

HIGH COURT OF DELHI: NEW DELHI

No. 180/SCMS/DHC/2024

Dated:- 30.09.2024

CIRCULAR

Addendum to the Standard Operating Procedure, 2020 for Disbursal of Compensation under the Delhi Victim Compensation Scheme, 2018 for POCSO Cases

It is hereby circulated for information and compliance by all Special Courts dealing with cases under the Protection of Children from Sexual Offences (POCSO) Act, 2012 that Hon'ble Delhi High Court in *W.P. (C) No.4827/2024 titled Abhishek Yadav vs. Delhi State Legal Services Authority & Anr. Vide Dated 24.09.2024* has added the following addendum in form of *Part F to the Standard Operating Procedure, 2020 already having five (05) parts A to E issued by Delhi State Legal Services Authority (with respect to operation of Delhi Victim Compensation Scheme, 2018)*.

Part F

Preface

F-1 A harmonious reading of the provisions of the 2018 Scheme and Section 33(8) of the POCSO Act and the rules framed thereunder could establish that a child victim of sexual abuse is entitled to the following three (03) kinds of compensation:

(i) Interim compensation given directly under the 2018 Scheme based on the schedule appended thereto and the judgment rendered by the court in X v. State of NCT of Delhi (Acting through its Secretary) & Anr., 2022 SCC OnLine Del 3496. This compensation is payable once the victim makes an application in that behalf to the concerned District Legal Services Authority [DLSA].

(ii) Interim compensation awarded by the concerned special court under the POCSO Act.

(iii) Final compensation awarded by the special court under the POCSO Act.

F-1.1 Thus, the direction and instructions in this part would apply only to disbursal of compensation where the offence committed falls within the ambit of the POCSO Act and compensation is to be given in the circumstances referred to in F-1 (i) to (iii) referred to hereinabove.

F-2 Directions

F-2.1 DLSAs will strictly adhere to the compensation disbursal regime put in place in this part concerning child victims of sexual abuse whose cases come within the purview of the POCSO Act.

F-2.2 The directions and instructions in this part will be in addition to and not in derogation of those set out in parts A to E of the SOP. However, in case of conflict between the directions/instructions in this part and those in other parts of the SOP, the directions/instructions in this part shall prevail.

F-3 Procedure and safeguards for disbursal of compensation

F-3.1 The child victim would be required to submit only the following documents to the concerned DLSA for disbursal of compensation referred to under sub-clauses (i) to (iii) of Clause F-1 above:

(a) Documents such as an Aadhar card and birth certificate would suffice as proof of the child victim's identity.

(b) To establish the existence of a valid bank account in the name of the child victim, inter alia, the copy of the passbook issued by the bank. A valid account will be one that satisfies the requirements of clause 11(1) and/or clause 15 of the 2018 Scheme, as applicable.

(c) An undertaking/indemnity bond shall be furnished in terms of clause B.12 of the SOP. No affidavit will be sought in terms of Part-I clause 4 of the 2018 Scheme.

F-4 As regards child victims who ordinarily reside outside the NCT of Delhi but were subjected to offences within the jurisdiction of NCT of Delhi, the concerned DLSA shall seek assistance of the local DLSA and/or any other statutory authority which has sway over the area where the child victim is located for conducting verification of documents.

F-4.1 After the child victim submits relevant documents, the concerned DLSA shall, with the assistance of the Investigating Officer [IO], endeavour to complete verification of the documents submitted within two (2) weeks commencing from the date of submission of the said documents.

F-4.2 The Deputy Police Commissioner having jurisdiction over the concerned area will ensure that the timeline indicated above is not crossed.

F-4.3 To ensure strict adherence to timelines, the Commissioner of Police will issue standing instructions to all field formations.

F-4.4 Upon completion of verification of documents by the concerned DLSA with the assistance of an I.O., a certificate will be issued detailing the documents that stand verified. Thereafter, in case the child victim is awarded any further compensation, whether under sub-clause (i), (ii), or

(iii) of Clause F-1 or otherwise, the said certificate shall be taken as valid proof of his/her documents being verified.

F-4.5 Once verification is complete and a certificate is issued, the concerned DLSA will ensure that no further objections regarding jurisdiction are raised for issuing compensation to the bank account of the child victim.

F-4.6 The child victim will not be required to undergo a re-verification unless the reliance is placed on new documents not mentioned in the certificate. In case such an eventuality arises, verification of the new document shall be conducted by the concerned DLSA with the assistance of the I.O. at the earliest, at least two (02) weeks from the date of submission of the new document(s).

F-5 The DSLSA, along with the concerned DLSA, shall ensure that disbursement of interim or final compensation takes place within 30 days from the date of issuance of direction by the concerned DLSA for grant of compensation in terms of sub-clause (i) of Clause F-1 above or the receipt of the order passed by the special court for grant of compensation under subclause (ii) or (iii) of Clause F-1 above.

Apart from the addendum mentioned above in form of Part F to the Standard Operating Procedure 2020 issued by DSLSA (with respect to operation of Delhi Victim Compensation Scheme, 2018), the Hon'ble Court in the aforesaid judgment has also issued the following additional directions to all the POCSO Courts for necessary compliance :-

(i) The special courts established under the POCSO Act shall communicate orders to the concerned DLSA as soon as they are

passed, though not later than three (03) working days from the date of issuance of the order, by sending a copy of the order physically and also via the official email id of the designated court reader.

(ii) The special courts shall ensure that the victim impact assessment report is filed by the I.O. ordinarily within two (02) weeks.

Above directions of the Hon'ble Court should be complied scrupulously by all the Special Courts dealing with cases under the Protection of Children from Sexual Offences (POCSO) Act, 2012 so as to ensure timely and effective disbursement of compensation to the child victims.

Sd/-

Kanwal Jeet Arora
Registrar General

Endst. No.: 181-187/SCMSC/DHC/2024

Dated: 30.09.2024

Copy forwarded for information to:

1. All Special POCSO Courts in Delhi through the Learned Principal District and Sessions Judges (HQ), Tis Hazari Courts, Delhi.
2. All Learned Principal District and Sessions Judges, Delhi with a request to bring the circular to the notice of all the Judicial Officers in their respective District along with the request to upload the same on the official website of the respective District Courts and Delhi District Courts.
3. The Director (Academics), Delhi Judicial Academy
4. Member Secretary, Delhi State Legal Services Authorities (DSLSA).
5. The Commissioner of Police, Delhi.
6. P.A. to Registrar (Computer) for uploading the same on the website of this court under the heading of Notifications and Practice Directions.
7. Guard File.

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As directed circular please be uploaded.

(Div. CIT)

RESIDENT
30/09/2024
(P.A. to Registrar (IT))

(P.A. to Registrar)

(P.A. to Registrar) 30/09/2024
Ma. Ranjansh

30/09/2024
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