

Male child victims of Sexual abuse should be included in the States/UTs Victim Compensation Scheme/Fund

Ministry of Women and Child Development

Male child victims of Sexual abuse should be included in the States/UTs Victim Compensation Scheme/Fund**Timely interim relief should be provided to the Victims:
Smt Maneka Sanjay Gandhi**

Posted On: 30 MAY 2018 3:00PM by PIB Delhi

In a letter addressed to the Chief Ministers of all States/UTs, Minister for Women and Child Development, Smt. Maneka Sanjay Gandhi, has urged the States/UTs to issue necessary directions to the concerned departments to take necessary steps for including male child victims of sexual abuse in the Victim Compensation Scheme/Fund. The letter also requests that compensation including interim compensation may be given to the victim on time.

The Minister also highlighted that POCSO Act is gender neutral and safeguards the interest of not only the girl child but also the male child. The letter also mentions that as per NCPCR data, though 31 State Governments have notified their Victim Compensation Scheme under Rule 7, POCSO Rules, 2012, the disbursements of compensation has not been uniform or satisfactory.

The Minister has also drawn attention that in some of the States the interim compensation to child victims of sexual abuse is not being awarded to meet the immediate medical and other needs of the child for relief or rehabilitation. The letter stresses that male child who is the most neglected victim of child sexual abuse is being ignored for award of compensation and needs to be included.

Background on POSCO Rules,2012 :

POCSO Rules, 2012 (Rule 7) envisages the following:

1. The Special Court may, in appropriate cases, on its own or on an application filled by or on behalf of the child, pass an order for interim compensation to meet the immediate needs of the child for relief or rehabilitation at any stage after registration of the First Information Report. Such interim compensation paid to the child shall be adjusted against the final compensation, if any.
2. The Special Court may, on its own or on an application filled by or on behalf of the victim, recommend the award of compensation where the accused is convicted, or where the case ends in acquittal or discharge, or the accused is not traced or identified, and in the opinion of the Special Court the child has suffered loss or injury as a result of that offence.
3. Where the Special Court, under sub-section (8) of section 33 of the Act read with sub-sections (2) and (3) of section 357A of the Code of Criminal Procedure, makes a direction for the award of compensation to the victim, it shall take into account all relevant factors relating

to the loss or injury caused to the victim, including the following: -

- i. Type of abuse, gravity of the offence and the severity of the mental or physical harm or injury suffered by the child;
 - ii. The expenditure incurred or likely to be incurred on his medical treatment for physical and/or mental health;
 - iii. Loss of educational opportunity as a consequence of the offence, including absence from school due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;
 - iv. Loss of employment as a result of the offence, including absence from place of employment due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;
 - v. The relationship of the child to the offender, if any;
 - vi. Whether the abuse was a single isolated incidence or whether the abuse took place over a period of time;
 - vii. Whether the child became pregnant as a result of the offence;
 - viii. Whether the child contracted a sexually transmitted disease (STD) as a result of the offence;
 - ix. Whether the child contracted human immunodeficiency virus (HIV) as a result of the offence;
 - x. Any disability suffered by the child as a result of the offence;
 - xi. Financial condition of the child against whom the offence has been committed so as to determine his need for rehabilitation;
 - xii. Any other factor that the Special Court may consider to be relevant.
1. The compensation awarded by the Special Court is to be paid by the State Government from the Victims Compensation Fund or other scheme or fund established by it for the purposes of compensating and rehabilitating victims under section 357A of the Code of Criminal Procedure or any other laws for the time being in force, or, where such fund or scheme does not exist, by the State Government.
 2. The State Government shall pay the compensation ordered by the Special Court within 30 days of receipt of such order.
 3. Nothing in these rules shall prevent a child or his parent or guardian or any other person in whom the child has trust and confidence from submitting an application for seeking relief under any other rules or scheme of the Central Government or State Government.

AKR/NG/SKK

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