

VICTIM COMPENSATION AND CURRENT CHALLENGES

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ABSTRACT

Being the welfare state, India has provided a police and judicial mechanism for the investigation of the crime and trial of the accused. It was presumed that crime and punishment is equal to innocence. It means when any person commits the crime and he is tried and punished for the same, he has again become an innocent person and eligible to live in society as he was living before his committing the crime and it is presumed that justice has been provided to the victim. The ambit of Indian criminal justice was fixed merely to convict the accused on the presumption that convicting the accused is sufficient remedy for the victim. Concentrating only upon the reformation and rehabilitation of the accused the legislature forgot to think that it is the victim who needs to be rehabilitate first. But by the passing of time, the presumption drawn by the legislature has been set aside when specific provisions have been provided in the criminal justice system for compensation to the victim either at the cost of the guilty accused or the state.

KEYWORDS: Compensation, Victim, Rehabilitation, Reformation, Presumption