

POCSO ACT,2012

The Gazette of EXTRAORDINARY PART II SUBSIDIARY BY AUTHORITY 20, 2012' 1934 341 No. 341 NEW DELHI, WEDNESDAY, JUNE. (Saka) Separate paging is to this Part in order it may be filed a separate MINISTRY OF LAW AND JUSTICE (Legislative Department) New Delhi, the 20th 30. 1934 (Saka) The following ACT of Parliament received the assent of the President on the 19th June, 2012. and is hereby published for general information:— THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012 [No. 32 of 2012] 2012 An Act to protect children from offences of sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto, WHEREAS it is expedient that the Government of India should make special provisions for children; the Government of India has acceded 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; WHEREAS it is necessary for the proper development of the child that his or her right to privacy and confidentiality be protected and respected by every person through all stages of a judicial process involving the child; AND it is imperative that the law operates in a manner that the best interest of the child are regarded as being of paramount importance at every stage, to ensure the healthy physical, intellectual and social development of the child, AND the State parties to the Convention on the Rights of the Child are required to undertake all appropriate national, bilateral, multilateral measures to prevent— (a) inducement or enticement of a child to any unlawful sexual activity; INDIA EXTRAORDINARY 11 Shon extent and to prohibit the exploitation of children in or other unlawful, practices; (c) the exploitative use of children in pornographic performances and transactions. AGO AS sexual exploitation and sexual abuse of children are heinous crimes and need to be effectively addressed. BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:— CHAPTER I. (This Act may be called the Protection of Children from Sexual Offences Act, 2012 It extends to the whole of India, except the State of Jammu and Kashmir. (It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, 2. (1) In this Act, unless the context otherwise requires, (a) "aggravated penetrative assault" has the same meaning as assigned to it in section (h) assault" has meaning assigned to it in section 9. "Armed forces or security forces" means armed forces of the Union or any other force as the Schedule, -child* means any person below the age of eighteen years; (e) "domestic relationship" shall have the same meaning as assigned to it in clause (f) of section 2 of the Protection of Women from Domestic Violence Act, 2009, *penetrative sexual assault- the meaning assigned to it in section (g) "prescribed" means prescribed by rules made under this Act: (h) "religious institution" shall have the same meaning as assigned to it in the Religious Institutions (Prevention of Misuse) Act. (a) *sexual assault* same meaning as assigned to it in section -sexual harassment* has the same meaning as to it in section 1 (k) *shared household" means household in which the person charged with the offence lives or has lived at any time in a domestic relationship with the child, (t) -Special Court- means a court designated as such under section 28. (m) *sexual abuse* means sexual abuse as defined in section 32, (2) The words and expressions used herein and not defined but defined in the Indian Penal Code, the Code of Criminal Procedure, 1973, the Juvenile Justice (Care and Protection of Children) Act, 2001 and the Information Technology Act, 2000 shall have the meanings respectively assigned to them in the said Codes or the Acts. CHAPTER II. SEVERAL AGAINST ASSAULT 1.1 3. A person is said to commit "penetrative sexual assault" if — (a) he penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a child or makes the child to do so with him or any other person; or (b) he inserts, to any extent, any object or a part of his body, not being the penis, into the vagina, the urethra or anus of the child or makes the child to do so with him or any other person. 43 of 2000 2000 See, I I THE GAZETTE OF INDIA EXTRAORDINARY 3 (C) he manipulates any part of the body of a child so as to cause penetration into the urethra, anus or any part of the body of the child or makes the child to do so with him or any other person; or (d) he touches the penis, vagina, urethra or anus of the child or makes the child to do so with him or any other person. 4. commits penetrative 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 imprisonment for life shall also be liable to fine, B.—AGGRAVATED SEXUAL ASSAULT AND 5. (a) Whoever, being a person who commits penetrative sexual assault on a child within the limits of the police station or premises at which he is

appointed: or in the premises of any station house, whether or situated in the police station, to which he is appointed; or (iii) in the course of his duties or otherwise; or (iv) he is known as, or identified as, a police officer; or (b) whoever being a member of the armed forces or security forces commits penetrative sexual assault on a child— (i) within the limits of the area to which he is deployed; or (ii) in any areas under the command of the forces or armed forces; or (iii) in the course of his duties or otherwise; or (iv) where the said person is or identified as a member of the security or armed forces; or (v) Whoever being a public servant commits penetrative sexual assault on a child: or Whoever being on the management of the staff of a jail, remand home, protection home, observation home, or other place of custody or care and protection established by or under any law for the time being in force, commits penetrative sexual assault on a child, while he is in charge of such jail, remand home, protection home, observation home, or other place of custody or care and protection; or (e) whoever being on the management of the staff of a hospital, whether Government or private, commits penetrative sexual assault on a child in that hospital; or whoever being on the management of the staff of an educational institution or religious institution, commits penetrative sexual assault on a child in that institution; or (f) whoever commits gang penetrative sexual assault on a child. Explanation— When a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of them shall be deemed to have committed gang penetrative sexual assault within the meaning of this clause and each of such persons shall be liable for that act in the same manner as if it were done by him who commits penetrative sexual assault on a child using deadly weapons, fire, heated substance or corrosive substance; (g) whoever commits penetrative sexual assault causing grievous hurt or causing harm and injury or injury to the sexual organs of the child; or (h) whoever commits penetrative sexual assault on a child, who is or has been suffering from any mental disorder as defined under 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 or in the case of female child, makes the child pregnant as a consequence of sexual assault; (i) whoever 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, or unable to perform regular tasks; or (j) whoever, taking advantage of a child's mental or physical disability, commits penetrative sexual assault on the child; or (k) whoever commits penetrative sexual assault on the child more than once or repeatedly; or (l) whoever commits penetrative sexual assault on a child below years: or (m) whoever being a relative of the child through blood or adoption or marriage or guardianship in foster care or having a domestic relationship with a parent of the child or who is living in the same or shared household with the child commits penetrative sexual assault on such child, or (n) whoever being, in the ownership, or management, or staff, of any institution providing services to the child, commits penetrative sexual assault on the child; or (o) whoever being in a position of trust or authority of a child commits penetrative sexual assault on the child in an institution or home of the child or anywhere else; or (p) whoever commits penetrative sexual assault on a child knowing the child is pregnant; (r) whoever commits sexual assault on a child and attempts to murder the child; or (s) commits penetrative sexual assault on a child in the course of communal or sectarian violence; or (t) 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 (u) whoever commits penetrative sexual assault on a child and makes the child to stand or parade naked in public, is said to commit aggravated penetrative sexual assault

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 may extend to for life and also liable to fine- C SI ASO Whoever, with sexual intent touches the vagina, penis, anus, breast of the child or makes child touch the vagina, penis, anus or breast of such person or any other person, any other act sexual intent which involves physical contact without penetration is said to commit sexual assault. Whoever commits sexual assault, shall be punished with imprisonment of any term which may extend to five years shall be liable to fine (a) Whoever, being a police officer, commits sexual assault on a child— within the limits of the station or where he is appointed; or in the premises of any station house whether not situated in the police station which he is appointed, or in the course of his duties or otherwise; or (b) he is or identified as a police officer; (b) whoever, being a member of the armed forces or security forces, commits sexual assault on a child— within the limits of the area to which the person is deployed; or (i) in any areas under the command of the security or armed forces; or in the course of his duties or otherwise; or

is or of the security guard (e) who is being a public sexual assault on a child; or (d) whoever being on the management or the staff of a jail, or remand home or protection home or observation home, or Orphan place Of care and protection established by or under law for the time being in force commits sexual assault on a child being inmate of such jail remand home or protection home or Orphan place of custody or care and protection, or being one of the management or staff of a hospital, whether Government or private, commits assault on child in hospital; or the management Of staff of an educational institution Or religious institution, commits sexual assault on a child in that Institution; or whoever commits gang sexual assault on a child, Explanation—when a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention each of such Shall be to have committed gang sexual assault within the meaning of this clause and each of such shall be liable for that offence in the same as if it were done by him alone, or whoever commits sexual assault on a Child using deadly 'fire, heated substance corrosive substance (0 whoever commits sexual assault causing grievous hurt or causing bodily harm and injury Or injury to the sexual organs Of the Child' or whoever assault on a (i) physically incapacitates the Child causes the child to become mentally ill as under clause (2) of section 2 Health Act, of any kind so as to the child unable to perform regular tasks, temporarily or affects the child with Human Virus or other life threatening disease or infection which may either temporarily or permanently impair the child by physically to perform regular work or (6) whoever, taking advantage Of child's mental or physical disability commits assault on the child, or (f) commits the child more than once or : whoever commits on a Child below twelve years: or whoever, being a parent of child through or managing guardian in or domestic relationship with a parent of the child, or is a person who is: 'the outstation Of Of Staff, Of any institution providing to the child, sexual assault on the child in such institution, (p) whoever, using a position of authority Of a child, assault the child in an Institution home of the child or anywhere else. (4) whoever commits assault on a knowing the child pregnant'. commits sexual assault a child attempts [0 murder the child; or (s) whoever commits sexual assault a child in the course Of communal sectarian violence; or Whoever commits sexual assault on Child and has been previously convicted of having committed any Offence under this Act of sexual offence punishable under Other law for the time being in force; or whoever commits sexual assault on a child and makes the child strip or parade naked in public. is said to commit aggravated sexual assault, 10. Whoever commits sexual assault Shall be punished with Of either description a term shall not Less than five years but Which may extend to seven and shall also be liable to fine. 1. person is said 'to sexual harassment upon a child when such With sexual intention- (0 utters any word or makes or makes any gesture or exhibits any object or part of body With the intention that such word or sound Shall be heard. or such gesture or object or part of shall be seen by the child. or makes a child exhibit his body or any part of so it is seen by such person Or any other person; or Object to Child in any or transaction with a purpose, (i) repeatedly or constantly follows or contacts a child either directly through electronic, digital or any other (y) threatens to LISC, in form Of media- a real fabricated depiction through electronic, film or digital or any other mode. of any part of the child or the involvement of the child a sexual act: a Child for pornographic purposes Of gives gratification thereof. —Any which involves sexual intent" shall be a question Of Law, 12. Whoever commits sexual harassment upon a child shall be punished with imprisonment of either description for a term which may extend to three years and Shall also be liable to fine. 13. a form of media (including television or any other electronic medium whether Or not such programme is for the purpose of a (h) usage Of of the indecent or: "in a child, INDIAN provisions of this the expression "use a include involving a child through medium like print, electronic, computer or any technology for preparation, offering, transmitting publishing, facilitation and distribution of the pornographic material 14. Whoever, use a child or children for pornographic purposes shall be punished with imprisonment of either description Which may extend to five years and shall also be liable to fine in the event of second or subsequent conviction with imprisonment of either description for a term Which may extend to ten years and also liable to fine, If the person using the child for pornographic purposes commits an offence in section 3. by directly participating in pornographic acts he shall be punished with imprisonment of either description for a term which shall not less than ten but which may extend to imprisonment for life, and shall also be liable to fine If the person using the child for pornographic purposes commits offence referred to in section 3, by directly participating in pornographic acts. he shall be punished with rigorous imprisonment for a term which shall also be liable to fine. (4) If the person using the Child for pornographic purposes commits an offence in section 3 by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than ten years which may extend to eight

years, also be liable to fire, (S) Ifffe the child an offencereferred in ection 9, 'by directly participating in
prnographic acts. he bc purshed with imprisonment of either description a term which shall bc less than
•aght which may evend to ten years. Shan also be liable to IS. Any persm. who stores. for commercial
purvvses any material form involving a child Shall be with imprisonment Of either Which may extend to
three years ot with fine or wftb txyth, CHAPIV.R IV ot OFFE9Ct 16. A person an offence, WtW—
First.— Instigmes any person to do that offence; or Secondly,— Engages in doing Oi that offence, if an act
or illegal otnission takes place in Of that conspiracy. and in order to doirv Of that Offence; or Thmdy—
Intentionally aids. by any act or illegal omission, the doing of that offence, Explanaoon A person who, by
wilful misrepresentation, or by wilful concealment of a matervat tact, which he is bound to disclose.
voluntarily catss ot procures, or attempts to cause or prware a thing to be done, is sawd LO instigate the
doing Of that offence. Explanation either prior to Ot at the time Of Of an act. des anything in order to
commission of thm act. th.erchy faelltates the commissi*i thereof. is said to aid the dong of act.
Explanation Whtgvetemploy, harbours, receives Ot trÜtspttsø Child. by Of threat use Of force Ot Other
forms of fraud. deception, abuse Of power or of a position, vulnerability or thc giving receiving of
paymenu benefits to achieve the consent of a *'rson havtng corm! over another person. for the purpose of
any offence under this Act. is said to aid the doing of act

17. Whoever abets any offence under this Act, if act abetted is in consequence Of the abetment, Shall punished with ptmishment provided foc that offence.An offence is said to be committed in consequence of abetment, when it is committed by a person in pursuance of the instigation, or in pursuance of the aid, which constitutes the abetment.

18. Whoever attempts to commit any offence punishable under this Act or cause such an attempt, shall be liable to imprisonment of any description provided the punishment for the offence, term to the extent of, the maximum term to which he may be sentenced for the offence.

19. { Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (any offence committed by a child). who has apprehended that an offence under this Act likely to be committed or has been committed, he shall provide such information to - the Police Unit, the local police.

Every given subsection (1) shall ascribed an entry number and recorded in the register of the informant: shall be entered in a book to be kept by the Police Unit, (3) Where the under subsection (1) is given by a child, the same shall be recorded under subsection (1) in a suitable language so that the child understands the contents thereof. (4) In case contents are being recorded in the language not understood by the child wherever it is deemed necessary, a translator or an interpreter, having such experience and on payment of such fees as may be prescribed, shall be provided to the child if he fails to do so himself, (5) Where the Special Juvenile Police Unit or local police is satisfied that the child against an offence has been committed is in need of care and protection, then, it shall, after recording the reasons therefor, make immediate arrangements to give him such care and protection (including admitting the child into shelter home or to the nearest hospital) for such period as may be prescribed (6) The District Juvenile Police Unit or local police shall, without unnecessary delay but within a period of hours, refer the matter to the Child Welfare Committee and the Special Court or No Special Court has been designated, to the Court of Session, for the purpose of the child for protection and steps taken in this regard. It shall be its duty to furnish the Information in good faith for the purpose of subsection (1) (20), Any person, whether of male sex or female, who takes or lodges at hotel or club or studio or photographic establishment, by whatever name called, of the photograph of any employed person shall, on coming across material or sexually explicit or pornographic, sexually related or depicting obscene representation of a child or child-entire through the use of any medium, shall provide such information to the Special Juvenile Police Unit, or the local police, as the case may be.

21. Any person, who fails to report the commission of an offence under subsection (1) of section 19 or subsection (2) of section 20 or who fails to record such offence under subsection (2) of section 19 shall be punished with imprisonment of either description which may extend to six months or with fine or (2) Any person, of any company or (by whatever name called) who fails to report commission of an offence under subsection (1) of section 19 or subsection (2) of section 20, shall be punished with imprisonment for a term extending up to one year and with fine, provisions of subsection (1) shall not apply to this.

22. Any person who makes complaint or provides false information in respect of an offence under sections 3, 5, 7 and 9, who threatens or commits impersonation, for which may be up to three months or for a false complaint made by a child, who makes a false statement to the effect that such offence has been committed, shall be punished with imprisonment for a term extending up to three months or with fine or both.

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No person shall make form of media or studio photographic facilities without having complete and authentic information, which may have the effect of lowering his infringing upon his

privacy. (2) NO revxyt.s in any REdia shall disclose. the identity ofa child including his natne. address, photograph, family details. school. ncighbourhood or my other particulars which may lead to disclosure Of identity of the child; Proveaed that for reasons to recorded in writing. the Special Court. competent to tn the case under the Act, may permit such disclosure, if in its opinion such disclosure is in the interest of the child, (J) The publisher or owner of the media Of studio or ph«ographtc facilities shall be jointly and severally liable for the and cgnissions Of his employee (t) Any who contravenes the provisions Of sub-section (ot sub-section (2) shall be liable to be pumshed with imprisonment of eid'ier descnption for a period which shall not less than six months but which may extend to ooe year or With fine or with both. StAIEMENT CHU-O 24. child shall be recor&dattheresidenceofthechildorua R&cotd.ng of place uhere he usually testdes or at the place of his choice and as far as practicable by statement woman police officer oot the rank of sub-inspector. (2) The police officer whik recording the ofthe ehild Shall not tauto•rm. (3) The police officer making the invesugXton. while examining the child. that at no of time the Child come in the contxt in any way with the accused. (4) No child shall detained in the Station the night for any reasen. (S) The police officer shall ensure that the identity of the child is protected from the public media, unless otherwise directed by the Special Court in the interest of the child. 25. (Ifthe statement ofthc child is being recorded under section 164 ofthc Code of Criminal Pnxcdure, 1973 (herein referred to as the Co&), the Magistrate recording such statement shall, notwithstanding anything contained therein, record tlr statement as spoken by the child: Provided that the provisions contained in the first proviso to (I) ofsection 164 of the Coje shall, so far it permits the presence Ofthe advocate ofthc accugd rWt apply in this case. (2) Magistrate shall to the child and his gnrents or his a copy of the document specified under section 207 of the Code, the final report being filed by the plice under section 1 73 of that Code, 20. (I) The Magstrate or the officer, as the cue may be. shall record the statement as spoken by the chld in the presence Of the parents Of child any Other Frson in the child has trust or confidence. (2) Wherever necessary. the Magistrate or the police officer. as the case may may take the assistance of a transiator or an interpreter, havü'g such qualifications, exgrrtmcc and on Of such fees as may be prescribed. while recording tir qatement Of the ChiW (3) The Magistrate Ot the police officer. the case may be. may. in the case ofa child having a mental or ph«icai dusablity, seek the Of a #Ecial edrgator ot any person âmilial With tbc manner of communication of the child or ui in that field, having such qualifications, experience and on payment of such fees as may prescribed. to record the statement of the (I) Wherever possible, the Magistrate or the police Officer. as the case may shali ensure that the statement of the child ts also recorded by audio-video electronic means. of by statement to IO THE GAZETTE OF INDIA EXTRAORDINARY (ksrgnation Presumption to e•najn befo« u The medtcal examination ofa child respect Of whom any Offence has been committed under thrs Act. shall. notwithstanding that a First Information Report or complaini has been registered for offences under this Act. conducted in accordance With section 16•A OftheCcsde ofCrumnal Prcqedure

1973. In the victitn IS a VI Child, the medical Shall conducted wornan doctor {3) Vhe marion shall conducted in the 'presence Of the parent Of the child or any other person In "Shom the child reposes trust or confidence Where, in case ghe parent orthe child other person reicned to in sub-section J) cannot be present.lot any reason. during the medical examination of the chi 'the medical emarnination shall conducted in the presence of a ssoman nominated by the head of the medical institution Smugx Couns (1) Fot the Of providing a speedy trial. •the State Government shall in consultation ith th. Chief of the High Court. by notification the Official Gazette. designate foreachdistnct, a Court of Session to bea Special Court toto the offences under the Act; Provided that if a Court of Session is notified as a children'S court under the Conunissions for of Child Rights Act, 2005 or a Special Coun designated for similar pw-poses under any Other law for the time being in then, such court Shall be deemed to be a Special Court under this sectin While vying an offncc under this Act. a Special Court also try offence (Other than the Offence tefened to in sub-section (1)1, with the accused may, under the ofCrimiaal Pt«edute. 1973. charged at the same (3) The Special Court constituted under this Act, noraithstanding anything in the Technology Act, 20.)0. shall i,nder section 63B of tbNACt so It pubbcation of sexually eyplx•it material &picting children tn Ot condwt rtunner abuse of children 29, is arrrnäod to •mynit W"le• 30. (I) any prosecution for any offence this Act which requires a culpable mental state on the part Of accused. the Court Shall existence Of such State hut it shall be defence for the accused to prove the fact that he had no state with respect 'to the act charged as an offence in that prosecution. (Z) the purposes

of this section. a fact is said to be proved only when the Special Court believes it to be beyond reasonable doubt and not merely when its existence is established by a preponderance of probability. —In this section, "culpable mental state" includes intention, motive, knowledge of a fact and the reason to believe in a fact. Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, including the provisions as to and in relation to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Sessions and the person conducting a prosecution before a Special Court, be deemed Public Prosecutor, 21 2000 2014 of 1974. THE GAZETTE OF INDIA EXTRAORDINARY 32. (1) The State Government shall, by notification in the Official Gazette, appoint a Special Public Prosecutor for every Special Court for conducting cases only under the provisions of this Act. (2) A person shall be eligible to be appointed as a Special Public Prosecutor under sub-section (1) only if he had been in practice for not less than seven years as an advocate. (3) Every person appointed as a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (i) of section 20 of the Code of Criminal Procedure 1913 and provision of that Code shall accordingly apply. CHAPTER OF SPECIAL COURTS AND RECORDING 33. (1) A Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving complaint or facts which constitute such offence, or upon a police report of such facts. (2) The Special Public Prosecutor, or as may be the counsel appearing for the accused shall, while recording cross-examination or re-examination of the child, communicate the questions to be put to the child to the Special Court which shall in turn put those questions to the child. (3) The Special Court may, if it considers necessary, permit frequent breaks for the child during the trial. (4) The Special Court shall create a child-friendly atmosphere by allowing a family member, guardian, a friend or a relative, in whom the child has trust or confidence, to be present in the court. (5) The Special Court shall ensure that the child is not called repeatedly to testify in the trial. (6) The Special Court shall not permit aggressive questioning or character assassination of the child and ensure that dignity of the child is maintained at all times during the trial. (7) The Special Court shall ensure that the identity of the child is not disclosed at any time during the course of investigation or trial: Provided that for reasons to be recorded in writing, the Special Court may permit such disclosure, if in its opinion such disclosure is in the interest of the child. Explanation—For the purposes of this sub-section, the identity of the child shall include the identity of the child's family, school, relatives, neighbourhood or any other information by which the identity of the child may be revealed. (8) In appropriate cases, the Special Court may, in addition to the punishment, direct payment of such compensation as may be prescribed to the child for any physical or mental trauma caused to him or for immediate rehabilitation of such child. (9) Subject to the provisions of this Act, a Special Court shall, for the purpose of the trial of any offence under this Act, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session; and as far as may be, in accordance with the provisions in the Code of Criminal Procedure, 1973 for trial before a Court of Session. 34. (1) Where any offence under this Act is committed by a child, such child shall be dealt with under provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000. (2) If any question arises in any proceeding before the Special Court whether a person is a child or not, such question shall be determined by the Special Court after satisfying itself about the age of such person and it shall in writing state its reasons for such determination. Procedure and Special Court records in commission of offence by child and determination of age of child 12 THE GAZETTE OF INDIA EXTRAORDINARY non the terms of to be Soordet the Court shall be deemed subsequent proof that the age of the person as determined by it under sub-section was the age of that child. 35. (1) The evidence of the child shall be recorded within a period of thirty days of the Special Court taking cognizance of the offence and reasons therefor. If any delay is caused, the Special Court shall complete trial as far as possible, within a period of one year from the date of taking of the offence. 36. Special Court shall ensure that the child is not exposed to any harm or to the accused time of recording evidence, while at the same time ensuring that the accused is in a position to cross-examine the child and communicate with advocate, (2) For the purposes of the Special Court record statement of a child through video conferencing or by utilising single mirrors or any other device

37. Court shall ensure the presence of the parents or any other person in the child has trust or confidence, provided that where special Court is of the opinion that the child needs to be examined at a place other than the place where the offence was committed, it shall proceed to issue a warrant in accordance with the provisions of section 264 of the Code of Criminal Procedure, 1973, 38. (1) Where necessary, the Court may take the assistance of a translator or interpreter of such qualifications, experience and on such fees as may be prescribed,

recording the evidence of the child. (2) If a child has a mental or disability, the Court may take the aid of an educator or person familiar with the manner of communication of the child or an expert in that field. Having such qualifications, experience and on payment of such fees may be prescribed in the evidence of the child. MYSCCELLANEOUS 39, Subject to such rules may be made in this behalf, the State Government shall prepare guidelines use non-governmental organisations, professionals and experts of persons having knowledge of psychology, social work, physical mental health and to take reports, 10 Of Provisions of child development in connection with the pre-trial and trial stage to assist the child: 40. Subject to the proviso to section 301 of the Code of Criminal Procedure; 197} the family the guardian of the child shall be entitled to the assistance of a legal counsel of their choice for any offence under this Act' Provided that if the family or the guardian of the child is unable to afford a legal counsel, the Legal Authority shall provide a legal aid to them 41. provisions of sections 3 to 13 (both shall not apply in case of emergency or medical treatment of a child) when such medical examination treatment is undertaken with the consent of his parents or guardian. Where it constitutes an offence punishable under this Act and also under any other law for the time being in force, then, notwithstanding anything in any law for the time being in force, an offender found guilty of such offence shall [liable to punishment only under such or this as provides for punishment which is greater in degree] Central and take all measures to Act (o) the provisions of this Act are given wide publicity, through govt. including the and the print media at regular intervals to make general public, children as well as their parents and guardians aware of the provisions of this (h) the officers of the Central Government and the State Governments and other concerned persons including the officials (officers) are imparted periodic training on the matters relating to implementation of the provisions of the Act 44. National Commission for Protection of Child Rights constituted under section 4 or as the case may be - the State Commission for Protection of Child Rights of *Set, under section Of the Commissions for Protection Of Child Rights Act* 2005, Shall, in addition to the functions assigned to them under that Act, also monitor the implementation of the provisions of this Act in such as may be (2) The National Commission as well as the State Commission, referred to in sub-section Shall, while inquiring into relating to offence under Act, have the same powers as are vested in it under the Commissions Protection Of Child Rights Act, 2009 (3) The National as well as the State Commission, referred to in shall, also include, its activities under this section, in the annual report referred to in section 16 of the Commissions for Protection of Child Rights Act, 2005, to carry out purposes of this Act, (2) in particular, and without prejudice to the generality of the foregoing powers, such rules "say provisions for an or any following matters, namely;— (u) the qualifications and Of, and the fees payable to, a or an interpreter, a special educator or any person familiar with the manner of communication Of the child in that field, under sub-section (4) Of section 19; subsections (2) and Of section 26 and section (h) care and protection and emergency medical of the child under sub-section 19; (c) the payment of compensation under sub-section (8) of section 33; the manner of periodic monitoring of the provisions of the Act under sub-section (of section 44. (3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be in one session or in two or more sessions, and if, before expiry of the session immediately the session or 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 in such modified form Of be Of no effect, as case may be 90. however, that any such modification or amendment shall be "without prejudice to the validity Of anything previously done under that rule, 46. (If any in giving provisions Of the Act. Power to Government may, by published in the Official Gazette, make such provisions not difficult 1.8 inconsistent with the provisions of this Act as may appear to be necessary for the removal of the difficulty that no order shall be made under this section after the expiry Of the of ten years from the commencement of this Act. (2) Every rule made under this section shall as may be after it is made, of Parliament. (b) The Air Force Act of (b) The Army Act, 1950 (46 of 1950). The Home Guard Act 1947 (3 of 1947); (e) Border Security Act. (4 Of 1 Central Industrial Security Act. 1968 (SO of 1968b. Central Reserve Police Force 1949 (66 of 1949), (h) 1978 1978); The Delhi Police Establishment Act, 1946 (25 of 1946); The Indo-Tibetan Border Police Force Act, 1992 (3 of 1992); National Investigation Agency Act, 2008 (34 of 2008); National Security Guard Act 1986 (47 of 1986) (n) Railway Protection Act, 1957 (Seema Hal Act V,) special 1988 (34 of 1988) (g) Act. (56 of 1948); The State (including armed constabulary) constituted under the State laws to aid the civil powers of the State and empowered to employ force during internal disturbances or including armed forces as defined in clause (a)

of section 2 of the Armed Forces (Special Powers)Act. 1958 t280f 19581 V BHASIN. Secretæy to the
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