

Bill No. 34 of 2021

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES
(AMENDMENT) BILL, 2021

By

SHRI ANUBHAV MOHANTY, M.P.

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BILL

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

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

1. (1) This Act may be called the Protection of Children from Sexual Offences
(Amendment) Act, 2021.

Short title
and
commencement.

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

Amendment of
Section 11.

2. In section 11 of the Protection of Children from Sexual Offences Act, 2012, 32 of 2012
after clause (vi), the following clause shall be inserted, namely:-

“(vii) establishes or builds a relationship with a child, either in person or
through the use of the internet or such other digital technologies, in order to
entice or persuade, either online or offline, that child to engage in sexual 5
contact with that person.”

STATEMENT OF OBJECTS AND REASONS

Over the past few years, with the growing prevalence of social media, the internet has become a breeding ground for activities aimed at sexual harassment of children. In particular, a new practise, commonly known as “grooming” has emerged, whereby the offender establishes a “friendly” relationship with a child, especially (but not necessarily) over the internet, in order to entice or persuade the child to engage in sexual acts.

The anonymity provided by the internet, coupled with easy and unregulated access to social media, has fuelled the rise of child grooming. This grooming has the potential to leave a deep impact on child’s physical, emotional and psychological well-being. The devastating effect of grooming can also be long-term and haunt the victim even in their adulthood. Hence, there is a strong need to explicitly criminalise the act of grooming.

Currently, the Protection of Children from Sexual Offences Act, 2012 recognises six distinct categories of sexual harassment of children under section 11. However, none of these categories are sufficiently comprehensive to include within its ambit the act of grooming.

The Bill, therefore, seeks to amend the parent Act with a view to insert grooming of children as a new category of sexual harassment under section 11, by punishing any act through which a person establishes or builds a relationship with a child, either in person or through the internet to facilitate online or offline sexual exploitation of such child.

The Bill seeks to achieve the above objectives.

NEW DELHI;
January 22, 2021

ANUBHAV MOHANTY

ANNEXURE

EXTRACT FROM THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

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Sexual harassment	11. A person is said to commit sexual harassment upon a child when such person with sexual intent,—					
	(i) utters any word or makes any sound, 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 body shall be seen by the child; or					
	(ii) makes a child exhibit his body or any part of his body so as it is seen by such person or any other person; or					
	(iii) shows any object to a child in any form or media for pornographic purposes; or					
	(iv) repeatedly or constantly follows or watches or contacts a child either directly or through electronic, digital or any other means; or					
	(v) threatens to use, in any form of media, a real or fabricated depiction through electronic, film or digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act; or					
	(vi) entices a child for pornographic purposes or gives gratification therefor.					
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further to amend the Protection of Children from Sexual Offences Act, 2012

(Shri Anubhav Mohanty, M.P.)