iProbono INDIA

TRAINING OF TRAINERS MANUAL

POCSO Act, 2012:
A Trauma-Informed Guide for Social Workers & Community Organisations

Target Audience for ToT: Social workers, frontline workers (representatives of organisations working on child rights and child protection, Mahila Panchayat, field practitioners, community leaders and changemakers)

Target End-Audience: Children and families from different communities, anganwadi workers in Delhi

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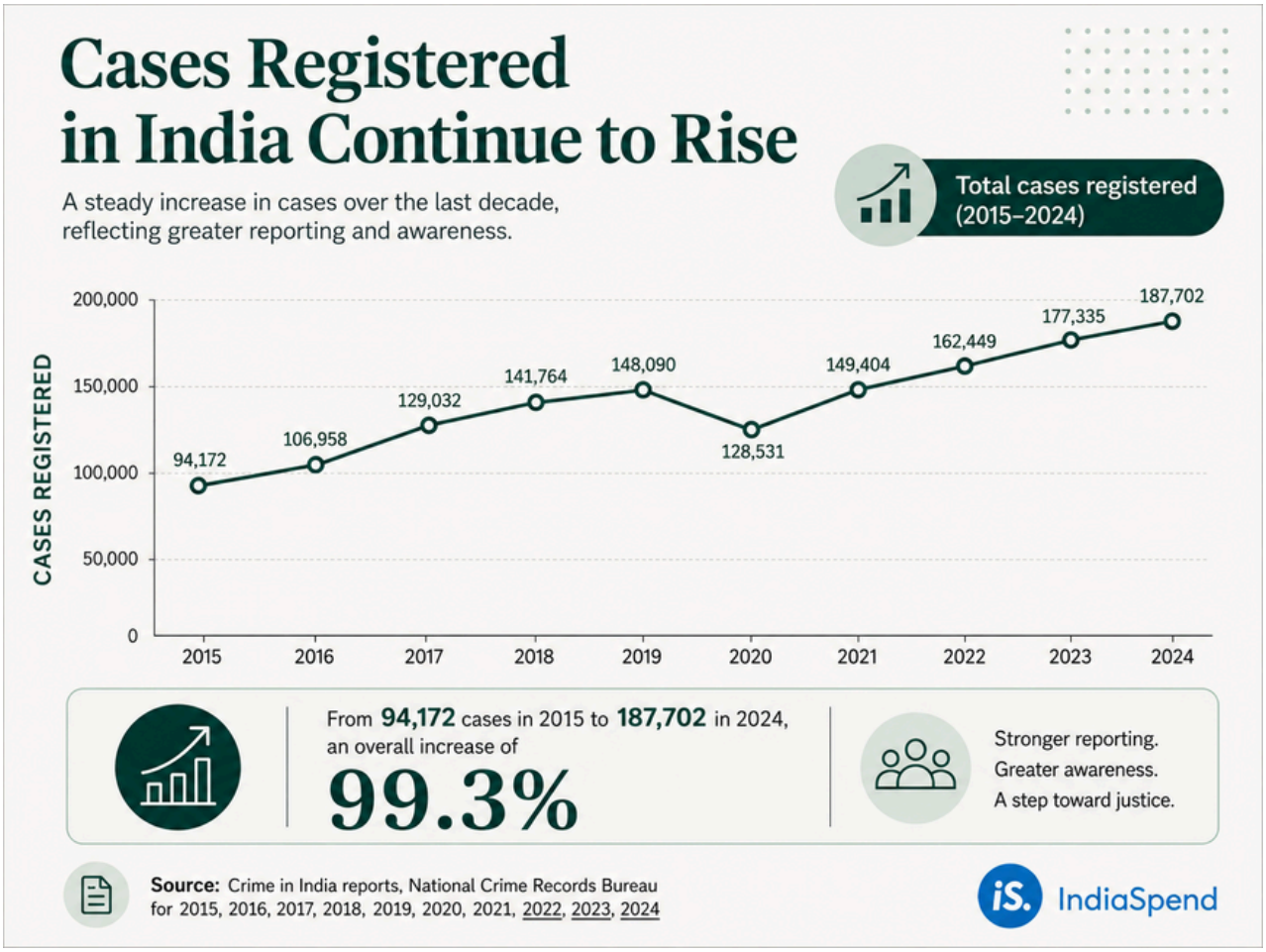
Introduction

In 2024, **69,191** cases under the POCSO Act were reported, of which **65,113** were sent to trial. This is while **2,62,089** POCSO trials from previous years remained pending.

It is clearly imperative for trainers, community workers and citizens to be acquainted with the basics of the legal processes involved from the time an offence under the POCSO Act comes to their knowledge till the conclusion of the trial.

Through this ToT Manual, you will gain an understanding of the legal process under the POCSO Act; from the reporting of an offence to the conclusion of the trial and sentencing. You will also learn about the roles and responsibilities of the various stakeholders a child may interact with during the legal process, along with key child-centric and trauma-informed practices that should be followed at each stage.

By the end of this training, you will have a practical understanding of how POCSO trials unfold and what is required at every stage of the legal process. This knowledge will equip you to confidently disseminate accurate information within your communities and support others in navigating the justice system. While court proceedings can often seem intimidating, this training will enable you to build awareness and help children, caregivers, and community members understand what to expect during a POCSO trial.



The POCSO Act is not just a legal framework; it is a child protection law that requires both legal and psychosocial support to ensure the safety, well-being, and rehabilitation of children. While the legal process helps secure justice and protect children's rights, psychosocial support helps children and their families cope with trauma, understand the process, and navigate the various systems involved.

Keeping this in mind, this ToT module has been divided into two complementary components; legal and psychosocial. This division has been made to provide participants with a holistic understanding of child protection. However, the legal component is not limited to explaining the law or its provisions. Instead, it draws from the extensive field experience of lawyers and social workers who have worked closely with child survivors throughout the legal process. Similarly, the psychosocial component focuses on practical approaches to supporting children and families in a trauma-informed and child-friendly manner.

The module combines legal knowledge with real-life experiences and practical insights. This integrated approach helps frontline practitioners understand not only what the law requires, but also how these principles can be applied effectively while working with children and their families.

As a trainer, your responsibilities will be -

1. To enhance awareness regarding child sexual abuse offences and the protections provided under the POCSO Act;
2. To educate communities about the impact and legal implications of offences under the POCSO Act;
3. To foster greater awareness of child sexual abuse and the importance of reporting and preventing POCSO offences;
4. To report any POCSO offences you come to know of;
5. To ensure that rights of victims under the POCSO Act are protected during various stages of trial and investigation;
6. To ensure that community members are aware of the confidentiality and privacy requirements under the POCSO Act;
7. To not promote conciliation and compromise to settle the matter within the community.

List of Abbreviations

BNS → Bharatiya Nyaya Sanhita, 2023

BNSS → Bharatiya Nagarik Suraksha Sanhita, 2023

CCI → Child Care Institution

CrPC → Code of Criminal Procedure, 1973

CWC → Child Welfare Committee

DCPU → District Child Protection Unit

DLSA → District Legal Services Authority

FIR → First Information Report

FSL → Forensic Science Laboratory

IO → Investigating Officer

IPC → Indian Penal Code, 1860

ITP Act → Immoral Trafficking(Preventions) Act, 1956

JJ Act → Juvenile Justice(Care and Protection) Act, 2015

MLC → Medico-Legal Case

POCSO → Protection of Children from Sexual Offences Act, 2012

S. → Section

SJPU → Special Juvenile Police Unit

VWDC → Vulnerable Witness Deposition Centre

TOT → Training of Trainers

Section 1

Understanding The Law & Procedure

Introduction to the POCSO Act

Prior to the enactment of POCSO Act in 2012, sexual offences committed against children were primarily dealt with under the IPC. The existing provisions were limited in scope, lacked gender-neutral definitions of child sexual offences, and did not prescribe child-friendly procedures for reporting, investigation, or trial. Recognising the need for a dedicated law that upholds the rights and best interests of children, Parliament enacted the POCSO Act in 2012. Currently, sexual offences against children are governed by the POCSO Act being the apex law, also read along with relevant provisions of BNS and BNSS.

The following segment of the trainer will take you through the legal procedures under the POCSO Act. From reporting of the offence to trial proceedings to judgement and compensation, you will understand the various steps involved, legal obligations of various actors, rights of the child and the accused all while seeing how the best interest of the child is kept in mind at each step.

Expected Outcomes:

1. Understand and be able to further disseminate information regarding the legal procedure followed in POCSO cases
2. Identify common misconceptions within communities and provide clarity around them
3. Inform children and their families about their legal rights and obligations at every stage of the case
4. Be able to identify and connect people to relevant actors at the required stage

Legal Procedures Under The POCSO Act

1. Pre-Trial Stage

Objective → By the end of this chapter, you will be able to explain the legal requirement of mandatory reporting under the POCSO Act, identify the appropriate reporting authorities; and guide children and caregivers through the initial stages of the legal process.

Case Scenario

Chandan is a 10 year old boy who has been sexually assaulted by his uncle. His uncle threatens him that if he tells anyone about the incident, Chandan will have to leave the family. After much hesitation and anxiety, Chandan narrates the incident to his mother but pleads with her not to tell anyone about it. Worried about her son and unsure what to do, the mother approaches you for help. What would you suggest the mother do?

1. Confront the uncle and settle the issue within the family
2. Reach out to the nearest police station and report the matter
3. Do nothing about the issue as Chandan may be lying
4. Adhere to Chandan's request and not tell anyone about the incident

Discussion Questions
(Tip: Trainer may ask the participants to think about the following questions before revealing the correct answer)

1. What are the mother's legal responsibilities in this situation?
2. Should Chandan's request for confidentiality be respected? Why or why not?
3. Who can the mother approach for assistance?
4. Besides reporting the offence, what immediate support might Chandan require?

A. Reporting Of The Offence

The POCSO Act places a legal obligation on individuals to report child sexual abuse.

Under S. 19 to 21 of the POCSO Act, any person who becomes aware of a POCSO offence, or has reasonable grounds to believe that such an offence has been committed or is likely to be committed, is required to report the matter. Failure to report certain offences may itself constitute an offence under the Act.

(refer to Annexure - 1 at the end of this manual to know the kind of offences covered by the POCSO Act)

REMEMBER

You are not expected to investigate or verify whether the offence actually occurred. Your responsibility is to ensure that the information reaches the appropriate authorities so that the child can receive protection and the incident can be reported and investigated.

Why is it mandatory to report a POCSO Offence?

To ensure that a child is immediately removed from an unsafe environment, preventing further harm. Children often cannot access legal help by themselves so the burden is placed on the adults to ensure they are protected.

Where can the offence be reported?

A report may be made through any of the following:

Nearest police station or Special Juvenile Police Unit (SJPU)

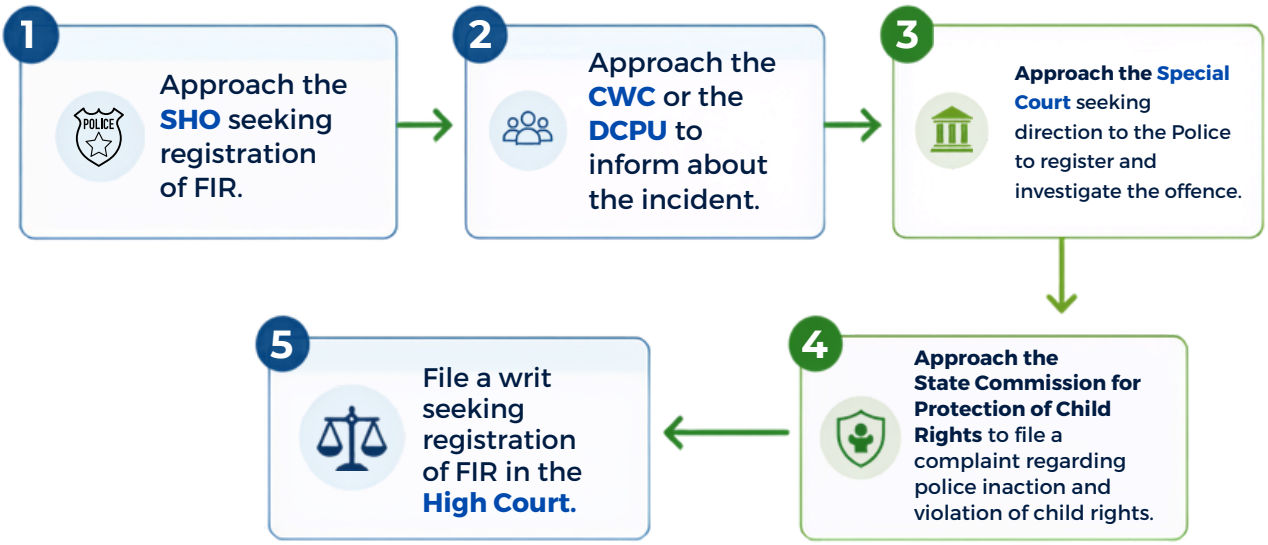
Child Welfare Committee

Nearest Hospital

What if the police refuses to register the complaint?

If the police refuse to register the FIR or delay taking action, the complainant may:

Know your options. Take the next step.



Key Takeaways

- Reporting child sexual abuse is a legal obligation under the POCSO Act.
- A person reporting an offence is not required to prove that the abuse occurred.
- The safety and well-being of the child should always be the primary consideration.
- Reporting the offence promptly enables authorities to initiate protection, medical care, and investigation at the earliest opportunity.

B. Recording The Child's Statement

Once the FIR has been registered, the police will record the child's statement under S. 180 of the BNSS (previously S. 161 of the CrPC).

The POCSO Act recognises that speaking about abuse can be distressing for a child. To ensure that the child feels safe and supported, S. 24 of the POCSO Act lays down special procedures for FIR recording the child's statement.

Safeguards while recording the child's statement in accordance with the procedure prescribed under Section 24

Child's Statement Simple & Safe

As per Section 24 of POCSO Act

01 Statement will be recorded at the child's home or a place where they feel comfortable, by a woman police officer, if possible.

02 The officer will be in plain clothes. A parent, guardian or a trusted person can be with the child.

03 The child will not meet or face the accused while giving the statement.

04 The child will never be kept at the police station overnight.

05 The police will protect the child's identity.

06 The child's identity will not be shared with the media.

REMEMBER

The purpose of these safeguards is to minimise further trauma and ensure that the child is able to share their experience in a safe and supportive environment.

C. Medical Examination

A medical examination is an important part of the investigation. It helps ensure that the child receives any immediate medical care they require and, where relevant, assists in collecting medical evidence.

The medical examination should be conducted within 24 hours of receiving information about the commission of a POCSO offence, irrespective of whether an FIR has been registered.

What if the child needs immediate medical help?

Any child who is a victim under S. 4, 6, 8 or 10 of the POCSO Act can obtain free immediate medical treatment by private or government hospitals, as under Section 397 BNSS.

During the medical examination

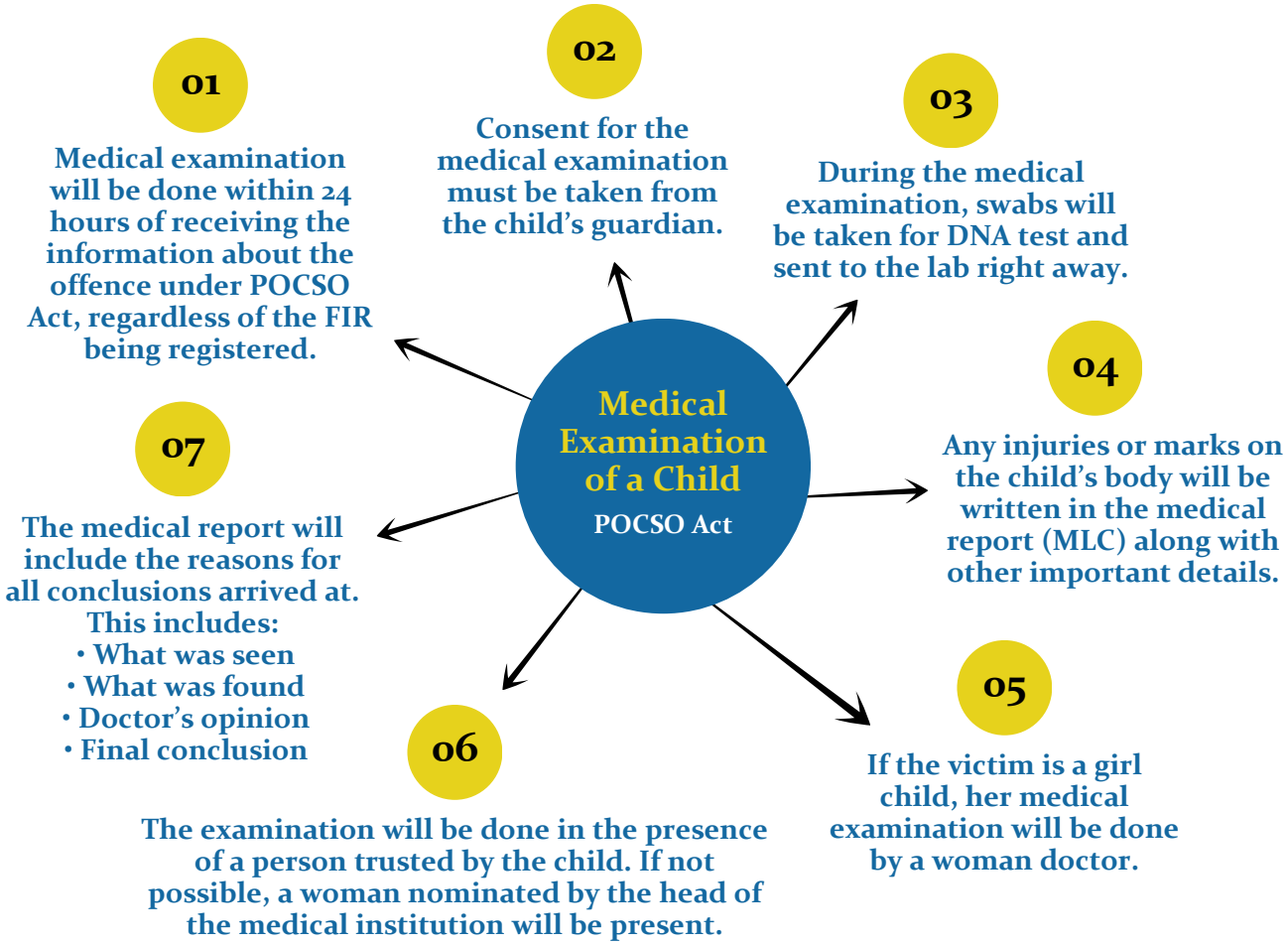
The medical practitioner will:

- assess the child's physical and mental well-being and provide any necessary medical treatment;
- document any visible injuries or findings in the MLC records;
- where appropriate, collect medical samples, including swabs, for forensic examination and DNA profiling, which will be sent to the FSL.

Safeguards during the medical examination

To ensure that the examination is conducted with dignity and sensitivity:

- A girl child must be examined by a woman doctor.
- The examination should take place in the presence of a person trusted by the child. If such a person is unavailable, it should be conducted in the presence of a woman nominated by the head of the medical institution.
- If the child is below 12 years of age, the consent of the parent or guardian must be obtained before the medical examination is conducted.



These steps are important to protect the child and ensure a fair and proper process.

Important Note on Consent and Internal Examination

Certain medical examinations, including an internal examination where clinically indicated, require prior informed consent.
The child or the child's parent or guardian, as applicable, may refuse such an examination.

Before making this decision, they should receive clear and unbiased information about:

- *the purpose of the examination;*
- *what the procedure involves;*
- *how it may assist in medical treatment; and*
- *how the findings may support the investigation and subsequent court proceedings.*

While no child should be compelled to undergo an internal examination, in appropriate cases, such examinations may provide valuable medical evidence that can assist the investigation and strengthen the prosecution's case.

Key Takeaways

- The child's statement must be recorded using child-friendly procedures that prioritise their safety, comfort, and dignity.
- The child should never be made to interact with the accused while giving their statement.
- A medical examination should be conducted promptly to ensure both appropriate medical care and, where relevant, the collection of forensic evidence.
- Throughout the process, the child's best interests, privacy, and informed consent should remain central.

D. Investigation

Once the FIR has been registered and the child's initial statement has been recorded by the police, the investigation formally begins. The IO is responsible for collecting evidence, identifying witnesses, and ensuring that the investigation is conducted in a child-sensitive manner.

E. Recording The Child's Statement Before The Magistrate

As part of the investigation, the child will be produced before a Judicial Magistrate for recording their statement under S. 183 of the BNSS (previously S. 164 of the CrPC). Unlike the statement recorded by the police, the statement before the Magistrate forms an important part of the legal record and helps preserve the child's version of events.

Safeguards during recording of the Magistrate's statement

- The statement shall ordinarily be recorded within 24 hours of registration of the FIR.
- The child may be accompanied by a parent, guardian, or another trusted person throughout the process.
- Wherever necessary, the child may be provided the assistance of a support person, interpreter, translator, or special educator to ensure that they can communicate comfortably and effectively.

During investigation, the child may be called by the Investigating Officer (IO) for assistance in certain investigative procedures.

This may include:

- identifying the place where the incident occurred;
- identifying the accused, where necessary; and
- assisting with any other lawful investigative process that is required to establish the facts of the case.

Once the investigation is completed, the Investigating Officer will submit a Final Report (Chargesheet) before the Court. A copy of this report should be made available to the child or their parent/guardian, either by the IO or by the Court after it has been filed.

NOTE

The statements made during police investigation cannot be used as evidence in court. For instance, a confession made before the police cannot be used to establish conviction.

Demystifying Common Misconceptions

Myths	Reality
I need to investigate the offence before reporting it to the police.	**No**. Your responsibility is to report the information as soon as you become aware of it. Investigation is the responsibility of the police.
Only a family member can report an offence under POCSO.	**No**. There is no such requirement under the POCSO Act. Any person who becomes aware of a POCSO offence may report it.
The child must disclose everything during the first statement.	**No**. Children may remember or feel comfortable sharing additional details at later stages. Providing further information during the investigation or trial does not automatically affect the credibility of their testimony.
The child will mandatorily be put in a CCI once the offence has been reported.	**No**. The law prioritises family-based care wherever it is safe and appropriate. A child will generally remain with their family unless the CWC determines that doing so would not be in the child's best interests.
There must be physical injuries for it to be considered sexual abuse.	**No**. Many forms of child sexual abuse do not leave visible injuries. A lack of physical evidence does not mean that abuse did not occur.
If there are no witnesses, there is no point in reporting the offence.	**No**. Many offences under the POCSO Act occur in private. The absence of witnesses should never prevent a report from being made and the testimony of the child victim is sufficient proof to corroborate the offence.
If the abuse happened a long time ago, it is too late to report it.	**No**. Delayed disclosure is common in child sexual abuse cases because children may experience fear, shame, or threats. Such cases can and should still be reported.
If the accused is a family member, it is better to resolve the matter privately.	**No**. Child sexual abuse is a serious criminal offence. Resolving such cases within the family may leave the child at continued risk and deny them access to justice and support.
If the child later says they do not want to pursue the case, the complaint can simply be withdrawn.	**No**. The legal process does not automatically end because the child or the family no longer wishes to proceed . Offences under the POCSO Act are criminal offences investigated and prosecuted by the State.

Key Takeaways

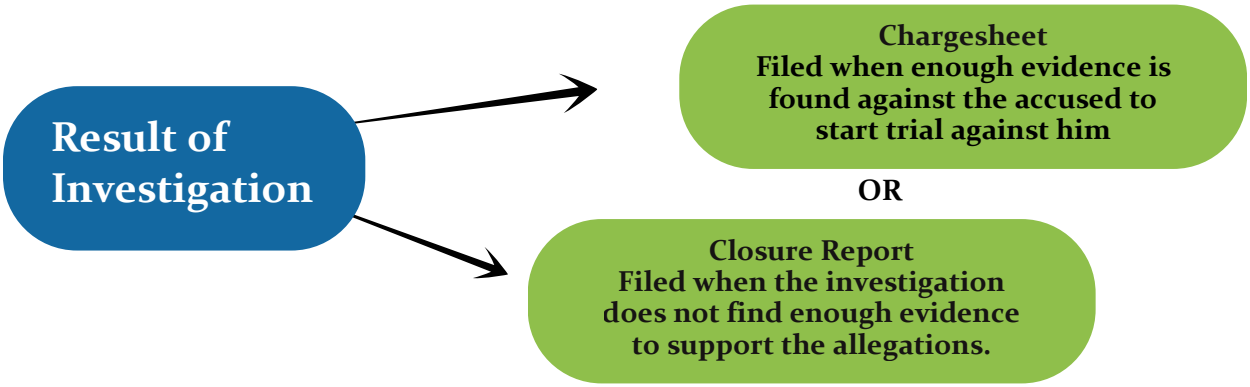
- After the FIR is registered, the child's statement is recorded by both the police and the Magistrate using child-friendly procedures.
- A medical examination and the Magistrate's recording of the child's statement should ordinarily take place promptly to support both the child's well-being and the investigation.
- Throughout the process, the child's safety, dignity, privacy, and best interests must remain the primary consideration.

2. Trial

Objective → By the end of this chapter, you will be able to understand how a POCSO trial begins and progresses before the Special Court, explain the role of the Special Court and the child-friendly procedures adopted during trial, prepare children and caregivers for giving evidence in court, understand how bail proceedings work, explain the purpose of victim compensation and the factors considered by the Court while awarding it,and identify the support and relief available to child victims during the pendency of the trial.

A. Chargesheet Filed in Special Court

Once the investigation is completed, the IO submits the Final Report (Chargesheet) before the Special Court designated to hear offences under the POCSO Act.
Special Courts have been established to ensure that cases involving children are heard through child-friendly procedures and are disposed of as expeditiously as possible.
The Chargesheet contains the evidence collected during the investigation and the offences that the police believe have been committed.



What if sufficient evidence is not found?
If the IO concludes that there is insufficient material to proceed against the accused, a Closure Report may be filed instead of a Chargesheet.

What can the child or family do?
If they disagree with the Closure Report, they may file a Protest Petition before the Court requesting that the Court examine the matter and decide whether proceedings should continue.

B. Framing of Charges

After the Chargesheet is filed, the Court examines the available material to determine whether there are sufficient grounds to proceed against the accused and what offences should be tried.

At this stage, the Court may consider documents such as:

- the FIR,
- the statements given to the police and the magistrate,
- the chargesheet,
- MLC
- other evidence collected during the investigation.

If the Court finds sufficient grounds, it formally frames the charges against the accused and the trial begins.

Will the child remain unrepresented in Court if a private counsel is not appointed?

No, the Public Prosecutor (present in every court) is responsible for representing the child's interests in Court. A child is also entitled to receive legal aid from the DLSA free of cost if they wish to appoint a separate counsel who will assist the PP.

C. Prosecution Evidence

Once charges have been framed, the prosecution begins presenting its evidence.
The child is usually among the first witnesses to testify.
The POCSO Act places great emphasis on ensuring that children can give evidence in a safe, respectful, and child-friendly environment.

Child-friendly safeguards during testimony

The Court should ensure that:

- the child's testimony is recorded **in camera**, meaning that only those directly connected with the proceedings are present;
- wherever available, the testimony is conducted in a Vulnerable Witness Deposition Complex (VWDC) or another child-friendly space;
- a trusted adult or support person may accompany the child;
- the child does not directly face the accused while giving evidence;
- questions are asked in a respectful and age-appropriate manner; and
- unnecessary or repetitive questioning is avoided.

IN CAMERA PROCEEDINGS

Proceedings are recorded "in camera".
Only the judge, court staff, lawyers, child, and the child's trusted adult are present to protect privacy.

Lawyers cannot question the child directly without the judge's approval.

Child Identifies the Accused Through a Screen

During the statement, the child will be asked to identify the accused. This process will happen through a screen and never face-to-face.

THE COURT PROTECTS THE CHILD

The court ensures the child's dignity is protected.

Allows a trusted adult to be present.

Prevents repeated questioning.

Case Scenario

Asha is a 14 year old victim in a POCSO trial. Her support person has informed her that her testimony will be taken in court in one week's time. Apprehensive of what to expect, Asha comes to you with the following queries-

1. Will I have to give my testimony in front of everyone in the court?
2. Can my support person accompany me into the courtroom while I give my testimony?
3. How will the court ensure that I do not come across the person who abused me?
4. Will I be called to the court again after my testimony is done?
5. What kind of questions will I be asked in the courtroom? What if I am asked demeaning questions?

Discussion Questions

(Tip: Trainers can discuss the following points with the participants to assist them in answering the questions)

1. Asha is a victim of sexual abuse, what may be her specific needs that should be accommodated during her testimony?
2. As a minor, Asha may feel intimidated by a court setting. How can this fear be alleviated to allow her to testify freely?

D. Bail Proceedings

The accused has the legal right to apply for bail while the trial is pending.

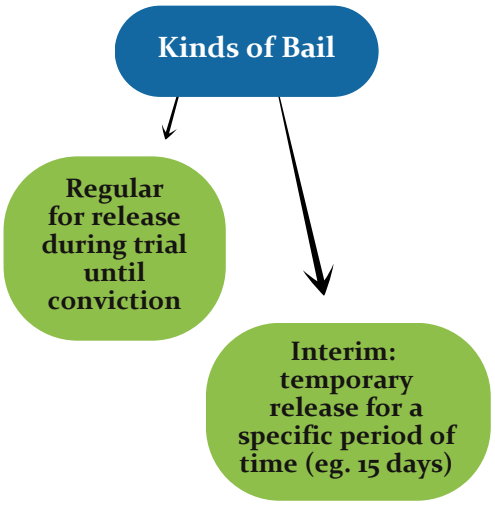
Grant of bail does not mean that the accused has been found innocent or that the case has ended. It simply means that the accused is permitted to remain out of custody while the trial continues, subject to conditions imposed by the Court.

The child is to be served a notice informing them of the bail application and asking them to appear in Court for interaction. It is to be noted that this may not be practiced in all jurisdictions.

If bail is granted, the Court may impose conditions such as:

- not contacting the child or their family;
- not intimidating witnesses;
- not interfering with the investigation or trial; and
- complying with any other conditions considered necessary for the child's safety.

What if the accused violates these conditions?
If the victim finds the accused to be in violation of any of the bail conditions, they can apply to get the bail of the accused cancelled and they be sent back to judicial custody.



Case Scenario

Chitra, a victim in a POCSO trial, tells you that the accused has been granted bail by the Special Court. She tells you that, after coming out on bail, she has spotted the accused standing outside her house in the evening and making threatening gestures. Chitra is now anxious that the accused is set free and nothing can be done. Which of the following statements is true?

1. Once the bail is granted, the accused is acquitted and set free. There cannot be any restriction on his movement.
2. Bail does not mean acquittal. If the accused violates the conditions of bail such as coming into contact with the victim, his bail can be cancelled.

Discussion Questions
(Tip: The Trainer can ask the participants the following to gauge their understanding of POCSO bail)

1. During the bail hearing, what are some concerns Chitra can submit to object to the bail?
2. What are other grounds upon which the accused's bail can be cancelled?
3. If Chitra continues to feel threatened by the accused on bail, can she approach the police seeking assistance?

E. Trial Continued

After the child's evidence has been recorded, the trial continues with the examination of other witnesses and presentation of the remaining evidence.

Where necessary, the Court may verify the child's age by examining documents such as:

- birth certificate;
- school or matriculation certificate; or
- in the absence of the above two certificates a medical test known as the bone ossification test can be conducted.

TIP: An Aadhar Card is not considered proof of age.

The trial then proceeds through subsequent stages, including:

- examination of the accused;
- defence evidence, where applicable;
- final arguments; and
- delivery of judgment.

In most cases, the child's active role in the trial concludes after giving evidence, although they may be required to participate in limited proceedings such as certain bail hearings. In all the other hearings, the child can be represented by their lawyer who they have privately appointed or gotten through the DLSA.

Victim Compensation

The Court may award interim compensation at any stage of the proceedings either by itself, or upon the filing an application by X or Y, If the Court considers that the child requires immediate financial assistance, it may award interim compensation at any stage of the proceedings, either by itself or upon an application by the child or their counsel.

The purpose of interim compensation is to address urgent needs such as:

- Urgent medical expenses
- Relocation
- Admission into a school

Applications for interim compensation may be filed by the child's counsel or by the legal aid counsel appointed through the DLSA.

The Court determines whether compensation should be awarded after considering factors such as:

- the nature and gravity of the offence;
- the child's rehabilitation needs;
- injuries suffered;
- educational disruption; and
- other factors prescribed under Rule 9 of the POCSO Rules.

TIP

If the victim is not satisfied with the quantum of interim compensation provided, they can file an application for enhancement of the compensation amount.

Final compensation is awarded after judgment and the amount already received as interim compensation is adjusted accordingly.

Demystifying Common Misconceptions

Myths	Reality
POCSO trials are conducted in the same manner as adult criminal trials.	**No**, POCSO trials are conducted in Special Courts where child-friendly procedures are adopted.
The child has to give their testimony in an open court with everyone present.	**No**, the victim's testimony is conducted in camera with only the judge, counsels, and the victim's support person or parent present in the courtroom.
The details of the child will be published in the court records and the media.	**No**, the details of the child victim are kept strictly confidential. Any publication of the child's identifying information is a punishable offence.
A bail means that the accused is let go and the case is closed.	**No**, granting of bail does not mean that the accused has been acquitted. Moreover, if the accused violates the conditions of the bail, the bail can stand cancelled.
Medical/FSL reports do not have any role to play during the trial as the case is entirely dependent on facts.	**No**, medical reports act as corroborative evidence. They can be used to support the claim of the victim, such as establishing that sexual assault may have occured.
The child has to be present in the court on every date until the trial concludes.	**No**, the child must be called to the court only when necessary. It should be ensured that the child is not repeatedly called to give deposition.
All POCSO FIRs will mandatorily result in filing of the chargesheet.	**No**, in some instances where during investigation not enough evidence or material is found against the accused, the IO may file a closure report instead.

Key Takeaways

- POCSO trials are conducted in Special Courts which adopt child-friendly procedures.
- The child's testimony is ordinarily recorded early in the trial to minimise repeated appearances.
- The child victim is asked questions by the judge and not by the counsels directly.
- The accused is placed in a manner that the victim cannot see them, while ensuring that the accused can see and hear the victim.
- Bail does not amount to acquittal and may be cancelled if the accused violates the conditions imposed by the Court.
- When granting bail, the court will seek the presence of the child to get their opinion.
- If the accused violates any of the conditions of bail, the bail can be cancelled.
- Interim compensation may be awarded to support the child's immediate rehabilitation while the trial is ongoing.

3. Pronouncement of Judgement

Objective → By the end of this chapter, you will be able to understand the possible outcomes of a POCSO trial, distinguish between conviction and acquittal, understand the child's right to challenge an adverse judgment or inadequate compensation; and guide children and caregivers on the legal options available after the judgment is pronounced.

Conclusion of the Trial

After hearing all the evidence, examining the witnesses, and considering the arguments made by both sides, the Special Court will pronounce its judgment.

The Court may:

- convict the accused, if it finds that the prosecution has proved the case beyond reasonable doubt; or
- acquit the accused, if the evidence is insufficient to establish guilt.

The judgment marks the conclusion of the trial before the Special Court. However, certain rights and remedies continue to remain available to the child and their family.

If the Accused is Convicted

A conviction means that the Court has found the accused guilty of one or more offences under the law.

After recording a conviction, the Court will:

- impose the appropriate sentence on the accused; and
- consider awarding final victim compensation to support the child's rehabilitation and recovery.

The Court determines the amount of compensation after considering the child's individual circumstances and rehabilitation needs.

If the Accused is Acquitted

An acquittal means that the Court has concluded that the prosecution has not proved the charges beyond reasonable doubt.

An acquittal **does not necessarily mean that the incident did not occur.** It means that the available evidence was not sufficient in law to hold the accused criminally liable.

Importantly, even where the accused is acquitted, the Special Court may still award compensation to the child if it considers such compensation necessary for the child's rehabilitation and welfare.

NOTE

It may be possible that the court finds the accused guilty for some of the charges and not guilty for the others. In such cases the accused will be convicted and awarded punishment for those charges that he is found guilty of and relieved for the others.

If the Child or Family is Dissatisfied with the Judgment

If the child or their family is dissatisfied with the judgment or believes that the compensation awarded is inadequate, they may challenge the decision before the High Court. This may include situations where:

the accused has been acquitted

the sentence imposed is considered to be inadequate in relation to the offence

the compensation awarded is considered inadequate; or

other legal grounds for appeal exist.

Children and their families may seek assistance from:

- the DLSA, which provides free legal aid to eligible persons; or
- organisations providing legal assistance to child survivors of sexual abuse.

Demystifying Common Misconceptions

Myths	Reality
As soon as the child gives evidence, the Court immediately pronounces its judgment.	**No**. After the child's testimony, the trial continues with the examination of other evidence, defence evidence (where applicable), final arguments, and other legal procedures before the judgment is delivered.
If the child has gotten interim compensation, they are not entitled to any final compensation.	**No**. Interim compensation is awarded to meet the immediate needs of the child such as medical support. The final compensation can be in addition to this.
If the court acquits the accused, the child will not get any compensation.	**No**. In POCSO trials, the Special Courts have the discretion to provide for final compensation even if the case results in an acquittal.
The acquittal order of the Special Court is final and nothing can be done about it,	**No**. If the victim is not satisfied with the order of the Special Court, they have a right to appeal the order before the High Court.
Compensation is granted to settle the case.	**No**. POCSO cases cannot be settled by paying off money. Compensation is granted to meet the needs of the victim such as medical expenses, loss of education and rehabilitation.
Compensation is for the benefit of the entire family of the child.	**No**. Compensation is meant for the welfare and support of the child. The family should not use the compensation amount for their own benefits, except when those benefits extend to the child as well.

Key Takeaways

- The Special Court may either convict or acquit the accused after considering all the evidence presented during the trial.
- A conviction results in sentencing, while an acquittal means the charges were not proved beyond reasonable doubt.
- The Court may award compensation to support the child's rehabilitation, including in appropriate cases where the accused has been acquitted.
- Interim compensation and final compensation serve different purposes and may both be available.
- If dissatisfied with the judgment or the compensation awarded, the child or their family may seek legal remedies, including an appeal before the High Court.
- Throughout the legal process, the focus should remain on safeguarding the child's rights, well-being, and long-term rehabilitation.

Section 2

Supporting The Child's Rehabilitation

Expected Outcomes

The following segment of the trainer will take you through the supportive and rehabilitative procedures under the POCSO Act. This segment equips frontline workers on handling sensitive situations like disclosure of a sexual abuse by a child. The frontline workers develop a trauma-informed understanding of how to respond in such situations.

1. Understanding Impact of the abuse on the child

- **Unpacking Core Biases**

  Trainer facilitated **activity**: The "Myth vs. Fact" - QnA

Situation A

"If a child doesn't cry or scream during an incident, it means they consented."
Trainer Facilitation: It is a MYTH. Children (rather any person) would often freeze in such situations as a trauma response to the situation.

Situation B

"Allegations made by children cannot be believed because they are young, immature and easy to influence."
Trainer Facilitation: It is a MYTH. The POCSO Act gives complete agency to the child and places utmost reliance on the child's statements.

Situation C

"A child has reported an incident of sexual abuse after 2 years. Nothing can be done now."
Trainer Facilitation: It is a MYTH. The POCSO Act recognises that children may not be able to disclose the abuse immediately due to various factors like threats, fear, trauma, etc. There is no fixed timeline up to which an offence under the Act can be reported.

- ## Understanding Grooming

Grooming is when someone builds an emotional connection with a child to gain their trust for the purposes of sexual abuse or exploitation. It can happen face-to-face or online, by strangers or people they know, and groomers can be of any age or gender.

- Many children do not realise they are being abused; they genuinely feel that what is developing between them and the perpetrator is a normal, close relationship.
- Perpetrators win the child's attention and affection by giving constant praise and offering gifts, money, or rewards.
- Desensitisation: Groomers may show the child pornography or explicit imagery to normalise sexual behavior and make the child less shocked or resistant to sexual acts.
- Groomers often turn to threats, manipulation, and blackmail to gain physical or digital access to the child and keep them quiet.

> In most cases, children have reported that the perpetrator threatened to harm their siblings or parents/family if they disclosed the abuse to anyone.

- ## Discussion question: Why do children not disclose the abuse?

(Tip: Trainer may ask the participants to think about possible reasons)

1. Children are afraid that they may not be believed.
2. Children feel a sense of guilt that perhaps it is indeed 'their own fault' that the abuse occurred.
3. Every time a child talks about the incident of abuse they may be remembering and reliving the trauma
4. Children are afraid that the person who groomed and abused them will get in trouble because of them. This is because of manipulations during the grooming process and is also true in cases where the offender is a family member or trusted person.
5. The child may have been manipulated by the offender into believing that their relationship is normal.
6. Fear of retaliation and further abuse.
7. Generally, children are not encouraged to talk about their feelings and when they do, adults do not listen or believe them.

2. Understanding Trauma and Trauma-informed approaches

A. What is Trauma?

Trauma is a person's emotional, psychological, and physical response to an event or experience that is deeply distressing or overwhelming. Children who experience trauma may think, feel, or behave differently, and every child responds in their own way. Some children may openly express their emotions, while others may become withdrawn, anxious, angry, or appear unaffected.

B. What is Trauma Informed Approach?

A trauma-informed approach recognises the impact of these experiences and responds with empathy, patience, and sensitivity. Instead of asking, "What is wrong with this child?", it encourages us to ask, "What has happened to this child?" It focuses on creating a safe and supportive environment where children feel heard, believed, and respected, while avoiding actions that may cause further distress or re-traumatise them.

3. Trauma-informed approach of handling disclosure.

A disclosure is when a child confides in someone that they have been/are being sexually abused by someone.

Trainer tip: Emphasise on the fact that the child must have gathered immense courage before deciding to finally share this with someone. This makes it extremely important for the person to know how to react to such disclosure.

How to respond in such situations

- Listen with active stillness: Maintain calm body language. Let the child speak at their own pace.
- Do not express shock or disgust: Avoid gasps, putting hands over your mouth, or showing emotional distress.
- Validate and reassure: Use explicit phrasing: "I believe you", "You are safe here", "This is not your fault" Avoid certain phrases: “It will pass”, “Take it as a learning”, “Forget about it and move on”, “Be more careful from now on”
- Do not interrogate or probe: Avoid “Why didn’t you scream?” or “Why did you go to his house?”
- Do not make false promises: Avoid “I promise I won’t tell anyone.”
- Do not confront the accused or involve the community.
- Explain next steps transparently and emphasise why reporting is important.
- Confidentiality assurance: Reassure the child that their identity will be protected under law.
- Identify a trusted adult with the child who can be involved in the subsequent stages of reporting and trial. REMEMBER that the trusted adult might not be a parent or family member.

ROLEPLAY SCENARIO: HANDLING A DISCLOSURE

Context: 14-year-old Meena approaches Kavita, a Mahila Panchayat worker, during a community health drive. Meena is visibly distressed, fidgeting with her clothes, and speaks in a low whisper. She wants to share that the local grocery shop owner, an influential village figure, has been touching her inappropriately when she goes to buy supplies.

Meena (Voice shaking, looking down): Kavita-didi... I need to tell you something. But you must promise not to tell anyone.

Kavita: (Maintains active stillness. She gently guides Meena to a quiet, private corner behind the community center, sits down at eye level, and offers her a glass of water). Meena, take a deep breath. You are safe here. I am listening.

Meena: The shopkeeper, Ramesh Kaka... when I went to buy dal yesterday evening, he pulled me inside the storage room. He... he touched me badly under my clothes. He told me if I tell anyone, he will kill my younger brother.

Kavita: (Keeps her posture calm, face steady, showing no shock or anger. She speaks softly but firmly). Meena, look at me. I believe you. This is completely not your fault. You did nothing wrong, and you are very brave for telling me this. You are safe right now.

Meena: (Sniffling, wiping her tears) But my mother... she has high blood pressure. If she finds out, she will faint, she really respects Ramesh Kaka. She won't believe me.

Kavita: I understand you are worried about your mother, and it's completely okay to feel scared. But I want to reassure you: nobody is allowed to touch you in a way that makes you feel uncomfortable or unsafe.

Meena: What will happen now?

Kavita: Because I care about your safety, I need to share this with someone who can support you in reporting this. Besides your mother, is there any other adult in your life, maybe a teacher, an aunt, or an older sister whom you trust completely and feel safe with?

Meena: (Thinks for a moment) My school teacher, Sudha Miss. She always helps me. She knows Ramesh Kaka is a bad man.

Kavita: That’s wonderful. Sudha Miss can be with us. We will talk to her, and together we will make sure you are safe, your education is not stopped, and nobody can harm you again.

4. Reporting

It is important to understand and reiterate that reporting an offence is important to stop the incidents of abuse from recurring; to ensure physical and emotional safety of the child; to make the child feel heard and believed. Furthermore, it is also a legal obligation to report cases of child sexual abuse under the law.

Tip: Trainers can take help of the A/V resource "Humrah - A Video Series" to explain this section.

Informing the trusted adult/caregiver of the child

ROLEPLAY EXERCISE

The trainer will facilitate the following roleplay and ask participants to carefully note the conversation. After the roleplay, the trainer will ask which method was better and why?

Context: 12-year-old Divya has confided in a social worker that her maternal uncle (Maama), who lives with the family, has been sexually harassing her. The social worker visits the home to speak with Divya's mother, Kiran.

Script 1: Direct Confrontation

Social Worker (Rahima): Kiran-ji, I need to talk to you about something terrible. Your brother has been misbehaving with Divya. This is a severe crime under the POCSO Act. You have to help me file a police complaint right now.

Mother (Kiran): (Stands up, visibly angry) What nonsense are you talking about? Have you lost your mind? My brother loves Divya like his own daughter! How dare you come into my house and accuse my family of such disgusting things?
Social Worker: I am not lying. Divya told me herself. If you try to cover this up, you are breaking the law. You are failing as a mother by protecting a monster!
Mother: (Screaming) Get out of my house! You are trying to ruin our family's reputation. Divya is a child; she makes up stories from YouTube videos. Don't you dare speak to my daughter again!

Script 2: Trauma-Informed & Legally Firm

Social Worker (Rahima): (Sitting at eye level, speaking softly) Kiran-ji, thank you for sitting with me. I know how deeply you care about your children's future. I'm here because Divya came to me today, and she was very distressed and scared. She shared something that is happening to her at home with her Maama.
Mother (Kiran): (Freezes, eyes widening) No... no, you have misunderstood. My brother supports this house. He pays for Divya's school books. He would never do anything bad.
Social Worker: I understand how incredibly shocking and painful this is to hear. It is devastating to think that someone inside the house, who supports the family, could do this. I know this puts a heavy burden on you. But Divya was crying, Kiran-ji. She trusts you, and she needs her mother right now.

Mother: (Weeping) If this becomes public, who will marry her? My husband will blame me. We will be ruined. Please, Rahima-ji, I will talk to my brother. I will warn him, or I will send him away. But don't involve the police. I beg you.
Social Worker: I hear you, and your fear about the village is completely valid. Stigma is real. But I want to reassure you: Under the POCSO law, the police and court must keep Divya's name completely secret. No one in the village has to know why the complaint is filed.

Mother: But my brother... if he goes to jail, our income stops. Can't we just handle this inside the family?

Social Worker: Kiran-ji, I must be honest with you because I care about your safety too. The law is very strict. Under Section 19 of the POCSO Act, once a child shares this, it is a crime to stay silent. If we try to hide it or settle it internally, both you and I can face legal action for covering it up. More importantly, warning him will not make Divya safe, it will only make her more terrified. You do not have to walk this path alone, the Act has fixed responsibilities on different stakeholders for supporting the child in reporting and rehabilitation.

5. Seeking Support

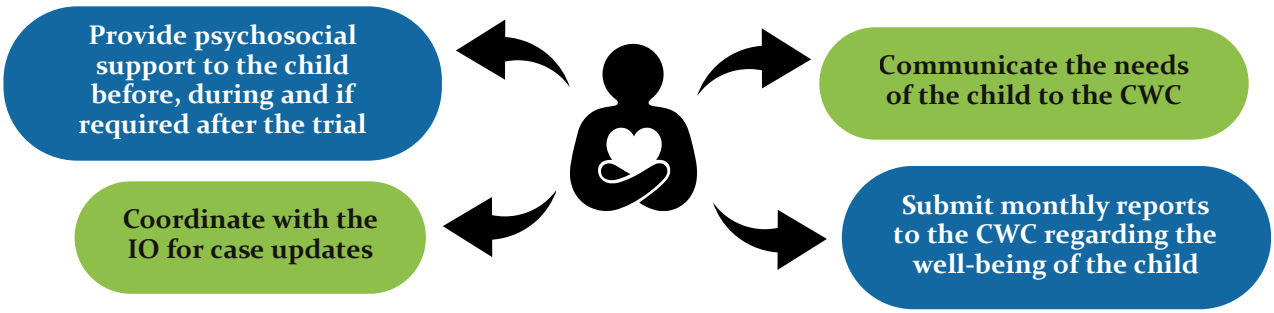
A. Child Welfare Committee (CWC)

A body setup under the Juvenile Justice (Care & Protection of Children) Act to provide care and protection to children in difficult situations like children who have been sexually abused, children who are abandoned, orphaned, trafficked, found without any shelter or caregiver, or in any other situation which puts them at risk of abuse and exploitation. **Every district has a Child Welfare Committee and any person, including the child themselves can approach the Committee for support.**

What kind of support can the child get from the CWC

1. The CWC can provide a safe shelter to the child if the perpetrator lives with/near the child, or in case the child's family is hostile towards the child/case.
2. The CWC is meant to assess the requirements of the child and order immediate monetary relief, first aid, facilitate Medical Termination of Pregnancy and necessities such as food, clothing, transport and shelter.
3. The CWC can appoint a "Support Person" to directly work with the child and their family to provide the required support and inform them about the ongoing case.

Responsibilities of a Support Person



6. Frequently Encountered Challenges

Challenge 1: Adolescent Relationships, Child Marriage, and the POCSO Act

Frontline workers may encounter situations where an adolescent is involved in a romantic relationship and does not identify themselves as a victim. Families may also invoke legal processes following inter-caste, inter-faith, or otherwise socially disapproved relationships.

Key Messages for Trainers:

- Under the POCSO Act, any person below 18 years of age is legally considered a child.
- The law does not recognize consent given by a child below 18 years.
- Social workers should avoid moral judgments regarding adolescent relationships. (For example, If a 14 year old child narrates that they consented for a sexual relationship with a 22 year old, it is important to take into consideration that it could be groomed consent, before passing judgements).
- Even when an adolescent does not perceive themselves as a victim, social workers must respond in accordance with legal obligations while maintaining a child-centred approach.
- The child's safety, well-being, education, and future development should remain central to all interventions.

Trainer Tip: Emphasise the need to focus on the child's circumstances and needs rather than labelling or blaming the child.

Challenge 2: When Families Refuse to Cooperate

Families may refuse to cooperate due to fear of stigma, financial dependence on the accused, concerns about marriage prospects, distrust of authorities, or community pressure.

Common Situations:

- The family refuses to report the matter.
- Family withdraws support after reporting.
- The family seeks an informal settlement.
- The family discourages the child from participating in proceedings.

Guidance for Participants:

- Listen to and acknowledge the family's concerns without judgment.
- Explain mandatory reporting requirements in simple language.
- Clarify that reporting is intended to protect the child.
- Wherever possible, seek help from a lawyer to help the family understand the legal provisions which would support them in pursuing the matter.
- Seek support from Childline, the Child Welfare Committee, or other appropriate authorities when required.

Challenge 3: Family Receives Threats or Pressure to Withdraw the Case

Families may face threats or intimidation from the accused or their associates after reporting a POCSO case. Fear of stigma, community pressure, delayed action by authorities, or economic dependence on the accused may increase the family's anxiety and discourage them from continuing with the case.

Common Situations:

- The family receives threats to withdraw the case.
- The child or family is pressured to leave the locality.
- Community members encourage an informal settlement.
- The family fears retaliation due to inadequate response from authorities.

Guidance for Participants:

- Reassure the child and family that their safety is a priority and that they should report any threats immediately.
- Explain that a POCSO case cannot be withdrawn or settled privately.
- Encourage the family to document incidents of intimidation wherever possible.
- Support the family in making verbal or written complaints to the police, the Investigating Officer, or the concerned court.
- Where required, coordinate with the Child Welfare Committee or other appropriate authorities to ensure the child's safety and continued support.

Challenge 4: Educational Continuity and Reintegration

Many children discontinue education following sexual abuse due to trauma, medical concerns, relocation, or fear of stigma resulting in:

- School absenteeism or removal from school rolls.
- Fear of peers learning about the incident or refusal to return to school.
- Age-related barriers to re-admission.

Role of the Social Worker/Support person:

- Encourage educational continuity as part of rehabilitation.
- Engage with schools while protecting confidentiality and support re-admission processes.
- Facilitate alternative educational pathways such as open schooling or NIOS where necessary.
- Advocate for the child's right to education. Returning to school can help restore routine, confidence, and social support for the child.

Challenge 5: Caring for the Caregiver

Supporting children who have experienced abuse can be emotionally demanding. Repeated exposure to traumatic stories may affect the well-being of social workers and community volunteers.

Signs of Secondary Trauma:

- Emotional exhaustion or difficulty sleeping.
- Persistent sadness, irritability, or feeling helpless/overwhelmed.
- Difficulty maintaining professional boundaries.

Self-Care Practices:

- Seek supervision and guidance when needed; participate in peer support discussions.
- Take regular breaks and maintain personal boundaries.
- Access professional mental health support where required.
- Recognise that caring for oneself is part of ethical practice. A burnt-out social worker cannot effectively support a distressed child.

The Institutional Mandate: Under Sections 19, 21, and 23 of the POCSO Act, all actions taken by social workers must guarantee absolute confidentiality of the child's identity. Informal community settlements or out-of-court compromises are strictly illegal and trigger criminal penalties for any facilitating practitioner.

Entitlements of children who have suffered sexual abuse to receive information and services
(FORM A - POCSO RULES)

- Receiving a copy of the FIR.
- Receiving adequate security and protection by Police.
- Receiving immediate and free medical examination.
- Receiving Counseling for psychological well being
- Recording of child's statement by woman police officer at child's home or any other place convenient to child
- Moving child to a Child Care Institution if offence was at home or in a shared household
- Receiving immediate aid and assistance on the recommendation of CWC.
- To be kept away from the accused at all times, during trial and otherwise.
- Having an interpreter or translator, where needed.
- Having a special educator for the child or other specialized person where the child is disabled.
- Receiving Free Legal Aid.
- Receiving aid by Support Person appointed by Child Welfare Committee.
- Continuing with education.
- Maintenance of privacy and confidentiality.
- Receiving list of Important Contact No.'s including that of the District Magistrate and the Superintendent of Police.

Resources:

1. POCSO Act
2. JJ Act
3. The Bharatiya Nyaya Sanhita, 2023
4. ITPA
5. IT Act
6. POCSO Rules
7. https://delhipolice.gov.in/doc/standing-order/303.pdf
8. NCPCR - Hanbook on POCSO
9. NCPCR - AN EASY GUIDE FOR IMPLEMENTATION OF THE POCSO ACT,2012
10. Humrah - A Video Series on the stages in a POCSO Case
11. Handbook for Support Persons by Enfold and Prerana | English| Hindi

Let's Recap

Role play scenario:
Meher (13 year old), Chhaya (6 year old) and Arpika (3 years old) were staying with their father, paternal uncle and aunt and grandmother. Their mother passed away when they were younger. Their eldest sister Ankita (17 years old) stayed with her maternal aunt in a different locality.

When Ankita visited her younger siblings, they disclosed that their paternal uncle has been sexually assaulting them in different ways and on multiple occasions, while their father is away for work.

Concerned regarding their safety, Ankita tried speaking to their father and requested him to confront their uncle. When the father tried to do so, a fight broke out in the family and all the family members started blaming and accusing the children instead. Ultimately, the children including their eldest sister were left with no familial support, and were rather threatened to be thrown out of the house.

When the abuse continued, Ankita decided to take a stand for her sisters and approached the nearest Police Station and narrated the entire ordeal. Instead of registering the complaint, the police said that it was a 'family affair' and they cannot intervene in their family matters.

After continuous push back from the family, the siblings approached the local NGO. The NGO workers tried convincing their father to report the case immediately. However the father did not pay heed to their requests.

The NGO workers approached the police station and helped the children in reporting the case.

The Trainer will select participants to play each character including the concerned stakeholders to break down the process, starting from disclosure, reporting, and the trial process. The trainer will only facilitate the role play.

Hints/Prompts

1. Enactment of scenarios right from the stage of disclosure. For ex. Three participants enact the three sisters while one enacts the NGO worker, and similar for other stage - reporting, medical examination, production before the CWC.
2. The facilitator will ask the following questions:
    a. Do you think the police are right to say that it is a family affair.
    b. Does the NGO have the authority to interfere in this 'family affair'?
    c. Do you think the eldest sister Ankita will be penalised for non-reporting under the mandatory reporting clause of POCSO?
    d. Why do you think it is mandatory to take action against the perpetrator in this situation?

The trainer will note their observations during the presentation and give collective feedback to the group, appreciating them for enacting the correct procedures and informing them about the procedures which were incorrectly presented.

Annexures

Offences That Come Under The Ambit of POCSO Act

Offence	Provision	Essential Ingredients
Penetrative Sexual Assault (PSA)	POCSO S. 3–4	Penetration of vagina, anus, urethra or mouth; insertion of object/body part; oral sexual act by child or by accused
Aggravated Penetrative Sexual Assault	POCSO S. 5–6	PSA by person in position of trust/authority such as teacher, CCI staff etc. or under defined aggravating circumstances such as age of child or relation of child to the accused etc.
Sexual Assault	POCSO S. 7–8	Touching sexual organs with sexual intent without penetration by child or by accused
Aggravated Sexual Assault	POCSO S. 9–10	SA by person in position of trust/authority such as teacher, CCI staff etc. or under defined aggravating circumstances such as age of child or relation of child to the accused etc.
Sexual Harassment	POCSO S. 11–12	Sexual remarks, gestures, stalking, showing pornography, repeated contact (non-physical) with sexual intent
Use of Child for Pornography	POCSO S. 13–14	Using child for pornographic purposes
Storage/Dissemination of CSAM (Child Sexual Abuse Material)	POCSO S. 15	Possession, storage, transmission, dissemination and failure to report child sexual abuse material
Abetment	POCSO S. 16–17	Instigation, conspiracy, intentional aid
Attempt	POCSO S. 18	Attempt to commit POCSO offence
Mandatory Reporting	POCSO S. 19–21	Failure to report knowledge/apprehension of offence

Offence	Provision	Essential Ingredients
Cruelty to Child	JJ Act S. 75	Assault, neglect, abandonment, abuse causing physical or mental suffering, or physical or mental incapacitation
Giving Intoxicants to Child	JJ Act S. 77	Giving liquor, narcotic drugs, tobacco, psychotropic substances
Kidnapping from Lawful Guardianship	BNS S. 137–138	Taking or enticing child from lawful guardian without consent
Trafficking of Child	BNS S. 143	Recruitment, transport, harbouring or receipt of child for exploitation
Child Sexual Abuse Material (CSAM) / Child Pornography in Electronic Form	IT Act S. 67B	Publishing, creating, browsing, downloading, advertising, promoting, exchanging or distributing sexually explicit material depicting a child; facilitating online child abuse.
Living on Earnings of Child Prostitution	ITPA S. 4	Living on income derived from prostitution of a child/minor
Procuring Child for Prostitution	ITPA S. 5	Procuring, inducing or taking child for prostitution
Detaining Child in Brothel	ITPA S. 6	Detaining child in premises used for prostitution

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'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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