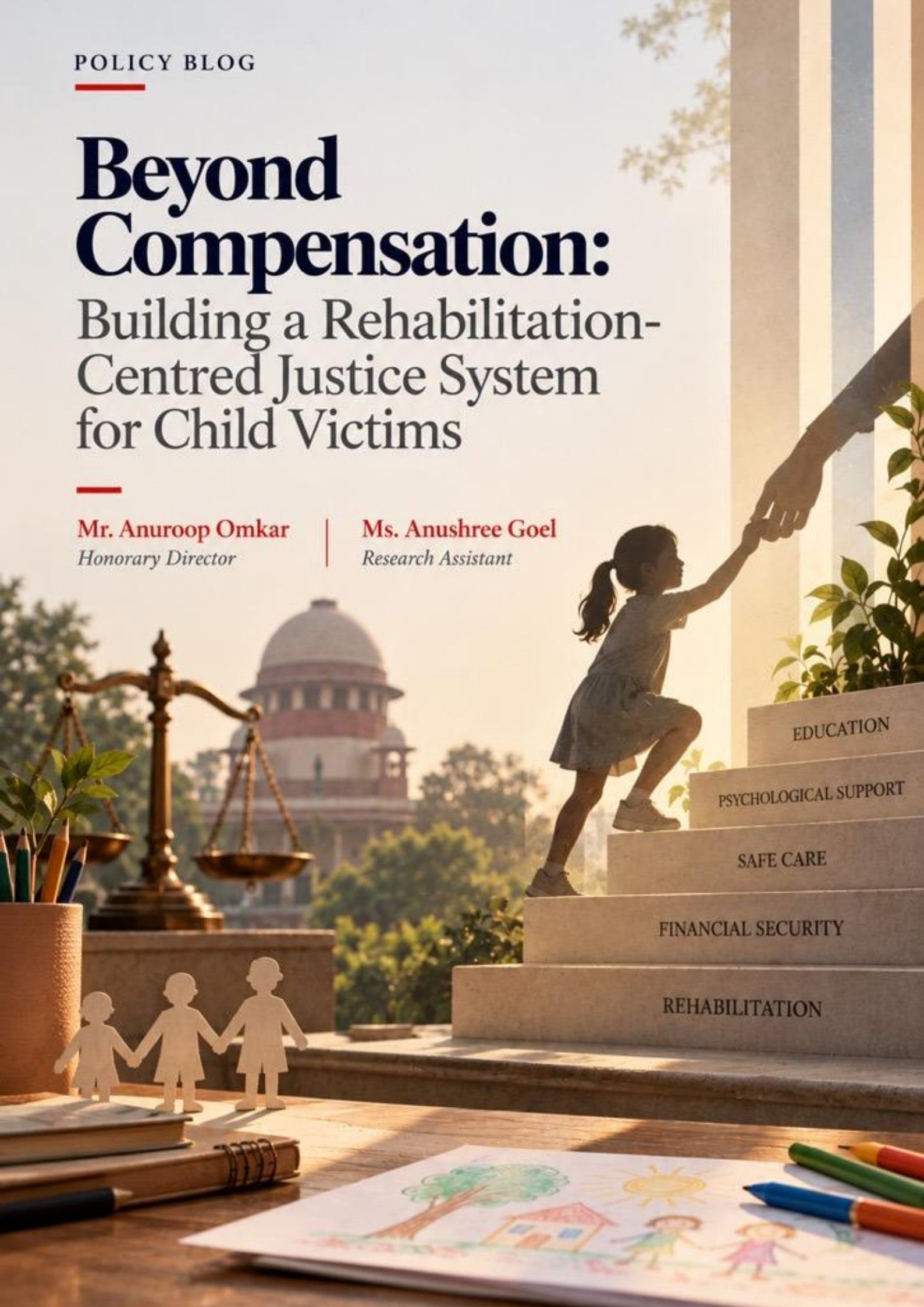
POLICY BLOG

Beyond Compensation:

Building a Rehabilitation-Centred Justice System for Child Victims

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Introduction

For a child who has experienced abuse, neglect, trafficking, exploitation or violence, justice cannot end with the registration of an FIR, a court's decision or an order awarding compensation. These are important legal milestones, but they do not necessarily address the child's continuing need for psychological support, education, financial security and a safe living environment. A child may receive recognition under the law while remaining unable to access the services necessary to recover from the harm suffered.

This distinction exposes a central weakness in the administration of child protection in India: the gap between recognising a child's entitlement and ensuring that the entitlement translates into meaningful rehabilitation. Compensation can help meet the costs associated with harm, but it cannot independently replace counselling, stable care, educational continuity or sustained support. Therefore, the challenge, is not simply to award compensation, but to build a system in which financial relief forms part of a broader, coordinated response to a child's needs.

Compensation Is a Means to Rehabilitation

Children may experience harm in different circumstances, including physical abuse, sexual offences, neglect, trafficking, exploitation and violence within their homes or communities. Their needs will vary according to the nature of the harm, their family circumstances, financial position and access to support. A uniform response cannot adequately address every child's situation.

Compensation can help meet medical expenses, counselling costs, educational needs and other rehabilitation requirements. Section 396 of the Bharatiya Nagarik Suraksha Sanhita, 2023[1] provides the framework for victim compensation schemes. For children who have experienced sexual offences, Section 33(8) of the Protection of Children from Sexual Offences (**"POCSO"**) Act, 2012[2], empowers the Special Court to direct compensation for physical or mental trauma or immediate rehabilitation. Rule 9 of the POCSO Rules, 2020, addresses interim and final compensation and identifies relevant factors for assessment, including the gravity of abuse, medical and mental-health expenses, and loss of educational opportunities.[3]

These provisions operate within their respective legal scopes, they do not create an identical compensation entitlement for every form of childhood adversity. However, they reflect an important principle: financial assistance should respond to the harm suffered and the needs arising from it.

Nevertheless, compensation alone cannot guarantee recovery. A child may receive money but remain unable to access qualified psychological care, continue schooling or secure a

[1] Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, § 396 (India).
[2] Protection of Children from Sexual Offences Act, No. 32 of 2012, § 33(8) (India).
[3] Protection of Children from Sexual Offences Rules, 2020, r. 9 (India).

safe living arrangement. Effective rehabilitation therefore requires both timely disbursement and the availability of services that address the child's individual circumstances.

A Case That Exposes the Implementation Gap

A case documented by the Delhi State Legal Services Authority **("DSLSA")** illustrates how this gap can emerge even after compensation has been awarded. A legal aid counsel visiting children's homes in Delhi met a minor girl, identified as "P", at Village Cottage Home-III in 2019. P had experienced physical and sexual abuse by her father. An FIR had been registered under the Indian Penal Code and the POCSO Act. Her father died in custody in 2018 while the case was pending before the Special POCSO Court. Her mother was reportedly experiencing serious mental-health difficulties and could not care for herself or the child, following which P was placed in a children's home.[4]

The counsel discovered that P had not received compensation. The DSLSA retrieved the disposed case file and found that INR 2 lakh had already been awarded in August 2018. After the advocate obtained the child's bank details and communicated them to the DSLSA, the amount was released into her account.

The circumstances surrounding the delay are particularly significant. P required regular psychological assistance as well as educational and financial support. She did not have the financial means to independently obtain the help needed to address her trauma and reduce the risk of further distress and stigma. Although compensation had been awarded, it remained inaccessible until the advocate intervened.

The central failure was not simply delayed payment, it was the absence of an effective link between the compensation order and the child's rehabilitation needs. The case also points to a second, quieter risk. The home where P lived keeps children only until the age of ten, and she was due to be transferred within months. Her payment was therefore at risk of being lost in a change of placement, just as her access to counselling and schooling was. Access to an entitlement, however, should not depend on whether an individual advocate happens to discover the problem.

The law has moved since

Rule 9(5) of the POCSO Rules, 2020 now require the State to pay compensation within 30 days of the Special Court's order.[5] In ***Abhishek Yadav v. DSLSA***, the Delhi High Court added an addendum to the DSLSA's procedure for disbursal.[6] It directs payment within 30 days of the DSLSA's direction and requires Special Courts to communicate their orders to the

[4] South District Legal Services Authority (South DLSA). "Minor Child Victim of Circumstances." 27 July 2019. Available at: https://dslsa.org/sd/?p=7395.
[5] Protection of Children from Sexual Offences Rules, 2020, r. 9(5) (India).
[6] Abhishek Yadav v. Delhi State Legal Services Authority, W.P.(C) 12840/2024 (Delhi High Ct. Sept. 16, 2024).

DLSA within three working days. The question is therefore no longer whether a time limit exists, but whether it is followed and who answers when it is not.

Compensation Must Reflect the Child's Actual Harm

Timely disbursement is only one part of the problem; the amount awarded must also reflect the child's actual needs. Under Rule 9(3) of the POCSO Rules[7], compensation assessment can take account of the nature and gravity of abuse, medical and mental-health expenses, educational disruption and the family's financial circumstances. These factors are important because the consequences of abuse may extend beyond immediate treatment costs.

In ***X vs State of NCT Delhi*** [8]**,** the Delhi High Court enhanced a child survivor's compensation from INR 85,000 to INR 10.5 lakh. The route is instructive. The Court did not build the figure bottom-up from the child's needs. It took the maximum under the Delhi Victim Compensation Scheme, 2018 for the closest scheduled offence, "unnatural sexual assault," treated that maximum as the minimum, and applied the scheme's 50% uplift for minors. It also found the factors in Rule 9(3) of the POCSO Rules satisfied. This reveals a tension that policy should confront. Rule 9(3) contemplates an individualised assessment of harm, but the Delhi courts are converging on scheme maxima as a floor. A floor gives predictability and speed, but it may under-compensate a child with exceptional needs and treats every aggravated case alike.

Implementation remains a separate concern. In Kerala, a report on the State Commission for Protection of Child Right's annual report recorded that 160 POCSO survivors received interim or final compensation in 2024 - 25, compared with 346 in 2023–24.[9] The report raised concerns about delays in central funding and limited awareness of application procedures. These figures are specific to Kerala and do not, on their own, establish a national trend or explain every instance of non-payment. They reinforce the need to examine how compensation schemes operate in practice, not merely whether they exist in law.

Rehabilitation Must Extend Beyond the Institution

An adequate compensation award is important, but it does not guarantee that a child can access the support needed to recover. The distinction becomes particularly important when children are placed in institutional care, where protection from immediate harm may be followed by uncertainty over education, psychological support, family reintegration and

[7] Protection of Children from Sexual Offences Rules, 2020, r. 9 (India).
[8] X v. State (NCT of Delhi) & Anr., Bail Appln. No. 3062 of 2024 (Delhi High Ct. Sept. 5, 2024).
[9] R.K Roshni, "Only 160 POCSO Survivors Got Victim Compensation in 2024-25: Rights Panel", The Hindu (Nov. 7, 2025), https://www.pressreader.com/india/the-hindu-thiruvananthapuram-9WWe/20251107/281509347442784.

preparation for independent living. The policy challenge is to ensure that compensation does not operate in isolation from these longer-term responsibilities.

Satarupa Dutta's study of 20 child-care and after-care homes in Mumbai and Kolkata identifies a structural concern relevant to this challenge: discrepancies in institutional policies and practices can undermine social reintegration. The study proposes a standardised framework for social-work intervention, recognising that successful reintegration depends on the interaction between a child's individual resilience and their social environment.[10] This is significant for compensation policy because the effectiveness of financial assistance depends partly on whether children can access the services and institutional support necessary to address their needs. An award may help meet educational or psychological expenses, but its impact remains limited if appropriate services are unavailable or support is not coordinated.

Satarupa Dutta's subsequent study with Rachna Mishra makes the transition problem more concrete. Their exploratory research across 17 child-care institutions in Pune found that adolescents valued existing support but that important practical needs associated with transition remained unmet. The researchers identified gaps in transition planning, aftercare infrastructure and service availability, proposing a mentorship curriculum covering six areas: belonging, preparation for life after institutional care, future goals, life skills, employability and problem-solving. Their approach recognises that successful rehabilitation involves both personal well-being and preparation for future social and economic participation, rather than treating departure from an institution as merely an administrative process.[11]

The scale of India's child-protection system highlights both the reach of institutional care and the need to assess what happens beyond placement. According to the Ministry of Women and Child Development's data on Mission Vatsalya for FY 2024-25, 2,559 Child Care Institutions supported 76,882 children, while 170,895 children received support through non-institutional care.[12] The scheme provides institutional services such as education, healthcare, alongside non-institutional arrangements including sponsorship, foster care, adoption and aftercare. However, these figures measure the reach of services, not whether individual children's rehabilitation needs were adequately met or whether support continued through transitions out of institutional care.

Therefore, these studies show that rehabilitation must extend beyond institutional placement. DSLSA case highlights the need to link timely compensation with individual rehabilitation plans, coordinated services and continued support during transitions in care.

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[10] Satarupa Dutta, Institutional Care in India: Investigating Processes for Social Reintegration, 66 Child. & Youth Servs. Rev. 144 (2016).

[11] Rachna Mishra & Satarupa Dutta, Designing a Mentorship Curriculum for Assisting Social Reintegration Among Youth in Institutional Care in India, 164 Child. & Youth Servs. Rev. 107870 (2024).

[12] Unstarred Question No. 2276, Lok Sabha, Ministry of Women & Child Development, Government of India (Mar. 12, 2021), https://sansad.in/getFile/loksabhaquestions/annex/185/AU2276_oJvlNT.pdf?source=pqals

Financial assistance, institutional care and aftercare must work together to ensure sustained recovery.

Recommendations:

1. Establish a Monitoring Mechanism for Compensation Disbursement

   Legal services authorities should establish a time-bound tracking mechanism to monitor compensation from the date of the court's order until the amount is credited to the child's account. Pending payments should be flagged, delays arising from documentation or administrative procedures identified, and responsibility for resolving them clearly assigned. States should publish quarterly data on disbursement timelines and outstanding awards, with persistent non-compliance escalated to the relevant State Legal Services Authority or High Court. This would ensure that compensation orders translate into actual financial assistance rather than remaining unfulfilled legal entitlements.

2. Mandate Individual Rehabilitation and Transition Plans

   Section 39 of the Juvenile Justice Act, 2015[13], requires rehabilitation and social reintegration to be based on individual care plans, while Section 53 identifies services including education, counselling and mental-health support.[14] These provisions should be implemented through regularly reviewed rehabilitation plans that identify each child's needs, the authorities responsible for meeting them and arrangements for continuity of care during transfers from institutional care. This would help bridge the gap between statutory safeguards and the practical support children receive.

3. Strengthen Inter-Agency Coordination for Rehabilitation

   Legal services authorities, Child Welfare Committees, children's homes, schools and healthcare providers should establish clear protocols for referrals, information-sharing and service coordination, with appropriate safeguards for children's privacy. These mechanisms should ensure that children can access counselling, education, healthcare, sponsorship, aftercare and other rehabilitation services without interruption, particularly during transfers between institutions or transition to family- or community-based care.

4. Specify custody and use of awards to minors

   An award does not decide who controls the money. Where the abuser is in the family, or the guardian cannot manage funds, as with P's mother, payment to the household can still leave the child without help. Awards to minors should come with

[13] Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, § 39 (India).
[14] Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, § 53 (India).

clear rules on who receives them, what is held in trust until majority, and how withdrawals for therapy, schooling and care are authorised and recorded.

Conclusion

Compensation is often presented as the point at which justice is delivered. For child victims, however, justice cannot end with the signing of an order or the sanctioning of a monetary award. Its true measure lies in whether that compensation reaches the child on time, supports access to education, healthcare, counselling and stable care arrangements, and contributes meaningfully to recovery and reintegration. This blog reveals a critical gap between legal entitlement and lived reality, where compensation too often remains delayed, inaccessible, or disconnected from the child's broader rehabilitative needs. Bridging this gap requires a shift from a compensation-centred approach to a rehabilitation-centred one, grounded in accountability, effective monitoring, and coordinated support across institutions. Only then can compensation fulfil its intended purpose: not merely as financial relief for a past harm, but as an investment in a child's future, dignity, and opportunity to rebuild their life.

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