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An Overview of Victim Compensation Program with Special Reference to State of Uttar Pradesh

Shalini Goel* and Prem Chandra

Sardar Patel Subharti Institute of Law, Swami Vivekanand Subharti University, Meerut 250001, India; premchandra1979@gmail.com (P.C)

* Correspondence: shalinimrt@gmail.com (S.G.)

Abstract: This paper undertakes a critical analysis of the Victim Compensation Schemes of Uttar Pradesh (UP) and examines the frameworks under the broader mandate of Section 357A of the Code of Criminal Procedure, 1973 (Now 396 Bharatiya Nagrik Suraksha Sanhita, 2023). The scheme for compensation to the victims of crimes, established to support crime victims, having the aim to ensure financial relief, rehabilitation, and reintegration of affected individuals into society. Through this paper authors explore the eligibility requirements, compensation limits, procedural challenges, and the role of legal authorities in each scheme. It highlights significant disparities in the handling of cases involving heinous offenses, such as acid attacks, sexual assault, and murder, revealing procedural bottlenecks and gaps in implementation. Using judicial precedents and case studies, the paper provides an assessment of the scheme's real-world impact, aiming to advance a model that better aligns with principles of restorative justice and victim-centric jurisprudence. Concluding with recommendations, this paper emphasizes the urgent need for reforms to bridge policy gaps and uphold victims' rights to timely compensation and rehabilitation.

Keywords: criminal justice system; restorative justice; Uttar Pradesh; victim compensation

1. Introduction

Victim compensation, in the Indian criminal justice framework, addresses about the financial and rehabilitative needs of those who have suffered due to crime. Recognizing that punishment alone often falls short in offering genuine relief, the system seeks to fulfill the state's duty to assist victims beyond mere prosecution. Victim compensation, codified under Section 396 BNSS, acknowledges the harm endured by victims and mandates provisions for their recovery, support, and social reintegration. In line with this statutory mandate, the State of Uttar Pradesh (UP) has established a Victim Compensation Scheme, with unique approaches and specific criteria. UP's scheme emphasizes swift compensation with structured limits based on categories of harm. The framework shares the common objective of bridging the gap between justice and genuine victim support.

The concept of compensating victims finds its earliest mention in Hindu and Islamic jurisprudence, where forms of restitution were recognized. However, the British legal system adopted during colonial rule focused on the state's retributive role, neglecting direct provisions for victim redress. After independence, India retained much of the colonial framework, including the Indian Penal Code (IPC) of 1860 and the Criminal Procedure Code (Cr.P.C.) of 1898, which centered on punitive justice (Updated in 2023 as BNS and BNSS). The need for reform became pressing, and the 41 Law Commission Report (1969) recommended incorporating compensatory mechanisms within the Cr.P.C. These proposals were finally codified with the enactment of Section 357 in the Criminal Procedure Code (1973), allowing courts to order compensation as part of sentencing. However, compensation under Section 357 was limited to cases where the accused/convicted and the quantum of compensation depended on the convict's financial capacity. This created significant challenges, as it left victims in cases of acquittal or untraceable offenders without recourse to compensation (Agrawal 2014).

Judicial activism in the 1980s and 1990s further pushed for enhanced victim rights. The Supreme Court of India, through landmark judgments such as Rudul Shah v. State of Bihar¹ and Nilabati Behera v. State of Orissa² underscored the need for a state-led compensatory framework.

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¹ (1983) AIR 1086

² (1993) 2 SCC 746

These cases highlighted the role of the state as a guarantor of fundamental rights, thus establishing a judicial basis for state-mandated compensation. The evolving jurisprudence laid the groundwork for the enactment of Section 357A in 2009, a pivotal provision aiming to institutionalize victim compensation as an independent right.

The addition of Section 357A through the Cr.P.C. (Amendment) Act, 2008, was a landmark shift in Indian criminal law. It introduced for the first time a structured, state-administered victim compensation scheme, making compensation accessible to victims regardless of trial outcomes. Section 357A Cr.P.C. (Now Section 396 BNSS) mandates that every state government, in collaboration with the Central Government, establishes a Victim Compensation Scheme to provide financial relief to victims or their dependents who have suffered harm or injury due to criminal acts. This was reinforced by the directive of the Supreme Court in *Laxmi v. Union of India*³, which held that state governments must ensure a fair and effective mechanism to compensate victims, particularly in cases of serious offenses such as acid attacks. Table 1 summarizes this situation.

Table 1. Key Provisions Section 357A Code on Criminal Procedure, 1973 (Section 396 BNSS)

Sr. No.	Provision	Description
1	357A(1) [396(1)]	Requires state governments to prepare a Victim Compensation Scheme.
2	357A(2) [396(2)]	Courts may recommend compensation for victims, to be provided by the DLSA/SLSA.
3	357A(3) [396(6)]	Provision for interim compensation to victims during the trial phase.
4	357A(4) [396(4)]	Compensation available if the offender remains untraceable or is acquitted.
5	357A(5) [396(5)]	District Legal Services Authorities (DLSA) are responsible for determining compensation amounts.

A victims compensation scheme anchored in the principle that justice must extend beyond punishing the offender; it must seek to repair, as far as possible, the damage inflicted upon victims. In India, where the criminal justice system has traditionally focused on retributive justice, the introduction of victim compensation scheme in 2014 state government signifies a paradigm shift towards a more humane, inclusive approach. The scheme is essential not only for providing financial relief but also for fulfilling the state's role in restorative justice; a role that recognizes the victim's plight as central to the justice process.

The primary objectives of victim compensation schemes are multifaceted, aiming to provide immediate relief, ensure the rehabilitation of victims, and promote a sense of closure. Notably, Section 357A of Cr.P.C. (after 2023 in Section 396 BNSS) and subsequent state-specific scheme such as the State of Uttar Pradesh, and the Victim Compensation Scheme set out guidelines to fulfill various objectives. Compensation schemes aim to alleviate the financial burdens that victims endure because of their victimization. This includes compensation for medical expenses, loss of income, psychological counseling, and legal aid. For example, in cases of acid attacks, where victims often suffer disfiguring injuries requiring extensive medical care, for fulfilling the same the Delhi Victim Compensation Scheme provides up to ₹3,00,000 in financial relief; a figure stipulated by amendments influenced by Supreme Court rulings, such as in *Laxmi v. Union of India*.⁴

Beyond immediate monetary support, the scheme is designed to aid in the long-term recovery of victims. This objective aligns with the modern theory of restorative justice, which emphasizes the victim's right to dignity, restoration, and support. This approach is articulated in judicial decisions such as *Nilabati Behera v. State of Orissa*⁵, where the Supreme Court recognized that the state has an obligation to compensate victims, thus endorsing a rehabilitative approach to justice. Here, compensation is intended not as charity but as a necessary intervention for those whose lives are deeply impacted by crime.

Many victims, particularly women, minors, and those from marginalized communities, are especially vulnerable to secondary victimization. The compensation scheme therefore aims to prevent such individuals from being further exploited by providing them with a financial safety net. In Uttar Pradesh, for instance, additional provisions are made for minor girls and differently abled individuals, allowing for enhanced compensation to account for their special needs. The UP-Victim Compensation Scheme sets specific limits such categories, with amounts ranging from ₹1,00,000 to ₹3,00,000, depending on the severity and nature of harm. The scheme also incentivizes victims to cooperate with investigative and prosecutorial processes. Section 357A mandates victims' cooperation as an eligibility criterion for compensation. This encourages victims to report crimes without fear of financial vulnerability and supports their participation in legal proceedings, which is crucial for a fair and transparent justice process.⁶

Restorative justice plays a key role in victim compensation programs because restorative justice has a principle aim to take back the victims, as much as possible, in their condition prior to the crime. By transfiguring the criminal justice system from being primarily accused, centric to one that understands and feels the survivor's pain and losses. Compensation program shifts the impact from the financial capacity of the wrongdoer to the responsibility of the ruler to help and support. In *Ankush Shivaji Gaikwad v. State of Maharashtra*⁷, the judiciary stressed that it is mandatory for the government to give the compensation, without having the

³ [(2014) 4 SCC 427]

⁴ *Id.*

⁵ *Supra note 3.*

⁶ *Supra note 1.*

⁷ [(2013) 6 SCC 770]

second thought, whether the offender is acquitted or unidentified. These programmes guaranteed that the victims should not be the subject to face financial crises or depend on the perpetrator to get the support as restorative justice.

The purpose of the victim compensation scheme is to promote a more comprehensive perception of justice and go beyond simple punishment to significant help. In *Suresh v. State of Haryana*⁸, the Supreme Court noted that victim compensation should be an integral component of every criminal case and emphasized the necessity of interim compensation. This ruling reinforced the notion that justice must be holistic and that financial compensation is an integral part of judicial outcomes. Section 357A's (Now Section 396 BNSS) unique feature is that it does not rely on conviction, unlike Section 357 which permits recompense to victim even the accused is not recognized, or police is unable to reach the offender, or the person is not on fault. Allowing compensation is entirely different from conviction, which recognized by law the victim's pain notwithstanding the result of the trial. This approach supports restorative justice by offering redress based on the victim's harm rather than the offender's culpability.

The judiciary's active role in recommending compensation has been increasingly reinforced by Supreme Court judgments, which have called for mandatory judicial consideration of victim compensation in every criminal case. Courts are now obligated to consider compensation as a standard practice, as underscored in *Ankush Shivaji Gaikwad*⁹. This judicial duty signifies a profound shift towards victim-centric jurisprudence, where the needs of the victim are deemed equally important as the conviction of the offender. Compensation program is having the aim to enhance the active participation of sufferers in criminal justice. To secure necessary legal representation and access to required resources, the schemes empowered the victims to actively advocate for their rights. Accordingly, the scheme contributes notably to establishing a legal framework where the sufferer has the right to express his views and interests, which reflects the prime objective of victim centric exercise.

2. Uttar Pradesh Victim Compensation Scheme

Uttar Pradesh Victim Compensation Scheme (UPVCS) introduced on April 9' 2014. This was an effort of the government of UP in accordance with section 357 A (Now Section 395 of *Bhartiya Nagrik Suraksha Sanhita*, 2023) of the code of Criminal Procedure, 1973. This programme represents an important achievement in the methodology adopted by the state government to compensate the victims of misunderstanding, because the scheme provides a clear and well-organized solution to cope up with emotional, rehabilitative and monetary needs of the victims and the survivor or any other affected person. The victims' compensation program of Uttar Pradesh is functioning under the umbrella supervision of SLSA (State Legal Services Authorities) and the District Legal Services Authorities (DLSA) ensure that help is available to victims throughout the state in an effective manner.

UPVCS is the result of the directive of the apex court as mentioned in *Ankush Shivaji Gaikwad v. State of Maharashtra*¹⁰ and spotlighted the need to give financial assistance to the victim, as it is one of the important aspects of criminal justice. In 2009 by the amendment Section 357 A in Cr.P.C. was added which put an obligation upon the state to assist crime victims protectively, even in those situations too when the offender is unidentified or missing. The UPVCS was thus structured to provide immediate and interim financial assistance to victims, underscoring the state's responsibility towards crime victims, as articulated in the doctrine of *parens patriae*, wherein the state assumes the role of guardian to its citizens¹¹.

The UPVCS organized around key procedural and substantive provisions that set out the eligibility criteria, application process, and compensation assessment framework. Table 2 outlines the primary provisions of the UPVCS. State compensation scheme is having a unique quality of specific compensation limit for different types of crimes to achieve its purposes clear directions for the compensation amount. Basic purpose of the scheme is to ensure equitable treatment. Table 3 indicates the maximum compensation amount. The compensation amount mentioned in the scheme has the objective of guaranteeing that the victim will receive the basic level's minimum assistance; however, in a practical manner this help often falls inadequate due to inflation and the rising costs of medical care and court proceedings. In *Nipun Saxena v. Union of India*¹², apex court stressed that the compensation amounts should be revised time to time to ensure adequacy, primarily for the cases in which the rehabilitation needs are comprehensive.

The compensation scheme of UP is having an organized procedure which is designed to minimize the delays at bureaucratic level as well as to ensure timely relief. In case of death, victims or the family members may file applications to DLSA, mentioning the details of incident along with medical, psychological, or financial needs raised out from the crime. After receiving the application DLSA will verify the applicant's claim through police reports, medical records, and other supporting evidence, and ensure that the compensation going to be awarded is proportional to the victim's requirement. Importantly, DLSA will also take the victim's collaboration during investigation, as it is a necessary condition to receive compensation under the scheme.

Table 2. Structure of UPVC Scheme

Sr. No.	Provision	Description
1	Eligibility Criteria	Compensation is available to victims of specific offenses, including rape, acid attacks, murder, and human trafficking. To be eligible, the victim must report the crime to authorities within 48 hours, with certain exceptions for cases of delay in reporting.

⁸ [(2015) 2 SCC 227]

⁹ *Supra note 8*

¹⁰ *Id.*

¹¹ *Supra note 1*

¹² [(2018) 13 SCC 715]

2	Application Procedure	Victims or their dependents with the respective DLSA can file applications for compensation, or the court can make a recommendation. DLSA verifies the application details and conducts a background inquiry.
3	Quantum of Compensation	The amount of compensation may be different as per the type and seriousness of the crime. Such as, acid attack victims may get up to ₹3,00,000/- and the secondary victims of the deceased can receive ₹2,00,000/-. The purpose of this funding is to meet up with medical, rehabilitation, and various other important expenses.
4	Interim Compensation	People who faced harms are also entitled to receive interim monetary help meanwhile trial is going on. This provision is very important to cover the immediate requirements like medical expenses and basic living amenities.
5	Time Frame for Disbursal	According to UPVCS, the DLSA is obliged to determine the amount of compensation within two months from the date of receiving the application or recommendation made by the court. This is further required that compensation should be disbursed within a week of the final decision.
6	Appeal	Affected people have the right to prefer an appeal against DLSA to the State Legal Services Authority (SLSA) within 90 days from the date of refusal made by DLSA to award compensation.

Table 3. Category and Amount of Compensation

Sr. No.	Category of Offence	Amount	Maximum Compensation Amount (₹)
1	Rape	₹2,00,000	Intended to cover medical expenses, psychological support, and rehabilitative needs.
2	Acid Attack Victim	₹3,00,000	Includes medical treatment, reconstructive surgeries, and potential long-term care costs, recognizing the severe disfigurement and psychological trauma caused by acid attacks.
3	Death (Earning Member)	₹2,00,000	Provided to the dependents or legal heirs to compensate for the financial loss due to the victim's death.
4	Death (Non-Earning Member)	₹1,50,000	Lower compensation than for earning members but aims to cover funeral expenses and provide some financial support to dependents.
5	Human Trafficking	₹2,00,000	Acknowledges the extensive physical, emotional, and social harm suffered, covering recovery and reintegration into society.
6.	Severe Mental Trauma or Agony Due to Crime	₹1,00,000	It is intended to address the psychological impact on victims who may not suffer physical injury but endure significant mental trauma.

Legal Services Authorities at state and district level play an important role while dispensing UPVCS. Initial claim processing, disbursal of financial help and verification are the duty of DLSA and appeals and implementation of schemes statewide are the functions of SLSA. The purpose of the bedding structure of this scheme is to improve accountability and reduce undue delays. Research and reports reveal discrepancies in implementation, because victims often face bureaucratic hurdles, delay in receiving the funds and improper support during the application process.

Consistently, the judiciary is emphasizing the importance of effective mechanisms to compensate victims. In *Suresh v. State of Haryana*¹³, instruction to the subordinate court were given by the apex authority to give priority to victim compensation and issued the recommendations for state governments to ensure adequate funds to be set aside to meet the needs. In response to this and keeping in mind the UP government raised funding allocations and initiated procedural reforms for the enhancement of disbursement process, by introducing direct bank transfers and expediting the handling of urgent cases. Not only did it have courts also determined interim compensation ought to be assessed automatically in situations like minors or serious injuries, fostering a victim-focused thinking to justice.

Eligibility under this scheme had been designed to ensure financial relief and rehabilitation should be reached to true sufferers of different types of loss or injuries from the crime. The victim compensation scheme of Uttar Pradesh is aiming to meet up with broader provision as mentioned in Section 396 BNSS. This provision entrusts responsibility upon the states to provide support to the victims. However, the state's approach to eligibility criteria reflects local priorities, procedural differences, and considerations based on available resources. This section explores the conditions under which victims can qualify for compensation under the Uttar Pradesh Victim Compensation Scheme (UPVCS) and analyzing common and unique standards.

Under the UPVCS, eligibility grounded in specific procedural requirements and objective criteria for determining the gravity of harm. Severe crimes such as fatal accidents, acid attack, homicide, ravishment, human smuggling and assault victims are leading to severe mental or physical injury. The scheme outlined these categories specifically and recognizing the significant impression of

¹³ [(2015) 2 SCC 227]

these offenses on victims' lives¹⁴. It is expected by the claimant to inform the police and DLSA about the incident within a specified time of 48 hours from the existence of the incident. However, in some exceptional cases DLSA is empowered to condone the delays. Mainly the purpose of this provision is to put a check on the misuse of the compensatory program when giving reasonable flexibility specifically instances in which delay in informing is genuine due to trauma or logistical obstacle.

Victimized people are expected to engage actively with law enforcement and prosecutorial authorities throughout the investigation and trial phases. In case non-cooperation on the part of the victim came into existence, the claimant may disqualify to render financial help, reinforcing the role of victims as key participant in the quest of justice. In the State of Rajasthan v. Victim A¹⁵, it is decided by the court collaboration with legal officers is indispensable for victim's prerogative to get financial fund, by setting a precedent that liaison shows loser espousal in judicial procedure.

Another eligibility to get monetary support is it is necessary to show that he is in actual need for fiscal help for the fulfillment of medical costs, loss earning capacity, or any other restorative support. Evidence like medical documents expenditure details and a statement on sworn of the crime on financial math. DLSA is free to use its discretion while evaluating these requirements and prioritizing the claims of minors or mentally incapacitated individuals.

Not only the above-mentioned requirement, VCS share the basic criteria for eligibility framed to ensure monetary help for those who are in actual need. Uttar Pradesh victim assistance program has some fundamental requisites such as claimant has to intimate and support the authorities about the wrong committed against him. A well-structured legal system and assistance to integrate investigations set up to ensure. Protection ensures that monetary help is given to authentic claims and to help deter bogus claims is one of the important criteria. To remove the trauma of complex procedures of compensation programme DLSA authorized to allow any delay of report in genuine cases. It shows that the awareness towards psychological hurdles often faced by violent crime victims like trauma, astonishment, mortification or terror which may put a barrier to report the incident. The scheme of UP there is no place for law enforcement officials to intimate victims with their compensatory rights. Uttar Pradesh Victim Compensation Scheme showed the dedication highlights of sovereign to address the fiscal mental and sociological requirements of crime survivors.

A wide range of various heinous crimes covered in UP compensation scheme of 2014 and focused on categories involving physical, mental, or socio-economic losses. However, each initiative shows the specific features focusing on judicial precedents, local patterns policy priorities. Scheme recognized the intense footprint sensual violence and guaranteed specific provisions to recompense to the rape victims. This design of the programme is to support individuals with medical, psychological, and rehabilitative needs. UP's scheme of 2014 offers up to ₹2,00,000/-, make sure that victims will get prompt help to meet up with physical harm and emotional obstacles.¹⁶ Victims Recognizing the severe disfigurement, lifelong trauma, and extensive medical needs of acid attack survivors; both states have prioritized substantial compensation for these victims. Under UPVCS, the maximum compensation for acid attack victims is set at ₹3,00,000/-. For dependents of murder victims, the scheme provides support to families who suffer not only emotional but also financial hardship due to the loss of a breadwinner. In UP, the compensation limit is ₹2,00,000/- for dependents of earning members and ₹1,50,000/- for non-earning members.

Victims of human trafficking are also included in UP scheme, reflecting an acknowledgment of the severe violation of personal freedom, safety, and dignity that trafficking entails. The State provides up to ₹2,00,000/- for trafficking survivors, recognizing the extensive medical, psychological, and rehabilitative requirements necessary for reintegration into society. Uttar Pradesh Victim Compensation Scheme provides a specialized compensation framework for offenses under the Protection of Children from Sexual Offences (POCSO) Act, offering compensation up to ₹2,00,000/- for cases involving aggravated penetrative sexual assault. This reflects that the State Government focuses on heightened support for child victims, aligning with the Supreme Court's mandate in [2019] 2 SCC 703¹⁷ to ensure the well-being of child survivors of sexual violence and aligns with central legal requirements under the POCSO Act. In Uttar Pradesh, victims who endure severe mental trauma, even without physical injury, are eligible for compensation, underscoring the recognition that psychological harm from violent or traumatic events is equally debilitating. UP provides up to ₹1,00,000/- for cases resulting in serious mental distress.

The maximum compensation amount in UP influenced by judicial directives, regional policies, and the practical challenges faced by victims in each jurisdiction. Table 4 presents the compensation limits for each covered category, based on the most recent data available from UPVCS.

Table 4. Compensation Amount in UP

Sr. No.	Victim Category Maximum	Maximum Compensation in UP (₹)
1	Rape	₹2,00,000
2	Acid Attack Victims	₹3,00,000
3	Death (Earning Member)	₹2,00,000
4	Death (Non-Earning Member)	₹1,50,000
5	Human Trafficking	₹2,00,000

¹⁴ Supra note 1

¹⁵ [(2016) 1 SCC 761]

¹⁶ Supra note 1

¹⁷ Nipun Saxena v. Union of India

6	Child Victims under POCSO (Aggravated Offenses)	Not separately specified
7	Severe Mental Trauma	₹1,00,000

The Supreme Court and High Courts have consistently reinforced the need for comprehensive and adequate compensation coverage for victims, influencing UP in determining compensation amounts:

*Laxmi v. Union of India*¹⁸ is the case fundamentally shaped the treatment of acid attack survivors, with the Court directing states to allocate a minimum amount for reconstructive surgery and long-term care for acid attack victims. This ruling resulted in 5,00,000/- as the maximum limit for acid attack cases as set by the court. In *Ankush Shivaji Gaikwad v. State of Maharashtra*¹⁹, the Court held that victim compensation is not merely an ancillary aspect of criminal justice but a critical obligation, emphasizing the need for timely and sufficient compensation coverage. Judgment of the case emphasized compensation provisions of UP, which prompts the courts to propose compensation as the basic aspect of justice. While in *Delhi Domestic Working Women's Forum v. Union of India*²⁰ the court, recognized the trauma faced by survivors of gender-based violence, directed states to institute support systems that cater to both physical and psychological needs.

Considerable efforts to assist victims are the significant initiatives in the scheme, but gaps persist. Such as for instance, comprehensive measures for child victims as are given in POCSO are not included in UP scheme, showing a gap for potential area. Not only does this maximum amount of financial help, as mentioned by judicial directives, may be inadequate to meet up with the need for long medical treatment, rehabilitation, or psychiatric help. *Nipun Saxena v. Union of India*²¹ is the matter highlighting the requirement of continuous reassessment and if required to adjust the limits or inflation underscore the need for states to review and, if necessary, revise compensation limits periodically to reflect inflation and increasing amount of extensive care.

3. Legal Services Authorities and VCS

An important role to administer the VCS throughout the state played by the state and district legal services authorities which reflects regional policy adaptations as per the national legal framework under as mentioned in Section 396 BNSS. This analysis highlights procedural distinctions, administrative involvement, and jurisdictional nuances.²²

Uttar Pradesh the victim compensation scheme is based on Section 357A (Now Section 396 BNSS) and provides that government will draw up victim compensation scheme and will set the roles of different DLSAs of the state. Authorities have a duty to assess the claims, allocation of compensation, and hearing of appeals by the State Legal Services Authority. In UP, the Victim Compensation Scheme, 2014, tasks both SLSA and DLSA with specific roles, where the DLSA primarily evaluates applications, verifies claims, and initiates compensation disbursements. DLSAs in UP are empowered to award compensation within prescribed limits, with the SLSA overseeing appeals and broader policy implementations across districts as shown in table 5. UP, DLSAs have substantial autonomy, acting almost independently in assessing claims and awarding compensation. The SLSA's role is limited mainly to appellate functions and ensuring policy alignment.

However, interim relief is less structured, granted primarily at the court's discretion. The scheme of UP provides appellate rights to the victims to appeal against DLSA decision before the State Legal Services Authority. As the compensation scheme of UP is based on section 357 A of Code of Criminal procedure, 1973 (Now Section 396 BNSS) exemplified special administrative styles influenced by local policies. A thorough understanding of the procedure is required to examine the essential procedure for victim compensation for the state. This method includes the stairs necessary to claim compensation, the prime documentation, and the timelines for payments.

Table 5. Administration of Victim Compensation Scheme

Sr. No	Aspect	Uttar Pradesh
1	Application Process	Victims apply to DLSA; recommendations may be made by courts per Section 396 BNSS
2	Verification Protocols	DLSA examines evidence of harm and financial impact, largely relying on victim statements.
3	Disbursement of Funds	One-time disbursement post-verification by DLSA.
4	Interim Compensation	Granted only in select cases, mostly upon court recommendation.
5	Appeal Process	Victims may appeal to SLSA if compensation is denied by DLSA.

Victims or survivors must move a claim for compensation to the District Legal Services Authority (DLSA) by invoking the steps as are mentioned Section 357A of Cr.P.C., 1973 and as are given in 2014 VCS of UP. Applicants must submit:

1. Police report or First Information Report (crime has been reported in a stipulated timeframe of 48-hour),
2. Therapeutic history with the details of harms, and medical records detailing injury and nursing expenses,

¹⁸ [(2014) 4 SCC 427]

¹⁹ [(2013) 6 SCC 770]

²⁰ [(1995) 1 SCC 14]

²¹ AIR ONLINE 2018 SC 826

²² <https://nalsa.gov.in/services/victim-compensation>

3. Dependency proof, in case claim filed by a dependent.

DLSA has a duty to examine this filed by the victim and authenticate the details with official records, as are used frequently anticipated on police reports, medical records, and statements of witnesses. The decision typically occurs within 60 days of application receipt (Table 6).

Table 6. Disbursal Timelines and Compliance with Scheme Guidelines

State	Application Processing Time	Interim Disbursal Timeline	Final Disbursal Timeline	Challenges
Uttar-Pra-desh	Within 60 days (target)	No formal interim provision	Final disbursal within 2 months	Reliant on police cooperation; documentation gaps

Interim compensation provisions reflect a state's commitment to providing immediate relief to victims, recognizing the urgency of their needs, particularly in cases involving serious trauma or financial hardship. In UP a provision for temporary compensation is outlined in the scheme, but the procedure mentioned has the procedural and operational glitches which show different levels emphasizing claimant help. Victim Compensation program is not having any structured method for provisional financial help and having the meaning, that claimant can access only financial assistance if the claims have been fully evaluated. Lacking the provision for provisional relief advice is an inflexible method to find out the claimants' significant hardship, particularly during prolonged verification periods. Interim assistance may be available in certain circumstances based on specific judicial recommendations. Nonetheless, the UP scheme is having a disadvantage that it is to have more proactive interim assistance as compared with other states.

There is an absence of a well-structured system for provisional compensation, District Legal Service Authorities at UP are not having direct directions to deliver prompt help, resulting in victims relying on the judgment of individual officials or, at times, court orders. While this flexibility may allow for some responsiveness, it could also introduce inconsistencies in the availability of interim aid. Some DLSAs might classify instances involved economic hardship or specific injuries, the payment could be postponed until the procedural necessities are fulfilled. Special attention, focused on the circumstances related to minors, senior citizens requiring help or physical or the person suffering psychological or mental incapability requires additional help. Beyond just giving monetary assistance, temporary compensation plays a pivotal role in individual's rehabilitation as this permits us to get legal, medical, and psychological aid at once. UP scheme lacks provisional relief tools, which may impede victims' recovery and inhabitants with complete engagement in justice procedure potentially undermining their access to justice (Table 7).

Table 7. Relief Aspect and its status in Uttar Pradesh

Sr. No.	Aspect	Uttar Pradesh
1	Availability	Availability
2	Timeline for Disbursal	Typically after final assessment
3	Conditions	Case-by-case, often court-recommended
4	Judicial Influence	Limited to final relief

Compensation awarded in heinous crimes like rape, acid attacks, POCSO and murder are the cornerstone of Uttar Pradesh (UP) Victim Compensation Scheme, which governed by Section 357A of Cr.P.C. and seeks to address the grave impact of these by directing financial and rehabilitative support (Table 8). Compensation scheme of UP underscored in comparison to other states, there is a requirement to update directions, which may show the actual expenses aligned to the acute victimization. State may benefit and enhance the equity by revisiting financial aid programme, which must added temporary relief measures and the highest limit of compensation for highly critical cases. Particularly, in cases of heinous crimes, financial assistance is an essential ingredient of justice beyond financial reparation. The victim Compensation Scheme of UP requires immediate measures that extend beyond monetary compensation for victims. Indeed, the scope, implementation, and accessibility of these additional support services discloses differences on merit close examination for special provisions, for minors and differently abled victims and exhibits its approach to the unique vulnerabilities within these groups.

Table 8: Compensation Amounts across Specific Categories

Sr. No.	Offense Type	Uttar Pradesh (UP)
1	Rape	Up to ₹3,00,000
2	Acid Attack	Up to ₹3,00,000
3	POCSO-Related Cases	₹2,00,000 - ₹4,00,000, depending on age
4	Murder	₹2,00,000 (earning member)

The Scheme of 2014 addressed the need for non-monetary support, though lacking explicit provisions for systematic psychological counseling or trauma care. Generally, victims depend on the discretion of DLSA, which may provide limited access to mental health services. However, the absence of a formal structure of counselling and rehabilitation remains non-static and inadequately addresses the prolonged psychological impact of violent crimes.

Specifically, the scheme of UP doesn't need for victims any special mandate vocational training or skill development. Sometimes DLSA helps to associate the sufferer with such programs, mainly to the victims who required prolong rehabilitation arises from disabilities resulting from violent crimes. In the absence of conventional guidelines, it creates variability in the availability and

quality of services. Child victims as are covered in POCSO, State's scheme providing limited measures guidance and safety. Compensation amounts may vary as per the age and gravity of wrong, a dedicated protocol to ensure that minors receive trauma-informed care, educational support, or long-term psychological counseling is unavailable in the aforesaid scheme. The scheme acknowledges for the victims with disabilities, but unable to mention specialized support or infrastructure for their rehabilitation. Especially abled sufferer often faced other challenges because they have the dire need of mobile help, physical therapy, and special psychotropic care and support, which is in current situation not been given by the recent programme.

Victim centric measures proponent by the courts for a very long tenure in criminal law, specifically emphasizing the restoration is an unalienable side of victim assistance. In a famous case, judiciary pointed out that most adolescents have the right of panoptic recuperation and not only on fiscal assistance²³. In second matter, it pointed out that the need of prolonged help to the acid attack survivors encourages states to accept methods that may point out the societal and emotional requirements of these needy.²⁴

The purpose of the victim help programme is to cope up the requirements of individual survivors of heinous offences and application of the scheme phizog various provocations to put an impact on its usefulness. Due to unawareness of public at large and official delay of maladministration. These barriers show structural limitations unique to each approach. This paper aims to find root causes of defectiveness to use these compensation schemes, and checking the impacts of legal, state and administrative hurdles. Procedural delays mainly put a barrier on the victim compensation Programme. Presently, under the current setup, applicants face hurdles like long processing period due to the shortage of helping hands in DLSA, minimum access of essential papers and the prolonged affirmation, which delayed the objectives of the scheme or postponed financial support to the needy.

Due to limited efforts and insufficient steps to inform the victims, they are not sensitized in UP about their eligibility towards the victim compensation scheme. No information given by the authorities, law enforcement officers or advocates about their right to get compensation. Furthermore, legal help sources at village levels is sparse, limited to access the information and mode on how to apply for compensation. State struggles with inadequate coordination among DLSA, the law enforcement officials, and courts. DLSA officials generally face problems in receiving police reports or securing cooperation from law enforcement agencies, as is essential for verification. Further, law enforcement officials' support is also important for the interim relief processing, because police documentation is a prerequisite for initial disbursement. Communication breakdowns also put an adverse impact and underscore the need for integrated support mechanisms. The requirement of continuous reassessment and if required to adjust the limits or inflation underscores the need for states to review and, if necessary, revise compensation limits periodically to reflect inflation and increasing amount of extensive care.

4. Limitations Unique to the Scheme

A variety of administrative hurdles exist in UPVCS to limit its efficacy. The scheme lacks a structural framework for temporary compensation, or it may be said that victims must wait a long time to get help. Further, funds allocation is inconsistent, because budgets for compensation vary every year, due to shortage of budgets and late payments. UP could benefit from securing consistent budget allocations specifically earmarked for victim compensation, which would alleviate the financial delays currently faced by DLSAs. It is expected and required by the State Government to invest in public awareness initiatives to ensure that potential claimants understand their rights and the application process. Legal aid clinics, particularly in rural UP, and community outreach in marginalized neighborhoods could bridge the current information gap. By the establishment of dedicated liaison officers within the police force within the state could streamline communication with DLSAs, ensuring that essential documents are provided promptly to facilitate timely compensation. The real-world impact of victim compensation schemes requires a close look at recent case studies from Uttar Pradesh. Through field studies and public reports, it becomes possible to assess how effectively these compensation frameworks address victims' needs, highlighting both strengths and gaps in their implementation. Examining recent cases also sheds light on the scheme's responsiveness, procedural efficiency, and actual benefits extended to victims

Case Study 1: Acid Attack Survivor in Uttar Pradesh (2022)

An acid attack survivor of UP, applied for compensation. The application processed by DLSA with required documentary evidence along with medical records and a police report. Due to procedural lacunas, the waiting period extended for couple of months. Though, the victim was eligible for a compensation amount of ₹3,00,000/-. Lack of immediate interim relief forced the victim to rely on personal funds for urgent medical treatment. This case highlights a critical shortfall in UP's scheme; without interim compensation provisions, victims are left financially vulnerable, often unable to meet immediate medical needs. Furthermore, delays in document verification underscored the need for a streamlined, time-bound procedure for disbursement

Case Study 2: Minor POCSO Survivor in Hapur (2023)

A minor victim in district Hapur of Uttar Pradesh was a survivor of sexual abuse under POCSO, applied for compensation through the District Legal service Authority, Hapur UP for Compensation. No, sensitivity on the part of the court, prosecution, police or DLSA was given to the case. The court ordered an amount of ₹ 50,000/- only as interim compensation, but until the victim and her guardians do not have any information about the compensation awarded by the trial court. Neither the court, nor the public prosecutor, nor the police attempted to inform the victim about this.

A 2023 field study across five districts in UP revealed that many eligible victims were unaware of the compensation scheme. Over 65% of victims interviewed had no knowledge of the application process, indicating a significant information gap. The study highlighted that, on average, compensation processing took 4-6 months, with victims frequently citing a lack of updates from DLSAs. Limited DLSA staff and complex verification procedures were noted as primary reasons for the delay. These findings

²³ Nipun Saxena v. Union of India, (2019) 2 SCC 703

²⁴ Laxmi v. Union of India, (2014) 4 SCC 427

suggest a need for public awareness campaigns in UP to inform victims about their rights and available compensation. DLSA resources and introducing interim relief, could address these inefficiencies (Table 9)

Table 9: Efficacy of Victim Compensation Scheme of UP

Sr. No.	Aspect	Uttar Pradesh
1	Awareness and Outreach	Limited public awareness, especially in rural areas
2	Processing Time	4-6 months on average
3	Interim Relief Provision	Largely absent
4	Coordination Issues	Limited police and DLSA coordination

Often suggested and recommended by the courts that the compensation programme be dynamic, responsive, and tuned to the immediate and long-term needs of victims. Courts decisions and amendments in policies both have their roots in non-doctrinal research precedents, authorizing the State for more effective and meaningful structure. Through the important decisions and good efforts, recommendations to find out the loopholes administrative actions streamlined to amend complete access for the compensation.

Continuously, courts are mentioning the need for victim rehabilitation and pleading for adequate relief and substantial help framework. Leading decisions reshaped the thoughts and requirements of financial aid across the country. In *Suresh v. State of Haryana*,²⁵ apex court stressed on the requirement of temporary monetary relief, cautioning against the late might left the sufferer bare hand from just and required restoration. This decision spotting the court's intent as compensation is an urgent requirement in place of a prolonged technique dependent on final case outcomes. *Nipun Saxena v. Union of India*²⁶ is the case where the judiciary Court emphasized on the demand trauma-informed care and comprehensive rehabilitation, for survivors of sexual crimes. It is clear from the decision that courts are having the aim of full assistance apart from the fiscal help. In *Ankush Shivaji Gaikwad v. State of Maharashtra*²⁷ case supreme judiciary pointed out that rehabilitation could not alone be based on the wrongdoers' sentence, instead of this it is an obligation upon the ruler to ensure that victim will be helped even if the conviction is pending or the accused is unidentified (Table 10).

Table 10. Policy Recommendations for Uttar Pradesh

Sr. No.	Recommendation Area	Uttar Pradesh
1	Timeliness and Interim Relief	Establish mandatory interim relief for victims of severe crimes, with a target of disbursing funds within 2-4 weeks
2	Public Awareness and Outreach	Implement rural outreach programs and legal aid camps to educate victims on their rights
3	Cross-Agency Coordination	Formalize a coordination mechanism between police, medical officers, and DLSA for timely document access
4	Flexibility in Disbursement	Introducing flexible, needs-based disbursement to ensure victims can access immediate large sums for urgent needs
5	Special Provisions for Vulnerable Groups	Establish specific protocols for minors, differently abled, and victims of acid attacks, including medical and psychological support

5. Conclusions

Victim compensation program of the State of UP is one of the important pieces of legislation and plays a crucial role, and the objective of the schemes is to give significant help and restoration to the survivors of heinous offences. Nevertheless, several differences exist in the structure and implementation that are there putting an adverse impact on its application. Model of Uttar Pradesh VCS has the drawbacks of systematic approach, faces risks, experiences procedural delays, and suffers from insufficient outreach. Courts decisions like *Suresh v. State of Haryana* and *Nipun Saxena v. Union of India* focusing that rehabilitation ought to be prompt and specific customized to fulfill the needs. Establishment of mandatory interim relief in UP and adjustable, required expenditures should be aligned with the scheme near to the presumptions set by the judiciary. Finally, adopting a coherent attitude focusing on agrarian and disenfranchised communities of Uttar Pradesh may refine the financial help procedure, by making it more responsive, crystal clear, and matched with the rights and requirements of victims. Such reforms would guarantee that these programs achieve their goal of providing genuine, restorative justice.

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²⁵ (2015) 2 SCC 227

²⁶ (2019) 2 SCC 703

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