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Rehabilitation of Rape Survivors in India: A Critical Analysis of the Legal Framework and Implementation Gaps

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Abstract

The rehabilitation of rape survivors has become an important aspect of victim-centred justice in recent years due to the limitations of conventional criminal law in redressing sexual violence. This paper will discuss the rehabilitative measures in the context of rape in India. It will examine the gaps in the existing law that hinder the victim from obtaining justice. This paper will employ a doctrinal research method to study the Constitution, relevant statutes such as the Bharatiya Nagarik Suraksha Sanhita, 2023, the Protection of Children from Sexual Offences Act, 2012, victim compensation schemes, case laws, and One Stop Centres for the rehabilitation of rape survivors. It is argued that although India has an elaborate legal framework to provide compensation, medical treatment, counselling, and legal aid to the victims of sexual assault, several shortcomings prevent effective implementation. The paper will conclude that India's legal framework for the rehabilitation of rape survivors is adequate but needs improvements to ensure that the victims obtain justice, economic stability, and access to free and fair legal aid while overcoming the stigma attached to sexual violence.

Keywords

1. Sexual Violence
2. Rehabilitation
3. Criminal Law
4. Survivor's Rights
5. Victim Compensation

Introduction

Sexual violence is one of the most heinous crimes of all. It is an unwanted physical interference with one's body by an attacker which inflicts the victim with long-term psychological trauma, depression, anxiety, etc. While criminal law focuses on the conviction of sexual offenders and their punishment, justice for the victims isn't just that but also the betterment of their mental and physical well-being. For many survivors, the court procedure itself is another hardship due to social stigma, delayed trials, repeated questioning, and so on. Thus, rehabilitation has become an inevitable part of victim-centric justice.

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The Delhi gang-rape case of 2012 or the Nirbhaya case, which shocked the country, led the government to amend various laws, including the Criminal Procedure Code, Indian Penal Code and the Evidence Act through the Criminal Law (Amendment) Act, 2013^{2,3}. The amended laws, while widening the scope of rape and increasing punishments for sexual assault, also aimed at addressing the rehabilitation needs of the survivors. The debate is increasingly being expressed in terms of the rights of survivors, thus shifting from criminal justice to victim-centred justice. This perspective underscores the necessity of financial compensation, medical care, free legal assistance, and rehabilitation for rape victims. It is about the trauma of the survivors and restoring their dignity and, for the loss of economic and non-economic assets, compensation.

Indian laws make several provisions for the rehabilitation of rape survivors. The Indian Constitution protects against discrimination based on gender, race, religion and more. It also protects the right to life and personal liberty (Articles 14, 15, and 21)⁴. Several statutes and schemes such as the Bharatiya Nagarik Suraksha Sanhita, 2023⁵, the POCSO Act, 2012⁶, the Legal Services Authorities Act, 1987⁷, and victim compensation schemes offer institutional support to the survivors. The One Stop Centres⁸, Fast Track Courts, District Legal Service Authorities (DLSA), NALSA's compensation scheme for women survivors, and many more

¹ Delhi Domestic Working Women's Forum v. Union of India, (1995) 1 S.C.C. 14.

² Justice J.S. Verma Committee, Report of the Committee on Amendments to Criminal Law (2013).

³ Criminal Law (Amendment) Act, No. 13 of 2013 (India).

⁴ Indian Constitution Article 14, 15, 21.

⁵ Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023 (India).

⁶ Protection of Children from Sexual Offences Act, No. 32 of 2012 (India).

⁷ Legal Services Authorities Act, No. 39 of 1987 (India).

⁸ Ministry of Women & Child Development, One Stop Centre (Sakhi) Scheme Guidelines (Gov't of India).

offer financial, medical, legal, and psychological aid to the survivors. Despite these provisions, rehabilitation remains a secondary thought in India's rape law framework. Survivors often struggle to access resources, including compensation, medical aid and shelter. The institutional response to sexual assault is inconsistent, especially in tier-2 and tier-3 cities and rural areas. Moreover, there is a significant disparity in support infrastructure across states.

The fragmented approach to sexual assault rehabilitation is reflected in the fact that multiple laws govern rape rehabilitation in India. Consequently, the responsibility of sexual assault survivors' rehabilitation is shared between various agencies, including police, hospitals, social service organisations, fast-track courts, DLSA, and many more. Survivors and their families have to navigate complicated bureaucratic procedures to access available resources while dealing with the trauma of the crime. Rehabilitation through financial compensation is the primary focus. However, the courts have repeatedly observed⁹ that such compensation rarely restores the survivors' dignity. The compensation needs to be viewed as a part of a broader-based rehabilitation package that addresses physical, emotional, educational, economic, social, and legal needs.

Victim-centric justice requires India's rape survivors to be assisted through a range of measures that help them re-establish their dignity without violating their autonomy. In other words, the rehabilitation process should focus on restoring the survivors' physical and mental wellbeing and legal rights while respecting their social and cultural values. This paper contends that although there are several provisions for the rehabilitation of rape survivors, the Indian legal framework is not facilitating their practical implementation. Moreover, even if such measures exist, they are not available to the common Indian for lack of resources.

Literature Review

Academic scholars have increasingly recognised that rehabilitation constitutes an essential component of justice for survivors of sexual violence. Earlier discussions on rape law primarily focused on criminalisation and punishment, whereas more recent literature argues that meaningful justice also requires restoring survivors' physical, psychological, social, and economic well-being.

⁹ Bodhisattwa Gautam v. Subhra Chakraborty, (1996) 1 S.C.C. 490.

The Justice J.S. Verma Committee (2013)¹⁰ made important recommendations that played a role in this transition, as it highlighted the responsibility of the State to survivors beyond prosecution and punishment. The Committee recommended various measures, including compensation, medical aid, counselling, witness protection, and institutional accountability, which set the direction for survivor-centred jurisprudence.

The researcher, Flavia Agnes,¹¹ who studied the Union Government's proposal to amend the law to punish sexual violence more severely, pointed out that the State's legislative response to sexual violence in India failed to consider the survivor's difficulties in accessing rehabilitation. The critique highlighted the need for a rehabilitative justice framework that went beyond punishment and focused on addressing the challenges survivors faced in seeking redressal.

Several researchers have studied the State's compensation packages for sexual violence survivors and brought out shortcomings in the current scheme. Reports by the National Legal Services Authority¹² showed that compensation to survivors was often contingent upon bureaucratic clearances and had various eligibility criteria. Researchers note that even though financial assistance is critical, such delays in disbursement and exclusions do not serve the survivor's best interest.

Researchers add that sexual violence survivors often require extended psychological counselling to help them overcome trauma, PTSD, depression, anxiety, and loss of self-esteem. Therefore, mental health support and institutional response are vital components of survivor-centred justice. Findings show that access to mental health resources is limited, and survivors facing issues such as depression may not have access to affordable and quality care.

Official data released by the National Crime Records Bureau (NCRB)¹³ is also an indicator of the state of sexual violence in India. The data reveals an increase in crimes against women, with a rise in reports of sexual assault, voyeurism, stalking and harassment. However, as

¹⁰ Justice J.S. Verma Comm., Report of the Committee on Amendments to Criminal Law 413–32 (2013).

¹¹ Flavia Agnes, The Public Debate on Rape Laws: Reflections on the Criminal Law (Amendment) Bill, 2012, 48 ECON. & POL. WKLY., Feb. 2, 2013, at 10.

¹² National Legal Services Authority., National Compensation Scheme for Women Victims/Survivors of Sexual Assault/other crimes–2018.

¹³ National Crime Records Bureau, Crime In India 2023(2024).

researchers note, the statistics also tell us about the failure of the criminal justice system to deliver speedy trials. Scholars have observed that while reporting sexual violence is important, it is not sufficient. Survivors need institutional support throughout the legal process for their rehabilitation. It is worth noting that several human rights instruments, such as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)¹⁴, highlight the state's responsibility to provide restitution, compensation, and victim support services to ensure justice.

It is evident from the above discussion that India today has laws and policy documents that hold the potential to deliver survivor-centred justice. However, researchers have shown that in most cases, the promises of the law or policy are not fulfilled, leaving the survivor to navigate the complicated legal and administrative systems alone. The task at hand now is to determine if the laws indeed deliver on their promises.

Research Methodology

This study employs a doctrinal research methodology. The main sources of information for this study are the statutes, case laws, policies, and victim compensation funds pertaining to the rehabilitation of rape survivors in India.

Therefore, the primary sources of this study include the Constitution of India, the Bharatiya Nyaya Sanhita, 2023¹⁵; the Bharatiya Nagarik Suraksha Sanhita, 2023¹⁶; the Protection of Children from Sexual Offences Act, 2012¹⁷; the Legal Services Authorities Act, 1987¹⁸, and pertinent orders and judgements by the Supreme Court and High Courts of India. On the other hand, the secondary sources of information include the Justice J.S. Verma Committee reports, ¹⁹National Legal Services Authority (NALSA) reports, reports by the National Crime Records Bureau, journals, articles and books published on the rights of victims and their rehabilitation.

The study is analytical in nature, as it compares the provisions and policies on the rehabilitation of rape survivors in India. Additionally, the analysis identifies gaps that exist in

¹⁴ G.A. Res. 40/34, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (Nov. 29, 1985).

¹⁵ Bharatiya Nyaya Sanhita, No. 45 of 2023 (India).

¹⁶ Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023 (India).

¹⁷ Protection of Children from Sexual Offences Act, No. 32 of 2012 (India).

¹⁸ Legal Services Authorities Act, No. 39 of 1987 (India).

¹⁹ Justice J.S. Verma Comm., supra note 13.

institutional mechanisms involved in providing rehabilitation packages to the victims of rape. The research does not contribute to gathering empirical data, as it does not involve interviews or surveys.

Legal Framework Governing the Rehabilitation of Rape Survivors in India

The rehabilitation of rape survivors is not governed by a particular law in India. There are laws, procedures, policies, rules, regulations, and even court decisions that deal with the rehabilitation process in one way or another. They all work together to acknowledge that a survivor needs to restore and regain their former state rather than letting the perpetrator pay for their wrongdoing. It is important to note that while the system is progressively more victim-oriented, it is inconsistent in its approach towards rape survivors.

The Indian Constitution is the supreme law of the country, and any law and policy concerning sexual assault survivors must be interpreted through its provisions. The most relevant constitutional provisions dealing with the rehabilitation of survivors are Articles 14, 15, and 21. Article 14 gives the right to equality, which is the basis for the State's obligation to provide protection and redress to the survivor. Article 15 prohibits discrimination²⁰ on the ground of sex and gives a valid constitutional basis to take special measures for the protection and rehabilitation of rape survivors. It enables states to formulate compensatory measures, such as providing free legal aid, setting up special shelters, and so on.

The most relevant constitutional provision in the context of the rehabilitation of sexual assault survivors is Article 21, which states that every person has a right to life and liberty. With time, it has been interpreted by courts to include the protection of the right to privacy and a dignified life.²¹ It is a fundamental right for a survivor to seek compensation for loss and restoration of well-being. It makes it mandatory for the state to provide resources for the rehabilitation of survivors.

The applicable law for rape survivor rehabilitation is the Bharatiya Nagarik Suraksha Sanhita (BNSS) 2023²². It has various sections related to victim compensation and rehabilitation. Victim compensation is an important component of the rape rehabilitation process. In this regard, the State Governments have been empowered²³ to formulate compensation schemes

²⁰ India Constitution Article 15(3).

²¹ K.S. Puttaswamy v. Union of India, (2017) 10 S.C.C. 1.

²² Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023 (India).

²³ Id. § 396.

for the victims to provide them with the necessary rehabilitative assistance. The District Legal Services Authorities²⁴ and the State Legal Services Authority are responsible for determining the percentage of compensation payable to the victim.

The compensation can be used for various purposes, including medical treatment, relocation, loss of earnings, and so on. It is important to understand that victim compensation is a rehabilitative measure and not a punitive one. As such, the courts have ruled that victim compensation should not be seen as an alternative to punishment for the offender²⁵. The BNSS mandates several victim-centric procedures that aim to prevent secondary victimisation. Recording statements of survivors in a sensitive manner, not disclosing the identities of the survivors, holding proceedings in camera, and quick investigation and trial are some such procedures.

Protection of Children from Sexual Offences Act, 2012

Where the survivor is a child, the Protection of Children from Sexual Offences Act, 2012²⁶ (POCSO) provides a specialised framework which prioritises rehabilitation as opposed to retribution as the main objective. It focuses on the needs of the child concerning investigation and trial, including recording statements²⁷ by the child. The child has to be treated in a manner appropriate to his/her age and maturity, and the procedures followed have to be different from those relating to trials of adults. POCSO mandates that investigations and trials be conducted in such a way that the child is not exposed to trauma, repeated questioning and confrontation with the accused, among other things. The Act also emphasises providing counselling, medical aid, legal aid and psychological support to the child during the trials. Special Courts created under POCSO²⁸ are mandated to deal with cases of sexual offences against children in a time-bound manner, with the best interest of the child being the primary consideration. However, despite being one of the most survivor-friendly laws in the country, POCSO requires adequate facilities in terms of personnel, counsellors, support persons, and welfare services in order to be effective, which can vary from state to state.

Victim Compensation Schemes

²⁴ Legal Services Authorities Act, No. 39 of 1987 (India)

²⁵ *Bodhisattwa Gautam v. Subhra Chakraborty*, (1996) 1 S.C.C. 490.

²⁶ Protection of Children from Sexual Offences Act, No. 32 of 2012 (India).

²⁷ Id. §§ 24–26.

²⁸ Id. §§ 28–37.

Victim compensation has become one of the most prominent features of rehabilitation in India. According to the Legal Services Authorities Act, 1987,²⁹ and the schemes prepared by the National Legal Services Authority³⁰ (NALSA) and the State Governments, the victim compensation scheme provides financial assistance to the victims regardless of the outcome of the criminal trial if the circumstances so demand.

The compensation scheme for women victims/survivors of sexual assault and other crimes, prepared by NALSA helped to standardize the compensation on a national level. The guidelines highlight the injury caused, the expenses incurred, the loss of educational prospects, pregnancy due to rape, disability, and the rehabilitation process.

The financial assistance provided to the victims through such schemes ideally should cover a wide range of needs beyond the medical expenditures. Victim compensation aims to provide the survivors with the opportunity to restore their previous living standard. Education, housing, and access to medical care, counselling, and vocational training should be the primary focus of the victim compensation funds. However, as the responsibility for providing compensation mainly lies with the States, there are disparities in the amount of money, criteria, and time frames for the victim compensation payments.

Governmental Mechanism

Apart from legislative measures, the Government has instituted various institutional mechanisms for the rehabilitation of victims.

The One Stop Centres (OSCs) set up by the Ministry of Women and Child Development offer emergency medical aid, police registration, legal aid, counselling, shelter, and assistance in claiming compensation, among other services. This is done to provide a range of services to survivors of gender-based violence, as opposed to making them navigate multiple agencies.

Women's Helpline (181)³¹ and District Legal Services Authorities provide legal aid and emergency help as well as counselling and shelter if required. Fast-track special courts to hear cases of rape and POCSO offences are also meant to expedite trials to reduce the trauma of the survivor.

²⁹ Legal Services Authorities Act, No. 39 of 1987 (India).

³⁰ National Legal Services Authority., supra note 18.

³¹ Ministry of Women & Child Development, Universalisation of Women Helpline Scheme Guidelines (Gov't of India).

While these mechanisms are indeed a positive step towards victim-centric justice delivery, their efficiency is limited by the resources, manpower, and infrastructure at their command.

Judicial Recognition of Rehabilitation Rights

The Indian judiciary has made significant contributions in broadening the concept of rehabilitation by taking into account various aspects related to the victim beyond the law. The Supreme Court held in *Delhi Domestic Working Women's Forum v. Union of India* (1995)³² that legal aid, counselling, confidentiality, and compensation for the victim or the survivors are essential components of a fair criminal justice system. In *Bodhisattwa Gautam v. Subhra Chakraborty* (1996)³³, the Supreme Court reiterated that the crime of rape does not just involve an injury to a person but also violates the fundamental rights of a person guaranteed under Article 21 of the Constitution. The Court awarded interim compensation to the victim in this case, observing that compensation should not be denied simply because the criminal prosecution of the offender was still pending.

Several decisions have since emphasized that victim compensation along with rehabilitation falls under the State's obligation to provide justice³⁴. Furthermore, the directives have highlighted the need for the State to enact compensation schemes for victims, observe confidentiality while dealing with such cases, and take appropriate steps to handle the sensitive nature of such cases. It can thus be concluded that the judiciary has taken several steps to facilitate the transition from an offender-focused criminal justice system to a victim-responsive criminal justice system.

Implementation Gaps and Challenges

Although there has been an evolution of a relatively advanced set of laws, India still faces challenges when it comes to rehabilitating rape survivors. While laws, judgements, and government schemes serve to recognise the need to restore the survivor's dignity, the practical application of these legal resources is limited. The main problem is that the rights to rehabilitation are not fulfilled due to the lack of an integrated approach and social services for rape survivors.

³² *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 S.C.C. 14.

³³ *Bodhisattwa Gautam v. Subhra Chakraborty*, (1996) 1 S.C.C. 490.

³⁴ *Laxmi v. Union of India*, (2014) 4 S.C.C. 427.

1. Delays in Compensation

Although victim compensation schemes have been created in all the states, rape survivors have problems receiving the amount of compensation from authorities. The process of getting paid is complicated by the involvement of many state agencies, including the police, hospitals, District Legal Service Authorities (DLSA), State Legal Service Authorities (SLSA), and other law enforcement agencies. In addition, there is also a lack of coordination between these institutions, which leads to compensation delays. All this undermines the very possibility of rapid rehabilitation of the survivor.

In addition, in some cases, compensation is provided too late and does not cover all expenses. This is especially problematic for people from low-income families who may be unable to afford basic necessities. Besides, the amount of compensation differs from state to state, which contradicts the principle of equality of all citizens. According to the NALSA model compensation scheme, the amount of the reward should be the same throughout the country.

2. Limited Availability of Psychological Support

A rape survivor has a long way to recovery, as they may suffer from moral trauma, PTSD, anxiety, depression, loss of sleep, guilt, and social isolation. Therefore, psychological counselling ³⁵should be an integral part of the rehabilitation process.

Unfortunately, in most cases in India, access to professional counsellors is very limited. Even in one-stop centres and government hospitals, the counsellors do not have the necessary skills to address the special needs of the rape survivors. Moreover, the availability of counsellors in rural areas is very limited. People have to approach counsellors in bigger cities, which may be challenging both physically and economically.

The underlying reason for the lack of rehabilitative infrastructure for sexual assault victims is that society only focuses on compensating the victim financially. Money alone cannot compensate for the humiliation and trauma a victim goes through. Unless the victim receives proper psychological help, it will be hard for them to get back to their normal life.

3. Social Stigma and Victim Blaming

³⁵ Protection of Children from Sexual Offences Act, No. 32 of 2012, §§ 19, 24, 33 (India).

A survivor of sexual assault faces social stigma, which discourages them from seeking help from authorities. Family members, employers, schools, colleges, and even the police often blame the victim for the sexual assault. Moreover, secondary victimization during the investigation and court proceedings can also trigger PTSD and depression in rape survivors. Although victim-friendly measures such as in-camera trials³⁶ are taken to prevent the trauma of the victim being worsened due to the publicity of the trial, the survivor is still required to give evidence. Besides the trauma of giving evidence, the survivor may also be required to disclose personal information. Although the law prevents the media from disclosing the identity of the sexual assault victim³⁷, indirectly, the victim's identity may be revealed by the personal details of the offence or the location where the offence was committed. As a result, the victim may find it difficult to continue attending school or college, be harassed at work, and face a lot of difficulties in marriage or other social relationships.

4. Uneven Implementation of Institutional Mechanism

The creation of one-stop centres is a positive step towards integrated service delivery. It is expected that through these centres, the survivors would get medical help, legal aid, police support, counselling and temporary shelter.

But the problem is that in different states and districts, the centres have different levels of resources and personnel. There is unevenness in terms of accessibility, awareness among the people, vacancies in posts, allocation of funds, and infrastructure. Women in rural areas lack adequate access to such centres.

District Legal Services Authorities are meant to provide legal aid and compensation to the survivors. Lack of awareness among people, slow processing of claims for compensation by authorities and absence of legal aid can affect the survivor's right to rehabilitation.

Thus, the relative deprivation of legal services and other support systems available to a survivor in a rural area or from an economically backward section or from scheduled tribes and scheduled castes or minority communities or persons with disabilities or migrants or other vulnerable groups can affect their access to justice. The survivor may be forced to

³⁶ Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023 (India).

³⁷ Nipun Saxena v. Union of India, (2019) 2 S.C.C. 703.

choose between seeking justice and meeting his/her basic needs due to financial constraints, lack of access to transport, social pressure or other factors. This highlights the need to address issues of inequality in access to justice to effectively rehabilitate the survivor. Therefore, a uniform national legal framework, which goes beyond the general criminal law framework, is required to ensure equality in survivors' rehabilitation.

5. Lack of Coordination Between Agencies

When it comes to rehabilitation, there are several agencies involved, like police, hospitals, forensic experts, prosecutors, legal aid authorities, counsellors, shelter homes, child welfare committees (in case of POCSO cases), etc. While all of them have the common goal of helping the survivor, they tend to work independently.

Therefore, a survivor may end up giving the same information multiple times to different authorities or have to independently approach different agencies for different kinds of help. This can be avoided if there is a coordinated mechanism, perhaps a case management system. At present, the same survivor may have to run around facing multiple barriers, seeking help from different agencies, which not only makes the process cumbersome but also disempowering for the survivor. Coordinated action on the part of all agencies is required, rather than making the survivor the odd one out who has to take action on her own.

6. Absence of Long-Term Rehabilitation Policies

At present, the focus of most rehabilitation measures is on providing immediate help post-crime. Little thought seems to have gone into long-term rehabilitation. While emergency responses like treatment, shelter, legal aid, and compensation are important, the survivor may need more time to come out of the trauma and rehabilitate completely.

Some may need help with returning to their jobs, educational institutions, finding new jobs, relocation, etc., while others may need long-term professional medical help. Most schemes, however, do not focus on long-term needs specific to the individual survivor. Moreover, once trials conclude and compensation kicks in, institutional support is tapered off, without any real follow-up on how the survivor is coping years after the initial crime. By and large, it

seems that the survivor needs more nuanced and long-term support. The process of restoration from such an ordeal cannot be seen as a one-size-fits-all or a quick fix.

The problem with India's legal system and laws is not the absence of laws but their inconsistent implementation. It is not that laws are not there but the fact that agencies tasked with the responsibility do not coordinate amongst themselves and follow through with the implementation process, making it difficult to actually realize these laws on the ground. The same is true for rehabilitation measures, which are inadequate, at best, because of lack of coordination and long-term support.

Recommendations

There are several ways through which the rehabilitation of sexual violence survivors can be improved without the creation of a new legal framework. The first is the need to formulate a national rehabilitation policy that integrates the existing systems and specifies the roles of the various agencies. This will ensure uniformity of the State's rehabilitative mechanisms while being flexible enough to allow each state to deal with its needs in a manner most suitable to it.

The next step is to accelerate the victim compensation procedures. This can be achieved by having standardised forms of documentation for each of the stages and setting deadlines for processing. It would also help to have better oversight of the State compensation mechanisms to ensure faster processing.

The third suggestion is to give psychotherapy services a higher priority. Rehabilitation programmes should mandatorily provide trauma counselling. The provision of these services should be widespread and accessible even at the district levels. Special attention should be given to the rehabilitation of the mental health facilities in rural areas in order to improve access.

Finally, it is recommended that coordination between various agencies responsible for the rehabilitation of survivors be improved. This could be achieved by putting the responsibility on specific individuals within these agencies. Creating a support person who would act as a point of contact throughout the rehabilitation process would help the survivor navigate between the police, hospitals, legal aid, counselors, and social workers with relative ease.

Rehabilitation programs for sexual violence survivors need to take a long term view. They need to provide the survivors with education, employment opportunities, housing, and other services that would allow them to rebuild their lives and lead independent lives after the incident.

Conclusion

A victim-centric criminal justice system is central to the rehabilitation of the rape survivors. The primary objective of criminal law is to secure a conviction against the offender, but this in itself is not enough. The physical, mental, social and economic consequences of such a crime can last long after the trial ends. A justice system oriented towards punishment and not rehabilitation, therefore, fails in its obligation to protect and uphold the dignity of victims, as stated in the Indian Constitution.

India has come a long way in recent years in its commitment to the rights of rape survivors. The constitutional safeguards, the provisions of the Bharatiya Nagarik Suraksha Sanhita 2023, the special laws, the victim compensation schemes, the judiciary's directives, and even the One Stop Centres represent a marked shift away from an offender-focused system towards one that recognizes the needs of the victim. Courts have repeatedly emphasized that rehabilitation goes beyond financial compensation; it includes access to medical care, institutional help, legal aid, protection and even social reintegration.

There is, however, a large gap between policy and reality for a variety of reasons. The problem is compounded by delays in the compensation process, lack of counselling services, and social stigma, among other issues. Victim-centric justice requires a multifaceted approach that involves police, healthcare professionals, lawyers, social workers, and even NGOs to provide holistic healing to rape survivors. Above all, rehabilitation has to be seen as a process rather than an event, one that seeks to restore the survivor's life after the conclusion of the trial.

It is not enough for India to boast about its laws on paper. Effective implementation of the existing policies is required for India to truly pride itself on being a victim-friendly country that takes its obligations under the Constitution seriously.

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