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# **CHALLENGES IN IMPLEMENTATION OF VICTIM COMPENSATION SCHEME IN UTTAR PRADESH: A SOCIO-LEGAL ANALYSIS**

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## **Abstract**

Victim compensation has emerged as an integral component of the modern criminal justice system. Traditionally, criminal law focused primarily upon punishment of offenders, while the plight of victims remained neglected. With the development of victimology and human rights jurisprudence, increasing emphasis has been placed upon victim rehabilitation and restorative justice. In India, Section 357A of the Code of Criminal Procedure, 1973 introduced a statutory mechanism for victim compensation through State-sponsored schemes. Uttar Pradesh has implemented the Victim Compensation Scheme through the Uttar Pradesh State Legal Services Authority; however, the practical implementation of the scheme continues to face numerous challenges. The present paper critically examines the legal framework governing victim compensation and analyses the practical, administrative, and socio-legal obstacles affecting implementation in Uttar Pradesh. The paper further evaluates judicial trends and suggests reforms for strengthening victim-oriented justice.

**Keywords:** Victim Compensation, Victimology, Section 357A CrPC, Uttar Pradesh, Rehabilitation, Criminal Justice System.

## **Introduction**

The administration of criminal justice has undergone substantial transformation over the years. Earlier, criminal justice systems across the world were primarily offender-centric, concentrating mainly on prosecution and punishment. Victims of crime were largely ignored and were treated merely as witnesses in criminal proceedings. However, with the emergence of victimology and international human rights standards, the rights of victims gradually gained recognition within criminal jurisprudence. Victims of crime often suffer physical injuries,

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emotional trauma, financial hardship, social stigma, and psychological distress. In many cases, particularly those involving sexual offences, acid attacks, trafficking, and violent crimes, victims require immediate financial assistance and rehabilitation support for restoring their dignity and livelihood.<sup>3</sup>

The Indian legal system recognised the necessity of victim compensation through the incorporation of Section 357A in the Code of Criminal Procedure, 1973 by the Criminal Procedure Code (Amendment) Act, 2008. This provision requires every State Government, in coordination with the Central Government, to formulate schemes for providing compensation to victims or their dependents who have suffered loss or injury due to crime. The State of Uttar Pradesh implemented the Victim Compensation Scheme through the Uttar Pradesh State Legal Services Authority (UPSLSA). Although the scheme seeks to provide financial relief and rehabilitation to victims, its implementation remains inadequate due to procedural delays, lack of awareness, administrative inefficiency, and socio-economic barriers.<sup>4</sup>

The present paper critically analyses the implementation of the Victim Compensation Scheme in Uttar Pradesh from a socio-legal perspective. The paper examines the legal framework, judicial approach, practical challenges, and the effectiveness of institutional mechanisms responsible for disbursing compensation.

### **Concept of Victimology and Victim Compensation**

Victimology refers to the scientific study of victims, victimisation, and the relationship between victims and the criminal justice system. The discipline emerged as an important branch of criminology during the twentieth century and significantly influenced modern criminal jurisprudence. Earlier criminal justice systems were primarily concerned with identifying and punishing offenders, whereas victims remained marginalised. The modern victim rights movement highlighted that victims are entitled not only to justice but also to rehabilitation, compensation, and protection.<sup>5</sup>

An important milestone in the development of victim rights was the adoption of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985. The Declaration recognised the rights of victims to access justice, restitution, compensation, and assistance. It urged member States to establish mechanisms for

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<sup>3</sup> K.D. Gaur, *Criminal Law: Cases and Materials* 412 (LexisNexis, 9th ed., 2022).

<sup>4</sup> Uttar Pradesh Victim Compensation Scheme, framed under Section 357A, Code of Criminal Procedure, 1973.

<sup>5</sup> S. Chandra, *Victimology and Criminal Justice System* 56 (Deep & Deep Publications, 2018).

compensating victims who suffer substantial harm due to criminal acts.<sup>6</sup>

Victim compensation is closely associated with the theory of restorative justice. Unlike traditional punitive theories, restorative justice focuses upon repairing the harm caused by crime and restoring the dignity of victims. Compensation serves as an important mechanism for addressing the economic and emotional suffering of victims. In India, the concept of victim compensation has increasingly been linked with Article 21 of the Constitution, which guarantees the right to life and personal liberty. The Supreme Court has repeatedly held that the right to life includes the right to live with dignity, thereby recognising compensation and rehabilitation as essential components of victim-oriented justice.<sup>7</sup>

### **Legal Framework of Victim Compensation in India**

The constitutional framework of India supports the concept of victim compensation through various provisions. Article 14 guarantees equality before law and equal protection of laws, ensuring that victims have equal access to justice and legal remedies. Article 21 guarantees protection of life and personal liberty, which has been interpreted broadly by the judiciary to include rehabilitation and compensation in cases involving violation of fundamental rights. Article 39A further directs the State to ensure equal justice and free legal aid, thereby strengthening the role of legal services institutions in assisting victims.<sup>8</sup>

Prior to the introduction of Section 357A, compensation was primarily governed by Section 357 of the Code of Criminal Procedure, 1973. Under Section 357, courts were empowered to award compensation to victims out of fines imposed upon offenders. However, this provision suffered from several limitations because compensation depended largely upon conviction and imposition of fine. Moreover, many offenders lacked the financial capacity to pay compensation.<sup>9</sup>

The Criminal Procedure Code (Amendment) Act, 2008 inserted Section 357A into the Code of Criminal Procedure, thereby introducing a comprehensive State-sponsored victim compensation mechanism. The provision mandates every State Government to prepare a scheme for compensating victims who require rehabilitation. Significantly, compensation may also be awarded in cases where the offender is not identified or acquitted. The District Legal Services Authority (DLSA) and State Legal Services Authority (SLSA) are entrusted with the

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<sup>6</sup> United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985.

<sup>7</sup> *Nilabati Behera v. State of Orissa*, (1993) 2 SCC 746.

<sup>8</sup> Constitution of India, arts. 14, 21 and 39A.

<sup>9</sup> Code of Criminal Procedure, 1973, § 357.

responsibility of determining and disbursing compensation.<sup>10</sup>

The State of Uttar Pradesh has framed the Uttar Pradesh Victim Compensation Scheme under Section 357A CrPC. The scheme provides compensation to victims of offences such as rape, acid attack, trafficking, child sexual abuse, murder, permanent disability, and serious bodily injury. The compensation process generally involves recommendation by courts or police authorities, inquiry by the DLSA, verification of documents, and final disbursement of compensation. Interim compensation may also be granted in urgent cases requiring immediate relief.<sup>11</sup>

### **Judicial Approach towards Victim Compensation**

The judiciary has played a significant role in strengthening victim compensation jurisprudence in India. In *Bodhisattwa Gautam v. Subhra Chakraborty*, the Supreme Court recognised the power of courts to grant interim compensation to rape victims and observed that rape constitutes a violation of fundamental rights under Article 21 of the Constitution.<sup>12</sup> The judgment marked an important shift towards victim-oriented justice.

Similarly, in *Delhi Domestic Working Women's Forum v. Union of India*, the Supreme Court emphasised the necessity of providing legal assistance and compensation to victims of sexual violence. The Court issued directions for establishing support mechanisms to assist victims during criminal proceedings.<sup>13</sup>

In *Ankush Shivaji Gaikwad v. State of Maharashtra*, the Supreme Court observed that courts are under an obligation to consider the question of compensation in every criminal case. The Court clarified that compensation is not merely ancillary to punishment but forms an integral part of justice delivery.<sup>14</sup>

Further, in *Nipun Saxena v. Union of India*, the Supreme Court issued significant directions regarding compensation and rehabilitation of sexual assault victims. The Court stressed the importance of preserving the dignity, confidentiality, and rehabilitation of victims.<sup>15</sup> These judicial pronouncements collectively demonstrate the judiciary's commitment towards strengthening victim-centric justice.

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<sup>10</sup> Code of Criminal Procedure, 1973, § 357A.

<sup>11</sup> Uttar Pradesh State Legal Services Authority Rules and Victim Compensation Guidelines.

<sup>12</sup> *Bodhisattwa Gautam v. Subhra Chakraborty*, (1996) 1 SCC 490.

<sup>13</sup> *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 SCC 14.

<sup>14</sup> *Ankush Shivaji Gaikwad v. State of Maharashtra*, (2013) 6 SCC 770.

<sup>15</sup> *Nipun Saxena v. Union of India*, (2019) 2 SCC 703.

## **Challenges in Implementation of Victim Compensation Scheme in Uttar Pradesh**

Despite the existence of a progressive statutory framework, the implementation of the Victim Compensation Scheme in Uttar Pradesh faces numerous practical and socio-legal challenges. One of the most serious challenges is the lack of awareness among victims regarding their right to compensation. A large number of victims, particularly those belonging to rural and economically weaker sections, remain unaware of the existence of compensation schemes. In many cases, victims depend entirely upon police officials or legal practitioners for information regarding their rights. Unfortunately, investigating officers frequently fail to inform victims about the availability of compensation mechanisms. Illiteracy, poverty, and social marginalisation further aggravate this problem.<sup>16</sup>

Delay in disbursement of compensation constitutes another major obstacle. Victims often face prolonged verification procedures, administrative backlog, repeated documentation requirements, and slow inquiry processes. Such delays defeat the very objective of victim compensation, particularly in cases involving serious bodily injury, sexual offences, or acid attacks where victims require immediate medical and financial assistance.<sup>17</sup>

The compensation procedure is also excessively bureaucratic and time-consuming. Victims are generally required to submit numerous documents including copies of FIRs, medical reports, identity proof, court records, and income certificates. Many victims face substantial difficulty in obtaining these documents, especially in rural areas where access to administrative offices remains limited. Excessive procedural formalities discourage victims from pursuing compensation claims.<sup>18</sup> Another important challenge relates to inadequacy of compensation amounts. Although compensation schemes prescribe monetary assistance for different categories of offences, the amount often remains insufficient in comparison to the actual suffering and rehabilitation needs of victims. Victims of acid attacks, permanent disability, or sexual violence frequently require long-term medical treatment, psychological counselling, and rehabilitation support. Rising healthcare costs and inflation further diminish the practical utility of compensation amounts.<sup>19</sup>

Lack of coordination among institutions also adversely affects implementation of the scheme.

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<sup>16</sup> National Legal Services Authority, Victim Compensation Reports.

<sup>17</sup> NCRB, *Crime in India Report* (latest available edition).

<sup>18</sup> Ratanlal & Dhirajlal, *The Code of Criminal Procedure* 689 (LexisNexis, 23rd ed., 2021).

<sup>19</sup> Law Commission of India, Report on Victim Compensation in India.

Effective victim compensation requires cooperation among police authorities, hospitals, courts, legal services authorities, and government agencies. However, institutional coordination remains weak in many districts. Delays in forwarding reports, incomplete investigations, and administrative inefficiency frequently obstruct compensation proceedings.<sup>20</sup>

Victims belonging to rural areas, marginalised communities, and economically weaker sections face additional social barriers. Women victims of sexual offences often avoid legal proceedings due to social stigma and fear of ostracism. Patriarchal attitudes and lack of social support discourage victims from seeking legal remedies. Distance from courts and legal aid institutions further affects accessibility to compensation mechanisms.<sup>21</sup>

Another major weakness of the existing system is the absence of comprehensive rehabilitation measures. Victim compensation schemes primarily focus upon financial assistance while neglecting psychological and social rehabilitation. Victims of violent crimes require counselling, mental health support, shelter facilities, vocational training, and rehabilitation programmes. Mere monetary compensation cannot adequately address the trauma suffered by victims.<sup>22</sup>

### **Socio-Legal Analysis**

A socio-legal analysis reveals a considerable gap between legal ideals and practical realities. From a legal perspective, Section 357A CrPC represents a progressive reform aimed at recognising victims as important stakeholders within the criminal justice system. Judicial decisions have also expanded the scope of compensation and rehabilitation. However, implementation at the ground level remains inconsistent and ineffective.

The Indian criminal justice system continues to remain largely offender-oriented. Greater institutional emphasis is still placed upon investigation and punishment rather than victim rehabilitation. Victims often encounter procedural difficulties, administrative indifference, and social stigma during the process of seeking compensation. Socio-economic conditions significantly influence access to justice. Poor and illiterate victims frequently lack the resources and awareness necessary for navigating legal procedures. Women victims face additional barriers due to patriarchal social structures and fear of public humiliation.

The effectiveness of victim compensation cannot be measured merely through statutory

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<sup>20</sup> UPSLSA Administrative Reports.

<sup>21</sup> Flavia Agnes, *Law and Gender Inequality* 214 (Oxford University Press, 2019).

<sup>22</sup> V.R. Krishna Iyer, *Human Rights and Inhuman Wrongs* 118 (B.R. Publishing Corporation, 2017).

provisions or compensation amounts. True victim-oriented justice requires a comprehensive rehabilitative framework ensuring dignity, protection, counselling, social reintegration, and economic support. Therefore, strengthening institutional mechanisms and adopting victim-sensitive administrative practices are essential for effective implementation of compensation schemes in Uttar Pradesh.

### **Suggestions and Recommendations**

The implementation of the Victim Compensation Scheme in Uttar Pradesh can be improved through several legal and administrative reforms. Firstly, awareness programmes should be organised through legal literacy camps, educational institutions, police stations, and media platforms to educate victims regarding their rights. Secondly, the compensation process should be simplified by reducing documentation requirements and introducing digital application systems. Time-bound procedures should be implemented to ensure speedy disbursement of compensation.

Thirdly, District Legal Services Authorities should be strengthened through adequate staffing, funding, and training. Special victim assistance cells may be established to guide victims throughout the compensation process. Fourthly, compensation amounts should be periodically revised considering inflation and rehabilitation costs. Separate provisions should be made for long-term rehabilitation of acid attack victims and victims of sexual violence.

Further, compensation mechanisms should incorporate psychological counselling, mental health support, shelter homes, and vocational rehabilitation programmes. Effective coordination among police authorities, hospitals, courts, and legal services institutions must also be ensured through digital monitoring systems and accountability mechanisms.

### **Conclusion**

Victim compensation has emerged as an indispensable component of the contemporary criminal justice system. The traditional offender-centric approach of criminal law often failed to recognise the pain, suffering, and rehabilitation needs of victims. However, with the gradual evolution of victimology and human rights jurisprudence, the focus of criminal justice has expanded beyond punishment of offenders to include restoration of victims' dignity and welfare. In India, the insertion of Section 357A in the Code of Criminal Procedure, 1973 represents a significant legislative step towards recognising the rights of victims and ensuring State responsibility in providing compensation and rehabilitation.

The Victim Compensation Scheme implemented in Uttar Pradesh reflects an important effort by the State to provide financial assistance and support to victims of crime. The scheme acknowledges that victims frequently suffer not only physical injuries but also emotional trauma, social stigma, economic instability, and psychological distress. Compensation therefore serves as a mechanism of restorative justice intended to reduce the adverse impact of criminal victimisation and assist victims in rebuilding their lives.

Despite the existence of a statutory framework and progressive judicial pronouncements, the practical implementation of the Victim Compensation Scheme in Uttar Pradesh continues to face serious challenges. The study reveals that procedural delays, bureaucratic hurdles, lack of awareness among victims, insufficient compensation amounts, weak institutional coordination, and absence of comprehensive rehabilitation mechanisms significantly reduce the effectiveness of the scheme. Victims belonging to rural areas, economically weaker sections, women, and socially marginalised communities face even greater difficulties in accessing compensation and legal assistance.

The judiciary has undoubtedly played a transformative role in expanding victim rights through liberal interpretation of constitutional provisions and recognition of compensation as an integral component of Article 21 of the Constitution. Judicial decisions have consistently emphasised that victim compensation is not merely ancillary to criminal proceedings but forms an essential aspect of fair and humane justice delivery. Nevertheless, judicial activism alone cannot ensure effective implementation unless supported by efficient administrative mechanisms and victim-sensitive institutional practices.

A socio-legal analysis further demonstrates that victim compensation should not be confined to monetary relief alone. True victim-oriented justice requires a holistic rehabilitative approach involving medical assistance, psychological counselling, legal aid, shelter facilities, vocational training, and social reintegration. Compensation must therefore be viewed as part of a broader welfare-oriented framework aimed at restoring the dignity and confidence of victims.

For effective implementation of the Victim Compensation Scheme in Uttar Pradesh, there is an urgent need to strengthen legal services institutions, simplify procedural formalities, ensure time-bound disbursement of compensation, increase awareness regarding victim rights, and establish robust monitoring mechanisms. Digitalisation of compensation procedures and better coordination among police authorities, courts, hospitals, and legal services authorities can further improve efficiency and transparency.

In conclusion, the success of any criminal justice system ultimately depends not only upon punishment of offenders but also upon its ability to protect, rehabilitate, and restore victims of

crime. A victim-centric justice system strengthens public confidence in the rule of law and upholds the constitutional ideals of justice, equality, dignity, and human rights. Therefore, effective implementation of victim compensation schemes is essential for achieving substantive justice and promoting a more humane and responsive criminal justice administration in India.

