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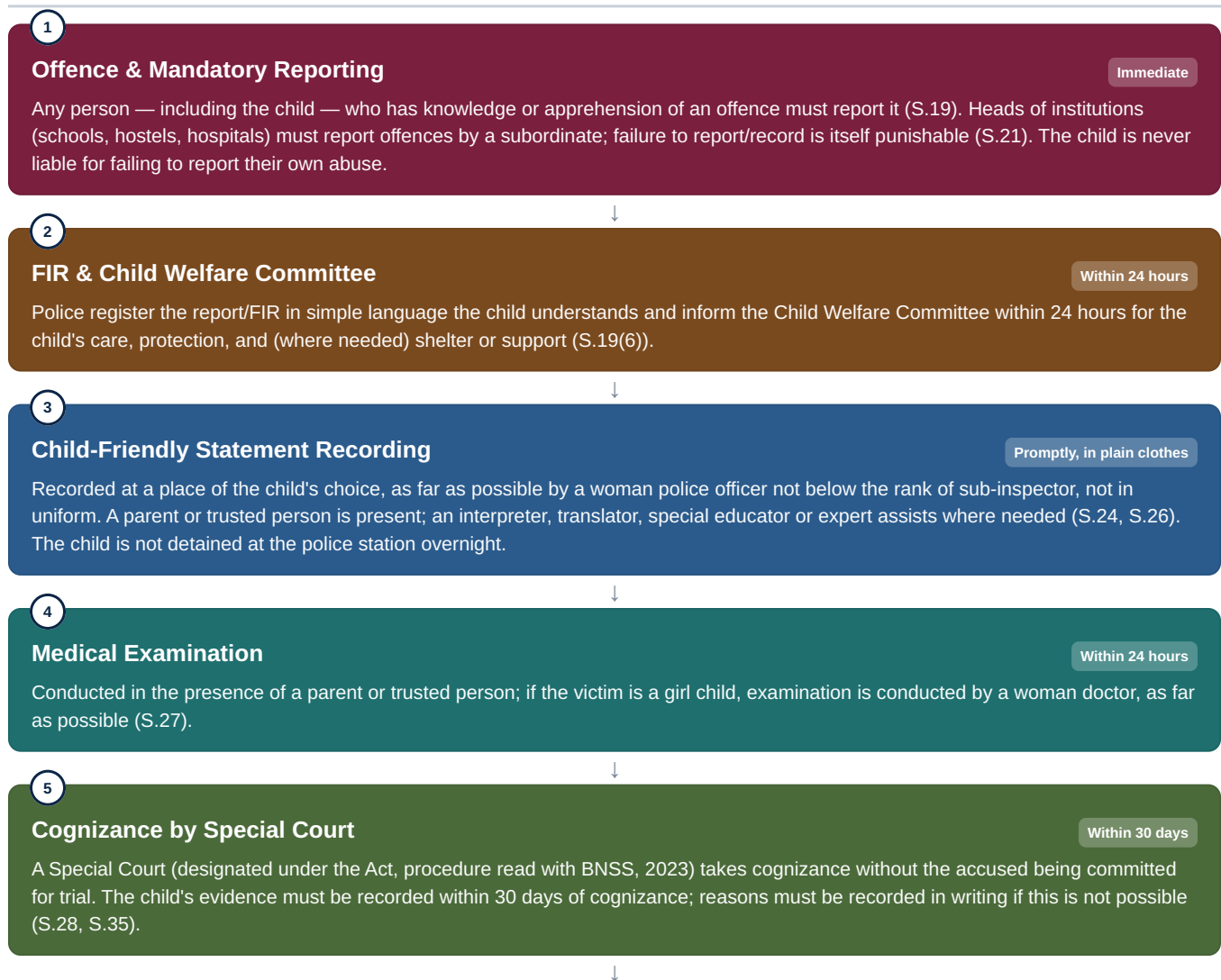
PRACTICE NOTE — CRIMINAL LAW (OFFENCES AGAINST CHILDREN)

The POCSO Act, 2012 — Reporting to Trial

Protection of Children from Sexual Offences Act, 2012, POCSO Rules, 2020 (as amended) — read with BNS/BNSS, 2023 — single-view process chart

REPORTING	mandatory, immediate — no limitation period
CWC INTIMATION	within 24 hours of report
MEDICAL EXAMINATION	within 24 hours, as far as possible
CHILD'S EVIDENCE RECORDING	within 30 days of cognizance
TRIAL COMPLETION	target: 1 year from cognizance
COMPENSATION DISBURSAL	within 30 days of Special Court order

PROCESS CHART — REPORT TO TRIAL



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In-Camera, Child-Friendly Trial

During trial

Trial conducted in-camera in the presence of a parent or trusted person; no aggressive questioning or character assault; questions to the child are communicated through the Special Court, not asked directly (S.33, S.36–S.37). The child's identity is protected from media disclosure (S.23).

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Interim & Final Compensation

30 days of order

The Special Court may order interim compensation at any stage after cognizance for immediate relief and rehabilitation, and final compensation on conviction, considering trauma, medical/educational needs and disability, if any (S.33(8); Rule 9, POCSO Rules 2020). The State must disburse within 30 days of the order.

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Judgment & Appeal

Target: 1 year; appeal as prescribed

Trial to be completed, as far as possible, within one year of cognizance (S.35(2)). Appeal against conviction/acquittal lies to the High Court, governed by the applicable appeal provisions under BNSS, 2023 (successor to S.374, CrPC).

OFFENCES & PUNISHMENTS (CHAPTER II, SECTIONS 3–15)

OFFENCE	SECTION	PUNISHMENT
Penetrative sexual assault	S.3 / S.4	Min. 10 years (min. 20 years if victim below 16), extendable to life, and fine
Aggravated penetrative sexual assault	S.5 / S.6	Min. 20 years, extendable to life imprisonment (remainder of natural life), or death, and fine
Sexual assault	S.7 / S.8	3 to 5 years, and fine
Aggravated sexual assault	S.9 / S.10	5 to 7 years, and fine
Sexual harassment	S.11 / S.12	Up to 3 years, and fine
Use of child for pornographic purposes	S.13 / S.14	Up to 5 years (first conviction), up to 7 years (subsequent); higher where linked to penetrative/aggravated assault
Storage/possession of child pornography	S.15	Fine and/or imprisonment up to 3 years, depending on intent (viewing, failure to delete/report, transmission, or commercial use)
Abetment / Attempt	S.16–S.18	Same punishment as the substantive offence (abetment); up to half the longest term prescribed (attempt)

AGGRAVATING CIRCUMSTANCES — SECTION 5

ASSAULT IS "AGGRAVATED" WHEN

- Committed by a police officer, member of armed/security forces, public servant, or staff of a jail, remand home, hospital or educational institution.
- Committed by a person in a position of trust or authority, or a relative (by blood, adoption, marriage, or guardianship).
- Committed on a child below 12 years, or on a child with mental/physical disability.
- Committed more than once or repeatedly; by more than one person (gang); causing grievous hurt, pregnancy, or injury to sexual organs.
- Committed during a natural calamity, communal violence, or making the child strip/parade naked in public.

PRESUMPTIONS & OVERRIDING EFFECT

- **S.29:** Once foundational facts are established, the Special Court presumes the accused has committed the offence — burden shifts to the accused.
- **S.30:** Culpable mental state is presumed; accused must prove its absence beyond reasonable doubt.
- **S.42:** Where an act is an offence under POCSO and also under another law (e.g. BNS, 2023), the offender is liable to punishment under whichever law provides the greater punishment.
- **S.42A:** POCSO provisions are in addition to, and not in derogation of, other laws — but prevail in case of inconsistency.

MANDATORY REPORTING (S.19–S.21)

- Duty to report applies to any person with knowledge or reasonable apprehension of an offence — no exemption for privileged relationships except as judicially clarified.
- Institution head's failure to report a subordinate's offence: up to 1 year imprisonment and/or fine.
- Any other person's failure to report/record: up to 6 months imprisonment and/or fine.
- False complaint/information with intent to defame: punishable under S.22 (excludes the child victim).

PRACTICE NOTES

- **Bail:** Courts apply heightened scrutiny given the gravity of offences; several High Courts have taken a restrictive view on anticipatory bail in aggravated cases — check current jurisdictional precedent.
- **Age determination:** Where age is disputed, principles under the Juvenile Justice Act apply — school/birth records first, ossification test as last resort.
- **Identity protection:** Disclosure of the child's identity in media/reports without Special Court permission is punishable (S.23).
- **e-Box:** NCPCR's online POCSO e-Box allows children to report abuse directly and confidentially.

QUICK REFERENCE

Aggravated Offences (S.6)

Minimum **20 years** rigorous imprisonment, extendable to imprisonment for the remainder of natural life, or **death**, and fine.

Compensation (S.33(8), Rule 9)

Interim compensation any time after cognizance; final compensation on conviction; State to disburse within **30 days** of the Special Court's order, through the District Legal Services Authority.

Confidentiality & Child-Friendly Procedure

In-camera trial, statement at child's choice of place, no direct cross-examination of the child, identity protected from media — breach of confidentiality is separately punishable.

For internal practice reference only — cross-check against the bare Act, POCSO Rules 2020 (as amended), latest amendments, and High Court/Supreme Court rulings before relying in proceedings. Prepared 20 July 2026.

Primary sources: Protection of Children from Sexual Offences Act, 2012 (indiacode.nic.in); POCSO Rules, 2020; PIB releases on Special Courts and 2019 Amendment.