

***BILKIS YAKUB RASOOL V. STATE OF GUJARAT: AN ANALYSIS OF THE VICTIM  
COMPENSATION SCHEME IN INDIA***

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**I. Introduction**

TO UNDERSTAND the rigours of law, one needs to understand the role and functions of the Criminal Justice System. Unfortunately, it is quite complex and filled with lacunas leaving the victims of crime in a state of confusion and frustration. Before we proceed, we must first understand the meaning and definition of a victim. Article 1 of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985,<sup>1</sup> defines the term Victim as:

persons who, individually or collectively, have suffered harm including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.

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<sup>1</sup> UN General Assembly, *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, GA Res 40/34, GAOR, UN Doc A/Res/40/34 (November 29, 1985).

Article 2 of the UN Declaration of 1985<sup>2</sup> states that a person may be considered a victim, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted and regardless of the familial relationship between the perpetrator and the victim. The term victim also includes, where appropriate, the immediate family or dependents of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization. In the Indian context, the term victim has been defined under section 2 (wa)<sup>3</sup> of the Criminal Procedure Code, 1973 (*hereinafter* referred to as ‘CrPC’). It defines a victim as:

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.

Thus, the victim is a person who has suffered any loss/injury or death due to a particular act. This act could be in any form whether emotional, psychological, physical, or monetary. A need for an effective mechanism is felt to help address the procedures and functions of the system which can aid the victims in securing justice. It seems that the victim is often a forgotten and a neglected party during the entire trial process. The accused has more rights and faster access to the whole process than the victim. The concept of a fair trial is probably limited to the accused. The case of *Bilkis Yakub Rasool v. State of Gujarat*<sup>4</sup> (*hereinafter* referred to as ‘*Bilkis Bano*’) discussed in the case comment displays how concepts such as justice delivery mechanism of the courts and equality before the law function.

The Constitution of India has several provisions which endorse the principle of victim compensation. The constellation of clauses dealing with Fundamental Rights written in Part III of the Constitution and the Directive Principles of State Policy written in Part IV of the Constitution laid the foundation for a new social order in which social and economic justice flow in the national life of the country<sup>5</sup>. The Constitution has several provisions for e.g. articles 14, 21, 38, 39(A), and 41 which endorse the principle of victim compensation. There are various other acts like the Protection of Women from Domestic Violence Act, 2005, The Maintenance and Welfare of

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<sup>2</sup> *Ibid.*

<sup>3</sup> Sec 2(wa) was inserted through the Code of Criminal Procedure (Amendment) Act, 2008.

<sup>4</sup> Writ Petition (Crl) no. 118 of 2003, Supreme Court of India.

<sup>5</sup> The Constitution of India, art. 38.

Parents and Senior Citizens Act, 2007, and Protection of Children from Sexual Offences Act, 2012 which have been enacted by the Parliament of India to help aid the victims of crime.

Until the 1970's the victims of crime were not considered as an essential part of the criminal justice system. Over the past few decades, the study of Victimology has witnessed a huge growth and has also initiated change in many countries including India on how to deal with victims of crime. During the court process, victims, their family members, and significant others may experience re-traumatization as a result of the court proceedings that bring up memories, emotional reactions, and psychological disturbance. A need to help the victims of crime was in the mind of the legislature and the judiciary, and thus emerged the concept of Victim assistance services<sup>6</sup>. Victim Assistance Services could be defined as government initiatives that provide information and aid to persons who have suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime. Victim assistance services at the court level are provided during the hearings and focus primarily on case notification and advocacy, witness testimony, and crisis intervention. Another major component of victim assistance is the grant of compensation to victims of crimes. The compensation may aid the victim in rehabilitation and restitution. The term Compensation<sup>7</sup> is defined as:

an act which a court orders to be done, or money which a court or other tribunal orders to be paid, by a person whose acts or omissions have caused loss or injury to another, in order that thereby the person damnified may receive equal value for his loss, or be made whole in respect of his injury.

In the case of *Bilkis Bano*, it took seventeen years of struggle, seventy-three prosecution witnesses, a nomadic life, no livelihood for a grant of an exemplary compensation. April 23, 2019 is marked as a historical win by the legal fraternity and social activists. It was on this day, that the Supreme Court of India granted the highest ever compensation to a gruesome rape and communal violence victim, to a mother who lost a child and a family who fought for Justice.<sup>8</sup> This has left us pondering

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<sup>6</sup> Government of India, "Committee on Reforms of Criminal Justice System" (Ministry of Home Affairs, 2003).

<sup>7</sup> *Black's Law Dictionary* (West Publishing Company, 6th edn., 1990).

<sup>8</sup> "Who is 2002 Gujarat riots survivor Bilkis Bano?" *Indian Express*, April 23, 2019 available at: <https://indianexpress.com/article/who-is/who-si-bilkis-bano-5690419/> (last visited on August 19, 2020).

whether the compensation granted to *Bilkis Bano* was adequate in response to the mental and physical trauma she faced?

Through this case comment, the authors are trying to put forward the irregularities in the process of the Justice delivery system. The system itself needs a nudge in the right direction for proper functioning. This is an attempt by the authors to understand the complexities and hardships faced by the victims of crime despite numerous policies and legal protection available to them.

## II. Facts of the case

In 2002, *Bilkis Bano* was living with her husband Yakooob Rasool Patel and a minor daughter, Saleha, aged three and a half years. On February 27, 2002, the members of the Muslim community allegedly killed a large number of Hindu Kar Sevaks on account of the burning of the Sabarmati Express at Godhra Station. This led to large scale riots in the state of Gujarat. *Bilkis Bano* along with her family members fled her village of Randhikpur as there were incidents of arson and looting being reported in their village. While on their way to a village called Sarjumi, a horde of twenty-five people carrying swords, lathis and sickles attacked *Bilkis Bano* and her family members. One of the attackers snatched *Bilkis Bano*'s three and a half years old daughter from her and smashed her head on the ground. Her first-born daughter, Saleha, was butchered to death in front of her eyes. *Bilkis Bano* was raped by those men while she was five months pregnant and her family members were killed while she was unconscious. After regaining consciousness, she hid on a hillock for her safety throughout the night and an Adivasi woman helped clothe her. Thereafter she met a home guard who took her to the police station at Limkheda. The police officials tried to cover up her case by first refusing to file her complaint, then threatened her with dire consequences. They tried to silence her to protect the accused. Not being someone who would lose hope easily, she filed a petition in the Supreme Court of India with the help of an activist, to transfer the case to the Central Bureau of Investigation (*hereinafter* referred to as 'CBI'). Looking at the gravity of the situation and the matter at hand, the Supreme Court transferred her trial from the State of Gujarat to Maharashtra.

In the trial court, charges were filed against nineteen men which also included six police officials and one government doctor who had tried to cover up her case. In 2008, the trial court convicted eleven men and sentenced them to life imprisonment while seven were acquitted due to lack of evidence. In the appeal filed in the Bombay High Court by the accused, the High Court upheld the conviction of the eleven men and set aside the acquittal of the seven people due to lack of evidence. On April 23, 2019, the Supreme Court in *Bilkis's* case held the following:<sup>9</sup>

Taking into account the totality of the facts of the case, we are of the view that compensation of Rs.50,00,000/- (Rupees fifty lakh only) to be paid by the State Government within two weeks from today, on proper identification, would meet the ends of justice. Coupled with the aforesaid relief, we deem it proper to further direct the State Government to provide the appellant with an employment under the State, if she wishes so and is inclined, and also to offer her government accommodation at a place of her choice, if she is willing to live in such accommodation.

Thus, after a long battle of seventeen years, *Bilkis Bano* finally received compensation from the Supreme Court of India keeping in view the pain, agony and torture faced by her. Though the compensation, accommodation, and a job could not heal the scars of that horrible day, an attempt was made to help them fade.

### III. Failure of the Criminal Justice System

The *Bilkis Bano* case portrayed examples of failure of the Criminal Justice System. Even though there was an offence covered under section 376(2)(e)<sup>10</sup> & (g)<sup>11</sup> of the Indian Penal Code (*hereinafter* referred to as 'IPC'), there was no record of crime registration due to overload of work. The summary report was filed on flimsy grounds. There was no inquest panchnama as required by law. Dead bodies were left unguarded at the scene of the crime. Threats of administering poisonous injections were made. It took six years for eleven accused to be convicted. All these errors rightly displayed the irregularity within our Justice System. It posed a question upon the sacred principle of Natural Justice.

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<sup>9</sup> *Supra* note 6.

<sup>10</sup> The Indian Penal Code, 1860 (Act 45 of 1860), s.276(2) (e).

<sup>11</sup> *Id.*, s.276(2) (g).

The Involvement of too many agencies within the Criminal Justice system during a trial process and the lack of training and expertise of officials in their field, forced the highest court of Justice to intervene even though there were numerous guidelines for the smooth award of compensation. The National Crime Records Bureau (*hereinafter* referred to as ‘NCRB’) report of 2016 showed that only 38,947 cases of rape were reported, when in reality the number was quite high.<sup>12</sup> A report submitted by the National Legal Service Authority (*hereinafter* referred to as ‘NALSA’) to the Supreme Court of India in the year 2018 displayed startling figures i.e. only 5-10 % of sexual assault victims across the country got compensation under the various schemes set by the government.<sup>13</sup> Prior to the compensation granted to *Bilkis Bano*, a sum of Rupees thirteen lakhs<sup>14</sup> was awarded as the highest monetary compensation to a rape victim in *Ms. Z v. State of Bihar*.<sup>15</sup>

This Court had earlier directed that she should be paid compensation under the Victims Compensation Scheme as framed under Section 357-A of the Code of Criminal Procedure. She has been paid Rs. 3,00,000/- as she has been a victim of rape. It may be clearly stated that grant of compensation for the negligence and the suffering for which the authorities of the State are responsible is different as it comes within the public law remedy and it has a different compartment. Keeping in view the mental injury that the victim has to suffer, we are disposed to think that the appellant should get a sum of Rs. 10,00,000/- (Rupees ten lakhs only) as compensation from the State and the same shall be kept in a fixed deposit in her name so that she may enjoy the interest. We have so directed as we want that money to be properly kept and appropriately utilized.

Being a rarest of the rare case of gang rape and communal violence, the compensation awarded to *Bilkis Bano* is considered to be the highest but is inadequate when compared to the trauma she had to undergo for the past 17 years. The amendment of the CrPC in 2008, whereby section 357(A) was inserted ought to have brought some relief to her yet *Bilkis Bano* wasn’t provided with any

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<sup>12</sup> National Crime Records Bureau, Ministry of Home Affairs (2016) Crime in India 2016 Statistics, *available at*: <http://ncrb.gov.in/StatPublications/CII/CIH2016/pdfs/NEWPDFs/Crime%20in%20India%20-%202016%20Complete%20PDF%20291117.pdf> (last visited on August 19, 2020).

<sup>13</sup> National Legal Services Authority (2018) “Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes-2018”, *available at*: [https://nalsa.gov.in/sites/default/files/document/VC\\_SCHEME.pdf](https://nalsa.gov.in/sites/default/files/document/VC_SCHEME.pdf) (last visited on August 20, 2020).

<sup>14</sup> Rs. 10 lakhs were granted by the Supreme Court and Rs. 3 lakhs were claimed under section 357(A) of CrPC.

<sup>15</sup> Civil Appeal No. 10463 of 2017, Supreme Court of India.

support or rehabilitation. Section 357(A) of the Code of Criminal Procedure talks about the Victim Compensation Scheme and states as follows:

1. Every State Government in co-ordination with the Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who, require rehabilitation.
2. Whenever a recommendation is made by the Court 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 scheme referred to in sub-section (1)
3. If the trial Court, at the conclusion of the trial, is satisfied, that the compensation awarded under section 357 is not adequate for such rehabilitation, or where the cases end in acquittal or discharge and the victim has to be rehabilitated, it may make a recommendation for compensation.
4. Where the offender is not traced or identified, but the victim is identified, and where no trial takes place, the victim or his dependents may make an application to the State or the District Legal Services Authority for the award of compensation.
5. On receipt of such recommendations or on the application under sub-section (4), the State or the District Legal Services Authority shall, after due enquiry award adequate compensation by completing the enquiry within two months.
6. The State or the District Legal Services Authority, as the case may be, to alleviate the suffering of the victim, may order for immediate first-aid facility or medical benefits to be made available free of cost on the certificate of the police officer not below the rank of the officer in charge of the police station or a Magistrate of the area concerned, or any other interim relief as the appropriate authority deems fit.

#### **IV. International Scenario *vis-a-vis* Victim Compensation**

In spite of the gravity and nature of the offence, the process to avail compensation in India remains a major issue. Restrictive eligibility criteria, a long ambiguous procedure followed for fund disbursement forces the victims and their family members to lose faith in the System. In contrast,

countries like the United Kingdom, the decision to award compensation is made within twelve months by the Criminal Injuries Compensation Authority<sup>16</sup> and its appellate body Criminal Injuries Compensation Tribunal.<sup>17</sup> The Criminal Injuries Compensation Authority which is sponsored by the Ministry of Justice of the United Kingdom was set up to handle the claims of the victims who have suffered mental and physical abuse. Claims have to be made to the authority within two years from the date of commission of the crime or two years from the date of filing the report with the police. The authority awards a grant of compensation of more than 200 million pounds every year.<sup>18</sup> To help aid the victims of crime, the United States of America passed a federal legislation called the Victim of Crimes Act in 1984. Under this act, a fund called Crime Victims Fund was established through which a victim of rape, assault, child sexual abuse, domestic violence is entitled to apply for financial help. The most unique aspect of this fund is that it does not use the tax payers money but rather is financed by various penalties and offences levied upon the offenders who have been convicted of the same crime. As of 2018, the fund is over \$18 billion USD with more than \$3.4 billion USD being used to assist victims of crimes across the country.<sup>19</sup> Prior to the Victim of Crimes Act, 1984 there were hardly any programmes for compensation of victims. The first well known compensation programme in the United States of America for victims of rape and sexual assault was created in the State of California in the year 1965 and thereafter by 1972 there were nine more states who had established such programmes. As of today, the average compensation granted to a victim is about \$25,000 USD with some states granting more while some states granting a lesser compensation.<sup>20</sup>

## V. Indian Scenario vis-a-vis Victim Compensation

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<sup>16</sup> Criminal Injuries Compensation Authority, *available at*: <https://www.gov.uk/government/organisations/criminal-injuries-compensation-authority> (Last visited on October 29, 2020).

<sup>17</sup> Criminal Injuries Compensation Tribunal *available at*: <https://www.gov.uk/criminal-injuries-compensation-tribunal> (Last visited on August 20, 2020).

<sup>18</sup> Legal Expert.co.uk (2020) How Much Compensation For A Rape Victim Claim?, *available at*: <https://www.legalexpert.co.uk/how-to-claim/how-much-compensation-for-rape-victim/> (Last visited on June 17, 2021).

<sup>19</sup> Office For Victims of Crime, Crime Victims Fund, *available at*: <https://www.ovc.gov/about/victimsfund.html> (Last visited on October 29, 2020).

<sup>20</sup> National Association of Crime Victim Compensation Board “Crime Victim Compensation: An Overview”, *available at*: <http://www.nacvcb.org/index.asp?bid=14> (Last visited on June 15, 2021).



In India, before the victim is granted compensation by the court after adjudicating the case, there exists a concept of interim compensation introduced under the ambit of victim support and assistance. In *Bilkis Bano's* case the State of Gujarat had offered an interim compensation of Rupees Five lakhs. This compensation was 1/10<sup>th</sup> of the total compensation which was granted to her. Thus, the efficacy of interim compensation remains doubtful.

After directions were passed by the Supreme Court of India to the Central Government to empower victims of crime and claim compensation under section 357 and 357(A) of CrPC, our Justice system has failed to provide any such relief to victims. In 2016, the NCRB reported 1,33,000 cases of rape pending trial.<sup>21</sup> Although there are 400 Fast Track courts specifically set up to hear and dispose of rape cases, the NCRB statistics tell a different story. The aim of such courts is to reduce the pendency of cases and dispense speedy justice, but *Bilkis Bano's* case has questioned the efficacy of these courts.

Post the Nirbhaya incident<sup>22</sup> in 2012, the Government of India (*hereinafter* referred to as 'GoI') established the Nirbhaya Fund<sup>23</sup> in 2013, with an initial corpus of Rs. 1000 crores. In 2015, to ward off the criticism over non-utilization of the Nirbhaya Fund, the GoI formulated the Central Victim Compensation Fund<sup>24</sup> (*hereinafter* referred to as 'CVCF') by amending the CrPC and inserting section 357 A. The CVCF was also set up to streamline the compensation amount in various states for different categories of crime. The GoI issued guidelines for the CVCF in 2015 and allocated Rs 200 crores from the Nirbhaya Fund to this scheme. The CVCF was aimed at harmonizing the state schemes. Under this scheme, the highest amount of Rs 28.10 crores was released to Uttar Pradesh followed by Rs 21.8 crores to Madhya Pradesh. After the CrPC amendment, each and every state made its own Victim Compensation scheme, which has a fixed structure of giving compensation. In public law remedy, the Criminal Justice System has

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<sup>21</sup> *Supra* note 19.

<sup>22</sup> TOI- Online, "What is Nirbhaya case?" *Times of India*, December 18, 2019, available at: <https://timesofindia.indiatimes.com/india/what-is-nirbhaya-case/articleshow/72868430.cms#:~:text=On%20the%20dark%20and%20cold,a%20neighbourhood%20in%20South%20Delhi> (Last visited on September 29, 2020).

<sup>23</sup> Framework for Nirbhaya Fund, available at: [https://wcd.nic.in/sites/default/files/Approved%20framework%20for%20Nirbhaya%20Fund\\_0.pdf](https://wcd.nic.in/sites/default/files/Approved%20framework%20for%20Nirbhaya%20Fund_0.pdf) (Last visited on September 29, 2020).

<sup>24</sup> Central Victim Compensation Fund Scheme, available at: [https://www.mha.gov.in/sites/default/files/CVCFguideliness\\_141015\\_2.pdf](https://www.mha.gov.in/sites/default/files/CVCFguideliness_141015_2.pdf) (Last visited on September 29, 2020).

recognized the shift from retribution to restitution. Section 357 of CrPC thus, fulfils the idea of payment of compensation by the offender.

The development of modern criminology, especially victim rights, has seen an expansion in substantive and procedural laws because of the insertion of section 357A of CrPC. Section 357C of CrPC talks about the treatment of victims, all victims must be treated by a public or private hospital and cannot be refused treatment. It states as follows:

All hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims of any offence covered under section 326A, 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or section 376E of the Indian Penal Code, and shall immediately inform the police of such incident.

Further, section 166B of IPC talks about punishment for non-treatment of victims and states as follows:

Whoever, being in charge of a hospital, public or private, whether run by the Central Government, the State Government, local bodies or any other person, contravenes the provisions of section 357C of the Code of Criminal Procedure, 1973, shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

These sections have been devised in such a manner that they promote a right based remedy. Because of such provisions, victims can be rehabilitated and the victim can request the State or District Legal Services Authority for the award of compensation.

As an aftermath of the Nirbhaya incident, a writ petition titled *Nipun Saxena v. Union of India*<sup>25</sup> was filed in the Supreme Court of India seeking immediate compensation for victims of sexual assault. The Supreme Court directed NALSA to set up a committee of about four or five persons who could prepare Model Rules for Victim Compensation for sexual offences and acid attacks.

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<sup>25</sup> Writ Petition (Civil) No. 565/2012, Supreme Court of India.

*Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes*<sup>26</sup> was a result of the said writ petition. Under this scheme, a woman victim or her dependent (s) as the case may be, shall be eligible for grant of compensation from multiple schemes. However, the compensation received by her in the other schemes with regard to section 357(B) CrPC, shall be considered while deciding the quantum in the subsequent application. The Court further directed that the states can grant higher compensation but the compensation granted by the state cannot be lesser than what has been stated by NALSA in its scheme. In this scheme, a minimum compensation of Rupees five lakhs and an upper limit of Rupees ten lakhs is to be granted for loss of life. For victims of gang rape, a minimum compensation of Rupees five lakhs is to be granted with an upper limit of Rupees ten lakhs. For victims of rape, a minimum compensation of Rupees four lakhs with an upper limit of Rupees seven lakhs is to be granted. Furthermore, for victims of unnatural sexual assault a minimum compensation of Rupees four lakhs and an upper limit of Rs. five lakhs is to be granted.

However, the implementation of these initiatives remains a major problem. Lack of awareness could be seen in the number of victims of crime availing such schemes, *Bilkis Bano's* case has been a classic example. If we adopt the UK based system<sup>27</sup> and notify the victims of crime within the prescribed period, the burden on Courts would lessen and speedier justice could prevail in turn fastening the compensation process. In cases where the accused is not found guilty or is not traced, the victim needs to be rehabilitated and a recommendation may be made by the Court for compensation. In the present case, *Bilkis Bano*, struggled for both. The justice system has visualized the awards of victim assistance as an important methodology, not only to redress the violation caused but to also act as a deterrent tool. The days are over where the only responsibility of the state was to conduct a trial and punish the accused. Today, the state also has to look after the welfare of the victims. They are now also considered as a part of the criminal justice administration. This new approach of the justice system to perceive the victims through the lens of humanism has made it easier for the victims to come forward and seek justice. The role of victim assistance as a basic human right is being recognized in modern criminology.

## VI. Steps to fasten the Compensation Process

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<sup>26</sup> *Supra* note 20.

<sup>27</sup> *Supra* note 26.

Recently, the *Pollachi*<sup>28</sup> sexual abuse incident triggered widespread protests across the state of Tamil Nadu with students and advocates demanding stern action against the accused in the case. A nineteen-year-old girl was forcibly disrobed by four men in a car and a video of the act was shot. They threatened to leak her video if she refused to give them money or perform sexual favours for them. When the perpetrators tried to blackmail her, she revealed her ordeal to her family. Thereafter, the victim's brother tracked down two of the perpetrators and unearthed a sexual violence and blackmail racket. The Tamil Nadu government gave priority to the case by transferring it to the CBI. The CBI with its resources would be swiftly able to unravel the sexual violence and blackmail racket that has victimised a number of young women. The Pollachi sexual abuse case is considered to be the first case that has been transferred to the CBI, keeping the essence of Natural Justice intact.

In order to speed up the compensation process, the police officials should immediately inform the State or District Legal Services Authority after lodging the First Information Report (*hereinafter* referred to as 'FIR'). By giving more power to the State or District Legal Services Authority regarding grant of compensation, the burden on the appellate courts can be decreased. Cases like sexual assault, rape *etc.* are unfortunately prosecuted through the same channel of the system as other criminal trials which thereby renders the compensation cases in years of delay. Further, faulty investigation processes cause more mental distress to the victims. The trials can be concluded in a summary proceeding manner thereby avoiding mental and emotional trauma to the victims and maintaining the sanctity of a fair trial. Setting up a compensation award panel, based on prima facie evidence will reduce the delays to award compensation and would minimize the appeals made to the Courts of Record.

## VII. Conclusion

There are several questions that need to be asked here. Firstly, if the compensation granted to victims is proportionate to the degree of suffering, harassment and rejection endured by them.

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<sup>28</sup> Explained Desk, "Explained what is Pollachi Sexual Abuse Case" *Indian Express*, March 25, 2019, available at: <https://indianexpress.com/article/explained/explained-what-is-pollachi-sexual-abuse-case-5641667/> (Last visited on September 29, 2020).

Secondly, if the Legislature has set up a time-frame for the investigation process to be completed and compensation schemes have been introduced on Central as well State levels, why do cases like *Bilkis Bano* become headlines? One of the major reasons is the bureaucratic red-tapism. Even if the victim files for compensation, it is never released within the stipulated time. On September 30, 2019, approximately six months after the order of April 23, 2019, the Supreme Court of India heard the contempt petition<sup>29</sup> filed by *Bilkis Bano*. Even though the Supreme Court of India had directed the state government of Gujarat to pay *Bilkis Bano* her monetary compensation of Rs. Fifty lakhs along with a government job and a government accommodation, the Gujarat government did not abide by the order and failed to perform its duty. The Supreme Court of India thereafter directed the state government of Gujarat to grant the aforementioned reliefs accorded to *Bilkis Bano* within two weeks from the date of the order.

The impact of crime on the people affected by it can be profound. Victims may suffer from physical, mental, emotional and financial harm, from which some may never recover. Injuries may be threatened or inflicted upon victims, witnesses or their families, and threats may even be made against lives. Victims who receive appropriate and adequate care and support are more likely to cooperate with the criminal justice system in bringing the perpetrators of crime to justice. However, the inadequacies of the criminal justice system mean that victims are unable to access the services they require and may even be re-victimized by the criminal justice system itself. The goal of dispensing justice unfortunately fails due to various lacunae that exist between the law enforcement agencies. Judgments like in the case of *Bilkis Bano* have raised the bar for all the victims of crime but the hardships faced by them in order to be heard makes the criminal justice system partially liable, if not equally.

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<sup>29</sup> *Bilkis Yakooob Rasool v. Dr. Jagdip Narayan (IAS), Chief Secretary, Govt of Gujarat*, Contempt Petition (Civil) No. 1018 of 2019 in Criminal Appeal Nos. 727-733 of 2019, Supreme Court of India.