



“PROTECTION OF CHILDREN FROM SEXUAL OFFENCES BILL, 2010”

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Arrangement of Clauses

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“PROTECTION OF CHILDREN FROM SEXUAL OFFENCES BILL, 2010”

"An Act to define and penalise a range of commonly occurring sexual offences against children, with appropriate punishments and to provide for a Special Court to try the said offences, while adopting child friendly procedures and balancing the needs of fair trial for adult offenders and for matters connected therewith or incidental thereto."

WHEREAS the Constitution of India places a primary responsibility on the State to ensure that all needs of Children are met and that their rights are fully protected;

AND WHEREAS, the Government of India acceded on 11th December 1992 to the *Convention on the Rights of the Child*, adopted by the General Assembly of the United Nations, which has prescribed a set of standards to be followed by all State parties in securing the best interests of the Child;

AND WHEREAS it is imperative that the State, duty bearers and every other person takes measures to protect and support a Child from all forms of sexual offences;

AND WHEREAS it is necessary for the proper development of the Child that his/her right to privacy and confidentiality be protected and respected by all means and through all stages of a Justice process involving the Child;

AND WHEREAS, it is expedient to consolidate sexual offences against children in a separate Code bearing in mind international and regional standards, directives provided by the Supreme Court of India, other good practices relating to children and learning from the experiences of other countries;

AND WHEREAS, it is useful to be informed by the “Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime” adopted by resolution 2005/20 of the Economic and Social Council of the UN in laying down a frame work to assist the State in enhancing the protection of child victims and witnesses in the criminal justice system;

AND WHEREAS it is imperative that the law operate in a manner that the best interests and well being of the Child are regarded as being of paramount importance

	<p>at every stage, to ensure the healthy physical, emotional, intellectual and social development of the Child;</p> <p>It is hereby enacted as follows:-</p>
	<p><i>CHAPTER I</i></p> <p>PRELIMINARY</p>
1.	<p><i>Short title and commencement</i></p> <p>(a) This Act may be called the Protection of Children from Sexual Offences Act, 2010.</p> <p>(b) It extends to the whole of India except the State of Jammu and Kashmir.</p> <p>(c) It shall come into force on such date, as the Central Government may by notification in the Official Gazette, appoint.</p>
2.	<p><i>Definitions</i></p> <p>In this act, unless the context otherwise requires,</p> <p>(a) “Case worker” means a social worker appointed by the State Government under section 34 of the Act;</p> <p>(b) ‘Child’ means a person who has not completed 18 years of age;</p> <p>(c) ‘Child Support Services’ means the services provided for under Section 39;</p> <p>(d) ‘facilitator’ means a person who assists the police, court or any agency to communicate with the child where the child needs assistance in communication due to any disability, and includes a special educator, a sign language interpreter and a psychologist;</p> <p>(e) ‘Guardian ad litem’ means a person who is appointed by the Special Court under section 34;</p> <p>(f) ‘Institutional setting’ refers to any institution, whether government or otherwise, where the Child’s activities or movements are regulated or</p>

	<p>controlled, and includes hospitals, jails, prisons, police stations / chowkis, detention centres, crèches, child shelters, orphanages, women’s home, religious centres, schools, residential schools, and all institutions under the Juvenile Justice (Care and Protection of Children) Act 2000;</p> <p>(g) ‘Genitals’ mean the external organs of reproduction, namely the penis, testicles, vagina (including the urethra and the labia majora);</p> <p>(h) ‘Person’ includes all human beings of any age and gender;</p> <p>(i) ‘Sexual Act’ when used in this chapter refers to any of the acts penalized herein;</p> <p>(j) ‘Special Court’ means a Court notified under Section(1);</p> <p>(k) ‘Support Person’ means a parent or a guardian or any person of child’s choice;</p> <p>(l) Words or phrases not defined herein but defined in the Indian Penal Code (1860) or in the Code of Criminal Procedure 1973 shall carry the meanings contained therein.</p>
<p>3.</p>	<p><i>Unlawful Sexual Act with a Child</i></p> <p>A. Subject to the exceptions hereinafter provided, any sexual act committed with a Child under the age of 16 years, with or without such child’s consent, is unlawful.</p> <p><i>Exceptions :</i></p> <p>Notwithstanding anything contained in this chapter or in any other law for the time being in force:</p> <p>(i) Any consensual non-penetrative sexual act penalized by this chapter (except for sections 23, 25, 27 and 31) is not an offence when engaged in between two children who are both over 12 years of age and are either of the same age or whose ages are within 2 years of each other.</p> <p>(ii) Any consensual sexual act penalized by this chapter (except for sections 23, 25, 27 and 31) is not an offence when engaged in between two persons who are both over 14 years of age and are either of the same age or whose ages are</p>

within 3 years of each other.

B. Any sexual act with a Child aged between 16 –18 years is unlawful when, a person engages in a sexual act with that Child in any of the following circumstances:

Firstly: With or without the Child's consent when the sexual act is accompanied or preceded by express or implied force or violence on the Child or on any other person in whom the Child is interested, which overpowers or intimidates or subdues that Child;

Secondly: With or without the Child's consent when the sexual act is accompanied or preceded by coercion which is sufficient to make a Child submit to the sexual act in the circumstances of the case;

Thirdly: With or without the Child's consent when the sexual act is accompanied or preceded by threat of serious harm or injury to the Child or to any other person in whom the Child is interested, or conduct instilling in the Child a reasonable fear of such harm, violence or injury, and the said threat or conduct is enough to make a Child submit to the sexual act in the circumstances of the case;

Fourthly: With or without the Child's consent when that person impersonates another person to engage in the sexual act, and knows, or has reason to know, that the Child is mistaken about that person's identity;

Fifthly: With or without the Child's consent when the Child is made to engage in the sexual act mistaking it to be something else and that person knows or has reason to know that the Child is so mistaken;

Sixthly: With or without the Child's consent when, by reason of intoxication or the administration by that person personally or through another of any stupefying or unwholesome substance, the Child is unable to understand the nature and consequences of the sexual act.

Seventhly: With or without the Child's consent when that person has taken undue

	<p>advantage of the mental or physical incapacity of the Child to understand the nature and consequences of the sexual act or to voluntarily participate in it or to resist it.</p> <p>Eighthly: When the Child is sleeping or unconscious;</p> <p>Ninthly: Against the Child’s will or without the Child’s consent to engage in or continue with that sexual act.</p> <p><i>Explanation:</i></p> <p>(a) The fact that a Child did not say or do anything to indicate consent to a sexual act is enough to show that the act took place without that Child’s consent.</p> <p>(b) A Child is not to be regarded as having consented to a sexual act only because–</p> <p>(i) the Child did not protest or physically resist; or</p> <p>(ii) the Child did not sustain any physical injury; or</p> <p>(iii) on that or an earlier occasion the Child had consensually engaged in or consented to engage in a sexual act (whether or not of the same type) with that or another person.</p> <p><i>General Exception:</i></p> <p>No act is an offence if that act is done bona fide, in good faith and in a reasonable manner for proper hygiene or medical examination or requirement.</p>
	<p style="text-align: center;"><i>CHAPTER II</i></p> <p style="text-align: center;">PENETRATIVE SEXUAL OFFENCES</p>
<p>4.</p>	<p><i>Child Rape</i></p> <p>A person commits the offence of Child rape when that person in any of the circumstances detailed in section 3 above:</p> <p>(a) penetrates to any extent his penis or any other body part or object into the vagina of a Child, or</p>

	(b) makes another person penetrate to any extent his penis or any other body part or object into the vagina of a Child.
5.	<p><i>Punishment for Child Rape</i></p> <p>(a) Whoever commits Child rape shall be punished with rigorous imprisonment for a term which shall not be less than seven years but which may extend to life imprisonment and shall also be liable to fine.</p> <p>(b) Whoever commits Child rape in any of the circumstances mentioned in section 33 shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may be for life and shall also be liable to fine.</p>
6.	<p><i>Unlawful Anal Sex with a Child</i></p> <p>A person commits the offence of unlawful anal sex with a child when that person in any of the circumstances detailed in section 3 above:</p> <p>(a) penetrates to any extent his penis or any other body part or object into the anus of a Child, or</p> <p>(b) makes another person penetrate to any extent his penis or any other body part or object into the anus of a Child.</p>
7.	<p><i>Punishment for Unlawful Anal Sex with a Child</i></p> <p>(a) Whoever commits unlawful anal sex with a Child shall be punished with rigorous imprisonment for a term which shall not be less than seven years but which may extend to life imprisonment and shall also be liable to fine.</p> <p>(b) Whoever commits unlawful anal sex with a Child in any of the circumstances mentioned in section 33 shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to life imprisonment and shall also be liable to fine.</p>
8.	<p><i>Making a Child Engage in Unlawful Penetrative Sexual Acts</i></p> <p>A person commits the offence of making a Child engage in unlawful penetrative</p>

	<p>sexual acts if that person in any of the circumstances detailed in section 3 above:</p> <p>(a) makes a Child penetrate to any extent his penis or any other body part or object into the vagina of that person or any other person; or</p> <p>(b) makes a Child penetrate to any extent his penis or any body part or object into the anus of that person or any other person.</p> <p>(c) makes a Child apply any part of his mouth to the penis, testicles, anus or vagina of that person or any other person.</p>
9.	<p><i>Punishment for Making a Child Engage in Unlawful Penetrative Sexual Acts</i></p> <p>(a) Whoever makes a Child engage in unlawful penetrative sexual acts shall be punished with rigorous imprisonment for a term which shall not be less than seven years but which may extend to life imprisonment and shall also be liable to fine.</p> <p>(b) Whoever makes a Child engage in unlawful penetrative sexual acts in any of the circumstances mentioned in section 33 shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to life imprisonment and shall also be liable to fine.</p>
10.	<p><i>Unlawful Oral Sex with a Child</i></p> <p>A person commits the offence of unlawful oral sex with a Child when that person, in any of the circumstances detailed in section 3 above, perpetrates or makes another person perpetrate any of the following acts on a Child:</p> <p>(a) applying any part of the mouth of a person to the penis or testicles of the Child; or</p> <p>(b) applying any part of the mouth of a person to the vagina or of the Child; or</p> <p>(c) applying any part of the mouth of a person to the anus of the Child.</p> <p><i>Explanation:</i> ‘Mouth’ includes lips, tongue and teeth.</p>
11.	<p><i>Punishment for Unlawful Oral Sex with a Child</i></p> <p>(a) Whoever has unlawful oral sex with a Child shall be punished with rigorous imprisonment for a term which shall not be less than seven years but which</p>

	<p>may be for life and shall also be liable to fine.</p> <p>(b) Whoever has unlawful oral sex with a Child in any of the circumstances mentioned in section 33 shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to life imprisonment and shall also be liable to fine.</p>
<p>12.</p>	<p><i>Unlawful Sexual Penetration of Bodily Orifices</i></p> <p>A person commits the offence of unlawful sexual penetration of bodily orifices when that person in any of the circumstances detailed in section 3 above:</p> <p>(a) inserts his penis to any extent into any bodily orifice, other than the anus, vagina, and mouth of that Child; or</p> <p>(b) makes another person penetrate his penis to any extent into any bodily orifice other than the anus, vagina and mouth of that Child.</p> <p>(c) makes a Child penetrate his penis to any extent into any bodily orifice other than the anus, vagina and mouth of that person or any other person.</p> <p><i>Explanation:</i> For the purposes of this section bodily orifices includes orifices, clefts and cleavages which are natural or created through surgery or through manipulation of the child, or that person, or any other person's, body to envelop the penis.</p>
<p>13.</p>	<p><i>Punishment for Unlawful Sexual Penetration of Bodily Orifices</i></p> <p>(a) Whoever commits the offence of unlawful sexual penetration of bodily orifices shall be punished with rigorous imprisonment for a term which may extend to 7 years and shall also be liable to fine.</p> <p>(b) Whoever commits the offence of unlawful sexual penetration of bodily orifices in any of the circumstances mentioned in section 34 shall be punished with rigorous imprisonment for a term may extend to 10 years and shall also be liable to fine.</p>
<p>14.</p>	<p><i>Penetrative Sexual Acts by Superintendent, Manager or Staff Member in an Institutional Setting</i></p>

	<p>Whoever, being a superintendent, manager or staff member in an institutional setting, takes advantage of his official position and induces or seduces any child in that institutional setting to engage in any penetrative sexual act with that person in any circumstance not mentioned in section 3 above, shall be punished with rigorous imprisonment which may extend to 5 years and shall also be liable to fine.</p> <p><i>Explanation:</i> "Superintendent" in relation to an Institution includes a person holding any other office in such institution, by virtue of which he can exercise any authority or control over its inmates.</p>
15.	<p><i>Bestiality with a Child</i></p> <p>A person commits the offence of bestiality with a Child when that person makes a child engage in any penetrative sexual act punishable under this chapter with an animal or makes an animal perform any such penetrative sexual act on a child.</p>
16.	<p><i>Punishment for Bestiality with a Child</i></p> <p>(a) Whoever commits the offence of bestiality with a Child shall be punished with rigorous imprisonment for a term which shall not be less than seven years but which may be for life and shall also be liable to fine.</p> <p>(b) Whoever commits the offence of bestiality in any of the circumstances mentioned in section 33 shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may be for life and shall also be liable to fine.</p>
	<p style="text-align: center;"><i>CHAPTER III</i></p> <p style="text-align: center;">NON PENETRATIVE SEXUAL OFFENCES</p>
17.	<p><i>Child Molestation</i></p> <p>A person commits the offence of child molestation when that person, with sexual intent or knowing or having reason to know that he will thereby violate the bodily integrity of a Child:</p> <p>(a) touches the genitals of a Child or makes a Child touch his own or that person's</p>

	<p>or any other person’s genitals; or</p> <p>(b) Touches any part of the child’s body with that person’s genitals, or makes the child touch any part of that or another person’s body with the child’s genitals.</p> <p><i>Explanation:</i> Touching can be done with the hand or any other part of the body or with any object, directly or through the clothes.</p>
<p>18.</p>	<p><i>Punishment for Child Molestation</i></p> <p>(a) Whoever commits the act of child molestation shall be punished with rigorous imprisonment for a term which may extend to 5 years and shall also be liable to fine.</p> <p>(b) Whoever commits the act of child molestation in any of the circumstances mentioned in section 33 shall be punished with rigorous imprisonment for a term which may extend to 7 years and shall also be liable to fine.</p>
<p>19.</p>	<p><i>Unlawful Sexual Contact with a Child</i></p> <p>A person commits the offence of unlawful sexual contact with a Child when that person, with sexual intent or knowing or having reason to know that he will thereby violate the bodily integrity of a Child:</p> <p>(a) Voluntarily touches, with any part of his body, any part of the Child’s body (other than the genitals) in an offensive and lewd manner, or</p> <p>(b) Makes the Child touch any part of the child’s body, or any part of that person’s body or the body another person (other than the genitals) in an offensive and lewd manner:</p> <p><i>Explanation 1:</i> In deciding whether the intent underlying the act in question was sexual or otherwise, the Court will have due regard to, among other things, the fact whether the act in question appears to be unambiguously sexual and, if not so, whether the circumstances surrounding the act show that it was motivated by a sexual intent.</p> <p><i>Explanation 2:</i> Touching can be done with the hand or any other part of the body or with any object, directly or through the clothes.</p>

20.	<p><i>Punishment for Unlawful Sexual Contact with a Child</i></p> <p>(a) Whoever commits the act of Unlawful Sexual Contact with a Child shall be punished with rigorous imprisonment for a term which may extend to three years and shall also be liable to fine.</p> <p>(b) Whoever commits the act of Unlawful Sexual Contact with a Child in any of the circumstances mentioned in section 33 shall be punished with rigorous imprisonment for a term which may extend to 5 years and shall also be liable to fine.</p>
21.	<p><i>Unlawfully Stripping a Child</i></p> <p>A person commits the offence of unlawfully stripping a Child when that person, in any of the circumstances detailed in section 3 above, with sexual intent or in order to humiliate the Child, removes, or forces another person to remove, a Child's clothes (partially or fully) or compels the Child to undress himself or another child (partially or fully).</p> <p><i>Explanation:</i> In deciding whether the intent underlying the act in question was sexual or otherwise, the Court will have due regard to, among other things, the fact whether the act in question appears to be unambiguously sexual and, if not so, whether the circumstances surrounding the act show that it was motivated by a sexual intent.</p>
22.	<p><i>Punishment for Unlawfully Stripping a Child</i></p> <p>(a) Whoever unlawfully strips a Child shall be punished with rigorous imprisonment for a term which may extend to 3 years and shall also be liable to fine.</p> <p>(b) Whoever unlawfully strips a Child in any of the circumstances mentioned in section 33 shall be punished with rigorous imprisonment for a term which may extend to 5 years and shall also be liable to fine.</p>
23.	<p><i>Unlawfully Stripping a Child in Public View</i></p>

	<p>A person commits the offence of unlawfully stripping a Child in public view when that person with sexual intent or in order to humiliate that Child, removes that Child's clothes (partially or fully) in public view or compels the Child to undress himself (partially or fully) in public view, or parades the Child in an undressed state in public view.</p>
24.	<p><i>Punishment for Unlawfully Stripping and Parading a Naked Child</i></p> <p>(a) Whoever unlawfully strips a Child in public view or parades an undressed Child in public view shall be punished with rigorous imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.</p> <p>(b) Whoever unlawfully strips a Child in public view or parades an undressed Child in public view in any of the circumstances mentioned in section 33 shall be punished with rigorous imprisonment for a term which shall not be less than five years but which may extend to ten years and shall also be liable to fine.</p>
	<p><i>CHAPTER IV</i></p> <p>NON-CONTACT SEXUAL OFFENCES</p>
25.	<p><i>Child Pornography</i></p> <p>Child pornography is the use of a Child as an actor or model to depict in any medium (print, electronic, film, digital, etc), for a sexual purpose and for dissemination, that Child's genitals, breasts, anus or buttocks, or the involvement of that Child in a real or simulated sexual act.</p>
26.	<p><i>Punishment for Making, Distributing, Possessing Child Pornography</i></p> <p>(a) Whoever makes or finances Child pornography shall be punished with rigorous imprisonment for a term which shall not be less than seven years but which may be for life and shall also be liable to fine of Rupees Ten Lakhs.</p>

	<p>(b) Whoever makes or finances Child pornography in any of the circumstances mentioned in section 33 shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may be for life and shall also be liable to fine of Rupees Ten Lakhs.</p> <p>(c) Whoever publishes, transmits, advertises, promotes, exchanges or distributes child pornography shall be punished with imprisonment for a term which may extend to 5 years and shall also be liable to fine of Rupees Ten Lakhs and in any event of second or subsequent conviction with imprisonment for a term which may extend to seven years and also with fine which may extend to Rupees Ten Lakhs..</p> <p>(d) Whoever collects, seeks, browses or downloads child pornography shall be punished with imprisonment for a term which may extend to 3 years and shall also be liable to fine of Rupees Ten Lakhs., and in any event of second or subsequent conviction with imprisonment for a term which may extend to five years and also with fine which may extend to ten lakh rupees.</p>
27.	<p><i>Blackmailing for a Sexual Act</i></p> <p>A person blackmails for a sexual act when that person solicits a sexual act with a Child by threatening to use a real, fabricated or manipulated depiction, in any form of media (electronic, film, digital, etc), of that Child’s vagina, breasts, penis, anus or buttocks, or the involvement of that Child in a sexual act, which the Child believes will ruin the Child’s reputation and cause the Child humiliation and disgrace</p>
28.	<p><i>Punishment for Blackmailing for a Sexual Act</i></p> <p>(a) Whoever blackmails for a sexual act shall be punished with rigorous imprisonment for a term which may extend to one year and shall also be liable to fine.</p> <p>(b) Whoever blackmails for a sexual act in any of the circumstances mentioned in section 33 shall be punished with rigorous imprisonment for a term which may extend to three years and shall also be liable to fine.</p>

<p>29.</p>	<p><i>Sexual Harassment of a Child</i></p> <p>A person commits the act of sexual harassment of a Child when that person with sexual intent towards the Child, or knowing it likely that his act will humiliate or violate the dignity of the Child,</p> <ul style="list-style-type: none"> (a) utters any word, communicates in any way, makes any sound or gesture which is lewd and offensive, or (b) exhibits his genitals or any object, or makes the Child view pornography or penetrative sexual acts; (c) intending that such word or sound shall be heard or such communication shall be received or that such gesture, body part, object or act shall be seen by such Child. <p><i>Explanation:</i> In deciding whether the intent underlying the act in question was sexual or otherwise, the Court will have due regard to, among other things, the fact whether the act in question appears to be unambiguously sexual and, if not so, whether the circumstances surrounding the act show that it was motivated by a sexual intent.</p>
<p>30.</p>	<p><i>Punishment for Sexual Harassment of a Child</i></p> <ul style="list-style-type: none"> (a) Whoever commits sexual harassment of a Child shall be punished with rigorous imprisonment for a term which may extend to 1 year and shall also be liable to fine. (b) Whoever commits child sexual harassment in any of the circumstances mentioned in section 33 shall be punished with rigorous imprisonment for a term which may extend to 2 years and shall also be liable to fine.
<p>31.</p>	<p><i>Stalking a Child</i></p> <p>A person commits the act of stalking a Child when that person with sexual intent willfully and repeatedly follows or watches or contacts a Child, either directly or through electronic means, thereby causing that Child to be fearful or insecure.</p>

	<p><i>Explanation:</i> In deciding whether the intent underlying the act in question was sexual or otherwise, the Court will have due regard to, among other things, the fact whether the act in question appears to be unambiguously sexual and, if not so, whether the circumstances surrounding the act show that it was motivated by a sexual intent.</p>
<p>32.</p>	<p><i>Punishment for Stalking a Child</i></p> <p>(a) Whoever commits the offence of stalking a Child shall be punished with rigorous imprisonment for a term which may extend to one year and shall also be liable to fine.</p> <p>(b) Whoever commits the offence of stalking a Child in any of the circumstances mentioned in section 33 shall be punished with rigorous imprisonment for a term which may extend two years and shall also be liable to fine.</p>
	<p style="text-align: center;"><i>CHAPTER V</i></p> <p style="text-align: center;">AGGRAVATED SEXUAL OFFENCES AGAINST A CHILD</p>
<p>33.</p>	<p><i>Aggravated Forms of Offences</i></p> <p>Whoever commits any of the offences contained in this chapter in any of the following circumstances will be guilty of having committed the aggravated form of the offence:</p> <p>(a) When the offence is committed at any place by a police officer, by taking advantage of his position, including in the following situations:</p> <p>(i) Within the limits of the police station to which he is appointed; or</p> <p>(ii) In the premises of any police station whether or not situated within the jurisdiction of the police station to which he is appointed; or</p> <p>(iii) Within the course of his duties or otherwise; or</p> <p>(iv) On a child in his custody or in the custody of a police officer subordinate to him; or</p>

	<p>(v) When he is known or has been identified as a police official.</p> <p>(b) When the offence is committed at any place by a member of any armed or para military or security force of the State or Central Government by taking advantage of his position, including in the following situations:.</p> <p>(i) Within the limits of the area to which that person is deployed; or</p> <p>(ii) In any area under the command or control of the armed or para military or security forces; or</p> <p>(iii) Within the course of his duties or otherwise; or</p> <p>(iv) On a child in his custody or in the custody of a personnel of the armed or para military or security forces who is subordinate to him; or</p> <p>(v) When he is known or identified as a personnel of the armed or para military or security forces.</p> <p>(c) When the offence is committed by a public servant by taking advantage of his official position.</p> <p>(d) When the offence has been committed by a person in a position of trust or in a position of authority by taking advantage of such position.</p> <p><i>Explanation 1:</i> Persons in a position of trust include those persons who have been entrusted with the care, education, instruction, or guidance of the Child, or who are the Child's family members, or friends of family members, or persons on the management or staff of institutions entrusted with the care or custody of the Child. Family includes a person who is a relative of the Child through blood or adoption or marriage or guardianship or foster-care or one who has had a domestic relationship with a parent, or who is living in the same or shared household with the Child.</p> <p><i>Explanation 2:</i> Persons in a position of authority include doctors, therapists, para-medical staff, teachers, spiritual guides, employers and members of the Child Welfare Committee and Juvenile Justice Board under the Juvenile Justice (Care and Protection of Children) Act 2000,</p> <p>(e) When the offence has been committed in an institutional setting.</p>
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- (f) When the person committing the offence has been previously convicted of having committed any offence under this chapter or any sexual offence punishable under any other law for the time being in force.
- (g) When the offence has been committed against a Child belonging to a scheduled caste or a scheduled tribe by a person who does not belong to a scheduled caste or a scheduled tribe.
- (h) When the person committing the offence has used any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal
- (i) When the offence has been committed by a gang.

Explanation 3: Where an offence under this chapter is committed by one or more in a group of persons acting in furtherance of their common intention, the offence shall be deemed to have been committed by a gang and each of such persons shall be deemed to have committed the offence.

- (j) When the offence has been committed repeatedly or over a period of time.
- (k) When the offence has been committed in the course of communal or sectarian violence.
- (l) When the Child is below 12 years of age.
- (m) When the offender knows the Child to be pregnant.
- (n) When the offence causes grievous injury, or mental or physical disability to the Child.
- (o) When the person has attempted to murder the Child.

	<p><i>CHAPTER VI</i></p> <p>SERVICES UNDER THE ACT</p>
34	<p><i>Case worker</i></p> <p>(a) The State Government shall within a period of six months from the date of commencement of this Act, in consultation with the District Judge of each district appoint for every district one or more case workers for performing functions laid down under this Act</p> <p>(b) The eligibility, qualifications and remuneration of the case worker shall be prescribed under the rules.</p>
35	<p><i>Duties of the Case Worker</i></p> <p>The case worker shall:</p> <p>(a) support the child against whom an offence has been committed under this Act through the investigative process from the time the child comes in contact with the law including providing support in filing the complaint;</p> <p>(b) advise the child of the services available under the act;</p> <p>(c) assist in accessing services through the Child Support Services;</p> <p>(d) Help the child access the Child Welfare Committee in consultation with the guardian ad litem appointed by the Special Court in cases where parent or guardian is not available and in cases where a member of the family has been accused of an offence under this Act;</p> <p>(e) Co-ordinate with police and the child support services to help the child access services;</p> <p>(f) Inform the child and the child’s family of the progress of the investigation as per the information provided by the police;</p>

	(g) Provide any other support in the process of the investigative process;
36	<p><i>Termination</i></p> <p>The services of any case worker may be terminated by the State Government, if such case worker –</p> <ul style="list-style-type: none"> (a) has misused or abused the powers vested under this Act, (b) has been convicted of an offence involving moral turpitude, (c) has become incapable of discharging duties under this Act, or (d) has failed to discharge duties assigned under this Act ; <p>Provided that the services of a case worker shall be terminated only after such person has been given an opportunity to be heard in the matter</p>
37	<p><i>Child Support Services</i></p> <ul style="list-style-type: none"> (a) The State Government shall, within a period of three months of the commencement of this Act, for every district, empanel a team of multi-disciplinary professionals to provide services for the child. (b) Members of the Child Support Services may include social workers, medical and mental health professionals, who may be drawn from public health institutions, registered organizations working with children. (c) The remuneration to the members of the Child Support Services shall be as prescribed.
38	<p><i>Functions of the Child Support Services</i></p> <p>The Child Support Services shall on the request of the child or support person, or on the recommendation of the <i>Guardian ad litem</i> -</p> <ul style="list-style-type: none"> (a) make an assessment of the physical, psychological and emotional condition of the child and suggest the course of treatment; (b) provide or arrange for medical or psychological care for the child as may be

	<p>required and monitor the progress of the child;</p> <p>(c) inform the child of legal rights and legal processes</p> <p>(d) any other support that the child may require given the circumstances of the case and the offence.</p>
39	<p><i>Panel to be notified</i></p> <p>The State Government shall ensure that the names and contact details of the persons empanelled under section 34 and 37 are prominently displayed at every police station, public health institutions and local self-government bodies within the district for which they are appointed.</p>
40	<p><i>Child to be kept informed and protected</i></p> <p>(a) The police officer in-charge of the police station, the Magistrate and the Special Court shall inform the child or the support person of the rights of the child to legal advice and counsel and the right to be represented by a lawyer.</p> <p>(b) The police officer in-charge of the police station, the Magistrate or the Special Court shall refer a child unable to engage the services of a lawyer to the Child Support Services or the State Legal Services Authority.</p>
	<p><i>CHAPTER VII</i></p> <p>INVESTIGATION</p>
41	<p><i>Duties of the Police Officer</i></p> <p>(a) A police officer upon receipt of information that an offence under this Act has been committed shall:</p> <p>(i) proceed to record and register a first information report as per the provisions of Section 154 of the Code of Criminal Procedure, 1973;</p>

	<p>(ii) forthwith call upon the case worker to provide support to the child.</p> <p>(iii) take the child to the hospital for the medical examination;</p> <p>(iv) ensure that the samples are collected from the hospital after the necessary paper-work for the purposes of the forensic tests and send the same to the forensic laboratory at the earliest.</p> <p>(b) The case worker so called upon by the police officer under sub-section (a) shall offer his assistance to the child, and inform the child about the right to seek appointment of a <i>Guardian ad litem</i> through the Special Court.</p> <p>(c) The case worker shall within twenty-four hours of meeting with the child submit a report to the Special Court containing –</p> <p>(i) A copy of the first information report;</p> <p>(ii) The nature of assistance provided to the child;</p> <p>(iii) The reason for refusal, if any, on the part of the child and/or support person to accept the offer of assistance;</p> <p>(iv) The request of the child and/or support person for appointment of <i>Guardian ad litem</i>.</p> <p>(d) The Investigating Officer shall except for the purpose of identification of the accused, ensure that the child and the accused do not see each other and are not brought into physical contact;</p> <p>(e) The Investigating Officer shall keep the support person informed about the developments, including the arrest of the accused, applications filed and other court proceedings.</p>
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<p>42</p>	<p><i>Recording of Statements</i></p> <p>(a) Any statement of a child under sections 154 and/or 161 of Code of Criminal</p>
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	<p>Procedure,1973 relating to the commission of an offence under this Act shall be recorded by a police officer not below the rank of Sub-Inspector of Police, and as far as practicable by a woman police officer in case of a female child.</p> <p>(b) The statements of a child under sub-section (a) shall be recorded at the residence of the child or at any place of the child’s choice or at any other place where the child is able to speak freely and fearlessly.</p> <p>(c) The police officer shall seek the assistance of a facilitator when the child is unable to communicate due to any disability.</p> <p>(d) The police officer shall not be in uniform when recording the statement of a child under sub-section (a).</p> <p>(e) The police officer recording the statement of a child under sub-section (a) shall state his name and designation to the child and/or support person.</p> <p>(f) The copy of any statement of the child recorded under sub-section (a) shall be given by the police forthwith to that child or the support person.</p>
43	<p><i>Medical Examination</i></p> <p>(a) The Medical examination of a child, against whom any sexual offence has been alleged or attempted to have been committed, shall be conducted by a registered medical practitioner employed in a hospital run by the government or a local authority and in the absence of such a practitioner, by any other registered medical practitioner, with the consent of the child.</p> <p>Provided that in cases where, the child is under 12 years of age or is unable to give consent for any other reason, the consent shall be taken from the support person.</p> <p>(b) The investigating officer shall ensure that the medical examination of the child is conducted within twenty-four hours from the time the information of the offence is received.</p> <p>(c) The support person may accompany the child for medical examination and may remain present during the examination if the child so desires.</p> <p>(d) It shall be the duty of the registered medical practitioner examining the child:</p>

	<p>(i) to explain to the child, at the time of securing the consent of the child, in detail about the nature of examination and evidence collection that will be carried out;</p> <p>(ii) The medical practitioner shall initiate the examination after the child is comfortable;</p> <p>(iii) If any police personnel/ officer is accompanying the child, he must not be present in the room at the time of medical examination;</p> <p>(iv) to ensure that no 'two finger test' is carried out.</p> <p>(e) The registered medical practitioner, examining the child, shall without delay examine the child and prepare a report of his examination giving the following particulars namely:-</p> <p>(i) the name and address of the child and of the person by whom the child was brought;</p> <p>(ii) the age of the child;</p> <p>(iii) the description of the material taken, if any, from the person of the child for DNA profiling;</p> <p>(iv) to record in writing a detailed assault or abuse history to indicate the cause of the injuries, if any, on the child;</p> <p>(v) general mental condition of the child;</p> <p>(vi) other material particulars in reasonable detail;</p> <p>(f) (i) The registered medical practitioner shall without delay give a copy of the medical examination report to the support person.</p> <p>(ii) The registered medical practitioner shall, where the matter is under police investigation, without delay forward the report to the investigating officer</p>
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	<p>who shall forward it to the Magistrate referred to in section 173 of the Code of Criminal Procedure as part of the documents referred to in clause (a) of sub section (5) of that section.</p> <p>Explanation: For the purposes of this section, “examination” and “registered medical practitioner” shall have the same meaning as in Section 53 of the Code of Criminal Procedure.</p>
44	<p><i>Medical examination Protocol</i></p> <p>(a) The State Government shall make available in every hospital a “sexual assault forensic evidence (SAFE) kit” as may be prescribed.</p> <p>(b) The State Government shall ensure that the hospitals are equipped with the requisite apparatus and adequate pathological facilities for preservation of samples collected.</p>
45	<p><i>Recording of the Statement before the Magistrate</i></p> <p>(a) In cases where the Magistrate is recording a statement of a child under section 164 of the Code of Criminal Procedure,1973, the same shall be done in the chambers of the Magistrate, and if the child so desires, in the presence of the support person.</p> <p>(b) Where the child requires assistance to communicate due to any disability, the Magistrate may seek the assistance of a facilitator for the purpose of recording such statement.</p>
46	<p><i>Supply of documents</i></p> <p>The Magistrate shall furnish the child with a copy of the documents prescribed under section 207 of the Code of Criminal Procedure,1973, upon the final report being filed by the police under section 173 of the Cr.P.C.</p>

	<p><i>CHAPTER VIII</i></p> <p>SPECIAL COURTS</p>
47	<p><i>Special Courts</i></p> <p>(a) The State Government shall in every district notify one or more Courts of Sessions, with the concurrence of the Chief Justice of the High Court, to be a Special Court to take cognizance of and try offences under this Act.</p> <p>(b) The State Government shall provide the Special Court with appropriate infrastructure, facilities and human resources as prescribed under the rules, to ensure that the quality of evidence given by the child is not diminished.</p> <p>(c) The Special Court may exercise all the powers of a Magistrate under the Criminal Procedure Code, 1973.</p> <p>(d) The Special Court will follow procedure that would ordinarily apply to the trial of such offences as provided for in the Criminal Procedure Code, 1973.</p>
48	<p><i>Guardian ad litem</i></p> <p>The Special Court may on an application made by the support person or on its own motion appoint and provide reasonable remuneration and payment for a <i>Guardian ad litem</i> for a child who was victim of, or witness to, a crime under this Act to protect the best interests of the child. While doing so the Special Court may:</p> <p>(a) Consider the background of the person, his familiarity with judicial processes, child support services and child abuse issues.</p> <p>(b) The guardian ad litem shall not be a person who is or may be a witness in a proceeding involving the child for whom the guardian is appointed.</p>
49	<p><i>Duties of the Guardian ad litem</i></p> <p>The <i>Guardian ad litem</i> shall:</p>

	<p>(a) inform the child and the support person about the judicial process;</p> <p>(b) attend all the hearings before the Special Court, especially the recording of the testimony of the child;</p> <p>(c) make recommendations to the court concerning the welfare of the child, including use of the facilitator and special measures;</p> <p>(d) help the child to access the Child Welfare Committee under the Juvenile Justice (Care and Protection of Children) Act 2000 in cases where the parent or guardian is not available or in cases where a member of the family has been accused of an offence under this Act;</p> <p>(e) assist the child or support person to access services through the Child Support Services or otherwise.</p>
50	<p><i>Remuneration of the Guardian ad litem</i></p> <p>The remuneration and payment of expenses fixed by the Special Court for the <i>Guardian ad litem</i> shall be paid by the State government.</p>
51	<p><i>Removal of the Guardian ad litem</i></p> <p>The Special Court may, in a particular case, on an application or on its own motion, revoke the appointment of a <i>Guardian ad litem</i> when the <i>Guardian ad litem</i> has misused or abused, powers vested under this Act, or has failed to discharge duties under this Act.</p> <p>Provided that the revocation of appointment shall be only after that <i>Guardian ad litem</i> has been given an opportunity to be heard in the matter.</p>
52	<p><i>Special duty and privilege of the Guardian ad litem</i></p> <p>(a) It shall be the duty of the <i>Guardian ad litem</i> to maintain confidentiality and act in the best interest of the child.</p> <p>(b) The <i>Guardian ad litem</i> shall not at any time be compelled to disclose any</p>

	<p>communication made by the child to him in the course of discharging duties under this Act, unless the Special Court so directs in the interest of the child.</p>
<p>53</p>	<p><i>Special Measures</i></p> <p>(a) The Special Court shall record the evidence of the child in accordance with the provisions of this Act to ensure that the quality of the evidence of the child is not diminished in any manner and for this purpose these provisions shall prevail over the Evidence Act to the extent provided herein under.</p> <p>(b) The Special Court may adopt any of the following methods for recording the evidence of the child:</p> <ul style="list-style-type: none"> (i) Through live-video link or (ii) Through the use of one way mirrors or (iii) Through the use of screens. <p>(c) Irrespective of the type of special measure adopted the Special Court shall always ensure that the evidence of the child is recorded in Camera.</p> <p>(d) If a child, above the age of 14 years desires not to avail any of the special measures mentioned in sub-section (b) or (c), the Special Court may proceed to record the evidence of the child accordingly.</p> <p>Provided that the Special Court if during the recording of evidence the Special Court finds that the child is unable to give evidence freely and fearlessly it may adopt such special measures as it deems fit and necessary in the facts and circumstances of the case.</p>
<p>54</p>	<p><i>The Court shall ensure that</i></p> <p>(a) the child witness is comfortable, understands the questions put to him, and is enabled to depose without any fear or feeling of being under intimidation.</p>

	<p>(b) the accused must be able to see and hear the child while evidence is being recorded. In no case, however, shall the accused be seen by the child while the evidence is being recorded except for the minimal purpose of identification of the accused.</p> <p>(c) the accused is able to contemporaneously communicate with his counsel.</p> <p>(d) while recording the evidence (including cross-examination), all questions to be put to the child by the Public Prosecutor and the Counsel for the accused shall be handed over in writing to the Presiding Officer who in turn will put the questions to the child in a manner intelligible and appropriate to that child given the child’s age and understanding.</p> <p>(e) Where necessary the Special Court may permit the use of devices like anatomical dolls, drawings or any other demonstrative device for the purpose of assisting the child to testify.</p> <p>(f) Where the child needs assistance to communicate due to any disability, the Special Court may on an application on behalf of the child or on its own arrange for a facilitator for the purpose of recording the evidence of the child.</p>
<p>55</p>	<p><i>Special care while recording child’s Evidence</i></p> <p>(a) The Special Court shall record the evidence of the child either in chambers or in court or in a place of comfort of the child through a video link and where video-linked court rooms are not set up, the Presiding Officer shall make appropriate arrangements as mentioned in sections 53 and 54 and ensure that the child cannot see the accused.</p> <p>(b) Where live-video link is used as a special measure the accused shall be in a location which is separate from the one in which the child and the Presiding Officer are located and the evidence of the child shall be transmitted to the</p>

	<p>accused by means of a live video-link.</p> <p>Explanation: In this section, a “live video-link” means a live television or electronic link or other arrangement which connects two different locations so that persons from one location can view and hear those in the other location.</p> <p>(c) Where the special measure adopted is either a one way mirror or a screen the Presiding Officer shall use his discretion and make arrangements such that the Child cannot see the accused, but the accused shall be able to see the child deposing to the extent possible.</p> <p>(d) The Presiding Officer may allow:</p> <ul style="list-style-type: none"> (i) officers of the Court necessary for the purpose of recording the evidence (ii) the defense lawyer, if the accused so desires (iii) Support person, as the child desires (iv) Prosecutor (v) Lawyer of the child, if any, (vi) <i>Guardian ad litem</i> , if any. <p>to remain present in the location where the child and the Presiding Officer are located.</p> <p>Provided that at all times the right of the accused to hear, view and participate in the proceedings shall not be not affected in any manner.</p>
<p>56</p>	<p><i>Preliminary proceedings</i></p> <p>(a) Before proceeding to record the child’s evidence, the Presiding Officer shall:</p> <ul style="list-style-type: none"> (i) introduce himself to the child, (ii) Explain to the child the role of the judge, public prosecutor and the defence lawyer and describe the method that will be used for recording evidence (iii) Create an atmosphere in the court room to put the child at ease, including

	<ul style="list-style-type: none"> a. dispensing with uniforms and robes of lawyers and himself, b. allowing the child and lawyers to be seated while recording evidence. <p>(iv) Allow the child to indicate his preference of the support person who shall remain present with the child when the evidence is recorded;</p> <ul style="list-style-type: none"> a. Explain to the child that the proceedings are not intended to shame or humiliate the child b. Explain to the child that he can ask for breaks if the child feels the need for one <p>(b) The instructions given by the Presiding Officer under sub-section (a) shall be recorded in the proceedings;</p> <p>(c) In cases where the child needs assistance to communicate due to any disability, the Special Court may on an application on behalf of the child or on its own arrange for a facilitator for the purpose of recording the evidence of the child.</p> <p>(d) The Special Court may permit the use of devices like anatomical dolls, drawings or any other demonstrative device which can be used by the facilitator for the purpose of assisting the child to testify.</p>
<p>57</p>	<p><i>Expedite hearings</i></p> <p>The Special Court shall:</p> <ul style="list-style-type: none"> (a) make every effort to avoid repetitive attendance of the child for the purpose of giving evidence (b) record the testimony of the child preferably within one month of the charge being framed. (c) dispose of the case preferably within two months from the date of

	examination of witnesses.
58	<p><i>Prohibition to disclosure of identity of the child</i></p> <p>(a) No reports in any media shall disclose, any particulars, including the name, address, photographs, family details, school or neighborhood, in respect of any offence or proceedings under this Act which may lead to disclosure of the identity of the child.</p> <p>(b) Any person who contravenes sub-section (a) shall be liable to fine which may extend to rupees twenty-five thousand.</p>
	<p><i>CHAPTER IX</i></p> <p>COMPENSATION</p>
59	<p><i>Compensation Fund</i></p> <p>Every State Government shall create a fund named the ‘Compensation Fund for Rehabilitation of Victims of Child Sexual Offences’, within a period of three months from the date of commencement of this Act, for the purpose of payment of compensation to the child who has suffered loss or injury as a result of an offence under this Act.</p>
60	<p><i>Procedure for application for Compensation</i></p> <p>Notwithstanding anything contained in the Code of Criminal Procedure, 1973-</p> <p>(a) The Special Court shall have jurisdiction to entertain an application for compensation filed on behalf of a child who has suffered loss or injury as a result of an offence under this Act.</p> <p>(b) The Special Court may on an application filed on behalf of the child or on its own, award compensation under this Act where the accused is convicted, or the case ends in acquittal or discharge, or the accused is not traced or identified, and in the opinion of the Special Court the child has suffered loss or</p>

injury as a result of that offence.

(c) The Special Court while awarding compensation shall take into account all relevant factors relating to the loss or injury caused to the child.

(d) (i) The Special Court may, in appropriate cases, on an application or otherwise pass an order for interim compensation to meet the immediate needs of the child, at any stage after registration of the First Information Report.

(ii) The interim compensation paid to the child under clause (a) shall be adjusted against the final compensation.

(e) (i) The State Government shall forthwith pay the interim compensation ordered by the Special Court.

(ii) The State Government shall pay the final compensation ordered by the Special Court within thirty days of receipt of such order.

(f) Any party aggrieved by the order of interim or final compensation passed by the Special Court may prefer an appeal to the High Court within thirty days from the date of such order.

(g) (i) When the State Government prefers an appeal challenging the order of interim or final compensation passed by the Special Court, the State Government shall deposit in the Special Court monies equal to the final compensation, and the same shall be a condition precedent to the registration of such appeal.

(ii) When the appeal filed by the State Government under sub-section (f) is:

a. rejected by the High Court, the monies deposited with the Special Court shall be paid to the child; or

b. allowed by the High Court, the monies deposited with the Special Court shall be returned to the State Government.

c. When the quantum of final compensation is varied by the High Court,

	<p>the monies deposited with the Special Court may accordingly be paid or returned to the relevant party.</p> <p>(h) The <i>Guardian ad litem</i> shall assist the child in obtaining a compensation order from the Special Court, and in appropriate cases, invest the final compensation in fixed deposit with a nationalized bank for the benefit of the child, and the same shall be handed over to the child on attaining majority.</p>
	<p><i>CHAPTER X</i></p> <p>MISCELLANEOUS</p>
61	<p><i>Arrest and Bail</i></p> <p>(a) The offences under this Act shall be cognizable and non-compoundable.</p> <p>(b) Subject to provisions of sub-section (d), all offences punishable with imprisonment for three years or less shall be bailable in the case of first offence, and in case of subsequent offences under this Act, shall be non-bailable.</p> <p>(c) Offences punishable with imprisonment for more than three years shall be non-bailable.</p> <p>(d) All offences that are committed under section 33 shall be non-bailable.</p>
62	<p><i>Application</i></p> <p>(a) Subject to the provisions of this Act, all offences under this Act shall be investigated, inquired into, tried and otherwise dealt with according to the provisions of the Code of Criminal Procedure, 1973.</p> <p>(b) Nothing in this Act shall affect the application of the provisions of the Goa Children's Act, 2000.</p>
63	<p><i>Power to make rules</i></p> <p>(a) The Central Government shall, by notification in the Official Gazette make rules for the purposes of this Act within a period of six months from the date</p>

	<p>of commencement of this Act.</p> <p>(b) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :</p> <p>(i) The remuneration payable to the members of the Child Support Services under Section 37(c);</p> <p>(ii) the contents of the sexual assault evidence kit or sexual assault forensic evidence [SAFE] kit under section 44(a);</p> <p>(iii) the requisite apparatus in hospitals under section 44(b);</p> <p>(iv) the appropriate infrastructure and facilities in Special Courts under section 47(b);</p> <p>(v) any other matter which is required to be, or may be, prescribed.</p> <p>(c) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in session, for a period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, however, any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.</p>
<p>64</p>	<p><i>Power to remove difficulties</i></p> <p>(a) If any difficulty arises in giving effect to the provisions of this Act, the Central Government shall, by notification of order in the Official Gazette, make such provisions not inconsistent with the provisions of this Act to remove the difficulty.</p> <p>Provided that no such order shall be made after the expiry of the period of two years from the commencement of this Act.</p> <p>(b) Every order made by the Central Government under sub-section (a) shall be</p>

	laid as soon as may be after it is made, before each House of Parliament.
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SCHEDULE

OFFENCES UNDER THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT

Section	Offence	Punishment	Bailable or non-bailable
4	Child rape Child Rape if aggravated	7 years to life + fine.	Non-bailable
6	Unlawful Anal Sex with a child Unlawful anal sex with a Child if aggravated	7 years to life + fine 10 years to life +fine	Non-bailable
8	Making a Child Engage in Unlawful Penetrative Sexual Acts Unlawful penetrative sexual acts if aggravated	7 years to life + fine 10 years to life +fine	Non-bailable
10	Unlawful oral sex with a child Unlawful oral sex with a Child if aggravated	7 years to life + fine 10 years to life +fine	Non-bailable
12	Unlawful Sexual Penetration of Bodily Orifices	7 years + fine 10 years +fine	Non-bailable

	Unlawful sexual penetration of bodily orifices if aggravated		
13	Penetrative sexual acts using official position	Upto 5 years+ fine	Non-bailable
15	Bestiality	7 years to life + fine	Non-bailable
	Bestiality if aggravated	10 years to life +fine	
17	Child molestation	Upto 5 years+ fine	Non-bailable
	Child molestation if aggravated	Upto 7 years + fine	
19	Unlawful Sexual Contact with a Child	Upto 3 years +fine	Bailable
	Unlawful Sexual Contact with a Child if aggravated	Upto 5 years +fine	Non-bailable
21	Unlawfully Stripping a Child	Upto 3 years + fine	Bailable
	Unlawfully Stripping a Child if aggravated	Upto 5 years +fine	Non-bailable
23	Unlawfully Stripping and Parading a Child in Public	3 years to 7 years + fine	

	View Unlawfully Stripping and Parading a Child in Public View if aggravated	5 years to 10 years +fine	Non-bailable
25	Makes or finances Child pornography Makes or finances child pornography if aggravated Publishes, transmits, advertises, promotes, and exchanges child pornography Publishes, transmits, advertises, promotes, and exchanges child pornography (on second or subsequent conviction) Collects, seeks, browses or downloads child pornography Collects, seeks, browses or downloads child	7 years to life +Ten Lakhs fine 10 years to life + ten Lakhs fine Upto 5 years + Ten Lakhs fine Upto 7 years + Ten Lakhs fine Upto 3 years + Ten Lakhs fine Upto 5 years +Ten lakhs fine	Non-bailable

	pornography(on second or subsequent conviction)			
27	Blackmailing for a Sexual Act Blackmailing for a Sexual Act if aggravated	Upto 1 year + fine Upto 3 years + fine	Bailable Non-bailable	Non-bailable on second arrest for a bailable offence
29	Sexual Harassment of a Child Sexual Harassment of a Child if aggravated	Upto 1 year + fine Upto 2 years + fine	Bailable Non-bailable	Non-bailable on second arrest for a bailable offence
31	Stalking a child with sexual intent Stalking a Child with sexual intent if aggravated	Upto 1 year + fine Upto 2 years + fine	Bailable Non-bailable	Non-bailable on second arrest for a bailable offence
32	Failure to report by the Superior Officers in the Institutional setting of any	Upto 1 year+ fine	Bailable	

	offence Failure to take measure to stop and prevent the sexual act		
33	Failure by the Police to Register Complaints	Upto 1 year+ fine	Bailable