Amendments to POCSO Act

Why in news?

Union government has amended the POCSO Act.

What is POCSO Act?

- POCSO Act came into force on November 14, 2012, and was specifically formulated to deal with offences including child sexual abuse and child pornography.
- It is first comprehensive law in the country dealing specifically with sexual abuse of children.
- The Act through its 46 provisions increased the scope of reporting offences against children, which were not earlier covered under the Indian Penal Code.
- This included aggravated penetrative sexual assault to include punishment for abuse by a person in position of trust or authority including public servants, police, armed forces, management or staff of an educational or religious institution.
- It also defined the procedure for reporting of cases, including a provision for punishment for failure to report a case or false complaint.
- It provided procedures for recording of the statement of a child by the police and court, laying down that it should be done in a child-friendly manner, and by the setting up of special courts.

What are the amendments made to the Act?

- The Act has enhanced punishment under various sections of the Act including punishment for aggravated penetrative sexual assault to be increased to include death penalty.
- Other sections under which the punishment has increased includes the minimum punishment for penetrative sexual assault, which has been increased from seven years to 10 years — and, if the child is below 16 years of age, the minimum punishment has been increased to 20 years.

- The Act has also tightened the provisions to counter child pornography.
- While the earlier Act had punishment for storing child pornography for commercial purposes, the amendment includes punishment for possessing pornographic material in any form involving a child, even if the accused persons have failed to delete or destroy or report the same with an intention to share it.
- The Act has also removed the words “communal or sectarian violence”, which had punishment for a person who sexually abused a child during the course of such violence.
- The words have been replaced with “violence during any natural calamity or in similar situations”.

What is the status of convictions under the Act?

- National Crime Records Bureau from 2016 indicates an increase in the number of cases registered under the said Act “from 44.7 per cent in 2013 over 2012, and 178.6 per cent in 2014 over 2013, and no decline in the number of cases thereafter.
- Reports by NGOs working with children, as well as the latest National Crime Records Bureau’s Crime in India Report, 2016, state that over 94 per cent of the accused in cases registered under The POCSO Act, are known to the victims, including close family members.
- This may deter victims, or put pressure on them to not file a complaint, given the possibility of death now.
- Further, while the Act states that the cases should be heard expeditiously, the pendency rate as per the NCRB is over 89 per cent.
- The delays also affect the probability of conviction of offenders, the conviction is being below 30%, despite the stringent sections.

Source: Indian Express

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