

CRIMES AGAINST CHILDREN

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Ministry of Women and Child Development

Crimes against Children

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The Government of India has legislated various child centric Acts such as the Commissions for Protection of Child Rights Act (CPCR) 2005, Protection of Children from Sexual Offences (POCSO) Act, 2012 and the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) for protection and promotion of child rights. While the JJ Act, 2015 ensures the safety, security, dignity and well-being of children, the POCSO Act, 2012 is a comprehensive law that provides protection to children from the offences of sexual assault, sexual harassment and pornography. It safeguards 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.

However, police and public order are State subjects under the Seventh Schedule to the Constitution of India. The responsibility of maintaining law and order, protection of life and property of the citizens including children, rest primarily with the respective State Governments and UT Administration. The State Governments and UT Administrations are competent to deal with such offences under the extant provisions of laws. The Government has issued various Advisories for combating crimes against children.

The POCSO Act has been amended in order to make it more effective in dealing with cases of child sex abuse in the country and notified on 06.08.2019 and made effective from 16.08.2019. It addresses the need for stringent measures to deter the rising trend of child sex abuse in the country on one hand and the menace of relatively new kind of crimes on the other hand. The following amendments have been brought under POCSO Act, 2012 through POCSO (Amendment) Act, 2019:-

- i. Section 2 (Definitions) amended to incorporate definition of child pornography;
- ii. Section 4 (Punishment for penetrative sexual assault) amended to increase quantum of punishment from minimum 7 years to minimum 10 years, and minimum 20 years in case of child below 16 years;
- iii. Section 5 (Aggravated penetrative Sexual Assault) amended to include penetrative sexual assault during natural calamity and similar situations and causing death of child;
- iv. Section 6 (Punishment for Aggravated penetrative Sexual Assault) amended to increase quantum of minimum punishment from 10 years to minimum 20 years and introducing death penalty as an option;
- v. Section 9 (Aggravated Sexual Assault) amended to include assault during situation of natural calamity and similar situations. Punishment stipulated for those who give any kind of chemical substance/ hormone to induce early sexual maturity in a child for the purpose of abuse;
- vi. Section 14 (Punishment for using Child for pornographic purposes) amended to increase the punishment to minimum five years and to synchronise with IT Act, 2000;

- vii. Section 15 (Punishment for storage of pornographic material involving child) amended to introduce fine (Rs.5000/- on first occasion, Rs. 10,000 on second occasion) for not reporting child porn material, which could be extended to imprisonment if such material is propagated. If the material is used for commercial purposes, then the minimum punishment will be imprisonment for not 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 for a term which may not be less than five years which may extend to seven years and also liable to be fine or with.
- viii. Section 34 (Procedure in case of Commission of offence by child and determination of age by special court) amended to establish consonance with the JJ Act, 2015;
- ix. Section 42(Alternative Punishment) amended in order to acknowledge the amendment made vide Criminal Law Amendment Act, 2018;
- x. Section 45 (Power to make rules) amended for consequential amendments in view of amendments in sub-section (1) and (2) of Section-15.

As per National Crimes Record Bureau (NCRB) reports, the number of cases registered as crimes against children in the last four reports of NCRB is given below:

SL	State/UT	2014	2015	2016	2017
1	Andhra Pradesh	2059	1992	1847	2397
2	Arunachal Pradesh	134	181	133	138
3	Assam	1385	2835	3964	4951
4	Bihar	2255	1917	3932	5386
5	Chhattisgarh	4358	4469	4746	6518
6	Goa	330	242	230	196
7	Gujarat	3219	3623	3637	3955
8	Haryana	2540	3262	3099	4169
9	Himachal Pradesh	467	477	467	528
10	Jammu & Kashmir	211	308	222	359
11	Jharkhand	423	406	717	1247
12	Karnataka	3416	3961	4455	5890
13	Kerala	2391	2384	2879	3562
14	Madhya Pradesh	15085	12859	13746	19038
15	Maharashtra	8115	13921	14559	16918
16	Manipur	137	110	134	109
17	Meghalaya	213	257	240	379
18	Mizoram	178	186	188	220
19	Nagaland	25	61	78	93
20	Odisha	2196	2562	3286	3185
21	Punjab	1762	1836	1843	2133
22	Rajasthan	3880	3689	4034	5180

23	Sikkim	93	64	110	190
24	Tamil Nadu	2354	2617	2856	3529
25	Telangana	1930	2697	2909	3580
26	Tripura	369	255	274	276
27	Uttar Pradesh	14835	11420	16079	19145
28	Uttarakhand	489	635	676	829
29	West Bengal	4909	4963	7004	6551
	TOTAL STATE(S)	79758	84189	98344	120651
30	A&N Islands	50	102	86	119
31	Chandigarh	208	271	222	275
32	D&N Haveli	11	35	21	31
33	Daman & Diu	7	28	31	24
34	Delhi	9350	9489	8178	7852
35	Lakshadweep	1	2	5	4
36	Puducherry	38	56	71	76
	TOTAL UT(S)	9665	9983	8614	8381
	TOTAL (ALL INDIA)	89423	94172	106958	129032
Source: Crime in India					

This information was given by the Minister of Women and Child Development, Smriti Zubin Irani, in a written reply in the Rajya Sabha today.

MM/ SB

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