



KAMARAJ IAS ACADEMY
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POCSO Court in Delhi convicts man of rape, 11 days after police file chargesheet

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Context

• In one of the speediest trials in a Protection of Children from Sexual Offences (POCSO) case in the country, a Delhi court on April 16 awarded life imprisonment to a 45-year-old man for raping and impregnating a 16-year-old girl within seven weeks of the registration of the FIR.

POCSO (Protection of Children from Sexual Offences) Act

- POCSO Act is the **first comprehensive law in India dealing specifically with sexual abuse of children.**
- It seeks to **protect children from sexual assault, sexual harassment and pornography.**
- The Act, for the first time, defines penetrative sexual assault, sexual assault, & sexual harassment.
- It also includes **penalties for storing pornographic material** and abetment of an offence.
- The Act defines certain actions as “**aggravated penetrative sexual assault**”.

These include:

1The cases when the offender is a police officer, armed forces member, or public servant.

2The cases where the offender is a relative of the child.

3If the assault injures the sexual organs of the child or the child becomes pregnant, etc.

- It criminalises all sexual activities for those under the age of **18, even if consent was factually present between two minors.**
- Each district shall designate a Sessions Court to be a Special Court.
- The state government shall establish it in consultation with the Chief Justice of the HC.
- A POSCO case **must be disposed of within a year from the date the offence is reported.**
- It empowers the **National Commission for Protection of Child Rights and the State Commission for Protection of Child Rights** to **monitor the implementation of the provisions of this Act.**
- If a **child has committed an offence under POSCO**, it shall be dealt with under the **Juvenile Justice (Care and Protection of Children) Act, 2015.**

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POCSO (Amendment) Act, 2019

- The amendment has **enhanced punishment** under various sections of the Act, including the **death penalty for aggravated sexual assault on children**.
- It **defines child pornography and makes it punishable**.
- The act **added two more grounds to the definition of aggravated penetrative sexual assault**:
 - 1 Assault resulting in the **death of the child**.
 - 2 Assault committed **during a natural calamity**.
- Under the POCSO act, the **consent of a child is immaterial**.
- Consensual sexual intercourse with or among adolescents is treated on par with rape