

No. 15014/10/2019-SC/ST-W
Government of India
Ministry of Home Affairs
(WS Division)

2nd Floor, Open Gallery Building,
M.D.C. National Stadium, New Delhi.
Dated: 20th November, 2019

To

1. Principal Secretary (Home)/ Additional Chief Secretary (Home)/ Home Secretary of all State Governments including UT of GNCTD and Puducherry.
2. Office of Administrator of UT of Chandigarh, Daman & Diu, Dadra & Nagar Haveli, Andaman & Nicobar Islands, Jammu & Kashmir, Ladakh and Lakshadweep

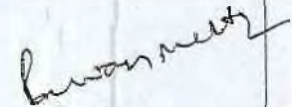
Subject:- The Protection of Children from Sexual Offences (Amendment) Act, 2019.

Sir/ Madam,

I am directed to forward a copy of the Protection of Children from Sexual Offences (Amendment) Act, 2019. The POCSO Act has been amended to make it more effective in dealing with cases of child sexual abuse in the country and aims at arresting the rising trend of gruesome and heart wrenching offences being committed against children. The Amendment Act also provides for more stringent punishments such as increase in the imprisonment period and depending on the gravity of the offence, the Courts may impose penalties on the perpetrator which includes death penalty in extreme cases of aggravated penetrative sexual assault. The Act has also made adequate provisions for timely disposal of cases pertaining to POCSO.

2. It is an important Central legislation to protect children from sexual abuse. It is requested that necessary action may be taken for awareness generation in respect of the POCSO (Amendment) Act, 2019, as well as its implementation.

Yours faithfully



(Pawan Mehta)

Deputy Secretary to the Govt. of India

Tele: 23075293

Encl.: As above.

Copy to:

DGsP of all States/UTs



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 2694]

नई दिल्ली, शुक्रवार, अगस्त 16, 2019/श्रावण 25, 1941

No. 2694]

NEW DELHI, FRIDAY, AUGUST 16, 2019/SHRAVANA 25, 1941

महिला एवं बाल विकास मंत्रालय

(सीडब्ल्यू-1 अनुभाग)

अधिसूचना

नई दिल्ली, 16 अगस्त, 2019

का.आ. 2957(अ).—यौन अपराधों से बच्चों का संरक्षण (संशोधन) अधिनियम, 2019 (2019 का 25) की धारा 1 की उप-धारा (2) में यथानिहित शक्तियों का प्रयोग करते हुए केंद्र सरकार एतद्वारा 16 अगस्त, 2019 को उक्त अधिनियम के लागू होने की तिथि घोषित करती है।

[फा. सं. 30/2/2018-सीडब्ल्यू-1]

आस्था सक्सेना खटवानी, संयुक्त सचिव

MINISTRY OF WOMEN AND CHILD DEVELOPMENT

(CW-I Section)

NOTIFICATION

New Delhi, the 16th August, 2019

S.O. 2957(E).—In exercise of the Powers conferred by sub-section (2) of section 1 of the Protection of Children from Sexual Offences (Amendment) Act, 2019 (25 of 2019), the Central Government hereby appoints the 16th August, 2019 as the date on which the said Act shall come into force.

[F. No. 30/2/2018-CW-I]

AASTHA SAXENA KHATWANI, Jt. Secy.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 44] नई दिल्ली, मंगलवार, अगस्त 6, 2019/श्रावण 15, 1941 (शक)
No. 44] NEW DELHI, TUESDAY, AUGUST 6, 2019/SHRAVANA 15, 1941 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 06th August, 2019/Shravana 15, 1941 (Saka)

The following Act of Parliament received the assent of the President on the 5th August, 2019, and is hereby published for general information:—

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES (AMENDMENT) ACT, 2019

No. 25 OF 2019

[5th August, 2019.]

An Act further to amend the Protection of Children from Sexual Offences Act, 2012.

Be it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Protection of Children from Sexual Offences (Amendment) Act, 2019.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

32 of 2012.

2. In the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the principal Act), in section 2,—

Amendment of section 2.

(a) in sub-section (1), after clause (d), the following clause shall be inserted, namely:—

“(da) “child pornography” means any visual depiction of sexually explicit conduct involving a child which include photograph, video, digital or computer generated image indistinguishable from an actual child, and image created, adapted, or modified, but appear to depict a child;”

(b) in sub-section (2), for the words, brackets and figures "the Juvenile Justice (Care and Protection of Children) Act, 2000", the words, brackets and figures "the Juvenile Justice (Care and Protection of Children) Act, 2015" shall be substituted.

56 of 2000.
2 of 2016.

Amendment
of section 4.

3. In the principal Act, section 4 shall be renumbered as section 4(1) thereof and—

(a) in sub-section (1) as so renumbered, for the words "seven years", the words "ten years" shall be substituted;

(b) after sub-section (1), the following sub-sections shall be inserted, namely:—

"(2) Whoever commits penetrative sexual assault on a child below sixteen years of age shall be punished with imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of natural life of that person, and shall also be liable to fine.

(3) The fine imposed under sub-section (1) shall be just and reasonable and paid to the victim to meet the medical expenses and rehabilitation of such victim."

Amendment
of section 5.

4. In section 5 of the principal Act,—

(I) in clause (j),—

(A) in sub-clause (i), the word "or" occurring at the end shall be omitted;

(B) in sub-clause (iii), the word "or" occurring at the end shall be omitted;

(C) after sub-clause (iii), the following sub-clause shall be inserted, namely:—

"(iv) causes death of the child; or";

(II) in clause (s), for the words "communal or sectarian violence", the words "communal or sectarian violence or during any natural calamity or in similar situations" shall be substituted.

Substitution of
new section
for section 6.

5. For section 6 of the principal Act, the following section shall be substituted, namely:—

Punishment
for aggravated
penetrative
sexual assault.

"6. (1) Whoever commits aggravated penetrative sexual assault shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of natural life of that person, and shall also be liable to fine, or with death.

(2) The fine imposed under sub-section (1) shall be just and reasonable and paid to the victim to meet the medical expenses and rehabilitation of such victim."

Amendment
of section 9.

6. In section 9 of the principal Act,—

(i) in clause (s), for the words "communal or sectarian violence", the words "communal or sectarian violence or during any natural calamity or in any similar situations" shall be substituted;

(ii) after clause (u), the following clause shall be inserted, namely:—

"(v) whoever persuades, induces, entices or coerces a child to get administered or administers or direct anyone to administer, help in getting administered any drug or hormone or any chemical substance, to a child with the intent that such child attains early sexual maturity;"

7. For section 14 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 14.

"14. (1) Whoever uses a child or children for pornographic purposes shall be punished with imprisonment for a term which shall not be less than five years and shall also be liable to fine, and in the event of second or subsequent conviction with imprisonment for a term which shall not be less than seven years and also be liable to fine.

Punishment for using child for pornographic purposes.

(2) Whoever using a child or children for pornographic purposes under sub-section (1), commits an offence referred to in section 3 or section 5 or section 7 or section 9 by directly participating in such pornographic acts, shall be punished for the said offences also under section 4, section 6, section 8 and section 10, respectively, in addition to the punishment provided in sub-section (1)."

8. For section 15 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 15.

"15. (1) Any person, who stores or possesses pornographic material in any form involving a child, but fails to delete or destroy or report the same to the designated authority, as may be prescribed, with an intention to share or transmit child pornography, shall be liable to fine not less than five thousand rupees, and in the event of second or subsequent offence, with fine which shall not be less than ten thousand rupees.

Punishment for storage of pornographic material involving child.

(2) Any person, who stores or possesses pornographic material in any form involving a child for transmitting or propagating or displaying or distributing in any manner at any time except for the purpose of reporting, as may be prescribed, or for use as evidence in court, shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.

(3) Any person, who stores or possesses pornographic material in any form involving a child for commercial purpose shall be punished on the first conviction with imprisonment of either description which shall not be less than three years which may extend to five years, or with fine, or with both, and in the event of second or subsequent conviction, with imprisonment of either description which shall not be less than five years which may extend to seven years and shall also be liable to fine."

9. In section 34 of the principal Act, for the words, brackets and figures "the Juvenile Justice (Care and Protection of Children) Act, 2000", the words, brackets and figures "the Juvenile Justice (Care and Protection of Children) Act, 2015" shall be substituted.

Amendment of section 34.

56 of 2000.
2 of 2016.

10. In section 42 of the principal Act, for the figures, letter and words "376E or section 509 of the Indian Penal Code", the figures, letters and words "376E, section 509 of the Indian Penal Code or section 67B of the Information Technology Act, 2000" shall be substituted.

Amendment of section 42.

45 of 1860.
21 of 2000.

11. In section 45 of the principal Act, in sub-section (2), clause (a) shall be re-lettered as clause (ab) thereof and before clause (ab) as so re-lettered, the following clauses shall be inserted, namely:—

Amendment of section 45.

"(a) the manner of deleting or destroying or reporting about pornographic material in any form involving a child to the designated authority under sub-section (1) of section 15;

(aa) the manner of reporting about pornographic material in any form involving a child under sub-section (2) of section 15;"

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.