



SCHEME FOR CARE AND SUPPORT TO VICTIMS UNDER POCSO - GS II MAINS

Q. The minor girl victim support scheme represents a significant step towards supporting minor pregnant victims but requires substantial revisions to address its current oversights and inconsistencies. Examine (15 marks, 250 words)

News: *A minor girl victim support scheme that loses its way*

What's in the news?

- On November 30, 2023, the Ministry of Women and Child Development introduced the “Scheme for Care and Support to Victims under Section 4 & 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012”.

Scheme for Care and Support to Victims under Section 4 & 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012:

- The scheme aims to provide comprehensive support and assistance to **minor pregnant girl child victims**, ensuring both emergency and long-term rehabilitation under one roof.

However, despite its noble intentions, the scheme suffers from significant oversights and inconsistencies, leading to confusion and potential inefficacy in its implementation.

Provisions of the Scheme:

1. Integrated Support and Assistance:

- The scheme aims to provide comprehensive support to minor pregnant girl child victims, ensuring they receive the **necessary care and assistance** “under one roof.”

2. Emergency and Long-term Services:

- It facilitates **immediate emergency services as well as non-emergency access** to services that support long-term rehabilitation for these victims.

3. Financial Assistance:

- The scheme provides financial assistance to pregnant girl child victims, including an initial payment of **₹6,000** and a monthly payment of **₹4,000** up to the age of 21 years, with a possible extension up to 23 years, as **part of Mission Vatsalya**.

Issues with the Scheme:

1. Redrafting Issues:

- Despite expansion, the scheme’s documentation has not been sufficiently updated to reflect this broader inclusiveness, resulting in incomplete adjustments and necessary changes being omitted.



2. Misleading Nomenclature:

- **Gender Confusion** - Since victims under Sections 4 and 6 can be of any gender, the name creates confusion.

3. Victim Categories and Scheme Benefits:

- **Coverage** - The scheme includes victims who either continue with their pregnancies or those whom the court has not permitted to undergo a medical termination of pregnancy (MTP).
- **Benefit Silence** - It does not specify if benefits continue for victims who opt for an MTP or those who experience miscarriages.

4. Age and Circumstances:

- It remains unclear if benefits extend to victims who turn 18 or whose personal circumstances change during the benefit period.

5. Monetary Implications:

- **High Financial Burden** - Given the high rates of child marriages and teenage pregnancies in India, the scheme's financial burden on the exchequer will be substantial.
- **Cost Example** - For 1,448 girls in a southern district, the total estimated cost would be ₹49,52,16,000.

6. Entitlements Lacks Clarity:

- The scheme lacks clarity on whether the benefits listed for institutional care also apply to non-institutional care for girls who prefer to live with their families.

7. Inconsistency with CARA:

- The stipulation that newborns can be placed in designated Specialized Adoption Agencies (SAAs) until the girl turns 18 conflicts with CARA regulations, which do not impose age thresholds for surrendering an infant.

8. Contradictions with Existing Legislations:

- **Section 27 Misreference** - The scheme wrongly refers to Section 27 of the POCSO Act, which pertains to medical examination, for placement decisions.
- **CWC Consent Misinterpretation** - It incorrectly implies that the Child Welfare Committee (CWC) can consent for the medical examination of any child below 12 years without parents/guardians present.
- **Redundant MTP Process** - The scheme's stipulation that the district magistrate, advised by the chief medical officer, orders an MTP is redundant and not in line with the MTP Act.



- **Brief MTP Mention** - The scheme gives only a brief, random mention of MTP in a 21-page document, failing to address the crucial decisions involved in pregnancy discontinuation.

Way Forward:

1. Rectify Nomenclature and Scope:

- Clearly define the scheme's target group and scope in its name.
- Ensure the scheme's documentation accurately reflects its inclusiveness.

2. Align with Existing Legislation:

- Correctly reference the POCSO Act and align with the Juvenile Justice (JJ) Act and CARA regulations.
- Streamline the MTP process to avoid delays and conflicts with the MTP Act.

3. Clear Guidelines for Benefits:

- Clearly specify the benefits for victims opting for MTP or those experiencing miscarriages.
- Clarify benefits for victims turning 18 or whose circumstances change.

4. Detailed Provisions for Non-Institutional Care:

- Ensure that non-institutional care benefits are explicitly stated.

5. Comprehensive Financial Planning:

- Conduct thorough data analysis to plan and budget for scheme implementation.
- Utilize health and police data to accurately estimate financial requirements.

The minor girl victim support scheme represents a significant step towards supporting minor pregnant victims. However, the scheme requires substantial revisions to address its current oversights and inconsistencies. By ensuring clarity, inclusivity, and alignment with existing laws, and by providing proactive SRH information and services, the government can effectively support the vulnerable group it aims to protect.