

COMPENSATION TO THE VICTIMS OF TERRORIST ATTACKS IN INDIA

ABSTRACT: The victims of terrorist attacks usually suffer an acute physical and/or mental agony, apart from economic or other loss which is very difficult to describe in any words. Though the international and regional institutions have framed and prioritized a range of instruments to combat terrorist attacks, a comprehensive and a legally enforceable protection to the rights of victims of terrorist attacks is still remains as a distant dream. However, the United Nations General Assembly has framed the Global Counter-Terrorism Strategy with one of its objectives to provide support to the victims of terrorist attacks and their family members. Moreover, in furtherance of the above objective, a few resolutions have been adopted by the United Nations which encourage Member State to the support to the victims of terrorist attacks in their respective jurisdictions. However, countries like USA, Canada, and European countries have started initiatives much before the UN's recommendations. In India, the 2008 Amendment has brought a new provision under Section 357A of the Code of Criminal Procedure, 1973, which provides compensation through the State's Assistance Scheme to the victims of all crimes. Yet, in the absence of a specific law to address the victims of terrorist attacks, the Central Government has framed the specific Assistance Scheme in 2008 (reframed it in 2016) for providing financial support. However, the implementation of the above Assistance Scheme raises several pertinent issues.

In the light of the above background, this research work provides a first ever detailed study of the international initiatives as well as the legal framework of the selected countries, with a special focus on the Indian legal aspect relating to the compensation to the terror victims. This study analyses various initiatives and resolutions of the United Nations, which help State Members to establish a mechanism for the support of the victims of terrorism. The study also ascertained and analysed the legal frameworks of the selected countries (like USA, UK, other European Countries, Canada, Australia, Israel, Pakistan, and Indonesia) to find out the means and processes through which the terror victims are assisted and supported. The research is based on the analysis of the existing statutes and judicial decisions relating to the compensation to the victims of terrorist attacks in India. The work also makes a critical analysis of the Central Governments schemes and proposed legislations for the compensation to the terror victims in India. In the end, the research suggests a specialized robust legal mechanism towards the comprehensive assistance to the victims of terrorist attacks in India.

Keywords: Victims of Terrorist Attacks, Compensation to the Victims, Assistance Schemes for victims, Section 357A of Cr.PC.