced a dedicated Part-II chapter for women victims/survivors of sexual assault and other crimes. The 2019 amendment is important not only because it lists amounts, but because it tries to solve common barriers—late access, slow inquiries, and unclear decision criteria—through specific design choices.

¹American Psychological Association. (2019). *Author–date citation system*. <https://apastyle.apa.org/style-grammar-guidelines/citations/basic-principles/author-dateapastyle.apa>

1.1 Research questions

- Which constitutional principles support a victim-centred approach in India?
- How can judicial remedies enforce victim protection and reparation without diluting fair-trial rights?
- What administrative redress mechanisms make victim remedies accessible at scale?
- How does Bihar's victim compensation framework operationalise victim-centred design?

1.2 Objectives

- To ground victim rights in Articles 14 and 21.
- To map the legal instruments used to enforce victim-related obligations.
- To assess the scheme structure of Bihar as an example.

1.3 Scope

Bihar is utilised as the main case study for scheme-based redress, particularly the 2019 Part II chapter for women victims/survivors. The article focusses on State accountability for victim protection and compensation.

2. Methodology

This work combines a reform-oriented design approach with a doctrinal technique. From a doctrinal perspective, it uses Articles 14 and 21 to interpret victim remedies, viewing them as criteria for administrative justice, dignity, and non-arbitrariness. The reform lens converts constitutional ideals into workable delivery standards and pinpoints practical causes of failure, such as delays, a lack of justification, poor coordination, and obstacles to application. The Bihar Victim Compensation (Amendment) Scheme, 2019 (Part II for women victims/survivors) announcement published in the Bihar Gazette serves as the foundation for the Bihar case study.

3. Victim rights: content and rationale

3.1 Victim as a rights-holder

A victim is not merely a witness or a source of evidence. The victim is the person who experiences direct injury—physical, mental, social, and economic—from the offence. When the system treats the victim primarily as an input into prosecution, it risks neglecting the reparative function of criminal justice and undermining public trust in institutions.²

A rights-holder model does not mean that victims control prosecution. Instead, it means victims possess enforceable entitlements to protection, information, assistance, and reparation—delivered through procedures that are accessible and reviewable. Bihar's scheme design reflects this by placing compensation decision-making within legal services authorities and by providing for interim relief, structured factors, and appeal.³

3.2 Core clusters of victim rights

A workable victim-rights framework can be organised into five clusters:

- **Protection:** steps to reduce intimidation and retaliation risk and to enable safe engagement with the criminal process.
- **Information:** timely notice of relevant outcomes (such as compensation status and key procedural developments) through channels that victims can realistically access.
- **Participation:** opportunity to be heard where victim safety or reparation is directly affected, while maintaining protections for a fair trial.
- **Assistance:** legal aid and linkage to counselling, medical services, and welfare support.
- **Reparation:** compensation and rehabilitation, including interim relief where urgency is evident.

² Government of Bihar, Law Department. (2019, July 23). *Bihar Victim Compensation (Amendment) Scheme, 2019* (Bihar Gazette; Part-II: Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes, 2019). <https://patnahighcourt.gov.in/bslsa/pdf/Publication/41.pdf>patnahighcourt

³ International Journal of Research Publication and Reviews (IJRPR). (n.d.). *Authors guideline*. <https://www.ijrpr.com/authorsguide.phpijrpr>

3.3 Why constitutional framing is necessary

Victim rights become constitutional when denial is predictable and systemic. If protection and compensation are administered through discretion without criteria, timelines, or reasons, then similarly placed victims may receive sharply different outcomes based on access, influence, or administrative happenstance. That pattern implicates Article 14's non-arbitrariness and equality norms. When delay or neglect denies the victim timely safety or rehabilitation, the injury implicates Article 21's protection of life with dignity.⁴

Scheme design is a major tool for converting rights into operational mechanisms. However, scheme design alone is not enough: implementation failures can recreate the same constitutional harms the scheme was meant to prevent. Bihar's scheme is therefore a useful test case because it contains measurable commitments—such as mandatory FIR sharing, inquiry timelines, interim disbursal mechanisms, and appeal—allowing constitutional accountability to be evaluated as compliance with delivery standards.⁵

4. Constitutional foundations: Articles 14 and 21

4.1 Article 21: dignity, fair procedure, and effective remedy

Article 21 life and personal liberty, and it also insists that State procedures be fair, reasonable, and non-arbitrary in the way they work on the ground. For victims, that promise is not met by saying “a remedy exists on paper.” What matters is how institutions respond—how quickly they act, how clearly they communicate, and whether the process reduces harm instead of adding to it.⁶

A dignity-based view of Article 21 therefore requires systems that do not push victims back into avoidable trauma. Repeated neglect, being forced to disclose sensitive details without safeguards, or being sent from office to office with no clear decision are not minor inconveniences; they can slow recovery and undermine a victim's ability to plan for safety and

⁴ International Journal of Research Publication and Reviews (IJRPR). (n.d.). *IJRPR paper template (DOCX)*. <https://www.ijrpr.com/download/IJRPR-PAPER-TEMPLATEV1.docx>ijrpr

⁵ Ministry of Home Affairs, Government of India. (2017, July 27). *Central Victim Compensation Fund Scheme (CVCF) Guidelines* (revised). https://www.mha.gov.in/sites/default/files/CVCF_revised_27072017_0.PDFmha

⁶ National Legal Services Authority (NALSA). (n.d.). *Victim compensation*. <https://nalsa.gov.in/victim-compensation/nalsa>

rebuild a livelihood.⁷

The same logic applies to compensation. A payment that arrives after the crisis has passed often becomes symbolic rather than restorative. Bihar's victim compensation framework reflects this reality by building in urgency—through interim relief provisions and fixed timelines for inquiry—so that compensation can operate as early rehabilitation support rather than delayed acknowledgment.

4.2 Article 14: equality and non-arbitrariness in protection and compensation

Article 14 is violated not only by explicit discrimination but also by arbitrary, unreasoned governance. Victim protection and compensation involve discretionary choices: whether interim relief is granted, how quantum is fixed, whether delays are tolerated, and how criteria are applied. Without standards, discretion can become unpredictable and unequal.⁸

Bihar's Part-II scheme attempts to constrain discretion by requiring structured consideration of relevant factors (severity of harm, medical costs, education and employment disruption, disability, financial condition, and other rehabilitation indicators) and by providing scheduled compensation ranges. This matters constitutionally because structured criteria enable reviewability: the victim can understand why a decision was made and can challenge it through appeal or judicial review if it is arbitrary.⁹

4.3 Constitutional accountability as delivery standards

Constitutional accountability should be understood as enforcing minimum delivery standards rather than shifting routine administration to courts. A delivery-standards model typically includes:

⁷ National Legal Services Authority (NALSA). (2018). *NALSA's compensation scheme for women victims/survivors of sexual assault/other crimes – 2018* (PDF). https://kslsa.kar.nic.in/pdfs/guidelines/NALSAs_Compensation_Scheme_for_Women_Victims-2018.pdf

⁸ Patna High Court / Bihar State Legal Services Authority. (2019). *Bihar Victim Compensation Scheme-2014* (webpage). <https://patnahighcourt.gov.in/bslsa/VictimCompensation.aspxpatnahighcourt>

⁹ Supreme Court of India. (2018, December 5). *Mahender Chawla & Ors. v. Union of India & Ors.* (Judgment approving Witness Protection Scheme, 2018). https://api.sci.gov.in/supremecourt/2016/34388/34388_2016_3_1501_10737_Judgement_05-Dec-2018.pdfsci

- **Time:** fixed timelines for inquiry and disbursal, and priority for urgent categories.
- **Reasons:** speaking orders for sanction/denial/quantum so decisions are intelligible.
- **Reviewability:** realistic appeal channels and judicial review for inaction/delay/arbitrariness.
- **Support services:** legal aid and linkage to medical/counselling/welfare support so remedies are usable.

5. Judicial remedies for victim-centred justice

A victim-centred constitutional approach does not require courts to administer every compensation claim or protection request. Instead, judicial remedies function as backstops that enforce minimum standards of legality, timeliness, and reasoned decision-making—especially when administrative systems fail or become arbitrary.¹⁰

5.1 Writ remedies and judicial review: enforcing “decision duties”

Victims frequently confront three kinds of institutional failure: (i) **inaction**, where authorities do not decide a request at all; (ii) **delay**, where the decision arrives too late to be useful; and (iii) **non-speaking decisions**, where compensation or protection is denied or reduced without intelligible reasons. These failures are not merely procedural; they undermine the ability to seek review and therefore produce constitutional harm through arbitrariness and loss of effective remedy.¹¹

A writ-based remedy model should therefore focus on enforcing “decision duties” rather than substituting administration. Courts can direct authorities to decide within a fixed time, require recording of reasons, and order that relevant records be disclosed to the victim to enable appeal or review. Bihar’s scheme is particularly suitable for such enforcement because it sets measurable obligations—such as mandatory FIR sharing to legal services authorities and a

¹⁰ Supreme Court of India. (2018, December 11). *Nipun Saxena v. Union of India* (Judgment on privacy/identity of rape victims). <https://patnahighcourt.gov.in/bslsa/pdf/Publication/116.pdf>patnahighcourt

¹¹ Chandigarh Police. (2018). *Witness Protection Scheme, 2018* (notification/copy). <https://chandigarhpolice.gov.in/pdf/Notification%20Circular/witness%20protection%20scheme%202018.pdf>chandigarhpolice

strict inquiry timeline under Section 357A(5).¹²

In practical terms, judicial review can be used to obtain:

- A time-bound direction to conclude inquiry and pass an order (especially when the scheme's outer limit is breached).
- A direction to issue a speaking order consistent with the scheme's factors and schedule.
- A direction for interim relief where urgency exists and administrative delay defeats the scheme's purpose

5.2 Witness/victim protection as Article 21 enforcement (why protection is part of remedy)

Victim safety is not a peripheral matter; without protection, victims may withdraw complaints, turn hostile, or be unable to participate meaningfully. The Supreme Court in *Mahender Chawla v. Union of India* approval of the Witness Protection Scheme, 2018 is relevant because it treats witness protection as necessary for the integrity of justice administration and recognises that absence of protection contributes to hostility and failure of trials.¹³

A victim-centred constitutional approach draws a link between protection and Article 21: safety is a precondition for exercising legal rights, including the right to seek compensation and pursue proceedings. The Witness Protection Scheme (2018) therefore reinforces the principle that protection measures are not discretionary “extras” but institutional duties necessary for effective justice delivery.¹⁴

5.3 Privacy and dignity of survivors: information management as constitutional obligation

The way that institutions handle information, records, and publicity also has an impact on

¹² Bureau of Police Research and Development (BPR&D). (n.d.). *Witness Protection Scheme: Basicphilosophy*(PDF). <https://bprd.nic.in/uploads/pdf/202401290405146446118WitnessProtectionScheme.pdf>bprd

¹³ Drishti Judiciary. (2022, December 15). *Right to privacy of rape victim*. <https://www.drishtijudiciary.com/current-affairs/right-to-privacy-of-rape-victim>drishtijudiciary

¹⁴ SCC Online. (2018, December 6). *SC approves Witness Protection Scheme, 2018; directs setting up of vulnerable witness deposition centres* (report). <https://www.scconline.com/blog/post/2018/12/07/sc-approves-witness-protection-scheme-2018-directs-setting-up-of-vulnerable-witness-deposition-centres/scconline>

victim dignity. The S.C addressed the revelation of rape victims' and survivors' identities in *Nipun Saxena v.s Union of India* and issued directives meant to preserve privacy and prohibit identification through the publication of names or identifying information.¹⁵ Although the case is frequently addressed in terms of media coverage, its significance here is more general: it confirms that the criminal justice system must include measures that preserve dignity, which is consistent with a victim-centered approach established on Article 21.¹⁶

One practical corollary is that victim support institutions, such as police, hospitals, courts, and legal services authorities, must protect anonymity where mandated by law and refrain from actions that put survivors at risk of stigma, social revenge, or secondary trauma.

5.4 Public law compensation: constitutional repair where the State fails

Public law compensation becomes relevant when State failure contributes to rights-violating harm and ordinary civil remedies are too slow or inaccessible. The logic is not that the State caused the initial offence, but that the State's neglect—such as refusal to provide interim relief, failure to implement protection, or delay that defeats rehabilitation—creates an additional layer of rights harm.¹⁷

Bihar's scheme adopts a design that supports this logic by emphasising interim relief and time limits, and by permitting recovery of compensation from wrongdoers while maintaining a public fund that pays first to enable rehabilitation. The presence of recovery provisions and fund structure implicitly acknowledges that the State must not wait for offender-based recovery before enabling victim repair.¹⁸

5.5 Structural directions: fixing systemic failure without permanent judicial management

Where failures are systemic—non-sharing of FIRs, chronic breach of inquiry timelines, repeated non-speaking decisions—courts may adopt limited structural remedies. These should

¹⁵ SCC Online. (2014, December 2). *States directed to implement the Victim Compensation Scheme as per Section 357A CrPC* (report). <https://www.scconline.com/blog/post/2014/12/03/states-directed-to-implement-the-victim-compensation-scheme-as-per-section-357a-crpc/scconline>

¹⁶ Delhi Judicial Academy. (n.d.). *Nipun Saxena v. Union of India & Ors.* (PDF copy). <https://judicialacademy.nic.in/sites/default/files/24.%20Nipun%20Saxena%20v.%20Union%20of%20India%20&%20Ors..pdf>judicialacademy

¹⁷ Justice Impact. (n.d.). *Bihar Victim Compensation Scheme, 2014 & 2018* (summary PDF). <https://justiceimpact.net/wp-content/uploads/Bihar-VC-Summary-1.pdf>justiceimpact

¹⁸ Justice Impact. (n.d.). *Bihar Women Victims/Survivors of Sexual Assault/Other Crimes* (summary PDF). <https://justiceimpact.net/wp-content/uploads/Bihar-WVC-Summary-1.pdf>justiceimpact

be measurable and time-bound: for example, requiring district-wise reporting of pending claims beyond the scheme timeline, mandating a compliance SOP for FIR sharing, or ordering standardised reasoned orders linked to scheme factors.¹⁹

Because Bihar's scheme already defines key duties (FIR sharing, inquiry ceiling, interim relief mechanisms, appeal path), structural directions can be framed as enforcement of existing policy rather than judicial policy-making.

6. Administrative redress mechanisms (reducing dependence on litigation)

Judicial review is an essential backstop, but most victims need remedies that work without approaching constitutional courts. A victim-centred architecture therefore requires administrative systems that deliver protection and compensation in predictable, accessible ways.²⁰

6.1 Compensation administration as “administrative justice”

Compensation systems often fail not because rules are absent, but because the pathway is difficult: victims cannot understand what to file, where to file, and how to track progress. Bihar's scheme reduces some barriers by locating decision-making within SLISA/DLSA and enabling initiation even without the victim's first move through mandatory FIR sharing and suo motu verification.²¹

A constitutionally adequate compensation system should include:

- Clear steps and checklists, minimising document burden where victims cannot easily obtain records.
- Timelines that are enforced and not treated as merely advisory.
- Speaking orders for sanction/denial/quantum so appeal is meaningful.

¹⁹ National Judicial Academy. (n.d.). *Victim compensation* (training material PDF). https://nja.gov.in/Concluded_Programmes/2020-21/P-1230_PPTs/2.Victim%20Compensation.pdf

²⁰ National Judicial Academy. (n.d.). *Protection of witness and victim compensation* (training material). https://nja.gov.in/Concluded_Programmes/2020-21/P-1230_PPTs/1.Protection%20of%20Witness%20and%20Victim%20Compensation.pdf

²¹ CaseMine (database note). (n.d.). *Laxmi v. Union of India and Others* (case page). <https://www.casemine.com/judgement/in/56ea9fdd607dba382a079db2casemine>

- Internal review (appeal) mechanisms with accessible filing and condonation rules.
- Prompt disbursal processes with tracking and communication.

6.2 Interim relief and urgency: why time is part of remedy

Bihar's Part-II scheme treats time as an essential remedial component, authorising interim relief and requiring immediate small disbursal (Rs. 5,000 up to Rs. 10,000) through a preloaded cash card on receipt of application, while also prescribing that interim relief should not be less than 25% of the maximum scheduled compensation. This is a design response to the reality that victims often need immediate resources for medical treatment, travel for safety, and basic survival expenses.²²

Similarly, the scheme prescribes staged payments for acid attack survivors with short deadlines for passing interim orders and making payment. A constitutional understanding is reflected in these provisions: under Article 21, "effective remedy" must be time-sensitive since compensation that is delayed may be essentially worthless.²³

6.3 Information and communication: remedy is unusable without notice

victims frequently endure repeated visits and uncertainty. According to Bihar's plan, compensation rulings must be recorded in the trial court's file and shared with the victim or dependent as well as the relevant authorities.²⁴

7. Bihar case study (core): scheme design as victim-centred constitutional operationalisation

The Bihar Victim Compensation (Amendment) Scheme, 2019 is more than a welfare initiative it is an administrative mechanism that puts constitutional expectations into day-to-day

²² CLPR (case PDF repository). (2013, July 18). *Laxmi v. Union of India (UOI) and Ors.* (PDF). https://clpr.org.in/wp-content/uploads/2024/12/61.-Laxmi_vs_Union_of_India_UOI_and_Ors_18072013__SCs130728COM77538.pdf

²³ Ministry of Home Affairs (Parliament reply PDF). (2017, December 27). *Central Victim Compensation Fund (CVCF) scheme* (PDF). <https://xn--i1b5bzbybhfo5c8b4bxh.xn--11b7cb3a6a.xn--h2brj9c/MHA1/Par2017/pdfs/par2017-pdfs/rs-27122017/996.pdf>

²⁴ Ministry of Home Affairs (Parliament reply PDF). (2017, December 27). *Central Victim Compensation Fund (CVCF) scheme* (PDF). <https://xn--i1b5bzbybhfo5c8b4bxh.xn--11b7cb3a6a.xn--h2brj9c/MHA1/Par2017/pdfs/par2017-pdfs/rs-27122017/996.pdf>

procedure. It sets out who must act, what steps must be followed, and how quickly decisions should be made, so that victim support is not left entirely to discretion.²⁵

7.1 Proactive access: mandatory FIR sharing and suo motu verification

standout feature of the Bihar scheme is that it makes FIR-sharing a built-in duty, not a matter of convenience. After an FIR is registered for the offences listed in the scheme, the SHO/SP/DCP must promptly forward a copy to the State or District Legal Services Authority so that the authority can begin preliminary verification and, where appropriate, move toward interim compensation even on its own initiative.²⁶

7.2 Timeliness: inquiry ceilings and dependency certificate timelines

The scheme fixes a strict outer limit for inquiry under Section 357A(5) and also provides time-bound steps for dependency certificates, preventing administrative stalling from defeating the remedy. These are constitutionally relevant because they operationalise “effective remedy” as a time-bound obligation rather than an open-ended promise.

7.3 Structured discretion: factors, schedule, and appeal

Bihar's program includes a schedule of minimum and maximum sums across offence/harm categories and outlines considerations that must govern compensation judgements in order to minimise arbitrary results. Additionally, it supports internal reviewability by offering an appeals process within the DLSA framework. Article 14's requirement for limited discretion and Article 21's requirement for practical access to remedy are clearly aligned with this design.

7.4 Link to constitutional oversight

Because Bihar's program outlines quantifiable obligations, constitutional courts are able to enforce compliance by specific directives, such as speaking orders, time-bound disposal, and interim remedy enforcement, without turning writ jurisdiction into a regular compensation

²⁵ Haryana NALSA portal. (2025). *NALSA's compensation scheme for women victims/survivors of sexual assault/other crimes – 2018* (download page). <https://haryana.nalsa.gov.in/scheme/nalsas-compensation-scheme-for-women-victims-survivors-of-sexual-assault-other-crimes-2018/haryana.nalsa>

²⁶ Haryana NALSA portal. (2025). *NALSA's compensation scheme for women victims/survivors of sexual assault/other crimes – 2018* (download page). <https://haryana.nalsa.gov.in/scheme/nalsas-compensation-scheme-for-women-victims-survivors-of-sexual-assault-other-crimes-2018/haryana.nalsa>

forum. The "standards" are essentially provided by the plan, and when those standards are disregarded, the enforcement reasoning is provided by Articles 14 and 21.

8. Victim Remedy Framework (VRF): a practical constitutional model

Only when rights are translated into processes that victims can truly utilise does victim-centered justice become practical. A Victim Remedy Framework (VRF) that views constitutional principles as delivery criteria is proposed in this study. While maintaining court review as a safeguard against noncompliance, the VRF is intended to operate at scale through administration.

8.1 Layer 1: Immediate stabilisation (0–30 days)

Objective: prevent further harm and secure minimum stability so victims can participate safely and access support.

Key components:

- **Protection planning:** risk assessment and anti-intimidation measures coordinated with police and legal services institutions, guided by the Witness Protection Scheme framework endorsed by the Supreme Court.
- **Urgent medical and counselling linkage:** the Supreme Court's approach to survivor privacy in rape cases reinforces the need for referrals to suitable providers that are sensitive to privacy and dignity requirements.
- **Interim relief:** instant minimal financial assistance for pressing requirements in accordance with the interim relief design of the Bihar plan (immediate modest disbursal and benchmark-based temporary compensation).
- **Early legal aid:** using the legal services authority architecture, help with filing for compensation, acquiring documentation, and comprehending deadlines and appeal rights.

8.2 Layer 2: Administrative justice (30–120 days)

Objective: secure a reasoned compensation decision, ensure timely disbursal, and provide an

internal review channel.

Key components:

- **Time-bound inquiry and decision:** Bihar's strict outer limit for inquiry under Section 357A(5) provides a measurable benchmark to prevent remedy-defeating delay.
- **Reasoned ("speaking") compensation orders:** quantum must be linked to enumerated factors (medical/counselling costs, disability, education disruption, pregnancy-related consequences, financial condition) and should reference the schedule ranges.
- **Appeal availability:** victims should be clearly informed about the appeal window and condonation possibility to preserve reviewability without immediate writ litigation.

8.3 Layer 3: Constitutional oversight (as required)

Objective: correct inaction, delay, and arbitrariness; address systemic failures without converting courts into routine administrators.

Tools include:

- **Writ remedies:** directions to decide within time, provide reasons, and disburse interim relief where delay defeats scheme purpose.
- **Structural directions for systemic patterns:** where non-sharing of FIRs or chronic inquiry delays are routine, targeted compliance reporting and SOP enforcement can be ordered.
- **Public law compensation in grave cases:** where State failure contributes to rights-violating harm and ordinary remedies are ineffective.²⁷

9. Policy recommendations (Bihar-focused; replicable nationally)

Bihar's scheme text is detailed, so the main policy challenge is operational fidelity. The

²⁷ Lawjournals.net. (2024). *Judicial analysis of witness protection scheme, 2018* (PDF). <https://www.lawjournals.net/assets/archives/2024/vol6issue4/6137.pdf>lawjournals

following recommendations are designed as measurable interventions tied to scheme obligations:

- FIR sharing compliance logs: because the scheme imposes mandatory FIR sharing for specified offences, DLSA should maintain a monthly register of FIRs received and pending preliminary verification, enabling supervision when police stations fail to comply.
- Victim communication and privacy protections: in accordance with Supreme Court privacy guidelines, communications should prevent disclosure risks and provide victims with information about their status, the reasons behind it, and their right to appeal.
- Integration with witness protection: using the Supreme Court-endorsed Witness Protection Scheme framework, compensation, counselling, and protection should be integrated.²⁸

10. Conclusion

Victim-centred justice and constitutionalism are compatible and mutually reinforcing. Article 21 supports dignity-preserving processes and remedies that arrive in time to matter, while Article 14 demands that decisions on protection and compensation be non-arbitrary, reasoned, and consistently administered. Bihar's Victim Compensation (Amendment) Scheme, 2019 demonstrates how constitutional values can be embedded in administrative design through proactive access (mandatory FIR sharing), urgency (time-bound inquiry), interim relief mechanisms, structured quantification factors, schedule-based ranges, and internal appeal.

Yet strong drafting does not guarantee effective remedy. If FIR sharing is not implemented, interim relief is delayed, inquiry time limits are ignored, or reasons are not recorded, the victim remains trapped in a procedurally heavy but remedially weak system. Bihar's scheme therefore supports the broader constitutional argument advanced in this paper: Articles 14 and 21 can be operationalised as delivery standards—time, reasons, reviewability, and support—

²⁸ Compendium (Jharkhand SLISA resource). (2016). *Compendium on compensatory relief to the victims of crime in India* (PDF). https://jhalsa.org/pdfs/other_publications/2016/compendium.pdfjhalsa

implemented through legal services authorities and enforceable through judicial review when necessary.