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## CASE COMMENTARY: X v. STATE OF NCT OF DELHI

~ *Sampurna Samanta*

**COURT:** Delhi High Court

**BENCH:** Justice S. Ravindra Bhat

**JUDGEMENT DATE:** 27 January 2008

### INTRODUCTION

The landmark case of X v. State of NCT of Delhi<sup>1</sup> is a historic event in the Indian juridical history of victims of sexual assault and the responsibility of the state. The case arose due to a rape case involving a brutal act in one of the toilets of a hospital known as Safdarjung Hospital in New Delhi. What is unique about this ruling is that it is an institutional accountability judgement that covers compensation for the victim and state responsibility for ensuring that justice systems operate with integrity and sensibilities towards survivors. In essence, the Delhi High Court shifted the context of discussing the protection of victims by asserting that the state was also liable for the systemic breakdown in investigating the perpetrators and supporting the victims. The ruling established important tenets on the accessibility of justice, dignity, and compensation to women and has linked constitutional rights to criminal law protections. According to the case, it is clear that in democratic systems, basic rights to security and dignity cannot be compromised even in institutional spaces that are supposed to heal.

### BACKGROUND AND FACTS OF THE CASE

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<sup>1</sup> X v. State of NCT of Delhi, AIR 2008 Delhi 277.

The petitioner visited Safdarjung Hospital on 14 September 2005 to take her sister-in-law to the hospital. Even as her sister-in-law was taking a blood test on the fifth floor, the petitioner utilised the toilet facility at around 11:30 hours. She was pushed against the wall forcefully by an unknown male offender who threatened to be violent with a knife and he raped her. Her gold chain was also stolen by the assailant who ran away. The petitioner moved to the hospital, alerted the hospital staff, and filed a police complaint on the same day, which led to the FIR No. 480/2005 under the IPC Sections 376<sup>2</sup>, 392<sup>3</sup>, 397<sup>4</sup>, 342<sup>5</sup>, 506<sup>6</sup>.

The next enquiry was badly defective. Police apprehended the wrong individual despite the objection of the petitioner. It was a traumatic medical examination, and the doctor who examined her had indicated that she had agreed to the attack. The DNA evidence subsequently found out that the arrested individual was not the one who committed the act, and this made the investigation fundamentally flawed. The petitioner had no legal aid and was not aware of the proceedings of the case. She had suffered various traumatic experiences with the police and had been intentionally deceived when another person who falsely claimed to be a member of the National Commission of Women questioned her. These compounding failures themselves made the legal process a second source of victimisation.

## ISSUES

The questions that the Delhi High Court was addressing concerned:

1. Whether the state had violated its constitutional obligation to safeguard the fundamental rights of the petitioner to life, dignity, and security under Article 21 by negligence in its investigations and deviation from the due process of the law.
2. Whether the petitioner had a right to claim compensation from the state on account of physical violation and institutional failures in both investigation and support of victims.
3. Whether the failure to provide legal assistance contravened the guidelines set by the Supreme Court in *Delhi Domestic Working Women's Forum v. Union of India*.<sup>7</sup>

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<sup>2</sup> Indian Penal Code, § 376, No. 45, Acts of Parliament, 1860 (India).

<sup>3</sup> Indian Penal Code, § 392, No. 45, Acts of Parliament, 1860 (India).

<sup>4</sup> Indian Penal Code, § 397, No. 45, Acts of Parliament, 1860 (India).

<sup>5</sup> Indian Penal Code, § 342, No. 45, Acts of Parliament, 1860 (India).

<sup>6</sup> Indian Penal Code, § 506, No. 45, Acts of Parliament, 1860 (India).

<sup>7</sup> *Delhi Domestic Working Women's Forum v. Union of India*, AIR 1995 SC 1366.

4. Whether or not the state was constitutionally bound to establish victim compensation systems and victim protection systems against sexual violence survivors.
5. Whether the right to anonymity and protection of dignity of the petitioner should be followed during proceedings.

## **RULES**

The court of Delhi drew on the following constitutional and legal principles:

The right to life and personal liberty is ensured in Article 21 of the Constitution. The court viewed this in a broader sense to encompass physical safety, psychological well-being, and respectful treatment by state institutions. Article 14 ensures equality before the law, which is further made to include equal protection and access to justice through institutional mechanisms for all citizens, not only victims of sexual assault.<sup>8</sup> State accountability is the principle that the state should not be able to refuse responsibility for the actions or omissions of the agencies where fundamental rights have been violated as a result of gross negligence. The theory of victimology acknowledges that criminal justice systems need not only be attentive to criminal procedure but also to the rights of the victims. *Delhi Domestic Working Women's Forum v. Union of India* (1995)<sup>9</sup> required rape victims to be provided with free legal assistance and governments to establish Criminal Injuries Compensation Boards to compensate victims.

## **JUDGEMENT**

Justice S. Ravindra Bhat gave a landmark judgement on 27 January 2008 that went beyond the case itself. The court was of the view that the petitioner was denied their fundamental rights as provided under Article 21 by failures in investigation and indifference by the institution. The ruling made it clear that the state had a role in instilling justice and rehabilitative care to the victims of sexual assault. The court acknowledged that the effects of rape go beyond the individual, including psychological trauma, loss of dignity, and shattered personal security, all of which are constitutional violations.

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<sup>8</sup> INDIA CONST. art. 14.

<sup>9</sup> *Delhi Domestic Working Women's Forum v. Union of India*, AIR 1995 SC 1366.

The court awarded 5,50,000 compensations on ground of suffering, trauma, and failures of the state, and 30,000 costs. More importantly, the court order required the government to develop extensive victim compensation packages in consultation with the National Human Rights Commission. The court ordered the protection of the petitioner's identity by anonymisation, i.e., replacing the name of the petitioner with an X in all official documentation. The ruling warranted consideration that the provisions of institutional accountability should ensure that agencies of investigation exercise competence and sensitivity towards the victims.

## **ANALYSIS**

The ruling reflects the innovative development of Indian constitutional law in regard to the rights of victims and state responsibility. The Article 21<sup>10</sup> wider interpretation of psychological dignity by the court was an exception to the strictly procedural criminal justice practices. The constitutional-driven, as opposed to criminal conviction, model of compensation awards victims redress based on a progressive model that appreciates that the victims need redress irrespective of the outcome of criminal proceedings. Emphasis on victim anonymity supports the fact that justice should not compromise on the dignity and privacy of a survivor since which is contrary to the criminal proceedings tendency to further victimise the victim. The instruction to implement systematic victim compensation programs recognises the fact that no judicial intervention will ever be able to replace the institution reforms that will provide predictable and transparent victim support.

The case touches on gender-sensitive aspects of institutional violence, which acknowledges that the state establishments are attested to fail in terms of the protection of women by systemic preferences and the insufficiency of staff training. Legal assistance insistence makes the necessity of equal access to justice an operation that leverages affirmative state support, rather than non-discrimination.

## **AFTERMATH OF THE JUDGEMENT**

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<sup>10</sup> INDIA CONST. art. 21.

The decision triggered a change in criminal justice institutions in Delhi. The Delhi Victim Compensation Scheme was set up by the government, which put in place formalised victim compensation processes even in situations beyond the realm of criminal trials, especially survivors of sexual violence who have to endure extensive investigation processes. Increased police training modules on sensitive and procedural handling of cases of sexual assault came into place.

Nonetheless, implementation issues continued to occur. The compensation schemes to compensate the victims had limited resources and delays. High numbers of victims were not aware of mechanisms to compensate. Although the victim rights assertion of the judgement was enforceable under the law, it faced challenges from police protocols that are used to traditional procedures. The case highlighted the problematic issues of institutional investigation that require changes in hospital protocols and the enhancement of inter-agency coordination.

The resulting decision had a later impact on case laws that dealt with compensation of victims and state responsibility in the future and provided a precedent that gradually came into different cases of court rulings on issues of institution failure that threatened fundamental rights.

## **CONCLUSION**

X v. State of NCT of Delhi confirms that the constitutional rights are not only abstract in nature but also concrete in terms of obligations of the state on the protection of victims and responsibility of the institutions concerned. The fact that Article 21 includes psychological dignity, security, and access to a functional justice system is an important constitutional development by the court. The opinion proves that democratic rule involves substantive dedication to the entitlement of victims and institutional amendment, rather than formal justice practices. The judgement applied the constitutional principles to practical processes that promoted substantive justice by requiring victim compensation programs, legal aid systems, and identity protection systems. Finally, this historic ruling confirms that true justice involves responding to offenders and those against the rule who apply institutional and organisational failures to drain or diminish the dignity of vulnerable citizens in the tutelary state entities.