iProbono INDIA



Compensation Schemes Available to Child Survivors of Sexual Abuse in India

A REPOSITORY

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GLOSSARY

BNSS
Bharatiya Nagarik Suraksha Sanhita, 2023

CMRF
Chief Minister Relief Fund

CrPC
Criminal Procedure Code, 1973

CVCS
Central Victim Compensation Scheme

CWC
Child Welfare Committee

DCPU
District Child Protection Unit

DCPO
District Child Protection Officer

DLSA
District Legal Services Authority

DM
District Magistrate

DSC
District Steering Committee

DS
Designated Signatory

FMU
Fund Management Unit

HC
High Court

IPC
Indian Penal Code, 1860

N/A
Not Available

NALSA
National Legal Service Authority

GLOSSARY

PMNRF
Prime Minister National Relief Fund

POCSO
Protection of Children from Sexual Offences Act, 2012

PS
Police Station

SJPU
Special Juvenile Police Unit

SLSA
State Legal Services Authority

S
Section

SHO
Station House Officer

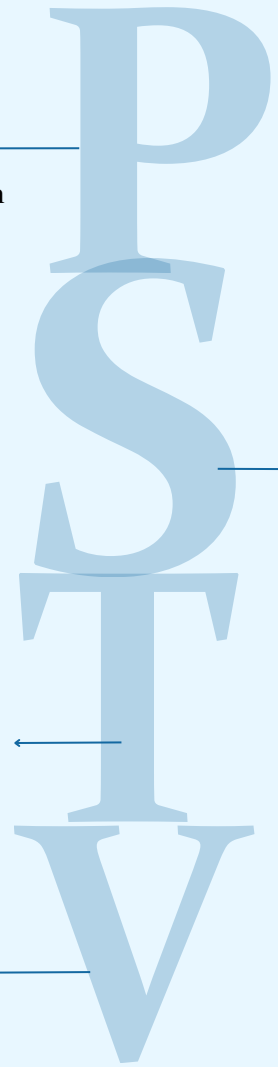
SP
Superintendent of Police

SC
Supreme Court

SOP
Standard Operating Procedure

TC
Trial Court

VCS
Victim Compensation Scheme



Introduction

Compensatory Justice Jurisprudence in India

In ethical and legal discussions about fairness following harm, compensatory justice refers to the principle of restoring a victim to their original position by requiring the responsible party to provide fair compensation. Its purpose is to repair the harm suffered by the victim (such as property damage, physical injury, or emotional suffering) rather than simply punishing the wrongdoer. In traditional retributive models of punishment, the main objective is to punish the offender in proportion to the wrongdoing. While this approach focuses on moral accountability, it does not necessarily address the losses suffered by the victim.[1]

In contrast, compensatory justice aligns more closely with restorative models of punishment, where the emphasis is on repairing the damage caused by the offense. The Malimath Committee report recognises victim compensation as a state obligation in all serious crimes, regardless of whether the offender is apprehended or not, convicted or acquitted.

In India, the need for a structured and accessible compensation framework has emerged from a growing recognition of the rights of victims, particularly those from vulnerable groups such as children. Over the years, various legislative changes have been introduced to give rise to compensatory justice for victims. Other than specific provisions in statutes such as the Probation of Offenders Act, 1958, Motor Vehicles Act, 1988, Protection of Women from Domestic Violence Act, 2005, Consumer Protection Act, 2019, Workmen Compensation Act, 1923, the broader understanding remained under S. 357 of the CrPC, now S. 395 of the BNSS. 357 of CrPC talks about victim compensation after the conviction of the accused. The Code of Criminal Procedure (Amendment) Act, 2008 inserted S. 357A, which mandated the creation of a Victim Compensation Scheme for awarding compensation to the victim even if the offender is acquitted, discharged, or never identified. Following this amendment, all states and Union Territories formulated their respective VCS. These schemes laid down procedures for:

(a) filing applications;
(b) timelines for disbursal;
(c) mechanisms for decision-making, and
(d) established dedicated state-level funds to facilitate the process.

No uniformity amongst states on quantum of compensation: However, the quantum of compensation fixed under many of these state schemes remained insufficient to meet the rehabilitative and restorative needs of victims, particularly in serious offences such as rape and acid attacks. Recognising this gap, the Union Government instituted the Central Victim Compensation Fund (CVCF) in 2015 with an initial corpus of ₹200 crore drawn from the Nirbhaya Fund, a dedicated fund established to address violence against women.

[1] "Committee on Reforms of Criminal Justice System: Report Volume I" Government of India, Ministry of Home Affairs. March 2003 https://www.mha.gov.in/sites/default/files/2022-08/criminal_justice_system%5B1%5D.pdf

The Ministry of Home Affairs issued guidelines urging [2] states to align their VCS with the CVCF framework and revise the compensation amounts, especially in cases involving rape. Consequently, many states amended their VCS to increase the quantum of compensation in line with the minimum recommended amounts under the *Guidelines for the Central Victim Compensation Fund (GCVCF).*

However, it soon became apparent that a general compensation framework for victims of crimes was insufficient to address the specific and unique vulnerabilities of survivors of sexual assault and acid attacks. In response, in 2019, the Supreme Court of India in *Nipun Saxena v. Union of India, (2019) 2 SCC 703* acknowledged the urgent need for a more specific and responsive compensation mechanism for such survivors. The Court directed the National Legal Services Authority (NALSA) to formulate a model scheme specifically for women victims of sexual assault and acid attacks. NALSA, in compliance with the Supreme Court order, framed a model scheme which the Supreme Court then directed be uniformly adopted by all states.



[2] https://xn--11b5bzbybhf05c8b4bxh.xn--11b7cb3a6a.xn--h2brj9c/sites/default/files/CVCFFuideliness_141015_2.pdf

Compensation schemes for minor victims of sexual abuse: Under S. 33(8) of the POCSOAct 2012, read with Rule 9(3) of POCSO Model Rules 2020, states are empowered to frame guidelines for compensating POCSO victims. When NALSA drafted its compensation scheme for women sexual assault victims, it was anticipated that states would create separate schemes for child sexual assault victims under the POCSO Act. As a result, the NALSA Scheme explicitly excluded POCSO offences. However, in *Nipun Saxena*, the Supreme Court [3] directed that until states frame such schemes, the NALSA Model Scheme would apply to POCSO victims. Various High Courts have since upheld and implemented this directive. Despite this, confusion continues to prevail among stakeholders regarding the applicability of the NALSA Scheme to POCSO victims, with a particularly complex scenario arising in the case of male child victims. The presence of multiple schemes under different legal frameworks, namely,

(i) the VCS under S. 357A of CrPC and S. 33(8) of POCSO Act,
(ii) the NALSA model scheme (in compliance with *Nipun Saxena*), and
(iii) state-specific compensation schemes available for minor victims of sexual abuse have created confusion about which scheme would be applicable to child victims of sexual abuse.

About the Repository: Mapping Compensation Schemes for Minor Victims of Sexual Abuse in India:
In light of this complexity, we have attempted to make and develop a consolidated document that compiles the most recent and relevant information publicly accessible, on compensation schemes in all states and Union Territories (UTs) available to minor victims of sexual abuse across the country.

This resource provides comprehensive details on each scheme, including:

- The procedure for application
- Required documentation
- Types of offences covered
- Quantum of compensation
- Eligibility criteria, etc.

By centralising this information, the repository seeks to not only enhance awareness among survivors and their families but also to highlight inter-state variations in the compensation schemes through a comparative analysis.

It aims to streamline access for key stakeholders such as support persons, legal practitioners, SJPUs, CWCs, and Investigating Officers, thereby removing informational barriers and reducing the need to consult multiple sources. Ultimately, this initiative strives to facilitate the effective realisation of the right to compensation for all minor victims of sexual abuse under the POCSO Act.

[3] See Karnataka HC in Smt. Lalitha w/o Narasimha Siddi vs State of Karnataka in CRL.A No. 100269 of 2022 decided on 27.06.2023; See Kerala HC in KSLSA vs State of Kerala in 2023 SCC OnLine Ker 5688; See Patna HC in Satyabrat Ashok Vs. The State of Bihar (Crl. A (DB) 914 of 2022)

Overview

This Chapter analyses the victim compensation available in each state across India for minor victims of sexual abuse. All information and analysis provided here is solely based on data publicly available on the internet. Where certain information (e.g., the existence of a specific scheme) is mentioned but further details are not available online, this has been explicitly stated.

The table below presents a comparative overview of compensation schemes across states, with a specific focus on their applicability to minor victims of sexual abuse. It highlights the legal basis of each scheme, whether the NALSA Model Scheme has been adopted, and whether a dedicated scheme exists under the POCSO Act, etc.

State Primers

This chapter provides a state-wise overview of compensation schemes available to minor victims of sexual abuse. It outlines the specific procedures for availing compensation in each state, including the relevant authorities involved, required documentation, and applicable timelines. In addition, notable High Court judgments pertaining to victim compensation in each jurisdiction, wherever available, have been included to offer legal context and highlight judicial interpretations that influence implementation. This chapter aims to serve as a practical reference tool for stakeholders navigating the compensation process across different states.

✓ YES	✗ NO	? UNCLEAR

States	Has the State enacted a VCS under S. 357A CrPC (S. 395 BNSS)?	Has the State adopted the NALSA VCS?	Does any VCS cover minor victims of sexual abuse?	Are minor male victims of sexual abuse eligible under any VCS?	Has a separate scheme been framed under S. 33(8) of the POCSO Act?	Are there any other comp. schemes for minor victims of sexual abuse?
Andhra Pradesh	✓	✓	✓	✓	✗	✗
Arunachal Pradesh	✓	✗	✓	✓	✗	✗
Assam	✓	✗	✓	✓	✗	✗
Bihar	✓	✓	✓	✓	✗	✗

States	Has the State enacted a VCS under S. 357A CrPC (S. 395 BNSS)?	Has the State adopted the NALSA VCS?	Does any VCS cover minor victims of sexual abuse?	Are minor male victims of sexual abuse eligible under any VCS?	Has a separate scheme been framed under S. 33(8) of the POCSO Act?	Are there any other comp. schemes for minor victims of sexual abuse?
Chhattisgarh	✓	✓	✓	✓	✗	✗
Delhi	✓	✓	✓	✓	✗	✗
Goa	✓	✓	✓	✓	✗	✗
Gujarat	✓	✓[5]	✓	?[6]	✗	✗
Haryana	✓	✓	✓	✓	✗	✗
Himachal Pradesh	✓	✓	✓	✓	✗	✓
Jharkhand	✓	✓	✓	✓	✗	✗
Karnataka	✓	✓	✓	✓	✗	✗
Kerala	✓	✓[7]	✓	✓	✗	✓

[5] The NALSA Scheme seems to have been incorporated in the Gujarat Victim Compensation Scheme, 2019. While this is not explicitly mentioned in the GVCS 2019, the quantum and heads of compensation in the GVCS 2019 are in line with the NALSA VCS.
[6] While the term "victim" is gender neutral (refer to Clause 2(1)(p)), the term "sexual assault victim" includes only female victims (refer to Clause 2(1)(n). It thus seems that the GVCS 2019 does apply to male victims but there is some confusion regarding this.
[7] Chapter II of the Kerala VCS 2021 appears to incorporate the NALSA Scheme, as the quantum and heads of compensation are identical, although the amendment does not expressly refer to the NALSA Scheme.

States	Has the State enacted a VCS under S. 357A CrPC (S. 395 BNSS)?	Has the State adopted the NALSA VCS?	Does any VCS cover minor victims of sexual abuse?	Are minor male victims of sexual abuse eligible under any VCS?	Has a separate scheme been framed under S. 33(8) of the POCSO Act?	Are there any other comp. schemes for minor victims of sexual abuse?
Madhya Pradesh	✓	✗	✓	✓	✗	✗
Maharashtra	✓	✓	✓	✓	✗	✓
Manipur	✓	✓	✓	✓	✗	✗
Meghalaya	✓	✓	✓	✓	✗	✗
Mizoram	✓	✗	✓	✓	✗	✗
Nagaland	✓	✗	✓	✓	✗	✗
Odisha	✓	✓	✓	?[8]	✗	✗
Punjab	✓	✗	✓	✓	✗	✗
Rajasthan	✓	✓	✓	✓	✗	✗

[8] Though the Odisha Victim Compensation Scheme 2017 originally is a gender neutral scheme and clause 9 (k) specifically allows POCSO victims to claim compensation under this scheme, schedule II incorporated through the 2018 amendment only applies to the women victims, leaving minor male victims to apply under the schedule (I) which has removed the rape and gang rape provisions.

States	Has the State enacted a VCS under S. 357A CrPC (S. 395 BNSS)?	Has the State adopted the NALSA VCS?	Does any VCS cover minor victims of sexual abuse?	Are minor male victims of sexual abuse eligible under any VCS?	Has a separate scheme been framed under S. 33(8) of the POCSO Act?	Are there any other comp. schemes for minor victims of sexual abuse?
Sikkim	✓	✓	✓	✓	✗	✗
Tamil Nadu	✓	✓	✓	✓	✓	✗
Telangana	✓	✓	✓	✓	✗	✗
Tripura	✓	✓	✓	✓	✗	✗
Uttar Pradesh	✓	✗	✓	✓	✗	✓
Uttarakhand	✓	✓	✓	✓	✗	✗
West Bengal	✓	✗	✓	✓	✗	✗
Andaman & Nicobar Islands	✓	✓	✓	✗	✗	✗
Chandigarh	✓	✓	✓	✓	✗	✗
Jammu Kashmir	✓	✓[9]	✓	✓	✗	✗

[9] While the Jammu and Kashmir VCS 2019 has not explicitly adopted NALSA VCS, the language of the scheme is in consonance with the NALSA Scheme.

States	Has the State enacted a VCS under S. 357A CrPC (S. 395 BNSS)?	Has the State adopted the NALSA VCS?	Does any VCS cover minor victims of sexual abuse?	Are minor male victims of sexual abuse eligible under any VCS?	Has a separate scheme been framed under S. 33(8) of the POCSO Act?	Are there any other comp. schemes for minor victims of sexual abuse?
Ladakh	✓	✓[10]	✓	✓	✗	✗
Lakshadweep	**VCS not available in the public domain.**					
Dadra & Nagar Haveli and Daman & Diu						
Puducherry	✓	✓	✓	✓	✗	✗

1. All the **34 states and UTs** whose data is available have enacted a general VCS under S. 357A CrPC (or S. 396(1)-(6) BNSS). No data is available regarding **Dadra & Nagar Haveli, Daman & Diu** and **Lakshadweep**, so these UTs are excluded from our analysis.

2. **8 states** have not adopted the NALSA's VCS (**Arunachal Pradesh, Assam, Madhya Pradesh, Mizoram, Nagaland, Punjab, Uttar Pradesh, West Bengal**).

- Data is not available regarding **Gujarat**. There is no notification or circular available that mentions the adoption of the NALSA Scheme, nor is it mentioned in the Scheme itself. Therefore, the adoption of Scheme cannot be deduced and this analysis assumes that it has not been adopted.

3. Of all the States & UTs, **only Tamil Nadu** has created a separate scheme for minor victims of sexual abuse under the POCSO Act and allocated funds in compliance with the S. 33(8) of the POCSO Act.

4. **4 states (Himachal Pradesh, Kerala, Maharashtra and Uttar Pradesh)** have created a special compensation scheme for offences/victims under the POCSO Act apart from the general VCS or NALSA compensation scheme.

[10] While the Ladakh VCS 2022 has not explicitly adopted NALSA Scheme, the language of the scheme is in consonance with the NALSA Scheme.

- The "Scheme for Rehabilitation Support to Minor Victims of Rape, Child Abuse & Objectification Background, 2019" in the state of **Himachal Pradesh** is applicable to minor victims of sexual abuse, not mandatorily under the POCSO Act. The scheme employs broad protective terms such as "minor victims of rape" and "child sexual abuse," and is therefore applicable to cases registered under the IPC/BNS as well as those registered under the POCSO Act, rather than being limited only to offences formally charged under the POCSO Act.

5. **4 states** have specifically mentioned POCSO offences in their compensation schedules.

- **Rajasthan** has defined compensation categories for offences under S. 4, 6, 8, 10 and 14 POCSO Act, 2012 in its general VCS.
- **Tamil Nadu** has defined compensation categories for offences under S. 4, 6, 8, 10 and 14 POCSO Act, 2012 in its TNCVCF 2020.
- **Uttar Pradesh** has defined compensation categories for offences under S. 4, 6, 7, 9, 11 and 14 of POCSO Act, 2012 in its general VCS 2014 and Kosh Rules 2015.
- **Kerala** has defined compensation categories for offences under S. 3, 5, 7 and 9 of POCSO Act, 2012 in its Aswasanidhi Scheme 2018.

6. In **all states and UTs**, female minor victims of sexual abuse can claim compensation in at least one of the VCSs available in the state.

7. In **all states and UTs**, except **Andaman and Nicobar Islands**, minor male victims of sexual abuse are eligible to claim compensation under at least one of the available VCSs.

- There is no clarity regarding **Gujarat** as there is a confusion regarding "victim" and "sexual assault victim" (discussed further in analysis).

8. **11 States** have fixed the age limit at 14 years for claiming enhanced monetary compensation (typically 50% over the fixed quantum in the Schedule) for minor victims of sexual abuse. (**Andhra Pradesh, Arunachal Pradesh, Bihar, Haryana, Himachal Pradesh, Jharkhand, Meghalaya, Mizoram, Punjab, Tripura, and West Bengal**). However **8 states** do not provide any such extension of compensation specifically for minor victims. (**Assam, Goa, Kerala, Madhya Pradesh, Nagaland, Rajasthan, Tamil Nadu, Uttar Pradesh**).

9. **4 states** have fixed a category of compensation for the offence of pornography:

- **Himachal Pradesh** (Rs. 50,00/-), **Rajasthan** (Rs.1 lakh), **Tamil Nadu** (Rs. 50,000/- to 1 lakh) and **Uttar Pradesh** (Rs. 1 lakh).

10. Only **Mizoram's** scheme (Mizoram Victim Compensation Scheme 2011) specifically provides for monetary compensation to persons with a disabilities (PWDs) who are victims of sexual abuse, as distinct from other victims of sexual abuse. However, the quantum of compensation between both groups remains the same.

Analysis

This section examines how various State schemes function in practice with respect to minor victims of sexual abuse - evaluating the procedural safeguards, quantum and timelines of compensation, the accessibility of the mechanisms, and the degree to which they fulfil the statutory mandate of providing restorative and rehabilitative support.

Limitations and Implementation Gaps

1. Unavailability of VCS/Notifications in the public domain

The effectiveness of VCS is weakened by gaps in accessibility and transparency. In several jurisdictions, the absence of updated and officially available schemes limits victims' ability to seek timely relief.

- In Lakshadweep, although a general VCS under S. 357A CrPC can be found online on unofficial websites, it is not hosted on the SLSA website or on the website of the High Court, creating further barriers as the available sources lack official credibility.
- Moreover, administrative transitions have not been accompanied by corresponding legal updates. Following the 2019 reorganisation merging Daman and Diu with Dadra and Nagar Haveli, the absence of a publicly available unified VCS reflects a broader institutional failure to ensure continuity and clarity in victim compensation frameworks.

2. Ambiguity in eligibility

Eligibility criteria across jurisdictions continue to show inconsistencies and exclusionary drafting, particularly in relation to gender and age.

- **'Definition of victim':** Although the NALSA Compensation Scheme has been widely adopted, its implementation at the state level often retains restrictive definitions that do not align with the gender-neutral framework of the POCSO Act. In particular, defining a "minor" as a "girl child" and a "sexual assault victim" as only female leads to the exclusion of male victims from accessing compensation.

While the POCSO Act defines a child as any person below 18 years of age, the NALSA Scheme (as adopted or incorporated) defines a minor as *"a girl child who has not completed the age of 18 years" and a sexual assault victim as "a female who has suffered mental or physical injury or both as a result of a sexual offence."* This exclusionary language effectively denies male victims eligibility for compensation in POCSO cases under these schemes.

For example, in Gujarat VCS while the term "victim" is gender neutral (refer to Clause 2(1)(p)), the term "sexual assault victim" includes only female victims (refer to Clause 2(1)(n)). It thus seems that the GVCS 2019 does apply to male victims but there is some confusion regarding this.

- **Confusion regarding inclusion of minor victims -** Another issue regarding the NALSA Scheme, irrespective of how it is implemented, is whether it allows for compensation to minor victims at all. States often provide for a 50% enhancement of compensation in cases involving minor victims, but the NALSA Scheme simultaneously contains provisions that exclude minor victims under the POCSO Act from receiving compensation (for the reasons discussed above in the Introduction). This contradiction creates further uncertainty regarding the eligibility of even minor female victims of sexual abuse. For instance, in Chandigarh, the VCS adopts a contradictory approach to POCSO victims' eligibility. While Clauses 2(a) and 2(l) expressly include POCSO victims, this inclusion is weakened by the omission of POCSO offences from the Scheme's Schedule and the Explanation to the Repeal and Savings Clause, which restricts compensation determination to the Special Court. This inconsistency creates uncertainty over whether minor victims may approach the DLSA directly or must await a Special Court order.

- **Income-based restrictions on compensation eligibility -** Some states impose eligibility restrictions for victim compensation based on the victim's income or financial status. Madhya Pradesh reduces the fixed compensation by 50% if the victim's annual income exceeds ₹5 lakhs, while Mizoram outrightly disqualifies victims who own property or insurance worth over ₹1 lakh and Andhra Pradesh and Haryana disqualifies victims if their family income is more than ₹4.5 lakhs per annum. These restrictions end up placing the financial burden of rehabilitation on the child's family, if they are able to bear it, rather than on the state, whereas it is the state's obligation to take necessary steps for rehabilitation.

3. Disparity in Compensation

- Aggravated and Non-Aggravated POCSO Offences: Kerala, Rajasthan, Tamil Nadu, and Uttar Pradesh prescribe fixed compensation for offences under the POCSO Act, including sexual assault, penetrative sexual assault, and their aggravated forms. However, Kerala and Rajasthan do not differentiate between aggravated and non-aggravated offences in their compensation schemes - Kerala's Aswasanidhi scheme, for instance, fixes ₹50,000/- to ₹1,00,000 uniformly for all POCSO offences. This approach fails to reflect the POCSO Act's intent, which treats aggravated offences as more serious and deserving of stricter punishment. In contrast, Tamil Nadu follows a differentiated model, awarding higher compensation for aggravated forms, thereby better aligning with the spirit of the POCSO framework. In Uttar Pradesh, the compensation quantum for POCSO offences under S. 4 and 6 is notably lower than that provided for rape under the NALSA Compensation Scheme.

- **No parity in compensation for male victims with female victims:** While Assam is one of the few states that explicitly recognise male children as victims of sexual abuse, it fails to ensure parity with female victims. The pointers below the schedule state that "in case of sexual assault, the male child victim may also be provided the prescribed minimum compensation under the Scheme," implying that while female victims can claim compensation within the prescribed range of ₹0.5 to ₹2 lakhs, male victims are limited to receiving ₹0.5 lakh as the maximum. This approach undermines the injuries and trauma suffered by male victims as compared to their female counterparts.

- **Restriction on simultaneous claims under multiple compensation schemes:** All states and UTs except Rajasthan and Punjab explicitly prohibit minor victims of sexual abuse from claiming simultaneous compensation under the VCS and the other government schemes or collateral benefits like insurance. In most cases, if compensation is received from other sources, it will be adjusted against the VCS amount. However, Rajasthan adopts a more victim-friendly approach by explicitly allowing minor victims of sexual abuse to receive compensation from multiple schemes. Punjab, though it prohibits the victims from claiming compensation from multiple schemes, allows simultaneous compensation from certain sources such as PMNRF, CVCS, CMRF, the Punjab Acid Victim Scheme, and any other scheme that provides compensation in addition to that under S. 357-A CrPC. Conflicting information in the same state also causes confusion. In Puducherry, the 2019 NALSA incorporated VCS permits victims or their dependents to claim compensation under other schemes concurrently, provided that any amount received under S. 357-B of the CrPC is accounted for while determining the final compensation. However, the 2012 general VCS explicitly bars claimants from receiving compensation under any other similar Central or Union Territory scheme, leading to conflicting eligibility and procedural requirements. This confusion is aggravated by the fact that there is no clarity whether the 2019 NALSA-incorporated VCS supplements or replaces the earlier 2012 general scheme.

4. Legal and Procedural Ambiguities:

- Unlike in other states, the VCS 2011 in Karnataka and the VCS 2015 in Andhra Pradesh explicitly bars representation by a legal practitioner, non-governmental organisation, or institution on behalf of the applicant. This restriction places victims, particularly those who are vulnerable or traumatised, at a significant disadvantage by requiring them to independently navigate complex legal and procedural requirements. The absence of professional assistance not only increases the likelihood of procedural errors and delays but also impedes the effective assertion of their rights, thereby undermining equitable access to justice and fair compensation.

- In Haryana, Part 2 of the HVCS 2020 expressly excludes victims under the POCSO Act from seeking compensation under that part of the Scheme, though they are included under physical and sexual abuse offences covered under IPC and BNS (eg. S. 376, 376D, 377 IPC). Part I does not contain a similar exclusion, but its schedule identifies only "physical abuse of minor" and "sexual assault (excluding rape)" as categories applicable to minor victims of sexual abuse under POCSO. As Part 2 of the HVCS 2020 is inapplicable on victims under the POCSO Act, minor male victims who do not come under the ambit of BNS and IPC are entirely prevented from claiming compensation under this Part, and since Part 1 does not provide for cases of rape or penetrative sexual assault, male minor victims are left without an effective mechanism to claim compensation under either part of the Scheme for penetrative sexual assault.

- In Jammu and Kashmir, despite the explicit extension of the POCSO Act to J&K under the Jammu and Kashmir Reorganisation Act, 2019 (Fifth Schedule, Table 1), the DLSA website continues to display the outdated 2019 VCS. This scheme still references the repealed J&K Protection of Children from Sexual Violence Act, 2018, creating confusion about the applicable framework for compensating child sexual abuse victims.

- In Puducherry, there is no legislative or administrative clarity on whether the 2019 NALSA-incorporated VCS supplements or replaces the earlier 2012 general scheme, creating ambiguity and confusion.

Strengths and Best Practices

1. **Recognising impact of an attempt:** Himachal Pradesh has introduced a distinctive category of compensation for cases involving an "attempt for commission of offence under S. 307 and 376 IPC read with S. 511 IPC." It remains the only state to expressly acknowledge that even an attempt to commit such offences can cause significant physical and psychological trauma. The scheme recognises that harm warranting rehabilitation may result regardless of whether the offence is completed.
2. **Enhanced interim compensation:** Meghalaya and Rajasthan are the only states that permit interim compensation up to 50% of the total quantum fixed for offences, unlike most other states which cap interim relief at 25%. This progressive provision is significant, as interim compensation plays a crucial role in the immediate rehabilitation and support of minor victims of sexual abuse.
3. **Provision for second appeal:** Unlike most other states where a victim dissatisfied with the quantum of compensation fixed by the DLSA may file an appeal before the SLSA, and if still aggrieved, must approach the courts for enhancement, Madhya Pradesh provides an additional remedy. Under its VCS, the state allows a second appeal before the Home Department against the order of the first appellate authority (SLSA), making it the only state to provide such a mechanism. By offering multiple non-judicial avenues for redress, it allows victims to seek fair compensation without immediately resorting to the courts, thereby saving time, reducing costs, and minimizing procedural burdens.
4. **Transparent and accessible models**: Madhya Pradesh provides a relatively transparent model by publishing data on the disbursal of compensation amounts up to March 2023 on its official website. While this transparency may not directly assist victims in claiming compensation, it reflects accountability in the utilisation of funds allocated for victim support. However, the absence of updated data beyond March 2023 limits continuous public oversight and weakens long-term transparency. In contrast, Punjab's SLSA website enhances accessibility by providing applicants with a real-time option to track the status of their compensation applications online. This level of transparency and user access strengthens trust in the system and promotes accountability.
5. **Clear Allocation of Roles:** The Standard Operating Procedure issued by the Delhi State Legal Services Authority for the Delhi Victim Compensation Scheme, 2018 clearly defines the roles of Courts, District Legal Services Authorities/District Victim Compensation Committees, the Delhi State Legal Services Authority, Investigating Agencies, and Bankers in the compensation process. This clear allocation of responsibilities minimises institutional overlap, ensures effective coordination, and facilitates timely disbursement of compensation, thereby reducing procedural delays and inconvenience to victims and their families.

Conclusion

A comparative analysis of state-level compensation schemes reveals substantial variation and persistent ambiguity in how minor victims of sexual abuse are treated across jurisdictions. While judgment pronounced by the Hon'ble Supreme Court of India in Nipun Saxena provided a clear directive for states to create a separate compensation scheme under S. 33(8) of the POCSO Act and, until such schemes are formulated, to adopt the NALSA Model Compensation Scheme, the ground reality remains fragmented. A number of states are yet to adopt the NALSA Model Scheme and moreover, the lack of consistency in defining compensation categories for POCSO offences, varying eligibility conditions, and procedural barriers further compound the difficulties faced by victims and their families.

Our findings also expose a broader systemic issue: a lack of transparency, procedural complexity, and widespread confusion regarding the applicable schemes, the process for accessing compensation, and the roles of implementing authorities. Many stakeholders—be it victims, legal practitioners, support persons, or police—remain unclear about whether the NALSA Scheme, the general VCS under CrPC, or a separate state-specific scheme applies to a particular POCSO case. This lack of clarity often delays or even derails a victim's access to their right to compensation.

There is a pressing need for transparent, accessible, and accountable systems that make available the following information in the public domain: the number of POCSO cases pending consideration for compensation, the status of compensation applications, and the quantum of compensation available to the sexual assault victims under the respective State schemes.

Repeated directions from the Supreme Court and the High Courts have underscored the importance of compliance with S. 33(8) of the POCSO Act. However, implementation continues to lag. It is now imperative that all states fulfil their statutory obligations and ensure that minor victims of sexual abuse are not denied timely and adequate compensation due to administrative apathy or legal uncertainty. Thus, all states should formulate and notify compensation schemes specifically under S. 33(8) of the POCSO Act, thereby providing a clear statutory basis for courts to determine the eligibility and quantum of compensation for minor victims. States should also develop and implement a SOP, similar to the one adopted in Delhi, to clearly define the roles and responsibilities of various stakeholders involved in the compensation process and ensure effective coordination and accountability. The grant of interim compensation must be monitored by the courts, and reasonable time frames must be fixed and strictly adhered to, both for interim and final compensation orders and disbursement.

By streamlining procedures, promoting awareness, and implementing court-mandated reforms in letter and spirit, states can meaningfully advance the right to restorative justice for all victims under the POCSO Act.

Note: The information contained in this repository has been updated through 2025. As this is a evolving resource, it will be reviewed and revised annually to incorporate relevant updates, developments and changes.

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iProbono INDIA

iProbono India is a social justice organisation that combines the legal expertise of its carefully curated community of panel and network lawyers, ground-level insights of its grassroots partners, and the ethos of social action litigation to advance justice and equality in India. In the last ten years of iProbono India's functioning, we have primarily focused on child rights, housing rights, and strengthening civil society. Our modes of intervention comprise legal representation, advocacy, training and capacity-building efforts.

CHILD RIGHTS | DISABILITY JUSTICE | CRIMINAL JUSTICE | HOUSING JUSTICE

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