Victimology under the POCSO Act, 2012: A Critical Study of Victims' Rights, Protection and Rehabilitation

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Abstract
The Protection of Children from Sexual Offenses (POCSO) Act 2012 is one of the major initiatives in the area of law for child sexual abuse in India. Though the Act is formulated as a criminal law reform and structured as a criminal law legislation, it has looked into victimological issues to a considerable extent on the child's vulnerable position at every stage of the process (reporting investigation, to conduct medical examination, prosecution, and trial). The present review article examines victimology with the child victim under the POCSO system about victims' rights, victim protection and participation, services, and support, victim compensation and rehabilitation. Using doctrinal and socio-legal research way incorporating a review of recent judgments, reports of government, institutional guidelines and existing literature on child sexual abuse (20112026), the chapter illustrates that, despite the presence of child-sensitive mechanisms such as CMO courts, identity protection, child-friendly procedures, victim support persons, legal aid, victims compensation and rehabilitation, the implementation of these measures remains inconsistent. Research on the variety of P. O.C.S.ocourts has shown deficiencies in infrastructure, expertise due to lack of trained specialists, procedural inefficiency and delays resulting in secondary victimisation(Dube & Shaw, 2023). The Supreme Court proceedings for matters about a support person revealed lack of synergy between legal provisions and field realities(Supreme Court of India, 2023). New guidelines issued by the NCPCR seeks to institutionalise the support person and the physical emotional, psychological, and legal infrastructure of support (NCPCR, 2024). Victimological assessment of P.O.C.S.oshould move ahead of conviction and disposal statistics; instead focus on the child's dignity agency safety, psychological health, receipt of compensation and restitution as well as rehabilitation. An integrated Victimspackage with police, Child Welfare Committees, Special Courts prosecutors medical practitioners, support persons, legal service providers, mechanisms for support services and rehabilitative services is imperative to implementing the objective of the law.

Keywords: POCSO Act, victimology, child victims, child sexual abuse, victim rights, child protection, support persons, rehabilitation, compensation, Special Courts, secondary victimisation.

1. Introduction

This most difficult sexual crime to criminalise is the use of a child as the victim, because the paradoxical position of a child as a vulnerable witness and rights-bearer leaves issues like victim mental state and protection, and the ability to participate in criminal justice proceedings, unresolved. Sexually abused children may also experience an expanded range of difficulties, including: helplessness, secrecy, and fear blame stigma, community, and family persecution, social exclusion, mental health problems and under-reporting to authorities. So, whether a child-protection law is working can be shown, unlike other sexual offences, by the children's experiences within the scheme, as well as the number of cases appearing before it.

The POCSO Act, 2012 established a child-oriented judiciary to deal with sexual crimes against children, which incorporated crime more exactly meant for children, child sensitive judiciary, Special Courts, confidentiality protections, prevention of face to face confrontation with the offender, aid of interpreters and experts and Services for legal and other help. The Indian Code then again, gives the provisions about a child's witness account, a child's medico legal report, Special Courts, children-oriented court proceedings, no viewing of the offender, trial in camera, aid of interpreters or experts, aid of legal professionals and monitoring mechanism of implementation(Government of India, 2024).

In a victimological sense, in particular, the significance of having some of these provisions is that the criminal justice system may increase or reduce the pain caused by victimisation. A recent research in West Bengal revealed persistent gap between the child-friendly provisions under the POCSO and what the children experienced in practice into Special and designated courts(Dube & Shaw, 2023). Comprising of the inadequate infrastructure, staff as well as the court procedures.Significant developments in support persons, victim compensation, Special Courts, and rehabilitation have taken place over the last five years. In 2023, the Supreme Court considered the functioning of support persons under the POCSO Rules and detailed the problems that victims and their

families face when engaging with police, medical, judicial, and child-protection institutions (Supreme Court of India, 2023). In 2024, in response to Court directions, the NCPCR published Model Guidelines for support persons under Section 39 of POCSO (NCPCR, 2024)

From this perspective POCSO is being examined from a victimology approach in three directed aspects rights, protection, and rehabilitation.

2. Objectives of the Study

A) To walk on victim related guards that show upward trends through POCSO G. b. Che. & FTC. Even in orthodox Indian ideologies and practices.

B) To explore the legal and procedural rights of children who have been victimised.

C)To examine the impact of Special Courts and child-sensitive procedures on secondary victimisation.

D)To investigate the emerging role of 'support persons' within the POCSO justice process.

E)To examine access to compensation counselling medical treatment and rehabilitation.

F)To identify the knowledge gaps in the implementation that affect the child victims.

G) To identify and suggest the measures for strengthening a victim-centred and a victims/rehabilitative oriented POCSO setup.

3. Research Methodology

This paper will employ a doctrinal as well as socio-legal review approach. The doctrinal review refers to the current law including the statutory provisions, the judgments of courts and the directions that have been issued by the government related to child victims under POCSO. The socio-legal review refers to the recent empirical and institutional literature on functioning of the Special Courts, the experiences of the child victims and victim support and compensation.The various document, which have been taken into consideration have laid emphasis on the published academic materials, chartered official material from 20142021, 226. Yet, here the citation has been stuck to MoWC, Department of Justice, Ministry of Child Protection of Legal Rights and the impact of the countries latest decisions in the various academic journals peer-revision.

A secondary-source account. This is not original fieldwork with the child-victims.

4. Victimology and the POCSO Framework

Victimology is the study of victims - their lives needs rights, vulnerabilities, and interaction with the criminal justice system. With child sexual abuse, this victimology must be handled with utmost delicacy, as child victims often lack institutional knowledge, financial, and psychological resources, and independence to participate in the criminal justice process.

A victim-centred approach that means needs attention to at least five dimensions:

A. Physical safety; Please list the body areas at risk: Up to the shoulders: neck and shoulders; Up to waist level: neck shoulders chest stomach back. Do you plan to put rests or laps across the said areas? If so, specify: no.

ii. Psychological and emotional well-being;

iii. Participation and information;

iv. Oversights; and.

v.life long rehabilitation;

Enough that these factors are addressed in the law, POCSO has various provisions. As a fairly codified special legislation for child in conflict with law, the legislations promises to put in place child friendly procedures/ authorities for recording declaration, medical examination, Special Courts, protection from finger pointing by the other party, in-camera proceedings, benefit of translator/ expert and right to come in contact with the lawyer Government of India, 2024) (Government of India, 2024). The significance of these factors' importance can be understood as more than just this formal consideration. But focus has been on how much each of these is truly experienced as protecting the child from the criminal justice system rather than threatening it. Recent legal focused research reiterate that an evaluation of the POCSO cannot be confined to its legal success. Yadav (2024), in his review of literature on the rights of victims under the POCSO, brings out areas, which need strengthening, namely-awareness of the rights, special training for the practitioners, support persons, social workers, rehabilitation, and compensation.

5. Rights of Child Victims under POCSO

5.1 Right to a Child-Sensitive Justice Process

The YL Shinde principle, that victim should not be made unnecessarily suffer for questionings during the investigation and trial, is largely reflected in each of the enactments.

This may be because the legal provisions were

framed keeping in mind the age and vulnerability of the child so much that the child sensitive procedures are (i) child friendly procedure, (ii) limitation on direct confrontations, (iii) in camera proceedings, (iv) interpreters and (v) experts (Government of India, 2024).

Still, the existence of statutory safeguards does not indicate its implementation. Based on the experience of Special and designated courts in West Bengal, Dube, and Shaw (2023) pointed out that persistent issues of lack of appropriate infrastructure, lack of trained staff, and inefficient procedures.

This argument leads to the consequence of victimology requiring sharp distinction between the formally constituted right and the right actually experienced by the child.

5.2 Right to Privacy and Confidentiality

Protection of child's identity and dignity developed the POCSO system which acknowledges that all sexual offenses by children tend to expose the child-victim to a social own, and possibly to further psycho-social pain otherwise, if the particulars of such children are erroneously revealed.Confidentiality serves two purposes both remedial and legal. Both the purposes enable protecting the child's identity and ensures the public disclosure of information does not occur. Also, confidentiality safeguards the setting at which the child is enabled to engage in the system.Child friendly judicial practice should also to ensure limited access to information, to critically evaluate procedures and controlling communication with the media and other institutional actors.

5.3 Right to Participate and Receive Information

In a victim-centred system of justice, children, and families involved with the system should be provided with meaningful and intelligible information about the processes, which impact on their lives. The child may have to interact with police doctors jury courts Child Welfare Committee and service agencies.The Supreme Court also assessed the role of support persons in 2023. They stated that simply recourse to many more types of institutions can be intimidating for child victims and their families. (Supreme Court of India, 2023)Information: provided in language that is appropriate to child's age and level of understanding; has informed the child, as best he/she is able (having regard to his/her developmental level), what has happened, who is who and the type of support that can be given.

6. Protection from Secondary Victimisation

Secondary victimisation harm caused by the institutions, professionals, or society in response to the offence. Revisiting child's experiences through repeated interview, language used by the courts in a non sensitive manner (e.g. in POCSO cases), child's appearance in court, lack of place to speak freely and face the offender and long waiting period to get case heard may intensify the child's trauma.Dube and Shaw (2023) noted that in reality POCSO courts are not always 'child friendly' as is was perceived by the law. Their findings focused on the need for committed staff and the importance of having suitable infrastructure and procedures.The problem is not only one of delay when it comes to justice. It is about the child's experience of justice.To measure the effectiveness of the Fast Track Special Courts, the Department of Justice offers in its resource material guiding principles such as boosting the capacity of forensic and investigation bodies, enabling faster DNA analysis, providing an adequate number of prosecutors, creating Vulnerable Witness Deposition Centers and using child-friendly deposition procedures (Department of Justice, 2023).

7. Special Courts and Victim-Centred Justice

Special Courts constitute yet another institutional institution for implementation of POCSO. Special Court was set up not for quick disposal of cases but to provide the needed environment for children and vulnerable witnesses.Another mention of the Department of Justice report also talks about the rapid growth of the increasing the number of Fast Track Special Court and exclusive POCSO Courts. Per the government data 2006, there were set up 774 Fast Track Special Court, 398 exclusive e-POCSO Court for trial of rape and POCSO cases within the fixed time period as evident from government material of the status as on 31 December, 2005 (Department of Justice, 2026)But, the rapid growth of specialised courts alone does not imply that the victims achieved justice. The institutional capacity addresses other elements such as the number of judges prosecutors support staff, forensic facilities and the creation of child friendly structures and procedures.In 2022, by analyzing a decade's worth of POCSO implementation over judiciary data from 486 districts, theVidhi Centre for Legal Policy identified key issues related to the working of the POCSO courts and also the delay in procedures. Because of this, the victimological contribution of the Special Courts has to be evaluated using performance indicators other than disposals.

8. The Role of Support Persons

Of the most significant improvements to POCSO victims' protection lately is the embedding of the

support person.The POCSO Rules also include support to children during investigation and even as part of the trial. The Court decided the question of partial adhoc implementation of the support-persons in support to children to be vindicated for the accused in We the Women of India v. Union of India; the Supreme Court of India has observed on the crucial role played by support persons in assisting children and their families throughout proceedings in the justice system (Supreme Court of India, 2023):The NCPCR has because of this commissioned Model Guidelines for Support Persons in the year 2024 with the Chapter under Sec 39 of POCSO. These guidelines have been framed after directions of Supreme court and talks about rulesand procedure for hiring of support persons including limitations and rules for requirements, hiring of support persons and their liabilities and remuneration (NCPCR, 2024).This is an important development for victimology because the support person does this for child family police courts Child Welfare Committee and other service agencies.The role of the support person should not just be administrative. Support in the process of understanding procedures and pathways to access service and support for all the child needs.The current attention of the SC and the NCPCR to this provision indicates that the work on the implementation of the support-person provision remains of relevance for the POCSO policy.

9. Medical Care and Psychological Support

Child sexual abuse could result in physical injury reproductive health problems psychological problems anxiety fear depression and social isolation and so on. Victim-centered justice also require a cooperation of the criminal justice system and the health system.

The medical examination should be sensitive, using appropriate safeguards. Multi-disciplinary working may be of particular benefit in young children, where concerns may be focused on the medical, forensic, psychological, and social issues.

Recent forensic texts have also emphasized that a multidisciplinary approach is required for assessment, collection, and management of evidence in cases of child sexual assault.

The social and emotional support should not be limited to the investigation process, it also should be provided by the time of the rehabilitation. Rehabilitation should reflect the child's continuous educational and emotional needs, in particular the social and the developmental needs.

10. Victim Compensation

Payment is that means, among the significant components of victim justice because of Truth is sexual abuse may entails medical, educational, psychological, and other types of expenses on children and their families.

A current scheme of victim compensation exists in the institutional and legal structure. Reports on the scheme of victim compensation schemes are filed with the National Legal Services Authority on a regular basis .

Scheme for Care and Support to victim of POCSO in Ministry of Women and Child Development under Sections 4 and 6 of POCSO offers a package of services beyond rescue and protection of victims including protection with safe shelter provision medicine services with counselling training and rehabilitation and restoration services and financial aid to all the eligible girl victims that are minors.

The chance of compensation should also be regarded as a matter of access. Perhaps of allowing some rights to be over-bureaucratically bottled up in closed negotiations within processes of slow institutional dragging through.That is, compensation procedures should be undertaken to make them more child friendly and child sensitive, simplified, and integrated with legal aid and support person schemes.

11. Family and Community as Factors in Victim Recovery

The family's support may be the most important element in the child's recovery but the families need to be supported as well parents/guardians live in fear often are stigmatized, face financial stress and do not know the unknown.

A support person may also, where appropriate, clarify arrangements to families and recommend appropriate institutions for the family. Judicial recognition of the role of support persons has recently recognized the potential for them to act as go-betweens for the child, family, and institutional actors (Supreme Court of India, 2023).

On a community level, knowledge is just as significant. Lack of knowledge about how to report, legal rights, entitlements, and access to services could prevent children and families from obtaining support.

Victimology necessitates a change of thought, breaking away from a solely Court-based model of intervention and focusing on child protection at the community level.

12. Challenges in the Implementation of Victims' Rights

One of the main challenges in POCSO Act, 2012 implementation is the gap between statutory rights

and their realization. While the Act gives various safeguards to prevent further victimization of the child and to sensitive the delivery of justice to the needs of the child, the experience of the victim in the different institutional mechanisms of justice process may not live up to the expectations of legislation. Bureaucratic Processes and practices in victim protection in POCSO Act, 2012A Critical Discourse have observed through evidence-based inquiries into the victim's experience that the experience of victim in the criminal justice process is shaped by fundamental deficiencies in infrastructure, trained officials and institutional capitations, and child-sensitive procedures of administration of justice . Further, the study highlighted a different facet to be examined from victim protection perspective the aspects of judicial and police investigation delay that include the delay in every stage of any subject matter of the criminal justice system, which in occurs) when the reporting of the offence, police investigation, forensic/medical examination, filing of chargesheet, arrest of the accused and further conduct of the trial court. These delays may result in the prolonged detention of children and their families and may hinder their speedy realization of justice and redress. The Department of Justice recognizes as a situation affecting access to speedy justice, among others, timeouts availability of forensic reports, sufficient number of Public Prosecutors and suitable facilities for recording the deposition of vulnerable witness (Department of Justice, 2023).Another significant concern is the presence and functioning of support services. Even with acknowledgement of the role of support persons in the POCSO structure, judicial reliance on the concept of a support-person indicates that formal acceptance in law does not always lead to effective application. The availability of support persons, defining procedural role and efforts to provide appropriate training are vital to securing the child also procedural rights (Supreme Court of India, 2023).An additional challenge presented by infrastructural difficulty is the effective provision of child friendly justice. Merely establishing or establishing a Special Court cannot necessarily guarantee a child sensitive court environment. Several facets of victim-centred justice can only be institutionalisedmeans of child-friendly depositscentres separate private reception areas, Video-Conferencing etcavailable to break contact with the accused and provide trained judicial support staff. Existing infrastructural facilities may not always carry into actual experience the promise of the law.

Finally, disparities in the availability of rehabilitation will pose an important victimological question. Although provisions made under the larger POCSO setup and government schemes provide a broad spectrum of benefits like counseling remuneration education, health, and rehab, the access to these services will depend on the various geographical state institutional human resource and socio-economic various factors that enable the family? This calls for laws to be upheld by ongoing institutional support so that child victims get maximal benefit at each stage of the judicial process and soon.

13. Critical Victimological Assessment

The POCSO arrangement was a significant milestone of a system shift away from children as merely evidence. The procedural provisions accepted that the child was a vulnerable witness in need of assistance and protection.But still three conceptual challenges remain.Initially, speed cannot be conflated with justice. A fast case can simply have been so to help the child's absolute rights.The child's safety involvement dignity, psychological healing and compensation are also equally important.Third, right from its beginning rehabilitation process should be attached or linked with the criminal justice system. The police, prosecution courts, health system CWCs legal services, authorities, and agencies engaged in rehabilitation should be organized as a system.In evidence of the consequences of such fragile institutional networks and the importance of that given child's experience in a child victim's case in West Bengal is provided in recent work .As the last point highlighted and with the recent emphasis on support persons, some support is available outside of the courts.

14. Recommendations

Based on the literature reviewed above and institutional developments over the last few years, Obviously there are a number ofsteps that can be taken to further reinforce the communitycentric implementation of the POCSO Act, 2012. First, the existing support-person mechanism needs to be institutionalized by training the existing and appointing new support persons to ensure that children who have been subjected to abuse are informed in age-appropriate language about the existence of a support person. State Governments and Union Territory administration needs to formulate procedures for appointment training supervision and compensation of support persons for ensuring uniform assistance to children during investigation and trial. Second, new integrated case-management mechanisms need to be introduced at the district level among police officers prosecutors Special Courts CWC medical professionals, and support persons. Such mechanisms would potentially allow for the avoidance of repetitive questioning, procedural complications and management of avoidable delays in the trial process.

Third, Special Courts must be provided with child-sensitive facilities; appropriate waiting rooms, privacy arrangements, facilities for vulnerable witnesses and other technological solutions for children to testify without facing the accused. Fourth, there should be improved access to mental-health services, assessment, and counselling and referral facilities appropriate to each child's needs. The process of recovery, both of the child and the case, must be sustained throughout the trial and, if necessary, after. Fifth, victim compensation procedures must be made more accessible to child victims and their families by making administrative procedures more child-friendly and by providing financial assistance. Authorities and other sources of support must enable a child's application and guide families through the formalities involved.

Sixth, rehabilitation should begin at the end of the criminal proceedings and address the child's educational health psychosocial and family needs, while enabling safe social reintegration. Seventh, police officers prosecutors judges, medical practitioners, court officials, social workers and support persons should be provided regular and specialised training on child psychology and development, trauma informed behaviour and interview strategies, confidentiality, and protection of privacy, taking child-sensitive procedures to prevent secondary victimisation. Lastly, the government should include victim-centred indicators while monitoring the performance of statutory safeguards to enable the effective implementation of the Act. Such indicators should measure the duration of investigation, the duration of the forensic report adjournments availability of support persons, access to counselling and legal aid, the Award of compensation, time of disbursement of the compensation, availability of child-sensitive infrastructure in the court and compliance with child-protection safeguards. Counterchecking the performance of child protection measures under the Act through constant monitoring may serve to address implementation gaps, hold authorities accountable and strengthen the access of child victims to justice, rehabilitation, and protection under the POCSO Act, 2012.

15. Scope for Future Research

Drawing on the literature and the institutional arrangements discussed above, all of these institutional arrangements will support or enable the victim-centred enforcement of POCSO, 2012. First, institutional arrangements to support the support-persons enhance implementation of support-person mechanism, by mandating that children who are eligible for support-persons receive relevant information on it in child-friendly language. The State Governments and Union Territory administrations should also establish explicit and open procedures for appointment training supervision, monitoring, and compensation of support persons, which will enable them to provide effectiveness support to children during the investigation and trial stages of cases. Second, institutional arrangements to ensure integrated case-management mechanisms between various actors of the criminal justice system; including police officials prosecutors Child Welfare committees, specialist medical practitioners, and support persons to help effective collaboration among them, and minimize re-leading of statement, procedural redundancies and delays.First, all Special Courts must be provided in child-sensitive facilities such as waiting areas, privacy arrangements, facilities for vulnerable witnesses, and technological facilities. Second, mental health facilities must be reinforced including psychological assessment, therapy, and referral as needed with emphasis on maintaining continuity of care through the entirety of the trial process and possibly following trial as well. Third, procedures for victim's compensation must be simplified and made more user-friendly. Each child or his/her family should be eligible for receiving financial compensation regardless of his or her or the family's ability to predominate lawyers or other support persons to help them understand their rights and complete applications.Sixth, rehabilitation planning should extend beyond criminal justice to address the child's educational health psycho social and family needs while enabling safe social reintegration. Seventh police prosecutors judges doctors court officials social workers and support persons should periodically and routinely be trained child development trauma sensitive communication, privacy, and confidentiality child friendly procedures to prevent secondary victimization. Finally, government comprehensive review institutions should use victim eccentric indicators to monitor the effective implementation of statutory safeguards including time taken for investigations and forensic reports adjournment of proceedings availability of support persons access to counselling and legal aid compensation awarded and disbursed specialized child sensitive court infrastructure and implementation of protective safeguards. Periodic monitoring based on these victim eccentric indicators can potentially promote greater structural accountability and lead to effective rescue and rehabilitation of child victims under the POCSO Act, 2012.

16. Conclusion

The POCSO Act, 2012 has created a comprehensive range of legal provisions for offenses against children but the victimological significance of the Act will be

determined by the extent to which the child is covered by legal provisions other than conviction of the known perpetrator. Developments indicate greater institutional recognition of importance of a child-sensitive justice process in the form of support persons compensation victim-friendly courts and intervention and rehabilitation measures.The last five years of POCSO enforcement have reaffirmed Really legal safeguards and practical safeguards are two entirely different. The studies have identified deplorable infrastructure, manpower, and process but the empirical evidence on the conspicuous non-availability of uniformly practiced support-person arrangements in instances of judicial interventions has come to the forefront.The 2024 NCPCR Model Guidelines on Support Persons is an important institutional development as they seek to create more structure to support child victims during the criminal process .Any victimization of POCSO ultimately demands a system under-pandering the child both as a witness and as a rights-holding individual. The child's safety dignity participation, recovery, and rehabilitation have to be at the core of what is to be ensured every step of the way. Courts of special jurisdiction, compensation schemes and other child geared arrangements can only do it if they are buffers of, and not substitutions for, an integrated child protection mechanism. POCSO long term viability depends on that means, not only in its direct implementation, but in continuous support of child centred institutions, capacity- development of professionals, psychological assistance and recovery services, rehabilitation initiatives and research and evidence-based tracking.

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