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Crl. A. No.1443 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 29.04.2026

DELIVERED ON: 02.06.2026

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl. A. No.1443 of 2025

XXXX (Female/42)

YYYY

YYY, Vellore.

..Appellant/Guardian of 3 victim children

vs.

1. State rep. by
The Inspector of Police
All Women Police Station
Vellore, Vellore District
(Crime No.6/2019)

2. Hidayatullah Khan

3. Hafeezullah Khan

4. Kalimulla Khan

5. Mumtaz Begum

Respondents

Criminal Appeal filed under Section 413 of BNSS/Section 372 of Cr.P.C. against the judgment dated 29.01.2025 in Spl. S.C. No.113 of 2021 rendered by the Sessions Judge, Special Court of Exclusive Trial of Cases under the POCSO Act, 2012, Vellore District, only to the extent it fails to provide compensation to the victim children and consequentially, provide the victim children with sufficient compensation as stipulated under Rule 9 of the POCSO Rules, 2020.

For appellants
For respondent

Ms.Deepika Murali
Ms.J.R.Archana
Government Advocate (Criminal Side) for R1



JUDGMENT

The instant criminal appeal is filed by the guardian of the three victim children, all of whom are males, (hereinafter referred to as “the appellant”) seeking to set aside the judgment dated 29.01.2025 passed by the Special Court of Exclusive Trial of Cases under the POCSO Act, 2012, Vellore District (hereinafter referred to as “the Trial Court”), in Spl. S.C. No. 113 of 2021 (hereinafter referred to as “the impugned judgment”), to the limited extent that it fails to provide compensation to three victim children, besides seeking sufficient compensation as stipulated under Rule 9 of the POCSO Rules, 2020.

2. In this case, private notice was ordered to the respondents 2 to 5 and affidavit of service was also filed. However, none entered appearance. Having gone through the scope of the appeal as aforesaid, this Court finds that the issue involved in this case lies in a very narrow compass *i.e.*, only in respect of non-awarding of sufficient compensation by the Trial Court to the victim children and thus, it is a matter between the appellant and this Court and hence, this Court deems that hearing the respondents 2 to 5 is not required.

3. For the sake of convenience, the parties to this appeal will be adverted to as per their rank in this criminal appeal.



4. *Vide* the impugned judgment, the Trial Court convicted the respondents 2 to 5 and sentenced them as tabulated below:

Rank	Penal Provision	Substantive sentence of imprisonment	Sentence of fine
R2/A1	Section 5(i) 5(m), 5(n) r/w. Section 6 of the POCSO Act, 2012	20 years rigorous imprisonment	Rs.1,50,000/-, in default, to undergo six months of rigorous imprisonment.
R3/A2	Section 5(i) 5(m), 5(n) r/w. Section 6 of the POCSO Act, 2012	20 years rigorous imprisonment	Rs.1,50,000/-, in default to undergo six months of rigorous imprisonment.
R4/A3	Section 12 of the POCSO Act, 2012	3 years rigorous imprisonment	Rs.30,000/-, in default, to undergo six months of rigorous imprisonment.
R5/A4	Section 12 of the POCSO Act, 2012	3 years rigorous imprisonment	Rs.30,000/- in default, to undergo three months of rigorous imprisonment.

5. Further, the Trial Court, noting that an interim compensation of Rs.25,000/- was already ordered to be paid to each of the three victim children *vide* common order dated 17.04.2021 in C.M.P. Nos. 508 to 510 of 2020, did not award any further compensation *vide* the impugned judgment. However, the Trial Court ordered that the fine amount, if paid by the respondents 2 to 5 is to be proportionally disbursed to the bank account of the three victim children.

6. The case of the prosecution, in a nutshell, is as follows:

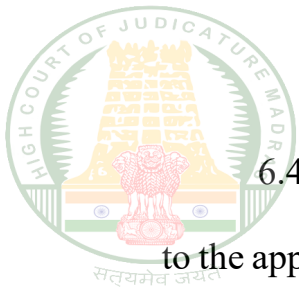
6.1 The appellant married the second respondent in the year 2006 and thereafter, in the year 2011, the appellant's sister married the third respondent, who is the brother of the second respondent. The appellant had two children



through her wedlock with the second respondent and the appellant's sister had one child through the wedlock with the third respondent and for the sake of convenience, these three children are collectively referred to as the victim children. The appellant, the appellant's sister, the second and third respondents and the victim children were residing together in Riyadh, Saudi Arabia.

6.2 While so, the appellant, in the year 2018, caught the third respondent showing pornographic material to the victim children. When the appellant enquired about the same to the second respondent, he refused to confront the third respondent. The appellant, thereafter, uncovered that the second respondent was having illegal affairs with multiple women.

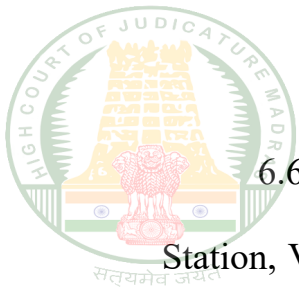
6.3 Hence, in 2018, the appellant decided to return to India with the victim children. As they were preparing to return to India, the appellant identified a burn injury on her younger son and enquired with him as to the reason for the injury. However, the appellant's younger son refused to disclose anything. Hence, the appellant enquired with her sister's son and learnt that the second and third respondents had, by giving them stupefying agents, forced the victim children to cooperate for sex and that since they did not extend their cooperation, the second and third respondents had caused burn injuries to the victim children, thereby ensuring their cooperation.



6.4 Thereafter, the appellant, her sister and the victim children returned to the appellant's parents' house at Vellore with the help of the appellant's brother.

The second and third respondents also returned to Vellore and convinced the appellant's parents and took the appellant, her sister and the victim children to their residence at Villupuram. The house of the fourth respondent (brother of respondents 2 and 3) and the fifth respondent (mother of respondents 2 to 4) in Villupuram was opposite to that of the second and third respondents and whenever the appellant would take her medication and sleep, the second and third respondents would take the victim children to the house of the fourth and fifth respondents wherein they would commit penetrative sexual assault on them.

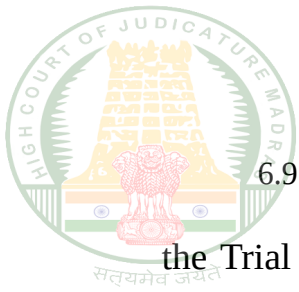
6.5 In the year 2019, the second and third respondents left for Riyadh, Saudi Arabia, and the appellant took the victim children back to her parents' residence in Vellore. The victim children immediately thereafter started complaining of pain and burning sensation in their anus and genitals. Therefore, the appellant, on 01.04.2019, took them to a hospital at Vaniyambadi where the appellant was informed that the victim children were subject to penetrative sexual assault and they had injuries in their anus owing to which they needed both medical treatment and psychological counselling. From there, the victim children were sent to the CMC, Vellore, for medical examination on 05.04.2019.



6.6 Hence, the appellant gave a complaint before the All Women Police Station, Vellore, on 06.04.2019, pursuant to which, a case in Cr. No. 6 of 2019 was registered and the statements of the victim children were recorded on 11.04.2019. Thereafter, the Investigating Officer (P.W.13) completed the investigation and filed a final report on 03.09.2021 before the Trial Court for the offences under Sections 5(i), 5(m), 5(n) and 5(l) of the POCSO Act.

6.7 The copy of the final report and other documents were supplied to the respondents 2 to 5 under Section 207 of Cr. P.C. Thereafter, the Trial Court framed charges against the second and third respondents for having committed the offences under Section 5(i), 5(m) and Section 5(n) r/w. 6 of the POCSO Act and charges against the respondents 4 and 5 for having abetted the offences under Section 17 r/w. 6 of the POCSO Act. When the charges were read over and explained to the respondents 2 to 5, they pleaded not guilty.

6.8 In order to prove the prosecution case, the prosecution examined 14 witnesses and marked 20 documents. Thereafter, when the respondents 2 to 5 were questioned under Section 313 of Cr.P.C. on the incriminating circumstances appearing against them, they denied the same. In order to prove their case, they examined 5 witnesses and marked 27 exhibits. Further, four material objects also were marked.



6.9 On the strength of the oral and documentary evidence let in before the Trial Court and hearing the learned counsel on either side, the Trial Court found the evidence of the victim children to be consistent with the medical evidence to show and corroborate that the respondents 2 and 3 had committed aggravated penetrative sexual assault on the victim children. However, the Trial Court found that the victim children had not mentioned the name of the respondents 4 and 5 when they informed the doctors as to the persons who committed penetrative sexual assault. Although the Trial Court found the evidence of the victim children to be insufficient to convict the respondents 4 and 5 for abetment of the offences relating to aggravated penetrative sexual assault, the Trial Court found that the victim children had deposed that the respondents 4 and 5 would dance naked around the victim children and force the victim children to dance naked around them. Therefore, the Trial Court found the respondents 2 and 3 guilty of having committed the offence of aggravated penetrative sexual assault and the respondents 4 and 5 guilty of having committed the offence of sexual harassment. As stated above, the Trial Court, while convicting the respondents 2 to 5, imposed a fine, which was to be disbursed to the victim children. However, the Trial Court refrained from granting compensation to the victim children citing that interim compensation of Rs. 25,000/- was already paid to each of the victim children under common order dated 17.04.2021 in C.M.P.Nos. 508 to 510 of 2020.



6.10. Aggrieved by the impugned judgment, the instant criminal appeal has been filed by the guardian of the victim children on the sole ground that although the Trial Court has rightly convicted the respondents 2 to 5 as stated above, the Trial Court has, however, erred in failing to grant compensation to the victim children as required to be granted as per the rulings in **Nipun Saxena v. Union of India**¹ and **Saibaj Noormohammad Shaikh v. State of Maharashtra**².

7. The learned counsel appearing for the appellant submitted that the Trial Court, having found that the victim children have suffered incestuous aggravated penetrative sexual assault continuously for a long period of time spanning over multiple years and they have developed and are till date suffering from severe post traumatic stress disorder, ought to have awarded sufficient compensation to them.

8. The Trial Court failed to appreciate the necessity for awarding sufficient and appropriate victim compensation and erred in holding that the award of the fine amount alone would be sufficient for the victim children's remedial measure.

9. The learned Government Advocate (Criminal Side) fairly submitted that the Department of Child Welfare and Special Services has no

¹ (2019) 2 SCC 703

² SLP (Crl.) No. 13890 of 2024 decided on 04.11.2024

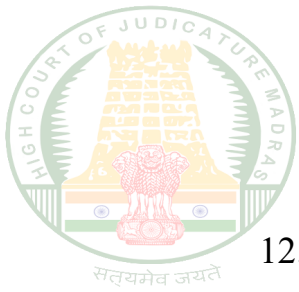


objection in the Court awarding appropriate compensation to the victim children in commensurate with their sufferings.

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10. Heard the learned counsel appearing for the appellant and the learned Government Advocate (Criminal Side) appearing for the first respondent and perused the material on record.

11. From the impugned judgment, this Court finds that the Trial Court has done a threadbare appreciation of the overwhelming evidence in respect of the post-traumatic stress disorder suffered by the victim children. The impugned judgment even goes on to find that persons who suffer from post-traumatic stress disorder tend to have recurrent flashbacks of the events causing such disorder and are therewith often preoccupied by their recollection of such events which, in turn, render it difficult for them to have healthy relationships and lead a normal life. When such are the findings of the Trial Court, the Trial Court ought to have taken them into consideration and ensured that the victim children received adequate compensation for their past and future sufferings arising out of the offence. Besides the sufferings of the victim children, it is also very much necessary and imperative to take into consideration the cost likely to be incurred by them for proper, treatment, therapy and rehabilitation. Hence, this Court finds it difficult to reconcile with the reasons assigned by the Trial Court for finding that the interim compensation and the disbursement of fine amount alone would be suffice for the rehabilitation of the victim children.

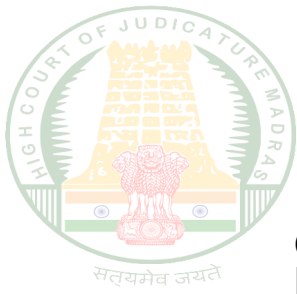


12. Having held so, this Court finds that Section 33(8) of the POCSO Act, 2012 r/w. Rule 9 of the POCSO Rules, 2020, provides that the Trial Court may, in appropriate cases, provide compensation to the victim children after taking into consideration the relevant factors for the grant of such compensation. As per the dictum of the Apex Court in **Nipun Saxena**, *supra* and **Saibaj Noormohammad Shaikh**, *supra*, the Trial Court ought to have granted adequate compensation to the victim children or on the other hand, in the event of not awarding sufficient compensation, ought to have recorded proper reasons therefor.

13. The relevant portion in **Nipun Saxena**, *supra*, reads thus:

“44. In *Bijoy v. State of W.B.* [*Bijoy v. State of W.B.*, 2017 SCC OnLine Cal 417 : 2017 Cri LJ 3893], the Calcutta High Court has given a detailed judgment setting out the reasons while dealing with the provisions of Pocso and held that neither during investigation nor during trial the name of the victim should be disclosed.

45. The Calcutta High Court in *Bijoy* case [*Bijoy v. State of W.B.*, 2017 SCC OnLine Cal 417 : 2017 Cri LJ 3893] has also given other directions to ensure that the provisions of the law are followed in letter and spirit, and the fundamental rights of a child victim and other basic human rights are protected. We are in agreement with all these directions. Though some of the issues dealt with in these directions do not strictly arise in this case, keeping in view the fact that we are dealing with the rights of children, we are annexing the directions issued by the Calcutta High Court as Annexure 1 to this judgment. We request all the Chairpersons and Members of all the Juvenile Justice Committee of all the High Courts in the country to go through the judgment of the Calcutta High Court and the directions issued therein and they may issue similar directions, keeping in view the particular needs of each High Court/State.



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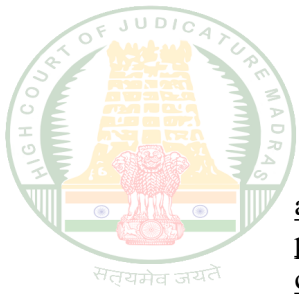
ANNEXURE — 1

(Directions issued by the Calcutta High Court in *Bijoy v. State of W.B.* [Bijoy v. State of W.B., 2017 SCC OnLine Cal 417: 2017 Cri LJ 3893], SCC OnLine Cal para 40)

... 9. The Special Court upon receipt of information as to commission of any offence under the Act by registration of FIR shall on his own or on the application of the victim make enquiry as to the immediate needs of the child for relief or rehabilitation and upon giving an opportunity of hearing to the State and other affected parties including the victim pass appropriate order for interim compensation and/or rehabilitation of the child. In conclusion of proceeding, whether the accused is convicted or not, or in cases where the accused has not been traced or had absconded, the Special Court being satisfied that the victim had suffered loss or injury due to commission of the offence shall award just and reasonable compensation in favour of the victim. The quantum of the compensation shall be fixed taking into consideration the loss and injury suffered by the victim and other related factors as laid down in Rule 7(3) of the Protection of Children from Sexual Offences Rules, 2012 and shall not be restricted to the minimum amounts prescribed in the Victim Compensation Fund. The interim/final compensation shall be paid either from the Victim Compensation Fund or any other special scheme/fund established under Section 357-A of the Code of Criminal Procedure, 1973 (sic) or any other law for the time being in force through the State Legal Services Authorities or the District Services Authority in whose hands the Fund is entrusted. If the Court declines to pass interim or final compensation in the instant case it shall record its reasons for not doing so. The interim compensation, so paid, shall be adjusted with final compensation, if any, awarded by the Special Court in conclusion of trial in terms of Section 33(8) of the Act.”

(emphasis supplied by this Court)

14. The relevant portion in **Saibaj Noormohammad Shaikh**, *supra*, reads thus:



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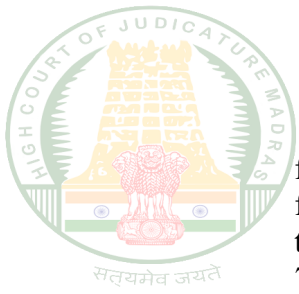
“In the circumstances, we direct that a Sessions Court, which adjudicates a case concerning the bodily injuries such as sexual assault etc. particularly on minor children and women shall order for victim compensation to be paid having regard to the facts and circumstances of the case and based on the evidence on record, while passing the judgment either convicting or acquitting the accused. Secondly, the said direction must be implemented by the District Legal Services Authority or State Legal Services Authority, as the case may be, in letter and spirit and in the quickest manner and to ensure that the victim is paid the compensation at the earliest.”

(emphasis supplied by this Court)

15. Further, it is noteworthy that the Apex Court, very recently, has followed the dictum laid down in **Nipun Saxena, supra**, in **Bhanei Prasad @ Raju v. State of H.P.**³ and had granted a compensation of Rs.10,50,000/- for a victim child who suffered aggravated penetrative sexual assault under the hands of her very own father. The relevant portion in **Bhanei Prasad, supra**, reads thus:

“13. When a father who is expected to be a shield, a guardian, a moral compass, becomes the source of the most severe violation of a child's bodily integrity and dignity, the betrayal is not only personal but institutional. The law does not, and cannot, condone such acts under the guise of rehabilitation or reform. Incestuous sexual violence committed by a parent is a distinct category of offence that tears through the foundational fabric of familial trust and must invite the severest condemnation in both language and sentence. The home, which should be a sanctuary, cannot be permitted to become a site of unspeakable trauma, and the courts must send a clear signal that such offences will be met with an equally unsparing judicial response. To entertain a plea for leniency in a case of this nature would not merely be misplaced, it would constitute a betrayal of the Court's own constitutional duty to protect the vulnerable. When a child is forced to suffer at the hands of her own father, the law must speak in a voice that is resolute and uncompromising. There can be no mitigation in sentencing for crimes that subvert the very notion of family as a space of security.

14. In such exceptional circumstances, this Court cannot rest content with the imposition of penal consequences alone. The arc of constitutional justice, particularly under Article 142, extends beyond punishment to encompass rehabilitation, reparation, and the affirmation of human dignity. As held in **Nipun Saxena v. Union of India**, this Court accepted and directed the implementation of the “Compensation Scheme



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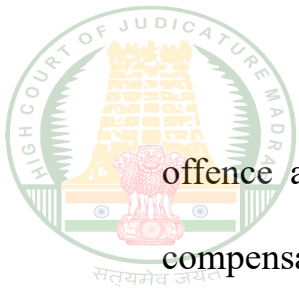
for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018” framed by the National Legal Services Authority. Under the said Scheme, the maximum compensation prescribed for victims of rape is Rs. 7,00,000/- (Rupees Seven Lakhs Only) which is to be enhanced by 50% in cases involving minor victims.

15. Having regard to the age of the victim at the time of the offence, the sustained nature of the abuse, and the constitutional obligation to provide meaningful redress, we direct that a sum of Rs. 10,50,000/- (Rupees Ten Lakhs and Fifty Thousand only) be paid to the victim as compensation as per the Scheme by the State of Himachal Pradesh in the peculiar facts of the case. Though the victim has now attained the age of majority, we are of the considered view that in order to protect her future interest, some amount if ordered to be kept in a fixed deposit, it would secure her best interest. Hence, we direct that a sum of Rs. 7,00,000/- (Rupees Seven Lakhs Only) be kept in a fixed deposit in any nationalised bank for a period of 5 years in the name of the victim and she would be entitled to withdraw the quarterly interest. The balance, Rs. 3,50,000/- (Rupees Three Lakhs and Fifty Thousand Only) shall be paid to her by transferring the said amount to her account, the details of which shall be furnished by her to the Member Secretary, Himachal Pradesh State Legal Services Authority. It is needless to state that on maturity of the fixed deposit, the proceeds thereof shall be transferred to her account, and this process shall be monitored by the Himachal Pradesh State Legal Services Authority.”

(emphasis supplied by this Court)

16. From the above, this Court is inclined to give due weightage to the finding of fact by the Trial Court that the victim children had suffered aggravated penetrative sexual assault from none other than their very own father and paternal uncle, both of whom were entrusted with the primary responsibility of protecting them from perpetrators.

17. Hence, this Court finds that, as strongly emphasised by the Apex Court, incestuous sexual violence committed by a parent is a distinct category of



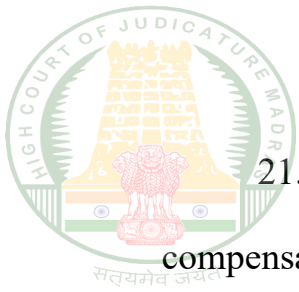
offence and thus, is an exceptional circumstance that mandates the grant of compensation to the victim children.

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18. However, since the Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018, would not be applicable to male children, this Court is inclined to take into account G.O. (Ms) No.33, Department of Social Welfare and Nutritious Meal Programme dated 03.10.2020 and G.O. (Ms) No. 32, Department of Social Welfare and Women Empowerment dated 10.07.2021.

19. On a perusal of the G.O. (Ms) No. 33, *supra*, it is notable that the Tamil Nadu Child Victim Compensation Fund was established and that the minimum and maximum quantum of compensation payable to the victim children was laid down therein. As per the same, the minimum and maximum quantum of compensation for victim children affected by aggravated penetrative sexual assault are Rs.5 lakhs and Rs.10 lakhs respectively.

20. Therefore, while passing the impugned judgment, the Trial Court ought to have considered that the minimum quantum of compensation prescribed to be awarded was Rs.5,00,000/- and accordingly, ought to have awarded, at least, the minimum quantum. However, the Trial Court has erred in this regard.



21. Having found that the Trial Court has failed to provide adequate compensation, this Court finds it necessary to determine the appropriate quantum of compensation and to award the same to the victim children.

22. In this regard, it would be useful to refer to Rule 9 of the POCSO Rules, 2020 and also G.O.Ms.No.33, *supra* and G.O.Ms.No.32, *supra*, in their entirety.

“9. Compensation.-

(1) The Special Court may, in appropriate cases, on its own or on an application filed by or on behalf of the child, pass an order for interim compensation to meet the needs of the child for relief or rehabilitation at any stage after registration of the First Information Report. Such interim compensation paid to the child shall be adjusted against the final compensation, if any.

(2) The Special Court may, on its own or on an application filed by or on behalf of the victim, recommend the award of compensation where the accused is convicted, or where the case ends in acquittal or discharge, or the accused is not traced or identified, and in the opinion of the Special Court the child has suffered loss or injury as a result of that offence.

(3) Where the Special Court, under sub-section (8) of Section 33 of the Act read with sub-sections (2) and (3) of Section 357-A of the Code of Criminal Procedure, 1973 (2 of 1974) makes a direction for the award of compensation to the victim, it shall take into account all relevant factors relating to the loss or injury caused to the victim, including the following:-

(i) type of abuse, gravity of the offence and the severity of the mental or physical harm or injury suffered by the child;

(ii) the expenditure incurred or likely to be incurred on child's medical treatment for physical or mental health or on both;

(iii) loss of educational opportunity as a consequence of the offence, including absence from school due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;



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(iv) loss of employment as a result of the offence, including absence from place of employment due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason;

(v) the relationship of the child to the offender, if any;

(vi) whether the abuse was a single isolated incidence or whether the abuse took place over a period of time;

(vii) whether the child became pregnant as a result of the offence;

(viii) whether the child contracted a Sexually Transmitted Disease (STD) as a result of the offence;

(ix) whether the child contracted Human Immunodeficiency Virus (HIV) as a result of the offence;

(x) any disability suffered by the child as a result of the offence;

(xi) financial condition of the child against whom the offence has committed so as to determine such child's need for rehabilitation;

(xii) any other factor that the Special Court may consider to be relevant.

(4) The compensation awarded by the Special Court is to be paid by the State Government from the Victims Compensation Fund or other scheme or fund established by it for the purposes of compensating and rehabilitating victims under Section 357-A of the Code of Criminal Procedure, 1973 or any other law for the time being in force, or, where such fund or scheme does not exist, by the State Government.

(5) The State Government shall pay the compensation ordered by the Special Court within 30 days of receipt of such order.

(6) Nothing in these rules shall prevent a child or child's parent or guardian or any other person in whom the child has trust and confidence from submitting an application for seeking relief under any other rules or scheme of the Central Government or State Government.”



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Abstract

Social Welfare and Nutritious Meal Programme Department – Creation of “The Tamil Nadu Child Victim Compensation Fund under the Protection of Children from Sexual Offences Act, 2012” with an initial amount of ₹ 2 crore for awarding interim compensation and compensation to the victim children under the Protection of Children from Sexual Offences Act, 2012 – Orders - Issued.

Social Welfare and Nutritious Meal Programme [SW.5(2)] Department

G.O. (Ms) No.33

Dated: 03.10.2020

சார்வரி, புரட்டாசி 17

திருவள்ளூர் ஆண்டு 2051

Read:

- 1 Minute of the Law and Order Meeting held on 26.08.2019.
- 2 From the Commissioner of Social Defence, Letter No.10746/D4/2019, dated 07.01.2020.

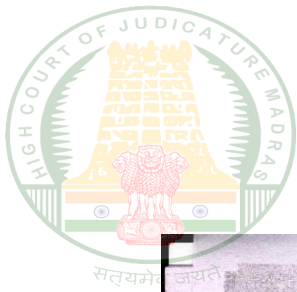
ORDER:

In the letter second read above, the Commissioner of Social Defence has sent a proposal to create “The Tamil Nadu Child Victim Compensation Fund under the Protection of Children from Sexual Offences Act, 2012” as instructed by the Chief Secretary during the Law and Order Meeting held on 26.08.2019. The Commissioner of Social Defence has requested to issue orders to establish a separate fund as **“Tamil Nadu Child Victim Compensation Fund under the Protection of Children from Sexual Offences Act, 2012”** by making initial allocation of ₹ 14.96 crore as recurring expenditure and to approve the Rules for operation of the fund and also to credit the amount of ₹ 14.96 crore into the Savings Bank to be opened for this purpose and to open a separate new head of account to incur the above expenditure.

2. The Government after careful consideration direct that a fund called “The Tamil Nadu Child Victim Compensation Fund under the Protection of Children from Sexual Offences Act, 2012” be created for awarding interim compensation of a sum of ₹ 20,000/- and a quantum of compensation (Minimum ₹ 50,000/- and Maximum ₹ 10,00,000/-) as detailed in annexure to the victim children under the Protection of Children from Sexual Offences Act, 2012.

3. The rules governing the composition and administration of the “The Tamil Nadu Child Victim Compensation Fund under the Protection of Children from Sexual Offences Act, 2012” will be issued separately.

(p.t.o.)



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4. The Government also sanction a sum of ₹ 2.00 crore (Rupees Two crore only) as initial amount contribution to "The Tamil Nadu Child Victim Compensation Fund" created in para 2 above.

5. The expenditure sanctioned in para 4 above shall be debited under the following head of account:-

"2235 - Social Security and Welfare - 02. Social Welfare - 102 Child Welfare - State's Expenditure KK The Tamil Nadu Child Victim Compensation Fund - 310 contributions 01 - contribution to specific fund".

(IFHRMS DPC 2235-02-102-KK-31001)
Old (D.P. Code: 2235-02-102-KK-1013)

6. The expenditure sanctioned in para 4 above shall constitute an item of "New Service" and the approval of the Legislature shall be obtained in due course of time by an inclusion in the Supplementary Estimates for the year 2020-2021. Pending approval of the Legislature, the expenditure may initially be met by drawl of an advance from the Contingency Fund. The Commissioner of Social Defence is directed to calculate the actual amount required for the period upto next supplementary Estimates and apply for sanction of the same as advance from the Contingency Fund to Finance (BG-I) Department directly in Form 'A' appended to the Contingency Fund Rules, 1963 along with a copy of this order. Orders for sanction advance from the Contingency Fund will be issued from Finance (BG-I) Department. The Commissioner of Social Defence shall also send necessary draft explanatory notes for inclusion of this expenditure in the Supplementary Estimates for the year 2020-2021 at the appropriate time without fail.

7. The Commissioner of Social Defence is the Estimating, Reconciling and Controlling Authority of the above New head of Account. The Pay and Accounts Officer / Treasury Officer concerned is requested to open the above new head of account in their books.

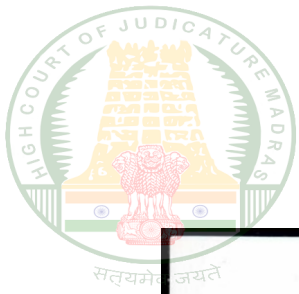
8. This orders issues with the concurrence of Finance Department vide its U.O.No.33466/Fin.(SW)/2020, dated 01.10.2020 and with ASL No.630 (Six Hundred and Thirty)

(By order of the Governor)

S. Madumathi
Secretary to Government.

To
The Commissioner of Social Defence, Chennai -10.
The Accountant General, Chennai - 18.

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The Pay and Account Officers, Chennai / Madurai.
All Collectors
All Treasury Officers

Copy to:-

The Finance (SW/BG-I/BG-II / Ways and Means) Department,
Chennai - 9.
The Hon'ble Chief Minister's Office, Chennai-9
The Special Personal Assistant to Hon'ble Minister
(Social Welfare and Nutritious Meal Programme), Chennai-9
The Private Secretary to Secretary to Government,
Social Welfare and Nutritious Meal Programme Department,
Chennai - 9
The Social Welfare and Nutritious Meal Programme (SW2)
Department, Chennai-9
Stock file/Spare copies

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P. Kumar
Section Officer



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Annexure to

G.O.(Ms) No.33, Social Welfare and Nutritious Meal Programme [SW.5(2)]

Department, dated 03.10.2020

**Quantum of compensation of the victim children under the Protection of
Children from Sexual Offences Act, 2012**

Sl.No. (1)	Particulars of offence (2)	Minimum Limit of Compensation (3)	Maximum Limit of Compensation (4)
1.	Penetrative Sexual Assault	₹ 4 Lakh	₹ 7 Lakh
2.	Aggravated Penetrative Sexual Assault	₹ 5 Lakh	₹ 10 Lakh
3.	Sexual Assault	₹ 1 Lakh	₹ 2 Lakh
4.	Aggravated Sexual Assault	₹ 2 Lakh	₹ 4 Lakh
5.	Grievous Physical Injury or any mental Injury requiring rehabilitation	₹ 1 Lakh	₹ 2 Lakh
6.	Pornography	₹ 50,000	₹ 1 Lakh
7.	Loss of life	₹ 5 Lakh	₹ 10 Lakh
8.	Loss of any Limb or part of body resulting in 80% permanent disability	₹ 2 Lakh	₹ 5 Lakh
9.	Loss of any Limb or part of body resulting in 40% and below 80% permanent disability	₹ 2 Lakh	₹ 4 Lakh
10.	Loss of any Limb or part of body resulting in above 20% and below 40% permanent disability	₹ 1 Lakh	₹ 3 Lakh

(p.t.o.)



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11.	Loss of any limb or part of body resulting in below 20% permanent disability	₹ 1 Lakh	₹ 2 Lakh
12.	In case of pregnancy on account of Sexual Assault	₹ 3 lakh	₹ 4 Lakh
13.	Loss of Foetus i.e. Miscarriage as a result of Assault or loss of fertility	₹ 2 Lakh	₹ 3 Lakh

S. Madumathi
Secretary to Government

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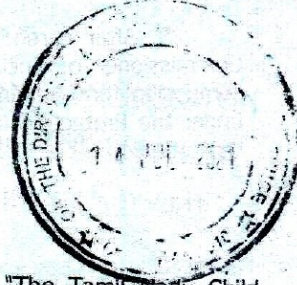
P. Komala
Section Officer



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Abstract



Social Welfare and Women Empowerment Department – "The Tamil Nadu Child Victim Compensation Fund under the Protection of Children from sexual Offences Act, 2012" with an initial amount of Rs.2 crore for awarding compensation to the victim children under the Protection of Children from sexual Offences Act, 2012 created – Guidelines for governing the operation of "The Tamil Nadu Child Victim Compensation Fund under the Protection of Children from sexual Offences Act, 2012" Orders - Issued.

Social Welfare and Women Empowerment [SW.5(2)] Department

G.O. (Ms) No.32

Dated: 10.07.2021

பிலவ, ஆனி 26

திருவள்ளூர் ஆண்டு 2052

Read:

1. G.O.(Ms) No.33, Social Welfare and Nutritious Meal Programme Department, dated 03.10.2020.

Read also:

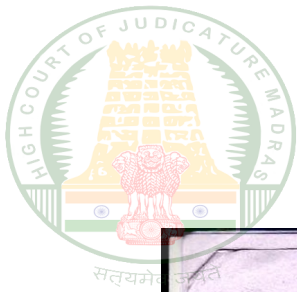
2. From the Commissioner of Social Defence, Letter No.10746/D4/2020, dated 17.12.2020.

ORDER:-

In the Government Order first read above, orders have been issued for creation of the fund called "The Tamil Nadu Child Victim Compensation Fund under the Protection of Children from Sexual Offences Act, 2012" with an initial amount of Rs.2 crore for awarding compensation to the victim children under the Protection of Children from Sexual Offences Act, 2012. In that Government Order it has also been ordered that the rules governing the composition and administration of "The Tamil Nadu Child Victim Compensation Fund under the Protection of Children from Sexual Offences Act, 2012" will be issued separately.

2. The Commissioner of Social Defence in the letter second read above has sent the draft guidelines for the composition and administration of "The Tamil Nadu Child Victim Compensation Fund under the Protection of Children from Sexual Offences Act, 2012" for the approval of Government.

(p.t.o)



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3. After careful examination, the Government accept the proposal of the Commissioner of Social Defence and approve the Guidelines for governing the composition and administration of "The Tamil Nadu Child Victim Compensation Fund under the Protection of Children from Sexual Offences Act, 2012" as appended to this order.

(By order of the Governor)

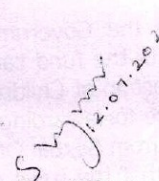
Shambhu Kallollikar
Principal Secretary to Government

To
The Director of Social Defence, Chennai -10.
The Pay and Account Officers, Chennai-01/ Madurai.
The Accountant General, Chennai - 18.
All Collectors
All Treasury Officers
The Works Manager, Government Central Press,
Chennai-79.

Copy to:-

The Finance (SW/BG-I/BG-II) Department, Chennai - 9
The Hon'ble Chief Minister's Office, Chennai-9
The Special Personal Assistant to Hon'ble Minister
(Social Welfare and Women Empowerment), Chennai-9
The Private Secretary to Principal Secretary to Government,
Social Welfare and Women Empowerment Department,
Chennai - 9
The Social Welfare and Women Empowerment (SW2)
Department, Chennai-9
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Section Officer


12/7/21



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**GUIDELINES FOR GOVERNING THE COMPOSITION AND ADMINISTRATION
OF THE TAMIL NADU CHILD VICTIM COMPENSATION FUND UNDER THE
PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012**

1. Composition and Administration

(i) There shall be a fund constituted namely the Tamil Nadu Child Victim Compensation Fund.

(ii) The Fund shall consist of:-

- (a) Government contribution made through its annual budget;
- (b) fine or penalty imposed by the special court for remitting towards the Fund
- (c) Donations and contributions received from philanthropist or charitable institutions or organizations or public or private companies under Corporate Social Responsibility.

(iii) The Department of Social Defence shall be the Nodal Department for regulating, administering and monitoring the Fund.

(iv) The Fund shall be operated by the Commissioner/Director of Social Defence, Tamil Nadu, Chennai- 600010.

2. Eligibility for compensation A child or his/her family shall be eligible for the grant of compensation under the Fund where:-

- (i) An order is made by the special court on its own or an application filed by or on behalf of the child for an interim compensation or final compensation.
- (ii) The interim compensation paid to the child shall be adjusted against the final compensation if any.



3. Procedure for grant of compensation

(i) Whenever an order for interim compensation is made by the special court under section 33(8) of the said Act to meet immediate needs of the child for relief or rehabilitation at any stage, the District Child Protection Officer shall send a proposal by enclosing the copy of such order of the special court, copy of the First Information Report from the concerned Police Station to the Commissioner / Director of Social Defence within two working days from the date of order by the Special Court. The Commissioner / Director of Social Defence shall disburse an interim compensation within ten working days from the date of receipt of proposal from the District Child Protection Officer.

(ii) The special court shall determine the quantum of compensation and forward the directions to the Commissioner / Director of Social Defence with a copy marked to District Child Protection Officer concerned. On receipt of such directions the Commissioner / Director of Social Defence shall disburse the compensation within thirty days, in accordance with the provisions of the Fund.

(iii) The compensation awarded by the special court shall be disbursed to the child or his family, as the case may be, from the Fund. While making payment of the amount of compensation, the Commissioner / Director of Social Defence shall ensure that all the provisions of the Fund are strictly complied with.

(iv) Any other compensation paid to the child or his family by the State Government in relation to the offence, such as insurance, ex-gratia, Hon'ble Chief Minister's Public Relief Fund, Hon'ble Chief Minister's Accident Relief Fund, Child Assistance Fund or interim relief under the Fund or any payment made under any other Act or any other State-run Scheme / Fund, shall be considered as part of the



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compensation amount decided under the Fund. The child or his family who have already received compensation amount from the other sources mentioned above shall be deemed to have been compensated under the Fund and shall not be entitled to separate compensation under the Fund. If the quantum of compensation ordered by the special court under the Fund is higher than the payments made to the child or his family from the other sources mentioned above, the balance amount shall be paid from the Fund.

4. Sanction of funeral expenses in the case of death of a child victim

In case of death of a child victim, the District Child Protection Officer may send a proposal to meet the funeral expenses to the Commissioner / Director of Social Defence who in turn may sanction the amount of Rs.10,000/- which shall be credited into the bank account of parent/guardian of the child.

Provided that the sanction and disbursement of the amount for the funeral expenses shall be based on the certificate of Police Officer or the special court as the case may be.

5. Maintenance of Accounts of the Fund

(i) A Savings Bank Account in the name of The Tamil Nadu Child Victim Compensation Fund shall be opened by the Commissioner / Director of Social Defence in a Nationalized Bank.

(ii) The Savings Bank Account shall be operated jointly by the Commissioner/ Director of Social Defence and the Accounts Officer in the Directorate of Social Defence. The Accounts Officer shall be the custodian of records relating to the fund and its operations.

(iii) The Government contribution to this Fund shall be credited into the said Savings Bank Account.

(iv) The accounts of the above said fund shall be audited by the Accountant General, Tamil Nadu.



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6. Procedure for grant of compensation in case of orphan and abandoned children

In case the Victim is an orphaned / abandoned without any parent or legal guardian, the interim compensation shall be disbursed to the Bank Account of the child, opened under the guardianship of the Superintendent / Officer In-charge, Child Care Institutions where the child is accommodated.

7. Procedure for sanction, withdrawal and disbursement

(i) Withdrawal from the Fund shall be made against the proceedings issued by the Commissioner / Director of Social Defence based on the directions made by the special court in respect of interim and final compensation.

(ii) The Accounts Officer shall draw and disburse the interim and final compensation amount to the bank account of the child, under guardianship of specified person (family) as mentioned in the concerned special court's order.

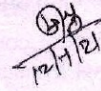
8. Order to be placed on record

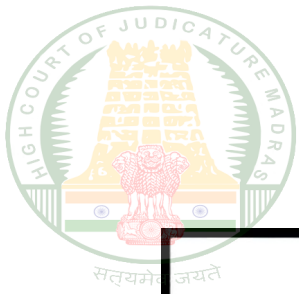
Copy of the order of interim compensation passed under the Fund shall be placed on record of the trial special court to enable the special court to pass order of final compensation under the Act, if any.

Shambhu Kallolikar
Principal Secretary to Government

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Section Officer


12/1/21



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FORM

**APPLICATION FOR THE AWARD OF COMPENSATION UNDER TAMIL
NADU CHILD VICTIM COMPENSATION FUND UNDER THE PROTECTION
OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012**

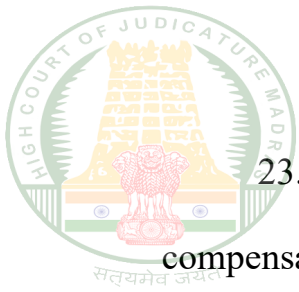
1. Name of the Applicant (child or his/her family)
2. Age and dated of birth of the child
3. (a) Father's Name
(b) Mother's Name (or)
(c) Guardian Name
4. Address of the child(ren) or his/her family
5. Case No. and Date of Order
(a) Whether Special Court or Juvenile Justice Board
Location of Special Court/ Juvenile Justice Board
6. Whether FIR has been filed? If yes, details thereof viz.,
FIR No. & Date, Police Station and District (a copy shall
be enclosed)
7. Status of trial, if pending. If over, enclose copy of
judgment.
8. Has the applicant been awarded any compensation by
the trial special court or any other Govt. agency. If yes
give the details.

Signature of the child / Family/ guardian

Shambhu Kallollikar
Principal Secretary to Government

//True Copy//

Section Officer



23. Therefore, what remains to be decided is the quantum of compensation to be granted to the victim children. For determining the quantum, this Court takes guidance of the factors enumerated under Rule 9 of the POCSO Rules, 2020 and the two Government Orders referred to *supra*. On considering the same, this Court finds that the following factors therein are relevant to the present case for proper quantification and awarding of appropriate compensation.

Rule	Description of Rule	Relevance to present case
9(3)(i)	Type of abuse, gravity of the offence and the severity of the mental or physical harm or injury suffered by the child	Incestuous aggravated penetrative sexual assault resulting in post traumatic stress disorder
9(3)(ii)	Expenditure incurred or likely to be incurred on child's medical treatment for physical or mental health or on both	Cost of therapy and rehabilitation for post traumatic stress disorder
9(3)(iii)	Loss of educational opportunity as a consequence of the offence, including absence from school due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason	Not Applicable
9(3)(iv)	Loss of employment as a result of the offence, including absence from place of employment due to mental trauma, bodily injury, medical treatment, investigation and trial of the offence, or any other reason	Not Applicable
9(3)(v)	Relationship of the child to the offender, if any	Father, Paternal Uncle and Grandmother
9(3)(vi)	Whether the abuse was a single isolated incidence or whether the abuse took place over a period of time	Abuse took place over a long period of time spanning over multiple years
9(3)(vii)	Whether the child became pregnant as a result of the offence	Not Applicable
9(3)(viii)	whether the child contracted a Sexually Transmitted Disease (STD) as a result of the offence;	Not Applicable
9(3)(ix)	Whether the child contracted Human Immunodeficiency Virus (HIV) as a result of the offence;	Not Applicable



Rule	Description of Rule	Relevance to present case
9(3)(x)	Any disability suffered by the child as a result of the offence	Post Traumatic Stress Disorder
9(3)(xi)	Financial condition of the child against whom the offence has been committed so as to determine such child's need for rehabilitation;	Under the care and custody of an employed mother (i.e. Government School Teacher)
9(3)(xii)	Any other factor that the Special Court may consider to be relevant	Not Applicable

24. Upon consideration of the above relevant factors and upon being guided by the quantum awarded by the Apex Court in **Bhanei Prasad**, *supra*, this Court holds that each of the victim children is entitled to the maximum compensation of Rs.10,00,000/- since they have been subjected to incestuous aggravated penetrative sexual assault over a period of years resulting in them suffering from post traumatic stress disorder which needs continuous therapy and rehabilitation.

25. In the result, this criminal appeal to the limited extent of seeking enhanced victim compensation stands allowed. The findings in respect of the award of victim compensation alone, in the impugned judgment of the Trial Court, is hereby modified and the Commissioner/Director of Social Defence is consequently directed to disburse a compensation of Rs.10,00,000/-, to each of the victim children, after adjusting the interim compensation and the fine amount,



if already paid by the respondents 2 to 5 to them, within thirty days from the date of receipt of a copy of this judgment.

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26. While bringing the curtains down, this Court, once again, makes it clear that this judgment is only in respect of deciding the quantum of victim compensation and the findings in respect of award of compensation will not have any ramification/bearing on the appeals preferred/to be preferred by the respondents 2 to 5 against the impugned judgment convicting and sentencing them.

02.06.2026

Index: Yes/No
Internet: Yes/No
raa



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Crl. A. No.1443 of 2025



A.D. JAGADISH CHANDIRA, J.

raa

To

1. The Sessions Judge
Special Court of Exclusive Trial of
Cases under the POCSO Act, 2012
Vellore District
2. The Inspector of Police
All Women Police Station
Vellore
Vellore District
3. The Commissioner of Social Defence
No. 300, Purasawalkam High Road
Kellys, Chennai - 600 010
4. The Public Prosecutor
High Court of Madras
Chennai 600 104

Judgment in
Crl. Appeal No.1443 of 2025

02.06.2026