



AN EXPLORATIVE STUDY ON THE COMPENSATION SCENARIO AMONG THE VICTIMS OF SCHEDULED TRIBES

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Abstract

In India, compensation for victims of various crimes is governed by a range of legal provisions and government schemes aimed at providing support and redressal to them. These compensation mechanisms vary depending on the type of crime, with specific schemes tailored for victims of crime, such as sexual assault, human trafficking, murder, rape and atrocities against Scheduled Castes and Scheduled Tribes etc. The compensation helps victims in transforming their lives while it also provides financial assistance, rehabilitation, and support services to the victims. The study's main aim is to identify the challenges and barriers faced by Scheduled Tribes in accessing and receiving compensation for crime victimization. A total 376 number of cases were registered during the year 2020 to 2022 in the Sagar district of Madhya Pradesh; 304 number of victims were interviewed for the study, and a total of 220 victims were received compensation. The census method was adopted for this research to cover the whole data for the in-depth study. The study found that out of the total respondents, 65 percent of the victims were received compensation amounts of up to 1,00,000 Rs, with the majority of these cases classified as simple hurt. While, 40 percent of the victims was received compensation within one year of the commission of crime. In addition, 60.7 percent of victims haven't received compensation because of a lack of documents. The study will contribute valuable insights into the fields of criminology, victimology, social justice, and indigenous rights; providing a foundation for policy recommendations which aimed at addressing the specific needs and challenges faced by Scheduled Tribes in the context of victim compensation.

Keywords: Crime, Compensation, Scheduled Tribes, Victims

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1. Introduction

In India, compensation for victims of various crimes is governed by a range of legal provisions and government schemes aimed at providing support and redressal to them (Gagneja, 2021). In today's era, 'Victimology' is not only limited to studying victim assistance, victim support, victim rights and penal relations, while compensation to victims is also gaining importance in the criminal justice system. A study says that during the medieval era, criminals or their kin used to give compensation to the victim for any wrongful act (Mandery et al., 2013). The concept of compensating the victims of crime was introduced by the British magistrate and social reformer 'Margery Fry' in 1950. In her writings, Fry has advocated for including compensation as an essential element of the criminal justice system (Davies, 1991; as cited in Dube, 2018).

In India, the entire focus of the criminal justice system is on the offenders to protect their rights, punish them, and bring them to prison for reformation and rehabilitation (Dube, 2010). While, Raineri (1995) has explained that the victim is a forgotten part of the criminal justice system. The historical evolution of the system, from private vengeance to state administrative justice, has resulted in a criminal justice process in which the victims play only a secondary role. The compensation helps victims in transforming their lives (Kanungo & Chatteraj, 2020). It can be provided by both the offender as well as the state. If the accused is not in the capacity to pay the compensation, then the state's duty bound to pay the compensation (Mohan, 2017).

The term 'compensation' means payment for the loss suffered by the victim of a crime. Anything that is given to make things equal or a thing that is given to make reparation for the loss is called compensation (Chakraborty, 2019). The main objective behind the compensation is to make the loss bearable to the victim, whether the person has suffered financial loss or not. The crux of providing compensation is to provide some sort of monetary help to the victim who has suffered the damage, whether it be physical, psychological, emotional, social, and financial means; while it also supports the victim in recovering from the trauma (Mohan, 2017).

The UN Declaration on basic principles of justice for victims and abuse of power was unanimously adopted by the General Assembly in 1985. The declaration made way for specific rights and entitlements of victims of crime, including the right to compensation (Groenhuijsen, 2014). In addition, the Supreme Court of India has stated the importance of victim compensation in *Maru Ram Vs. Union of India*, explained that "a victim of crime cannot be a 'forgotten person' in the criminal justice system; they are the person who suffered the most loss; their family is also devastated, especially in terms of death and physical injuries; this is in addition to factors such as loss of honour and humiliation; an honour or a life that is lost cannot be regained, but the currency compensation will at least give some comfort to the victim" (Nambiar, 2011; Mohan, 2017).

2. Legal Provisions in India

Several sections pertain to compensating crime victims in the Code of Criminal Procedure (CrPC) 1973. These provisions aim to offer financial aid to victims for their recovery from the harm inflicted by the offence. Here are the main sections related to victim compensation such as:

- 1) **Section 357 - Order to pay compensation:** This section allows courts to award compensation to victims upon convicting the offender. The compensation may be in addition or instead of a fine.
- 2) **Section 357A - Victim compensation scheme:** This section mandates State Governments or Union Territories to establish a victim compensation scheme. This scheme provides financial compensation to victims regardless of whether the offender is identified, apprehended, prosecuted, or convicted.
- 3) **Section 357B - Additional compensation:** The compensation payable by the State Government under Section 357A shall be in addition to the payment of a fine to the victim of a crime under Section 326A, Section 376AB, Section 376D, Section 376DA, and Section 376DB of the Indian Penal Code (45 of 1860).
- 4) **Section 357C - Treatment of victims:** All hospitals, public or private, whether run by the Central Government, the State Government, local bodies, or any other person, shall immediately provide first-aid or medical treatment, free of cost, to the victims of any offence covered under section 326A, 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or section 376E of the Indian Penal Code (45 of 1860), and shall immediately inform the police of such incident.
- 5) **Section 358 - Compensation to persons groundlessly arrested:** Whenever any person causes a police officer to arrest another person, if it appears to the magistrate by whom the case is heard that there was no sufficient ground for causing such arrest, the Magistrate may award such compensation, not exceeding (one thousand rupees), to be paid by the person so causing the arrest to the person so arrested, for his loss of time and expenses in the matter, as the Magistrate thinks fit.
- 6) **Section 359 - Order to pay costs in non-cognizable cases:** Whenever any complaint of a non-cognizable offence is made to a court, the court, if it convicts the accused, may, in addition to the penalty imposed upon him, order him to pay to the complainant, in whole or in part. The cost incurred by him in the prosecution, and may further order that in default of payment, the accused shall suffer simple imprisonment for a period not exceeding thirty days, and such costs may include any expenses incurred in respect of process fees witnesses and pleaders fees which the court may consider reasonable.

3. Review of Literature

Mishra & Singh (2015) worked on the impact of the implementation of the constitutional provisions on Scheduled Tribes communities concerning their protection. The study has ascertained the extent of providing legal aid facilities and other forms of relief (assistance, compensation and restitution) to the persons who were subjected to various atrocities. It has also suggested better initiatives for properly implementing the provisions of constitutional enactments. In addition, Mohanty (2019) stated that around 450 families from indigenous Baiga and Gond communities were evicted to protect tigers in the Kanha Tiger Reserve. Many affected families they did not receive compensation and rehabilitation benefits as assured by the government, it has been claimed by the tribal activists.

Kumar & Lama (2021) studied the tribal justice system in the Mautana, Garasiya and Bhil communities in Rajasthan. This study suggested that these communities are following their own justice system for solving the disputes. For maintaining brotherhood, they made a custom that if anybody was killed by any other person, then the family of the suspected person had to pay compensation in the form of land, grain or cash. If the family of the suspected person are unable to pay compensation that time the whole community of the suspected person has to support the victim's family. In case, if the community refused to give compensation amount, then the properties of the suspected family were destroyed, and sometimes, they were killed as well. The researcher has used the case study method in the southern region of Rajasthan. The total five selected cases were explained in this research. The study concluded that law enforcement agencies must stop this kind of custom, and separate laws should also be enacted to end this tradition.

Gupta & Gupta (2022) explained victim compensation as a symbolic part of the Indian criminal justice system. The study was aimed to provide a comparative analysis of the victim compensation scheme (VCS) of the states of Gujrat, Delhi, Telangana and Kerala to point out the areas where it was lacking in terms of ambiguity and non-uniformity. In another study, Parmar (2021) referred to the Vishnu Tiwari's case, where he found that the person was arrested in 2000 after being accused of raping a Scheduled Caste woman. Found guilty of rape and under the SC/ST Act, he appealed to the Allahabad High Court and was acquitted in 2021. Despite his innocence, he spent about 20 years in jail. The term 'victim' under section 2(wa) of the Code of Criminal Procedure (Amendment) Act, 2008 does not cover victims of false trials. The study has suggested that the person who has suffered a loss due to false allegations at the cost of their liberty, respect, and reputation in society also has to be given compensation (Kaushal & Kaur, 2023).

Kaur & Aasha (2024) worked on revisiting victim compensation in India. The study was based on a comparative analysis, where the scenario of victim compensation in India was compared with the other countries i.e., USA, UK, New Zealand, and France. They suggested that India needs stronger laws on victim compensation. The study highlighted the American system, which supports victims through 'victim assistance efforts' or 'state victim compensation programs'. The researcher has recommended that India should adopt a similar approach for better support to the victims.

4. Objectives of the Study

1. To identify the challenges and barriers faced by Scheduled Tribes in accessing and receiving compensation for crime victimization.
2. To analyze the amount of compensation used by the victim of crime.
3. To provide suggestive measures for improving victim compensation programs and enhancing access to justice for the victims of Scheduled Tribes in India.

5. Research Methodology

The present study has adopted a quantitative data analysis method. The universe of study was Sagar District in the state of Madhya Pradesh, which covers twelve tehsils such as, Sagar, Bina, Khurai, Malthone, Banda, Shahgarh, Rahatgarh, Jaisinagar, Garhakota, Rehli, Deori and Kesli. A total 376 number of cases were registered during the year 2020 to 2022; 304 number of victims

were interviewed for the study, and a total of 220 victims were received compensation by the government. The survey method was used to collect the primary data. The data has been taken for the analysis of victimization of crime against Scheduled Tribes. The interview schedule has been prepared for the collection of primary data. The data was analyzed descriptively as well as inferentially through the use of the statistical software of SPSS.

6. Result

According to the study, the researcher has compiled the data in various figures and tabulations. The complete information about compensation among Scheduled Tribes is categorized below in Tables 1-4 and Figures 1-3.

Table 1: Demographic profile of the victim

Background Characteristics	Descriptions	Frequency	Percent
Age	Less than 18	24	7.9
	18-23	63	20.7
	24-29	53	17.4
	30-35	58	19.1
	36-41	51	16.8
	42-47	34	11.2
	48-53	15	4.9
	54-59	4	1.3
	60 and above	2	0.7
	Total	304	100.0
Gender	Male	210	69.1
	Female	94	30.9
	Total	304	100.0
Religion	Hindu	290	95.4
	Christian	14	4.6
	Total	304	100.0
Residence	Rural	235	77.3
	Urban	69	22.7
	Total	304	100.0
Marital Status	Unmarried	94	30.9
	Married	200	65.8
	Divorced	1	0.3
	Widow/Widower	9	3.0
	Total	304	100.0
	Unemployed	36	11.8
	Govt. Employee	14	4.6

Occupation	Private Worker	89	29.3
	Farmer	24	7.9
	Labour	122	40.1
	Others	19	6.3
	Total	304	100.0

Table (1) provides a comprehensive insight into the demographic profile of victims from Scheduled Tribes who reported crimes between 2020 to 2022 across various police stations in Madhya Pradesh's Sagar District. The data reveals a diverse range of characteristics among the victims. Notably, the age distribution shows a significant portion with 20.7 percent falling between the ages of 18 to 23 years, while only 0.7 percent were aged 60 and above at the time of lodging the FIR. Gender-wise, the majority comprising 69.1 percent of victims were male, contrasting with 30.9 percent were female. In terms of religion, the overwhelming majority of 95.4 percent identified as Hindu, whereas only 4.6 percent of victims were identified as Christian. Geographically, rural areas bore the brunt hosting 77.3 percent of the victims, with urban areas accounting for the remaining 22.7 percent of the victims. Moreover, marital status varied with 65.8 percent of victims being married, 30.9 percent unmarried, and a marginal 0.3 percent of victims have been classified as divorced.

The employment landscape of individuals not only sheds light on their current circumstances but also delineates their social networks and interactions. Recent findings indicate a diverse array of occupations among victims, offering insight into their spheres of engagement. Notably, a substantial 40.1 percent of victims were identified as labourers, highlighting the prevalence of manual work within the affected demographic. Additionally, 29.3 percent were engaged in private employment, reflecting the varied roles within the private sector. Conversely, a modest 4.6 percent were classified as government employees, representing a minority within the victim cohort. This nuanced breakdown underscores the breadth of occupations among victims and underscores the multifaceted nature of their connections and engagements within the community. This comprehensive demographic breakdown provides essential insights for understanding victimization trends within the Scheduled Tribes community in the region, potentially guiding targeted interventions and policy initiatives aimed at enhancing their safety and well-being (Table 1).

Table 2: Compensation received from the government

Descriptions	Frequency	Percent
Yes	220	72.4
No	84	27.6
Total	304	100.0

Table (2) shows the details about the victims of crime who have received compensation from the government. Out of the total respondents, 72.4 percent of victims have received compensation from the government, whereas 27.6 percent of victims haven't received compensation

from the government. The analysis of data given in this table describes that nearly 3/4th of the victims was received the compensation from the government.

Figure 1: Amount of compensation received by the victim (in %)

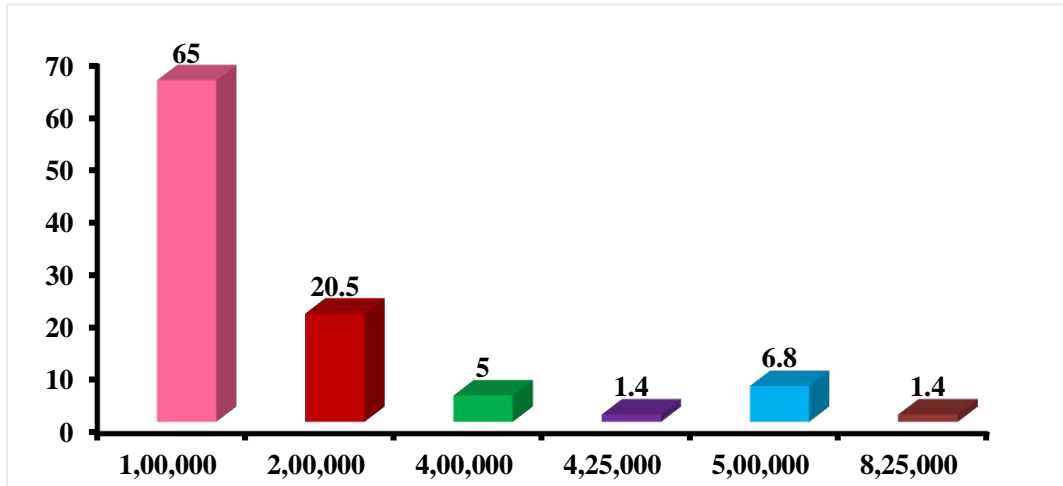


Figure (1) shows the amount of compensation received by the victim of the crime. According to data, 65 percent of victims have received a compensation amount of up to 1,00,000 Rs; 20.5 percent of victims have received a compensation amount of up to 2,00,000 Rs, 6.8 percent of victims have received a compensation amount of up to 5,00,000 Rs, 5 percent of victims have received the compensation amount of up to 4,00,000 Rs, whereas a minimum of 1.4 percent of victims have received the compensation amount of similarly up to 4,25,000 Rs and 8,25,000 Rs. The analysis of data indicates that most of the victims were received compensation amounts of up to 1,00,000 Rs, with the majority of these cases classified as simple hurt.

Figure 2: Time taken to receive the compensation (in %)

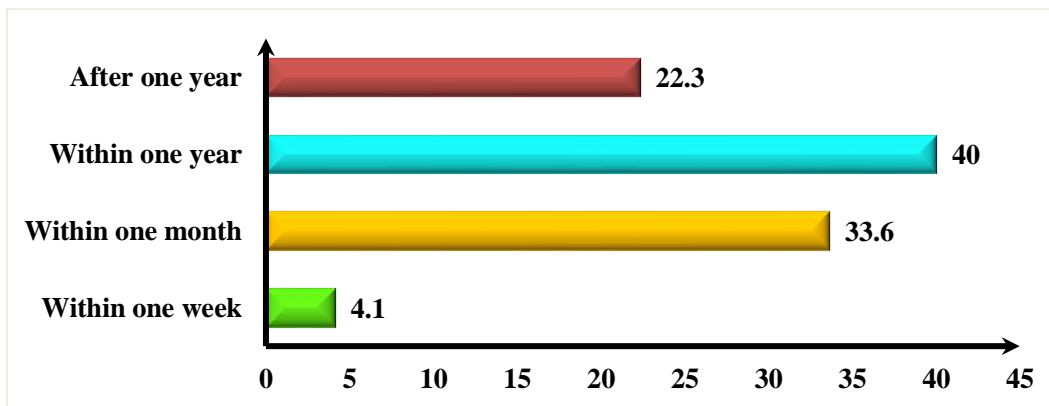


Figure (2) depicts the time taken to receive the compensation. Out of the total number of respondents, 40 percent of victims have received the compensation within one year, compared with 33.6 percent of victims were received the compensation within one month. Whereas, 22.3 percent of victims have received the compensation after one year, and 4.1 percent of victims have received the

compensation within one week. The analysis of data reveals that the highest no. of the victims was received compensation within one year of the commission of a crime.

Table 3: Cross-tabulation between the reason for not receiving the compensation and the educational status of the victim

Reason for not receiving the compensation	Educational status						Total
	Illiterate	Primary	Middle	High school	Higher secondary	Graduate	
Lack of documents	27	1	15	6	1	1	51
	52.9%	2.0%	29.4%	11.8%	2.0%	2.0%	100.0%
The case was under process	10	0	1	1	2	0	14
	71.4%	0.0%	7.1%	7.1%	14.3%	0.0%	100.0%
Administrative error	0	1	1	1	0	1	4
	0.0%	25.0%	25.0%	25.0%	0.0%	2.0%	100.0%
Institutional barriers	8	0	0	3	0	0	11
	72.7%	0.0%	0.0%	27.3%	0.0%	0.0%	100.0%
Community engagement	1	0	1	0	0	0	2
	50.0%	0.0%	50.0%	0.0%	0.0%	0.0%	100.0%
Not applicable	0	1	0	1	0	0	2
	0.0%	50.0%	0.0%	50.0%	0.0%	0.0%	100.0%
Total	46	3	18	12	3	2	84
	54.8%	3.6%	21.4%	14.3%	3.6%	2.4%	100.0%

As per law, receiving compensation is the right of the victim, but due to various circumstances victim could not get the monetary help. This table (3) shows the reasons for not receiving the compensation and the educational status of the victim. From the total 84 no. of victims, a maximum of 54.8 percent of victims were found illiterate, and the remaining 45.2 percent of the victims were literate between primary to graduation levels. Regarding reasons for not receiving the compensation, a maximum of 60.7 percent of victims haven't received compensation because of lack of documents, while among the highest 52.9 percent of victims were illiterate, and the rest of 47.1 percent of the victims were literate between the primary to graduation level. Similarly, the case was under process covers 16.7 percent of victims who haven't received the compensation, but among of them mostly 71.4 percent of victims were also found illiterate; however, institutional barriers account 13.1 percent of victims who haven't received the compensation; between them, the highest 72.7 percent of victims were also found illiterate. The analysis of data explains that the highest no. of the victims were found illiterate who haven't received compensation from the government. So, the researcher has analyzed that due to illiteracy and less educational background, most of the victims are still not raising their voices, and because of unawareness also, they're facing a lot of problems in revealing proper justice. Ultimately, educational status affects the receiving compensation scenario among the victims of crime.

Table 4: Chi-square test between the reason for not receiving compensation and the educational status of the victim

Items	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	48.945 ^a	25	0.003
Likelihood Ratio	37.571	25	0.051
Linear-by-Linear Association	0.084	1	0.773
N of Valid Cases	84		

a. 31 cells (86.1%) have expected count less than 5. The minimum expected count is 0.05.

Table (4) explains that there is a significant association between the reason for not receiving the compensation and the educational level of the victim. While, Pearson’s Chi-Square value was found to be 48.945^a and $p < 0.05$. The analysis of data reveals that the compensation scenario can be enhanced with the help of the literacy level of the victim.

Figure 3: Amount of compensation used by the victim (in %)

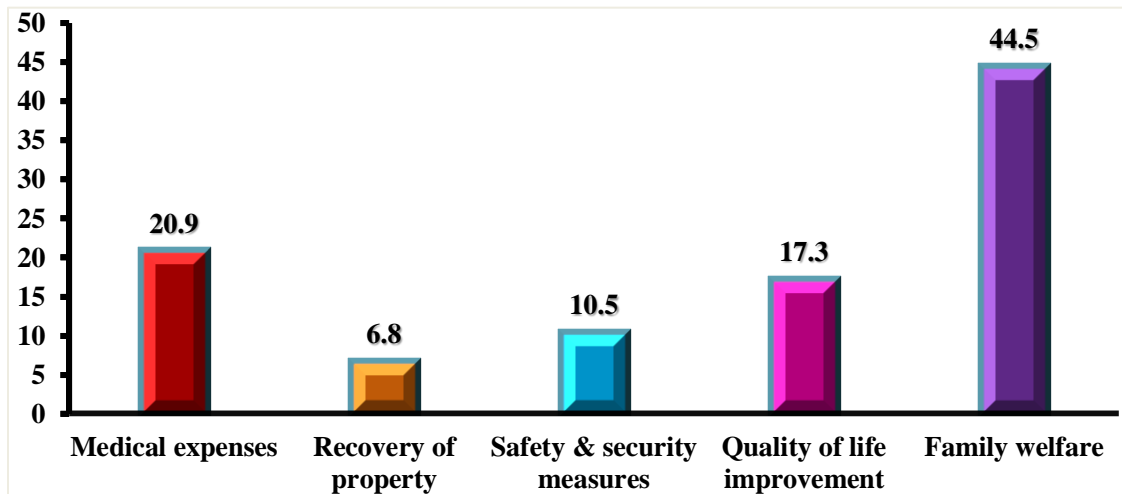


Figure (4) shows the amount of compensation were used by the victims of crime in various forms. According to the data, 44.5 percent of the victims were used the compensation amount in the family welfare, 20.9 percent of the victims were used the compensation amount in medical expenses, and 17.3 percent of the victims were used the compensation amount for quality-of-life improvement. From the total, 10.5 percent of the victims were used the compensation amount for the safety and security measures while 6.8 percent of the victims were used the compensation amount for the recovery of their property. The analysis of data explains that most of the victims were used the compensation amount for their family welfare.

7. Discussion

This work shows that most of the victims have belonged to the Hindu religion. There are 77.3 percent of the victims were residing in rural areas. Most of the victims were found to be male, while only 30.9 percent of the victim were unmarried. The compensation is important to provide some sort of monetary help to the victim who has suffered the damage, whether it be physical, psychological, emotional, social or financial means. While it supports the victim to recover from the trauma (Mohan, 2017). The highest 20.7 percent of the victims have belonged to the 18 to 23 years of age group. Regarding compensation, nearly 3/4th of the victims have received compensation from the government. The victims who have not received the compensation, most of them were found to be Illiterate. So, the study shows that the educational status of the victims mostly plays a vital role in receiving the compensation.

8. Conclusion

The study found that the highest 65 percent of the victims were received compensation amounts of up to 1,00,000 Rs, with the majority of these cases classified as simple hurt. While, 40 percent of the victims was received compensation within one year of the commission of a crime. In addition, the most of 44.5 percent of the victims were used the compensation amount for their family welfare. In this research work, the researcher has used the Chi-square test, and it found that there is a significant association between the reason for not receiving the compensation and the educational level of the victim. Although, Pearson's chi-square value was found to be 48.945^a and $p < 0.05$. From this, it is concluded that there should be change in their educational status, which can bring them to be aware of the rights and duties during the victimization.

It is suggested that policy implementations should focus on several key areas such as delays in receiving the compensation, institutional barriers, administrative errors, and when the case was under process, etc. Simplifying bureaucratic procedures and decentralizing compensation mechanisms will also make the process more accessible. Increasing awareness through campaigns and providing free legal support can empower victims to claim their rights. Establishing a grievance redressal mechanism and promoting interdepartmental coordination will address delays and streamline support to the victim. Utilizing technology facilities for application processes and legislative reforms to strengthen the legal framework will further enhance the effectiveness of the compensation system in India. These measures aim to create a more equitable and efficient system, providing timely and adequate support to the victims of crime.

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