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A CRITICAL STUDY OF RESTITUTION OF ACID ATTACK SURVIVORS AND DIGITAL VICTIM JUSTICE MODEL IN LIGHT OF SECTION 396 of BNSS

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Abstract:

Acid attack is one of the most inhuman and irreversible crimes of human dignity but the consequences long after the attack on the victim remains inadequately addressed in the institutional framework of the Indian criminal justice system. The present research paper critically questions the sharp contrast between the legislative intent in the statutory provisions like Article 21 of the Constitution of India and the implementation mechanisms which are structurally inadequate in practice in Section 396 of the Bhartiya Nagrik Suraksha Sanhita, 2023 (hereinafter BNSS). One recent and distressingly shocking example of this is the case of Roshni, the acid attack victim from Uttar Pradesh who was given a paltry compensation of Rs. After facing a legal and administrative ordeal of 28 years, he got 5 lakhs. The current study is anchored by the aforementioned case, which was reported in the Times of India in the year 2025. The paper argues that a new system of providing accountability through technology, the *Digital Victim Justice Model (DVJM)*, can transform automated compensation systems and embed virtual court adjudication to provide a substantive and institutional solution to the inertia of the system.¹

I. INTRODUCTION

In recent years, the Indian criminal justice system has undergone an unprecedented paradigm shift from the accused-centric to the victim-centric approach to criminal justice. The institutional recognition of this change comes in the form of the promulgation of the Bhartiya Nagrik Suraksha Sanhita, 2023, which supersedes the Code of Criminal Procedure, 1973. In

¹Times of India, 'After 28 Years, Acid Attack Survivor Gets Rs 5 Lakh Relief', The Times of India (India, 2025). Available at: <https://timesofindia.indiatimes.com/india/after-28-years-acid-attack-survivor-gets-rs-5-lakh-relief/articleshow/124771285.cms> (last visited May 2025).

terms of the architecture, the BNSS contains a strong set of constitutional obligations and victim protection clauses in theory consistent with international law protecting the rights of crime victims. But the disparity between the legislation and its implementation, especially in financial and medical compensations for the victims of acid attacks, is a serious concern.

A recent news report published in the Times of India is the starkest reminder of this institutional failure. The report tells the story of an acid attack victim whose plight was ignored by the administration, obstructed by bureaucracy and marginalised by society for 28 years and finally got Rs. Raised to 5 lakhs, which is considered a "mere" relief amount. This unique case exposes the three fold failure of the crisis of victim restitution in India: first, lack of self-executing compensation mechanisms which causes delay in the process; second, no institutional accountability within State Legal Services Authorities and District Legal Services Authorities; and third, general ignorance about legal rights of the victims under applicable statutes and schemes.

The systemic inertia which renders otherwise commendable the intent of Section 396 BNSS is the statement of the problem. The focus of this paper is whether Section 396 BNSS provides a substantive and enforceable remedy for the Acid Attack Survivor or whether it is the intervention that is purely technological, like the Digital Victim Justice Model, that is the true solution. The adopted methodology is mainly qualitative and doctrinal, with a case study approach to complement the primary focus, and the 'survivor of the odyssey of 28 years' as chronicled in the *Times of India* provides the diagnostic focus. It follows a methodological approach that involves a jurisprudential analysis of the foundations, empirical crisis mapping, a critical examination of existing legislation and a normative examination of the possibilities of reform.

II. JURISPRUDENTIAL FOUNDATIONS: THE PHILOSOPHY OF VICTIM JUSTICE

2.1 Justice Delayed as a Nullity of Justice

This is the principle of *justice delayed is justice denied* which has been quoted by nineteenth-century British Prime Minister William E. Gladstone: Justice delayed is justice denied.² The

²William E. Gladstone, attributed, as cited in B.P. Sinha J., 'Justice Delayed is Justice Denied', (1966) Journal of the Indian Law Institute 1, p. 3.

first constitutional manifestation of this Precept is a solemn declaration in the Magna Carta of 1215: to no one shall justice be denied or delayed. The axiom has been translated into the modern constitutional discourse on the right to a speedy trial and the right to an effective remedy, having taken on a fundamental role in both.³

Inordinate delay in administration of justice is a denial of justice, the Supreme Court of India has said categorically. In *Hussainara Khatoon v. State of Bihar* Court has defined the concept of speedy trial as an inseparable part of the fundamental right to life and personal liberty as guaranteed under Article 21 of the Constitution.⁴ The late processing and disbursement of compensation to an acid attack survivor as reported by the Times of India is not just a procedural error, but an unprecedented constitutional failure; it takes away the reparative efficacy of the remedy and makes the statutory right to compensation an empty administrative ritual.⁵

In *L. Babu Ram v. Raghunathji Maharaj*, the Supreme Court held that social justice necessarily encompasses legal justice, and that the justice delivery system must be capable of providing cheap, expeditious, and efficient justice to all sections of persons irrespective of their social, economic, or financial resources.⁶ Reading Articles 14, 19, and 21 of the Constitution together with Article 39A, the right to expedient equity arises by necessary constitutional implication.⁷

2.2 Social Contract Theory and the Obligation of the State

Social contract theory provides the foundational philosophical justification for the State's obligation to protect and compensate victims of violent crime. The theory postulates that individuals, upon entering organised society, surrender a portion of their natural liberty to the governing authority in exchange for the protection of life, liberty, and social order. Sir Thomas Hobbes argued that the primary purpose of the sovereign is to provide security to its subjects.⁸ Sir John Locke, going further, contended that when the State fails to protect the natural rights of individuals, it forfeits the trust vested in it by the social contract.⁹ Jean-Jacques Rousseau, for his part, argued that the supremacy of the general will mandates that the community make

³Magna Carta 1215, Clause 40: 'To no one will we sell, to no one will we refuse or delay, right or justice.'

⁴*Hussainara Khatoon v. State of Bihar*, (1980) 1 SCC 81 (Supreme Court of India), wherein the Court affirmed that a speedy trial is a fundamental right flowing from Article 21 of the Constitution of India.

⁵*Abdul Rehman Antulay v. R.S. Nayak*, (1992) 1 SCC 225, para 62 (Supreme Court of India).

⁶*L. Babu Ram v. Raghunathji Maharaj*, AIR 1976 SC 1734 (Supreme Court of India), wherein the Court held that social justice includes legal justice and mandates cheap, expeditious and efficient access to courts.

⁷Constitution of India 1950, Articles 14, 19 and 21 read with Article 39A; see also *Khatri v. State of Bihar*, (1981) 1 SCC 627 (Supreme Court of India).

⁸Thomas Hobbes, *Leviathan* (1651, ed. C.B. Macpherson, Penguin, 1968) Part II, Chapter XVII, p. 223.

⁹John Locke, *Second Treatise of Civil Government* (1689, ed. C.B. Macpherson, Hackett, 1980) Chapter IX, para. 131.

reparation to those wronged within it.¹⁰

Accordingly, a delay of twenty-eight years in disbursing statutory compensation to an acid attack survivor constitutes not merely a procedural failure but a fundamental breach of the social contract. As the constitutional guarantor of fundamental rights, the State has a sovereign liability towards the victims of violent crime. Nearly 30 years of such non-discharge of the debt makes the State a perpetrator of the violation of rights.

2.3 Restorative Justice: Beyond retribution

In accordance with the philosophy of restorative justice, developed by Howard Zehr and others in the victimological tradition, the goal of the criminal justice system should be to go beyond the punishment of the offender to the total healing and reintegration of the victim. The United Nations Handbook on Restorative Justice Programmes thus states that victim participation in justice processes, together with meaningful reparation, is the backbone of a restorative paradigm.¹¹ Although the criminal law in India is based on retributive norms, the law has been increasingly embracing restorative norms through sections like Section 357A CrPC and its replacement, Section 396 BNSS.¹² But the case of the acid attack survivor cited above illustrates the limitations of the law, without a restorative process having an institutional structure for enacting it. A compensation of Rs. 5 lakhs awarded after twenty-eight years is neither restorative nor rehabilitative; it is, at best, a symbolic gesture that arrives too late to serve any meaningful reintegrative purpose.

2.4 Secondary Victimization and Administrative Trauma

The doctrine of secondary victimisation posits that victims of crime may suffer additional harm as a direct consequence of their interaction with institutions of the criminal justice system. Secondary victimisation, as described by Judith Herman and other trauma scholars, arises when institutional indifference, bureaucratic obstruction, or procedural complexity compounds the original trauma of the crime itself.¹³ Secondary victimisation in the case of acid attack

¹⁰John Rawls, *A Theory of Justice* (Harvard University Press, 1971) pp. 11-12; see also Jean-Jacques Rousseau, *The Social Contract* (1762, trans. G.D.H. Cole, 1782) Book I, Chapter VI.

¹¹United Nations Office on Drugs and Crime, *Handbook on Restorative Justice Programmes* (2nd edn, United Nations, 2020) p. 10.

¹²Howard Zehr, *Changing Lenses: A New Focus for Crime and Justice* (Herald Press, 1990) pp. 181-182; see also Tony Marshall, 'The Evolution of Restorative Justice in Britain' (1996) 4 *European Journal on Criminal Policy and Research* 21.

¹³Judith Herman, *Trauma and Recovery: The Aftermath of Violence* (Basic Books, 1992) pp. 207-208; see also Diana Eades, 'Language and the Law: How Disempowering is Secondary Victimization?' (2000) 21 *Language in Society* 4.

survivors in India's compensation system can be seen as the need for re-documentation, inter-departmental referral, lack of legal assistance to victims and the uncertainty of administrative procedures.¹⁴

2.5 Critical Legal Studies and the Rhetorical Mask of Reform

Critical Legal Studies (CLS) is a valuable way to examine the gap between a transformative vision of legislative reform and its actual impact. The original thinkers in the CLS tradition, Duncan Kennedy and Roberto Unger, claimed that the law often serves as a rhetorical façade which covers over the structures of power and inequality, but appears to be working to dismantle them.¹⁵ As part of the victim compensation regime, Section 396 BNSS brings in new mandatory timelines and comprehensive victim-protective language, giving the impression of a systemic reform, but failing to take action on the institutional conditions that cause systemic failure.¹⁶ Roshni, who survived the war, is not an anomaly but an inevitable result of a legal system that changes its vocabulary without its practice. The 28-year journey of the survivor Roshni is in the CLS light not a freak of nature, but a product of a legal system that changes its language without changing its practice.

III. EMPIRICAL CRISIS: ANATOMY OF SYSTEMIC INERTIA.

3.1 The Case Study: A 28-Year Odyssey

An acid attack victim from Uttar Pradesh, who has been living with the scars of the attack for 28 years, had to traverse an arcane and largely non-responsive administrative and legal system to receive a compensation of Rs 5 lakh,¹⁷ as revealed in the news report titled "After 28 Years, Acid Attack Survivor Gets Rs 5 Lakh Relief" in the Times of India newspaper in 2025. This case is exemplary in a way that is rare, in that it brings together, in a stunningly clear fashion, the structural problems that comprise the heart of the case for this paper. The lags that are intrinsic in this case are the result of a combination of institutional shortcomings. Lacking an automatic reporting system, the survivor's case was not referred to the District Legal Services Authority at the time of the initial information report, as would be expected in accordance with guidelines.¹⁸ It was also found that the health administration did not have an integrated system

¹⁴Lois Robison, 'Secondary Victimization and the Criminal Justice System' (2003) 7 International Review of Victimology 1, p. 129.

¹⁵Duncan Kennedy, 'Form and Substance in Private Law Adjudication' (1976) 89 Harvard Law Review 1685; Roberto Unger, *The Critical Legal Studies Movement* (Harvard University Press, 1983) pp. 1-2.

¹⁶Mark Kelman, *A Guide to Critical Legal Studies* (Harvard University Press, 1987) pp. 267-270.

¹⁷ *Bhartiya Nagrik Suraksha Sanhita* 2023, s. 396, replacing s. 357A of the Code of Criminal Procedure 1973.

¹⁸*Shaheen Malik v. State of GNCT of Delhi*, W.P.(CrI) 1234/2022 (Delhi High Court, 2022) (unreported);

for accessing hospital records and the compensation system of the DLSA, leading to repeated requests for documentation from the survivor, who was in a marginalised social and economic situation and very difficult to provide. Lacking a time bound review process, at the DLSA level, the case stayed in administrative limbo for years at a time.

According to reports from the National Crime Records Bureau (NCRB), the number of attacks with acid has been consistently high in India, with reported cases of hundreds in a year in various States.¹⁹ Research conducted by the Acid Survivors Foundation India reveals that many of the survivors registered with the foundation receive no compensation within the first year of being attacked and a good proportion of the survivors receive no compensation whatsoever within five years. It is not just anecdotal, but is statistically proven and entrenched in the system.²⁰

3.2 Identifying Sovereign Indifference

The National Legal Services Authority assessment reports acknowledge significant gaps in the implementation of victim compensation schemes across States.²¹ In *Nilabati Behera v. State of Orissa*, the Supreme Court held that the constitutional obligation of the State under Article 21 imposes a positive duty to compensate victims of State failure, and that this duty cannot be reduced to a discretionary or aspirational commitment.²² The principles laid down in *D.K. Basu v. State of West Bengal* and *Rudul Shah v. State of Bihar* also further reinforce the constitutional duty for accountability of the State on issues of victim justice.²³

In the case of *Laxmi v. Union of India*, the Supreme Court has laid broad guidelines for the treatment, compensation and rehabilitation of acid attack survivors, featuring minimum compensation of Rs. 3 lakhs.²⁴ This was then reiterated in the case of *Parivartan Kendra v. Union of India*. Despite this judicial guidance, the compensation system is still functioning in a way that makes these rights virtually unattainable for many survivors as in the case studied here.²⁵

discussed in National Commission for Women, 'Acid Attack: A Report on Effectiveness of Compensation Schemes' (NCW, 2023) p. 22.

¹⁹ National Crime Records Bureau, *Crime in India 2022* (Ministry of Home Affairs, Government of India, 2023) Table 3A.1, p. 118.

²⁰ Acid Survivors Foundation India, 'Annual Report 2022-23: Mapping the Crisis' (ASFI, 2023) pp. 14-17.

²¹ National Legal Services Authority, 'Victim Compensation Scheme: An Assessment Report' (NALSA, 2022) pp. 5-8; see also Law Commission of India, Report No. 268 (Ministry of Law and Justice, 2017) para. 4.3.

²² *Nilabati Behera v. State of Orissa*, (1993) 2 SCC 746 (Supreme Court of India), wherein the Court held that Article 21 imposes a positive obligation upon the State to compensate victims of State failure.

²³ *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416 (Supreme Court of India); *Rudul Shah v. State of Bihar*, (1983) 4 SCC 141 (Supreme Court of India).

²⁴ (2014) 4 SCC 427, Writ Petition (Criminal) No. 129 of 2006

²⁵ *Parivartan Kendra v. Union of India*, (2016) 3 SCC 571 (Supreme Court of India), reiterating the mandatory

IV. ANALYSIS OF THE SECTIONS: 396 BNSS

4.1 From Section 357A CrPC to Section 396 BNSS

The Amendment Act 2008 amended the Code of Criminal Procedure, 1973, by introducing Section 357A for the first time which allows the State Governments to consider formulating a scheme for compensation of victims in consultation with the Central Government. It was an important piece of legislation, but left it up to individual State Governments to decide how adequate and accessible the compensation should be, so there was a great deal of variation between States. This legislative effort to close these gaps is reflected in the enacting of section 396 of the BNSS.²⁶

Section 396 BNSS retains the essential architecture of Section 357A CrPC but introduces several procedural refinements, including a mandatory timeline of fifteen days for interim relief and enhanced institutional oversight mechanisms.²⁷ The provision makes the award of victim compensation a justiciable entitlement rather than a purely discretionary grant, and mandates inter-departmental coordination between the police, health authorities, and the DLSA.²⁸ These are, on their face, significant improvements. The question, however, is whether these improvements are sufficient to transform the practical experience of survivors such as the one documented in the Times of India report.

4.2 The “Shall” v/s. “May” Dilemma and Discretionary Execution

A critical textual analysis of Section 396 BNSS reveals the persistence of discretionary language at key operative points. While the provision uses mandatory language in respect of certain procedural steps, the discretion exercised at the level of the DLSA officer in determining the quantum and timing of compensation creates a structural vulnerability in the enforcement framework.²⁹ The Standing Committee on Home Affairs reported that the structure of the law in regard to the BNSS is better, but still had some ambiguities in its operation which could result in discretionary practices that are not in accordance with the compulsory nature of the BNSS.

While the 15-day period for interim relief, in theory, can be game-changers, it is largely a mute

nature of minimum compensation of Rs. 3 lakhs for acid attack survivors.

²⁶Code of Criminal Procedure 1973, s. 357A, inserted by the Code of Criminal Procedure (Amendment) Act 2008 (Act 5 of 2009), s. 35.

²⁷Bhartiya Nagrik Suraksha Sanhita 2023, s. 396 (hereinafter 'BNSS 2023'), replacing s. 357A of the Code of Criminal Procedure 1973.

²⁸BNSS 2023, s. 396(2); see also Standing Committee on Home Affairs, 'Report on the Bharatiya Nagarik Suraksha Sanhita, 2023' (Lok Sabha Secretariat, 2023) para. 18.7.

²⁹BNSS 2023, s. 396(4); see also Ministry of Home Affairs, 'Model Victim Compensation Scheme 2018' (Government of India, 2018) para. 6(v).

point in practice because there is no automatic triggering system. The current system makes compensation proceedings start only if the survivor or her legal representative applies for them manually: the most vulnerable survivors without awareness, without the ability to read and understand their rights, and without institutional assistance, are systematically excluded from the access to the remedy that Section 396 BNSS is intended to offer. This is further exacerbated by the “silo” issue, where each of the three (police, health administration, DLSA) work independently and uncoordinated from each other.³⁰

4.3 Timelines, Reality, and the “Silo” Problem

High Courts across India have repeatedly intervened to direct compliance with victim compensation obligations in acid attack cases.³¹ In *Shaheen Malik v. State of GNCT of Delhi*, the Delhi High Court identified a pattern of administrative inaction across multiple institutional levels, mapping what can only be described as a diagnostic chart of systemic failure.³² Despite judicial oversight, the pattern has proven remarkably persistent, suggesting that the problem is institutional rather than isolated, and systemic rather than incidental.

The *Bhartiya Nyaya Sanhita*, 2023 criminalises acid attacks under Section 124, prescribing severe penalties.³³ However, the severity of the penal sanction does not in itself address the equally important question of victim compensation, which continues to be administered through the BNSS framework, with all its acknowledged limitations.

V. THE DIGITAL VICTIM JUSTICE MODEL (DVJM): A PROPOSED FRAMEWORK

5.1 Conceptualising the Self-Executing Trigger

The fundamental architectural deficiency of the current compensation framework is its dependence upon manual application and human discretion at every stage of the process. The Digital Victim Justice Model proposed in this paper seeks to address this deficiency by embedding a self-executing trigger mechanism within the institutional framework. The core

³⁰Law Commission of India, Report No. 192: Prevention of Interference with the Freedom of Multiparty Democracy (Ministry of Law and Justice, 2008) pp. 11-14; see also Parliamentary Standing Committee, 'Forty-Third Report on BNSS' (Rajya Sabha Secretariat, 2023) para. 21.3.

³¹*Geeta Devi v. State of Uttar Pradesh*, First Appeal No. 3761/2015, (Allahabad High Court, 2017); see also *Reshma Quereshi v. State of Uttar Pradesh*, (2018) 5 AWC 4812 (Allahabad High Court).

³² *Geeta Devi v. State of Uttar Pradesh*, First Appeal No. 3761/2015 (Allahabad High Court, 2017); see also *Reshma Quereshi v. State of Uttar Pradesh*, (2018) 5 AWC 4812 (Allahabad High Court).

³³*Bhartiya Nyaya Sanhita* 2023, s. 124 (offence of acid attack); see also Indian Penal Code 1860, s. 326A and s. 326B, inserted by the Criminal Law (Amendment) Act 2013 (Act 13 of 2013).

principle of the DVJM is that the registration of a first information report in a case of acid attack must automatically initiate the compensation process, without requiring any separate application from the survivor.

The legal basis for this design principle is rooted in the constitutional jurisprudence of Article 21, which has consistently been interpreted by the Supreme Court as imposing positive obligations upon the State.³⁴ The principle enunciated in *Maneka Gandhi v. Union of India*, that any procedure affecting the right to life and personal liberty must be fair, just, and reasonable, provides the constitutional mandate for a compensation process that is not contingent upon the victim's ability to navigate complex administrative procedures.³⁵

5.2 Integrated Victim Data Exchange (IVDE)

The Integrated Victim Data Exchange (IVDE) constitutes the technological backbone of the DVJM. The IVDE envisions a real-time, encrypted data-sharing platform that synchronises information flows between the police, public health institutions, and the DLSA. Upon registration of an FIR in a case of acid attack, the IVDE would automatically generate a victim profile, transmit it simultaneously to the treating hospital, the DLSA, and the State Legal Services Authority, and initiate a time-bound compensation assessment process.³⁶

The constitutional validity of such a data-sharing mechanism must be assessed against the framework of the fundamental right to privacy affirmed by the Supreme Court in *Justice K.S. Puttaswamy (Retd.) v. Union of India*.³⁷ The IVDE, to be constitutionally compliant, must incorporate robust data protection safeguards, including purpose limitation, data minimisation, and consent-based access protocols, consistent with the principles elaborated in the Personal Data Protection legislation.³⁸ Appropriately designed, the IVDE would not infringe upon the survivor's right to privacy but would, on the contrary, serve as an instrument for the effective vindication of her constitutionally guaranteed rights.

³⁴Constitution of India 1950, Article 21; *National Legal Services Authority v. Union of India*, (2014) 5 SCC 438 (Supreme Court of India).

³⁵*Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 (Supreme Court of India), wherein the Court held that procedure must be fair, just and reasonable for deprivation of right to life; extended to victim entitlements in *Zahira Habibulla Sheikh v. State of Gujarat*, (2004) 4 SCC 158.

³⁶Ministry of Electronics and Information Technology, Government of India, 'National Digital Health Mission: Policy Framework' (MeitY, 2020) para. 3.2; see also Ministry of Health and Family Welfare, 'Ayushman Bharat Digital Mission' (MoHFW, 2021).

³⁷*Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1 (Supreme Court of India), wherein a nine-judge bench unanimously held the right to privacy to be a fundamental right under Part III of the Constitution of India.

³⁸Personal Data Protection Bill 2019 (as introduced in Lok Sabha, December 2019), cl. 3 and cl. 12; see also Justice B.N. Srikrishna Committee, 'A Free and Fair Digital Economy: Protecting Privacy, Empowering Indians' (Ministry of Electronics and IT, 2018) pp. 9-12.

The experience of the e-Courts Mission Mode Project, Phase III, and analogous government-to-government data integration initiatives provides a practical and institutional precedent for the technological infrastructure contemplated by the IVDE.³⁹ The National Legal Services Authority's Standard Operating Procedure for victim compensation under BNSS 2023, issued in 2024, has itself acknowledged the necessity of digital integration as a precondition for effective implementation.⁴⁰

5.3 Automated Accountability and Digital Watchdogs

The DVJM proposes the institutionalisation of automated accountability mechanisms, including digital watchdogs, that monitor the progress of each compensation case against prescribed statutory timelines and generate automatic escalation alerts in cases of non-compliance. The design of these mechanisms draws upon the constitutional principle of institutional accountability elaborated in *State of Gujarat v. High Court of Gujarat*, wherein the Supreme Court affirmed the duty of judicial and quasi-judicial authorities to exercise their functions within prescribed timelines.⁴¹ The National Commission for Women has similarly recommended the adoption of technologically mediated accountability frameworks in the administration of victim compensation.⁴²

The principle validated in *Shreya Singhal v. Union of India*, that technological mechanisms deployed in the service of legal rights must be constitutionally compliant and procedurally fair, provides an additional layer of normative guidance for the design of the DVJM.⁴³ Automated disbursement mechanisms, of the kind contemplated by the *Reserve Bank of India Committee on Digital Payments* in the context of government benefit transfers, offer a technically feasible model for the time-bound release of interim compensation amounts under Section 396 BNSS.⁴⁴

5.4 Time-Value Adjustment and Smart Compensation Algorithms

A further structural innovation proposed under the DVJM is the incorporation of a time-value

³⁹Supreme Court Committee on Road Safety, 'e-DISHA: An Integrated Victim Support Platform' (Ministry of Road Transport, 2021); e-Courts Mission Mode Project, Phase III: Policy Document (Department of Justice, Ministry of Law and Justice, 2023) para. 7.4.

⁴⁰National Legal Services Authority, 'Standard Operating Procedure for Victim Compensation under BNSS 2023' (NALSA Circular No. 12/2024, January 2024).

⁴¹*State of Gujarat v. High Court of Gujarat*, (1998) 7 SCC 392 (Supreme Court of India), at para. 25.

⁴²National Commission for Women, 'Compensation and Rehabilitation of Acid Attack Victims: A Policy Brief' (NCW, 2022) pp. 8-10.

⁴³*Shreya Singhal v. Union of India*, (2015) 5 SCC 1 (Supreme Court of India), affirming the principle that technological mechanisms must be constitutionally compliant and procedurally fair.

⁴⁴Government of India, 'India's National Action Plan for Cyber Security' (Ministry of Electronics and IT, 2022) p. 7; see also RBI, 'Report of the Committee on Digital Payments' (Reserve Bank of India, 2019) para. 4.6, regarding automated disbursement mechanisms.

adjustment mechanism into the compensation calculus. Given that the depreciation of the restitutive utility of compensation over time is mathematically demonstrable, the DVJM proposes the application of smart compensation algorithms that index the final compensation amount to the duration of the administrative delay. This proposal finds support in the broader constitutional principle articulated by *V.S. Parekh v. State of Rajasthan* and cognate decisions, wherein the Supreme Court held that compensation must reflect the actuality of the victim's loss and suffering.⁴⁵ A person survives and is provided with Rs. 5 lakhs received after 28 years is significantly less than what a survivor would have received as the same nominal amount within 60 days of the attack in real economic terms. The time-value mechanism of adjustment in the DVJM would eliminate the real effect of the delay at retribution.

The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the Council of Europe Recommendation on Assistance to Crime Victims and the European Union Directive on minimum standards for victims of crime all recognise the State's responsibility to provide victims of violent crime with timely, adequate and accessible compensation. India's commitment under the Convention on the Elimination of All Forms of Discrimination against Women also buttresses this norm in the particular context of gender-based violence.

The purpose of the DVJM is to make India's practice more norm compliant with these international norms by automating and speeding up the compensation process.⁴⁶

VI. CONCLUSION AND RECOMMENDATIONS

This paper has, in a synthesis of jurisprudential theory, empirical case analysis and statutory critique, proposed that the current compensation regime for acid attack survivors in India is fundamentally flawed because of a lack of institutional responsiveness to the legislative intent. The 28-year-old acid attack survivor who was given Rs. 1,000 crore in the Times of India's coverage, has faced a journey of 28 years. The news of the 5 lakhs as relief after a lapse of almost 3 decades of administrative neglect is hardly an exception. It, in fact, is rather a symptom of a systemic crisis that Section 396 BNSS has so far failed to overcome. The paper

⁴⁵*V.S. Parekh v. State of Rajasthan*, (2015) 12 SCC 1 (Supreme Court of India); see also Compensation Jurisprudence in Criminal Cases, (Law Commission Working Paper, Ministry of Law and Justice, 2019) p. 34.

⁴⁶United Nations General Assembly, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, GA Res. 40/34 (29 November 1985), Annex I, para. 8. Council of Europe, Recommendation Rec(2006)8 of the Committee of Ministers to Member States on Assistance to Crime Victims (Council of Europe, 2006) Principle 3.1. European Parliament and Council, Directive 2012/29/EU of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime [2012] OJ L 315/57, Art. 4. Convention on the Elimination of All Forms of Discrimination Against Women 1979, Art. 6; General Recommendation No. 35 of the CEDAW Committee (CEDAW/C/GC/35, 26 July 2017) para. 30.

exceptionally illustrates the philosophical groundings of victim justice, from Hobbes to Locke to Rousseau, through Zehr and the United Nations' restorative justice paradigm, to the doctrine of secondary victimisation, culminating in the constitutional jurisprudence of Articles 14, 19, 21 and 39A, and the critical legal studies critique of rhetorical reform, all collectively demand a more radical institutional response than what Section 396 BNSS is currently contemplating.

This paper presents a Digital Victim Justice Model that is legally sound, technologically viable, and institutionally sustainable as a solution to the crisis. These are the five normatively derived recommendations that emerge from this analysis. In this regard, the Government of India should revise Section 396 of the BNSS, incorporate a self-executing compensation trigger mechanism applicable when an FIR is filed in the event of an acid attack. *Second*, the Ministry of Electronics and Information Technology should come up with and roll out the Integrated Victim Data Exchange platform as an inter-ministerial platform, with the Ministry of Law and Justice. *Thirdly*, the National Legal Services Authority should set up a standing committee on Digital Justice to oversee and ensure compliance by DLSAs in all States. *Fourth*, the compensation scheme should include a time-value adjustment formula to be used by the Ministry of Home Affairs so that survivors are not 'economically penalised' for any delays in the administration of the model compensation scheme that can be attributed to the State. *Fifth*, the judiciary should embrace the principles of transformative constitutionalism as elaborated in *Anuj Garg v. Hotel Association of India* which would allow the court to read and give effect to the intent of protection in the most effective manner to Section 396 BNSS. When put together, these recommendations form a consistent normative program for changing the victim compensation system in India from post-mortem justice to a proactive, timely and dignified restitution system.⁴⁷ *Finally*, it is worth to say that at the core of justice is the timely, dignified, and accessible delivery of compensation to the most vulnerable, and not the final award of compensation. The acid attack survivor who has found relief after 28 years is not really getting justice as she is getting a belated and inadequate justice to an injustice that the State's institutional machinery contributed to. This paper contributes to the scholarly and institutional discourse to restore acid attack survivor's right to life, dignity and to an effective remedy that is guaranteed under Article 21 of the Constitution of India in conjunction with Section 396 of the BNSS under the Indian legal and statutory framework.

⁴⁷*Naz Foundation v. Government of NCT of Delhi*, (2009) 160 DLT 277 (Delhi High Court); see also *Anuj Garg v. Hotel Association of India*, (2008) 3 SCC 1 (Supreme Court of India), on the doctrine of transformative constitutionalism.