

Compensation to Child Victims of Sexual Offences: A Study of Law and Practice

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Abstract—Compensation is the giving of something usually money to someone in exchange for their loss, pain, or injury. It operates as an acceptable safeguard that gives a victim immediate assistance. “The Protection of Children from Sexual Offences Act 2012” of Section 33(8) lays down the power of court to pass an order for the payment of specific compensation to physical and emotional injured kid. On the other side, interim compensation is appropriate on its own or on the basis of the victim’s application to meet the needs of the victim at any stage of the FIR, or the compensation may be final compensation. As for the finding of the 41st Law Commission report, it was introduced under Section 357 of the Cr.p.c and under section 395 of the BNSS. However victim compensation schemes (state-found) is 357A (2008 amendment) and in under section 396 of the BNSS lay down the compensation of victim provision in our country. The 154th Law Commission report placed a strong emphasis on the rights of victims in criminal proceedings. The report connects the basic concepts of victimology to the Constitution of India. It covers under part IV of the Indian Constitution which contains the Directive Principles of State Policy, and Part III, which relates to Fundamental Rights.

Index Terms—Child, Compensation, Constitution, Victims, and Safeguard

I. Introduction

The Protection of Children from Sexual Offences Act was enacted in 2012 for the purpose of protect a children from sexual offences. But, the offence of rape is defined under the Bharatiya Niya Sanhita 2023. This Act extended the term of child abuse and increased the consent of the victim at her marriage age. As a result, child rights activities accepted this Act. Generally, child sexual violence occurs in all settings at home, in schools, in child care Institutions, at work place and in the community. Therefore, financial support highly needful for said victim. According to observation of the Karnataka High Court, “the victim of POCSO cases is still not determining appropriate compensation payable to a child victim. The duty of court is not only to protect a child from sexual offences but also convict the accused where the accused is found guilty. However, it also to grant compensation in terms of Section 33(8) of the POCSO Act and the Rule 9(3) (i) to (xii) of the POCSO Rules 2020 for any physical or mental trauma child or for quickly rehabilitation of such child¹” The Delhi High Court in this case through his Guardian of *Zareeen v. State* addressed the issues of discrimination on male child victim as well as his right to compensate.

¹ Special Courts for POCSO Cases Must Determine Appropriate Compensation for Victim: HC, *the Hindu News*, July 14, 2023, *Bangalore*.

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II. REVIEW OF LITERATURE

The author has attempted to figure out the gist of the compensation scheme, and its benefits for the child abuse victim, then articulated it in this paper. **Dube Dipa. (2018).**² the victim's right is referenced in several parts of the Indian Constitution. The state is responsible for ensuring the victim's access to public assistance in the event of a disability or any underserved needs. **Parmar, V.S. (2021)**³ person who has suffered any loss or harm as a result of the act or commission for which the accused person is charged is charged gets known as "victim." and including victim's legal guardians. It simply states that victim compensation is the financial assistance provided to the victim of any unjust act or omission against him that results in loss or injury to him. **Singh G. et al. (2021).**⁴ Section 33(8) of the POCSO Act specifies the method and powers of the special court, which may, in addition to the sentence, order to the payment of such compensation as may be prescribed to the child for any physical or mental damage inflicted on him or for early rehabilitation of such child. **Rao Naidu et al 2024)**⁵ The role of judiciary takes more important in correcting and equating justice through various judicial procedure and tools. The special court has passed order in favour of the petitioner in the cases of **Bijoya vs. State of West Bengal.**⁶ The special court is power to passed order as an interim/ final compensation shall be paid either from the victim compensation fund or any other special schmes which is established by the government of India. **Punnam Ahmed et al (2025).**⁷ No doubt, The Protection of Children from Sexual Offences Act 2012 is an Act which is enacted for a child protection form a crime of abuse and neglect. Whoever, the victim compensation framework under the Acts is numerous challenges to follow the procedure and legal ambiguities and awarded for compensation to victim. The DLSA/ SLSA authorities have needed to determine compensation for victim. But, sometime it shows more gaps to provide to same to victim.

Once the court is satisfied with an application, it should order the provision of interim compensation or until the final payment is decided upon later. This obligation continues for the duration of a criminal process in which compensation is owed but has not been paid, regardless of the victim's application. The court will most likely take the provision into consideration and decide whether a legitimate claim for compensation has been established during the final hearing. Furthermore, the court must ascertain the rightful recipient of the

² Dube, Dipa. (2018). Victim Compensation Schemes in India: An Analysis, *The International Journal of Criminal Justice Sciences*. 13(2), 339-355.

³ Parmar, S.P. (2021). Victim Compensation; Current Challenges. *The International Journal of Creative Research Thoughts*. 9(4), 3347- 3353.

⁴ Singh, G. Islamia, M.J., & Firdaus, A. (2021). Victim Compensation Scheme Under POCSO: Hidden Apathy Towards Non-Female Victims, *DME Journal of Law*. 2(1) 32-42.

⁵ Nirmesh Rajendra Rao Naidu (2024) Re- Evaluating victim Compensation and Rehabilitation Structure in Pocso Act, 2012, *Indian Journal of Integrated research in Law*, 3(6) 609-618.

⁶ 2017 Cri.L.J.3893.

⁷ Punam Ahmed & Aprajit Baruah (2025) Reviewing the Adequacy of Victim Compensation Under The POCSO Act , 2012 and Rules, *International Journal of Environment Sciences*, 11(17) 1701-1711.

compensation and the appropriate amount to be awarded. It is possible for the court to grant temporary compensation in such cases.

Across 29 states and union territories, there are 412 expulsive POCSO courts among the 758 fast-track special courts in operation. Despite repeated commitments by the Ministry of Women and Child Development, it has yet to develop a unique victim compensation mechanism under the POCSO Act 2012⁸. However, several states have split and created special laws for victim compensation.

Table -1 Crime against children in India: 2015- 2025 in different states

States	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024 ⁹	2025 ¹⁰ (01-09)	Total No
Aruanchal Pradesh	181	133	138	166	153	113	162	143	176	0	5	1370
Andhra Pradesh	1992	1847	2397	2672	2524	2648	466	2136	2844	1419	1779	22724
Assam	2835	3964	4951	5447	6608	4622	5282	4084	10174	3847	2446	54260
Bihar	1917	3932	5386	7340	9320	6591	6894	8122	9906	6245	5922	71575
Chhattisgarh	4469	4746	6518	6924	5665	5056	6001	6177	5904	1164	849	53473
Goa	242	230	196	182	167	125	251	184	196	38	41	1852
Gujarat	3623	3637	3955	4929	4685	4075	6621	6340	6844	3593	2484	50786
Haryana	3262	3099	4169	4969	5119	4338	5700	6138	6401	2045	1518	46758
Himachal Pradesh	477	467	528	772	748	636	740	740	704	237	202	6251
Jammu & Kashmir	308	222	359	443	470	606	845	920	910	164	60	5307
Jharkhand	406	717	1247	1479	1674	1795	1867	1917	1626	2151	929	15808
Karnataka	3961	4455	5890	6131	6305	5471	7261	7988	8929	3570	2619	62580
Kerala	2384	2879	3562	4253	4754	3941	3516	4518	4641	5462	3094	43004
Madhya Pradesh	12,859	13,746	19038	18992	19028	17008	19173	20415	22393	6238	4463	173353
Maharashtra	13,921	14559	16918	18892	19592	14371	17261	20762	22390	1454	39653	199773
Manipur	110	134	109	128	148	125	143	120	85	18	20	1140
Meghalaya	257	240	379	385	179	415	481	496	512	252	202	3798
Mizoram	158	120	220	198	125	142	122	435	146	63	63	1792
Nagaland	61	78	79	70	59	31	51	35	26	9	15	514
Odisha	2562	3286	3185	5217	7012	6330	7899	8240	8577	4264	3491	60063
Punjab	1836	1843	2133	2308	2625	2121	2556	2494	2462	1221	844	22443
Rajasthan	3689	4034	5180	5150	7385	6580	7653	9370	10577	3615	2503	65736
Sikkim	53	110	163	221	163	147	149	159	139	0	2	1306
Tamil Nadu	2617	2856	3529	4155	4139	4338	6064	6580	6968	2903	5807	49956
Telangana	2697	2909	3580	3747	4212	4200	5667	5657	6113	2461	2242	43485
Tripura	255	274	276	271	311	260	236	220	255	66	93	2517
Uttar Pradesh	11,420	16079	19145	19936	18943	15271	16838	18682	18852	33393	33314	221873
Uttarakand	635	676	829	1306	1214	1066	1245	1706	1710	606	248	11241

⁸ Singh, G., Islamia M. J., & Firdaus, A. (2021). Victim Compensation Scheme Under POCSO: Hidden Apathy Towards Non-Female Victims. *DME Journal of Law*. 2(1).33-42.

⁹Available at: Government of India ministry of law and justice department of justice. Last visited on 23-2-26 at 4.50pm.

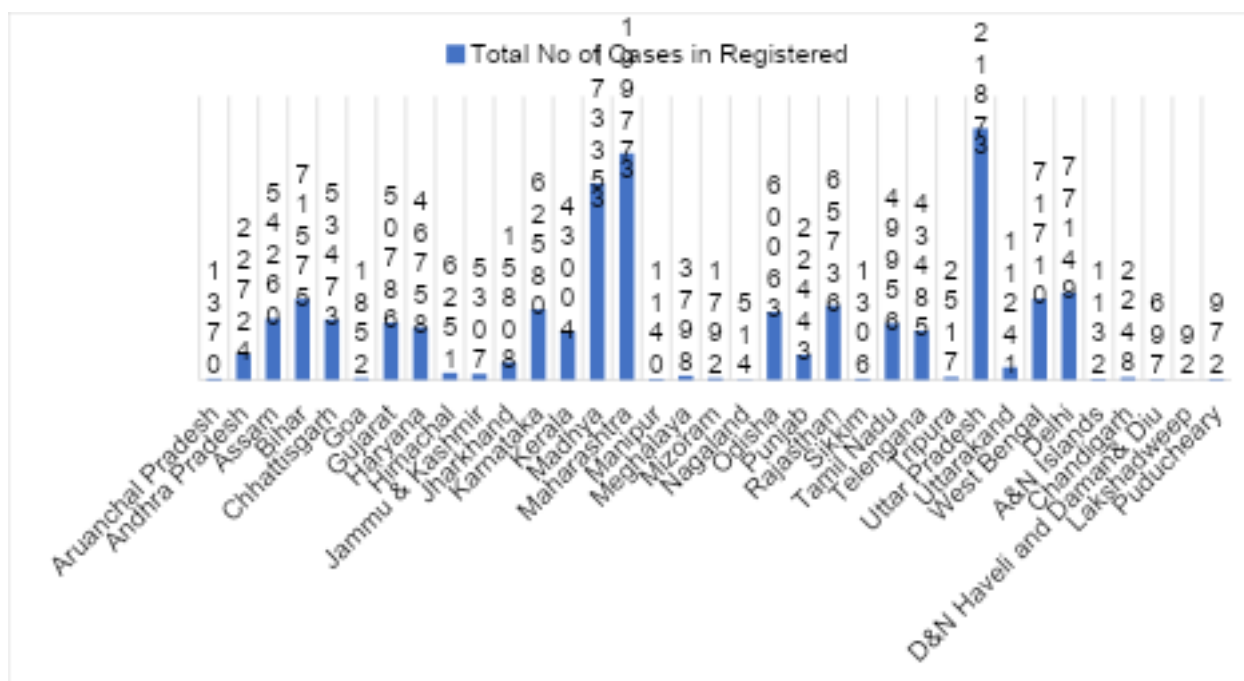
¹⁰ Government of India ministry of law and justice department of justice.

West Bengal	4963	7004	6551	6286	6286	10248	9523	8950	8853	1458	1588	71710
Delhi	9489	8178	7852	8246	7783	5362	13439	7769	7769	768	494	77149
A&N Islands	39	86	119	162	153	141	124	146	161	0	1	1132
Chandigarh	62	222	275	288	264	209	234	224	294	99	77	2248
D&N Haveli and Daman& Diu	20	52	55	72	96	67	104	107	123 ¹¹	0	1	697
Lakshadweep	1	5	4	8	26	9	17	11	11	0	0	92
Puduchery	49	71	76	89	50	71	122	139	156	79	70	972
Total No	9381	106890	128991	141834	14798	128529	154707	1621	177704	8902	117139	144873
	0	106890	128991	141834	5	128529	154707	24	177704	5	117139	8

(Sources: Government of India Ministry of women and child Development. Ahmedabad Mirror 20 February 2026 and Government of India Ministry of women child development Rajya Sabha unstarred question no 414.) Available on: https://sansad.in/getFile/annex/269/AU414_bR8Zpy.pdf?source=pqars, last visited on 15-04-2026 at 12.30pm

The data indicate that crimes against children in India showed a fluctuating but overall increasing trend during the period from 2015 to 2025 (*January- September 2025*). In 2015, a total of 93,3810 cases were reported. This number increased to 106,890 cases in 2016 and further rose to 128,991 cases in 2017. In 2018, 141,834 cases were recorded followed by 147,985 in 2019. However, a decline was observed in 2020 with 128,529 reported cases. The number of cases again increased in subsequent years reaching 162,124 cases in 2022 and 177,704 cases in 2023 indicating a rising trend. In 2024, 89025 cases were reported showing a significant decrease for the year 2025 (*January- September*) 117,139 cases have already been recorded, suggesting potential increase by the end of the year.

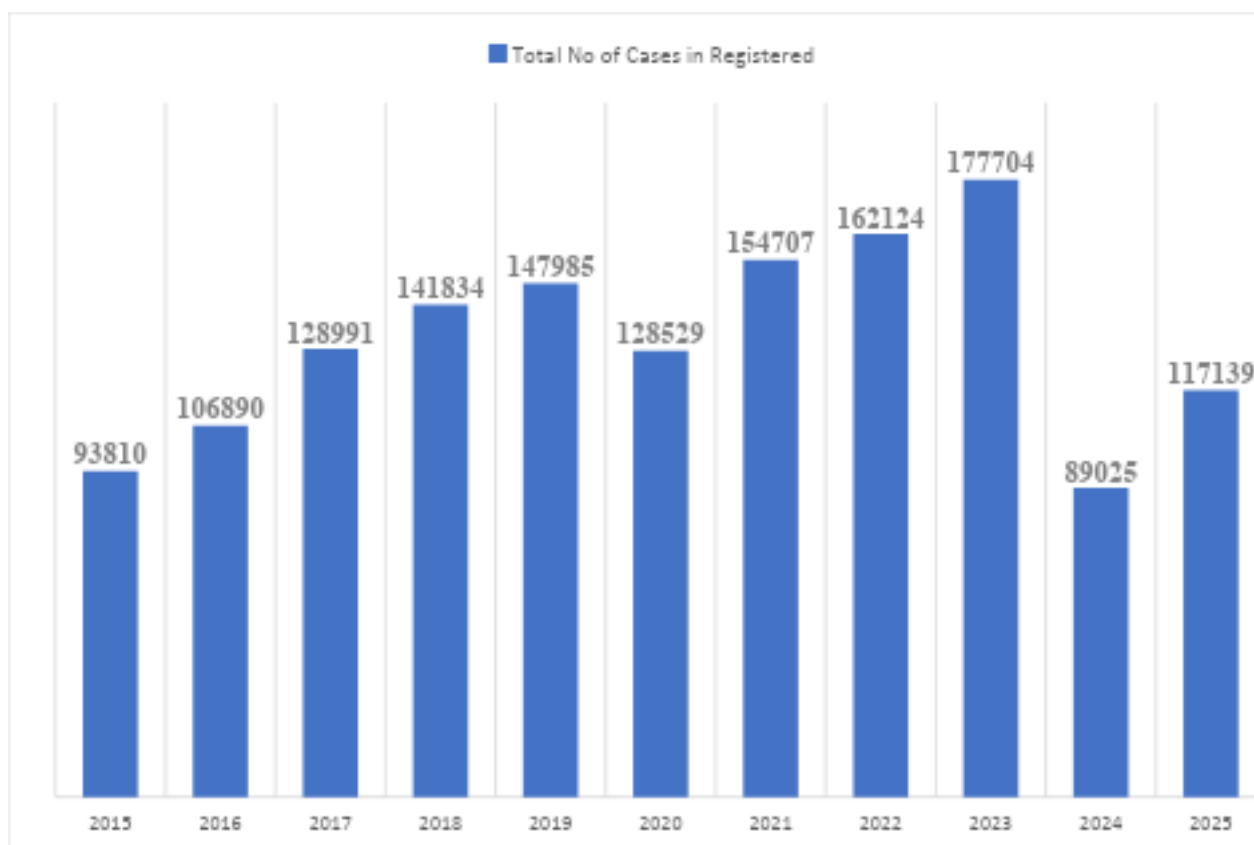
Figure 1. Crime against children in India State wise 2015-2025



¹¹ Available on: https://sansad.in/getFile/annex/269/AU414_bR8Zpy.pdf?source=pqars.

The figure also indicated from the years (2015- 2025) that in Arunchal Pradesh 1370 cases, in Andhra Pradesh 22724 cases, in Assam 54260 cases, in Bihar 71575, Chhattisgarh 53473, In Gao 1852, In Gujarat 50786, in Haryana 46758, In Himanchal Pradesh 6251, in Jammu & Kashmir 5337, In Jharkhand 6258, Karnataka 62580, in Kerala 43004, In Madhy Pradesh 1,73,353. In Maharashtra 199773, Manipur 1140, Meghalaya 3798, Nagaland 514, Odisha 60063, Punjab 22443, in Rajasthan 65736, in Sikkim 1306, Tamilnadu 49956, Telangana 43485, in Tripura 2517, Uttar Pradesh 221873 , in Uttarkanda, 11241, West Bengal 71710, Delhi 77149, A& N Islands 1132, Chandigarh 2248, D& N Havali and , in Lakshadweep 697, Lakshadweep 92 and Punduchary 972 In total 1448738 cases were reported in India .

Figure 2. Crime against children in India Years wise 2015-2025.



The figure indicates a year-wise trend in the number of cases registered against children in India. In 2015, a total of 93,810 cases were registered, which increased to 106,890 cases in 2016. In 2017, the number further raised to 128,991 cases, followed by 141,834 cases in 2018 and 147,985 cases in 2019. However, in 2020; there was a decline, with 128,529 cases registered. The number again increased in subsequent years, reaching 154,707 cases in 2021 and 162,124 cases in 2022. In 2023, the cases rose significantly to 177,704. In 2024, 89,025 cases were recorded. Further, in 2025 (January to September), a total of 117,139 cases were registered against children in India.

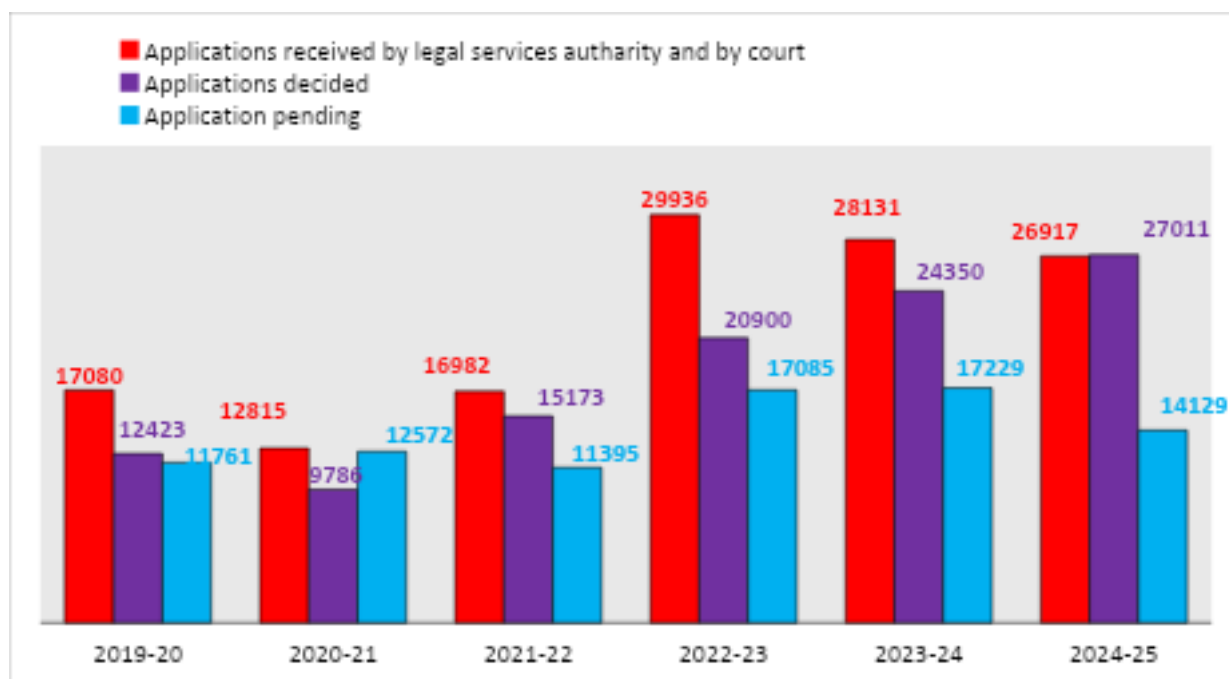
III. Number of victim compensation cases in India

Yeas	Applicati on received directly by legal services Institutio ns	Applic ations directe d by any court.	Applicatio ns received including court orders (A+B)	App licat ions deci ded	A+B case Appl icati ons deci ded %	App licat ion pen ding	Compensation awarded Rs.
2019-20	9392	7688	17080	12423	73.0	11761	Rs 2153148146
2020-21	8765	4050	12815	9786	77%	12572	Rs 145,623,6912
2021-22	8715	8267	16982	15173	90%	11395	Rs 221,874,7426
2022-23	15196	14740	29936	20900	70%	17085	Rs 347,803,7352
2023-24	12544	15587	28131	24350	87%	17229	Rs 402,900,6736
2024-25	12532	14385	26917	27011	101%	14129	Rs 484,673,7631

(SOURCES: NCRB REPORT & THE REPORT OF SLASA IN INDIA.)

According to the data presented above, in the financial year 2020–21, the authority received 8,765 applications directly, while 4,050 applications were received through the court. Out of a total of 47,221 registered cases, only 9,786 cases were disposed of by the competent authority, accounting for approximately 21% of the total. During the same year, the government disbursed compensation amounting to Rs. 1,45,62,36,912. In the financial year 2021–22, a total of 8,267 applications were filed through the court, in addition to those received directly by the authority. Out of 53,876 registered cases, only 15,173 cases were disposed of by the concerned authority, representing approximately 46% of the total. The government again provided compensation amounting to Rs. 2,21,87,47,427 during this period. Furthermore, in the financial year 2021–22, the authority received 15,196 applications directly and 14,740 applications through the court. In total, 63,414 cases were registered, out of which compensation was provided in approximately 33% of the cases. The total compensation disbursed by the government during this period amounted to Rs. 2, 21, 87,426.

IV. The number of POC SO victim applications received by the legal service authorities and the court between 2020 -2023



The data presented in the figure indicates trends in the receipt, disposal, and pendency of applications over the specified financial years. In the financial year 2019–20, a total of 17,080 applications were received. Out of these, 12,423 applications were disposed of, while 11,761 cases remained pending. In the financial year 2020–21, 12,811 applications were received. Of the total applications received, 9,786 were disposed of, and 12,572 cases were pending. During the financial year 2021–22, 16,982 applications were received, of which 15,173 cases were disposed of, and 11,395 cases remained pending. In the financial year 2022–23, the number of applications received increased to 29,936. Out of these, 20,900 cases were disposed of, while 17,085 cases were pending. Finally, in the financial year 2023–24, 28,131 applications were received. Among these, 24,350 applications were disposed of, and 17,229 cases remained pending.

V. DISCUSSION & RESULT

The scholar observed that the number of victims under the victim compensation scheme had obtained financial compensation from the state. The quality of applications received and disposal increased in prior years. The information shows that victim compensation schemes have been developed in India.

VI. CONCLUSION & SUGGESTION

The World Health Organization (*WHO*) notes that children who have experienced several forms of violence are more likely to be poor, live in areas of destitution with low population density, and have low levels of education. Furthermore, insufficient of social protection or policies reinforce the socio economic and gender inequality, which also plays a role in the prevalence of violence against kids. This may be considered a state failure, for which compensation could be provided.

According to Justice Jasmeet Singh, (*Delhi High Court*) POCSO rules provide that compensation will be granted following the filing of a formal complaint. But the act does not specify a deadline for when this compensation must be paid out.¹²

1. Following of the case's verdict, the victim might require restoration and compensation in accordance with Section 357 of the Cr.p.c, or any other provision would need to be applied for the victim's benefit.
2. The Central Government established the Central Victim Compensation Fund Scheme in accordance with the Ministry of Home Affairs for the benefit of child abuse victims. However, instead of the implementing of the scheme, several states and union territories have changed or reduced the amount of notice of compensation.
3. India's current legal system has to be updated and modified to conform to global norms. In addition to that. Victims must be involved and engaged not just as subjects of recommendations but also as active participants in order to transform compensation systems into a victim empowering inclusive process.
4. The concept of victim compensation has not yet reached maturity in India. As a result, the criminal justice system in India would require revision. As for the nature of the crime, it would be accepted. It might alter the course of world history and fulfil human rights jurisprudence. The victim compensation scheme would be enforced strictly for the benefit of the victim.
5. The compensation schemes should be inclusive of all child victims, including boys, transgender individuals to ensure accesses to justice.
6. A strict time line for processing and disbursing compensation should be enforced and prevent undue delays.

¹² Tripathi Ashish. (2022) 25% compensation to victims under POCSO cases within two months of charges sheets: Delhi Court. *The Hindus News 24th October 2022.*