VICTIMS OF TERRORISM IN INDIA: A VICTIM-CENTRED ANALYSIS OF LEGAL RECOGNITION, COMPENSATION AND REHABILITATION

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ABSTRACT

Terrorism is a serious form of criminal violence that causes not only loss of life and physical injuries but also psychological, economic and social harm to individuals, families and communities. While counter-terrorism laws primarily focus on preventing terrorism and prosecuting perpetrators, the rights and needs of victims require greater attention from a victimological perspective. This study examines victims of terrorism in India with particular focus on their legal recognition, compensation and rehabilitation. It traces the evolution of India's anti-terrorism framework and examines relevant laws, including the Unlawful Activities (Prevention) Act, 1967, the National Investigation Agency Act, 2008, the Bharatiya Nyaya Sanhita, 2023 and the Bharatiya Nagarik Suraksha Sanhita, 2023. The study further analyses who may be considered a victim of terrorism, including direct victims, family members and dependants, and examines the victim-compensation framework in India. The international approach to victims of terrorism is also considered with reference to relevant United Nations principles and instruments. Adopting a doctrinal methodology, the study identifies challenges such as delayed compensation, inadequate psychological support, limited victim participation and gaps in long-term rehabilitation. It argues that counter-terrorism justice should extend beyond the punishment of offenders and incorporate effective recognition, compensation, rehabilitation and protection of victims and their families.

Keywords: Terrorism, Victims of Terrorism, Victimology, Victim-Centred Justice, Compensation, Rehabilitation, Victim Rights.

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CHAPTER – 1

INTRODUCTION

Terrorism is one of the most serious forms of criminal violence, as it causes widespread fear, loss of life, physical injuries and destruction of property. Its impact is not limited to the persons directly attacked but may extend to their families, dependants and the wider community. From the perspective of victimology, terrorism therefore requires an examination not only of the offender and the State's security interests but also of the experiences, rights and needs of those who suffer as a consequence of terrorist violence. Victims may experience physical injury, psychological trauma, economic loss, displacement and long-term social consequences.[2]

The traditional criminal justice approach has largely concentrated on identifying the offender, conducting investigation, establishing criminal liability and imposing punishment. However, the development of victimology has gradually shifted attention towards the position of the victim within the criminal justice system. The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985 recognises victims as persons who individually or collectively suffer physical or mental injury, emotional suffering, economic loss or substantial impairment of fundamental rights as a result of criminal acts.[3] This broader understanding is particularly relevant to terrorism because the consequences of a terrorist attack may continue long after the immediate incident.

In India, the legal response to terrorism has developed through several stages. Special legislation such as the Terrorist and Disruptive Activities (Prevention) Act, 1987 and the Prevention of Terrorism Act, 2002 was followed by significant amendments to the Unlawful Activities (Prevention) Act, 1967 and the establishment of the National Investigation Agency under the National Investigation Agency Act, 2008.[4]The present legal framework also includes the Bharatiya Nyaya Sanhita, 2023, which contains a specific provision relating to terrorist acts, and the Bharatiya Nagarik Suraksha Sanhita, 2023, which provides for victim

[2]*United Nations Office on Drugs and Crime, Handbook on Criminal Justice Responses to Terrorism (United Nations, 2009)*
[3]*United Nations, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, G.A. Res. 40/34, ¶ 1 (1985)*
[4] *The Terrorist and Disruptive Activities (Prevention) Act, 1987; Prevention of Terrorism Act, 2002; Unlawful Activities (Prevention) Act, 1967; National Investigation Agency Act, 2008*

compensation and rehabilitation within the general criminal justice framework.[5]

However, the existence of anti-terror laws does not necessarily mean that the needs of victims are adequately addressed. Counter-terrorism legislation is primarily concerned with prevention, investigation and punishment, whereas victims may require immediate financial assistance, medical treatment, psychological counselling, legal assistance, protection and long-term rehabilitation. The Central Scheme for Assistance to Civilian Victims/Families of Victims of Terrorist, Communal and Left-Wing Extremist Violence, Cross-Border Firing and Mine/IED Blasts provides a specific mechanism for financial assistance to eligible victims and their families.[6] Nevertheless, questions remain regarding the adequacy, accessibility and long-term effectiveness of victim assistance.A victim-centred approach requires recognition that the victim of terrorism is not necessarily limited to the individual who suffers direct physical harm. A person killed in a terrorist attack leaf behind family members and dependants who may suffer emotional and economic consequences. Similarly, survivors and witnesses may experience psychological trauma even where they have not sustained physical injuries. The international approach increasingly recognises such forms of victimisation and emphasises the importance of assistance, rehabilitation, access to justice and participation.[7]

Need for the Study

The need for the present study arises from the comparatively greater emphasis placed on the prevention and punishment of terrorism than on the rights and rehabilitation of victims. Terrorism produces complex forms of victimisation, and the consequences may continue for years after the occurrence of the offence. Families may lose their primary source of income, survivors may suffer permanent disabilities, and victims may require prolonged psychological and medical support.Although Indian law provides mechanisms for compensation and assistance, the absence of a comprehensive victim-centred approach specifically addressing all dimensions of terrorism-related victimisation creates a need for further examination. The study therefore seeks to analyse whether the existing legal framework adequately recognises the different categories of victims and provides meaningful compensation and rehabilitation.

[5]*Bharatiya Nyaya Sanhita, 2023, § 113; Bharatiya Nagarik Suraksha Sanhita, 2023, §§ 396–397*
[6]*Ministry of Home Affairs, Government of India, Central Scheme for Assistance to Civilian Victims/Family of Victims of Terrorist, Communal, LWE Violence, Cross-Border Firing and Mine/IED Blasts, 2022*
[7]*United Nations General Assembly, Enhancement of International Cooperation to Assist Victims of Terrorism, G.A. Res. 73/305 (2019)*

Significance of the Study

The study is significant from the perspective of victimology because it places the victim at the centre of the analysis of terrorism. Instead of examining terrorism exclusively as a threat to national security, the study considers the human consequences of terrorist violence. It examines the legal position of direct victims, family members and dependants and considers the importance of compensation, psychological support and rehabilitation.

The study also seeks to connect Indian victim-compensation mechanisms with international victim-centred principles. The United Nations has increasingly recognised the importance of assisting victims of terrorism and their families and has emphasised access to justice, rehabilitation and support as important components of counter-terrorism policy.[7]

Research Gap

Existing research on terrorism in India predominantly focuses on the legal regulation of terrorist organisations, investigation, prosecution, national security and constitutional safeguards. Comparatively less attention has been given to terrorism from the perspective of victimology, particularly regarding the legal recognition and rehabilitation of direct and indirect victims.

There is therefore a need to examine whether India's existing compensation and rehabilitation mechanisms adequately address the diverse consequences of terrorist victimisation. The study attempts to address this gap by examining the position of victims through a victim-centred legal analysis.

Research Problem

The central research problem is whether the existing Indian legal framework adequately recognises, compensates and rehabilitates victims of terrorism and their families, or whether the present system remains predominantly focused on the prevention and punishment of terrorist offences.

Research Questions

1. What is the nature of terrorism and the different forms of victimisation caused by

terrorist acts?

2. Who can be considered a victim of terrorism from a victimological and legal perspective?

3. How has the Indian legal framework relating to terrorism evolved?

4. What legal mechanisms are available in India for compensation and rehabilitation of victims of terrorism?

5. To what extent does the existing Indian framework adopt a victim-centred approach?

6. What can India learn from the international approach to victims of terrorism?

Hypothesis

The study proceeds on the hypothesis that although India has developed a comprehensive legal framework for preventing and prosecuting terrorism and has established mechanisms for victim compensation, the existing framework requires further strengthening to provide comprehensive recognition, psychological support, compensation and long-term rehabilitation to victims and their families.

Objectives of the Study

The study has the following objectives:

1. To examine the concept and nature of terrorism from a victimological perspective.

2. To identify the different categories of victims of terrorism, including direct and indirect victims.

3. To trace the historical evolution of anti-terrorism laws in India.

4. To analyse the existing Indian legal framework concerning the recognition, compensation and rehabilitation of victims of terrorism.

5. To identify the challenges faced by victims of terrorism in obtaining justice, compensation and rehabilitation.

6. To suggest legal and institutional measures for strengthening victim-centred justice in terrorism cases.

Research Methodology

The present study adopts a **doctrinal research methodology**. The research is primarily based on secondary sources, including statutes, judicial decisions, books, research articles, government documents, United Nations instruments and reports of international organisations. The study examines the Unlawful Activities (Prevention) Act, 1967, the National Investigation Agency Act, 2008, the Bharatiya Nyaya Sanhita, 2023 and the Bharatiya Nagarik Suraksha Sanhita, 2023. It also examines relevant victim-compensation schemes and international instruments concerning victims of terrorism. Judicial decisions relating to terrorism, victim compensation and victim participation are analysed to understand the development of victim-centred principles within Indian criminal jurisprudence.

CHAPTER – 2

CONCEPT, NATURE AND FORMS OF TERRORISM

2.1 Introduction

Terrorism is a complex form of criminal violence that affects individuals, communities and the State. Unlike ordinary criminal offences, terrorist acts are generally intended not only to cause immediate harm but also to create fear and insecurity beyond the persons directly attacked. From a victimological perspective, terrorism is therefore significant because its consequences extend beyond the immediate physical harm and may include psychological trauma, economic loss, displacement, loss of family members and disruption of social life.[8]

The concept of terrorism has developed over time and does not have one universally accepted definition under international law. Different international instruments address specific terrorist activities, while national legal systems provide their own statutory definitions. In India, the Unlawful Activities (Prevention) Act, 1967 provides a specific statutory framework for dealing with terrorist acts. Section 15 of the Act identifies conduct which threatens or is likely to threaten the unity, integrity, security, economic security or sovereignty of India, or which is

[8] *United Nations Office on Drugs and Crime, Handbook on Criminal Justice Responses to Terrorism (United Nations, 2009)*

intended or likely to strike terror in the people or any section of the people.[9]

2.2 Meaning and Concept of Terrorism

The word "terrorism" is derived from the concept of creating terror or extreme fear. In its contemporary legal and political understanding, terrorism generally involves the use or threat of serious violence with the objective of creating fear, influencing governmental or public conduct, or advancing a particular political, ideological or other objective. The defining feature from a victimological perspective is that the harm caused to the immediate victim may be accompanied by an intention to frighten a larger population.

The United Nations Security Council, through Resolution 1566 (2004), referred to criminal acts, including those against civilians, committed with the intention of causing death or serious bodily injury or taking hostages, with the purpose of provoking a state of terror in the general public or a group of persons, intimidating a population or compelling a government or international organisation to act or abstain from acting.[10]

Indian law adopts a statutory approach. Section 15 of the UAPA, 1967 covers acts committed with the intention or likelihood of threatening India's unity, integrity, security, economic security or sovereignty, or with the intention or likelihood of striking terror in the people or a section of the people.[11] Thus, the Indian legal definition connects terrorism with both the nature of the act and its potential impact on national security and the public.

2.3 Essential Characteristics of Terrorism

Terrorism possesses certain characteristics that distinguish it from ordinary criminal conduct. The first is the use or threat of serious violence, which may include bombing, shooting, hostage-taking, attacks on public places or other forms of serious violence. The second is the creation of fear, as terrorist violence is often intended to create fear beyond the immediate victims, causing psychological impact even among persons who were not physically present at the place of attack. The third is the wider objective behind the violence, as terrorist acts may be connected with political, ideological, religious or separatist objectives; however, the existence of a particular motivation alone does not determine whether conduct legally

[9] *Unlawful Activities (Prevention) Act, 1967, § 15*
[10] *U.N. Security Council, S.C. Res. 1566, ¶ 3 (Oct. 8, 2004)*
[11] *Unlawful Activities (Prevention) Act, 1967, § 15*

constitutes terrorism, since the applicable statutory requirements must be satisfied. The fourth is the possibility of organised or transnational activity, as terrorist organisations may operate through networks involving recruitment, financing, training, communication and movement across different jurisdictions. Finally, terrorism involves collective victimisation, as a terrorist attack may affect several individuals simultaneously and create consequences for families, communities and wider sections of society, making it particularly significant from the perspective of victimology.

2.4 Terrorism as a Form of Victimisation

Victimisation refers to the process through which an individual or group suffers harm as a consequence of criminal conduct. Terrorism produces multiple forms of victimisation. The most immediate is physical victimisation, involving death, bodily injury or disability. However, the consequences do not end there.

A survivor of a terrorist attack may experience psychological trauma, fear, anxiety and continuing insecurity. Family members of persons killed or permanently injured may experience emotional suffering and economic hardship. Businesses and property may be destroyed, resulting in financial losses. Communities may experience displacement, disruption of education and employment, and long-term fear.

2.5 Victims of Terrorism

Direct victims are individuals who are immediately subjected to terrorist violence. They may be killed, injured, taken hostage or subjected to other forms of direct harm. The consequences can include permanent disability, medical expenses, loss of employment and psychological trauma.The direct victim therefore requires more than criminal justice against the offender. Medical treatment, financial assistance, psychological counselling, legal support and rehabilitation may be necessary for recovery and reintegration into society.

Terrorist violence frequently affects persons who were not physically attacked. Family members of deceased victims may lose emotional support as well as their primary source of income. Children may experience disruption of education and family life. Dependants may face long-term economic insecurity.The international victim-rights framework recognises that, where appropriate, immediate family members and dependants of the direct victim may also

be regarded as victims.[12] This concept is particularly relevant to terrorism because the death or permanent disability of one person can create a continuing chain of victimisation within the family.

Psychological victimisation is an important but sometimes less visible consequence of terrorism. Survivors may experience fear, anxiety, grief, depression, post-traumatic stress and difficulty returning to normal social life. Witnesses may also experience psychological harm even where they were not physically injured.Therefore, a victim-centred approach should not restrict recognition to visible physical injuries. Mental and emotional suffering should also be considered when determining the appropriate form of assistance and rehabilitation.

Terrorist attacks can produce substantial economic consequences. Individuals may lose employment, businesses may be destroyed and families may face medical expenses and loss of income. Where the deceased was the principal earning member, the consequences may continue for many years.Terrorism can also produce social consequences. Fear may affect community interaction, education, employment and movement. In areas repeatedly affected by terrorist violence, displacement and disruption of ordinary life can become long-term problems.A conventional counter-terrorism approach primarily asks how terrorist organisations can be identified, prevented and prosecuted.

CHAPTER – 3

HISTORICAL EVOLUTION AND LEGAL FRAMEWORK RELATING TO TERRORISM IN INDIA

3.1 The legal response to terrorism in India has developed gradually in response to changing forms of terrorist violence and national security concerns. The Indian legal framework has moved from special temporary legislation dealing with terrorism and disruptive activities towards a more comprehensive system consisting of substantive criminal law, special anti-terror legislation, specialised investigative agencies and special courts. From a victimological perspective, this evolution is important because the development of anti-terror laws has primarily concentrated on prevention, investigation and punishment, while the recognition, compensation and rehabilitation of victims has developed through separate legal and administrative mechanisms.The present chapter traces the major stages in the evolution of

[12] *Id. ¶ 2*

India's anti-terrorism laws and examines the provisions relevant to victims of terrorism. It also distinguishes between laws directed towards perpetrators and the legal mechanisms available to victims and their families.

3.2 Early Legal Response to Terrorism

The Indian legal system initially dealt with terrorist violence through the general criminal law and other special security legislation. As terrorist activities became more organised and posed greater challenges to public order and national security, the need for specialised legislation became increasingly apparent. One of the early legislative responses was the **Terrorist Affected Areas (Special Courts) Act, 1984**, which provided for special courts in terrorist-affected areas for the speedy trial of certain offences. The legislation reflected the growing recognition that ordinary criminal justice mechanisms might require institutional support when dealing with terrorism-related offences. This was followed by the **Terrorist and Disruptive Activities (Prevention) Act, 1987 (TADA)**. TADA was enacted to provide special provisions for preventing and coping with terrorist and disruptive activities. It introduced special procedural mechanisms and special courts for dealing with such offences.[13]

3.3 Terrorist and Disruptive Activities (Prevention) Act, 1987

TADA represented a significant stage in the development of India's counter-terrorism framework. The Act provided stringent measures for dealing with terrorist and disruptive activities and created special mechanisms for investigation and trial.

The constitutional validity of several provisions of TADA was examined by the Supreme Court in **Kartar Singh v. State of Punjab, (1994) 3 SCC 569**. The Court recognised the serious threat posed by terrorism but also emphasised that exceptional legislation must remain subject to constitutional limitations and safeguards.[14]From the perspective of victimology, TADA is significant because it demonstrates the traditional emphasis of anti-terror legislation on the **State and the offender**. The principal concern was to strengthen the capacity of the State to investigate and prosecute terrorism. The needs of victims were not developed into a comprehensive and independent victim-rights framework. TADA was eventually allowed to lapse in 1995. However, the experience gained from its implementation influenced the

[13] *terrorist and Disruptive Activities (Prevention) Act, 1987, Act No. 28 of 1987*
[14] *Kartar Singh v. State of Punjab, (1994) 3 SCC 569*

subsequent development of Indian counter-terrorism legislation.

3.4 Prevention of Terrorism Act, 2002

Following the continued threat of terrorism, the **Prevention of Terrorism Act, 2002 (POTA)** was enacted. POTA provided a specific legal framework for dealing with terrorist activities and introduced provisions relating to terrorist organisations, investigation, prosecution and special courts.The Act was intended to strengthen the ability of law-enforcement agencies to respond to terrorism. However, concerns were raised regarding the possibility of misuse of its stringent provisions and their impact upon individual rights. POTA was repealed in 2004.[15]The repeal of POTA did not result in the disappearance of anti-terror legislation. Instead, important terrorism-related provisions were subsequently incorporated into the existing **Unlawful Activities (Prevention) Act, 1967**, which became the principal central legislation dealing with terrorism.

3.5 Unlawful Activities (Prevention) Act, 1967

The **Unlawful Activities (Prevention) Act, 1967 (UAPA)** was originally enacted to provide for more effective prevention of certain unlawful activities of individuals and associations. Its role expanded substantially through subsequent amendments, particularly after the repeal of POTA.The 2004 amendment incorporated provisions relating to terrorist organisations and terrorist activities. Further amendments in 2008, 2012 and 2019 strengthened the legislative framework concerning terrorism, terrorist financing, investigation and designation of terrorist organisations and individuals.[16]section 15 of the UAPA defines a **terrorist act**. It covers acts intended or likely to threaten the unity, integrity, security, economic security or sovereignty of India, or acts intended or likely to strike terror in the people or a section of the people.[17]

3.6 National Investigation Agency Act, 2008

The terrorist attacks in Mumbai in November 2008 highlighted the need for stronger national-level investigative coordination. In this context, Parliament enacted the **National Investigation Agency Act, 2008**.The Act established the **National Investigation Agency (NIA)** as a central

[15]*Prevention of Terrorism (Repeal) Act, 2004, Act No. 26 of 2004*
[16]*Ministry of Home Affairs, Government of India, Counter-Terrorism and Counter-Radicalization Division, materials concerning the Unlawful Activities (Prevention) Act, 1967 and its amendments*
[17]*Unlawful Activities (Prevention) Act, 1967, § 15*

agency for investigation and prosecution of offences affecting the sovereignty, security and integrity of India and other scheduled offences.[18] It also provides for the establishment of Special Courts for trial of scheduled offences.The creation of the NIA strengthened the institutional response to terrorism by enabling specialised investigation of serious offences having national and transnational implications. The Act also contains provisions relating to the protection of witnesses, which can indirectly contribute to the protection of victims who participate in terrorism-related proceedings.[19]However, investigation and prosecution remain distinct from victim rehabilitation. The existence of a specialised investigative agency does not by itself ensure that victims receive timely compensation, psychological assistance or long-term rehabilitation.

3.7 Bharatiya Nyaya Sanhita, 2023

The criminal law framework underwent substantial reform with the enactment of the **Bharatiya Nyaya Sanhita, 2023 (BNS)**. Section 113 specifically deals with terrorist acts.

The provision covers acts committed with the intention of threatening the unity, integrity, sovereignty, security or economic security of India or with the intention of striking terror in people or any section of the people.[20] The BNS therefore incorporates terrorism within the general substantive criminal law framework while the UAPA continues to operate as a special anti-terror legislation.From a victimological perspective, the BNS is relevant because victims of terrorist acts can be affected by the ordinary criminal justice mechanisms relating to victims, while special anti-terror legislation addresses the conduct of the offender.

3.8 Bharatiya Nagarik Suraksha Sanhita, 2023 and Victim Compensation

The **Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)** is particularly relevant to the present research because it contains provisions relating to victim compensation and rehabilitation.

Section 396 provides for a **Victim Compensation Scheme** through which the State Government, in coordination with the Central Government, is required to prepare schemes for providing funds for compensation to victims or their dependants who have suffered loss or

[18] *National Investigation Agency Act, 2008, §§ 3–6*
[19] *Id. § 17*
[20] *Bharatiya Nyaya Sanhita, 2023, § 113*

injury as a result of crime and require rehabilitation.[21]

Section 397 further provides for the treatment of victims and immediate medical assistance in specified circumstances. The victim-compensation framework is significant because it recognises that criminal justice should not be limited to punishment of the offender but should also respond to the consequences suffered by victims.

However, the general victim-compensation mechanism must be considered alongside the specialised schemes applicable to terrorism victims because terrorist attacks can create large-scale and long-term consequences requiring specialised assistance.

3.9 Central Scheme for Victims of Terrorist Violence

An important development from the perspective of victims is the Central Scheme for Assistance to Civilian Victims/Family of Victims of Terrorist, Communal and Left Wing Extremist Violence, Cross-Border Firing and Mine/IED Blasts, 2022.

The Scheme provides financial assistance to eligible civilian victims and families of victims affected by specified forms of violence. It is particularly significant because it recognises that the consequences of terrorism may extend to the family of the deceased or permanently incapacitated victim.The Scheme therefore represents an important shift towards a more victim-oriented response. It supplements the criminal justice process by providing financial assistance to persons who suffer because of terrorist violence.Nevertheless, financial assistance alone cannot address all dimensions of victimisation. Victims may also require medical treatment, psychological counselling, legal assistance, educational support and long-term rehabilitation.

3.10 Distinction Between Anti-Terror Laws and Victim Protection

The development of India's terrorism laws demonstrates that the principal legislative objective has traditionally been the **prevention and punishment of terrorism**. UAPA, the NIA Act and Section 113 of the BNS primarily address terrorist conduct, investigation and prosecution.

Victim-centred provisions operate through a different set of legal and administrative

[21] *Bharatiya Nagarik Suraksha Sanhita, 2023, § 396*

mechanisms, including the BNSS victim-compensation framework and the Central Scheme for assistance to civilian victims and their families.This creates an important issue for victimology. A person may be legally recognised as a victim for compensation purposes without necessarily having a comprehensive statutory framework dealing with all aspects of victim participation, psychological care, rehabilitation and long-term social reintegration.

3.11 Judicial Approach

The Indian judiciary has played an important role in developing the legal response to terrorism while balancing national security and constitutional rights.

In **Kartar Singh v. State of Punjab, (1994) 3 SCC 569**, the Supreme Court examined the constitutional validity of TADA and recognised the exceptional nature of terrorist activities while stressing the importance of constitutional safeguards.[22]

In **Mohd. Ajmal Amir Kasab v. State of Maharashtra, (2012) 9 SCC 1**, the Supreme Court considered the prosecution arising from the 26/11 Mumbai terrorist attacks. The case demonstrates the role of the criminal justice system in dealing with large-scale terrorist violence while maintaining the requirements of a fair trial.

In **National Investigation Agency v. Zahoor Ahmad Shah Watali, (2019) 5 SCC 1**, the Supreme Court examined the stringent bail provisions applicable under the UAPA. The judgment illustrates the special procedural environment applicable to terrorism-related prosecutions.

The evolution of Indian terrorism law demonstrates a gradual expansion of the legal framework from special anti-terror legislation to a combination of substantive criminal law, special legislation, specialised investigation and victim compensation mechanisms.However, the development has not occurred through one comprehensive victims-of-terrorism legislation. Instead, victim assistance is distributed among general criminal procedure, victim-compensation schemes and specific governmental assistance programmes.This fragmented framework creates the need for a more integrated victim-centred approach. Such an approach should recognise the direct victim as well as, where appropriate, family members and dependants, and should address not only financial loss but also medical, psychological, social

[22] *Kartar Singh v. State of Punjab, (1994) 3 SCC 569*

and legal needs.

CHAPTER – 4

WHO IS A VICTIM OF TERRORISM? – A VICTIM-CENTRED APPROACH

4.1 INTRODUCTION

Victimology is concerned with the study of victims, their experiences, their relationship with offenders and the response of the criminal justice system to their suffering. The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985, adopts a broad understanding of victims by including persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of fundamental rights.[23]

This approach is particularly relevant to terrorism because terrorist violence produces different forms of harm. A person injured during a terrorist attack is a direct victim, while the family of a person killed may experience emotional and financial consequences without being physically present at the incident. Similarly, survivors may continue to suffer psychological trauma long after the attack. Victimology therefore requires the legal system to recognise both the immediate and continuing consequences of terrorist violence.

Direct victims are persons who are immediately affected by the terrorist act. They may be killed, injured, assaulted, abducted or otherwise subjected to violence during the attack. Their injuries may range from temporary physical harm to permanent disability or death.

In cases involving death, the deceased person is the immediate victim of the terrorist act, while the legal and welfare consequences may extend to the family members and dependants. Where survivors suffer physical injuries, their needs may include emergency medical treatment, continuing healthcare, rehabilitation and financial assistance. A victim-centred justice system must therefore address both the immediate consequences and the long-term effects of the attack.

Terrorism creates victims beyond those physically attacked. Indirect or secondary victims

[23] *United Nations General Assembly, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, G.A. Res. 40/34, annex, 29 November 1985, para. 1*

include persons who suffer because of the death, injury or trauma experienced by a direct victim. Family members are the clearest example. The death of a breadwinner may result in loss of income, while the psychological consequences of losing a spouse, parent or child may continue for years.

Secondary victimisation may also occur when victims encounter insensitive treatment from authorities, procedural delays, repeated questioning or difficulties in obtaining compensation and rehabilitation. Thus, victimisation does not necessarily end with the terrorist attack. The manner in which the criminal justice and administrative systems respond may either reduce or aggravate the suffering of victims.[24]

Family members and dependants constitute an important category in the victimology of terrorism. When a terrorist attack results in death or serious disability, the consequences are often transferred to the victim's family. Dependants may suddenly lose financial support, educational opportunities and access to essential services.

The Indian Government's Central Scheme for Assistance to Civilian Victims/Family of Victims of Terrorist, Communal and Left Wing Extremist Violence, Cross-Border Firing and Mine/IED Blasts reflects the recognition that the consequences of terrorist violence extend to the families of victims. Such assistance demonstrates that victim protection cannot be limited exclusively to the person directly injured in an attack.[25]

The recognition of family members is particularly important where the direct victim dies. In such circumstances, the family becomes the principal recipient of assistance and continues to experience the social, emotional and economic consequences of the offence.

Terrorist attacks can create substantial economic consequences for individuals and families. A victim who suffers permanent disability may lose the ability to work, while families may lose their primary source of income following the death of a breadwinner. Medical expenses, loss of employment, damage to property and interruption of business activities may further increase the financial burden.

Economic harm is therefore an important component of victimisation. Compensation and

[24] *Ibid., paras. 4–6*
[25] *Ministry of Home Affairs, Government of India, Central Scheme for Assistance to Civilian Victims/Family of Victims of Terrorist, Communal and Left Wing Extremist Violence, Cross-Border Firing and Mine/IED Blasts*

financial assistance can help victims meet immediate needs, but monetary compensation alone cannot completely restore the position that existed before the attack. Long-term rehabilitation, employment assistance and educational support may also be necessary.

Persons who survive terrorist attacks may have continuing legal and social needs. Survivors may be required to provide evidence during investigation and trial, thereby repeatedly recalling traumatic experiences. Witnesses who are not physically injured may nevertheless experience fear and psychological distress.The criminal justice system should therefore ensure that victims and witnesses are treated with dignity and protected from unnecessary secondary victimisation. Appropriate procedures, confidentiality where necessary, protection measures and access to counselling can assist victims in participating effectively in criminal proceedings.

Terrorism may also produce collective victimisation. Terrorist organisations frequently attempt to create fear extending beyond the immediate location of an attack. Communities may experience insecurity, disruption of daily life, social tensions and economic consequences.

The recognition of collective harm is consistent with the broader victimological understanding that victimisation may occur individually or collectively. The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power recognises persons who suffer harm individually or collectively.[26]

However, recognising the community as a victim does not mean that individual victims should receive less attention. Instead, collective victimisation should supplement individual recognition and encourage measures aimed at restoring social confidence and community resilience.Victims of terrorism require several forms of protection and assistance. First, they require recognition as victims and access to appropriate legal and administrative mechanisms. Secondly, they require medical treatment and psychological assistance. Thirdly, victims may require financial compensation for death, injury, disability and loss of livelihood. Fourthly, families and dependants may require long-term rehabilitation and social support.Protection from intimidation and further victimisation is also important. Victims and witnesses may be required to participate in investigations and trials, and therefore appropriate safeguards should be available to protect their dignity and security.

The United Nations approach increasingly recognises the rights and needs of victims of

[26]*United Nations General Assembly, G.A. Res. 40/34, supra note 2, para. 1*

terrorism as an important component of counter-terrorism policy. United Nations General Assembly Resolution 73/305 specifically addresses international cooperation to assist victims of terrorism and emphasises the importance of supporting their rights and needs.[27]

Indian law does not provide a single comprehensive statutory definition covering every category of person affected by terrorism. Instead, protection and assistance are available through different legal provisions and governmental schemes.The Unlawful Activities (Prevention) Act, 1967 primarily focuses on terrorist acts, unlawful activities and punishment of offenders. The National Investigation Agency Act, 2008 provides the institutional framework for investigation and prosecution of specified offences, including terrorism-related offences. These laws are primarily concerned with criminal justice and national security rather than providing a complete victim-centred framework.At the same time, the Bharatiya Nagarik Suraksha Sanhita, 2023 provides for victim compensation and assistance within the general criminal justice framework, while the Central Government's victim assistance scheme specifically addresses certain categories of victims and their families affected by terrorist violence.[28]Consequently, the Indian framework contains several mechanisms for assisting victims, but these mechanisms operate through different statutes and administrative arrangements. A more integrated victim-centred approach would help ensure that victims receive timely and accessible assistance.

The analysis demonstrates that the consequences of terrorism extend considerably beyond the person physically attacked. Direct victims, surviving victims, family members, dependants, witnesses and communities may all experience different forms of harm. A narrow understanding of the victim may therefore fail to capture the complete consequences of terrorist violence.

CHAPTER – 5

LEGAL RECOGNITION, COMPENSATION AND REHABILITATION OF VICTIMS OF TERRORISM IN INDIA

[27]*G.A. Res. 73/305, supra note 5*

[28]*Bharatiya Nagarik Suraksha Sanhita, 2023; Unlawful Activities (Prevention) Act, 1967; National Investigation Agency Act, 2008; Ministry of Home Affairs, Government of India, Central Scheme for Assistance to Civilian Victims/Family of Victims of Terrorist, Communal and Left Wing Extremist Violence, Cross-Border Firing and Mine/IED Blasts*

5.1 INTRODUCTION

The impact of terrorism does not end with the occurrence of a terrorist attack. Victims may suffer death, physical injuries, psychological trauma, loss of livelihood, displacement and other forms of social and economic hardship. Therefore, an effective criminal justice system must not only investigate and punish offenders but must also provide meaningful remedies to victims. Compensation and rehabilitation are important components of a victim-centred approach because they attempt to address the consequences suffered by victims and their families.

5.2 COMPENSATION UNDER THE BHARATIYA NAGARIK SURAKSHA SANHITA, 2023

The Bharatiya Nagarik Suraksha Sanhita, 2023 contains general provisions relating to compensation to victims. Section 396 deals with an order to pay compensation. Where a court imposes a sentence of fine, it may direct that the whole or part of the fine be applied towards compensation for loss or injury caused by the offence. The provision also enables the court, in appropriate circumstances, to order the convicted person to pay compensation to a person who has suffered loss or injury because of the offence.[29]However, compensation under Section 396 depends upon the circumstances of the criminal case and the orders of the court. It is therefore different from a comprehensive rehabilitation programme. Monetary compensation may address part of the financial consequences suffered by victims, but it cannot by itself provide medical treatment, psychological counselling, employment assistance or long-term social rehabilitation.

5.3 VICTIM COMPENSATION SCHEME UNDER SECTION 397 BNSS

Section 397 of the Bharatiya Nagarik Suraksha Sanhita, 2023 specifically provides for a Victim Compensation Scheme. Under this provision, every State Government, in coordination with the Central Government, is required to prepare a scheme for providing funds for compensation to victims or their dependants who have suffered loss or injury as a result of crime and require rehabilitation.[30]The provision also gives an important role to the District Legal Services

[29] *Bharatiya Nagarik Suraksha Sanhita, 2023, § 396*
[30] *Bharatiya Nagarik Suraksha Sanhita, 2023, § 397*

Authority and the State Legal Services Authority. Where a court makes a recommendation for compensation, the appropriate Legal Services Authority determines the quantum of compensation under the applicable scheme. This creates an institutional mechanism through which victims can obtain financial assistance even where the compensation does not depend entirely upon recovery of money from the offender. For victims of terrorism, this general framework is significant because terrorist offences can result in death, permanent disability and substantial economic loss. Nevertheless, the general victim compensation framework must operate alongside the specific schemes applicable to victims of terrorist violence.

5.4 CENTRAL SCHEME FOR ASSISTANCE TO VICTIMS OF TERRORIST VIOLENCE

The Ministry of Home Affairs administers a specific Central Scheme for Assistance to Civilian Victims/Family of Victims of Terrorist, Communal and Left Wing Extremist Violence, Cross-Border Firing and Mine/IED Blasts on Indian Territory. The scheme is specifically directed towards providing financial assistance to affected civilians and their families.

The revised 2022 guidelines provide eligibility for financial assistance to family members in cases involving death or permanent incapacitation of a civilian victim arising from the specified forms of violence. The scheme also recognises the surviving spouse and, in appropriate circumstances, the Next of Kin.An important feature of the scheme is that assistance is not restricted only to persons who have no other form of relief. The guidelines provide for eligibility even where the family has received certain other forms of assistance, subject to the conditions contained in the scheme.[31] This reflects an attempt to provide a separate mechanism of assistance for victims of serious violence.

5.5 MEDICAL AND PSYCHOLOGICAL REHABILITATION

Victims of terrorism may require medical treatment immediately after the attack and continued healthcare thereafter. Physical injuries may include burns, fractures, loss of limbs and other permanent disabilities. Some victims may require prosthetic support, rehabilitation therapy and long-term medical care.Psychological rehabilitation is equally important. Survivors and family members may experience trauma, anxiety, grief and fear even after the physical consequences of the attack have been addressed. Consequently, victim rehabilitation should include

[31] *Ministry of Home Affairs, Government of India, Revised Guidelines of the Central Scheme, supra note 1*

counselling, psychological support and, where necessary, specialised mental-health services.The United Nations approach to victims of terrorism emphasises assistance addressing the physical, psychological and social consequences of terrorist violence.[32] India's victim assistance framework can therefore be strengthened by ensuring that psychological rehabilitation forms an integral part of assistance rather than being treated as a secondary concern.

5.6 REHABILITATION OF FAMILY MEMBERS AND DEPENDANTS

When a terrorist attack causes the death or permanent incapacitation of an earning member, rehabilitation must extend to the family. Children may experience interruption of education, while spouses and other dependants may face economic insecurity. Rehabilitation may therefore include educational assistance, livelihood opportunities, skill development, employment support and access to welfare schemes. Such measures can reduce the long-term consequences of victimisation and help families regain economic independence.

The recognition of family members and Next of Kin under the Central Scheme is important in this regard because it acknowledges that the effects of terrorism may continue within the family long after the original incident.[33]

5.7 VICTIM-CENTRED APPROACH TO COMPENSATION AND REHABILITATION

The ultimate purpose of compensation and rehabilitation should be restoration of dignity rather than merely payment of money. Victims of terrorism have suffered because of an offence that may have consequences extending far beyond the immediate incident. The State therefore has an important role in ensuring that victims are not forgotten once investigation and prosecution are completed.A victim-centred approach should recognise the different needs of direct victims, survivors, family members, dependants and other persons affected by terrorist violence. Compensation should be timely and accessible, while rehabilitation should be sufficiently broad to address medical, psychological, economic and social consequences.Thus, India's existing framework provides an important foundation for victim assistance, but its

[32]*United Nations General Assembly, Enhancement of International Cooperation to Assist Victims of Terrorism, G.A. Res. 73/305 (2019)*
[33]*Ministry of Home Affairs, Government of India, Revised Guidelines of the Central Scheme, supra note 1*

effectiveness depends upon accessibility, timely implementation, coordination between authorities and recognition of the long-term nature of victimisation.

CHAPTER – 6

INTERNATIONAL APPROACH TO VICTIMS OF TERRORISM

6.1 Terrorism is a global phenomenon that causes serious physical, psychological, economic and social harm. Initially, international efforts mainly focused on preventing terrorism, prosecuting offenders and strengthening national security. However, the international community has gradually recognised that victims must also form an important part of counter-terrorism policies. The international approach therefore focuses on recognition, protection, compensation, assistance and rehabilitation of victims of terrorism. The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985, provides an important foundation for victim protection. It recognises victims as persons who individually or collectively suffer physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights. The Declaration also emphasises access to justice, fair treatment, restitution, compensation and assistance.[34] These principles are relevant to terrorism because terrorist attacks produce different forms of harm extending beyond physical injury.

The United Nations Global Counter-Terrorism Strategy, adopted in 2006, provides a comprehensive international framework for preventing and combating terrorism. It emphasises international cooperation, strengthening State capacity and respect for human rights and the rule of law.[35]From a victimological perspective, this approach is significant because counter-terrorism measures should protect both national security and the rights and dignity of persons affected by terrorism.

A significant development occurred with the adoption of United Nations General Assembly Resolution 73/305 in 2019, which specifically deals with the enhancement of international cooperation to assist victims of terrorism. The Resolution recognises the importance of addressing the rights and needs of victims and encourages States to provide appropriate

[34] United Nations General Assembly, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, G.A. Res. 40/34, annex, 29 November 1985, para. 1
[35] United Nations General Assembly, *The United Nations Global Counter-Terrorism Strategy*, G.A. Res. 60/288, 8 September 2006

assistance and support.[36] This reflects the growing international understanding that victims should not remain secondary to the prosecution of terrorist offenders.

The United Nations Office of Counter-Terrorism and the United Nations Office on Drugs and Crime developed *Model Legislative Provisions to Support and Protect the Rights and Needs of Victims of Terrorism* in 2022. These provisions provide guidance to States in developing national legislation concerning victims of terrorism. They address areas such as recognition, access to justice, protection, assistance, compensation and rehabilitation.[37] The model provisions are important because they treat victims as persons having specific rights and needs rather than merely as witnesses in terrorism cases.

The international victim-centred approach recognises compensation and rehabilitation as important responses to the harm caused by terrorism. Compensation may assist victims with medical expenses, loss of livelihood, disability and other economic losses. However, financial assistance alone cannot completely address the consequences of terrorism. Victims may also require medical treatment, psychological counselling, social assistance and long-term rehabilitation. The 1985 UN Declaration similarly recognises restitution, compensation and assistance as important aspects of victim protection.[38]

International cooperation is essential because terrorism may involve transnational organisations, foreign perpetrators, cross-border activities and victims from different countries. Cooperation between States is therefore necessary not only for investigation and prosecution but also for assisting victims. Resolution 73/305 highlights the importance of international cooperation in addressing the rights and needs of victims of terrorism.[39]

The international victim-centred approach provides useful guidance for India in strengthening its domestic mechanisms. India already provides compensation and assistance through the Bharatiya Nagarik Suraksha Sanhita, 2023 and the Central Government's scheme for victims and families affected by specified forms of terrorist violence. However, greater integration of medical, psychological, financial and social rehabilitation would make the framework more

[36] United Nations General Assembly, *Enhancement of International Cooperation to Assist Victims of Terrorism*, G.A. Res. 73/305, 2 July 2019
[37]United Nations Office of Counter-Terrorism & United Nations Office on Drugs and Crime, *Model Legislative Provisions to Support and Protect the Rights and Needs of Victims of Terrorism* (2022)
[38] *G.A. Res. 40/34, supra note 1, paras. 8–13.*
[39] *G.A. Res. 73/305, supra note 3*

comprehensive.

CHAPTER – 7

CHALLENGES AND SUGGESTIONS

Although India has introduced various legal and administrative mechanisms for dealing with victims of terrorism, several challenges continue to affect their effective protection and rehabilitation. The existing framework primarily concentrates on prevention, investigation and prosecution of terrorism, while the long-term needs of victims may receive comparatively less attention. A victim-centred approach therefore requires identification of these gaps and development of effective measures for addressing them.

One of the major challenges is the absence of a single comprehensive legal framework exclusively dealing with victims of terrorism. Provisions relating to compensation, assistance and rehabilitation are found in different laws and government schemes. This may make it difficult for victims and their families to understand the available remedies and approach the appropriate authority. The absence of an integrated mechanism may also result in delays and differences in implementation.

Another important challenge is delay in compensation and assistance. Victims of terrorism may require immediate financial support for medical treatment, loss of livelihood and family expenses. Procedural requirements and administrative delays can reduce the effectiveness of compensation, particularly when families are already facing economic hardship.

Terrorist attacks can cause serious psychological consequences, including trauma, grief, fear and anxiety. However, financial compensation cannot by itself address such harm. Long-term psychological counselling and rehabilitation may not always receive the same attention as monetary assistance. This creates a gap between the immediate financial response and the continuing psychological needs of survivors and family members.

Victims and their families may not always be aware of the compensation schemes and legal remedies available to them. Rural and economically disadvantaged victims may face additional difficulties in accessing government offices, legal services and documentation. Therefore, the existence of a legal remedy does not necessarily guarantee effective access to justice.

7.2 SUGGESTIONS

India may consider developing a **comprehensive victim-centred framework for victims of terrorism** that brings together compensation, medical care, psychological support, legal assistance and rehabilitation. A coordinated mechanism involving the Central Government, State Governments, Legal Services Authorities and other relevant institutions could make the process easier for victims. Compensation should be **timely, accessible and proportionate to the nature of harm suffered**. Administrative procedures should be simplified, particularly for families of deceased victims and persons suffering permanent disabilities. Victims should also be provided with clear information regarding their eligibility and the procedure for obtaining assistance.

Psychological rehabilitation should be incorporated as an essential component of victim assistance. Survivors and family members should have access to professional counselling and continuing psychosocial support. Special attention should be given to children and other dependants who may experience long-term consequences following the death or disability of a family member. Legal awareness and legal aid should also be strengthened. Victims should be informed about compensation schemes, procedural rights and available remedies. Legal Services Authorities can play an important role in assisting victims who are unable to navigate the legal and administrative processes independently. Finally, victim participation and dignity should remain central to the criminal justice process. Victims should receive appropriate information regarding proceedings and should be protected from intimidation and unnecessary secondary victimisation. The objective of counter-terrorism should therefore extend beyond punishing offenders to ensuring that victims are recognised, protected and supported throughout their recovery.

CONCLUSION

Terrorism is not merely a threat to national security but also a serious form of victimisation that causes physical, psychological, emotional, economic and social harm. The study establishes that the consequences of terrorism extend beyond the person directly attacked and may affect family members, dependants, survivors and communities. Therefore, a victimological understanding of terrorism requires recognition of both direct and indirect victims. India needs a more integrated and victim-centred approach that ensures timely compensation, accessible legal assistance, psychological support, effective rehabilitation and

protection from secondary victimisation. The success of counter-terrorism should not be measured only by the prevention and punishment of terrorist acts, but also by the ability of the legal system to protect the dignity and restore the lives of those affected. Justice for victims of terrorism is complete only when recognition, compensation and rehabilitation accompany prosecution and punishment. A stronger victim-centred framework would ensure that victims and their families are not forgotten after the terrorist attack and would make India's response to terrorism more humane, effective and consistent with the principles of victimology.