

Crime Survivors Rehabilitation Program in Delhi: An Analysis

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Abstract

This article undertakes a critical assessment of the Victim Rehabilitation Programme for the State of Delhi, by examining the framework within the broader context of Section 357A of the Code of Criminal Procedure, 1973 now Section 396 Bharatiya Nagrik Suraksha Sanhita, 2023. To assist crime victims, the government has framed the scheme of Delhi, having the aim, to provide financial relief, to reintegrate the affected individuals into society and for their rehabilitation. This paper underscores the significant inconsistencies in the management of cases related to serious criminal wrongs like acid attack, murder, sexual assault and identifying the drawbacks and loopholes in enforcement.

Through the case histories and the precedents, the authors tried to assess the effect of the programme on 'real world', having the objective to advance a sculpture which may better match with the principles of rehabilitation and restorative procedure as well as to focus on the alignment of survivor based jurisprudence. With the suggestions, the article through a light on the immediate requirement of amendment to bridge the gaps of the policy and to maintain sufferer's right to adequate and timely compensation, rehabilitation and restoration.

Keywords: Victim Compensation, Delhi, Restorative Justice, Rehabilitation

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, Delhi have established Victim Compensation Schemes, each with unique approaches and specific criteria. Delhi's scheme adopts a more detailed approach, aiming to reflect the varying needs of different types of victims. The framework, however, share the common objective of bridging the gap between justice and genuine victim support.

1. LEGISLATIVE FRAMEWORK

1.1 Historical Evolution of Victim Compensation in Indian Law

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 was 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.¹

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 Bihar*² and *Nilabati Behera v. State of Orissa*³, underscored the need for a state-led compensatory framework. 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.

1.2 -Overview of Section 357A Cr.P.C. and its Role in Establishing Compensation Schemes

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*⁴, 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.

Key Provisions of Section 357A Cr.P.C. (Now Section 396 of 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.

¹ Allahabad High Court, Rape Victim's Compensation Amount DLSA Uttar Pradesh Victim Compensation Scheme 2014.

² (1983) AIR 1086

³ (1993) 2 SCC 746

⁴ [(2014) 4 SCC 427]

5	357A(5) [396(5)]	District Legal Services Authorities (DLSA) are responsible for determining compensation amounts.
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2. Objectives of victim compensation schemes

Victim compensation schemes are 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 schemes signifies a paradigm shift towards a more humane, inclusive approach. Such schemes are 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.

2.1 Key Purposes and Objectives of Victim Compensation

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. (Now Section 396 BNSS) and subsequent state-specific scheme such as Delhi Victim Compensation Schemes set out guidelines to fulfill these objectives:

2.2 Financial Relief to Address Immediate Needs

Compensation schemes aim to alleviate the financial burdens that victims endure as a result 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, 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*⁵.

2.3 Restoration and Rehabilitation of Victims

Beyond immediate monetary support, these schemes are 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*⁶, 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.

2.4 Preventing Further Hardship and Vulnerability

Many victims, particularly women, minors, and those from marginalized communities, are especially vulnerable to secondary victimization. The compensation schemes therefore aim to prevent such individuals from being further exploited by providing them with a financial safety net.

2.5 Encouraging Cooperation in the Justice Process

The schemes also incentivize victims to cooperate with investigative and prosecutorial processes. Section 357A(Now Section 396 BNSS) 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.⁷

⁵ *Id.*

⁶ *Supra* note 3.

⁷ *Supra* note 1.

3. Role in Restorative Justice and Victim-Centric Jurisprudence

The principle of restorative justice is fundamental to victim compensation schemes. Restorative justice seeks to restore the victim to their pre-crime state to the greatest extent possible, shifting the criminal justice framework from being solely offender-focused to one that acknowledges the victim's loss and suffering. Victim compensation under Section 357A Cr.P.C. (Now Section 396 BNSS) and the corresponding state schemes has become the linchpin of this justice model, underscoring the shift towards a victim-centric approach. This transformation is evident in several ways.

3.1 Recognition of State Responsibility

Victim compensation schemes shift the focus from the offender's financial capacity to the state's role in providing relief. As emphasized in *Ankush Shivaji Gaikwad v. State of Maharashtra*⁸, the judiciary has asserted that state compensation is essential even in cases where the accused is acquitted or unidentified. By mandating state responsibility, the schemes ensure that victims are not left in prolonged financial distress or dependent on the accused for relief, which aligns with restorative justice goals.

Ensuring a Holistic Approach to Justice

Victim compensation schemes foster a broader conception of justice, going beyond punishment to offer meaningful support to victims. In *Suresh v. State of Haryana*⁹, 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.

Providing a Safety Net in the Absence of Conviction

Section 357A's (Now Section 396 BNSS) unique feature is that it does not rely on conviction, unlike Section 357. This allows compensation even when the accused is unknown, untraceable, or acquitted. By enabling compensation independent of conviction, the law acknowledges the victim's suffering regardless of the trial's outcome. This approach supports restorative justice by offering redress based on the victim's harm rather than the offender's culpability.

Promoting Judicial Duty towards Victims

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*¹⁰. 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.

Strengthening Victim Participation and Voice

Compensation schemes also seek to enhance the victim's participation in the justice process. By providing the financial means to hire representation and access resources, the schemes empower victims to assert

⁸ [(2013) 6 SCC 770]

⁹ [(2015) 2 SCC 227]

¹⁰ *Supra* note 8

their rights actively. The schemes, therefore, play a significant role in building a legal framework where victims have a voice and stake, embodying the core values of victim-centric jurisprudence.

OVERVIEW OF THE DELHI VICTIM COMPENSATION SCHEME

The Delhi Victim Compensation Scheme (DVCS), promulgated in 2011 and revised in 2018, is a comprehensive framework established under Section 357A of Cr.P.C. mandates the state intervention to compensate victims for harm resulting from crime. As part of its restorative justice approach, DVCS reflects Delhi's commitment to a structured and victim-oriented compensation process, crafted to address the multifaceted needs of victims and their dependents. The scheme's revisions in 2018, following directives from the Supreme Court in cases such as *Suresh v. State of Haryana*¹¹, introduced important refinements that cater specifically to the needs of different victim categories, including women, minors, and acid attack survivors.

Establishment and Purpose

The DVCS was first introduced in 2011 and later revised to respond to evolving judicial and social expectations surrounding victim rights. These revisions align with international standards on victim compensation, such as those set by the UN's "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" (1985), and reinforce the state's duty to aid victims beyond prosecution and punishment of offenders. Under the DVCS, the primary objectives are to compensate victims who have sustained loss, injury, or trauma and to facilitate their reintegration into society. This framework thus broadens the reach of justice, ensuring that Delhi's victims are not merely witnesses in a criminal trial but active recipients of restorative justice.

Main Provisions and Structure of the Scheme

The DVCS operates under the administrative guidance of the Delhi State Legal Services Authority (DSLSA) and its District Legal Services Authorities (DLSA), ensuring a systematic flow of applications, verification, and fund disbursement. The scheme categorizes offenses and corresponding compensation amounts, enabling a differentiated and context-sensitive approach to financial relief. Following are the key provisions of the DVCS:

Sr. No.	Provision	Description
1	Eligibility Requirements .	The scheme applies to victims who have suffered due to offenses like rape, acid attacks, human trafficking, and fatal injuries. Victims or their dependents must file an application within one year of the crime, with certain exemptions available.
2	Compensation Process	Applications for compensation can be filed with the respective DLSA, or the court may recommend compensation. The DSLSA is mandated to verify claims, assess victim needs, and disburse compensation.
3	Compensation Limits	Amounts are set based on offense categories, with limits, such as ₹3,00,000 for acid attacks, ₹2,00,000 for rape, and ₹1,50,000 for the death of a non-earning member. Special provisions exist for minor victims and those requiring long-term support.

¹¹ *Id.*

4	Interim Compensation	The scheme permits interim compensation based on urgent victim needs and severity of injury, aligning with Section 357A(3) CrPC(Now Section 396 BNSS), which allows courts to direct interim payments for immediate relief.
5	Recovery Mechanism	In instances where compensation is awarded but later deemed inappropriate, the scheme has provisions to recover funds. This mechanism applies in cases where charges are dismissed or claims are found fraudulent.
6	Appeals and Revisions	Affected victims may appeal decisions of the DLSA to the DSLSA within 90 days of the initial decision, with the DSLSA authorized to condone delays in filing based on the merits of each case.

Unique Features and Updates

The 2018 DVCS revisions introduced critical updates, which enhanced its relevance and operational efficiency by adding new categories and expanding victim protections. Below are several unique features and updates that set the DVCS apart:

Detailed Categorization and Tiered Compensation

The DVCS incorporates specific categories of offenses with tiered compensation levels. For instance, acid attack victims may receive a maximum of ₹3,00,000/- due to the typically severe disfigurement and lifelong trauma associated with such crimes. The Delhi High Court's emphasis on creating "tailored categories" was reinforced in cases like *Rajesh Sharma v. State*¹², where the court underscored the need for context-sensitive compensation schemes that prioritize unique victim circumstances.

Provision for Enhanced Victim Rights and Awareness

The DVCS actively integrates provisions to create public awareness around victim compensation rights. Under Rule 15, it mandates that police officers inform victims of their right to compensation at the earliest, especially in cases involving minors or gender-based crimes. This approach strengthens the victim-centric nature of the DVCS by ensuring that victims are aware of their entitlements immediately following the crime.

Mandatory Judicial Consideration for Compensation in Criminal Trials

Judicial consideration of victim compensation is explicitly embedded in the DVCS. Courts are directed to assess compensation eligibility at every stage of the trial, aligning with the Supreme Court's mandate in *Ankush Shivaji Gaikwad v. State of Maharashtra*¹³, where judicial attention to victim rights was declared essential for fair justice. Delhi's scheme thus ensures judicial accountability in delivering compensation by compelling judges to document the grounds for awarding or denying compensation.

Enhanced Support for Vulnerable Victims

The 2018 revision uniquely addresses the needs of particularly vulnerable victims, such as children and persons with disabilities, allowing for increased compensation amounts. In Delhi, the DSLSA reserves the right to award supplementary compensation of up to

₹1,00,000/- in cases involving minors who suffer from permanent physical or psychological impairment due to the crime. This feature was introduced following recommendations from the *Laxmi v. Union of India*¹⁴ case, which underscored the necessity of an adaptive framework for victim rehabilitation.

¹² [Delhi HC, 2018]

¹³ *Supra* note 8.

¹⁴ *Supra* note 4

Direct Bank Transfers for Compensation Disbursement

DVCS mandates direct bank transfers, ensuring transparency and accountability in the disbursement process. In contrast to earlier practices of issuing compensation checks, this system is designed to minimize delays and prevent fund misappropriation. The implementation of this feature, noted in DSLSA annual reports, has effectively reduced delays and allowed victims to receive their entitled compensation swiftly.

Limitations on Lump-Sum Payments for Minors and High-Risk Cases

To safeguard minors and high-risk victims from potential exploitation, DVCS imposes restrictions on lump-sum payouts, opting instead for staggered payments. Courts and DSLSA officers monitor fund usage, thereby upholding the scheme's rehabilitative goal without the risk of misuse. This phased disbursement model was highlighted in *Geeta Devi v. Union of India*¹⁵ as a key safeguard for vulnerable victims.

Compensation Categories and Maximum Limits

The DVCS sets forth clear compensation amounts for specific categories, ensuring consistency and justice in compensation awards. Below is a table summarizing these categories and their respective limits:

Sr. No.	Category of Offense	Maximum Compensation Amount (₹)	Explanation
1	Acid Attack Victims	₹3,00,000	Reflects the severity of physical, psychological, and social trauma endured, covering medical care and reconstructive surgeries.
2	Rape	₹2,00,000	Covers costs related to medical care, psychological counseling, and rehabilitation needs for victims of sexual violence.
3	Fatal Injuries (Earning Member)	₹2,00,000	Intended to compensate dependents for financial loss due to the death of the primary income provider.
4	Fatal Injuries (Non-Earning Member)	₹1,50,000	Intended to assist the family with funeral expenses and partial relief, especially where the victim was not a primary earner.
5	Human Trafficking	₹2,00,000	Recognizes the extended harm faced by victims of trafficking, providing financial relief for reintegration and psychological support.
6	Child Victims under POCSO	₹2,00,000 - ₹1,00,000	Compensation varies based on the type of offense under POCSO, covering physical, mental, and educational support as appropriate.

¹⁵ [Delhi HC, 2017]

Judicial Oversight and Victim-Centric Focus

A unique element of the DVCS is its embedding of judicial responsibility in assessing victim compensation. By requiring judges to consider compensation at all trial stages, the scheme promotes a holistic, victim-centered justice approach. This aligns with judgments such as Ankush Shivaji Gaikwad case, which compel the judiciary to view compensation as a fundamental element of a fair justice outcome. Such requirements ensure that victims are not left overlooked in legal proceedings focused predominantly on the offender.

Challenges and Implementation Gaps

While the DVCS is an advanced compensation framework, challenges remain in practical implementation. Reports indicate instances of delayed disbursements, procedural complexities, and limited victim awareness, which undermine the scheme's potential. Delhi's DSLSA has worked to address these issues by increasing outreach efforts and streamlining application processes, yet more reforms are needed to improve accessibility and ensure that victims, particularly those from marginalized communities, are adequately informed and supported throughout their claim process.

Eligibility Criteria

Eligibility under victim compensation schemes is designed to ensure that financial relief and rehabilitation reach those who have genuinely suffered loss or injury from crime. In Delhi, scheme aim to align with the broader mandate of Section 357A of the CrPC (Now Section 396 BNSS), which entrusts states with the responsibility of victim support. However, 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 Delhi Victim Compensation Scheme (DVCS), analyzing the unique standards.

Conditions for Victims to Qualify for Compensation in Delhi

The Delhi Victim Compensation Scheme (DVCS) establishes a comparable, yet distinct, set of eligibility requirements, shaped by local priorities and specific procedural norms. Notably, the DVCS expands on certain eligibility requirements to provide greater flexibility:

Specific Crime Categories and Expansive Coverage: Delhi's scheme applies to severe crimes, including acid attacks, sexual offenses, fatal injuries, and crimes against minors under the POCSO Act. However, the DVCS uniquely includes a broader interpretation for certain offenses, allowing compensation for trauma even when physical injury is absent, as exemplified by provisions covering severe mental suffering due to crimes like stalking and harassment.

Application Period and Extension: Victims or their dependents must apply for compensation within one year of the crime. The DSLSA, however, is empowered to condone delays based on extenuating circumstances. This broader time allowance reflects a victim-centric approach, ensuring that trauma-related delays do not penalize victims.

Mandatory Police Information Requirement: An important feature unique to the DVCS is its requirement that the police inform victims of their right to compensation upon registering a First Information Report (FIR). This ensures that victims are aware of their entitlements and can seek assistance without delay. This provision was established to address findings in Delhi Domestic Working Women's

Forum v. Union of India¹⁶, where the Supreme Court emphasized the importance of accessible support for victims.

Special Provisions for Minors and Vulnerable Victims: The DVCS includes enhanced provisions for minors, differently-abled individuals, and elderly victims. For example, if the victim is a minor, the DSLSA may award additional compensation of up to ₹1,00,000 to cover long-term rehabilitative needs, as directed in (2014) 4 SCC 427¹⁷. This proactive approach underscores the scheme's responsiveness to the specific needs of vulnerable populations.

Eligibility Standards

With procedural distinctions, the DVCS share fundamental eligibility standards, aimed at ensuring that compensation reaches those most in need-

Focus on Severe and Violent Crimes: The scheme prioritize compensation for serious crimes, including rape, acid attacks, fatal injuries, and other severe offenses that cause significant harm or financial loss to victims. By targeting these offenses, both schemes focus their resources on cases where the victim's suffering and financial needs are most acute.

Victim's Obligation to Report and Cooperate: Delhi schemes require victims to report the crime and cooperate with authorities. This ensures a structured legal process and supports the integrity of investigations. This criterion also serves as a safeguard, ensuring that compensation is awarded to genuine cases and helping deter fraudulent claims.

Discretionary Powers for Delayed Reporting: Recognizing the complexities of trauma, the scheme grant DLSAs discretionary authority to condone delayed reporting in justified cases. This provision reflects sensitivity to the psychological barriers that victims of violent crimes often face, such as shock, fear, or shame, which may initially prevent them from reporting the incident.

Differences in Eligibility Standards

Sharing a broad framework, DVCS differ in specific eligibility aspects, highlighting the state's approach to local challenges and victim needs:

Time Limit for Application: The DVCS extends the application window to one year. This difference reflects Delhi's urban context, where victims may face logistical and emotional barriers in reporting and filing compensation claims.

Mandatory Police Notification in Delhi: Under the DVCS, police officers are required to inform victims of their compensation rights. This measure in Delhi underscores a proactive approach, ensuring that victims are not overlooked within the legal process and are aware of their entitlements at the earliest stage.

Enhanced Compensation for Vulnerable Populations in Delhi: The DVCS provides for supplementary compensation for specific categories of victims, including minors, differently-abled persons, and elderly victims, recognizing the added challenges they face in rehabilitation. This feature, influenced by Supreme Court rulings like Nipun Saxena v. Union of India¹⁸.

Scope of Compensation Coverage

The scope of compensation under the Delhi Victim Compensation Scheme (DVCS) highlights the commitment of these states to address the financial, psychological, and social needs of crime victims. However, there is variance in the breadth of coverage, compensation amounts, and specific categories addressed by the scheme, reflecting local priorities and judicial guidance. This section examines the

¹⁶ [(1995)1 SCC 14]

¹⁷ Laxmi versus Union of India

¹⁸ [(2019) 2 SCC 703]

categories of victims eligible for compensation, comparing maximum compensation amounts under the Delhi schemes while analyzing their intended rehabilitative impact.

Categories of Victims Covered

Delhi compensation schemes cover a range of serious offenses, targeting categories that typically involve severe physical, psychological, or socio-economic harm. However, the scheme reflects its unique focus based on judicial mandates, regional trends, and policy priorities:

Rape Victims- Delhi's schemes recognize the profound impact of sexual violence and ensure specific compensation provisions for rape victims. Compensation is designed to assist victims with medical, psychological, and rehabilitative needs. Delhi's DVCS, amended in 2018, provides ₹2,00,000/- for rape victims, with possible interim compensation during trial stages.¹⁹

Acid Attack Victims- Recognizing the severe disfigurement, lifelong trauma, and extensive medical needs of acid attack survivors, both states have prioritized substantial compensation for these victims. Delhi also provides ₹3,00,000/-, influenced by the Supreme Court's ruling in *Laxmi v. Union of India*²⁰, where the Court directed states to ensure that acid attack victims are provided with both preventive measures and extensive rehabilitative support.

Victims of Fatal Crimes (Murder)- for dependents of murder victims, Delhi provides support to families who suffer not only emotional but also financial hardship due to the loss of a breadwinner. In Delhi, the limits are similar, with ₹2,00,000/- allotted for the families of earning members who are killed and ₹1,50,000/- for non-earning members, aiding in funeral costs and compensating for financial loss.

Human Trafficking Victims Victims of human trafficking are included in Delhi schemes, reflecting an acknowledgment of the severe violation of personal freedom, safety, and dignity that trafficking entails. State provides up to ₹2,00,000/- for trafficking survivors, recognizing the extensive medical, psychological, and rehabilitative requirements necessary for reintegration into society.

Child Victims under POCSO Act- Delhi's DVCS 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 differentiation reflects Delhi's focus on heightened support for child victims, aligning with the Supreme Court's mandate in *[(2019) 2 SCC 703]*²¹ to ensure the well-being of child survivors of sexual violence.

Victims of Crimes Causing Severe Mental Trauma- 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. Delhi offers similar provisions but with broader consideration for varying degrees of trauma and emotional suffering.

MAXIMUM COMPENSATION AMOUNTS IN DELHI

The maximum compensation amounts influenced by judicial directives, regional policies, and the practical challenges faced by victims in each jurisdiction. The following table presents a glance of compensation limits for each covered category, based on the most recent data available from the DVCS.

Sr. No.	Victim Category	Maximum Compensation in Delhi (₹)
1	Rape	₹2,00,000

¹⁹ Supra note 1

²⁰ *[(2014) 4 SCC 427]*

²¹ *Nipun Saxena v. Union of India*

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
6	Child Victims under POCSO (Aggravated Offenses)	₹2,00,000 (Aggravated POCSO Offenses)
7	Severe Mental Trauma	₹1,00,000

Judicial Influence on Compensation Coverage

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

*Laxmi v. Union of India*²²: This 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 precedent has led to establish ₹3,00,000/- as the upper compensation limit for acid attack cases.

*Ankush Shivaji Gaikwad v. State of Maharashtra*²³: In this case, 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. This judgment has underscored the compensation provisions, encouraging the courts in these states to recommend compensation as an integral part of justice.

*Delhi Domestic Working Women's Forum v. Union of India*²⁴: The Court, recognizing the trauma faced by survivors of gender-based violence, directed states to institute support systems that cater to both physical and psychological needs, a principle reflected in the DVCS's comprehensive coverage for mental trauma and POCSO-related cases.

Policy Implications and Gaps in Coverage

While both schemes represent substantial efforts to support victims, gaps persist. For instance, Delhi's comprehensive provisions for child victims under POCSO are suggesting an area for policy development. Additionally, the maximum compensation amounts, though guided by judicial directives, may fall short in cases requiring prolonged medical care, rehabilitation, or psychiatric treatment. Cases such as *Nipun Saxena v. Union of India*²⁵ underscore the need for states to review and, if necessary, revise compensation limits periodically to reflect inflation and the rising costs of comprehensive care.

Role of Legal Services Authorities in Victim Compensation Schemes

The State and District Legal Services Authorities play a crucial role in administering victim compensation schemes across states, reflecting regional policy adaptations within the national legal framework under Section 396 BNSS. This comparative analysis examines the role of Legal Services Authorities in Delhi, highlighting procedural distinctions, administrative involvement, and jurisdictional nuances²⁶.

Overview of Legal Mandate

Section 396 BNSS: Delhi's schemes are founded on Section 357A (Now Section 396 BNSS), which mandates that states formulate victim compensation schemes and establish the roles for respective State

²² [(2014) 4 SCC 427]

²³ [(2013) 6 SCC 770]

²⁴ [(1995) 1 SCC 14]

²⁵ Supra note 27

²⁶ <https://nalsa.gov.in/services/victim-compensation>

and District Legal Services Authorities (SLSAs and DLSAs). These authorities are responsible for assessing claims, disbursing compensation, and addressing appeals.

Administrative Functions of State and District Legal Services Authorities

Delhi's Victim Compensation Scheme, 2018, delegates similar responsibilities but with enhanced procedural oversight. DSLSA has developed a Standard Operating Procedure (SOP) that governs compensation processing, setting clearer guidelines for claim verification, fund allocation, and recovery of compensation if misused. Here, the DSLSA acts as both an administrator and regulator of funds, often issuing directives to DLSAs on fund management and disbursement timeliness.

Procedural Differences in Victim Compensation Administration

Sr. No	Aspect	Delhi
1	Application Process	Victims apply to DLSA; DSLSA guidelines require prompt assessment.
2	Verification Protocols	SOP-guided verification; DSLSA mandates detailed assessments by DLSA
3	Disbursement of Funds	Staggered payments (25% initially, balance over time) to ensure rehabilitation-focused fund use.
4	Interim Compensation	Emphasis on interim relief, with SOP enabling DLSA to grant interim aid quickly.
5	Appeal Process	Appeals handled similarly; DSLSA enforces strict adherence to fund protocols.

Procedural Roles-Delhi Authority and Autonomy:

DSLSA in Delhi has a more active oversight role. For instance, the SOP mandates regular compliance reports and reviews of fund use by DLSAs, ensuring that funds align with the victim's rehabilitation needs.

Interim Relief Measures- In Delhi, the SOP emphasizes interim relief, allowing victims to access immediate aid before final compensation determination. This is crucial for victims requiring urgent medical care or housing.

Appeal Procedures- Delhi provide victims the right to appeal DLSA decisions to their respective SLSAs. However, DSLSA's SOP in Delhi standardizes appeal-handling timelines, aiming to improve procedural clarity and responsiveness to denied claims.

Procedure for Application and Compensation Disbursal

In Delhi, it is reflect distinct administrative approaches shaped by regional policies. A comprehensive understanding of these procedures is critical for examining the practical application of victim compensation schemes in these states. This analysis covers the procedural steps for claiming compensation, mandatory documentation, and disbursal timelines.

Procedure for Claiming Compensation in Delhi

Application Submission: Delhi requires victims to apply to the DLSA. However, in Delhi, the process is streamlined through a Standard Operating Procedure (SOP) established under the Delhi Victim Compensation Scheme, 2018.

Mandatory Documentation: The requirements include:

- An FIR, court referral, or a report from a District Magistrate,
- Medical bills or death certificate (if applicable),

- Proof of dependency, with particular scrutiny in cases involving minors or mentally challenged applicants.

Verification Process: DSLSA's SOP mandates a formal inquiry by DLSA, in which officers corroborate claims with police and medical records. Special provisions are made for cases requiring immediate relief.

Disbursal: Compensation is provided in a staggered fashion: 25% of the amount is released immediately, while the remainder is phased over several installments. This staggered disbursal is intended prevent the misuse of funds and ensure continuous support for rehabilitation.

Disbursal Timelines and Compliance with Scheme Guidelines

Sr. No.	State	Application Processing Time	Interim Disbursal Timeline	Final Disbursal Timeline	Challenges
1	Delhi	Target within 60 days	Within 2-4 weeks for interim	Phased disbursal over several months	SOP-dependent; compliance and reporting delays

Interim Compensation in Victim Compensation Schemes

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. Delhi has provisions for interim compensation under their respective victim compensation schemes, yet their approaches are marked by procedural and operational distinctions that reveal the varying degrees of prioritization placed on this aspect of victim relief.

Provisions for Interim Compensation in Delhi

Delhi Victim Compensation Scheme, 2018, includes detailed provisions for interim compensation, guided by an established Standard Operating Procedure (SOP) under the Delhi State Legal Services Authority (DSLSA). Interim relief is positioned as an essential part of victim support, allowing victims to access funds shortly after applying, provided initial documentation is in order.

The DSLSA's SOP directs District Legal Services Authorities (DLSAs) to disburse interim relief within 2-4 weeks of receiving an application, which is crucial for victims requiring urgent medical or psychological support. By issuing initial payments (up to 25% of the final compensation amount) while further verification is completed, Delhi's model offers a timely support mechanism.

Conditions and Criteria for Granting Interim Relief

Delhi's SOP on Interim Relief: Delhi's SOP defines explicit conditions for interim compensation, enabling predictable and structured assistance. These conditions typically include:

Evidence of Urgent Need: Interim relief is prioritized in cases where the victim faces immediate financial hardship, such as inability to afford medical care or secure basic living expenses.

Supporting Documentation: Initial documentation; an FIR, medical records, or other legal statements; should substantiate the claim to streamline processing. In cases where the police report or FIR might be delayed, DSLSA's SOP allows victims to submit alternative credible documentation, such as affidavits, to expedite initial disbursals.

Vulnerability Factors: Special consideration is given to cases involving minors, elderly dependents, or victims with physical or mental disabilities who may require additional support.

Impact of Interim Relief on Victim Rehabilitation and Access to Justice

Interim compensation provides more than financial support; it acts as a critical component of victim rehabilitation, enabling victims to seek medical, legal, and psychological aid without delay. In Delhi, the SOP's structured approach offers a model of timely and compassionate administration.

Sr. No.	Aspect	Delhi
1	Availability	Standardized via DSLSA SOP
2	Timeline for Disbursal	2-4 weeks for interim, with structured installments
3	Conditions	Based on urgency, with documented need for support
4	Judicial Influence	Emphasized per judicial guidelines and SOP compliance

Compensation for Specific Categories

The compensation awarded to victims in high-severity cases such as rape, acid attacks, POCSO (Protection of Children from Sexual Offences)-related incidents, and murder represents a cornerstone of Delhi Victim Compensation Schemes. Each scheme, operating under Section 357A of CrPC (Now Section 396 BNSS), seeks to address the grave impact of these offenses by providing financial and rehabilitative support. However, compensation amounts, eligibility conditions, and the overall approach reveal key features how state interprets its obligation to victims of severe crimes.

Comparative Compensation Amounts Across Specific Categories

Sr. No.	Offense Type	Delhi
1	Rape	Up to ₹5,00,000 (with provisions for interim relief)
2	Acid Attack	Up to ₹7,00,000
3	POCSO-Related Cases	₹3,00,000 - ₹6,00,000, age and severity dependent
4	Murder	₹5,00,000 (earning member)

Key Observations- Higher Payouts in Delhi- Delhi's scheme generally offers higher compensatory limits across all categories. This higher allocation aligns with Delhi's intent to address victim rehabilitation with robust support, particularly for vulnerable groups like minors affected by POCSO offenses.

POCSO-Specific Adjustments- Compensation amounts vary based on factors like the victim's age and the severity of the offense, which acknowledges the heightened vulnerability in child victims and aims to ensure sufficient financial resources for their recovery and rehabilitation.

Implications and Recommendations for Policy Reform- Delhi underscore the need for standardized guidelines that reflect the real costs associated with severe victimization. Delhi's higher compensation, supported by judicial precedents that emphasize victims' rights, demonstrates a more effective and compassionate approach. To enhance equity,

Victim Rehabilitation and Additional Support-Victim rehabilitation, particularly in cases involving heinous crimes, is an essential component of justice that goes beyond financial reparation. Delhi Victim Compensation Schemes seek to address the complex needs of victims through measures that extend beyond monetary compensation. However, the scope, implementation, and accessibility of these additional support services reveal differences that merit close examination. Special provisions, particularly for minors and differently-abled victims, further demonstrate how the scheme tailors its approach to the unique vulnerabilities within these groups.

Rehabilitation Efforts Beyond Financial Compensation

Psychological Counseling and Trauma Care- Delhi's Victim Compensation Scheme, 2018, supported by the Delhi State Legal Services Authority (DSLISA), provides a more structured approach. Through a Standard Operating Procedure (SOP), DSLISA mandates the provision of psychological counseling and trauma care as part of victim support, particularly for survivors of sexual violence and acid attacks. The SOP integrates partnerships with mental health professionals and NGOs to ensure that victims receive ongoing psychological support. This approach aligns with directives from the Supreme Court in cases such as *Delhi Domestic Working Women's Forum v. Union of India*, (1995) 1 SCC 14, which emphasized the need for comprehensive support, including mental health services, for victims of sexual violence.

Vocational Training and Skill Development- Delhi's scheme, with support from DSLISA's partnerships with NGOs and state institutions, offers more systematic access to vocational training and skill-building programs, especially for acid attack survivors and individuals with permanent disabilities resulting from crime. By emphasizing skill development, Delhi's framework aims to restore victims' independence.

Special Provisions for Minors and Differently-Abled Victims

Minors- Delhi's SOP explicitly includes tailored support for minors, including trauma counseling and educational assistance. Through partnerships with child welfare organizations, DSLISA ensures that young victims receive age-appropriate counseling and legal aid, facilitating a safer and more supportive recovery process. This aligns with principles from *Sakshi v. Union of India*, (2004) 5 SCC 518, where the Court underscored the need for specialized care for child survivors of sexual offenses.

Differently Abled Victims- Delhi's victim compensation scheme includes specific provisions for differently abled victims, with DSLISA facilitating access to resources such as physical rehabilitation, mobility aids, and specialized counseling services. Through a collaborative approach with healthcare providers and NGOs, Delhi's framework is designed to address the unique rehabilitation needs of differently abled victims, reflecting a more inclusive approach to victim support.

Judicial Precedents and Statutory Context Supporting Rehabilitation Efforts

The judiciary has long advocated for a victim-centered approach in criminal justice, stressing rehabilitation as an indispensable part of victim support. In a famous case, the Supreme Court stressed that victims, especially minors, deserve comprehensive rehabilitation, not merely financial aid²⁷. Further, in another case, highlighted the necessity of long-term support for acid attack survivors, encouraging states to adopt measures that address the social and psychological needs of such victims²⁸.

Challenges and Limitations of Victim Compensation Schemes

Delhi have instituted victim compensation scheme to address the needs of individuals affected by violent crimes, the implementation of the scheme faces several challenges that impact their effectiveness. From

²⁷ *Nipun Saxena v. Union of India*, (2019) 2 SCC 703

²⁸ *Laxmi v. Union of India*, (2014) 4 SCC 427

procedural delays and limited public awareness to administrative inefficiencies, these hurdles reveal structural limitations unique approach. This analysis focuses on the primary obstacles in administering the compensation scheme, examining the implications of procedural, bureaucratic, and structural challenges.

Key Challenges in Implementing Victim Compensation Schemes

Procedural Delays- Despite its more structured Standard Operating Procedure (SOP), Delhi also experiences procedural setbacks. While DSLSA aims to streamline processing, bureaucratic red tape can delay the release of both interim and final compensation. The requirement for multiple rounds of verification by DSLSA adds another layer to processing times, often resulting in delays despite the state's efforts to expedite interim relief.

Lack of Awareness- Although awareness of Delhi's compensation scheme is higher in urban areas, many victims, particularly those from marginalized communities, are unaware of the available benefits. Even within the legal community, some lack familiarity with DSLSA procedures, which can result in missed opportunities for victims to secure timely assistance.

Coordination with Police and Judicial Systems- In Delhi, delays in police cooperation can impact interim relief processing, as police documentation is a prerequisite for initial disbursement. This breakdown in communication prolongs compensation processing and underscores the need for integrated support mechanisms between the police and the DLSAs.

Limitations Unique to the Scheme

Structural Limitations in Delhi- While Delhi benefits from a more sophisticated SOP under DSLSA, this structure also introduces challenges. The SOP mandates specific documentation and multi-level approval processes, which, while intended to prevent misuse, often lead to rigid administrative handling. Moreover, the staggered payment structure, where only 25% of the compensation is initially disbursed, can restrict victims from meeting urgent needs. While intended to prevent misuse of funds, this phased disbursement may not be suitable for all cases, particularly those involving severe medical or psychological needs.

Recommendations for Overcoming Limitations

SOP Reforms in Delhi- Revising Delhi's SOP to allow flexible disbursement based on the urgency of the victim's situation could help improve access to compensation, especially for cases requiring immediate financial support.

Enhanced Public Awareness Campaigns: Delhi should invest in public awareness initiatives to ensure that potential claimants understand their rights and the application process. Legal aid clinics, and community outreach in Delhi's marginalized neighborhoods could bridge the current information gap.

Improved Coordination Mechanisms: Establishing 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.

Case Studies and Real-World Implementation

Evaluating the real-world impact of victim compensation schemes requires a close look at recent case studies of Delhi. Through field studies and public reports, it becomes possible to assess how effectively the compensation frameworks address victims' needs, highlighting the strengths and gaps in implementation. Examining recent cases also sheds light on the scheme's responsiveness, procedural efficiency, and actual benefits extended to victims.

Case Studies **Remains**

Field Studies and Public Reports

Delhi Public Report Findings

Effectiveness of SOP and Interim Relief: According to a 2022 public report from DSLSA, the Delhi scheme effectively implemented interim relief in 82% of cases involving severe crimes. The phased disbursement of compensation, while often suitable, was occasionally viewed as restrictive when victims needed large, upfront amounts for medical or psychological care.

Challenges in Documentation and Verification: The report noted that while DSLSA's SOP facilitates quicker processing, cases still faced delays when required police documentation was unavailable or contested. This led to interim relief sometimes being delayed, though DSLSA's policy of flexible documentation helped mitigate this issue.

UP vs. Delhi Scheme Efficacy

Sr. No.	Aspect	Delhi
1	Awareness and Outreach	Better outreach but some gaps in marginalized communities
2	Processing Time	Typically within 2-4 weeks for interim relief
3	Interim Relief Provision	Structured and available in most severe cases
4	Coordination Issues	Effective SOP with flexibility but dependent on police records

Judicial and Policy Recommendations for Enhanced Victim Compensation Schemes

An effective victim compensation scheme must be dynamic, responsive, and attuned to the immediate and long-term needs of victims. Judicial insights and policy reforms, rooted in both precedent and empirical study, can guide Delhi toward more robust frameworks. By analyzing landmark judgments and best practices, this section provides actionable recommendations to address current gaps, streamline administrative processes, and improve overall access to compensation in both states.

Judicial Insights and the Imperative for Reform

The judiciary has consistently underscored the importance of victim compensation, advocating for both timely relief and comprehensive support structures. Key judgments have shaped the understanding and expectations of compensation schemes across India-

In *Suresh v. State of Haryana*,²⁹ the Supreme Court emphasized the need for interim compensation, cautioning against delays that may leave victims without essential resources for immediate rehabilitation. This judgment highlights the court's intent to see compensation as an urgent relief rather than a lengthy process dependent on final case outcomes. While in another case of *Nipun Saxena v. Union of India*³⁰ the Court stressed the need for trauma-informed care and comprehensive rehabilitation, particularly for victims of sexual crimes. This case underscores the judiciary's focus on holistic support that goes beyond mere financial assistance. In *Ankush Shivaji Gaikwad v. State of Maharashtra*³¹ the Supreme Court

²⁹ (2015) 2 SCC 227

³⁰ (2019) 2 SCC 703

³¹ (2013) 6 SCC 770

emphasized that compensation should not solely depend on the offender's conviction; rather, the state has a duty to ensure victims are supported even when the offender is unknown or acquitted.

POLICY RECOMMENDATIONS FOR DELHI

Sr. No.	Recommendation Area	Delhi
1	Timeliness and Interim Relief	Refine SOP to allow faster disbursement for severe cases, especially where medical care is required immediately
2	Public Awareness and Outreach	Increase outreach in marginalized communities, ensuring victims understand the process and available benefits
3	Cross-Agency Coordination	Further improve DSLSA's coordination with police to streamline required paperwork for faster interim relief
4	Flexibility in Disbursement	Adjust phased payments where justified, allowing full disbursement in high-urgency situations
5	Special Provisions for Vulnerable Groups	Strengthen partnerships with NGOs for mental health and skill development programs, enhancing rehabilitative support

CONCLUSION

The victim compensation scheme of Delhi is vital components of India's justice framework, designed to provide meaningful relief and rehabilitation to victims of violent crimes. Despite their shared goal, the schemes exhibit significant differences in structure and implementation, impacting their efficacy. While Delhi's structured SOP under DSLSA sets a benchmark for procedural clarity and interim relief. Judicial precedents like *Suresh v. State of Haryana* and *Nipun Saxena v. Union of India* affirm that compensation must be timely, comprehensive, and tailored to victims' unique needs. Implementing mandatory interim relief and introducing flexible, needs-based disbursements in Delhi could harmonize these schemes with judicial expectations.

Ultimately, a unified approach; Delhi's structured SOP model and commitment to rural and underrepresented communities; could enhance the compensation framework, making it more responsive, equitable, and attuned to victims' rights and rehabilitation needs. Such a reform would ensure these schemes fulfill their promise of delivering real, restorative justice.

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