
THE JOURNEY OF A CHILD VICTIM THROUGH THE CRIMINAL JUSTICE SYSTEM: A VICTIMOLOGICAL ANALYSIS OF THE POCSO ACT, 2012

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1. ABSTRACT

Child sexual abuse represents one of the most serious forms of victimisation because its consequences extend far beyond the immediate commission of the offence. A child victim may experience physical injury, psychological trauma, fear, stigma, disruption of education and deterioration of family and social relationships. The vulnerability of children is further intensified when they enter the criminal justice system, where investigation, medical examination, evidence recording and trial may expose them to repeated questioning and the possibility of secondary victimisation. The Protection of Children from Sexual Offences Act, 2012 (POCSO) was enacted to provide a specialised legal framework for addressing sexual offences against children and to incorporate child-sensitive procedures into the criminal justice process.

This article examines the journey of a child victim from the point of victimisation and disclosure through police investigation, medical examination, evidence recording, Special Court proceedings, compensation, support and rehabilitation. Adopting a victimological perspective, the article evaluates whether the POCSO framework sufficiently protects the dignity, privacy, participation, safety and psychological well-being of child victims. It distinguishes between primary victimisation arising from the sexual offence and secondary victimisation that may occur through insensitive institutional and social responses. The article argues that the success of POCSO cannot be measured exclusively through registration of cases, prosecution or conviction. Meaningful child-centred justice must also be assessed by the extent to which the criminal justice system prevents re-traumatisation, enables meaningful participation, provides effective support and facilitates long-term recovery and rehabilitation. The article concludes that while POCSO represents an important transition towards child-sensitive criminal justice, effective implementation, institutional coordination and a stronger victim-centred approach remain essential for transforming legal protection into substantive justice.

Keywords: Child Victim, Victimology, Child Sexual Abuse, POCSO Act, Victimisation, Secondary Victimisation, Child-Centred Justice, Special Courts, Rehabilitation, Victim Rights.

2. Introduction

Childhood represents a formative period of physical, emotional, psychological and social development. Sexual victimisation during this period can therefore produce consequences that are qualitatively different from those experienced by many adult victims. The child may experience fear, confusion, shame, loss of trust, emotional insecurity, educational disruption and difficulties in family and social relationships. In addition to the immediate consequences of the offence, the child may subsequently be required to interact with multiple institutions of the criminal justice system. The criminal justice response to child sexual abuse presents a fundamental challenge. On the one hand, the State must investigate the offence, collect evidence and prosecute the alleged offender in accordance with fair-trial principles. On the other hand, the child must be protected from further psychological and emotional harm during the very process intended to provide justice. This tension makes the child victim's experience an important subject of victimological analysis.

Traditional criminal justice systems have largely been constructed around the offence and the offender. The central questions have historically been whether a crime has been committed, who committed it, what evidence establishes guilt and what punishment should follow. Victimology introduced a broader perspective by drawing attention to the victim, the nature of victimisation, victim rights, victim participation and the consequences of institutional responses to crime. The position of child victims requires even greater sensitivity because children may lack the maturity, independence and resources necessary to understand, disclose and report sexual abuse. The offender may be a parent, relative, teacher, neighbour, caretaker or another trusted person. Consequently, the child may experience not only physical or sexual harm but also fear, emotional dependency, threats, manipulation and family pressure.

The enactment of the Protection of Children from Sexual Offences Act, 2012 marked a significant development in Indian child-protection law. The Act was designed to protect children from sexual assault, sexual harassment and pornography and to establish Special Courts for the trial of such offences. The Supreme Court has recognised that the legislation places substantial emphasis upon child-friendly procedures, dignity, privacy and the interests

of the child as both victim and witness.

The POCSO framework is consequently wider than the mere definition of offences and prescription of punishments. Chapter IV addresses reporting and recording of statements; Chapter V deals with procedures for recording the child's statement and medical examination; and Chapters VII and VIII establish Special Courts and child-sensitive trial procedures. Sections 33–40 are particularly significant because they seek to protect the child during judicial proceedings. The official statutory structure expressly includes provisions concerning Special Courts, recording of evidence, protection from seeing the accused, in-camera trials, interpreters and experts, and legal assistance. The POCSO Rules, 2020 further extend the protective framework. They provide for care and protection, Support Persons, interpreters and experts, special relief, compensation and rehabilitation. The Supreme Court has recognised that the journey from registration of a complaint through police investigation, medical interaction, the Magistrate, Special Court, Child Welfare Committee and other institutions can itself be daunting and overwhelming for a child victim and family.

This article examines the journey of a child victim through the criminal justice system. The journey is conceptualised as a sequence beginning with victimisation and disclosure and continuing through reporting, protection, statement recording, medical examination, investigation, judicial proceedings, compensation, support and rehabilitation. The central argument of this article is that justice for a child victim cannot be measured solely by the conviction of the offender. The effectiveness of POCSO must also be assessed according to whether the criminal justice system prevents secondary victimisation and protects the child's dignity, privacy, participation, psychological well-being and long-term recovery.

3. UNDERSTANDING CHILD VICTIMISATION THROUGH A VICTIMOLOGICAL LENS

3.1 Concept of Victim and Victimisation

Victimology is concerned with the study of victims, their experiences, their relationship with offenders and institutions, and the social and legal responses to victimisation. "victim" means a person who has suffered any loss or injury caused by reason of the act or omission for which the accused person has been charged and includes the guardian or legal heir of such victim¹.

¹ The Bharatiya Nagarik Suraksha Sanhita, 2023 (Act no 46 of 2023), S. 2 (x)

The development of victimology has contributed to a broader understanding of criminal justice by shifting attention from the offender alone towards the harm suffered by victims.

Victimisation refers to the process through which an individual suffers harm as a result of criminal conduct or related social and institutional circumstances. In the case of children, victimisation requires particular attention because the child may lack the physical, emotional, psychological and economic resources necessary to protect themselves or seek effective remedies.

Child sexual victimisation may occur in different forms, including sexual assault, penetrative sexual assault, sexual harassment and exploitation. Regardless of the particular offence, the victimological significance lies in the impact of the offence upon the child's physical integrity, psychological well-being, dignity and social development.

3.2 The Child as a Vulnerable Victim

Children constitute a particularly vulnerable category of victims. Their vulnerability may arise from age, dependency, limited understanding, emotional immaturity, social conditioning and unequal power relationships. The offender may exploit the child's dependence or trust. In cases involving family members, relatives, teachers, neighbours or other persons known to the child, the child may experience conflicting emotions of fear, affection, loyalty and confusion. The vulnerability of the child therefore cannot be understood solely in physical terms. It is also psychological, social and institutional.

3.3 Primary and Secondary Victimisation

A useful victimological distinction is between primary and secondary victimisation.

Primary victimisation refers to the direct harm caused by the criminal act². In child sexual abuse, this may include physical injury, psychological trauma, fear, shame and disruption of normal development.

Secondary victimisation refers to additional harm caused by the responses of institutions, authorities, family or society after the offence³. Repeated questioning, insensitive medical

² Victimological and Victimization, <https://share.google/1v96pQyJZo3xjp6Ju>, (12.15 P.M)

³ *ibid*

procedures, hostile cross-examination, social stigma, disclosure of identity and delays in proceedings may intensify the child's suffering.

The recognition of secondary victimisation is particularly important in POCSO cases because the criminal justice system necessarily requires the child to interact with multiple institutions.

4.THE CHILD VICTIM UNDER THE POCSO ACT, 2012

The Protection of Children from Sexual Offences Act, 2012 was introduced with the view of combating all forms of sexual abuse against children. Despite the fact that the United Nations adopted the Convention on the Rights of the Child way back in 1989, the first legislation to comprehensively address the offences against children in India, only came by way of the POCSO Act in the year 2012. However, given the surge in the cases of child sexual abuse, the POCSO Act not only seeks to comprehensively deal with the protection of children against sexual abuse, but also aims to ensure their well-being by making the entire trial process child-friendly. In accordance with Article 15(3) of the Constitution of India, the Parliament is empowered to make special laws in the interest of children and women. For this reason, the POCSO Act was enacted, in order to address the concerns regarding all forms of sexual abuse against children⁴. In addition to defining various forms of sexual abuse against children and prescribing punishments for the same, the POCSO Act also aims to protect the privacy of the child and maintain confidentiality during every stage of the judicial proceeding. The legislation also incorporates child-friendly mechanisms for reporting, investigation and trial, in order to ensure speedy trial of the offences.

Importantly, the POCSO framework is not limited to defining offences and prescribing punishments. It also contains provisions concerning reporting, recording of statements, medical examination, protection of identity, child-friendly procedures and Special Courts. The POCSO Rules, 2020 further strengthen the protective framework by addressing support mechanisms, care, protection, compensation and rehabilitation. The legislative framework therefore reflects an important principle: the child must not become a secondary casualty of the criminal justice process.

⁴ The Protection of Children from Sexual Offences Act (POCSO), 2012, <https://share:google/70ReLN5oVKRinnflc> (11A.M)

5. STAGE I – FROM VICTIMISATION TO DISCLOSURE

The first stage of the child's journey is the experience of victimisation itself. However, the transition from victimisation to disclosure is not always immediate. The journey begins with the commission of a sexual offence against the child.

5.1 Barriers to Disclosure

Children may hesitate to disclose sexual abuse because of fear, shame, threats, emotional dependency or uncertainty about the consequences of disclosure. Where the offender is a family member or trusted adult, disclosure may appear particularly difficult. The child may fear the breakdown of the family, punishment, disbelief or social consequences.

5.2 Delayed Disclosure

Delayed disclosure should not automatically be understood as evidence that the allegation is unreliable. Children's understanding of sexual conduct, fear of authority and emotional responses to abuse may affect the timing of disclosure. A victim-sensitive system must therefore approach delayed disclosure with sensitivity rather than automatically treating delay as a reason to discredit the child.

5.3 Role of Family and Society

Family members may act as an important source of support, but they may also become a source of pressure. Concerns regarding family reputation, social stigma or economic dependency can influence decisions concerning reporting. The first response to disclosure can therefore significantly affect the child's subsequent experience of justice.

6. STAGE II – THE CHILD'S ENTRY INTO THE CRIMINAL JUSTICE SYSTEM

Once the abuse is reported, the child enters a complex institutional environment involving police officers, medical professionals, prosecutors, courts and support services.

6.1 Police Investigation

The police investigation is one of the most significant stages in the child's journey. The manner in which the initial statement is recorded and the child is treated can influence both the

evidentiary process and the child's psychological experience. The law seeks to provide child-friendly procedures. However, effective protection depends upon proper implementation and specialised training.

Related Section under POCSO Act, 2012

- Section 19: Reporting of Offences
- Sections 20 and 21: Institutional Reporting Responsibilities
- Section 23: Protection from Media Exposure

6.2 Recording of Statements

Children should be protected from unnecessary repetition of their account. Repeatedly narrating traumatic experiences may increase emotional distress and may contribute to secondary victimisation. The objective should therefore be to obtain necessary information while minimising unnecessary repetition.

6.3 Victimological Assessment

From a victimological perspective, investigation should serve two objectives simultaneously:

1. collection of reliable evidence; and
2. protection of the child from additional trauma.

A system that achieves the first objective while failing the second cannot be regarded as completely victim-centred.

7. STAGE III – MEDICAL EXAMINATION AND FORENSIC PROCESS

Medical examination may be necessary for treatment and evidence collection. However, the process must be approached with sensitivity because medical procedures may themselves be stressful for a child who has already experienced sexual victimisation.

- Section 19(5) and (6)

- The POCSO Rules, 2020 provide a structured approach to care and protection. Rule 4 addresses the responsibilities of the Child Welfare Committee and provides for the appointment of a Support Person, with the required consent, to assist the child through investigation and trial⁵.
- Section 27 – Medical Examination of a Child

Medical examination may serve both therapeutic and evidentiary functions. Section 27 specifically regulates the medical examination of child victims⁶.

7.1 Dignity and Privacy

The child's dignity and privacy must remain central during examination. The medical process should avoid unnecessary intrusion and should be conducted in an environment appropriate to the child's age and emotional condition.

7.2 Evidence versus Victim Care

The medical examination should not be understood merely as an evidence-gathering exercise. The child is first and foremost a person requiring care and protection. A victimological approach therefore requires coordination between medical treatment, forensic requirements and psychological support.

7.3 Psychological Considerations

Children may experience fear, embarrassment or anxiety during medical procedures. Trauma-informed practices can reduce the possibility of further psychological harm.

8. STAGE IV – THE CHILD AS VICTIM AND WITNESS

One of the most complex dimensions of child sexual offence cases is that the child may be both the victim of the offence and an important witness. The child is simultaneously: Victim + Witness + Rights-holder + Person requiring protection.

⁵ Protection of Children from Sexual Offences Rules 2020, rr 4 (7) – (8).

⁶ *ibid* s 27

8.1 The Dual Role

The criminal justice system requires evidence to establish guilt. At the same time, the child must not be treated merely as an instrument of prosecution. This creates a fundamental tension between evidentiary requirements and victim protection.

8.2 Child-Friendly Evidence Procedures

Section 33: Child-Friendly Trial POCSO incorporates procedures intended to make the process less intimidating for children. The Special Court system is designed to facilitate child-sensitive adjudication⁷.

8.3 Cross-Examination and Secondary Victimization

Cross-examination is an essential component of a fair trial. However, the manner in which questions are put to a child may create fear, humiliation or confusion. The challenge is therefore not to eliminate the accused's right to a fair trial but to ensure that fair-trial procedures are implemented in a manner consistent with the child's dignity.

9. STAGE V – THE SPECIAL COURT AND THE EXPERIENCE OF JUSTICE

The Special Court is a central component of the POCSO framework.

- Section 28 – Designation of Special Courts
- Section 29 – Presumption as to certain offences
- Section 30 – Presumption of culpable mental state
- Section 31 – Application of procedural law
- Section 32 – Special Public Prosecutors
- Section 33 – Procedure and powers of Special Court

9.1 Child-Friendly Adjudication

The Special Court is expected to create an environment in which children can participate

⁷ Ibid s 33

without unnecessary fear or intimidation.

9.2 Delay and Its Impact

Delay in criminal proceedings can have serious consequences for child victims. Prolonged proceedings may require the child to repeatedly revisit the incident and may create uncertainty regarding the outcome. Delay can also affect education, family life and psychological recovery.

9.3 Conviction and the Meaning of Justice

A major victimological question is whether conviction alone constitutes justice. From the perspective of the criminal justice system, conviction represents successful adjudication of criminal responsibility. From the perspective of the child, however, justice may include safety, recognition, dignity, psychological support, compensation, rehabilitation and the ability to resume a normal life. Therefore, justice for the child should not be reduced to the punishment of the offender.

10. STAGE VI – COMPENSATION, SUPPORT AND REHABILITATION

The consequences of child sexual victimisation may continue long after the criminal trial has ended.

10.1 Compensation

Compensation can assist in addressing financial consequences associated with medical treatment, psychological care, education and other needs. However, monetary compensation alone cannot restore the child's previous condition. It must therefore be viewed as one component of a broader victim-support framework⁸.

10.2 Psychological Support

Professional psychological and counselling services may be essential for recovery. The availability, accessibility and continuity of such services remain important considerations.

⁸ Mr. Poduga Mohan Ratna, "Justice to children : With reference to POCSO Cases", IJIP Volume 14 (2026)

10.3 Support Persons

Support Persons can assist children in understanding and navigating the criminal justice process and can provide continuity of support. Their effectiveness, however, depends upon adequate institutional capacity, training and coordination.

10.4 Rehabilitation

Rehabilitation should extend beyond the conclusion of the criminal case. It may involve psychological recovery, educational continuity, family support, social reintegration and restoration of the child's sense of security.

11. SECONDARY VICTIMISATION: THE UNSEEN DIMENSION OF THE CHILD'S JOURNEY

Secondary victimisation is perhaps one of the most significant victimological concerns in the criminal justice process. A child who has already suffered sexual victimisation may experience further distress when required to repeatedly recount the incident, face insensitive questioning, encounter social stigma or wait for years for the conclusion of the case.

Secondary victimisation may occur through:

- Insensitive police responses
- Repeated statements
- Inappropriate medical procedures
- Intimidating court environments
- Aggressive questioning
- Unnecessary delays
- Breach of privacy
- Media exposure

- Family pressure
- Social stigma and
- Lack of adequate psychological support.

The existence of child-friendly legislation is therefore not sufficient. The entire institutional culture must be capable of implementing the principles underlying that legislation.

11.CRITICAL VICTIMOLOGICAL ASSESSMENT OF THE POCSO FRAMEWORK

The POCSO framework demonstrates a clear movement from traditional offender-centred criminal law towards child-centred justice. Nevertheless, several contradictions remain.

11.1 Protection versus Participation

Children require protection, but excessive paternalism can potentially limit their participation. A modern approach should protect the child without silencing the child's voice.

11.2 Evidence versus Psychological Safety

The State requires evidence to prosecute offenders. However, the collection of evidence must not unnecessarily expose the child to trauma. The objective should therefore be: Maximum evidentiary reliability with minimum psychological intrusion.

11.3 Conviction versus Justice

Conviction establishes criminal responsibility. It does not automatically restore the child's psychological or social well-being. Therefore: Conviction $\neq$ Complete Victim Justice.

11.4 Legal Rights versus Implementation

POCSO contains numerous safeguards, but the practical effectiveness of those safeguards depends upon trained personnel, infrastructure, coordination and monitoring. The Supreme Court's intervention in *Alakh Alok Srivastava*⁹ and *Bachpan Bachao Andolan*¹⁰ illustrates this

⁹ *Alakh Alok Srivastava v Union of India* (2018) 17 SCC 291.

¹⁰ *Bachpan Bachao Andolan v Union of India* 2023 INSC 745.

implementation gap.

11.5 Formal Compensation versus Meaningful Rehabilitation

A compensation order may provide financial assistance, but rehabilitation requires continuing support. The victimological approach therefore favours a broader model of restorative and rehabilitative justice.

12. CHALLENGES IN ENSURING CHILD-CENTRED JUSTICE

Several challenges affect the effective implementation of child-centred justice.

- Delay in Criminal Proceedings

Prolonged proceedings can extend uncertainty and psychological distress.

- Lack of Specialised Training

Police, prosecutors, medical professionals and court personnel require specialised training concerning child psychology and trauma.

- Risk of Secondary Victimisation

Repeated questioning and insensitive institutional responses can compound the original harm.

- Psychological Support Gaps

Legal protection without adequate mental-health and psychosocial support may leave important dimensions of victim recovery unaddressed.

- Social Stigma

Children may experience stigma, blame and isolation after disclosure.

- Family Pressure

In some situations, family interests may conflict with the child's best interests.

- Inconsistent Implementation

The existence of comprehensive legislation does not ensure uniform implementation throughout the country.

➤ Measuring Justice through Conviction

A conviction-centred approach may overlook the child's broader needs.

13. REIMAGINING THE JOURNEY: TOWARDS VICTIM-CENTRED CHILD JUSTICE

The future of child justice requires a movement from a primarily offender-centred model towards a genuinely victim-centred and child-sensitive model. First, investigation should be trauma-informed. Officers must understand how children communicate trauma and why disclosure may be delayed or inconsistent. Second, the criminal justice system should reduce unnecessary repetition of the child's account. Technological and procedural mechanisms can be used where legally appropriate to minimise repeated exposure. Third, psychological support should be integrated into the criminal justice process rather than treated as an optional service. Fourth, Support Persons and other child-support mechanisms should receive adequate training and institutional support. Fifth, Special Courts should be adequately staffed and equipped to conduct timely and child-sensitive proceedings. Sixth, compensation should be accessible and responsive to the actual needs of the child rather than functioning merely as a formal monetary remedy. Finally, the success of POCSO should be evaluated through broader indicators such as: Safety + Dignity + Participation + Protection + Support + Recovery + Rehabilitation + Justice rather than conviction rates alone.

14. SUGGESTIONS

The following measures may strengthen victim-centred implementation of POCSO:

1. Strengthen specialised child-sensitive investigation units.
2. Provide mandatory trauma-informed training for police officers, prosecutors, judges, medical professionals and support personnel.
3. Minimise repeated questioning of child victims through coordinated investigative and judicial procedures.

4. Strengthen psychological and counselling services from the initial stage of reporting through rehabilitation.
5. Improve coordination among police, hospitals, Child Welfare Committees, Special Courts and support services.
6. Strengthen the Support Person mechanism through training, supervision and accountability.
7. Reduce procedural delays in POCSO cases.
8. Ensure meaningful protection of privacy and identity of child victims.
9. Improve access to compensation and ensure that compensation is linked with actual rehabilitation needs.
10. Develop long-term rehabilitation programmes rather than limiting assistance to the duration of criminal proceedings.
11. Promote child-sensitive courtroom practices while preserving the accused's right to a fair trial.
12. Develop victim-centred indicators for evaluating POCSO implementation, including the child's experience of safety, dignity, participation and recovery.

15. CONCLUSION

The Journey of a child victim through the criminal justice system does not begin with the filing of a complaint and does not end with the pronouncement of a judgment. It begins with victimisation, continues through disclosure and reporting, and extends through investigation, medical examination, evidence recording, trial, compensation, support and rehabilitation. The POCSO Act, 2012 represents a significant development in India's legal response to child sexual offences. Its child-sensitive procedures and specialised institutional framework demonstrate a legislative recognition that children require protection beyond ordinary criminal procedure. Nevertheless, the effectiveness of the framework ultimately depends upon implementation. From a victimological perspective, the criminal justice system must recognise that a child may experience harm not only from the original offence but also from the institutional and social

responses that follow it. Secondary victimisation therefore deserves as much attention as primary victimisation. The fundamental challenge is to ensure that the child does not become merely an instrument for securing the conviction of the offender. The child is a victim, a rights-holder and, where appropriate, a participant in the justice process. The criminal justice system must therefore protect the child's dignity and voice while simultaneously preserving the fundamental rights of the accused. Ultimately, justice for a child victim must extend beyond conviction. It must encompass protection, recognition, participation, psychological support, compensation, rehabilitation and the restoration of a meaningful and secure life.

The True measure of POCSO should therefore not be limited to the number of cases registered or convictions obtained. Its deeper success lies in whether the child who enters the criminal justice system as a victim is able to emerge from that journey with greater safety, dignity, support and hope for recovery. From victimisation to disclosure, from investigation to adjudication, and from trauma to rehabilitation, every stage of the child's journey must become a pathway towards justice rather than another source of harm.

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