

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE**

**LOK SABHA
UNSTARRED QUESTION NO. 4736
TO BE ANSWERED ON FRIDAY, THE 20TH MARCH, 2026**

JURISDICTION OF SPECIAL COURTS UNDER THE POCSO ACT

4736. SHRI BALWANT BASWANT WANKHADE:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the power of the Special Court to award compensation to child victims under Section 33(8) of the Protection of Children from Sexual Offences (POCSO) Act, 2012 is an exclusive statutory jurisdiction conferred by Parliament and whether it can be substituted by any authority not envisaged under the Act;

(b) whether the Government considers State schemes that vest such compensatory powers in State-level committees or authorities, in place of the Special Court, to be legally permissible;

(c) if so, whether such substitution amounts to repugnancy with the Central law under Article 254 of the Constitution and if not, the legal basis therefor;

(d) whether any legal opinion has been sought on the validity of curtailing the Special Court's jurisdiction through executive or subordinate legislation; and

(e) the steps proposed to ensure that State compensation mechanisms operate only as a supplement to and not in derogation of the jurisdiction of the Special Courts under POCSO?

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS

(SHRI ARJUN RAM MEGHWAL)

(a) to (e): The Protection of Children from Sexual Offences Act, 2012 (POCSO Act) is a special legislation enacted by Parliament to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto. Section 33(8) of the Act provides that the Special Court may direct payment of compensation to the child for any physical or mental trauma or for immediate rehabilitation. Further, the Protection of Children from Sexual Offences Rules, 2020,

provide the procedure and factors relating to the loss or injury caused to the victim for grant of compensation to child victims.

In addition, compensation to victim is also provided under Section 357A of the Code of Criminal Procedure, 1973 (now Section 396 under the Bharatiya Nagarik Suraksha Sanhita, 2023) through Victim Compensation Schemes implemented by the State/UTs in coordination with the State Legal Service Authorities.

The Protection of Children from Sexual Offences Act, 2012 and Section 357A of the Code of Criminal Procedure, 1973 together provide for compensation to victims through judicial orders as well as through Victim Compensation Schemes implemented by States/UTs.

Compensation can be given under different state's schemes also. This will be in addition to compensation given by Special Court. However, power of Special Court cannot be taken away by state government or schemes as the Prevention of Children from Sexual Offences is a central Act.
