

**Roc.No.77207-A/2019/POCSO**

**Hon'ble POCSO Committee**



**CIRCULAR**

Sub:- POCSO Committee Meeting held on 31.08.2021 – The Committee discussed about the applications for interim Compensation – Resolution Passed – Direction Communicated – Reg.

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As resolved in the meeting of the Hon'ble POCSO Committee, High Court of Madras, all the Special Judges for POCSO Act Cases are instructed to ensure that applications for interim compensation are received from the victims' families expeditiously and the same disbursed in terms of G.O.(Ms.) No.32, Social Welfare and Women Empowerment [SW.5(2)] Department dated 10.07.2021.

**HIGH COURT, MADRAS.**  
**DATED: 14 .09.2021**

**Sd/- P. DHANABAL,**  
**REGISTRAR GENERAL**

/TRUE COPY/FORWARDED/ BY ORDER/

  
Assistant Registrar (JJ Act) (i/c)

To

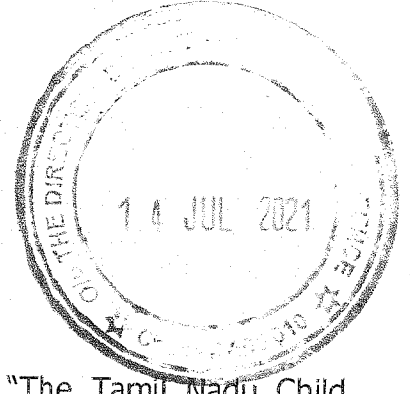
1. The Sessions Judges, Special court for exclusive trial of cases under POCSO Act, Chennai, Coimbatore, Cuddalore, Kanchipuram @ Chengalpattu, Kanyakumari @ Nagercoil, Madurai, Nagapattinam, Salem, Sivagangai, Thanjavur, Tirunelveli, Tiruvannamalai, Tuticorin, Vellore, Villupuram, and Virudhunagar @ Srivilliputhur.
2. The Sessions Judges, Mahalir Neethimandram (Fast Track Mahila Court), Ariyalur, Dharmapuri, Dindigul, Erode, Karur, Krishnagiri, Namakkal, Udhamandalam, Ramanathapuram, Theni, Thiruchirapalli, Tiruvallur, Tiruvarur and Tiruppur.
3. The Sessions Judge, Mahila Court, Perambalur, Pudukottai.
4. The Chief Judge, Puducherry.
5. The Sessions Judge, Karaikal.

Copy to

1. All the Principal District Judges, Tamil Nadu.
2. The Principal Judge, City Civil Court, Chennai.
3. The Director, Department of Social Defence, No.300, Purasaiwakkam High Road, Kellys, Chennai - 600 010.
4. The Additional Director General of Police, State Crime against Women and Children, Mylapore, Chennai.
4. The Record Keeper, A.D. Records, High Court, Madras.



### 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)

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)

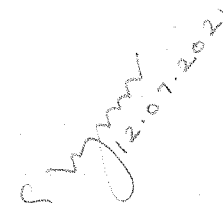
Shambhu Kallollikar  
Principal Secretary to Government

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  
Stock file/Spare copies

//Forwarded by Order//

  
Section Officer

  
12/7/21

**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

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.

**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

  
12/7/21



## 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

12/7/21