

POCSO Amendment Act

May 16, 2020

What is the POCSO Act?

- It is a comprehensive law to provide for the protection of children from the offences of sexual assault, sexual harassment and pornography while safeguarding the interests of the child at every stage of the judicial process by incorporating child-friendly mechanisms for reporting, recording of evidence, investigation and speedy trial of offences through designated Special Courts.

What are the amendments to the Act?

- It increases the minimum punishment from **seven years to ten years**. It further adds that if a person commits penetrative sexual assault on a child below the age of 16 years, he will be punishable with imprisonment between 20 years to life, with a fine.
- The amendment adds two more grounds to the definition of **aggravated penetrative sexual assault**. These include: (i) assault resulting in death of child, and (ii) assault committed during a natural calamity, or in any similar situations of violence. Currently, the punishment for aggravated penetrative sexual assault is imprisonment between 10 years to life, and a fine. It also **increases the minimum punishment from ten years to 20 years**, and the maximum punishment to death penalty.
- The amendment adds two more offences to the definition of **aggravated sexual assault**. These include: (i) assault committed during a natural calamity, and (ii) administering or helping in administering any hormone or any chemical substance, to a child for the purpose of attaining early sexual maturity.
- It defines child pornography as any visual depiction of

sexually explicit conduct involving a child including photograph, video, digital or computer-generated image indistinguishable from an actual child and adds two other **offences for storage of pornographic material involving children**. These include: (i) failing to destroy, or delete, or report pornographic material involving a child, and (ii) transmitting, displaying, distributing such material except for the purpose of reporting it. It also enhances the punishments for such offences.