

Bill No. IV of 2020

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES
(AMENDMENT) BILL, 2020

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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 first Year of the Republic of India as follows:—

1. (1) This Act may be called the Protection of Children from Sexual Offences (Amendment) Act, 2020.

Short title,
extent and
commencement.

5 (2) It extends to the whole of India.

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

2. In the Protection of Children from Sexual Offences Act, 2012, after section 18 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
18A.

10 "18A. Notwithstanding anything contained in any other law for the time being in force, where a child commits or attempts to commit any offence punishable under this Act or to cause such an offence to be committed and in such attempt, does any act towards the commission of the offence, he shall be charged as adult for such offence and shall be liable for punishment provided under this Act.

Punishment
for offences
by child
between
fifteen to
eighteen
years of age.

15 *Explanation.*—For the purposes of this section 'child' means any person between fifteen to eighteen years of age."

STATEMENT OF OBJECTS AND REASONS

The Protection of Children from Sexual Offences Act, 2012 provides for severe punishment for sexual offences against children below eighteen years of age. The Act provides for death penalty for rape of a child below twelve years of age as well. But this law does not highlight how the offender would be treated if he himself is a minor. Today, the rate of physical and mental development of children has advanced much in comparison to earlier period which attributed to climate, eating habits and electronic gadgets such as mobile, television etc. It is, therefore, not appropriate to consider a child as adult only after he attains the age of eighteen years. Today, even a fifteen year child possesses qualities in thought and knowledge of an adult and knows what is good or bad. The incidents of heinous crimes like murder, rape and robbery committed by this age group are on the rise in the society. The girls who are comparatively innocent become easy prey to the offenders of the same age group.

Hence, it would be appropriate if child offenders between fifteen to eighteen years of age are also punished under the same sections under which the punishment for adults for offences such as raping minors or committing sexual offences against them have been provided for, so that our girls can stay safe at home and outside.

The Bill proposes that child offenders between fifteen to eighteen years of age should be covered under the ambit of the Protection of Children from Sexual Offences Act, 2012 and be given the same punishment as is given to adults.

Hence, this Bill.

SAROJ PANDEY

RAJYA SABHA

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

(Ms. Saroj Pandey, M.P.)