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**DAILY EDITORIAL
ANALYSIS**

TOPIC

**Key Analysis: Scheme for Care and
Support to Victims under POCSO**

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KEY ANALYSIS: SCHEME FOR CARE AND SUPPORT TO VICTIMS UNDER POCSO

In Context

- Recently, issues linked to the Scheme for Care and Support to Victims have been highlighted.

About Scheme for Care and Support to Victims

- In November 2023, the Ministry of Women and Child Development notified the “**Scheme for Care and Support to Victims under Section 4 & 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012**”.
- The new scheme aims to **provide integrated support and assistance** to girl child victims under one roof, facilitate immediate, emergency and non-emergency access to a range of services, including access to education, police assistance, and health care, including maternity, neonatal and infant care, psychological and legal support.
- However, the scheme’s name and **implementation raise significant concerns and inconsistencies**, prompting a need for thorough examination and rectification.

Features

- The scheme is funded as a **100% centrally funded scheme** under the **Nirbhaya Fund** and implemented by the States/UTs through the District Magistrate.
- It was for only abandoned or orphaned pregnant girls, initially, the scheme has now been expanded to include all **pregnant girl victims under the mentioned sections of the POCSO Act**.
- The scheme applies from the time of the report of the case and continues until the **girl child turns 18 years old**.
 - ◆ After turning 18, further support may be provided under aftercare provisions until the age of 23.
- The girl child victim will be provided with health **insurance cover @ Rs. 5 Lakhs** per year/- under PM-JAY.
- The scheme provides for **free legal aid/assistance** from the panel of advocates at the District Legal Services Authority (DLSA) and assistance under the Scheme from the District Child Protection Officer if needed.
- Every reported case booked under the POCSO Act, 2012 of a pregnant girl under 18 years — would be given an initial payment of ₹6,000 and a monthly payment of ₹4,000 as stipulated in **Mission Vatsalya** up to the age of 21 years with possible extension of up to 23 years.

Issues and Concerns

- The scheme is **fraught with glaring oversights** and **inconsistencies** with prevailing legislations, rules, orders and guidelines.
- The scheme remains **silent on whether the benefits will** continue to be provided if the victim of a reported case opts for an medical termination of pregnancy (MTP) or has a miscarriage.
- The **misleading nomenclature**, either by oversight or deliberate, results in confusion (a constant feature that runs through the scheme).
- India occupies a high position in the ranking of child marriages and teenage pregnancies, the **burden on the exchequer**, proposed by the scheme, is going to be multifold.
- The law has not proven to be very effective, largely because many cases involving pregnant girls arise out of marriage and non-exploitative, explorative sexual activity among young people.

- Victims under the POCSO Act, including those who are pregnant, do not automatically qualify as **Children in Need of Care and Protection (CNCP)**.

Conclusion and Way Forward

- Sexual crimes are unfortunately associated with social stigma for the victims, a large number of cases remain unreported denying justice to victims. Most of the victims are girl children.
 - ♦ These girl child victims often fail to receive timely help and support.
- Therefore, it is imperative for the Ministry of Women and Child Development to address the existing issues, bearing in mind the provisions of the various prevailing legislations, rules, guidelines and protocols
 - ♦ Data which can substantiate many of the aspects put forth will further give it the backing of solid evidence.
- The existing scheme needs to unequivocally clarify whether all the entitlements for the girls who opt for institutional care listed in the “Process Flow of the Scheme”, also apply to those in non-institutional care, i.e., for girls who prefer to live with their family.
- A thorough analysis of health data and police data needs to be undertaken to plan, budget and provide for the scheme.

Mains Practice Question

- Q.** How does the ‘Scheme for Care and Support to Victims’ under Sections 4 & 6 of the POCSO Act, 2012, address the challenges faced by minor pregnant girl child victims, and in what ways could it be improved to better serve the needs of all victims?

