

**JUSTICE TO *LUCRETIA*- VICTIM COMPENSATION SCHEME FOR THE
RAPE VICTIMS**

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ABSTRACT

In 510 B.C, the legendary noble women of Rome Lucretia was raped by king Tarquinius , devastated by what was done to her, she killed herself, this event was significant as the masses rebelled against the despondent king and the tyranny was toppled. In India when Nirbhaya was brutally raped, then it lead to mass protest almost identical to that of a veritable revolution. What was common in 510 B.C or 2012 was a huge public outcry, post 2012 Indian Government came up with the Criminal Law Amendment Act of 2013 which is remarkable for the fact that it expanded the definition of rape which was being contested by many quarters of scholars as being insufficient to deal with the cases of rape, also the punishment of the rape was made more stringent.

Here it is interesting to see that the Government acted very fast in passing out a legislation which has stringent laws, thereby placating the anger of the masses but it is equally axiomatic to see that somewhere the legislation failed to look into the deep psyche of the victim and the scars which are there.

Among the lot of victims the most neglected has been the plight of the rape victims, often it has been seen that instead of sensitizing with the prosecutrix, the victim is herself held liable for her misery, that she precipitated such conditions which lead to the events facilitating her rape, the society is conditioned in such a way that a rape victim is weighed on the extreme touchstones of either being branded as a characterless or levelling such ignominious gratuitousness which often seems humiliating.

It would be not farfetched to say that this system relies heavily on the assumption that the accused is innocent and at times it becomes a daunting task for the prosecution to prove the case beyond reasonable doubt creating an idea that often the criminal

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jurisprudence is not seen in the light of the victim and because of this the accused often, because of the case not being proved beyond reasonable doubt is often acquitted or is released with a slap on wrist.

This particular project particularly deals with the larger question of compensation in regard to the victims of rape, what is the scheme being followed by the states in India and whether there are parallel legislation across the world dealing with the same aspect also the judicial contribution in this field.

Introduction

When a crime comes to the knowledge of state, it is incumbent on state to bring the perpetrator of crime to justice so that law and order could be maintained and state doesn't go haywire. Even the social contract theories are of the view that the citizens under a mutual obligation to be governed under the state, surrendered some of its rights to the state, thus entrusted upon state is the security of its people.

If we look at our system as to how trial is conducted, then we will see that the system is both a blend of adversarial as well as inquisitorial setup.

Under both the adversarial system and the inquisitorial system of trial it is the trial judge who has been given enormous powers to conduct the trials properly. The Public Prosecutor under the adversarial system is statutorily authorized to represent the prosecution while the defence counsel is authorized to do so on being permitted by the judge. Also, the defence counsel may be allowed to put only such questions to the witness as may be permitted by the trial judge. This is also the position under the inquisitorial system. And it is generally asserted by both the systems that there is presumption of innocence and the burden of proof is on the person who asserts the statement.²

It would be not farfetched to say that this system relies heavily on the assumption that the accused is innocent and at times it becomes a daunting task for the prosecution to prove the case beyond reasonable doubt creating an idea that often the criminal jurisprudence is not seen in the light of the victim and because of this the accused

² (2003) 8 SCC (Jour) 49.

often, because of the case not being proved beyond reasonable doubt is often acquitted or is released with a slap on wrist.

Thus, in the words of Justice V.R. Krishna Iyer:³

It is a weakness of our jurisprudence that the victims of the crime, and the crime, and the distress of the dependants of the prisoner, do not attract the attention of the law. Indeed victim reparation is law. Indeed, victim reparation is still the vanishing point of our criminal law. This is a deficiency in the system which must be rectified by the legislature. We can only draw attention in this matter.

The prophetic words of Justice Iyer echoes the sentiments of thousand victims who ask the same question, that by sentencing the accused heavily the 'collective conscience' of the society has been placated but what about those invisible scars which leaves an indelible mark over the psyche of the victim, somewhere those questions stand like a Trojan horse before the gate of both judiciary and the state which tries to camouflage their sense of subterfuge in the garb of stringent laws.

Among the lot of victims the most neglected has been the plight of the rape victims, often it has been seen that instead of sensitizing with the prosecutrix, the victim is herself held liable for her misery, that she precipitated such conditions which lead to the events facilitating her rape, the society is conditioned in such a way that a rape victim is weighed on the extreme touchstones of either being branded as a characterless or levelling such ignominious gratuitousness which often seems humiliating.

General scheme of Victim Compensation in India:

While talking of victim centric approach, it is imperative to take note of the fact that Cr.Pc did not contain the definition of victim till 2009, in the year 2009 the definition of victim was incorporated in Cr.Pc under S.2 which states that:

³*Rattan Singh v. State of Punjab*, AIR 1980 SC 84.

““Victim” means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and the expression “victim” includes his or her guardian or legal heir”.

Let us compare this definition with the comprehensive definition as provided in the United Nations Declaration of the Basic Principle of Justice for the Victims of Crime and Abuse of Power:

Victim includes, any person who, individually or collectively, has suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of his fundamental rights, through acts or omissions that are in violation of criminal laws operating within the member states including those laws prescribing criminal abuse of power. A person would be considered a victim, irrespective of whether the perpetrator is identified, apprehended, prosecuted or convicted and irrespective of familiar relationship between the perpetrator and the victim. The term victim includes, where appropriate, the immediate family of the dependents of the direct victim and the persons who have suffered harm in intervening to assist victim in distress or to prevent victimization. The provisions are applicable to everyone irrespective of race, age, cultural belief or practices, property, birth or family status, ethnic or social origin disability and nationality.

Given the propensity of a narrow interpretation of “loss or injury” suffered by the victim, it is submitted that an expansive delineation of what constitutes loss or injury should be added by the legislature. This will also check the varied interpretations made and ensure uniformity in the dispensation of compensation. Explicit inclusion of compensation to victims of criminal abuse should also have been made. Additionally, there is a need to include persons who have suffered harm while intervening to assist victims in distress or to prevent victimization. S.2(wa) somewhere assumes that the state machinery cannot itself indulge in abuse of power. The definition is, therefore, not only narrow but also laced with shortcomings as well.

There are basically two legislative setups which deals with compensation to victims and these are, the Code of Criminal Procedure, 1973 and Probation of Offenders Act, 1958. Under the Cr. Pc S.357 talks about it, this section was basically is bases upon 41st Report of the law commission of 1969 which talks about the court's discretion to pay compensation to the victim if it considers it appropriate while passing of the judgement in the interest of justice. Although the principle underlying S.357 is similar to that envisaged in the UN Basic principles of Justice for victims of crime, its application is limited to:

- A. The accused is convicted
- B. Either the compensation is recovered in the form of a fine, when it forms a part of the sentence or a Magistrate may order any amount to be paid to compensate for any loss or injury by reason of the act for which the accused has been sentenced.
- C. In awarding the compensation the capacity of the accused has to be taken into account by the magistrate.

Practically, given the low rates of conviction in criminal cases, the long drawn out proceedings and the relatively low capacity of the average accused to pay, one can see the latent defects with which S.357 suffers.

Under the amended Indian law, sub section (1) of section 357 A of the Cr. Pc discusses the preparation of a scheme to provide funds for the compensation of victims or his dependents who have suffered loss or injury as a result of a crime and who require rehabilitation.

Sub- section (2) states that whenever the court makes a recommendation for compensation the district legal service authority or the state legal service authority, as the case may be, shall decide the quantum of compensation to be awarded under the above- mentioned scheme. However the provision loses its teeth because the discretion remains with the judge to refer the case to the legal services authority- a situation that has previously been the vanishing point of Indian Victim compensation law. It is a positive development that in sub-section (3) the trial court has been empowered to make recommendations for compensation in case where-

A. Either the quantum of compensation fixed by the legal services authority is found to be inadequate; or,

B. Where the case ends in acquittal or discharge of the accused and the victim has to be rehabilitated.

Sub-section (4) of section 357A states that even where no trial takes place and the offender is not traced or identified; but the victim is known, the victim or his dependents can apply to the state or District legal Services Authority for award of compensation.

Sub-section (5) says that on receipt of the application under sub-section (4), the state or the District Legal Authority shall, after due enquiry award adequate compensation by completing the enquiry within two months.

Further, sub-section (6), states that, in order to alleviate the suffering of the victim, the state or District Legal Services Authority may order immediate first- aid facility or medical benefits to be made available free of cost or any other interim relief as the appropriate authority deems fit.

The Probation of Offenders Act, 1958 empowers the trial court to order for compensation. The plain reading of this section shows that the power to award compensation vests only with the trial court. From the victim's point of view the provisions are inadequate. The award of compensation and costs is at the discretion of the court.

Compensatory Relief to the Victims of Rape under the Victim Compensation Scheme of Various States: A Comparison

S.no	Name of the State	Compensation for Rape (in rupees)	Compensation for Rape (or physical abuse) in case of Girl child/ Minor (in rupees)	Rehabilitation Cost (in rupees)

1.	Arunachal Pradesh	50,000	-	20,000
2.	Assam	75,000	1,00,000	-
3.	Bihar	50,000	-	-
4.	Chattisgarh	25,000	50,000	20,000
5.	Goa	10,00,000	10,00,000	-
6.	Gujarat	1,00,000	-	50,000
7.	Haryana	3,00,000	-	-
8.	Himachal Pradesh	50,000	-	-
9.	Jammu & Kashmir	50,000	10,00,000	-
10.	Jharkhand	20,000	50,000	20,000
11.	Karnataka	1,50,000	3,00,000	-
12.	Kerala	3,00,000	50,000	1,00,000
13.	Maharashtra	-	-	-
14.	Manipur	20,000	30,000	20,000
15.	Mizoram	50,000	-	-
16.	Nagaland	50,000	1,00,000	50,000
17.	Odisha	-	-	-
18.	Rajasthan	2,00,000	3,00,000	1,00,000
19.	Sikkim	50,000	-	30,000
20.	Tripura	50,000	-	-
21.	Uttar Pradesh	2,00,000	-	-
22.	Uttarakhand	2,00,000	2,50,000	1,00,000

23.	West Bengal	20,000	30,000	20,000
24.	Telangana	2,00,000	-	-
25.	Chandigarh (union territory)	2,00,000 – 3,00,000	-	20,000
26.	Dadar & Nagar Haveli (union territory)	2,00,000 – 3,00,000	-	20,000
27.	Daman & Diu	2,00,000 – 3,00,000	-	20,000
28.	Puducherry	2,00,000 – 3,00,000	-	20,000

From the table above, we can infer the following information-

Lack of uniformity in the quantum of compensation- the above table unequivocally show that there is lack of parity in the amount of compensation given, whereas the state of Goa has provision for a compensation which is as high as Rs 10 lacs, states like Manipur, Jharkhand and West Bengal, the compensation is as paltry as Rs 20,000, Chhattisgarh is also not faring very well.

In the case of *Tekran v. State of Chhattisgarh*⁴ this particular huge discrepancy in the victim compensation schemes of different states was pointed out by the Supreme Court and the court also observed that steps should be taken to bring in uniformity with respect to the compensation amount given to the victim.

Compensation for Rehabilitation- we can see that few states do provide for rehabilitation compensation but few others have not sanctioned any amount for rehabilitation purposes, it is necessary that a separate amount should separately be earmarked for rehabilitation, compensation amount might be useful in addressing the

⁴ (2016) INSC 142.

immediate needs of the victim such as medical fees and litigation fees , but it is the incumbent on the state that the victim is rehabilitated and starts her normal life again, so therefore, it is necessary that a separate rehabilitation compensation should also be sanctioned. State of Uttarakhand deserves a special mention here, as it has not only sanctioned compensation for rape victims but also has earmarked a separate rehabilitation provision exclusively for rape victims, whereby, compensation upto Rs 1, 00,000 could be granted.

Distinction between an adult rape victim and minor- interestingly we can see that some of the states have made a distinction between the adult rape victims and minor and accordingly made provisions for a higher amount of compensation in the case where the victim is a minor. State of Rajasthan has got provision whereby if the rape victim is a minor then the victim can get compensation up to Rs 3, 00,000.

Apart from the above mentioned observation, what has come to the knowledge is that , few states have not made any scope for compensation regarding the victims of rape notwithstanding the fact that they have a victim compensation scheme, states such as Maharashtra and Odisha have no provision, also, the fact that many states have not still come up with a victim compensation scheme is a matter of concern in the light of the fact that violence against women has stepped up.

Global Scenario

United Kingdom

The criminal Injuries Compensation Authority set up in 1964 is responsible for administering the criminal injuries compensation scheme throughout England, Wales and Scotland. From 1996 each injury was awarded a specific compensation ranging from 1000 UK Pounds to 250000 UK Pounds. Apart from these; the applicants are also eligible to get compensation for earnings and special expenses for up to UK 250000 pounds.⁵ The Ministry of Justice now funds the entire scheme; it was formerly funded by the Home office. Victims as well as their relatives/ dependents are entitled for compensation for personal injuries as well fatal injuries. Compensation is awarded

⁵Mukesh Yadav, Rajendra Singh Thakur, Pooja Rastogi, et.al. "Compensation and Rehabilitation of Rape Survivors: A Constitutional Right" 30 J Indian Acad Forensic Med 285(2014).

to cover costs of medical expenses, funeral expenses, and loss of earnings, mental stress and trauma, medical expenses for special care and also loss of reputation.

Canada

Several provinces in Canada have enacted laws ensuring victims of crimes are compensated. The Ontario Compensation for Victims of Crime, 1990 provides for the establishment of a criminal injuries' compensation board. Heads of compensation cover expenses actually and reasonably incurred or to be incurred as a result of the victim's injury or death; pecuniary loss incurred by the victims as a result of total or partial disability affecting the victim's capacity for work; pecuniary loss incurred by dependents as a result of the victim's death; pain and suffering. Interestingly compensation is awarded to the victim in case of rape where child is born as a result of such an act.

United States of America

It is incumbent through Federal law that all states compensation programs cover costs arising out of the crime such as medical expenses, mental health counselling and loss of support. States also cover the costs related to sexual violence crimes. In most states, convicted perpetrators are required to pay court fees that serve as a source of revenue for the state's victim compensation program, rather than tax dollars. All state programs also receive support through the federal Victims of Crime Act (VOCA), enacted in 1984. Each state has a cap on the total amount of money that can be paid out for any one case, and there may be limits on how much money can be paid per category of expense. According to National Association of Crime Victim Compensation Board (NACVBC) maximum benefits from states average about \$ 25,000, with some states able to offer more, and some states having lower limits.⁶

Whether providing compensation to the victim through tax payer's money justified?

We can see that there is a shift in stand taken by state and emphasis is now more on the compensatory model of justice than on the deterrent and retributive form which

⁶<http://www.rainn.org/public-policy/legal-resources/compensation>(visited on March 29th,2015).

was more accused centric, the idea underlying compensatory justice is not merely to rehabilitate the victim, but also leads to a regime where societal values in seeing such crimes as aberrations, entitling the victim to some form of compensation due to stark intensity of the crime. Therefore, the concept of a compensating the victim from through public fund is a recent development in the light of the fact that now majority of democracies of the world are trying to inculcate a welfare state approach which is more humane and in consonance with the human rights regime.

The various justifications accorded to granting of compensation are-

- A. Benefit to the victims,
- B. Symbolic social recognition for the victim's suffering,
- C. Deterrent effects on the offender as also the reformatory effects on the offender as the paying of compensation has an inherent morality associated with it.
- D. It is also said that state too has a vicarious liability as security of citizen is incumbent on it and an act of rape or other form of violence or any other crime is a testimonial of the fact that state failed to protect its citizen.

So we can see that the providing of victim compensation is a state's duty, however, after the Criminal Law Amendment Act of 2013, addition of S.376 D in the IPC shows an interesting new development, if we look into the second proviso appended to it then we see that apart from the fine which is paid by the accused to the victim to meet the immediate medical expenses and rehabilitation , further fine imposed by the court on the accused shall be paid to the victim, this approach is quite problematic as it is colouring such an offence as of private nature and somewhere the state is shrugging off its duty to pay compensation to the victim which is a moral entrustment on it, also it is smacked with the archaic colouring of settlement in criminal cases which is against the very spirit of criminal law, the correct approach should have been that the fine thereby collected should first go to some fund earmarked to give compensation and accordingly compensation should be provided from that fund.

Judicial Discourse

Judiciary has an important role to play regarding dispensation of compensation if we look into the provisions of S.357 and S.357A of the Criminal Procedure Code and a

phenomenal development in the compensatory jurisprudence has been done by the judiciary itself, however, it is important to take into consideration an important aspect that the judges should approach such matters in a humane manner as unless and until the court has empathy with the victim of rape, the court won't be able to give justice to the victim and the compensation would be just like a cold hearted charity.

The case of *Tukaram v. State of Maharashtra*⁷ was the lowest ebb in the history of judiciary, where instead of criticising the case of a teenager getting raped inside the police station and giving justice to her, the court called her version as a 'tissue of lies' and not able to understand the difference between consent and submission, under such a hostile background any aspiration to get compensation would be a far-fetched idea and almost what the victim could have done is to get her version trusted by the court.

However, there has been change in the outlook of society and there is a perceptible change in the outlook of the court as well and the fact should be acknowledged that a major contribution in the compensatory jurisprudence has been done through judiciary itself.

In *Gudalure M J Cherian v. Union of India*⁸ the apex court expanded its compensatory jurisprudence to the victims of rape also.⁹ In this case two nuns were raped and another was assaulted, the court directed the state of UP to pay a sum Rs 2,50,000 as compensation to the victims of rape, this was a progressive step with one major problem, it came to the knowledge of the court that the SO, SI and the lady medical officer concerned were involved in major lapses during the investigation of the case, the court opined that the amount of money to be given as compensation should be recovered from the officers concerned who were responsible for security lapses, this approach is not correct, as earlier has been pointed out that S.376 D has an element of giving private fervour by making provision regarding according of compensation from the accused to the victim, here by suggesting the State Government that compensation could be paid to the victim by collecting the required sum from the accused, the court

⁷ (1979) 2 SCC 143.

⁸ (1995) Supp. 3 SCC 387.

⁹ Dr. Sushmita Malaya, "Compensatory Jurisprudence Under Criminal Law in India: Need For Reforms" 4KJLS138.

has somewhere left the door ajar for the state, whereby, the state has an option of shrugging off its duty.

In *Delhi Domestic Working Women's Forum v. Union of India*¹⁰, the apex court acknowledged the ordeal with which a woman who is a victim of rape undergoes; the court also outlined a set of broad parameters to assist the victims of rape. The court also suggested setting up of a Criminal Injuries Compensation Board (CICB) (on line of United Kingdom's Criminal Justice Act, 1991) to compensate victims of rape. Further, it emphasized that courts in India should award compensation to rape victims on conviction of the offender and also by the proposed CICB even if the offender is acquitted.¹¹

In the case of *Bodhisattwa Gautam v. Subhra Chakraborty*¹², the accused on the promise of marrying the victim had established sexual relationship with her and later backed off, he even coerced the victim to abort the child which she had conceived due to this physical relationship, the court took note of *Delhi Domestic Women's Forum* case¹³, and observed that:

This decision recognises the right of the victim for compensation by providing that it shall be awarded by the court on conviction of the offender subject to the finalisation of scheme by the Central Government. If the Court trying an offence of rape has jurisdiction to award the compensation at the final stage, there is no reason to deny to the Court the right to award interim compensation which should be provided in the scheme. On the basis of principles set out in the aforesaid decision in *Delhi Domestic Working Women's Forum*, the jurisdiction to pay interim compensation shall be treated to be part of the overall jurisdiction of the Courts trying the offences of rape, which, as pointed above is an offence against basic human rights as also the Fundamental Right of Personal Liberty and Life.

¹⁰ (1995) 1 SCC 14.

¹¹ *ibid.*

¹² (1996) 1 SCC 490.

¹³ (1995) 1 SCC 14.

The court in this decision used its inherent power under Article 142 of the Constitution and directed the offender to pay to the victim a sum of Rs. 1000 every month as interim compensation during the pendency of the criminal trial and also to pay arrears of compensation at the same rate from the date of the institution of the complaint by the victim.

However, it may be noted that this case was not a case of rape but of offences relating to marriage, causing miscarriage, cheating etc. It is, therefore, difficult to appreciate the judicial propriety in awarding interim compensation scheme to assist victims of rape.

In the case of *Chairman Railway Board v Chandrima Das*¹⁴, the Supreme Court ordered the payment of Rs.10 lakhs as compensation to a Bangladeshi national who was repeatedly raped by railway employees. The court upheld the Calcutta High Court's decision that even as a foreign national she was entitled to fundamental right in India, and thus there was a constitutional liability to pay compensation to her.

In the case of *Uttarakhand Sangharsh Samitee v. State of U. P*¹⁵, the Allahabad High Court delivered a path breaking judgement in a group of six cases arising out of the incidents in Khatima, Mussoorie and Muzaffarnagar. The brief facts of the case are that twenty-four persons were killed. Seven women were raped, seventeen were sexually molested while many others were injured and illegally detained as a result of police firing and atrocities committed on a peaceful demonstration for a separate state of Uttaranchal in 1994. The court in a historic decree awarded Rs. 10 lakhs for deceased victims' family and Rs. 10 lakhs for rape victims judging the crime equivalent to death; Rs. 5 lakhs to the victims of sexual molestation; and Rs. 2.5 lakh for less serious injuries. Thus, the court while advancing the cause of human rights and giving more teeth to the constitutional guarantee for a right to live with dignity vide Article 21, declared that the court itself could award compensation in a case of human rights violation. In the instant case, the state was held vicariously responsible for the crimes committed by its officers and was directed to compensate the victims

¹⁴ (2000) 1 SCC 465

¹⁵ (1996) 1 UPLBEC 461

and was not protected under the doctrine of sovereign immunity wherein the state can avoid criminal liability in the name of 'acts of state'.

Central Victim Compensation Fund

Ministry of home affairs has introduced a scheme called the Central Victim Compensation Fund (CVCF) with an initial budget of Rs 200 crore with the prime objective to support the victims of various attacks , as it has been seen that though states were asked to set up a victim compensation scheme , still many states have not obliged to this direction, also the amount of money earmarked as compensation has huge disparity, therefore, the centre has come up with a victim compensation scheme with a prime motive of earmarking a minimum amount for the victim of particular offence and if the amount given from the state's victim compensation scheme is less than what is minimum sanctioned amount as per the central victim compensation scheme, then that difference in amount shall be reimbursed by the central government.

In the scheme we can see that categories have been made, whereby, sexual offences and the offence of rape have been earmarked different quantum of money, for sexual offences, minimum amount sanctioned is Rs 50,000 and for rape the minimum amount sanctioned is Rs. 3 lakhs.¹⁶

In the case of *Nipun Saxena v. Union Of India*¹⁷ the Supreme Court directed National Legal Services Authority (NALSA) to prepare model rules and guidelines with respect to providing compensation to the victims of sexual offences and acid attacks. It was recommended by NALSA that the minimum compensation to be given to a victim for the offence of rape should be rupees 4 lacs, with an upper limit of rupees 7 lacs. With respect to offence of gang rape the victim should be given a minimum compensation amount of 5 lacs, with an upper limit of rupees 10 lacs and for unnatural sexual assault minimum amount of compensation should be rupees 4 lacs with an upper limit of rupees 5 lacs.¹⁸ The Hon'ble Supreme Court has approved the report of NALSA and ordered that the trial courts will take these recommendations as guidelines in deciding

¹⁶<http://www.factly.in> (visited on April 2nd, 2016).

¹⁷ 2018 SCC Online SC 2772.

¹⁸ National Legal Services Authority, NALSA's Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes (2018).

compensation to the victims. The upper limit of compensation as recommended in the report was done away with in the order, thus the trial courts are free to order higher compensation to the victim.

Conclusion

One important factor to be seen is that present victim compensation schemes, both at the state and the centre level talks only about the monetary compensation, which just touches upon the concept of restorative justice , effort should also be taken that the victim is rehabilitated, particularly in case of a rape victim the situation becomes very problematic as it is considered that a raped woman is as good as a dead woman, the victim centric approach should aim at proper rehabilitation of the victim so that she could re-start her life and be brought back to normalcy again. This could be done by providing psychological assistance to the women, also in many cases there have been genuine fear of a possible backlash from the side of the accused, therefore, the victim should be provided with adequate safety as well, besides compensation, efforts should also be made to make the police station more people friendly because major aspiration of getting justice from the legal system are casted away at the very start of the process owing to the extremely hostile behaviour of the officers at station.

Real justice to *Lucretia* or thousands of women like her can be given if we try to understand the injustice which they have experienced. Yes the guidelines have been framed but the real test is yet to come , the concept of justice should not be just a neat paper arrangement, a window dressing of no use but should be instilled in our institutional frameworks, the efficiency of the institutions can only result in giving backbone to the guidelines. Justice can be dispensed if institutions work on mitigating injustice.¹⁹

¹⁹D.S.Srivastav, “ Rawls’s Theory of Justice Through Amartya Sen’s Idea” winter issue *ILILR* 152(2016), available at: http://ili.ac.in/pdf/p11_dhawal.pdf (last visited on February 15th,2020).

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