

AS INTRODUCED IN THE RAJYA SABHA  
ON THE 18TH NOVEMBER, 2016

**Bill No. XLV of 2016**

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES  
(AMENDMENT) BILL, 2016

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BILL

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

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

1. (1) This Act may be called the Protection of Children from Sexual Offences (Amendment) Act, 2016.

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.

No. 32 of 2012.

2. In the Protection of Children from Sexual Offences Act, 2012, Section 19 shall be omitted.

Omission of Section 19.

#### STATEMENT OF OBJECTS AND REASONS

Section 19 of the Protection of Children from Sexual Offences Act, 2012 compels even Court Judges, hearing a divorce case or in marriage discord cases to provide information to police authorities or otherwise face penal punishment under section 21 of the said Act. This places an unacceptable onus on the public and public Judicial persons on their mere apprehension of a possible offence being committed.

Hence this Bill.

DR. SUBRAMANIAN SWAMY

ANNEXURE

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

(No. 32 OF 2012)

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CHAPTER V

PROCEDURE FOR REPORTING OF CASES

2 of 1974

**19. Reporting of offences:** (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any person (including the child), who has apprehension that an offence under this Act is likely to be committed or has knowledge that such an offence has been committed, he shall provide such information to—

- (a) the Special Juvenile Police Unit; or
- (b) the local police.

(2) Every report given under sub-section (1) shall be—

- (a) ascribed an entry number and recorded in writing;
- (b) be read over to the informant;
- (c) shall be entered in a book to be kept by the Police Unit.

(3) Where the report under sub-section (1) is given by a child, the same shall be recorded under sub-section (2) in a simple language so that the child understands contents being recorded.

(4) In case contents are being recorded in the language not understood by the child or wherever it is deemed necessary, a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, shall be provided to the child if he fails to understand the same.

(5) Where the Special Juvenile Police Unit or local police is satisfied that the child against whom an offence has been committed is in need of care and protection, then, it shall, after recording the reasons in writing, make immediate arrangement to give him such care and protection including admitting the child into shelter home or to the nearest hospital within twenty-four hours of the report, as may be prescribed.

(6) The Special Juvenile Police Unit or local police shall, without unnecessary delay but within a period of twenty-four hours, report the matter to the Child Welfare Committee and the Special Court or where no Special Court has been designated, to the Court of Session, including need of the child for care and protection and steps taken in this regard.

(7) No person shall incur any liability, whether civil or criminal, for giving the information in good faith for the purpose of sub-section (1).

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RAJYA SABHA

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

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*(Dr. Subramanian Swamy, M.P.)*

GMGIPMRND—3198RS(S3)—18-11-2016.