

**Ki Kyndon Aïñ ba kongsan  
jong ka  
Protection of Children from  
Sexual Offences  
(POCSO) Act, 2012**



**Meghalaya State Commission  
for Protection of Child Rights**

## **Acknowledgement**

**Prof. Streamlet Dkhar  
Associate Prof. Saralin A Lyngdoh  
Dr Gordon G D Dkhar  
Asst Prof. Bakhiamon Rynjah  
Anirban Chakraborty**

# **Ka Aiñ POCSO, 2012**

## **Ki Kyndon Aiñ kiba kongsan**

### **Ka Lamphrang**

**Ka Aiñ jingïada ïa ki khynnah na ki jingshah thombor ïa ka longrynieng (2012) ka dei ka Aiñ kaba kynthup ïa kiba bun ki kyndon aiñ kiba mih na ka daw ka jingkiew palat ka jingshah thombor ïa ka longrynieng jong ki khynnah, bad ka jingkhaïi die met, ha India. La pynmih bad pynjari ïa ka POSCO Act ha ka 14th tarik Naiwieng 2012. Kane ka Act, ka pynbiang ïa baroh ki kyndon aiñ na ka bynta ka jingïada ïa ki khynnah kiba hapoh 18 snem ka rta na ka jingshah thombor, jingshah pynbieit, bad jingpyndonkam ïa ka longrynieng jong ki ha ki bun rukom.**

Katto katne na ki mat ba donkam jong kane ka Act, la batai kumne harum :-

1. Ka POCSO Act ka dei ka Aiñ ba Kyrpang.
2. Ka POCSO Act ka kynthup lang ia ki kynthei bad shynrang ruh kumjuh.
3. Ka POCSO Act ka kynthup bun ki kyndon aiñ.
4. Ka jingshahthombor ïa ka longrynieng kam mut eh tang kaba shah bat tnga jubor, hynrei wat kaba jyllud khlem akor ïa ki bynta barieh ka longrynieng.
5. La buh da ka aiñ ba pyrkhing hapoh kane ka Act (Aiñ).
6. Kham mynshwa bun na ki kam jingthombor la pynhab ha ka Indian Penal Code (IPC).
7. Ka POCSO Act ka ai jingshngaiñ ïa ki khynnah ha kaba u / ka nongleh kam sniew u lah ban shah bishar ne ban shah pynshitom.

8. Ka Act ka shah ba man la i khynnah i don ka hok ban tip ïa kano kano ka jingjia kaba jia ia i.
9. Ka Act ka shah ba man la i khynnah i don ka hok ban pynsngew / iathuh ha kiwei ia kaei kaba jia ia i.
10. Ban batai pynshai halor “kaba thep bad pynrung jubor da u Mynraiñ shynrang / u Thloh” (Penetrative Sexual Assault), ‘kaba bat tnga jubor’ ( Sexual assault) bad ‘ka jingpyndik jahburom’(Sexual Harassment) da kaba kren, da kaba peit, da kaba pyni, bad da kaba ktah.

**Kine harum kidei ki Sections (bynta) kiba kynthup ha kane ka Aiñ (POCSO Act, 2012).**

**Section 1:** Ka phang lyngkot kaba kynthup hapoh ka Ri India bad ka jingsdang jong kane ka Aiñ.

**Section 2:** Ki jingmut (definations) bapher bapher hakane ka Aiñ.

**Section 3:** Ka ai jingbatai shaphang kaba thep bad pynrung jubor da u Mynraiñ shynrang / u Thloh, kaba mut ba lada uno uno u briew u thep da u Mynraiñ shynrang / u Thloh na Thliew Mynraiñ, ne thep da kino kino ki tiar na kano kano ka bynta jong ka met ym tang na thliew Mynraiñ / ne pyndonkam bakla na kano kano ka bynta jong ka met i khynnah, ban pynieng pyneh ïa u Mynraiñ Shynrang / u Thloh lane pyndonkam ïa ka shyntur jong u sha Thliew Mynraiñ (Oral Sex), kynthup ïa ka thliew jingshong (Anal Sex) ne pynlong ïa ki khynnah ban leh ïa kine kiei kiei, kin shah pynngat ha kane ka Aiñ.

**Section 4:** Ka ai jingbatai ia ka jingshahpynshitom (**Punishment**) kaba iadei bad ka jingthep ne jingdung juborda u Mynrain / u Thloh

a) Ban set along shiphew snem ne baroh shi jingim ryngkat bad

ka kuna.

- b) Lada leh kam dakaid ïa i khynnah iba hapoh khathynriew snem ka rta, yn shah pynshitom ym duna ïa ka arphew snem bad shah set along shi jingim ryngkat bad ka kuna.
- c) ïa ka kuna yn pynshongdorkat kum ka bailut baisep kaba iadei bad ka jingsumar ha jaka sumar (hospital) ia ki khynnah ba shahleh thombor.

**Section 5:** Ka ai jingbatai shaphang ka jingshahpynshitom ia kiba thombor ïa ka / u Mynraiñ / ka / ki khynnah (**Aggravated Sexual Assault**) ïa kaba la leh da ki pulit / kiwei pat ki briew / jaka trei bapher bapher (**institutions**). Ka batai shai ruh ïa kum kine ki jaid thombor bapher bapher ia ki khynnah.

**Section 6:** Ka ai jingbatai shaphang ka jingpynshitom ïa u nongthombor ïa ka / u Mynraiñ / ka / ki khynnah.

- a) Kino kino kiba thombor ïa ka / u Mynraiñ ka / ki khynnah yn shah pynshitom da kaba shah set along ym duna ïa ka arphew snem, hynrei kaba lah ban jlan wat shi jingim ruh (**Life imprisonment**), kaba mut ka jingshahset along katba dang sah ka jingim uta u briew, bad lah ruh ban shah daiñ kuna lane da kaba shim noh ia ka jingim.
- b) Ka jingshah daiñ kuna kan long kaba shongnia bad ïahab bad ka jinglut jingsep ka ba ïadei bad ka jingpynlut, ha kaba ai jingsumar ïa kum ita iba shah thombor.

**Section 7:** Ka ai jingbatai na ka bynta kiba shah thombor ïa ka / u Mynraiñ ka da kaba ktah da ka kti, kaba kyrshut ne pyndeida ka met khlem da thep ne pynrung ha ka /u Mynraiñ ki khynnah, lane da kaba pynbor ïa ki khynnah ban leh da kaba thmu leh khlem raiñkaba iaryngkat kum ka jingthombor ïa ka/u Mynraiñ

**Section 8:** Ka jingpynshitom ïa kiba thombor ïa ka / u Mynraiñ ki khynnah, ka jingshah set along ym duna ïa ka lai snem, hynrei lah ban pynjlan shaduh ka san snem bad shah daiñ kuna ruh.

**Section 9:** Ka ai jingbatai shaphang ka jingleh thombor bapher bapherïa ka /u Mynraiñ **da kito kiba don ha ka bor (Aggravated sexual assault).**

**Section 10:** Ka jingpynshitom ba tynggeh ïa u nongthombor ba don ha ka bor, da kaba shah set along ym duna ïa ka san snem, hynrei lah ruh ban pynjlan haduh hynñiew snem ryngkat bad ka kuna.

**Section 11:** Ka batai shaphang ka **jingpyndik jahburom (Sexual Harassment)** bapher bapher kaba ktah ïa ka raiñ ka rem bad ka pynshai ïa ki rukom pyndik kiba don bad ki jingthmu ba sniew, **kum kaba kren khlem akor, kren khroh kjor, ai dak (Gestures), ne kaba buddien ïa i khynnah nalor kiwei kiwei.**

**Section 12:** Ka ai jingbatai shaphang ka jingpynshitom ia ki jingpyndik jahburom **(Sexual Harassment)** - ka jingshah set along ba shi samoi ba lah ban pynjlan shaduh ka lai snem bad ryngkat ka kuna.

**Section 13:** Kaba Pyndonkam ïa ki khynnah ban Shon, Ring bad Pyni ia ki dur lyngkhuid bad Khlemraiñjong ki, ka don lai tylli ki sub-clause ha ka, kiba batai ïa ki rukom leh ïa kam be-aiñ hapoh kane ka Section.

**Ka jingbatai –** Ka jingong **‘Kaba Pyndonkam ia i Khynnah’** ka kynthup ïa ka jingpyndonkam da i khynnah lyngba ki lad pathai kum ka jingthoh, ki kor ki bor ka computer, lane kano kano kawei pat ka jingstad computer ba thymmai **(Advanced**

**Technology)** ban pynkhreh, pynmih, tyrwa,pynsaphriang bad sam, bad ai jinghikai ïa kine ki atiar khlemraiñ.

**Section 14:** Ka **jingpynshitom (Punishment)** ha kaba iadei bad ‘**Kaba Pyndonkam ia i khynnah**’ na ka bynta ban Shon, Ring bad pyni dur lyngkhuid bad Khlemraiñ.

- a) Kino kino kiba pyndonkam da i khynnah ne ki khynnah na ka bynta ban Shon, Ring, ne pyni dur lyngkhuid bad Khlemrain jong ki, yn pynshitom da kaba shah set along shi samoi kaba ym duna ïa ka san snem, ryngkat ka kuna, bad lada leh biang ha ka sien kaba ar ne bunsien yn rai set along ym duna ïa ka hynniew snem ryngkat bad ka kuna.
- b) Kino kino kiba pyndonkam da i khynnah ne ki khynnah na ka bynta ban Shon, Ring bad pyni dur lyngkhuid bad Khlemraiñ jong ki, kaba hap hapoh ka khyrnit (i) Kaba leh kano kano ka kam sniew ba la kdew ha ka Section 3, lane Section 4, lane Section 7, lane Section 9, da kaba ïadon bynta lang ha kaba leh kum kita ki kam jakhlia, yn pynshitom na ka bynta kata ka kam sniew ba la ong bad ruh hapoh ka Section 4,Section 6,Section 8 bad Section 10, kumba la ai hukum, nalar ka jinpynshitom ba la ai ha ka khyrnit ne sub section (i).

**Section 15:** Ka ai jingbatai shaphang ka **jingpynshitom** na ka bynta ka jinglum ne buh ïa ki atiar ne dur ba leh khlemraiñ ba ïadei bad ki khynnah.

- a) Kino kino ki briew kiba lum thup ïa ki tiar ne dur leh khlemraiñ ha kano kano ka rukom da kaba pyndonkam da ki khynnah, hynrei ki bym pynduh ne pyndam, ne ai jingkheiñ ïa kum kita sha ki bor ba dei khmih, kumba la bthah, da ka jingthmu ban sam ne pynsaphriang ïa ki dur khlemrain jong ki khynnah, yn daiñ kuna ym duna ïa ka 5000 tyngka,bad ha ka sien kaba ar ne lada leh bunsien, yn daiñ ka kuna kaba ym duna ïa ka

10000 hajar tyngka.

- b) Kino kino ki briew kiba lum thup ïa ki tiar ne dur leh khlemraiñ la ka long ha kano kano ka dur / rukom ba ïadei bad ki khynnah na ka bynta ban pynsaphriang ne ban ïalap ne ban pyni ne ban sam ne pynsaphriang, la ka long ha kano kano ka dur ne ha kano kano ka por lait noh tang na ka bynta ban ai jingtip, kumba la bthah, ne na ka bynta ban pyndonkam kum ka jingpynshisha sha ka ïingbishar, yn pynshitom da kaba set along kumba la kdew sha khmat kaba lah ban pynjlan sha ka lai snem ryngkat bad ka kuna ne baroh ar.
- c) Kino kino ki briew kiba lum thup ne don ïa ki tiar ne ki dur khlemraiñ, la ka long ha kano kano ka dur ba ïadei bad ki khynnah ban pynïaid ïew, yn pynshitom naduh ba sdang da kaba set along ym duna ïa ka lai snem, kaba lah ruh ban pynjlan sha ka san snem, lane ryngkat bad ka kuna, ne baroh ar, bad lada jia biang ar sien ne khah khah, yn set along ym duna ïa ka san snem, hynrei lah ruh ban pynjlan sha ka hynniew snem ryngkat bad ka kuna ban pynshong dor.

**Section 16:** Ka ai lai tylli ki jingbatai kaba ïadei bad ki nongïasylla leh kam sniew, kaba batai ïa ka rukom jingïasylla (**Abetment**) kaba lah ban mih na ka (kaba mut ïa ka jingpynshlur ne ïadon bynta jong iwei ne bun ngut lane kiba thmu ban ïarap).

**Section 17:** Ka ai jingbatai halor ka jingpynshitom ïa ki nongïasylla (**Punishment for Abetment**) – Kino kino kiba ïasylla ki hap ha kane ka Aiñ. la kiba don kti ha kaba ïasylla kam sniew, dei ban pynshitom katkum ka kyndon ba la buh na ka bynta kata ka kam sniew.

**Section 18:** Ki jingpynshitom ia kiba pyrshang ban leh kam sniew (**attempt to commit an offence**)

**Section 19:** Ki jingpyntip jong ki kam sniew kiba la jia lane suba ba leh ban jia, yn pyntip sha ki bor pulit

**Section 20:** Ka jingpyntip jong ki lad pathai khubor (**Media and Photographic facilities to report cases**), ki jaka shondur bad saitdur ban ai jingtip halor ki jingjia – Kino kino kiba trei bad ka Media, ne lingbasa, ne jaka sah miet, ne jaka sumar pang, ne klob, ne jaka shondur, ne jaka ringdur, la ka long ha kano kano ka kyrteng khlem da peit ne ong eh katno ngut ki nongtrei, lada ki lap ia kino kino ki jingle kiba iadei bad ki kam awria lyngba kino kino ki lad ha kano kano ka rukom, ki hap ban ai jingtip mardor sha ka tnat pulit ba dei khmih ia ki khynnah (**Special Juvenile Police Unit**), lane sha ki pulit shnong.

**Section 21:** Ka ai jingbatai halor ka jingpynshitom na ka bynta ka jingbym lah ban ai kaiphot ne buh jingthoh ia ka jingjia (**Punishment for failure to report a case**) ka kynthup 3 tylli ki sub-clause ha ka. Hynrei kat kum ka khyrnit (sub-section) (1) kane kajuh ka jingpynshitom kam hap ia ki khynnah hapoh kane ka Aiñ.

**Section 22:** Ka ai jingbatai halor ka jingpynshitom na ka bynta ka jingujor thok ne ai jingtip thok (**Punishment for false complain or false information**) – lada ia ka jingujor thok ne jingai jingtip thok la ai da i khynnah, yn ym ai jingpynshitom ia ita i khynnah. Hynrei lada uxor thok ne ai jingtip thok pyrshah ia i khynnah da kaba tip ba kam dei kaba shisha, ka jingpynshitom ka kynthup naduh hynriew bnai haduh shi snem ka jingshah set along, lane bad ka kuna ne baroh ar.

**Section 23:** Ka kyndon ban pynbud da ki lad pathai khubor (**Procedure to be followed by media**) Ka kynthup 4 tylli ki khyrnit(sub-section). Ha ka, la kynthup ia ka jingpynshitom lada don ka jingpynkheiñ hukum da uno uno uba ialeh pyrshah ia kaba la pynbiang ha ka khyrnit ba nyngkong(1) ne ba-ar (2) kin ym

lait na ka jingshah pynshitom kaba ym duna ïa hynriew bnai ba lah ruh ban pynjlan haduh shi snem bad ryngkat ka kuna ne baroh ar.

Bad kat kum ka khyrnit ba-ar (2) jong ka Section 23 - yn nym don kaiphot ban ai sha kano kano ka lad pathai khubor ia ka jingpynithuh ïa i khynnah da ka kyrteng, ka jaka sah, ka dur, ka longïing longsem, ka jaka pule, ki marjan lane kino kino ki jingtip kiba lah ban ïalam sha ka jingithuh ïa i khynnah bad tang lada la ïoh jingbit/jingthoh na ka Kashari ba Kyrpang **(Special court)**. Lada long ha kata ka dur, kum kata ka jingiathuh ka dei ban long na ka bynta ka jingbha i khynnah.

**Section 24:** Ka ai jingbatai halor “ka jingbuh jingthoh halor ka jingiathuh jong i khynnah” **(Recording statement of a child)** bad san tylli ki khyrnit ha ka kiba ïathuh ïa ki lad / kyndon kumno ban leh ïa kata.

**Section 25:** Ka ai jingbatai halor ka jingbuh jingthoh ïa ka jingiathuh **(Statement)** i khynnah da u Majistor” bad ka kynthup ar tylli ki khyrnit ha ka bad ïa kawei ka kopi yn ai ruh sha i khynnah bad ki kmie ki kpa jong i.

**Section 27:** Ka ai jingbatai halor ka **jingphah eksamin ha ki doktor ne ha hospital (Medical Examination)** ia i khynnah bad ban batai ha kano ka rukom la pyndep ïa kata ka jingeksamin. Dei ban tip ruh ba kum kata ka jingeksamin yn leh kat kum ka Section 164A CrPC, 1973.

**Section 28:** Ka ai jingbatai halor ka jingbuh ia ki Kashari Kyrpang **(Special Courts)** ha man la ka Distrik ka ban long ka Kashari bym leh shiliang khmat ïa ki khynnah.

**Section 29 - 33:** Kine ki kyndon ki iadei bad ki mat treikam jong ka ïing

Kashari

**Section 34:** Ka ai jingbatai halor ki kyndon kiba iadei bad ka jingkynnoh ki kam be-aiñ ia ki khynnah bad ka jingrai ia ka rta da ka Kashari Kyrpang (**Procedure in case of commission of offence by child and determination of age by Special Court**) bad ka kdew bniah ba kum kita ki khynnah ki hap hapoh ka jingkhmih bad jingpynñaid jong ka Juvenile Justice Act, 2015, bad ka batai shai ruh ia ka rukom ha kaba ka Kashari Kyrpang kan rai ña ka rta i khynnah.

**Section 35:** Ka por ba la buh ban buh jingthoh ña ki jingpynshisha shaphang i khynnah & ka jingpynkut noh ña ka case (**Period for recording of evidence and disposal of case of child**) :-

- a) ña ki jingpynshisha (**Evidence**) dei ban buh jingthoh hapoh 30 sngi da ka Kashari kyrpang ban ithuh (**Cognizance**) bad lada don kano kano ka jingpynjlan yn ai jingthoh hi da ka Kashari Kyrpang.
- b) Ka Kashari kyrpang kan pyndep ña ka jingbishar kham kloï katba lah hapoh shisnem naduh ba la tip ña ka jingleh be-aiñ.

**Section 36:** Ka kdew ba 'I khynnah im dei ban iohi ne kynduh ia u / ka nongthombor ne nongleh kam sniew katba dang iaid ka jingtohkit ña ka jingshisha.' (**Child not to see accused at the time of testifying**) Katkum kane ka Section, ym dei ban pynpaw ña i khynnah sha u / ka nongshah kynnoh leh thombor katba dang iaid ka jingwad ia ka jingshisha. Ha kajuh ka por, u / ka nongshah kynnoh leh thombor ne kam sniew u lah ban ñohsngew ña ka jingiathuh I khynnah bad u/ kalah ban iakren bad u Muktiar jong i. Ha kajuh ka rukom, la ong ba ka Kashari Kyrpang ka lah ban buh jingthoh ña ka jingñakren lyngba ki jingñatai da kaba ring video lane da kiwei

pat ki rukom.

**Section 40: Ka hok jong i khynnah ban shim jingärap na nongsaid-aiñ :-** Ki bahaïing hasem ne ki nongsumar jong i khynnah kin ïoh ka lad ba kin jied katba ki mon ïa u nongsaid aiñ jong ki, na ka bynta kano kano ka jingshah kynnoh be-aiñ **(Offence)** kaba hap hapoh kane ka Aiñ.

Lada kumno kumno, ki bahaïing ne ki nongsumar jong i khynnah kim lah bor ban buh ïa u Nongsaid-aiñ, ki bor ba dei khmih ïa ka aiñ **(Legal Services Authority)** kin pynbiang ïa u Muktiar na ka bynta jong ki.

Kine halor ki dei ki mat ba kongsan jong ka Aiñ **(POCSO Act 2012)**.

Ka don ruh kawei ka kyndon kaba iadei ban pysaphriang khubor **(Spread Awareness)** shaphang kane ka Aiñ. Ka **jingthmu** ban pynmih ia ine I kot lyngkdop ka long halor kane ka nongrim.

**ISSUED IN PUBLIC INTEREST BY THE**

**Meghalaya State Commission for Protection of Child Rights**

**Lower Lachumiere, Shillong, Meghalaya**

**Email Address: [mscpcrcp@gmail.com](mailto:mscpcrcp@gmail.com)**

**Phone Number 0364- 2500175**

**Website: <https://megscpcr.gov.in>**