OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (SOUTH-WEST)
DWARKA COURTS, NEW DELHI.

No. 694-783 /Misc/Endst/Genl/DWK/2025 Dated 08-01-26

Sub: Circulation of Hon'ble Supreme Court Order dated 01.12.2025 in WP. (C) No. 427/2022 and Model Guidelines regarding Support Persons under Section 39 of the POCSO Act-reg.

As directed by the Ld. Principal District & Sessions Judge (S-W), a copy of email dated 05.01.2026 alongwith letter no. 329/DSLSA/LAW-II/BBA Support Person/2026/103 dated 05.01.2026 from Member Secretary of DSLSA, Rouse Avenue District Court Complex, New Delhi alongwith order dated 01.12.2025 passed by Hon'ble Supreme Court of India in W.P.(C) No. 427/2022 titled as "Bachpan Bachao Andolan vs. Union of India and Ors.", is being forwarded herewith for information and necessary compliance to:

1. All the Ld. Judicial Officers posted at Dwarka Courts Complex, New Delhi. (Through email & Whatsapp).
2. Ld. Principal District & Sessions Judge's Secretariat (S-W), Dwarka Courts, New Delhi, for information. (through E-mail).
3. Branch Incharge, Judicial Branch, Dwarka Courts, New Delhi for information & follow up action, if any (through email).

(GURMOHINA KAUR)
Officer Incharge (General Branch)
Additional Sessions Judge-05
Dwarka Courts : New Delhi.

Gen/B

Circulation of Hon'ble Supreme Court Order dated 01.12.2025 in W.P. (C) No. 427/2022 and Model Guidelines regarding Support Persons under Section 39 of the POCSO Act, 2012-reg.

A-6
6/1/26

Superintendent Legal Aid Wing DSLSA < legalaidwing-dslsa@nic.in >
Mon, 05 Jan 2026 4:09:26 PM +0530

To "Secretariat SJ"<pdj-southwest@ddc.nic.in>

Respected Sir/Madam

Please find attached letter along with the attachments for kind perusal and necessary action.

Regards
Superintendent

4 Attachment(s)

South-West DLSA (1).pdf 7.3 MB	Order dt. 01.12.25 (1).pdf 140.2 KB
Annexure A - NCPCR model g... 332.2 KB	Annexure-B.xlsx 11.3 KB

(1) General Branch (SW)
(2) DLSA-SW
(3) VWDC (SW)

Officiating PDJ & SJ (SW)
06.01.26

Be circulated by General Branch. Be put-up to VWDC committee for further action

07/01/26

7/1/26
Dy. Sec.(Gen.)

DELHI STATE LEGAL SERVICES AUTHORITY
(constituted under the 'Legal Services Authorities Act, 1987', an Act of Parliament)
Under the Administrative Control of High Court of Delhi
Central Office, 3rd Floor, Rouse Avenue District Court Complex,
Pt. Deen Dayal Upadhyaya Marg, New Delhi-110002
Email: legallitwing-dslsa@nic.in website: www.dslsa.org

Ref.: 329/DSLSA/LAW-II/BBA Support Person/2026/103 **Dated: 5, Jan., 2026**

To

Ld. Principal District & Sessions Judge /
Ld. Chairperson, South-West DLSA,
Dwarka Courts, New Delhi

Subject: Circulation of Hon'ble Supreme Court Order dated 01.12.2025 in W.P. (C) No. 427/2022 and Model Guidelines regarding Support Persons under Section 39 of the POCSO Act, 2012 – reg.

Respected Sir,

I am directed to refer to the email dated 24.12.2025 received from Sh. Sanjiv Pandey, Ld. Member Secretary, National Legal Services Authority (NALSA), whereby it has been informed that the Hon'ble Supreme Court of India, in W.P. (C) No. 427/2022 titled *"Bachpan Bachao Andolan v. Union of India and Ors."*, vide its order dated 01.12.2025, has issued important directions relating to the provision and empanelment of Support Persons for child victims under the Protection of Children from Sexual Offences Act, 2012.

In this regard, a copy of the order dated 01.12.2025 passed by the Hon'ble Supreme Court of India, along with the *Model Guidelines with respect to Support Persons under Section 39 of the POCSO Act*, framed by the National Commission for Protection of Child Rights (NCPCR) in 2024, is enclosed herewith for due information and necessary compliance.

As directed by NALSA, your goodself is therefore requested to kindly to:

1. Circulate the Hon'ble Supreme Court of India's order relating to the provision of Support Persons to child victims and attached Annexures among the Presiding Officers of the Special Courts /POCSO Courts and Ld. Secretary, DLSA of your respective District for due information and necessary compliance.

2. Ensure that Support Persons are provided to child victims from the very first day of investigation till the conclusion of trial and pronouncement of judgment, strictly in accordance with the provisions of the POCSO Act, 2012 and the Rules framed thereunder.

Further a request letter has also been sent to Secretary, Department of Women and Child of the respective States/UTs for the empanelment of Support Persons in each district, and to ensure that the details of such empanelled Support Persons are shared by the said Department with the Chairpersons of DLSAs for circulation to the Special Courts/POCSO Courts, with a copy thereof to the DSLSA.

Your goodself is further requested to direct the quarter concerned to furnish district-wise data regarding the number of Support Persons appointed/empanelled in each district, in the prescribed format enclosed as **Annexure-B**, and forward the same to this Authority **latest by 07.01.2026**, positively.

With regards

Yours sincerely,

05/01/26

(RAJEEV BANSAL)
MEMBER SECRETARY

Encl.: 1. Copy of Hon'ble Supreme Court Order dated 01.12.2025
2. Model Guidelines with respect to Support Persons under Section 39 of POCSO Act (Annexure-A)
3. Format for furnishing district-wise data (Annexure-B)

ITEM NO.37 COURT NO.4 SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 427/2022

BACHPAN BACHAO ANDOLAN Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

IA No. 205442/2023 - APPLICATION FOR EXEMPTION FROM FILING TYPED DOCUMENTS
IA No. 103610/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 137318/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 136232/2022 - EXEMPTION FROM FILING O.T.
IA No. 120913/2022 - EXEMPTION FROM FILING O.T.
IA No. 205367/2023 - EXEMPTION FROM FILING O.T.
IA No. 83391/2022 - EXEMPTION FROM FILING O.T.
IA No. 204902/2023 - EXEMPTION FROM FILING O.T.
IA No. 137319/2023 - EXEMPTION FROM FILING O.T.
IA No. 81311/2023 - EXEMPTION FROM FILING O.T.
IA No. 205443/2023 - EXEMPTION FROM FILING O.T.
IA No. 205441/2023 - INTERVENTION APPLICATION
IA No. 205366/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 71717/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 81309/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 01-12-2025 This matter was called on for hearing today.

CORAM :
HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :Mr. H.S.Phoolka, Sr. Adv.
Mr. Jagjit Singh Chhabra, AOR
Mr. Bhuwan Ribhu, Adv.
Ms. Rachna Tyagi, Adv.
Mr. Saksham Maheshwari, Adv.
Ms. Shashi, Adv.
Ms. Surabhi Katyal, Adv.
Ms. Taruna Panwar, Adv.
Ms. Surpreet Kaur, Adv.

For Respondent(s) :Mrs. Aishwarya Bhati, A.S.G.
Mr. Bhuvan Kapoor, Adv.
Ms. Ameyavikrama Thanvi, Adv.
Ms. Ruchi Kohli, Adv.

Mr. Arvind Kumar Sharma, AOR

Mr. Rohit K. Singh, AOR
Mr. Pritam Bishwas, Adv.
Mr. Yashveer Singh, Adv.
Mr. Shivansh Pundir, Adv.
Mr. Kartikey Bansal, Adv.

Ms. Rashmi Nandakumar, AOR
Ms. Yashmita Pandey, Adv.

Ms. Vanshaja Shukla, AOR
Ms. Ankeeta Appanna, Adv.
Mr. Siddhant Yadav, Adv.

Mr. Pradeep Misra, AOR
Mr. Suraj Singh, Adv.

Mr. Sahil Bhalaik, AOR
Mr. Tushar Giri, Adv.
Mr. Siddharth Anil Khanna, Adv.
Mr. Ritik Arora, Adv.
Mr. Shivam Mishra, Adv.
Mr. Nishit Shukla, Adv.
Mr. Mihir Joshi, Adv.

Ms. Disha Singh, AOR
Ms. Eliza Bar, Adv.

Mr. Debojit Borkakati, AOR

Mr. Manish Kumar, AOR
Mr. Divyansh Mishra, Adv.
Mr. Kumar Saurav, Adv.

Ms. Ankita Sharma, AOR
Mr. Arjun D. Singh, Adv.
Ms. Ishika Neogi, Adv.

Ms. Deepanwita Priyanka, AOR

Mr. Akshay Amritanshu, AOR
Ms. Drishti Rawal, Adv.
Mr. Abhay Nair, Adv.
Mr. Sarthak Srivastava, Adv.
Mr. Mayur Goyal, Adv.

Mr. Divyanshu Kumar Srivastava, AOR
Mr. Shivam Nagpal, Adv.

Mr. Raj Kumar, Adv.
Ms. Savita Devi, Adv.

Mr. Rajiv Kumar Sinha, AOR

Mr. D. L. Chidananda, AOR

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.
Mrs. Devika A.l., Adv.
Mr. Santhosh K, Adv.

Ms. Mrinal Gopal Elker, AOR
Mr. Abhimanyu Singh -g.a., Adv.
Mr. Bittu Kumar Singh, Adv.
Mr. Chinmoy Chaitanya, Adv.

Mr. Bharat Bagla, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Anupama Ngangom, Adv.
Ms. Rajkumari Divyasana, Adv.

Mr. Avijit Mani Tripathi, AOR
Mr. Upendra Mishra, Adv.
Mr. P. S. Negi, Adv.

Mr. Avijit Mani Tripathi, AOR
Mr. T. K. Nayak, Adv.

Mr. Anando Mukherjee, AOR

Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemla Chang, Adv.
Mr. Prang Newmai, Adv.

Mr. Rajat Bhardwaj, A.A.G.
Ms. Nupur Kumar, AOR

Mr. Shiv Mangal Sharma, A.A.G.
Ms. Shalini Singh, Adv.
Ms. Nidhi Jaswal, AOR

Mr. Sameer Abhyankar, AOR
Ms. Ripul Swati Kumari, Adv.
Mr. Krishna Rastogi, Adv.
Mr. Aryan Srivastava, Adv.
Ms. Yachna Sharma, Adv.

Mr. Sabarish Subramanian, AOR

Mr. Sravan Kumar Karanam, AOR
Mr. Kumar Abhishek, Adv.
Ms. M. Harshini, Adv.

Mr. Kunal Mimani, AOR
Ms. Shraddha Chirania, Adv.

Ms. Mrinal Mazumdar, Adv.
Ms. Indira Bhakar, Adv.
Mr. Mukesh K Verma, Adv.
Mr. Shashwat Parihar, Adv.
Mr. Santosh Ramdurg, Adv.
Mr. Shreekant Neelappa Terdal, AOR

Mr. Aravindh S., AOR
Mr. Aman Gautam, Adv.
Ms. Anika Bansal, Adv.

Mr. Debojit Borkakati, AOR

Mr. Nishanth Patil, AAG
Mr. Arijit Dey, Adv.
Ms. Rekha Patil,AOR

Mr. Abhimanyu Tewari, AOR

Mrs. Aishwarya Bhati, A.S.G.
Mr. Bhuvan Kapoor, Adv.
Ms. Ameyavikrama Thanvi, Adv.
Ms. Ruchi Kohli, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. S.. Udaya Kumar Sagar, AOR

Ms. Deepanwita Priyanka, Adv.
Ms. Swati Ghildiyal, AOR
Ms. Devyani Bhatt, Adv.

Mr. Pradeep Misra, AOR
Mr. Suraj Singh, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Anupama Ngangom, Adv.
Ms. Rajkumari Divyasana, Adv.

Mr. Abhaid Parikh , AOR
Mr. Rishabh Dubey, Adv.
Ms. Shivangi Tripathi, Adv.

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.
Mrs. Devika A.l., Adv.
Mr. Santhosh K, Adv.

Mr. Mahfooz Ahsan Nazki, AOR

Ms. Diya Kapur, Sr. Adv.
Mr. Abhinav Sekhri, Adv.
Ms. Nimisha Menon, Adv.
Mr. Rahul E., Adv.
Ms. Pritha Srikumar Iyer, AOR
Ms. Saumya Sinha, Adv.

Mr. Sameer Abhyankar, AOR
Ms. Ripul Swati Kumari, Adv.
Mr. Krishna Rastogi, Adv.
Mr. Aryan Srivastava, Adv.
Ms. Yachna Sharma, Adv.

Mr. Sandeep Kumar Jha, AOR

Mr. Bijender Chaudhry, Adv.
Mr. Amit Kumar Chawla, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Akhileshwar Jha, Adv.
Mr. Anupam Kumar, Adv.
Mr. Ashwani Kumar, Adv.
Mr. Ajay Pal, AOR

Ms. Mrinal Gopal Elker, AOR
Mr. Abhimanyu Singh -g.a., Adv.
Mr. Bittu Kumar Singh, Adv.
Mr. Chinmoy Chaitanya, Adv.

Patil Rekha Chandra Gowda, AOR
Jadhaw Vishal, Adv.
Ram Sankar, Adv.
Shubham Shukla, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Learned senior counsel appearing for the petitioner submitted that certain States/Union Territories have been very casual in their approach in the matter of appointment of Para Legal Volunteers (PLVs) at each police station and for apportioning funds

for their expenses.

It is stated at the Bar that the States/Union Territories (UTs) of Andhra Pradesh, Bihar, Manipur and Jammu and Kashmir have not yet implemented the PLVs Scheme at each police station in order to assist in cases of offences against children.

When we queried the learned counsel for these States, they stated that they would seek further instructions in the matter and revert. There is no representation on behalf of the Union Territory of Jammu and Kashmir.

We also find that in other States, the Scheme of PLVs at each police station is either not notified or implemented effectively as funds have not been made available for the PLVs to assist the child victims in the police station.

Learned counsel appearing for the NALSA submitted that the State Schemes have to be notified and implemented by apportioning funds for the purpose of paying for the expenses of the PLVs.

In the circumstances, we find that it is necessary to adjourn the matter so as to enable the learned counsel for the States/UTs to seek up-to-date instructions in the matter and inform this Court as to, whether, the Scheme of PLVs has been notified and if so, the volunteers have been empanelled and it is working effectively in the States as well as in the Union Territories.

In the event, the PLVs at each police station, as far as practicable, in the respective States and Union Territories have not yet been empanelled and sufficient funds are not apportioned for the said purpose, the Chief Secretaries of the respective States/Union Territories shall remain present before this Court on

the next date of hearing through Video Conferencing facility.

Learned senior counsel for the petitioner has submitted the following chart indicating the number of PLVs, deployed in the police stations in the States/Union Territories may be taken note of.

Status of PLVs (NALSA SR dated 29.11.2025)

Particulars	Total No. of Police Station	No of Police Station where PLVs heave been deployed	No. of Police stations where PLVs have not been deployed
Deployment pending due to lack of funds/scheme approval (5 States)			
Andhra Pradesh	919	42	877
Manipur	90	1	89
Odisha	612	30	582
Delhi	204	50	154
Tamil Nadu (20.10.2024)	1577	0	0
Deployment in remaining under process (7 States)			
Arunachal Pradesh	109	20	89
Assam	327	320	7
Gujarat	718	345	373
Jharkhand	525	516	9
Karnataka	1099	50	1049
Rajasthan	962	539	423
Mizoram (20.10.2024)	37	0	37
No deployment/scheme not notified (2 States)			
Bihar	1324	0	1324
Haryana	302	0	302
Deployment in remaining impacted by Geographical hindrances (6 States)			
Chattisgarh	477	415	62
Maharashtra	1226	283	709
Nagaland	84	25	59
Uttarakhand	166	165	1
Andaman & Nicobar Island	21	12	9
Lakshadweep	9	2	7
Shortage of PLVs (3 States)			
Goa	31	24	7
Tripura	81	72	9
West Bengal	581	471	110
PLVs visit police stations on nee basis/call rotational basis (7 State)			
Himachal Pradesh	169	138	31
Jammu & Kashmir	213	169	44
Kerala	547	84	0
Madhya Pradesh	1122	608	514
Punjab	418	338	80

Uttar Pradesh	1602	1037	565
Telangana (20.10.2025)	773	85	688
Not deployed in special cells (Traffic, PCR , Food etc) (1 state)			
Puducherry	53	31	0
PLVs deployed in all police stations (5 States)			
Ladakh	11	11	0
Chandigarh (20.10.2024)	16	16	0
Meghalaya (20.10.2024)	76	76	0
Sikkim (20.10.2024)	29	29	0
Dadra & Nagar Haveli and Daman & Diu (20.10.2024)	5&7 (resp.)	5&7 (resp.)	0

Learned counsel appearing for the respective States/Union Territories to verify this information and to take steps in the event the PLVs have not yet been empanelled and deployed in the police stations bearing in mind the practical aspects, such as the location of the police station etc.

Learned senior counsel for the petitioner next brought to our notice that the number of support persons who have been appointed under Section 39 of the POCSO Act are very minimal, as is evident from the following chart. It was submitted that directions may be issued to the States/Union Territories to appoint adequate number of support persons so that they are able to assist the victim under the POCSO Act in order to ensure that the victim is supported throughout the trial of the case and even prior thereto and for the purpose of rehabilitation thereafter -

Number of Support Persons required V/s Appointed basis existing POCSO Pendency

S. No	State	Pending POCSO Cases (as per PIB release dated 09.02.2024) – as of Dec'	Support persons required as per NCPCR Guidelines (Clause 3.2.3- VIII)	Appointed Support persons (as per NCPCR affidavit dated 24.10.2024	As per Affidavit/Status report dated filed by States/NCPCR

		23		**and Affidavits filed by respective States)**	
			20		As per affidavit filed by NCPCR on 24.10.2024
1.	A&N Islands	NA	NA	26	
2.	Andhra Pradesh	7231	361	-	
3.	Arunachal Pradesh	NA	NA	-	
4.	Assam	5207	260	60	
5.	Chandigarh	203	10	22	
6.	Bihar	17716	885	75	As per State's affidavit dated - 17.02.2025
7.	Chhattisgarh	2264	113	113	As per State's affidavit dated - 16.05.2025
8.	Dadra & Nagar Haveli and Daman & Diu	NA	NA	11	As per affidavit filed by NCPCR on 24.10.2024
9.	Delhi	3810	190	37	
10.	Goa	156	7	-	
11.	Gujarat	6338	316	5	
12.	Haryana	4199	209	104	
13.	Himachal Pradesh	834	41	-	
14.	Jammu and Kashmir	453	22	17	
15.	Jharkhand	4486	224	9	
16.	Karnataka	5414	270	115	As per State's affidavit dated - 15.02.2025
17.	Kerala	7401	370	959	As per State's affidavit dated - 08.04.2025
18.	Ladakh	NA	NA	6	As per affidavit filed by NCPCR on 24.10.2024
19.	Lakshadweep	NA	NA	-	
20.					
21.	Maharashtra	4355	217	52	
22.	Manipur	94	4	-	
23.	Madhya Pradesh	10193	509	407	As per State's affidavit dated - 27.05.2025

24.	Meghalaya	1061	53	62	As per State's affidavit dated - 08.04.2025
25.	Rajasthan	6122	306	109	As per State's affidavit dated- 04.04.2025
26.	Mirozam	89	4	28	As per affidavit filed by NCPCR on 24.10.2024
27.	Nagaland	51	2	4	
28.	Odisha	11060	553	-	
29.	Puducherry	221	11	-	
30.	Punjab	1438	71	17	
31.	Sikkim	NA	NA	11	
32.	Tamil Nadu	4440	222	47	
33.	Telangana	8463	423	6	
34.	Tripura	242	12	33	
35.	Uttarakhand	908	45	20	
36.	West Bengal	2948	147	385	As per State's affidavit dated - 17.04.2025
37.	Uttar Pradesh	84778	4238	484	As per State's affidavit dated - 01.04.2025
Total	Total	**202175**	**10095**	**3224**	

We direct the concerned States/Union Territories to re-assess the number of pending cases under the POCSO Act, the requirement of support persons and the steps to be taken for their appointment. The necessary affidavits in this regard shall be filed by the next date of hearing.

We find that there is a dearth of empanelment of support persons which is a requisite under Section 39 of the POCSO Act. In this regard, we find that the State/Union Territories' Legal Services Authority can take steps for empanelment of support persons in each district.

The aforesaid direction is in addition to any empanelment of

support persons that may have already been made by the State Governments.

The Member Secretary of the District Legal Services Authority would consult the Presiding Officers of the Special Courts established under the POCSO Act for the purpose of providing support persons to a child victim. In the event a support person has not been provided to a child victim, the Special Court could provide a support person for the assistance of the victim.

The Member Secretary of the State Legal Services Authority to also consult the Secretary, Department of Women and Child in each of the States in this regard.

The States/Union Territories shall also file their affidavits in this regard.

Learned counsel for the NALSA to communicate a copy of this order to all the Member Secretaries of the State Legal Services Authority for further implementation of the same.

List on 10.02.2026.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)

MODEL GUIDELINES WITH RESPECT TO SUPPORT PERSONS UNDER SECTION 39 OF POCSO ACT

NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS
JANPATH, NEW DELHI

2024

ACKNOWLEDGMENT

The National Commission for Protection of Child Rights (NCPCR) has been actively working to ensure the safety and well-being of the children. In line with this objective, the Commission is pleased to present the **"MODEL GUIDELINES WITH RESPECT TO SUPPORT PERSONS UNDER SECTION 39 OF POCSO ACT,2012"** which have been drafted in compliance to the order of the Hon'ble Supreme Court of India in case titled "We the Women of India vs. Union of India & Ors. Writ Petition(s) (Civil) No(s) 1156/2021 and in Writ Petition No.427 of 2022 titled Bachpan Bachao Andolan vs. Union of India".

Section 39 of the Prevention of Children Against Sexual Offences Act, 2012 outlines the crucial role of Support Persons in ensuring justice and support for child victims throughout legal proceedings. Section 39 of the said Act, categorically talks about the guidelines for child to take assistance of experts, etc. I acknowledge the significant responsibility placed upon support persons and recognize the vital role they play in providing emotional, psychological, and legal assistance to children during what can be a challenging and traumatic process. Therefore, the professionals who are working in this field play a key role in enabling the healing process.

I take this opportunity to express my sincere appreciation to the Petitioners of the aforestate case due to which the Commission got this opportunity to draft these Model Guidelines. I would also like to express my sincere appreciation to the representatives of Government of all the States and Union Territories and all the representatives from Non-Governmental Organizations and Subject Matter Experts, Academicians and Student of Law from various Universities who gave their valuable inputs and suggestions to frame these Model Guidelines. I am also deeply grateful to Ms. Rupali Banerjee Singh, Member Secretary, NCPCR for her unwavering support. Further, I extend my sincere appreciation to Mr. Abhaid Parikh. Advocate on Record, Hon'ble Supreme Court of India for doing the vetting (legal) of these guidelines. Last but not the least, I acknowledge the contribution of Ms. Nidhi Sharma, Senior Professional, Juvenile Justice and POCSO and Ms. Katyayani Anand, Legal Consultant for their invaluable contribution in development of these guidelines.

Sd/-
Priyank Kanoongo
(Chairperson, NCPCR)

Chapter -1
Introduction

1.1 Context:

The Hon'ble Supreme Court in the case titled **"We the Women of India vs. Union of India & Ors. Writ Petition(s) (Civil) No(s) 1156/2021 and in Writ Petition No.427 of 2022 titled Bachpan Bachao Andolan vs. Union of India"** has passed an order dated 09.10.2023 wherein the Hon'ble Court has directed the National Commission for Protection of Child Rights to formulate Model Guidelines with respect to Support Persons under Section 39 of the POCSO Act, 2012 in consultation with the State Governments and Government of the Union Territories. Further, the Hon'ble Court has also directed vide its order that the State and the Union Territories shall also frame Rules on the basis of the aforesaid model guidelines.

The Hon'ble Supreme Court of India has opinionated that the need for support person should not be left to the discretion of the parents; in all cases, the option of availability of support person and right to claim the assistance of such support person should be made known to the victim's parents. Further, the Hon'ble Supreme Court has also opinionated that the State has an obligation to provide support persons to POCSO victims which cannot be made optional unless there are good reasons recorded by the CWC in its order, the familiarity of support persons is mandatory. Therefore, the guidelines have been cautiously framed as to include the essential components and basic mechanism involved for engaging of a support person as mandated under Section 39 of the

POCSO Act, 2012 to address the ambiguity in understanding of the process and steps to be followed for engaging the same.

Further, these guidelines shall also put in place a key framework for a uniform educational standard, duration of engagement of a support person, appropriate remuneration etc.

Chapter - 2

PRINCIPLES UNDER POCSO ACT, 2012

The fundamental guiding principles are as laid down in various international instruments and in the Preamble to the POCSO Act, 2012. All the State Governments, the Child Welfare Committee, the Police, the Special Courts, all other Government functionaries as well as Non-Government Organizations, all professionals and experts assisting the child at the trial and pre-trial stages are bound to abide by these principles.

These principles as laid down under the POCSO Act, 2012 are: -

a) **Right to life and survival** -Every child has the right to life and survival and to be shielded from any form of hardship, abuse, or neglect, including physical, psychological, mental and emotional abuse and neglect; and to a chance for harmonious development and a standard of living adequate for physical, mental, spiritual, moral and social growth. In such cases where a child is traumatized and is a victim to an offence, it is necessary that every step should be taken to enable the child to enjoy healthy development.

b) **The best interests of the child** - Every child has the right to have his/her best interests given primary consideration. This includes the right to

protection and to a chance for harmonious development. Protecting the child's best interests means not only protecting the child from re-victimisation and hardship while involved in the justice process as victim or witness, but also enhancing the child's capacity to contribute to that process.

c) The right to be treated with dignity and compassion - Child victims should be treated with utmost care and in a sensitive manner throughout the judicial process, taking into account their personal situation and immediate needs, age, gender, disability and level of maturity and fully respecting their physical, mental and moral integrity. Interference in the child's private life should be limited to the minimum needed and information shared on a need to know basis. Efforts should also be made to reduce/avoid further hardship to the child throughout by maintaining a child-friendly environment. All interactions should also take place in a language that the child uses and understands. Medical examination should be ordered only where it is necessary for the investigation of the case and is in the best interests of the child and it should be minimally intrusive.

d) The right to be protected from discrimination - The justice process and support services available to child victims and witnesses and their families should be sensitive to the child's age, wishes, understanding, gender, sexual orientation, ethnic, cultural, religious, linguistic and social background, caste and socio-economic condition, as well as to the special needs of the child, including health, abilities and capacities. Professionals should be trained and educated about such differences. Age should not be a barrier to a child's right to participate fully in the justice process. Every child should be treated as a capable witness, according to his/her age and level of maturity.

e) The right to special preventive measures – Children may already face twice as much risk of repeated victimization as adults because they often are or are perceived by a potential offender as being vulnerable, unsure of how to defend themselves or unable to properly assert themselves and take a strong position against an adult. A preventive measure that could be used to protect children is to demand references and a criminal background assessment before hiring personnel likely to work with children, such as schoolteachers.

f) The right to be informed-There are two aspects of child victims and witnesses right to be informed. The first aspect is the more general one and consists of informing child victims and witnesses about the assistance they are entitled to, the way legal proceedings are organized and the role they can play in those proceedings if they decide to do so. The second aspect is more specific and relates to information on the particular case in which the child is involved: it implies being informed about the progress of the case, about the scheduling of the proceedings, about what is expected of the child, about the decisions rendered, about the status of the offender, and so forth.

g) The right to be heard and to express views and concerns–Every child has the right to be heard in respect of matters affecting him/her. The child has a right to participate at all levels: being informed, expressing an informed view, having that view taken into account, and being the main or joint decisionmaker. When, for any good reason, the requirements and expectations of the child cannot be met, it needs to be explained to the child, in a child-friendly way, why certain decisions are made, why certain elements or facts are or are not discussed or questioned in Court and why certain views are not taken into

consideration. It is important to show respect for elements that a child finds important in his/her story, but which are not necessarily relevant as evidence.

h) The right to effective assistance–The child must receive the required assistance to address his/her needs and enable him/her to participate effectively at all stages of the justice process. This may include assistance and support services such as financial, legal, counselling, health, social and educational services, physical and psychological recovery services and other services necessary for the child's healing, as well as for justice and reintegration.

i) The right to privacy–The child's privacy and identity must be protected at all stages of the pre-trial and trial process. The release of information about a child victim or witness, in particular in the media, may endanger the child's safety, cause the child intense shame and humiliation, discourage him from telling what happened and cause him severe emotional harm. Release of information about a child victim or witness may put a strain on the relationships of the child with family, peers, and community, especially incases of sexual abuse. In some cases, it might also lead to stigmatization by the community, thereby leading to re-victimization of the child. There are two essential ways of protecting the privacy of child victims and witnesses: firstly, by restricting the disclosure of information on child victims and witnesses and secondly, by restricting the attendance of the general public or non-essential persons in courtrooms.

The right to justice - Throughout the justice process, child victims are exposed to hardship, akin to being victimized again: this can occur while reporting the crime and recounting what has happened, or awaiting trial or while testifying in court. The judicial process is a very stressful one for the child; as far as possible,

any stress the child may have as a result of the process should be minimized.

j) The right to safety-Where the safety of a child victim may be at risk, appropriate measures should be taken to require the reporting of those safety risks to appropriate authorities and to protect the child from such risk before, during and after the justice process. Professionals should be trained in recognizing and preventing intimidation, threats and harm to child victims and witnesses. Where child victims and witnesses may be the subject of intimidation, threats or harm, appropriate conditions should be put in place to ensure the safety of the child.

k) The right to compensation– The child victim may be awarded compensation for his/her relief and rehabilitation. This compensation may be awarded at an interim stage, during the pendency of trial, as well as at the conclusion of the trial. Procedures for obtaining and enforcing reparation should be readily accessible and child sensitive. Victims may be repaid for material losses and damages incurred, receive medical and/or psychosocial support, and obtain reparation for ongoing suffering.

CHAPTER – 3

SUPPORT PERSONS AS UNDER SECTION 39 OF POCSO ACT

3.1 Objective

The Protection of Children from Sexual Offences (POCSO) Act, 2012 is a special law which has been formulated to deal with cases pertaining to child sexual abuse. POCSO Act, 2012 is a comprehensive law and provides for the legal provisions for the protection of children below 18 years of age from sexual abuse, exploitation and pornography, while safeguarding the interests of the child at every stage of the judicial process by incorporating child- friendly mechanisms for reporting, recording of evidence, investigation and speedy trial of offences through designated Special Courts.

The responsibility of supporting children who have been sexually abused or have been a victim of abuse should be embraced by the whole community. Therefore, the professionals who are working in this field play a key role in enabling the healing process. Section 39 of the said Act, categorically talks about the guidelines for child to take assistance of experts, etc. The same is reproduced below: -

> *"Section 39: Guidelines for child to take assistance of experts, etc.: Subject to such rules as may be made in this behalf, the State Government shall prepare guidelines for use of non-governmental organizations, professionals and experts or persons having knowledge of psychology, social work, physical health, mental health and child development to be associated with the pre-trial and trial stage to assist the child."*

The key objective of Support Persons under the Protection of Children from Sexual Offences (POCSO) Act, 2012 is to provide an emotional and psychological support to child victims during the legal proceedings and further ensure their well-being and protection.

These individuals play a crucial role in helping children to cope with the legal system and to provide them with the support they need to effectively testify against their offenders. Therefore, proper rehabilitation of the victim plays a crucial role for ensuring protection.

Further, a support person shall be assigned by a Child Welfare Committee, in accordance with sub-rule (8) of rule 4, in order to render assistance to the child throughout the process of investigation and trial, or any other person who is assisting the child in the pre-trial or trial process in respect of an offence under the Act.

3.2: QUALIFICATION AND APPOINTMENT OF SUPPORT PERSONS:

3.2.1 : *Appointment of support person*

i. The appointment of a support person is deemed mandatory in all POCSO cases, unless and until the child victim or their legal guardian provide a written statement clearly stating their preference not to avail the services of a support person.

ii. In the event that the child victim or their legal guardian choose not to have a support person, written statement should include reasonable grounds for their decision.

iii. The decision to forgo the assistance of a support person must be

made freely, without any form of coercion or undue influence.

iv. CWC to ensure mandatory counseling is provided to the victim or their legal guardian by counselors authorized by the CWC prior to arriving at a decision in this regard.

v. The decision not to appoint a support person should prioritize the best interests and comfort of the child victim, ensuring their rights and emotional well-being are upheld.

vi. That incase a victim is unwilling to take a support person, then the same unwillingness shall be communicated by the Child Welfare Committee (CWC) to the Trial Court through the prosecutor.

3.2.2 QUALIFICATION FOR SUPPORT PERSON:

Any person with a post graduate degree in Social Work or Sociology or Psychology or Child Development OR a graduate with minimum three years of experience in child education and development or protection issues.

Provided that in accordance with Rule 5(6) of the POCSO Rules 2020, an entity qualified to act as a Support Person may also include an organization actively engaged in the realm of child rights or child protection. Additionally, an official associated with a children's home or shelter home responsible for the custody of the child may also be eligible to apply as a Support Person.

3.2.3 : PROCESS FOR EMPANELMENT OF SUPPORT PERSONS:

i. ADVERTISEMENT: For the purpose of empanelment or

engagement of Support Persons, an advertisement maybe published on the official website as well as leading newspaper for purpose of calling applications.

ii. **SCRUTINY OF APPLICATIONS:** For the purpose of short-listing of the eligible candidates, the DCPO shall scrutinize eligible applications meeting the criteria and further call the eligible candidates for a personal interview.

iii. **SELECTION COMMITTEE:** For the purpose of conducting personal interviews, a Selection Committee shall be formulated by the Quorum comprising of any three (3) of the following functionaries–

i. Ld. Special Judge (POCSO)

ii. District Magistrate or his representative not below the rank of Additional District Magistrate.

iii. Chairperson, Child Welfare Committee

iv. Subject Expert –

i. Head of Government District Mental Health Program/HOD of Government College Psychology/Sociology Department.

ii. District Education Officer, Principal DIET, CMHO, Renowned Experts in the field of Psychiatry and Psychology.

v. DCPO; as the Convener of the Committee

iv. **INTERVIEW:** All the short-listed eligible candidates shall becalled for a personal interview which shall be conducted by the afore-stated Selection Committee. The Selection Committee shall

evaluate on the basis of qualification and experience of working with children and personal interaction of the applicant and recommend a panel of the names for the position of Support Persons.

v. SELECTION/EMPANELMENT:

a. The DCPO shall empanel the selected candidates on the recommendations of the aforesaid Selection Committee.

b. The DCPO on receipt of application, may also empanel existing staff such as Anganwadi Workers/Supervisors, Child-line workers as Support Person. The said charge maybe given, in addition to their existing assignment provided they meet the pre-requisite criteria for such empanelment and are selected post interview as mandated in the aforesaid regulations.

vi. TERM OF ENGAGEMENT/EMPANELMENT: The selected Support Persons shall be engaged for a period of three years which shall be yearly reviewed by the DCPO and shall be extended beyond 3 years on the basis of the recommendation after review conducted by the DCPO. The said recommendation must be approved by the District Magistrate.

vii. REMUNERATION OF SERVICES OF SUPPORT PERSONS:

a. **Monthly Allowance:** The Support Person shall submit a report at the end of each month to the DCPO for review and remuneration as prescribed in Form A. (The Remuneration

for the services of a support person whose name is enrolled in the register maintained under rule 5(1) or otherwise, shall be made by the State Government from the Fund maintained under Section 105 of the Juvenile Justice Act, 2015 (2 of 2016), or from other funds placed at the disposal of the DCPU.)

- Any support person engaged for the purpose of assisting a child under this Act, shall be paid on a pro-rata basis, determined by the number of days worked or in-person visits conducted to locations such as Hospitals, Child Welfare Committee, police station, childcare institutions, the victim's family, educational institution, court, government department, banks etc. The Monthly remuneration based on assigned cases, shall be prescribed by the State Government, but which shall be calculated in a prorated manner basis the amount prescribed for a skilled worker under the Minimum Wages Act, 1948 (11 of 1948).
- Further, if a person empaneled as a support person has not been assigned any case or has not been providing support to a child, he/she shall not be entitled to claim remuneration.

b. Travel Allowance: The support person shall be provided reimbursement as per actuals for the travel undertaken with the minor victim on production of bills duly verified by CWC.

viii. **RATIO FOR EMPANELMENT OF SUPPORT PERSONS:** The empanelment of Support Persons shall be in the Ratio of 1:10 of the number of cases in each district. However, Support Persons shall not handle more than 10 cases at a time. The CWC shall consider the following factors while assigning cases to Support Persons:

a. Cases from the same Police Station to be assigned to the same Support Person, as far as possible.

b. In case where the number of cases exceeds the number of available Support Person, then at the discretion of CWC and under the order of District Magistrate, the number of cases assigned may be increased, but in any event not exceeding 20 cases per Support Person.

ix. **GENDER CONSIDERATION ASSIGNMENT:** While assigning a Support Person, consideration maybe given to a female victim if a request has been put forth for a female support person by the victim herself or her family member. Subsequently, in cases involving a male child victim, consideration maybe given to the male victim if a request for a male support person is made by the victim himself or his family member.

x. **BACKGROUND VERIFICATION OF SUPPORT PERSONS:** Once the Support person is shortlisted, a thorough background verification of the Support Person shall be mandatorily conducted by the DCPO before empanelment of the Support Person. This shall involve Police Verification for the purpose of criminal background check.

3.2.4: DUTIES OF DCPO FOR MAINTAINING DATABASE OF SUPPORT PERSONS:

i. The District Child Protection Officer shall also be responsible to enlist and delist the details of all the Support persons empaneled by the said district on the NCPCR's **"POCSO Tracking Portal"** for maintaining all India database of Support persons, Counsellor, translators, and interpreters. Further, the DCPO shall also be responsible to enlist and delist the details of Support Persons on the Commission's portal who have been freshly engaged or have been terminated from the services.

ii. The DCPO shall also be responsible to update and maintain the records of support persons along with the assigned cases on the designated portal.

iii. The State Commission for Protection of Child Rights (SCPCR) shall be the monitoring authority at the State Level for ensuring proper execution of these duties by the DCPO.

3.2.5: PROCEDURE FOR ASSIGNING OF CASES AS SUPPORT PERSONS BY CWC:

Any person, who has been empaneled and engaged as a support person of the respective DCPU, shall be assigned cases as a support person by the Child Welfare Committee. Such assignment shall be made in the following manner:

i. in accordance with sub-rule (7) of rule 4, to render assistance to the child through the process of investigation and trial including post-trial stage such as appeal, or to any other person

assisting the child in the pre-trial or trial process in respect of an offence under the Act;

ii. The CWC, on receiving a report under sub-section (6) of section19 of the Act or on the basis of its assessment made under sub- rule (5), and with the consent of the child and child's parent or guardian or other person in whom the child has trust and confidence, may provide a support person to render assistance to the child in all possible manner throughout the process of investigation and trial, and shall immediately inform the SJPU or Local Police about providing a support person to the child.

iii. The CWC assigning a case of a minor victim must consider the needs and requirement of child on the basis of education, psychological needs, family condition, legal assistance, and awareness, as well as logistical factors such as distance from the minor's residence to Court, hospital etc.

3.3 : DUTIES OF SUPPORT PERSONS:

The child and family should be protected from external pressure and supported in their journey within the criminal justice system. A trained support person can ease the child and family's journey through the criminal justice and child protection systems. As the support person can provide information and updates the child and his family from time to time, facilitates emotional and psychological support and assists with rehabilitation. Hence, the support person becomes a vital liaison between stakeholders, the child, and the family by assisting them through the various stages of the case.

The duties of Support persons are:

a. Ensuring the continuation of education, including facilitating a change of school if required in the best interest of the child if the incident occurred at school, and obtaining the victim's last attendance records.

b. Assessing the presence of any threat, coercion or pressure and invoking victim/witness protection scheme as necessary.

c. Identifying if the child is in need of care and protection and alerting the CWC if the child should be moved to Child Care Institutions.

d. Ensuring the relocation of the victim, if required.

e. Conducting regular home visits to the child survivor.

f. Identify any specific requirements the child might have due to his/her disability and ensure these needs are met throughout the process.

g. To raise the concern in case the child friendly procedures (*inter-alia* child friendly court procedures) are not followed.

h. Informing the CWC in monthly report if the witness turns hostile, which shall thereafter be shared with the prosecution and the trial court. Failure to report such instances shall lead to inquiry against the corresponding Support Person.

i. Maintain confidentiality of all information pertaining to the child.

j. Addressing any concerns, the child and the family may have.

k. Accompany the child during statement recording, medical examination and trial. Accompanying the child victim to court,

particularly for compensation, bail, and prosecution evidence etc.

l. From the day support person is appointed, it is his duty to facilitate the child with medical assistance and treatment, counselling to come out of the trauma, and inform the victim about the availability of the legal aid assistance through DLSA, and the provision of interim compensation for medical and other expenses.

m. Address safety concerns that the child may have concerning the accused.

n. For a child without parental/familial support, the support person canplay the major role by providing the assistance and access to protection, rehabilitation, reintegration, healing and justice to the child by informing and getting recommendations from CWC and concerned authorities.

o. Provide information promptly to the child and the family about the procedural steps involved in a criminal prosecution, which includes but is not limited to:

    (i) the availability of public and private emergency and crisis services.;

    (ii) provision of private counsel as per Section 40 of the POCSO Act.

    (iii) the procedural steps involved in a criminal prosecution;

    (iv) the availability of victim's compensation benefits;

    (v) the status of the investigation of the crime, to the extent it is appropriate to inform the victim and to the extent that it will not interfere with the investigation;

    (vi) the arrest of a suspected offender;

(vii) the filing of charges against a suspected offender;

(viii) the schedule of court proceedings that the child is either required to attend or is entitled to attend;

(ix) the bail, release or detention status of an offender or suspected offender;

(x) the rendering of a verdict after trial; and

(xi) the sentence imposed on an offender.

p. Submit monthly updates to the CWC on the child's well-being, including physical, emotional, and mental health, collaborate with medical facilities for necessary care, and facilitate the child's education, potentially relocating them to a new school as needed.

q. The Support Person appointed shall be unbiased and impartial and shall disclose any real or perceived conflict of interest and shall render a complete and accurate interpretation or translation without any additions or omissions, in accordance with section 282 of the Code of Criminal Procedure, 1973 (2 of 1974).

r. For the purpose of tracking, and monitoring of each case assigned to him on the NCPCR's "POCSO Tracking Portal", the Support Person shall be provided with login credentials so as to facilitate the process of rehabilitation and upload the status on the portal.

s. The Support Person shall in coordination with the CWC, police and DCPU, take appropriate steps for the child's safety and security.

t. While dealing with the incest cases, the support person shall assist the child and the family in finding alternate residences and

will make efforts to connect child with people who can provide support and facilitate relocation.

u. The support person, with the help of DLSA or public prosecutor, shall submit an application to the appropriate authority for the relocation of the victim and their family, if required.

v. The Support Person shall seek immediate assistance of CWC or the police if he believes that the child is under the influence of the accused and/or their associates and also intimate the same to the Court.

w. The Support Person shall assist the child in accessing facilities such as education, health services, and public distribution system.

x. That in cases where the child is pregnant, the Support Person shall connect the child with the hospitals to address to the child's healthcare needs. In cases where the child has contacted or is infected by Sexually Transmitted Infections or has become HIV positive then the support persons can connect the child to services and organizations with necessary expertise.

y. Normalization of the child's routine could often mean resuming education. The support person shall ensure that the child resume his or her studies and get the child enrolled for education by ascertaining when the child is ready to resume school and facilitate the same. If the child has dropped out of school, the same must be discussed and resolved, by encouraging the child to resume education. Support Persons can assist the child in accessing the Education Department's sponsorship programs.

z. A support person shall also assist the child in obtaining admission in government-run schools or private school as per

need and requirement. The Support person shall also educate the family and the child regarding the child's right to receive free and compulsory education till completion of elementary education under the Right to Education Act, 2009.

aa. In case of financial difficulty, support persons may connect the child and his/her family with philanthropic organizations or individuals willing to sponsor the child or refer to the government scheme in their region to fund their education, etc. while maintaining utmost confidentiality.

bb. In cases where the child is not keen or is reluctant to resume school, the support person shall connect the child with vocational training/skill development center that help develop a skill that enables the child's financial independence.

cc. Support person shall facilitate the family or the minor victim to obtainidentity documents like Aadhar, PAN card, ration card, BPL card, and open bank accounts in coordination with and assistance from the CWC/ DCPU/CCI.

dd. The Support Person shall assist the families in collecting documents related to the case, such as copies of the FIR, medical reports, statements, and charge sheet.

ee. The Support Person to ensure Form A and B of POCSO Rules 2020 have been duly filled and submitted by Special Juvenile Police Unit (SJPU) before CWC and the victim and family are aware of the entitlements to receive information and services mentioned in Form A.

3.4. REHABILITATION OF VICTIM OF CHILD SEXUAL ABUSE

To ensure proper rehabilitation of the victims of child sexual abuse the Support person shall keep real time tracking of the victim on the NCPCR-–POCSO Tracking Portal which shall ensure the overall accountability of each stake holder and victims be provided with care and protection as per their individual cases as the process of rehabilitation is a complex process that requires a multidisciplinary approach from the day the incident has takes place or reported since children are more prone to suffer from trauma, anxiety, depression, and other psychological and emotional issues. Hence, making it even more necessary to put in place a suitable Rehabilitation Plan for every child who is a victim under the Act. This plan must be developed keeping in mind the basic details as well as social background of the child.

Steps to be initiated for rehabilitation:

i. When an incident of sexual abuse comes to the knowledge of the school/counselor/hospital or is reported to the police or SJPU, the same must be informed/reported to the concerned CWC within 24 hours.

ii. To cater to the well-being of a child victim of sexual abuse and to reduce the stress of the child which he/she has to undergo the CWC shall appoint a Support Person to assist the child and family in navigating not only in the criminal justice process, but also in the rehabilitation of the child.

iii. After assigning a case to support person the DCPO shall update the details on portal of NCPCR and the DCPO shall provide

access to the case assigned to the Support Person.

iv. Once the support person is informed about a case, he shall ensure that the child's care, protection, and other needs, if any, are brought to the attention of the CWC and other relevant authorities.

v. As per the Act and Rules, upon the registration of FIR/complaint with the police the statement of the child under section 164 CrPC shall be recorded and be provided with immediate medical assistance, if at all needed and should be medically examined and treated. The victim should be produced before the concerned CWC within 24 hours and the CWC should appoint the support person for the child to provide all the assistance.

NCPCR'S POCSO TRACKING PORTAL: The Commission in pursuance of its role of monitoring the implementation of the Act as laiddown under Section 44 of POCSO Act 2012 and Rule 12 (1)(c),(f) and (g) of POCSO Rules, 2020 and understanding the need of having a dedicated system to monitor in real time monitoring of facilitation of services to the victims, the requirement of a dedicated portal for such purpose was realized.It was envisioned that there is a need for real time tracking of cases of victims of child sexual abuse and which facilitates them with services such as victim compensation and rehabilitation for their care and protection. However, it is pertinent to inform that the database of the said portal is not accessible for public and no information as provided on the portal shall be available in the public domain and only authorized authorities can only access the information after obtaining login credentials.

The said portal has five steps. These five steps have been developed in a manner to ensure that the overall accountability of each stakeholder be tracked, and victims be provided care and protection as per their individual cases. The five steps include:

i. Step 1: This includes the details of the case.

ii. Step 2: This includes the details of the case which includes a Social Investigation Report of the victim. It is pertinent to mention that this step involves the Stakeholder to provide details regarding requirement of child with respect to support persons, translators, interpreter etc.

iii. Step 3: This step caters to Individual Care Plan

iv. Step 4: This step deals with the rehabilitation plan wherein a child is linked with schemes and compensation.

v. Step 5: This step sends the application of the child victim to CWC and DLSA for subsequent processing, ensuring immediate special relief in accordance with POCSO Rule 7 and victim compensation Rule 9.

To ensure the proper rehabilitation of child sexual abuse victims, the Support Person shall maintain real-time tracking of victims on the aforementioned portal. This measure is intended to guarantee overall accountability among stakeholders, ensuring the care and protection of victims. **Furthermore, the State Commission for Protection of Child Rights (SCPCR) shall be the State level monitoring authority over cases assigned to Support Persons from the pre-trial stage through the completion of the trial and awarding of**

compensation.

3.5. REVIEW OF SERVICES OF SUPPORT PERSONS:

i. The DCPO shall conduct a yearly review of the support person which includes review with respect to handling and management of the cases assigned, successful rehabilitation of the victim minor etc. The DCPU shall thereafter submit its report to the concerned District Magistrate/ District Officer deputed by the District Magistrate, who shall be the final reviewing authority. The District Magistrate shall take necessary action after review. However, at the time of renewal of contract of the Support person, which shall be after 3 years, the renewal shall be based on the basis of the report of the review of all three years.

ii. That in case of any complaint by the victim or by the victim's family or by any other person against the Support Person or in cases where the witness has turned hostile, an inquiry shall be initiated against the support person by the DCPO and the DCPO after giving an opportunity to both the parties to be heard in the matter equally, the DCPO shall submit its report of the inquiry initiated to the District Magistrate. The said inquiry shall be completed and disposed of with 15 days of receiving such complaint and the Support Person during the course of inquiry shall remain suspended from the engagement.

3.6. TERMINATION OF ENGAGEMENT OF SUPPORT PERSONS

i. The empanelment of the support person may, at any point of time, be terminated by the DCPO upon completion of its inquiry and submission of its inquiry report to the District Magistrate. The

District Magistrate shall be the final approving authority against termination;

ii. The empanelment of the support persons may be terminated incases where the services provided by the support persons is found unsatisfactory in the yearly Review report submitted by the DCPO to the District Magistrate;

iii. In the event of termination of the Support person, CWC shall immediately appoint another support person for the victim.

3.6.1: GROUNDS FOR TERMINATIONS

i. Upon the child's request.

ii. Breach of trust or unethical/immoral conduct guidelines.

iii. Unsatisfactory performance that significantly affects their ability to fulfill their roles and responsibilities effectively.

iv. Any behavior or action that is detrimental to the best interests and welfare of the child or the family if proved in the inquiry.

Persistent non-confirmation of duties or inability to submit the monthly report.

3.7: INDUCTION TRAINING OF SUPPORT PERSONS

The Support Persons must be mandatorily trained in the following aspects before starting interventions in cases:

- Mandatorily refresher training of the support person
- Provisions of POCSO Act, Rules
- Specific roles and responsibilities as a support person in POCSO cases
- Understanding of psychological first aid, and basic counseling with dos and don'ts
- Understanding the rights and entitlements of victim and family and how to access them.
- Rights and responsibilities of a support person
- Understanding how to deal with media personnel including social media and media spotlight in POCSO cases without revealing the identity of victim/family.
- Understanding measures to be undertaken in cases involving child pornography
- In dealing with situations of victim/family facing threat, coercion or force
- Facilitating protection and re-location with the help of police when victim/family is facing hostility/inducement etc.

Facilitating monetary relief including immediate/interim/final compensation to victim in the form of victim compensation

3.8: GRIEVANCE REDRESSAL MECHANISM

i. **Grievance Redressal Authority**: The District Magistrate shall be the Grievance Redressal Authority. All complaints against the Support persons shall be made to the District Magistrate, who shall resolve them. The District Magistrate shall dispose of the said complaint within a period of one month from the date of receipt of such complaint.

ii. **Appeal:** All appeals against the resolution of complaint passed by the District Magistrate shall lie with the State Commission for Protection of Child Rights.

3.9: MONITORING AND IMPLEMENTATION OF THE GUIDELINES

i. The SCPCR shall be the State Level Monitoring Authority of the guidelines and the NCPCR shall be the National Level Monitoring Authority for the implementation of the said guidelines.

ii. SCPCR shall assess the effectiveness of the Support Persons' engagement in accordance with the established model guidelines.

iii. The NCPCR, shall prepare a training module in consultation with the State Child Protection Society for effective implementation.

FORM A

Monthly Report by support person

1. **CASE INFORMATION**

i.	**FIR/DD. NO**	
ii.	**U/section**	
iii.	**Police station**	
iv.	**Date and time**	
v	**CWC Case no.**	
vi	**CWC name and address**	
vii	**Name and number of I.O**	

2. **SOCIAL BACKGROUND OF THE CHILD**

i.	**Name:**	
ii.	**Father/Mother/Guardian's name**	
iii.	**Age/ Date of birth**	
iv.	**Address**	
v	**Religion (i) Hindu (OC/ BC/ SC/ ST) (ii) Muslim/ Christian/ Other (pl. specify)**	
vi.	**Whether the child is differently abled: (i) Hearing Impairment (ii) Speech Impairment (iii) Physically disabled (iv) Mentally disabled (v) Others (please specify):**	
vii.	**Family History**	
viii.	**Economic Category**	
xi.	**The details of education of the child: (i) Illiterate (ii) Studied up to V Standard (iii) Studied above V Standard but below VIII Standard (iv) Studied above VIII Standard but below X Standard(v) Studied above X Standard**	

x.	**Name of the Support Person**	
xi.	**Date of Referral**	
xii.	**Date of First Visit**	

3. **No. of Visit Done:**

4. **BRIEF OF THE VISIT:**

5. **ASSESSMENT REPORT**

i.	**Psychological need**	
ii.	**Medical need**	
iii.	**Financial need**	
iv.	**Educational need**	
v.	**Legal need**	
vi.	**Any other need**	

OBSERVATIONS AND RECOMMENDATIONS:

Date of submission:

W.P. (C) No. 427/2022 titled "Bachpan Bachao Andolan v. Union of India and Ors."

District-wise Data regarding Support Persons under Section 39 of the Protection of Children from Sexual Offences Act, 2012

Name of SLSA	Number of DLSAs in the State	Whether Support Persons for child victims under Section 39 of the POCSO Act, 2012 have been empanelled in all the Districts?	If no, mention the number of districts in which there are no Support Persons	Reasons for non-empanelment	Name of DLSA	Number of Support Persons Empanelled in the District	Name of Support Person(s)	Whether the Special Court constituted under the POCSO Act has been informed of the details of the empanelled Support Persons?