

An Investigation on Compensation to Victims of Crime in the State of Odisha

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ABSTRACT

This study explores the effectiveness of the compensation mechanisms for victims of crime in the state of Odisha, India. Crime victim compensation serves as a crucial element of restorative justice, providing financial assistance and psychological support to individuals who have suffered harm. The research delves into the structure and implementation of victim compensation schemes in Odisha, with a particular focus on the legal and administrative frameworks that govern these provisions. Through an empirical analysis, the study evaluates the awareness levels among victims, the application procedures, and the adequacy of compensation awarded. Data collection involves both primary and secondary sources, including interviews with stakeholders, victims, legal professionals, and government officials, alongside a review of relevant legal statutes and case records. The findings indicate that while compensation schemes exist, several barriers such as lack of awareness, bureaucratic delays, and inadequate financial support impede access to justice for many victims. Furthermore, the study highlights disparities in compensation distribution, especially among marginalized communities, and identifies the gaps between policy and practice. The research underscores the need for better implementation, improved awareness campaigns, and streamlined processes to ensure fair and timely compensation. Recommendations include policy reforms, capacity-building initiatives, and stronger victim support systems. The study aims to contribute to the broader discourse on victimology and restorative justice in India by providing insights specific to Odisha's context.

Keywords: Victim Compensation, Crime, Restorative Justice, Legal Framework, Victimology, Policy Implementation, Marginalized Communities.

INTRODUCTION

The criminal justice system primarily focuses on punishing offenders, often neglecting the rights and needs of victims. However, the concept of victimology has gained recognition globally, emphasizing the importance of providing justice and support to those affected by crime. In India, the right to compensation for crime victims is enshrined in the legal framework, primarily through Section 357A of the Criminal Procedure Code (CrPC), which mandates state governments to establish victim compensation schemes¹. The state of Odisha, like other Indian states, has implemented such schemes, aiming to provide financial assistance to victims who have suffered harm due to crime. Despite these provisions, significant challenges persist in the effective realization of victim compensation.

This study seeks to empirically investigate the functioning of victim compensation mechanisms in Odisha, examining how well they meet the needs of crime victims. It explores various dimensions of the compensation process, such as legal awareness among victims, accessibility of the schemes, the efficiency of bureaucratic processes, and the adequacy of compensation amounts. Moreover, the study delves into the disparities in compensation distribution, especially among marginalized communities who are often more vulnerable to crime yet face significant barriers in accessing justice.

The research also analyzes the policy-practice gap, where well-intentioned laws and schemes fail to translate into tangible benefits for victims. While Odisha's compensation scheme provides a legal framework, its effectiveness is questioned due to factors like delayed payments, lack of awareness, and bureaucratic red tape². The study, therefore, aims to identify these gaps and suggest practical recommendations for improving the victim compensation system in Odisha.

This research is significant because it contributes to the broader discourse on restorative justice in India, emphasizing the need for victim-centered approaches in criminal justice policies. By focusing on empirical data and real-world experiences of victims in Odisha, the study provides critical insights into the challenges and potential reforms necessary for making the compensation system more effective and inclusive.

¹ The Code of Criminal Procedure, 1973, Section 357A, Government of India.

² National Legal Services Authority, *Odisha Victim Compensation Scheme, 2012*, Government of Odisha.

LITERATURE REVIEW

The concept of victim compensation has evolved significantly over the years, reflecting the growing emphasis on victim rights and restorative justice. Various studies have addressed the implementation of victim compensation schemes globally and in India, shedding light on their effectiveness, challenges, and areas for improvement. Several scholars highlight the need for a victim-centric approach within the criminal justice system. Das (2010) discusses the legal frameworks in India, emphasizing how victim compensation has been integrated into state schemes, while Nath (2012) focuses on the procedural challenges that victims face during the claim process. Chakraborty (2013) examines the role of judiciary in advancing victim compensation, noting significant judgments that have shaped the legal discourse.

In the context of Odisha, Mishra and Singh (2014) explore the state-specific dynamics of compensation schemes and their socio-economic impact. The study reveals that marginalized communities, including Scheduled Castes and Tribes, are less likely to access compensation due to systemic barriers. Rath and Patnaik (2015) similarly discuss how lack of awareness and bureaucratic delays hinder the efficacy of these schemes in Odisha. Recent studies by Kumar (2017) and Sharma (2018) delve into the operational gaps in victim compensation schemes across Indian states, including Odisha. Their findings suggest that while legal frameworks are in place, inconsistencies in implementation lead to significant delays and inadequate compensation. Gupta (2019) further examines the role of legal aid and non-governmental organizations (NGOs) in assisting victims with their claims, highlighting the importance of support systems.

In 2020, a comprehensive report by the National Human Rights Commission (NHRC) reviewed victim compensation schemes in India, including Odisha, concluding that the schemes often fail to meet their objectives due to inadequate resources and poor administration. Jain and Mohanty (2021) focus specifically on Odisha, examining how socio-economic factors influence access to compensation. More recent studies, such as those by Sen (2022) and Rao (2023), emphasize the need for policy reforms and improved awareness campaigns to ensure equitable distribution of compensation. Roy (2024) provides a critical analysis of recent amendments to Odisha's compensation scheme, suggesting that while improvements have been made, challenges persist in reaching marginalized victims.

This literature review underscores the necessity for empirical research that captures the real-world experiences of victims in Odisha, addressing gaps between policy and practice and proposing practical solutions for enhancing the effectiveness of victim compensation schemes.

Research Objectives

1. To analyse the legal and administrative framework governing victim compensation in the state of Odisha.
2. To assess the awareness, accessibility, and adequacy of compensation among victims of crime in Odisha.
3. To identify challenges and disparities in the distribution of compensation, especially among marginalized communities, and suggest improvements.

ANALYSIS

Analysis of the Legal and Administrative Framework Governing Victim Compensation in Odisha

The legal framework for victim compensation in India is primarily anchored in Section 357A of the Code of Criminal Procedure (CrPC), 1973, which mandates the establishment of victim compensation schemes by each state. The Odisha Victim Compensation Scheme, 2012, was implemented in line with this provision, aimed at providing financial assistance to victims who have suffered loss or injury due to crime, particularly when the offender is not traceable or cannot provide adequate compensation³. Despite this legislative backing, the actual implementation of the scheme in Odisha reveals several gaps and challenges.

Legal Framework

The Odisha Victim Compensation Scheme, 2012, defines the eligibility criteria, procedure for applying, and the quantum of compensation for various categories of crime victims. The scheme primarily targets victims of serious crimes, including sexual assault, acid attacks, human trafficking, and other violent crimes. In addition to Section 357A CrPC, other provisions, such as Sections 357 and 358, provide avenues for compensating victims during the trial stage if the accused is convicted⁴.

A key feature of Odisha's scheme is the provision for interim relief, ensuring that victims receive immediate financial support pending the completion of the investigation and trial. However, studies suggest that the amounts prescribed

³ The Code of Criminal Procedure, 1973, Section 357A, Government of India.

⁴ Odisha Victim Compensation Scheme, 2012, Government of Odisha.

under the scheme are often insufficient to meet the victims' needs, particularly in cases involving severe physical or psychological trauma⁵.

Administrative Framework

The District Legal Services Authority (DLSA) and the State Legal Services Authority (SLSA) are primarily responsible for the administration and disbursement of compensation under the scheme. Victims or their dependents must apply through these authorities, with the decision resting with the DLSA, which assesses the eligibility and determines the compensation amount⁴. While the framework appears robust on paper, multiple administrative challenges undermine its effectiveness in practice.

Implementation Gaps

The major challenges identified in the administration of victim compensation in Odisha include bureaucratic delays, lack of awareness among victims, and inadequate coordination between law enforcement, legal services authorities, and social welfare departments⁶. Reports indicate that many victims, especially from marginalized communities, are unaware of the existence of the compensation scheme or find the application process too complex and cumbersome⁷.

Moreover, the quantum of compensation is often delayed due to lengthy verification procedures and limited financial resources allocated to the scheme⁸. Another significant issue is the inconsistency in the amount of compensation awarded across districts, reflecting disparities in decision-making practices by different DLSAs. This inconsistency often results in unequal treatment of victims, leading to dissatisfaction and mistrust in the system⁹.

While the Odisha Victim Compensation Scheme, 2012, provides a structured legal and administrative framework for assisting victims of crime, its practical implementation remains fraught with challenges. Addressing these issues requires streamlining administrative processes, enhancing public awareness, and ensuring timely and adequate financial support. Strengthening inter-agency coordination and regularly updating compensation amounts in line with inflation and victim needs are essential for making the scheme more effective and inclusive.

Assessment of the Awareness, Accessibility, and Adequacy of Compensation among Victims of Crime in Odisha

Victim compensation plays a critical role in providing financial relief and restoring dignity to individuals who have suffered due to criminal acts. In Odisha, the effectiveness of the compensation scheme largely depends on how well victims are informed about their rights, the ease with which they can access compensation, and whether the financial support provided is sufficient to meet their needs. This section assesses these key aspects based on empirical findings and existing literature.

Awareness

One of the major challenges in implementing the Odisha Victim Compensation Scheme is the low level of awareness among victims, particularly in rural and marginalized communities. Studies show that a significant proportion of victims are either unaware of the compensation scheme or do not know the procedures for applying¹⁰. Lack of awareness stems from several factors, including inadequate outreach by government agencies, insufficient involvement of civil society organizations, and the absence of targeted awareness campaigns in vulnerable regions¹¹. Even when victims are informed, the complex legal terminology and bureaucratic procedures involved often act as deterrents¹².

Accessibility

Accessibility to compensation is hindered by both procedural and systemic barriers. The application process is often cumbersome, requiring extensive documentation and verification, which poses a significant challenge, particularly for illiterate and economically disadvantaged victims¹³. The role of the District Legal Services Authorities (DLSAs) in

⁵ National Legal Services Authority, Odisha Victim Compensation Scheme, 2012, Government of Odisha.

⁶ Sen, A. (2022). Policy Reforms for Effective Victim Compensation in India. *Journal of Criminal Justice Reforms*.

⁷ Rath, S., & Patnaik, R. (2015). Challenges in Accessing Victim Compensation for Marginalized Communities in Odisha. *Journal of Social Justice*.

⁸ National Human Rights Commission (2020). Review of Victim Compensation Schemes in India. NHRC Report.

⁹ Jain, M., & Mohanty, R. (2021). Socio-Economic Barriers in Accessing Victim Compensation in Odisha. *Odisha Review*.

¹⁰ Mishra, A., & Singh, P. (2014). The Implementation of Victim Compensation Schemes in Odisha. *Odisha Law Journal*.

¹¹ Sen, A. (2022). Policy Reforms for Effective Victim Compensation in India. *Journal of Criminal Justice Reforms*.

¹² Jain, M., & Mohanty, R. (2021). Socio-Economic Barriers in Accessing Victim Compensation in Odisha. *Odisha Review*.

¹³ Rath, S., & Patnaik, R. (2015). Challenges in Accessing Victim Compensation for Marginalized Communities in Odisha. *Journal of Social Justice*.

facilitating access to compensation is crucial, yet inconsistencies in the functioning of these bodies across different districts lead to varied experiences among victims¹⁴. Additionally, delays in processing applications due to bureaucratic red tape and insufficient coordination between law enforcement and legal authorities further exacerbate the issue¹⁵. Geographical factors also play a role in restricting access. Victims in remote or tribal areas face difficulties in reaching the offices of DLSAs or accessing legal aid. Moreover, marginalized groups, such as Scheduled Castes and Scheduled Tribes, encounter additional barriers due to social stigmas and discrimination, which further limits their ability to benefit from the compensation scheme¹⁶.

Adequacy of Compensation

The adequacy of compensation is a significant concern in Odisha. The amounts prescribed under the scheme are often inadequate to cover the actual expenses related to medical treatment, rehabilitation, or livelihood loss suffered by victims¹⁷. In cases of severe crimes such as rape, acid attacks, or grievous injury, the compensation provided is far below what is necessary for long-term recovery and rehabilitation¹⁸. Additionally, disparities in the quantum of compensation awarded across different districts highlight the inconsistency in how cases are evaluated by the authorities¹⁹.

Several reports have indicated that even when compensation is granted, disbursement is delayed, leading to financial distress among victims who urgently require funds²⁰. The inadequacy of compensation is further aggravated by inflation and rising medical costs, which are not accounted for in the fixed compensation amounts under the scheme²¹. While Odisha has a legal framework in place for compensating crime victims, significant challenges remain in terms of awareness, accessibility, and adequacy. Enhancing public awareness through targeted campaigns, simplifying the application process, and increasing the compensation amounts to reflect the actual needs of victims are critical steps needed to improve the effectiveness of the scheme. Additionally, ensuring timely disbursement and addressing disparities in compensation awards are essential for achieving equitable justice for all victims.

Identifying Challenges and Disparities in the Distribution of Compensation, Especially Among Marginalized Communities, and Suggesting Improvements

The distribution of compensation to crime victims in Odisha, particularly among marginalized communities, is fraught with significant challenges and disparities. Despite the legal framework and the Odisha Victim Compensation Scheme, 2012, systemic issues prevent equitable access to compensation. This section explores the key challenges and disparities, with a focus on marginalized communities, and suggests practical improvements.

Challenges and Disparities

- **Lack of Awareness Among Marginalized Communities:** A primary challenge is the low awareness of victim compensation schemes among marginalized communities, including Scheduled Castes, Scheduled Tribes, and economically disadvantaged groups²². These communities often have limited access to information due to social exclusion, illiteracy, and geographical isolation. Consequently, many potential beneficiaries remain unaware of their rights and the processes for claiming compensation²³.
- **Bureaucratic Hurdles and Procedural Delays:** Victims from marginalized communities face complex bureaucratic procedures that deter them from pursuing compensation claims. The application process is often laden with extensive documentation requirements, which are difficult to fulfill for individuals who lack

¹⁴ National Legal Services Authority, Odisha Victim Compensation Scheme, 2012, Government of Odisha.

¹⁵ National Human Rights Commission (2020). Review of Victim Compensation Schemes in India. NHRC Report.

¹⁶ Roy, K. (2024). Amendments in Odisha Victim Compensation Scheme: Progress and Challenges. *Odisha Legal Studies Journal*.

¹⁷ Sharma, A. (2018). Inconsistencies in the Implementation of Victim Compensation Schemes Across Indian States. *Journal of Law and Policy*.

¹⁸ Kumar, N. (2017). Operational Gaps in Victim Compensation Schemes in India. *Indian Journal of Public Administration*.

¹⁹ Gupta, R. (2019). The Role of NGOs and Legal Aid in Victim Compensation Claims. *Journal of Victimology*.

²⁰ Jain, M., & Mohanty, R. (2021). Socio-Economic Barriers in Accessing Victim Compensation in Odisha. *Odisha Review*.

²¹ National Human Rights Commission (2020). Review of Victim Compensation Schemes in India. NHRC Report.

²² Mishra, A., & Singh, P. (2014). The Implementation of Victim Compensation Schemes in Odisha. *Odisha Law Journal*.

²³ Sen, A. (2022). Policy Reforms for Effective Victim Compensation in India. *Journal of Criminal Justice Reforms*.

resources or literacy²⁴. Moreover, delays in processing applications owing to inefficient coordination among district authorities further discourage victims from marginalized backgrounds from seeking compensation²⁵.

- **Discrimination and Bias in Decision-Making:** Studies indicate that marginalized communities often encounter discriminatory practices in the decision-making process. Authorities at the District Legal Services Authorities (DLSAs) sometimes exhibit bias, leading to inconsistent assessments and lower compensation amounts for marginalized victims compared to others²⁶. Such disparities are more pronounced in rural and tribal areas, where social hierarchies and prejudices remain deeply entrenched²⁷.
- **Inadequate Compensation Amounts:** The compensation amounts prescribed under the scheme are insufficient to meet the actual needs of marginalized victims, especially those who have suffered severe trauma or livelihood loss²⁸. This inadequacy is compounded by the fact that marginalized victims often lack access to alternative support systems, making them more reliant on compensation as their primary source of relief²⁹.

Suggested Improvements

- **Enhanced Awareness Campaigns:** Targeted awareness campaigns are crucial to bridging the information gap. The government, in collaboration with NGOs and local leaders, should conduct outreach programs in marginalized communities, using local languages and culturally sensitive methods to inform victims of their rights and the application process³⁰.
- **Simplified Application Process:** The application procedure should be simplified by reducing documentation requirements and helping through legal aid clinics. DLSAs should establish dedicated help desks in remote areas to guide victims through the process and assist in documentation³¹.
- **Capacity Building and Training:** Training programs for DLSA officials and other stakeholders should focus on sensitizing them to the needs and challenges of marginalized communities. This can help reduce bias and ensure fairer assessments of compensation claims³².
- **Regular Monitoring and Accountability Mechanisms:** The implementation of compensation schemes should be regularly monitored by independent bodies to identify disparities and address them promptly. Introducing grievance redressal mechanisms at the district level can empower victims to report unfair practices and seek timely intervention³³.
- **Increased and Contextualized Compensation Amounts:** The compensation amounts should be periodically reviewed and adjusted to reflect inflation and the specific needs of marginalized victims. Additionally, provisions for higher compensation in cases involving marginalized communities should be considered to account for the compounded vulnerabilities they face³⁴.

Addressing the challenges and disparities in the distribution of compensation requires a multi-faceted approach that includes improving awareness, streamlining procedures, reducing biases, and enhancing the adequacy of compensation.

By focusing on the unique needs of marginalized communities, Odisha's victim compensation scheme can be made more equitable, inclusive, and effective.

²⁴ Rath, S., & Patnaik, R. (2015). Challenges in Accessing Victim Compensation for Marginalized Communities in Odisha. *Journal of Social Justice*.

²⁵ National Human Rights Commission (2020). *Review of Victim Compensation Schemes in India*. NHRC Report.

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³¹ National Legal Services Authority, *Odisha Victim Compensation Scheme, 2012*, Government of Odisha.

³² Jain, M., & Mohanty, R. (2021). Socio-Economic Barriers in Accessing Victim Compensation in Odisha. *Odisha Review*.

³³ National Human Rights Commission (2020). *Review of Victim Compensation Schemes in India*. NHRC Report.

³⁴ Roy, K. (2024). Amendments in Odisha Victim Compensation Scheme: Progress and Challenges. *Odisha Legal Studies Journal*.

Findings

The empirical investigation into victim compensation in Odisha reveals significant challenges and disparities in the implementation of the scheme. The findings highlight critical issues in awareness, accessibility, adequacy, and fairness of the compensation system, particularly among marginalized communities.

- **Low Awareness Levels:** The study found that a substantial number of crime victims, especially from rural and marginalized communities, are unaware of the compensation scheme. This lack of awareness is primarily due to limited outreach efforts by the government and legal authorities. Victims often remain uninformed about their rights and the procedures for claiming compensation, leading to low participation in the scheme.
- **Barriers to Accessibility:** Even when victims are aware of the scheme, accessibility remains a major hurdle. The application process is complex, involving extensive documentation, which is challenging for victims who are illiterate or lack legal support. Bureaucratic delays and inefficient coordination between law enforcement agencies and the District Legal Services Authorities (DLSAs) further exacerbate these challenges. Victims from remote and tribal areas face additional difficulties due to geographical isolation and limited access to legal services.
- **Inadequate Compensation:** The study revealed that the compensation amounts prescribed under the Odisha Victim Compensation Scheme are often insufficient to cover the victims' actual needs. Victims of severe crimes, such as sexual assault and grievous injury, frequently receive compensation that is inadequate for medical treatment, rehabilitation, or livelihood support. Delayed disbursements further compound the financial hardships faced by victims.
- **Disparities in Distribution:** The study identified significant disparities in compensation distribution, with marginalized communities receiving lower compensation amounts compared to others. This is often due to bias in decision-making processes, inconsistencies across districts, and discrimination against vulnerable groups like Scheduled Castes and Scheduled Tribes. These disparities highlight systemic issues in ensuring equitable access to justice.
- **Need for Administrative Reforms:** The findings suggest a pressing need for streamlining administrative procedures, enhancing public awareness, and providing adequate training to legal authorities to reduce bias and improve consistency in compensation awards. Strengthening grievance redressal mechanisms and ensuring timely disbursements are essential for the effective implementation of the scheme.

These findings underscore the importance of policy reforms and targeted interventions to make the victim compensation scheme in Odisha more inclusive, accessible, and effective.

CONCLUSION

The empirical investigation into the compensation system for crime victims in Odisha highlights significant gaps in awareness, accessibility, and adequacy of financial support, particularly among marginalized communities. Despite the legal framework provided by the Odisha Victim Compensation Scheme, 2012, the study reveals that low levels of awareness, bureaucratic hurdles, and inadequate compensation amounts hinder the effective realization of justice for victims. The process remains complex and inaccessible for those who need it the most, with marginalized groups such as Scheduled Castes and Tribes facing additional challenges, including discrimination and inconsistent compensation decisions.

For the scheme to be truly effective, targeted measures are essential. These include improving public awareness through outreach programs, simplifying the application process, and enhancing training for legal authorities to reduce bias and ensure fair treatment. Moreover, increasing compensation amounts to reflect victims' actual needs and ensuring timely disbursement are critical to mitigating the financial and psychological distress experienced by victims. In conclusion, while Odisha's victim compensation framework is a positive step towards supporting crime victims, significant reforms are required to make it more inclusive, efficient, and responsive. Addressing these challenges is crucial for achieving justice and restoring dignity to crime victims across the state.

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