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VICTIM ASSISTANCE PROGRAMS IN INDIA: A YEARNING FOR RENAISSANCE IN VIEW OF SCANDINAVIA AND SINGAPORE

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ABSTRACT

This study explores the nexus and differences between victim assistance programs in India, Singapore, and Scandinavian nations, shedding light on the diverse approaches and strategies employed to support victims of crime in these regions. While the primary goal of victim assistance programs worldwide is to provide aid and support to those affected by crime, the methods and frameworks employed vary significantly. In India, victim assistance programs primarily rely on a combination of governmental and non-governmental organizations to address the needs of victims. The socio-cultural context in India heavily influences the provision of victim assistance, with a focus on emotional and social support, legal aid, and financial compensation. The study examines the challenges faced by these programs, such as resource constraints and regional disparities, and how they impact the effectiveness of victim assistance in a diverse and populous country like India. Conversely, Singapore adopts a centralized and well-funded approach to victim assistance, often relying on state agencies and law enforcement to provide comprehensive support. This approach ensures a streamlined and efficient process for victims, but the study also investigates potential drawbacks, including the potential for bureaucracy and a lack of diversity in support services. Scandinavian nations, comprising countries like Sweden, Norway, Finland and Denmark, prioritize a holistic, welfare-based approach to victim assistance. This includes a strong emphasis on mental health support, reintegration into society, and comprehensive legal and financial aid. The study delves into the effectiveness of these holistic approaches and how their success may be attributed to the overall social and economic structures in the Scandinavian context. By examining the successes and challenges of these different models, this research aims to contribute to a broader understanding of global best practices in victim assistance and help policymakers make informed decisions to better serve victims of crime in diverse contexts.

Keywords: Victim assistance programs, Singapore, Scandinavia, Socio-cultural context, Streamlined processes

RESEARCH QUESTIONS

1. Whether victim assistance programs are effective in their implementation in India?
2. How are the victim assistance programs in Scandinavian nations and Singapore different from those in India, in terms of specific characteristics?
3. Whether a codified scheme or best practices would be able to mitigate the issues relating to victim assistance programs in India?

INTRODUCTION

The incidence of crime across India has stabilized considerably over the past two decades. Crime rates have been on the decline with effective implementation of government schemes designed to crack down on criminals in all shapes and form. However, the same cannot be said for the victims of crime. Crime-victims across the nation still suffer considerably from a lack of assistance from the authorities. It is a broad misconception that

because the crime rates are diminishing the victims of these crimes are also lower in number. Crime rates are not particularly accurate considering the incidence of ‘under-reporting’ by victims of crime.⁶⁸⁴ While statistics might indicate a reduction in the crime-victim collectives, the suffering these victims of crime are caused because of the criminal justice system (“CJS”) is still a glaring issue, yet to be solved.

Victims are at the mercy of the CJS to avail the necessary victim-oriented advocacy, where greater respect and consideration towards victims and their rights in the investigative and prosecutive processes is provided as well as a right to engage with advocates of their choice⁶⁸⁵. Such an orientation must also include provisions for greater choices to victims in trial, the disposition of the accused, a right to victims to prefer an appeal against court orders acquitting an accused⁶⁸⁶, and a scheme for the reparation⁶⁸⁷ or compensation especially in the case of victims of violent crimes⁶⁸⁸. It must be ensured that they are protected, compensated, rehabilitated, assisted, and given restitution so that they may lead a happy and comfortable life. It is also paramount that such victims be able to access justice, and, fair and equitable treatment. Therefore, the change initiated in the transitioning the CJS from an offender-oriented process to a victim-oriented process, must be sped up and expedited to achieve necessary goals and objectives of the CJS.

WHO IS A ‘VICTIM’?

The bare definition of ‘victim’ in the dictionary states that a victim is “a person harmed, injured,

or killed because of a crime, accident, or other event or action the legal definition of ‘victim’ that is set forth in relevant constitutional amendments, statutes, and rules, and this definition varies from jurisdiction to jurisdiction.” A more legal interpretation of the word brings us to Black’s Law Dictionary which defines a ‘victim’ as a “person harmed by a crime, tort, or another wrong.”⁶⁸⁹ Therefore, the scope of the assistance programs is not merely limited to crime compensation.

Additionally, the ‘United Nations (“UN”) Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power’⁶⁹⁰ is a specialised human rights instrument meant for the victims’ rights and it says that a victim of violent crime has the right to access justice delivery mechanism, right to participate in the prosecution, and right to get legal assistance during the prosecution process⁶⁹¹. The Declaration made way for specific rights and entitlements of victims of crime, including the right to compensation.⁶⁹² It essentially has been the UN’s *magnum opus* in its strides made towards assisting victims of crime. Furthermore, in 2006, the ‘Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law’⁶⁹³ were adopted, emphasizing victim rights. However, India did not adopt the 1985 Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power, leaving the concept of victim rights relatively underdeveloped in the Indian judicial system.

In India, there has been no statutory definition of the term *per-se*. However, an interpretation of

⁶⁸⁴ NCRB, “Crime in India 2022”, vol. I, pg. 17

⁶⁸⁵ Code of Criminal Procedure, 1973, § 24(8), No.2, Acts of Parliament, 1974(India)

⁶⁸⁶ Code of Criminal Procedure, 1973, § 374(3), 374(20), No.2, Acts of Parliament, 1974 (India)

⁶⁸⁷ Theo van Boven, *The Perspective of the Victim in the Universal Declaration of Human Rights: Fifty Years and Beyond*, 14 BAYWOOD PUBLISHING CO. (1999)

⁶⁸⁸ Madhava Menon, N.R. (2004) *Victim Compensation Law and Criminal Justice: A Plea for a Victim-Oriented in Criminal Justice*, CRIMINAL JUSTICE – A HUMAN RIGHTS PERSPECTIVE OF THE CRIMINAL JUSTICE PROCESS IN INDIA, Eastern Book Company, 362-369; Murugesan Srinivasan and Jane Eyre Mathew, *Victims, and the Criminal Justice System in India: Need for a Paradigm Shift in the Justice System*, TEMIDA (2007), 51-62(Paradigm Shift)

⁶⁸⁹ BLACK’S LAW DICTIONARY (11th ed. 2019)

⁶⁹⁰ Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, General Assembly Resolution 40/34 of 29 November 1985

⁶⁹¹ Momina Zahan, Dr. Manju Singh, *Right to Fair Trial for the Victim – Changing Paradigm in 21st Century*, 13 INDIAN JOURNAL OF LAW AND JUSTICE, 423.

⁶⁹² M. Groenhuijsen, *The development of international policy in relation to victims of crime*, 13(1) INTERNATIONAL REVIEW OF VICTIMOLOGY, 31-48 (2014).

⁶⁹³ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, General Assembly Resolution 60/147, 15 Dec 2005;

the Code of Criminal Procedure, 1973 defines a 'victim' as a person who has suffered any loss or injury caused by motive of the act or omission for which the accused person has been charged and the expression includes guardians and legal heir of the victim. Furthermore, a multitude of cases have necessitated the need for immediate intervention by the CJS to help victims of crimes. These cases were based on occurrences of (i) violent crimes such as rape and harassment to women which were in complete breach and violation of the victim's Right to Life and Personal Liberty enshrined in Article 21 of the Constitution of India⁶⁹⁴; (ii) crimes of sexual abuse, kidnappings and like offences whereby the victim's personal information must not be made public⁶⁹⁵; (iii) denial of medical treatment to victims of accident-related crimes⁶⁹⁶; (iv) victims of custodial⁶⁹⁷ and penal violence⁶⁹⁸ and illegal detention⁶⁹⁹; (v) issues of a lack of fair trial by restricting a victim from taking part in the criminal proceedings against the offender⁷⁰⁰; (vi) victims and survivors of torture⁷⁰¹ and several other cases of a similar scope. These cases essentially entail the right of crime-victims to receive compensation for the transgressions enacted against them.

Therefore, any victim-centred legal approach to be implemented and followed should be flexible and comprehensive, offering not just compensation but also legal, psychological, and rehabilitative support. It should ensure transparency and accountability in assistance-related budget allocations, recognizing that justice extends beyond court judgments to include the well-being of victims. Victims have a

right to expect that the State will punish offenders and compensate them, even if the justice system fails to convict. Justice should aim to reform offenders and rehabilitate victims, making victim compensation a duty of the State and a fundamental human right.

INDIAN VICTIM ASSISTANCE FRAMEWORK

The sacrosanct foundation to the CJS in India, the Constitution has enumerated in its provisions the importance of Victim Assistance Program ("VAP"). From the Fundamental Rights enshrined in Part III to the Directive Principles of State Policy ("DPSP") enshrined in Part IV, requisite importance has been given to VAPs and the need to serve the citizens according to their crime-victimization. Article 21 plays a crucial role in protecting citizens from any deprivation to their life and liberty. Article 38 lays down the foundation for a social order that works towards the welfare of the people in all socio-economic aspects. Article 41 dictates the need for the state to "secure public assistance in cases of disablement and in other cases of undeserved want".⁷⁰² Several other provisions of the Constitution are also applicable when in totality, meaning, that they provide an overarching understanding beyond the comprehensive provisions that have been previously mentioned.

Besides the Constitution, the Code of Criminal Procedure, 1973 ("CrpC") has also played a vital role in its recognition of victim assistance by way of compensation⁷⁰³–

- Section 250 allows magistrates to order complainants or informants to compensate individuals falsely accused without reasonable cause.
- Section 358 empowers courts to order compensation for wrongful arrests caused by someone's actions.
- Section 357 allows courts to grant compensation to victims and order payment of

⁶⁹⁴ Shri Bodhisattwa Gautam v. Miss Subhra Chakraborty 1996 SCC (1) 490; Delhi Domestic Working Women's Forum v. Union of India and Ors. 1995 SCC (1) 14

⁶⁹⁵ R. Rajagopal v. State Of Tamil Nadu 1994 (6) SCC 632

⁶⁹⁶ Pravat Kumar Mukherjee v. Ruby General Hospital and Ors. II (2005) CPJ 35 (NC)

⁶⁹⁷ Smt. Nilabati Behera @ Lalit Behera v. State of Orissa and Ors. 1993 AIR 1960

⁶⁹⁸ Shri D.K. Basu, Ashok K. Johri v. State of West Bengal, State Of U.P 1997 (1) SCC 416; State of MP v. Shyamsunder Trivedi (1995) 4 SCC 262

⁶⁹⁹ Rudul Sah v. State of Bihar and Anr. 1983 AIR 1086

⁷⁰⁰ Rekha Murarka v. State of West Bengal 2020 (2) SCC 474

⁷⁰¹ NATIONAL HUMAN RIGHTS COMMISSION INDIA, *Project on Prevention of Torture*, <https://nhrc.nic.in/press-release/project-prevention-torture> (accessed on 20 Mar. 2024)

⁷⁰² *Supra* note 5 (*Paradigm Shift*), at 3.

⁷⁰³ *Ibid*; Barcelona Panda, *Victim's Right to Rehabilitation: India, UK, and US Experience*, <http://www.manupatra.com/roundup/348/Articles/Article%20Victim.pdf>. (accessed on Mar. 15 2024) (*Victim Rehabilitation*)

prosecution costs, but this is at the discretion of the sentencing court and is paid from the fine recovered. It must be noted that prosecution is *sine qua non* for an order of compensation.⁷⁰⁴

• Section 357A allows for State Governments to work with the Central Government to formulate a scheme for crime victim compensation. Here, a victim can be compensated and rehabilitated as per the courts' discretion but without the necessity of the offender's conviction as under Section 357. Specifically, Section 357 and Section 357A have played a primary role in the advancement of VAPs in India-

Section 357A, as introduced by the 152nd Law Commission Report⁷⁰⁵, later recommended by the 154th Law Commission Report⁷⁰⁶ as being necessary to the CJS and further brought into existence via the 2008 Amendment to the CrPC⁷⁰⁷, formulated the Central Victim Compensation Fund Scheme ("CVCF") which coordinates both the Central and State Governments to prepare schemes to provide funds to crime-victims. As of right now, 24 States and 7 Union Territories have partaken in this scheme. The key objectives of the scheme are- (i) to support and supplement the existing Victim Compensation Schemes notified by States/UT Administrations, (ii) to reduce disparity in quantum of compensation amount notified by different States/ UTs for victims of similar crimes, and (iii) to encourage States/UTs to effectively implement the Victim Compensation Schemes (VCS) notified by them under the Section 357A of the CrPC and continue financial support to victims of various crimes especially sexual offences including rape, acid attacks, crime against children, human trafficking, etc.⁷⁰⁸ Furthermore, when any recommendation is made by Courts to compensate crime-victims, the District Legal Service Authority or the State Legal Service

Authority shall decide the appropriate compensation amount to be awarded to the victim.

Section 357 has provided in a catena of cases how important it is for courts and the CJS to- (i) provide compensation to the victim's family in consideration of the crime⁷⁰⁹ and also in cases of death of the victim⁷¹⁰; (ii) fine in proportion to the offense⁷¹¹; (iii) consider the nature of crime, gravity of the victim's injury⁷¹², capacity of accused to pay⁷¹³ and the justification for such payment of compensation, all in totality when determining the compensation⁷¹⁴; (iv) consider the reconciliation of the victim and offender if deemed necessary in light of reasonable compensation⁷¹⁵; and (v) award the victim additional compensation in situations of grievous injury and harm.⁷¹⁶

Additionally, Section 5 of the Probation of Offenders Act, 1958 creates the requirement that offenders may be asked by Courts to pay their victims the compensation for the damages caused as well as for the costs of approaching the CJS, upon the offender's probationary period. Authorities are also actively developing new laws to support and protect vulnerable groups like women, children, elderly, and even the indigenous with a focus on preventing their suffering. [Protection of Women from Domestic Violence Act, 2005; The Maintenance and Welfare of Parents and Senior Citizens Act, 2007; Prevention of Caste-Based Victimization and Protection for Victims: The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989; National Commission for Protection of Child Rights (NCPCR)].⁷¹⁷

Focus was deemed necessary in furthering justice to victims of crime and to also bring

⁷⁰⁴ Dr. Justice A.S. Anand, *Victims of Crime- the unseen side*, (1998) 1 SCC (Jour) 3; Hari Krishnan and Anr. v. Sukhbir Singh and Ors AIR 1988 SC 2127

⁷⁰⁵ Law Commission of India, 152nd Report on Custodial Crimes (1994)

⁷⁰⁶ Law Commission of India, 154th Report on the Code of Criminal Procedure, 1973, 63.

⁷⁰⁷ Amendment to the Code of Criminal Procedure, Act 5 of 2009, § 28

⁷⁰⁸ VIKASPEDIA, vikaspedia.com/CVCF (accessed on 18 Mar. 2024)

⁷⁰⁹ Palaniappa Gounder v. State of Tamil Nadu AIR 1977 SC 1323 (*Palaniappa*); Suba Singh v. Davider Kaur AIR 2011 SC 6163

⁷¹⁰ Guruswamy v. State of Tamil Nadu 1979 Cr LJ 704

⁷¹¹ *Supra* note 25 (*Palaniappa*)

⁷¹² Bipin Bihari v. State of Madhya Pradesh 2005 Cr LJ 2048 MP;

⁷¹³ Rachhpal Singh v. State of Punjab 2002 Cr LJ 3540 SC; *Ibid*

⁷¹⁴ Sarwan Singh v. State of Punjab AIR 1978 SC 1525

⁷¹⁵ Hari Krishnan and Anr. v. Sukhbir Singh and Ors. AIR 1988 SC 2127

⁷¹⁶ Manjappa v. State of Karnataka 2007 SCCL COM 599

⁷¹⁷ Bhumika Datwani, Shrutii Kakkad, *Criminal Justice System in India: Emerging Dimensions*, 5(2) INDIAN J LAW HUM BEHAV, 183-190 (2019).

about reformation to the actions of the offender- to shatter the cycle of offenders committing subsequent offenses and to utilize rehabilitation programs to support offenders and their families. This exactly, was the main aim of the Malimath Committee of 2003 that was constituted to direct the CJS towards more intricate and better enactment of justice to victims of crime and to provide for their restitution in times of loss of limb, life, and property.⁷¹⁸ The Committee formed the basis of the status of victims of crime in India and how they must be given restitution or compensation. It must be noted that the term 'compensation' has been used egregiously by the Indian courts to refer to 'restitution' whereby an offender pays damages for the harm caused to the victim. Therefore, the victims are compensated by method of restitution and even by real compensation wherein the money is given to the victim by the state on behalf of the offender or any other agency in this regard.⁷¹⁹

There have been issues however with the existing procedure, with its time-consuming nature and the rigors of such procedure to be followed before a victim is compensated. The offender's culpability must first be established through a criminal trial and then civil proceedings must be initiated to ascertain the proper amount for compensation as the compensation under Section 357 is not adequate in all prevalent cases involving crime-victims. These two trials must be combined to shorten the waiting period for justice as well as to reduce the burden on the victim in availing what is truly their right.⁷²⁰ Inroads into VAPs and related jurisprudence is the need of the hour.

Indubitably, it is the quality of the governing structure in a democratic country, that helps determine how the CJS is to be administered.⁷²¹

Without an established governing structure to handle the needs of the aggrieved many, it will be impossible to coalesce the innovations in the VAPs with their efficacy and efficiency therefore, achieving their potential to its fullest.

LEARNINGS FROM SCANDINAVIA AND SINGAPORE

SCANDINAVIA

Scandinavian nations have been at the forefront of criminal justice reform. They lead with the aim of providing various methods of rehabilitation to offenders as well as victim assistance. The CJS in these nations believe in the efficacy of rehabilitation over punishment whereby instead of drawn-out criminal proceedings that eventually lead to lengthy incarcerations, these countries emphasize the use of rehabilitation programs to help offenders re-enter society with a renewed morals and ethics. These programs address the underlying causes of crimes such as addiction, mental health issues, financial instabilities, and other backgrounds with the primary goal of reducing recidivism. Scandinavian CJSs prioritize victim rights and support by providing victims of crime with institutions for counselling, financial compensation and having a say in the criminal trial of the offenders. To these CJSs, imprisonment or incarceration is the last resort and emphasis is rather placed on alternative forms of reformation such as fines, community service or by acts that help determine an offender's probation. Even with fines, they factor in the offenders' means of payment and their income, to ensure that their release back into society does not leave them in a debilitating financial condition where they may regress back into recidivism. Public policy has also played an important role in the enforcement of the CJS whereby the Scandinavian nations have decriminalized some minor offences such as drug possession for personal use or have even de-penalized petty thefts and similar offenses. This gives the law enforcement bodies more

⁷¹⁸ Report of the Committee on Reforms of the Criminal Justice System, Government of India Ministry of Home Affairs (*Malimath Committee Report*). 'THE VISION FOR THE FUTURE,' Para 23.3

⁷¹⁹ *Supra* note 5 (*Paradigm Shift*), at 4

⁷²⁰ *Supra* note 20 (*Victim Rehabilitation*), at 13

⁷²¹ Justice P.V. Reddi (2006), *Role of the Victim in the Criminal Justice Process*, 18(1) NATIONAL LAW SCHOOL OF INDIA REVIEW, (2006).

leeway and helps them focus on the more serious and pertinent crimes at hand.⁷²²

SCANDINAVIAN VAPS

SWEDEN

The Swedish Crime Victim Authority (Brottsoffermyndigheten)⁷²³ and the Crime Victim Fund (Brottsofferfonden) were established in 1994 as part of one of its largest crime victim reforms. Its main goal is to promote crime-victims' rights and to draw attention to their needs and interests. Through the Fund, it also allocates appropriate criminal injury compensation and provides funding to help other research projects with a crime-victim orientation. This further evolved into the Swedish National Council for Crime Prevention. This institution now offers information and resources for victims of crime, including a victim support hotline and a website with details on rights and compensation programs. The support for crime-victims has also been internationalized, professionalized, and standardized to a large extent and specialised support has been developed for different groups such as children, young people, and the elderly.⁷²⁴

Other avenues for victim assistance have been made for victims of specific crimes such as violence, including domestic violence, sexual assault, and human trafficking. The National Association for Victim Support (Riksorganisationen för Kriscentrum och Tjejjourer – ROKS) is one such avenue.⁷²⁵

FINLAND

The Victim Support Finland ("RIKU") is an organisation based on cooperation agreement which started its operations in 1994 and is

maintained by the Finnish Red Cross and several other like institutions. It provides information, crisis intervention, and counselling to victims of crime. They also offer legal aid and help victims with navigating the CJS in Finland.⁷²⁶ It is important to note that RIKU is a member of the European umbrella organisation, the Victim Support Europe that works on behalf of all victims of crime across Europe. RIKU's impact factor lies in its publishing of a book- the Manual for Victims of Crime as well as several other guides to help victims of crime, which has essential codified its VAPs and made it readily available to the public.

NORWAY

The Norwegian National Knowledge Center on Violence and Traumatic Stress ("NKVTS") is an institution that provides information, support groups, and counselling to victims of crime and violence. They develop and spread knowledge about violence and traumatic stress. Its purpose is to help prevent and reduce the health and social consequences that violence and trauma can have on a person. They also offer training programs for professionals working with victims.⁷²⁷

Additionally, during the COVID-19 pandemic Norway opened shelters for victims of domestic violence and studied the situations of victims to help provide more adequate resources if necessary.⁷²⁸ This follows in line with the agenda served by the Norwegian Association for Women's Rights or the Norsk Kvinnesaksforening ("NKF"), Norway's oldest and preeminent women's and girl's rights organization. This association also offers legal aid and support to victims of sexual and domestic violence as part of its aim to promote gender equality and all

⁷²² Tapio Lappi-Seppälä, *Penal Policies in the Nordic Countries 1960-2010*, JOURNAL OF SCANDINAVIAN STUDIES IN CRIMINOLOGY AND CRIME PREVENTION, 85-111 (2012).

⁷²³ Brottsoffermyndigheten, CRIME-VICTIMS' AUTHORITY, <https://www.brottsoffermyndigheten.se/> (accessed on 14 Feb. 2024)

⁷²⁴ C. Gallo, & K. Svensson, *Victim Support and the Welfare State*. ROUTLEDGE (2019); Sara Thunberg et. al, *Knowledge about and handling of crime-victims in Sweden- Report from a national gathering on cultural victimology*, 5 (2021).

⁷²⁵ Helmersson, Sara, *Mellan systemskap och behandling: Omförhandlingar inom ett förändrat stödflät för våldutsatta kvinnor*, LUND DISSERTATIONS IN SOCIAL WORK UPPL. [Doktorsavhandling (monografi), Socialhögskolan] (2017).

⁷²⁶ Rikosuhripäivystys Brottsofferjouren (RIKU), <https://www.riku.fi/en/victim-support-finland/> (accessed on 11 Jan. 2024)

⁷²⁷ National Knowledge Center on Violence and Traumatic Stress, <https://www.nkvts.no/> (accessed on 11 Jan. 2024)

⁷²⁸ Solveig Bergman et. al, *Norwegian Shelters for Victims of Domestic Violence in the COVID-19 Pandemic- Navigating the New Normal*, 37 (6) J FAM VIOLENCE, 927-937 (2022).

women and girls' human rights through political and legal reform.⁷²⁹

DENMARK

The Danish Centre against Human Trafficking, the Danish Immigration Service and the International Organization for Migration are key agencies that coordinate victim assistance and protection through measures of special accommodation (in case of trafficked men and women), extended access to medical services, access to legal counselling and assistance, psychological support and an assisted voluntary return and reintegration scheme.⁷³⁰

The National Centre for Victims of Crime (Trykkefonden) is another institution that helps provides information about victims of crime and associate them accordingly with support groups to assist them in every manner. They also offer legal aid, crisis intervention and financial compensation subject to the gravity of the situation.⁷³¹ Additionally, the National Organization of Women's Crisis Centers ("LOKK") is another such institution that works in tandem with the Danish Victim Support Network (Landsorganisationen af Kris centre og Voldstilbud – LOKV) to act as a common mouthpiece to improve political framework so that shelters for crime-victims have the best conditions of living to offer.⁷³²

SINGAPORE

Singapore, on the other hand, has been globally recognized for its strict CJS and stringent policies that contributes immensely to its low crime rates. Their main aim, unlike Scandinavia is deterrence rather than rehabilitation. Singapore enforces strong penalties, including corporal punishment, for a wide range of

offenses to deter both offenders as well as potential offenders. The government of Singapore prioritizes maintaining public safety and social order through strict enforcement practices. It has even implemented programs to identify and help support youth at-risk of entering a crime-stricken path over the due course of time.⁷³³

SINGAPOREAN VAPs

The Victim Care Cadre ("VCC") program where volunteers work with the Singapore Police Force to support victims of crime, including victims of sexual crimes or other serious offences, is a great scheme that involves community engagement in crime prevention and victim support initiatives. Volunteers are taught to provide emotional support and guidance to victims throughout the investigation process as well as the court proceedings. These volunteers are also only selected after having undergone an intensive selection and training course as well as a screening before they are appointed for a 2-year minimum period.

Similarly, the Ministry of Social and Family Development also has enacted out programs that emphasise the importance of mental health and the need for support in this area. These programs go beyond just legal aid and offer services to help crime-victims cope with the emotional impact of the crime. Furthermore, considering how Singapore utilizes restorative justice practices in certain circumstances, we can see cases where the victim, offender and a facilitator come together to discuss the crime and find solutions that ensure accountability and promote the victim's healing and the reconciliation of both the offender and victim. This reconciliation is the essence of Victim-Offender Mediation ("VOM").

The proposal to include VOM into the criminal justice system is a modest one. It envisions VOM at the early stages of charging and pre-

⁷²⁹ Norwegian Association for Women's Rights, <https://www.kvinneobby.no/en/member-organisations/norwegian-association-for-womens-rights/> (accessed on 11 Jan. 2024); https://en.wikipedia.org/wiki/Norwegian_Association_for_Women%27s_Rights (accessed on 10 Jan. 2024)

⁷³⁰ Harmonised Operational Framework, https://bsr-trm.com/wp-content/uploads/2020/11/CBSS_Denmark2.pdf, (accessed on 25 Mar. 2024)

⁷³¹ Offer Radgivningen, <https://offerraadgivning.dk/om-offerraadgivning/>, (accessed on 25 Mar. 2024)

⁷³² LOKK, <https://www.lokk.dk/om-os/om-lokk/>, (accessed on 26 Mar. 2024)

⁷³³ Stronger Criminal Laws, Better Protection for the Vulnerable - Ministry of Home Affairs, <https://www.mha.gov.sg/home-team-news/story/detail/stronger-criminal-laws-better-protection-for-the-vulnerable> (accessed on 28 Mar. 2024)

sentencing, where VOM complements the current CJS. In this way, victim-survivors whose cases would have otherwise dropped out of the system now have an avenue to seek justice, and offenders can directly restore the harm caused to their victim-survivors in a bid to make things right. Empirical data from various jurisdictions also provide promising results that VOM might decrease recidivism rates and improve satisfaction in the criminal justice system. With the proposed introduction of VOM into the criminal justice system, it is hoped that criminal justice in Singapore can be more holistic. Under our current system, with crime being envisioned as an offence against the state, victim-survivors are often ignored or side-lined in the criminal justice process. It is hoped that VOM can allow them to be active participants in the process by providing them with an avenue to explain the direct and severe impact the offence had on their lives, seek restoration for the harm caused, and ideally, heal from the incident.⁷³⁴

A COMPARATIVE ANALYSIS

Established models of VAPs in Scandinavia and Singapore must be observed within their own socio-economic contexts. A direct comparison with India will not be feasible considering the different social and societal contexts that these countries operate within. The success of the Scandinavian and Singaporean models is based on certain similar as well as contrasting factors. Scandinavian models are more individualistic in lieu of their society's emphasis on independence, self-reliance, and personal responsibility, while Singaporean models like India are more collectivistic with emphasis on group harmony, conformity to norms and the role of the government in social and economic planning. According to Hofstede's Individualism Index, Scandinavian countries score much higher indicating their individualism while Singapore scores lower indicating firmly its prioritization of the collective over the

individual.⁷³⁵ All these nations do exhibit both individualistic and collectivistic tendencies. However, when seen in its totality, these nations are categorized as being individualist or collectivist. It must also be noted that both Scandinavian countries and Singapore have a higher public spending on social welfare programs than India. Additionally, the vast difference in culture is also another major factor. The formulation of the VAPs must incorporate adequate sensitivity to cultural differences as what works well in an individualistic society like Scandinavia or even in a collectivistic society like Singapore may need an adaptation in order to apply to Indian culture and society.

SUGGESTED INNOVATIONS IN VAPs IN INDIA

India can incorporate the best practices of both the Scandinavian and Singaporean regions to revitalize its own model on VAPs. Using these practices, the lacunae in the implementation of VAPs can be filled. A step-by-step benchmarking process in tracking these changes will help measure the effectiveness of the implemented best practices and also identify areas that require further focus. Some of the suggested best practices are-

- (i) Placing greater emphasis on the individual victim by empowering them through mental health support and counselling by highly-qualified practitioners;
- (ii) Developing specialized training for law enforcement and judicial personnel on victim sensitivity and trauma-based practices (similar to the Singaporean model);
- (iii) Establishing national helplines with multilingual support that can direct victims to receiving appropriate legal advice and information as well as codifying instructions to crime-victims on the way forward by use of literature resources (following the RIKU model of Finland);

⁷³⁴ Charmaine Qi Shan, *Rethinking Justice: Introducing Victim-Offender Mediation For Sexual Offences In Singapore*, 39 SINGAPORE LAW REVIEW (2021-2022), 227-228 (2021)

⁷³⁵ Geert Hofstede, *Culture's Consequences: Comparing Values, Behaviors, Institutions and Organizations across Nations*, 209-272 (2001)

(iv) Partnering with NGOs and like institutions to expand community outreach to provide social support and resources for victims, therefore applying the collectivistic spirit of Indian society.

(v) Creating more comprehensive reports and statistics on crime prevalence while ensuring that the method of obtaining information about victims is appropriate and where the authorities making such reports are easily approachable by victims of such crime (preventing societal vindication)

(vi) Building better witness protection programs to safeguard individuals who are cooperating with ongoing investigations;

(vii) Ensuring a more stringent application of laws to identify offenders while also placing heavier reliance on more reformatory and alternative punishments as opposed to plain incarceration and penalization;

(viii) Discussing existing challenges in the execution of the current VAPs as well as the potential challenges on implementation of the aforementioned suggestions.

CONCLUSION

Victim Assistance Programs in India are on a promising path. By learning from established programs in Scandinavia and Singapore, India can create a more comprehensive and effective support system for victims of crime. An overhaul of the existing VAPs in India is not necessary considering the efficacy of existing programs. However, there is a clear need for the refinement of these programs so that crime-victims can get the justice and closure they deserve. It has been observed already that crime rates are not particularly accurate considering the incidence of 'under-reporting' by victims of crime. However, if the victims of crime are guaranteed better protection, exposure to rehabilitative best practices and other programs to their benefit, they will more likely than not, be inclined to report the crime acted against them. Therefore, the crime rates may also increase which will eventually lead to better judicial practices in convicting the

criminals and therefore, in rehabilitating and assisting the victims, thus, greatly benefiting the CJS and considerably improving its implementation.

A major factor as to what works in Scandinavian countries, which are mainly individualistic, is that these practices have a social and societal background to them, meaning that the practices are specific to the individual and then followed by a societal guarantee. This model offers valuable insights on empowering victims, prioritizing swift trauma-responses and informed care for victims while also employing a rights-based approach. Similarly, Singapore being a collectivist nation possesses a strong CJS and strong social norms are a major factor in giving the victims the support they need and require. They have a lower tolerance for crime while also having VAPs that are better founded than Indian VAPs. These programs demonstrate the effectiveness of community engagement, restorative justice practices and ensuring quick justice to the deprived victims. Learning from these examples, India too can improve considerably by implementing the best practices that these nations have to offer. To ensure that victims duly receive the justice they deserve, a focus on streamlining procedures and maximising support is key. The existing institutions must prioritize empathy and well-being of the crime-victims. Additionally, the application processes and formalities must be simplified. The CJS must not be a burden on the victims of crime. Thus, by embracing innovation and building on the successful models, India can usher in a renaissance in victim assistance where it ensures that these victims have the support they need to heal, avail compensation for their tragedies and to rebuild their lives from new beginnings.