

Bill No. 86 of 2015

THE PROTECTION OF CHILDREN FROM SEXUAL
OFFENCES (AMENDMENT) BILL, 2015

By

SHRIMATI POONAM MAHAJAN, M.P.

A

BILL

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

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Protection of Children from Sexual Offences (Amendment) Act, 2015.

Short title
and
commencement.

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

2. In the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to
32 of 2012. as the principal Act), in section 4, for the words "seven years", the words "ten years" shall
be substituted.

Amendment
of section 4.

3. In section 5 of the principal Act, clauses (j) and (t) shall be omitted.

Amendment
of section 5.

impair the child by rendering him physically incapacitated, or mentally ill to perform regular tasks,

is said to commit life-impairing aggravated sexual assault.

5 9B. Whoever commits sexual assault on the child more than once or repeatedly is said to commit repeated aggravated sexual assault." Repeated aggravated sexual assault.

10. In section 10 of the principal Act, for the words "not be less than five years but which may extend to seven years", the words "not be less than seven years but which may extend to ten years" shall be substituted. Amendment of section 10.

10 **11.** After section 10 of the principal Act, the following sections shall be inserted, namely:— Insertion of new sections 10A and 10B.

 "10A. Whoever commits life-impairing aggravated 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, and shall also be liable to fine. Punishment for life-impairing aggravated sexual assault.

15 10B. (1) Whoever, commits repeated aggravated 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 and shall also be liable to fine. Punishment for repeated aggravated sexual assault.

 (2) Any person convicted of an offence of repeated aggravated sexual assault under section 9B shall be barred from employment in institutions established for the custody or care and protection of children."

STATEMENT OF OBJECTS AND REASONS

India is home to the largest child population in the world. Almost forty-two percent of the total population of the country is under eighteen years of age. Needless to say, the health and security of the country's children is integral to any vision for its progress and development.

One of the issues marring this vision of the country's future generations is the evil of sexual abuse of child. Statistics released by the National Crime Records Bureau reveal that there has been a steady increase in sexual crimes against children.

The Ministry of Women and Child Development, recognizing that the problem of sexual abuse of children needs to be addressed through less ambiguous and more stringent legal provisions enacted the Protection of Children from Sexual Offences Act, 2012, which intends to effectively address the heinous crimes of sexual abuse and sexual exploitation of children in the country.

While the Protection of Children from Sexual Offences Act, 2012 provides for child friendly procedures for reporting, recording of evidence, investigation and trial of offences, the increase in the number as well as the brutality of sexual offences against children requires more stringent punishment against the perpetrators.

Hence this Bill.

NEW DELHI;
March 9, 2015.

POONAM MAHAJAN

ANNEXURE

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

(32 OF 2012)

*	*	*	*
<p>4. Whoever commits penetrative sexual assault shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may extend to imprisonment for life, and shall also be liable to fine.</p>			Punishment for penetrative sexual assault.
<p>5. (a) Whoever, being a police officer, commits penetrative sexual assault on a child—</p>	*	*	*
<p><i>(j)</i> whoever commits penetrative sexual assault on a child, which—</p>			Aggravated penetrative sexual assault.
<p><i>(i)</i> physically incapacitates the child or causes the child to become mentally ill as defined under clause <i>(l)</i> of section 2 of the Mental Health Act, 1987 or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or</p>			
<p><i>(ii)</i> in the case of female child, makes the child pregnant as a consequence of sexual assault;</p>			
<p><i>(iii)</i> inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, mentally ill or mentally unfit to perform regular tasks; or</p>			
*	*	*	*
<p><i>(t)</i> whoever commits penetrative sexual assault on a child and who has been previously convicted of having committed any offence under this Act or any sexual offence punishable under any other law for the time being in force; or</p>			
*	*	*	*
<p>6. Whoever, commits aggravated penetrative sexual assault, shall be punished with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life and shall also be liable to fine.</p>			Punishment for aggravated penetrative sexual assault.
*	*	*	*
<p>8. Whoever, commits sexual assault, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to five years, and shall also be liable to fine.</p>			Punishment for sexual assault.
<p>9. (a) Whoever, being a police officer, commits sexual assault on a child—</p>	*	*	*
<p><i>(j)</i> whoever commits penetrative sexual assault on a child, which—</p>			Aggravated sexual assault.
<p><i>(i)</i> physically incapacitates the child or causes the child to become mentally ill as defined under clause <i>(l)</i> of section 2 of the Mental Health Act, 1987 or causes impairment of any kind so as to render the child unable to perform regular tasks, temporarily or permanently; or</p>			
<p><i>(ii)</i> inflicts the child with Human Immunodeficiency Virus or any other life threatening disease or infection which may either temporarily or permanently impair the child by rendering him physically incapacitated, mentally ill or mentally unfit to perform regular tasks; or</p>			
*	*	*	*

(l) whoever commits sexual assault on the child more than once or repeatedly; or

* * * *

Punishment
for
aggravated
sexual assault.

10. Whoever, commits aggravated sexual assault shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

* * * *

LOK SABHA

A

BILL

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

(Shrimati Poonam Mahajan, M.P.)