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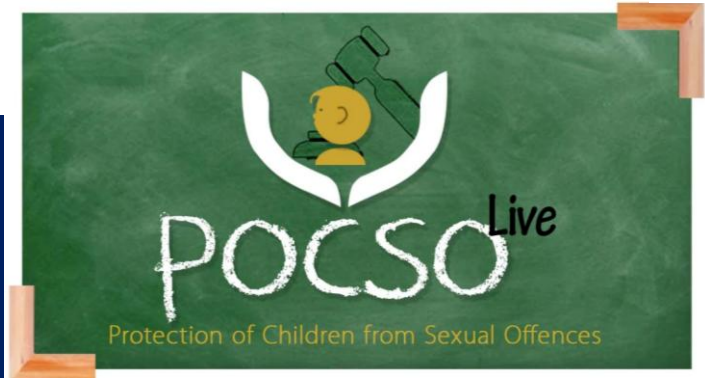
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Disclaimer

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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.

Beyond Questions – Interviewing a Child under POCSO Act, 2012

Every child who discloses sexual abuse is recounting one of the most painful experiences of their life. For many, the perpetrator is not a stranger but someone they loved, trusted, or relied upon. The trauma of betrayal often makes disclosure difficult, fragmented, delayed, or even reluctant. Since the testimony of the child is frequently the primary—and sometimes the only—evidence available in POCSO cases, the manner in which it is recorded can significantly influence both the child's recovery and the outcome of the case. This makes it imperative that investigators and other professionals adopt a child-centric, trauma-informed approach while recording statements, supported by timely medical care and psychosocial counselling. Understanding the principles of interviewing child victims is therefore not merely a procedural requirement—it is a critical safeguard for both the child and the justice system.

In the context of the POCSO Act, 2012, interviews may need to be conducted by a variety of professionals, including police or investigative agencies. These are forensic rather than therapeutic interviews, with the objective being to obtain a statement from the child in a manner that is truth-seeking, that will support accurate and fair decision-making in the criminal justice and child welfare systems. Information obtained from an investigative or forensic interview may be useful for making treatment decisions, but the interview is not part of a treatment process.

The Purpose of the Interview

A well-conducted interview helps professionals:

- Understand the child's physical and emotional condition
- Assess the need for urgent medical care or counselling
- Obtain the child's account of the incident in their own words
- Identify trusted adults who can support the child
- Explain the investigation process in an age-appropriate manner
- Reassure the child that they are safe and protected

GOOD TO KNOW!

Mission Vatsalya

Mission Vatsalya which was formerly known as Integrated Child Protection Scheme acts as a roadmap to achieve development and child protection priorities aligned with the Sustainable Development Goals (SDGs). It lays emphasis on child rights, advocacy and awareness along with strengthening of the juvenile justice care and protection system with the motto to 'leave no child behind'. There were three schemes being implemented under the Ministry namely,

1. Programme for Juvenile Justice for Children in need of care and protection, and Children in conflict with Law.
2. Integrated Programme for street children.
3. Scheme for assistance to homes for children (Shishu Greh).

All the three schemes were incorporated in a single centrally sponsored scheme called the Integrated Child Protection Scheme (ICPS). The ICPS was implemented by the **Ministry of Women & Child Development** since 2009-2010. The scheme was then renamed as "Child Protection Services" Scheme in 2017. The CPS Scheme has been now subsumed under Mission Vatsalya from 2021-22 onwards.

Operates the 24/7 toll-free Childline (1098) for emergency assistance and rescue operations. Check details via the Ministry of Women and Child Development

Creating the Right Environment

The interview setting plays a significant role in encouraging disclosure. It should be:

- Quiet, private and child-friendly
- Free from unnecessary distractions
- Comfortable without being overly stimulating
- Conducted by a trained professional wherever possible

Building rapport before discussing the incident helps the child feel secure and more willing to communicate.

Golden Rules of Child Interviewing

Some universally accepted principles include:

- **Begin with rapport, not allegations**
- **Use open-ended questions** (Tell me what happened) instead of leading questions
- **Allow free narration** and avoid interrupting the child
- **Remain neutral**—do not express shock, anger or disbelief
- **Never blame or judge** the child
- **Avoid making promises** that cannot be fulfilled
- **Respect the child's pace** and provide breaks whenever required
- **Ask only relevant questions** and avoid unnecessary probing

The objective of the interviewer is **to facilitate disclosure, not influence it**.

Children are Different from Adults

Children perceive and communicate experiences differently. Younger children may struggle with concepts such as time, dates, sequence of events or numbers. Therefore, interviewers must adapt their communication to the child's age, maturity and developmental level while allowing the child to describe events in their own language.

Special Considerations for Children with Special Needs

Children with physical, sensory or intellectual disabilities may require additional support such as interpreters or communication aids. Professionals should:

- Speak directly to the child
- Allow additional time for responses
- Understand the child's preferred communication method
- Ensure interpreters remain impartial and maintain confidentiality
- Focus on the child's experience rather than the disability

Role of Parents and Caregivers

Parents and caregivers should be informed about the investigation process and encouraged to cooperate while ensuring that they do not influence the child's statement. A child should **never** be asked to discuss the alleged abuse in the presence of an accused or suspected person.

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Best Practices for Using Interpreters in POCSO Cases

Effective communication is fundamental to a fair investigation and trial. In many POCSO cases, children may require the assistance of an interpreter due to language barriers, hearing or speech impairments, or other communication challenges. The use of a competent and impartial interpreter ensures that the child's statement is accurately understood without distortion or misunderstanding.

Some key principles to be followed are:

- **Prioritise the child's communication needs:** Arrange for an interpreter whenever language or communication barriers exist to ensure the child can express themselves freely and accurately.
- **Use qualified and impartial interpreters:** Prefer trained interpreters provided through the District Child Protection Unit (DCPU) or other competent authorities. If a non-professional interpreter is used in exceptional circumstances, ensure there is **no conflict of interest**. Family members or persons connected to the alleged offender should never act as interpreters.
- **Define the interpreter's role clearly:** The interpreter's responsibility is to translate the conversation faithfully—not to explain, advise, influence, or speak on behalf of the child or family.
- **Ensure independence and confidentiality:** The interpreter should disclose any prior relationship with the child, family, or accused, undergo appropriate background verification where possible, and maintain strict confidentiality throughout the proceedings.
- **Maintain accurate records:** The child's language, dialect, communication preferences, and whether interpretation was required or declined should be documented. As far as possible, interpretation should result in a verbatim record of the child's statement.
- **Plan interpreter services in advance:** Timely arrangements minimise delays and ensure that the child's needs are met without causing unnecessary stress.
- **Always act in the child's best interests:** The interpreter should facilitate communication in a manner that preserves the child's dignity, comfort, and confidence throughout the investigative and judicial process.

An interpreter is not merely a translator of words but a facilitator of justice. Accurate, impartial, and child-sensitive interpretation ensures that the child's voice is heard exactly as intended, strengthening both the integrity of the investigation and the fairness of the judicial process.

To Sum up - Practical Guidelines for Conducting a Forensic Interview

A forensic interview should always be **child-centric, legally compliant, and trauma-informed**. The objective is to obtain accurate information while protecting the child's dignity and emotional well-being.

Before the Interview

- Obtain **written informed consent** from the parent, legal guardian, or caregiver. Where the child is above 12 years of age, obtain the child's consent in addition to parental consent.
- Explain the purpose of the interview, medical examination, and collection of forensic evidence in simple, age-appropriate language.
- If consent is refused but abuse is strongly suspected, inform the appropriate child protection authority immediately. Refusal by a caregiver should never prevent examination where the child's safety is at risk.
- Remember that reporting child sexual abuse is **mandatory under the POCSO Act**. Healthcare professionals are legally bound to report suspected cases without waiting for parental consent.

During the Interview

- Record the **date, time, location**, and names of everyone present.
- As far as possible, **audio or video record** the interview to preserve the child's statement accurately and avoid repeated questioning.
- Create a **safe, private, and child-friendly environment**. Avoid wearing intimidating attire such as a white coat and introduce yourself as someone who is there to help.

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- Begin by building rapport before discussing the incident.
- Use **open-ended questions** and allow the child to narrate events in their own words.
- Avoid leading, suggestive, judgmental, or repetitive questions.
- Maintain a calm, neutral expression. Do not display shock, disbelief, anger, or sympathy that may influence the child's responses.
- Ask only **age-appropriate and relevant questions**. Use language familiar to the child and, where appropriate, simple drawings to help identify body parts.
- Clarify essential details such as the identity of the alleged perpetrator, time and place of occurrence, frequency of abuse, disclosure to others, and involvement of other victims—without unnecessary probing.
- Ensure the child is **never exposed to the alleged perpetrator** during the interview and permit only a trusted support person where necessary.
- When multiple professionals are present, **only one interviewer should interact with the child**, while others observe and document.
- Address the child's immediate needs, including food, water, rest, or breaks whenever required.
- Avoid multiple interviews by different professionals, as repeated questioning may amount to secondary victimisation.
- Where the child has communication or developmental challenges, engage an interpreter, translator, or special educator as required.

Every forensic interview is more than an exercise in evidence collection—it is a child's first encounter with the justice system. The manner in which professionals conduct that interview can determine not only the quality of evidence but also the child's confidence in seeking protection and justice. A compassionate, scientifically structured, and legally compliant interview minimises further trauma, preserves the integrity of the child's testimony, and upholds the fundamental principles of the POCSO Act. Ultimately, **the child should leave the interview feeling heard, respected, and protected—not questioned, judged, or frightened**

Every child deserves to be heard without fear, believed without prejudice, and protected without delay. The words spoken by a child during a forensic interview are not merely evidence—they are the voice of a survivor seeking safety and justice. By adopting child-sensitive interviewing practices, professionals can ensure that the process itself does not become another source of trauma. When empathy is combined with scientific interviewing techniques and legal safeguards, we move closer to the true objective of the POCSO Act—not only securing convictions, but restoring confidence, dignity, and hope in the lives of children who have endured the unimaginable

NEWS CORNER –

Allahabad HC upholds POCSO conviction; reaffirms child victim's sole testimony sufficient if credible

The Allahabad High Court on Wednesday (June 3, 2026) upheld the life imprisonment of an accused convicted under the Protection of Children from Sexual Offences (POCSO) Act, reaffirming that the sole testimony of a child victim is sufficient to sustain a conviction if it inspires confidence.

It was observed that the testimony of a child victim is placed on a higher pedestal than that of an ordinary injured witness. The Court held that since the victim's statements remained completely unwavering and were fully corroborated by medical and forensic evidence, she qualified as a "sterling witness," making her solitary testimony entirely sufficient to sustain the conviction.

PUNE COURT Convicts Accused in 55 days in horrific child assault case

The Pune District Sessions Court sentenced 65-year-old to the death penalty for the rape and murder of a 3.5-year-old girl in Nasrapur, Maharashtra. Special Judge S.R. Salunke delivered the verdict, terming the crime "rarest of rare" under the strict provisions of the Bharatiya Nyaya Sanhita (BNS) and the POCSO Act.

The case was fast-tracked, with the police filing the chargesheet in a record 14 days and the trial concluding in under two months.

The case has been widely cited as one of the fastest concluded trials in Maharashtra's recent legal history, driven by swift police action, a detailed 1,200-page chargesheet, and day-to-day in-camera hearings before Special Judge SR Salunkhe

A Pune special fast-track court awarded a death penalty on Monday, 29 June 2026; marking the conclusion of a landmark 55-day trial under the POCSO Act.

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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