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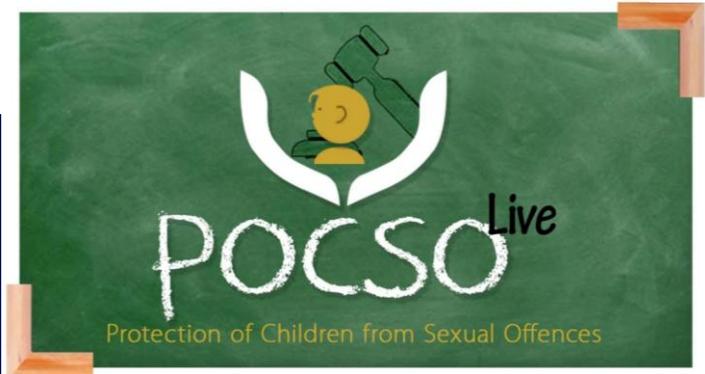
News Corner –

India marks milestone in clearing more POCSO cases than filed in 2025

Bulandshahr case: After 9 years, 5 get life term imprisonment

Good to know –

GHAR Portal



A quarterly insight to the POCSO Law!

By V.P Shintre & Associates

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POCSO LIVE brings you updates and information relating to matters of protection of children from sexual abuse irrespective of gender. This is an effort to create awareness amongst all stakeholders having access to children about their duties and obligations towards protecting children from sexual abuse and keeping them safe.

Victim Compensation and Rehabilitation under the POCSO Act, 2012 - From Punitive Justice to Child-Centric Healing

The Protection of Children from Sexual Offences Act, 2012 (POCSO Act) was enacted to address sexual offences against children through a special, child-friendly legal framework. While much emphasis is placed on investigation, trial, and punishment of offenders, the Act and its Rules also recognise a critical truth: **justice for a child survivor is incomplete without compensation, care, and rehabilitation.**

Child victims of sexual offences suffer not only physical harm but also **deep psychological trauma, social stigma, educational disruption, and long-term emotional consequences.** Recognising this, the **POCSO framework incorporates mechanisms for financial compensation, medical care, counselling, education, and reintegration.** Indian courts have repeatedly underlined that victim compensation is not charity, but a legal right flowing from constitutional and statutory obligations.

Justice V.R. Krishna Iyer once said that, *"Criminal law in India is more concerned with the offender and his rights, and hardly pays any attention to the plight of the victim. The State must repair the damage done to the victim by ensuring just compensation."*

Section 357 A of Victim Compensation Scheme under Crpc. states –

- (1) Every State Government in co-ordination with the Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who require rehabilitation.
- (2) Whenever a recommendation is made by the Court for compensation, the District Legal Service Authority or the State Legal Service Authority, as the case may be, shall decide the quantum of compensation to be awarded under the scheme referred to in sub-section (1).

Disclaimer

This newsletter does not intend to advertise or solicit work and is for private circulation only. This newsletter is for the purpose of education and creating awareness on POCSO law and its latest developments. It does not intend to be comprehensive nor intends to provide any legal advice. Though every effort is made to share accurate, reliable and current information, POCSO LIVE is not responsible for any errors or omissions in information made available through this Newsletter. Sharing of this Newsletter does not intend to create attorney – client relationship between authors and reader.

GOOD TO KNOW!

GHAR Portal

Go Home And Re-unite Portal

GHAR Portal is developed and launched by National Commission for Protection of Child Rights (NCPCR)

It is a portal to digitally monitor and track the restoration and repatriation of children according to the protocols under the Juvenile Justice (Care and Protection of Children) Act, 2015, and Rules thereof.

It expedites repatriation by tracking cases, transferring them to relevant authorities, and facilitating communication with State Governments for translators or experts.

Child Welfare Committees use the portal's checklist to identify children in need, linking them to government schemes for family strengthening during restoration.

Website - <https://ncpcr.gov.in/ghar/>

(3) If the trial Court, at the conclusion of the trial, is satisfied, that the compensation awarded under section 357 is not adequate for such rehabilitation, or where the cases end in acquittal or discharge and the victim has to be rehabilitated, it may make recommendation for compensation.

(4) Where the offender is not traced or identified, but the victim is identified, and where no trial takes place, the victim or his dependents may make an application to the State or the District Legal Services Authority for award of compensation

(5) On receipt of such recommendations or on the application under sub-section (4), the State or the District Legal Services Authority shall, after due enquiry award adequate compensation by completing the enquiry within two months.

(6) The State or the District Legal Services Authority, as the case may be, to alleviate the suffering of the victim, may order for immediate first-aid facility or medical benefits to be made available free of cost on the certificate of the police officer not below the rank of the officer in charge of the police station or a Magistrate of the area concerned, or any other interim relief as the appropriate authority deems fit.

Sections and Rules under POCSO Act, 2012 - relating to Victim Compensation are -

Section 33 (8) of POCSO Act, 2012 - Special Court may in addition to punishment direct payment of such compensation as may be prescribe to the child for physical/mental trauma or for rehabilitation.

Rule 9 – Special Court may on application or on own motion pass order for interim maintenance (Interim Maintenance)

Special court may on application or on own motion award compensation when accused in convicted/acquitted/discharged and in opinion of court child has suffered loss or injury. (Upon final Outcome)

Rule 8 - Special Relief - Child Welfare Committee may recommend such amount to be paid to the victim and send recommendation to DLSA u/s 357A

Rule 10 – CWC and DLSA to coordinate to ensure any amount of fine to be paid as compensation to victim is paid.

Role of District Legal Services Authority –

- First point of contact for women and girl victims at the district level
- Receives applications for compensation and interim relief
- Coordinates with Special Courts & Child Welfare Committees to secure timely compensation
- Ensures rehabilitation and support

Judicial Interpretation and Case Laws –

1. Nipun Saxena Vs. Union of India – Supreme Court of India

Regarding interim relief, The Supreme Court in this case stated as, "The Special Court upon receipt of information as to commission of any offence under the Act by registration of FIR shall on his own or on the application of the victim make enquiry as to the immediate needs of the child for relief or rehabilitation and upon giving an opportunity of hearing to the State and other affected parties including the victim **pass appropriate order for interim compensation and/or rehabilitation of the child.**" While commenting on deciding quantum of compensation, the Apex Court further states, "The quantum of the compensation shall be fixed taking into consideration the loss and injury suffered by the victim and other related factors as laid down in Rule 7(3) of the Protection of Children from Sexual Offences Rules, 2012 and **shall not be restricted to the minimum amounts prescribed in the Victim Compensation Fund.**"

2. Re: Exploitation of Children in Orphanages in the State of Tamil Nadu & Petitioner versus Union of India & Ors. & Respondents – Supreme Court Of India

While focusing on rehabilitation, the Court stated, *“The importance of rehabilitation and social re-integration clearly stands out if we appreciate the objective of the JJ Act which is to foster restorative justice. There cannot be any meaningful rehabilitation, particularly of a child in conflict with law who is also a child in need of care and protection unless the basic elements and principles of restorative justice are recognized and practised.”*

This case highlighted systemic sexual abuse of children in institutional care. The Court held:

- Mere prosecution of offenders is insufficient
- The State must ensure long-term rehabilitation, counselling, and monitoring
- Compensation schemes must address institutional failures as well

This judgment reinforced the idea that institutional accountability and victim rehabilitation go hand in hand.

3. Bijoy Vs. State of West Bengal (2017 Cri.L.J.3893) – Calcutta High Court

- The Special Court upon receipt of information as to commission of any offence under the Act by registration of FIR shall on his own or on the application of the victim make enquiry as to the immediate needs of the child for relief or rehabilitation and upon giving an opportunity of hearing to the State and other affected parties including the victim pass appropriate order for interim compensation and/or rehabilitation of the child.
- In conclusion of proceeding, whether the accused is convicted or not, or in cases where the accused has not been traced or had absconded, the Special Court being satisfied that the victim had suffered loss or injury due to commission of the offence shall award just and reasonable compensation in favour of the victim.
- The quantum of the compensation shall be fixed taking into consideration the loss and injury suffered by the victim and other related factors as laid down in Rule 7(3) of the Protection of Children from Sexual Offences Rules, 2012 and shall not be restricted to the minimum amounts prescribed in the Victim Compensation Fund.

4. Bhanai Prasad Raju Vs. State of Himachal Pradesh – Supreme Court of India

The Honourable Court focused on rehabilitation and reparation and further stated, *“The arc of constitutional justice, particularly under Article 142, extends beyond punishment to encompass rehabilitation, reparation, and the affirmation of human dignity. As held in Nipun Saxena v. Union of India¹, this Court accepted and directed the implementation of the “Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018” framed by the National Legal Services Authority. Under the said Scheme, the maximum compensation prescribed for victims of rape is Rs.7,00,000/- (Rupees Seven Lakhs Only) which is to be enhanced by 50% in cases involving minor victims.”*

Challenges in Implementation

Despite a robust legal framework, several challenges persist:

1. Delays and Procedural Gaps

- Long delays in DLSA processing
- Lack of clarity on quantum assessment
- Poor coordination between police, CWCs, and legal services authorities

2. Inadequate Quantum of Compensation

- Uniform slabs fail to capture individual trauma
- Psychological harm often undervalued

3. Lack of Awareness

- Families often unaware of their entitlement
- Victims depend on courts or NGOs for guidance

4. Rehabilitation Reduced to Monetary Relief

- Counselling, therapy, and social reintegration are often ignored
- Follow-up mechanisms are weak or absent

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Way Forward: Strengthening Victim-Centric Justice

Courts and policymakers must ensure that:

- **Interim compensation becomes the norm**, not the exception
- Rehabilitation plans are **holistic and monitored**
- Child psychologists and social workers are involved early
- Special Courts actively oversee compliance with compensation orders
- Awareness among parents, guardians, and institutions is improved

The focus must shift from case closure to child recovery.

Victim compensation and rehabilitation under the POCSO Act reflect a progressive shift in Indian criminal jurisprudence—from offender-centric punishment to survivor-centric justice. Judicial pronouncements have consistently reaffirmed that a **child's healing, dignity, and future are as important as the conviction of the accused.**

True compliance with POCSO lies not merely in convictions, but in ensuring that every child survivor is supported, protected, and empowered to rebuild life beyond trauma.

NEWS CORNER –

India marks first-ever milestone by clearing more child sexual abuse cases than filed

A report by C-LAB for Children says courts across the country disposed of 87,754 POCSO cases in 2025 against 80,320 new registrations, pushing the national disposal rate to 109%. More child sexual abuse cases in a year were disposed of than registered in India, marking a tipping point in tackling the long-standing judicial backlog under the Protection of Children from Sexual Abuse (POCSO) Act, as per a latest report.

The report, titled 'Pendency to Protection: Achieving the Tipping Point to Justice for Child Victims of Sexual Abuse', by the Centre for Legal Action and Behaviour Change (C-LAB) for Children, an initiative of India Child Protection, courts across the country disposed of 87,754 POCSO cases in 2025 against 80,320 new registrations. This pushed the national disposal rate to 109%.

Bulandshahr case: After 9 years, 5 get life imprisonment for gang rape of a mother and daughter

A special Pocso court in Bulandshahr on Monday sentenced five men to rigorous life imprisonment for the brutal gang rape of a woman and her 14-year-old daughter, along with robbery, during an ambush on National Highway-91 in July 2016.

The court imposed a fine of ₹1.81 lakh on each convict, with half the amount earmarked as compensation for the victims.

The trial spanned nearly a decade, with statements recorded from 25 witnesses. The prosecution relied heavily on forensic matches, victim testimonies and investigative leads to establish guilt beyond reasonable doubt.

ABOUT THE AUTHORS

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Advocate Vaishali Bhagwat, is amongst the first technology lawyers in the country with prior qualification and working experience in the field of Computer Science, Cyber Defense and Information Assurance.

Her work also focuses on women and children's rights and has worked extensively on cases relating to violence against women and children including sexual violence.

Vaishali has done extensive work in creating awareness amongst stakeholders in keeping children safe online and her work was recognized by the DSCI NASSCOM Award and also by Rotary International in Seoul

Vaishali is on the advisory board of several educational and academic institutions for POCSO related services of drafting and implementation of the Child Protection Policy and training of the members of the child protection committee.

Vaishali is retained by several schools and NGO s for POCSO related work including litigation.

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