



ODISHA POLICE  
CRIME BRANCH  
CRIMINAL INVESTIGATION DEPARTMENT

**CB CIRCULAR NO** 12 /2012

No. 40293 /CID-SR'W Date. 17.10.2012

To

All District SsP including SsRP, Rourkela & Cuttack/DCsP,  
Cuttack/Bhubaneswar.

Sub: Protection of Children from Sexual Offences Act, 2012 (ACT 32 of 2012)

The laws of the country did not address the problems of sexual assault against children effectively and adequately. Many offences were under-penalized or not penalized at all. Hence, in consonance with the provisions of Article 15 and Article 39 of the Constitution and the United Nations Convention on the Rights of Children to which India is a signatory, Protection of Children from Sexual Offences Act, 2012 was enacted during June, 2012 to ensure compressive and full-proof protection of children from offences of sexual assault, harassment and pornography.

The following are the significant features of the Act:

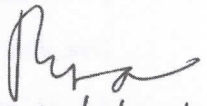
- As per Section 2 of the Act, "child" means any person below the age of 18 years.
- Penetrative sexual assault is punishable for a term of imprisonment which shall not be less than seven years but which may extend to imprisonment for life u/s 4 of the Act.
- Aggravated penetrative sexual assault includes sexual assault on children by a police officer, member of the armed forces or security forces, public servant etc. Such sexual assault makes the accused liable for a term of imprisonment which shall not be less than 10 years but which may extend to imprisonment for life.
- Sexual assault has been defined as touching private parts of the child or doing an act with sexual intent which involves physical contact but does not include penetration. Sexual assault is punishable under section 8 of the Act for a term

of imprisonment which shall not be less than 3 years but which may extend to five years

- Aggravated sexual assault has been defined in section 9 of the Act which includes commission of such an offence by a police officer, member of the armed force or security forces, public servant etc. Aggravated sexual assault is punishable u/s 10 of the Act for a term of imprisonment which shall not be less than five years but which may extend to 7 years.
- Use of child for pornographic purposes has been defined in section 13 and is punishable u/s 14 of the Act with a term of imprisonment which may extend to five years.
- An offence or apprehension of commission of the offence can be reported to Special Juvenile Police Unit or the local police. The Special Juvenile Police Unit or the local police shall within a period of 24 hours report the matter to the Child Welfare Committee and the Special Court.
- Section 23 prohibits reporting about any child victim in the media, without having complete and authentic information, which may have an effect of lowering the reputation of the child or infringing upon his privacy. Such reports, if published, shall not disclose the identity of the child.
- Section 28 designates the Court of Sessions of each district to be the Special Court to try offences under the Act.
- Section 29 raises a presumption against the accused if he is charged with an offence punishable under sections 3, 5, 7 and 9 of the Act.
- Special Public Prosecutors shall be appointed u/s 32 of the Act for every Special Court for the purpose of trial.
- As per section 37 of the Act, trials are to be conducted in camera and in the presence of the parents of the child or any other person in whom the child has trust or confidence.
- The National Commission for Protection of Child Rights (NCPCR) and State Commission for Protection of Child Rights (SCPCR) have been empowered to monitor implementation of the provisions of the Act.

It is requested that the provisions of "The Protection of Children from Sexual Offences Act, 2012" may please be circulated to all field functionaries and senior officers who may be sensitized to apply the sections of law for every relevant offence against child reported to the police. It is also requested that appropriate training programmes may please be arranged at the range or distinct level to sensitize Police officers about the provisions of the Act.

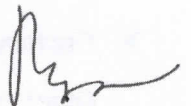
Personnel of Integrated Anti-Human Trafficking Units (IAHTU) should be closely associated in collection of information as well as investigation of the cases under the Act.

  
17/x/2012  
(B.K.Sharma)  
ADG/CID-CB

No. 40294/CID-SR'W'

Date 17 . 10.12

Copy forwarded to the Commissioner of Police, Bhubaneswar-Cuttack / all Range IsGP / DIsGP/IGP, Railways, Cuttack for information and necessary action with a request to sensitize the police officers working under them for implementing the spirit and provisions of the Act.

  
17/x/2012  
(B.K.Sharma)  
ADG/CID-CB

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