

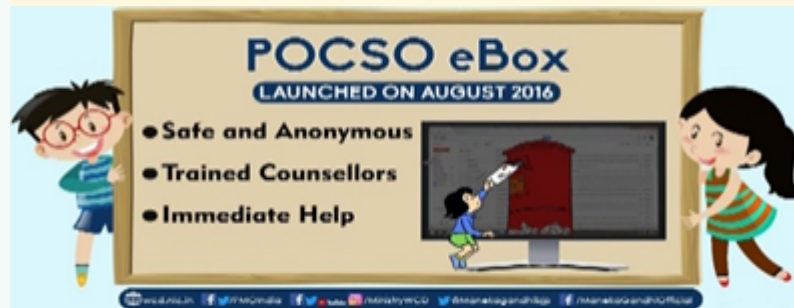
## The Act provides certain rights to the child which are:

- Free medical examination and medical treatment
- Medical examination by lady doctor and if no lady doctor then in the presence of a woman nominated by the head of medical institution
- Free copy of FIR by the Police
- Assistance of a support person to be provided by CWC
- Recording of Statement at the residence or any other place preferred by the child
- Recording of Statement by police officer not below the rank of sub inspector.
- No detention of child in the police station at any cost
- Assistance of translator/ interpreter and special educator
- Frequent breaks during trial
- Presence of parents, guardians, relatives, support person during the trial
- Cannot be called repeatedly to the court
- At no cost brought in front of the accused
- In camera trial of case
- Child friendly atmosphere in Court
- No aggressive questioning or character assassination during trial
- Interim and final compensation for the child

- Free legal aid
- Media to not disclose identity
- CWC to develop a comprehensive child protection plan in the best interest of the child.

### The offence can be reported to

- Special Juvenile Police Unit (SJPU) / Local Police Station
- Childline 1098
- POCSO E-Box



J-105, Kalkaji, New Delhi-110019  
Email: [info@bba.org.in](mailto:info@bba.org.in) | website: [www.bba.org.in](http://www.bba.org.in)

TO COMPLAINT ABOUT CHILD ABUSE, PLEASE CALL US ON:

 **1800-102-7222** (Toll-Free)



An Initiative of Association for Voluntary Action (AVA)

## THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

(includes Amendments)



The Act came into effect on Children's Day i.e. on 14th November 2012 and later amended on 6th August 2019 & came into effect from 16th August 2019.

The POCSO Act, 2012 defines child as any person below the age of 18 years and is gender neutral which means it applies to both girls and boys.

The offender under this Act can be male, female or third gender.



## SALIENT FEATURES OF POCSO ACT, 2012

- Burden of Proof is on the accused
- The act is gender neutral
- Severe punishment to those who use their power / authority or trust with the child and commit sexual offence
- Child friendly measures for reporting, recording, investigation and trial
- Bars media from disclosing the identity of the child

Failure to report a sexual offence against a child or apprehension that sexual offence is likely to be committed entails imprisonment of six months or fine or both.

## KEY DEFINITIONS

**Penetrative Sexual Assault** amounts to penetration to any extent into vagina, mouth, urethra or anus of the child or making the child to do the same with him/ her or any person. This act becomes more heinous if it is committed on a child below the age of 16 years. If a person commits such an offence he/she can be punished with minimum ten years of imprisonment and fine, but if the offence is committed against a child below the age of sixteen, the punishment is life imprisonment or death.

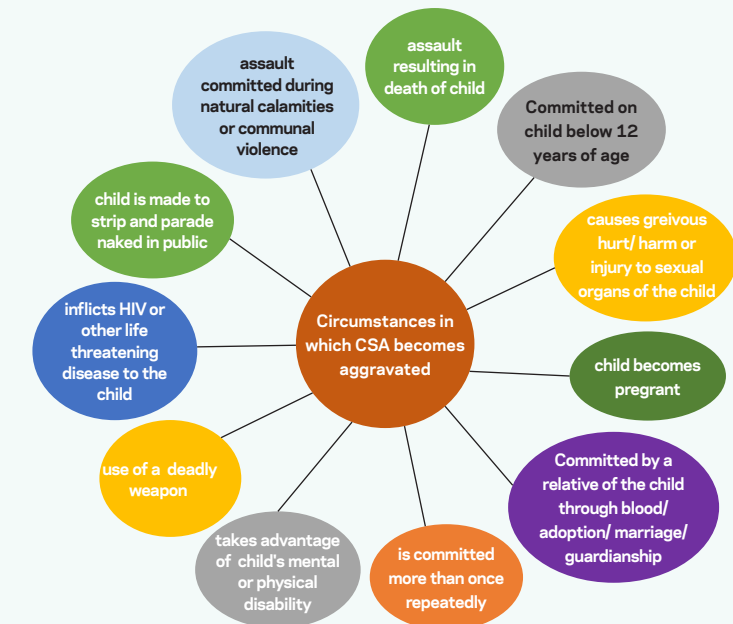
**Sexual Assault** involves sexual intent but does not include penetration. It involves touching the private parts of the child or making the child do so and does not include penetration. The private parts are the vagina, penis, anus, breast. If a person commits sexual assault then the punishment is minimum three years which can extend to five years and also liable to fine.

**Sexual Harassment** with a child comprises of uttering any words or making any sounds or gestures or exhibiting body parts with intention to be seen by the child, or making the child exhibit his body parts. Also includes following a child, contacting the child directly or indirectly, threatening the child to use his pictures for pornographic purposes. Any person who commits such a crime will be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

**Child Pornography-** Using a Child for Pornographic Purposes means any visual depiction of sexually explicit conduct involving a child which includes photography, video, digital or computer generated image indistinguishable from an actual and image created, adapted or modified but appear to depict a child. A person found guilty shall be punished with imprisonment of five years and for second or subsequent conviction with imprisonment for seven years and fine.

The act also penalizes those who store or possess pornographic material for commercial purposes, this includes failure to destroy, delete or report pornographic material involving a child. Transmitting, propagating or administering such material except for the purpose of reporting it.

**Aggravated Offences-** The offences of penetrative sexual assault and sexual assault are treated as “aggravated” when committed by person in a position of trust or authority to child or in situations described below:



Any person who commits such an offence will be punished with imprisonment for a minimum term of 20 years but can extend to life or death and is liable to fine