TELANGANA STATE LEGAL SERVICES AUTHORITY, HYDERABAD.

VICTIM OF SEXUAL OFFENCE UNDER POCSO ACT

KNOW YOUR RIGHTS • SEEK PROTECTION • GET JUSTICE

Who is a Victim under the POCSO Act?

The Protection of Children from Sexual Offences Act, 2012 (POCSO Act) protects every child below the age of 18 years from sexual assault, sexual harassment and pornography.

A child who has suffered physical, mental or emotional harm as a result of a sexual offence is a victim and is entitled to protection, care, assistance, rehabilitation and access to justice in accordance with law.

The law places the best interests and well-being of the child at the forefront.

WHAT ARE THE RIGHTS OF A CHILD VICTIM?

A child victim of a sexual offence has important rights throughout the investigation, medical examination and trial.

1. Right to Dignity and Child-Friendly Treatment

The child must be treated with dignity and with sensitivity. The child's safety and emotional well-being must be given due importance.

2. Right to Privacy and Confidentiality

The identity and personal details of a child victim must be protected. The identity of the child should not be disclosed in violation of the law.

3. Right to a Child-Friendly Procedure

The POCSO Act provides special safeguards so that the child does not face unnecessary hardship or trauma during the investigation and trial.

4. Right to Assistance of a Person of Choice

The child and family may receive appropriate assistance and support during the legal process, as provided under the POCSO Act and Rules.

5. Right to Legal Assistance

A child victim is entitled to legal assistance. Where the child or family requires legal aid, the Legal Services Authorities can provide assistance through a lawyer free of cost to eligible persons.

6. Right to Medical Care

The child is entitled to necessary medical examination and treatment. Medical care should be provided in a child-sensitive manner.

7. Right to Protection

The child must be protected from intimidation, harassment and unnecessary contact with the accused, as provided by law.

8. Right to Compensation and Rehabilitation

A child victim may be entitled to compensation for physical or mental trauma and for immediate or long-term rehabilitation.

WHETHER A CHILD VICTIM OF SEXUAL ASSAULT UNDER POCSO ENTITLED TO COMPENSATION?

YES.

The POCSO Act, 2012 specifically recognizes the right of a child victim to compensation.

Under Section 33(8) of the POCSO Act, the Special Court may, in addition to the punishment for the offence, direct payment of compensation to the child for the physical or mental trauma caused to the child or for immediate rehabilitation.

The POCSO Rules, 2020 further provide a framework for providing support and compensation to child victims.

IMPORTANT

Compensation is intended to help the child to cope with the consequences of the offence and to support rehabilitation and recovery.

Compensation can be considered irrespective of whether the child or family is financially capable of meeting the expenses. The entitlement and amount are determined in accordance with the applicable law, rules and compensation scheme.

HOW CAN A CHILD VICTIM GET COMPENSATION?

STEP 1 - REPORT THE OFFENCE

The offence should be reported to the police or other competent authority in accordance with law.

STEP 2 - SEEK IMMEDIATE MEDICAL CARE

If medical assistance is required, the child should be taken for immediate medical examination and treatment.

STEP 3 - INFORM THE SPECIAL COURT / LEGAL SERVICES AUTHORITY

The child's need for compensation can be brought to the notice of the Special Court and the appropriate Legal Services Authority.

STEP 4 - APPLICATION / RECOMMENDATION FOR COMPENSATION

The competent authority considers the child's circumstances, injury, trauma, rehabilitation needs and other relevant factors under the applicable law and scheme.

The Special Court may award compensation under the POCSO Act.

The Legal Services Authority may also assist the child in accessing compensation under the applicable victim compensation framework.

STEP 5 - PAYMENT AND REHABILITATION

Once compensation is sanctioned, the amount is disbursed in accordance with the applicable Law, rules and directions in force.

The purpose is to ensure that the child receives appropriate support for rehabilitation, treatment, education and recovery, as applicable.

WHAT IF THE CHILD CANNOT AFFORD A LAWYER?

FREE LEGAL AID IS AVAILABLE

A child victim of a POCSO offence can seek free legal services through the Legal Services Authorities.

The Telangana State Legal Services Authority (TSLSA) and the District Legal Services Authorities (DLSAs) can assist eligible persons by providing legal aid and guidance.

Legal aid may include:

Free legal advice and consultation;

Providing an advocate to represent the child;

Assistance before the POCSO Special Court;

Assistance in seeking compensation;

Assistance in filing necessary applications;

Guidance regarding rehabilitation and support services; and

Assistance in protecting the legal rights and interests of the child.

HOW TO GET FREE LEGAL AID FROM TSLSA?

1. Approach the nearest DLSA

The child, parent, guardian, caregiver or person assisting the child may approach the District Legal Services Authority (DLSA) of the concerned district.

2. Contact the Legal Services Institutions

Legal aid is available through the Legal Services Authorities and their institutions functioning across Telangana.

3. Ask specifically for POCSO Legal Aid

Inform the Legal Services Authority that the matter concerns a child victim under the POCSO Act and that legal assistance and, where applicable, compensation assistance is required.

4. No Fee for Eligible Legal Aid

Legal services provided under the Legal Services Authorities Act to eligible persons are free of cost.

A CHILD VICTIM MUST NEVER BE BLAMED

A child who has suffered sexual abuse is not responsible for the offence committed against them.

The responsibility lies with the offender.

Children and their families should not be afraid to seek help. Early reporting, medical care, counselling, legal assistance and rehabilitation can help protect the child and secure justice.

REMEMBER

EVERY CHILD HAS THE RIGHT TO BE SAFE.

EVERY CHILD VICTIM HAS THE RIGHT TO DIGNITY.

EVERY CHILD VICTIM HAS THE RIGHT TO LEGAL ASSISTANCE.

A CHILD VICTIM OF A POCSO OFFENCE MAY CLAIM COMPENSATION.

LEGAL AID IS AVAILABLE THROUGH TSLSA AND DLSAs.

DO NOT REMAIN SILENT.

PROTECT THE CHILD. REPORT THE OFFENCE. SEEK LEGAL AID. SEEK JUSTICE.

Access to Justice for All

For Free Legal Aid, Victim Compensation Assistance and Legal Guidance:

Approach the nearest District Legal Services Authority (DLSA) / Legal Services Institution.

TELANGANA STATE LEGAL SERVICES AUTHORITY, HYDERABAD.

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