



POCSO Victim Compensation (under POCSO Rules 2020, Rule 9)

How compensation is funded:

- Victim Compensation Fund or other scheme or fund constituted by the state. If no such fund, then compensation is to be paid by the state government.

Eligibility for compensation:

- Victim of POCSO crime who has suffered loss or injury – Rule does not provide for compensation to legal heirs, dependents, parents, and guardians.

No requirement of accused being identified or trial:

- Victim of an offence entitled to compensation even if accused has not been traced or identified and where no trial takes place.

Right to interim relief:

- Application for interim compensation can be filed by or on behalf of child at any stage after registration of FIR.
- Special court can grant interim compensation suo moto.

Compensation procedure:

- Special Court may grant final compensation at the time of conviction, acquittal, discharge, or where the accused is not traced/identified.
- Compensation can be given upon an application filed by or on behalf of the victim to the special court or suo moto by the special court.
- Payment must be made within 30 days of receipt of order.
- Rule does not prevent a child or his/her representative from seeking relief under any other central or state scheme. Application should be made under POCSO or state victim compensation scheme depending on which scheme provides more compensation.
 - E.g., in a Delhi POCSO case the POCSO judge granted compensation of Rs. 50,000/- but as per the Delhi VC Scheme the minimum compensation for rape is Rs. 4,00,000/- and for physical abuse against minor Rs. 2,00,000/-. Therefore, it is critical to apply under a scheme which grants the victim higher compensation or seek enhancement after getting the lesser amount, where the larger amount is available.



- *Specifically for Maharashtra:* Applying for compensation under POCSO disqualifies from compensation under Maharashtra Victim Compensation Scheme or Manodhairya Scheme.

Amount of compensation:

- Final compensation amount reduced by the amount of interim compensation
- Criteria for award of compensation:
 - Type of abuse, gravity of the offence and the severity of the mental or physical harm or injury
 - Expenditure incurred or likely to be incurred for medical treatment for physical or mental health
 - Loss of educational opportunity as a consequence of the offence, including absence from school due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason
 - Loss of employment as a result of the offence, including absence from place of employment due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason
 - Relationship of child to the offender, if any
 - Whether abuse was a single isolated incidence or took place over a period of time
 - Whether child became pregnant as a result of the offence
 - Whether child contracted a sexually transmitted disease (STD) or HIV as a result of the offence
 - Any disability suffered by child as a result of the offence
 - Financial condition of the child victim so as to determine such child's need for rehabilitation