



POCSO RULES - COMPARISON TABLE

COMPARISON OF THE POCSO RULES, 2020 WITH POCSO RULES, 2012

In exercise of the powers conferred by section 45^[1] of the Protection of Children from Sexual Offences (POCSO) Act, 2012,^[2] the Central Government made the POCSO Rules, 2020. The Rules came into notification on 9th March 2020, after being published in the Official Gazette. The notification also brought in the repeal of the POCSO Rules, 2012 except as respects things done or omitted to be done before such repeal.^[3]

On 17th March, 2020, Prerana's Anti-Trafficking Centre undertook a preliminary review and compared both sets of Rules and noted the differences therein. This document tracked and recorded the additional provisions and changes. The document further color-coded the additions/changes to highlight the relevant stakeholder to which the change is applicable. It was shared with partners working in the anti-human trafficking and child protection domain. In continuation of this exercise, we bring to you POCSO Rules – Comparison Table. The table below compares the provisions of POCSO Rules, 2020 with the POCSO Rules 2012 in light of the executing stakeholder(s). Here, the executing stakeholder is understood to be the primary stakeholder who is responsible for the implementation of the provision. For an easier reading experience, this document should be read with the [POCSO Rules, 2020](#). *(The first draft of this document was created on 17th March 2020, it has been reviewed and revised since then.)*

Before diving into the comparison, we would also like to bring forth some general observations regarding the POCSO Rules, 2020 made during the analysis:

1. During the notification of POCSO Rules 2012, the Juvenile Justice (Care and Protection of Children) Act, 2000 was the prevailing legislation for the care and protection of children in India. This law was repealed by the enactment of Juvenile Justice (Care and Protection of Children) Act, 2015. Wherever applicable, reference to the older Juvenile Justice Act has been replaced by provisions of the newer Act.
2. The POCSO Rules 2020 explicitly provides linkages to other legislations like Rights of Persons with Disabilities Act, 2016, Minimum Wages Act, 1948, Medical Termination of Pregnancy Act, 1971, Legal Services Authorities Act, 1987, and Information Technology Act, 2000.

[1] Power to make rules - The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

[2] Act No. 32 of 2012

[3] Rule 13 - Repeal

3. In POCSO Rules 2020, the traditionally masculine pronouns 'he' or 'his' have been replaced by 'child' at multiple places in an attempt to make it more gender-inclusive.
4. In POCSO Rules 2012, the masculine pronoun 'he' was used multiple times to refer to a generic stakeholder in the third person. In POCSO Rules 2020, this has also been replaced with the use of the relevant stakeholder, to leave room for other gender identities.

PROVISIONS	POCSO RULES 2012	POCSO RULES 2020	EXECUTING STAKEHOLDER
Definitions:	Rule 2 (c). "Expert" means a person trained in mental health, medicine, child development or other related discipline, who may be required to facilitate communication with a child whose ability to communicate has been affected by trauma, disability or any other vulnerability.	Rule 2 (c). "expert" means a person trained in mental health, medicine, child development or other relevant discipline, who may be required to facilitate communication with a child whose ability to communicate has been affected by trauma, disability or any other vulnerability	Expert
	Rule 2 (d). "Special educator" means a person trained in communication with children with special needs in a way that addresses the child's individual differences and needs, which include challenges with learning and communication, emotional and behavioural disorders , physical disabilities, and developmental disorders .	Rule 2 (d). "special educator" means a person trained in communication with children with disabilities in a way that addresses the child's individual abilities and needs, which include challenges with learning and communication, emotional and behavioural issues , physical disabilities, and developmental issues . Explanation: For the purposes of this clause, the expression "disabilities", shall carry the same meaning as defined in clause (s) of section 2 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016)	Special Educator

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Changes in Headings:	Rule 4. Care and Protection	Rule 4. Procedure regarding care and protection of child	Not Applicable
	Rule 3. Interpreters, translators and special educators	Rule 5. Interpreters, translators, special educators, experts and support persons	
	Rule 5. Emergency Medical care	Rule 6. Medical aid and care	
Awareness generation and capacity building (Preventive, promotive, systems strengthening measures)	This is a new provision and therefore, does not find any corresponding rules in POCSO Rules 2012	Shall prepare age appropriate educational material and curriculum for children on aspects of personal safety. (Refer to Rule 3 (1))	Central Government, or as the case maybe, the State Government
		May disseminate suitable IEC materials on public places including virtual spaces. (Refer to Rule 3 (2))	Respective Governments
		Shall take all measures to spread awareness about possible risks and vulnerabilities, signs of abuse, information about child rights along with access to support and services available for children. (Refer to Rule 3 (3))	Central Government and every State Government
		Must ensure periodical police verification, background check of every staff, teaching or non-teaching, regular or contractual, or any other person being an employee of such institution coming in contact with the child. Shall ensure periodical sensitisation training on child safety and protection for staff. (Refer to Rule 3 (4))	Institution housing children or coming in regular contact with children including schools, creches, sports academics or any other facility for children

PROVISIONS	POCSO RULES 2012	POCSO RULES 2020	EXECUTING STAKEHOLDER
		<p>Shall formulate a Child protection policy based on the principle of zero tolerance to violence against children.</p> <p>(Refer to Rule 3 (5))</p>	Respective State Governments
		<p>Shall be adopted by all institutions, organizations, or any other agency working with, or coming in contact with children.</p> <p>(Refer to Rule 3 (5))</p>	Institutions, organizations, or any other agency working with, or coming in contact with children
		<p>Shall provide periodic training including orientation programmes, sensitisation workshops, refresher courses to all persons, whether regular or contractual, coming in contact with children, to sensitize them about child safety and protection and educate them regarding their responsibility under the act.</p> <p>Orientation programmes and intensive courses may also be organized for police personnel and forensic experts, on a regular basis.</p> <p>(Refer to Rule 3 (6))</p>	Central Government and every State Government
Procedure regarding care and protection of children	<p>Corresponding rules related to procedure regarding care and protection can be found in POCSO Rules 2012. Additional rules have been incorporated in POCSO Rules 2020.</p> <p>(Refer to Rule 4)</p>	<p>“If any such information regarding the commission of an offence under the provisions of the Act is received by the child helpline-1098, the child helpline shall immediately report such information to SJPU or Local Police”</p> <p>(Refer to Rule 4 (2))</p>	Childline

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	<p>“ensure that the samples collected for the purposes of the forensic tests are sent to the forensic laboratory at the earliest”</p> <p>(Refer to Rule 4 (2))</p>	<p>“ensure that the samples collected for the purposes of the forensic tests are sent to the forensic laboratory immediately”</p> <p>(Refer to Rule 4 (3) (d))</p>	Special Juvenile Police Unit (SJPU) or the local police, as the case may be.
	<p>“The CWC, on receiving a report under sub-section (6) of section 19 of the Act or on the basis of its assessment under sub-rule (5), and with the consent of the child and his parent or guardian or other person in whom the child has trust and confidence, may provide a support person to render assistance to the child through the process of investigation and trial.”</p> <p>(Refer to Rule 4(7))</p>	<p>“The CWC, on receiving a report under sub-section (6) of section 19 of the Act or on the basis of its assessment made under sub-rule (5), and with the consent of the child and child’s parent or guardian or other person in whom the child has trust and confidence, may provide a support person to render assistance to the child in all possible manner throughout the process of investigation and trial, and shall immediately inform the SJPU or Local Police about providing a support person to the child.”</p> <p>(Refer to Rule 4 (8))</p>	Child Welfare Committee (CWC)
	<p>Corresponding rules related to procedure regarding care and protection can be found in POCSO Rules 2012. The provisions noted in the adjoining column are additional rules incorporated in POCSO Rules 2020.</p> <p>(Refer to Rule 4)</p>	<p>Shall seek monthly reports from Support Person till the completion of trial, with respect to condition and care of child, including the family situation focusing on the physical, emotional and mental wellbeing, and progress towards healing from trauma.</p> <p>Shall engage with medical care facilities, in coordination with the support person, to ensure need-based continued medical support to the child, including psychological care and counselling;</p>	Child Welfare Committee (CWC)

PROVISIONS	POCSO RULES 2012	POCSO RULES 2020	EXECUTING STAKEHOLDER
		<p>shall ensure resumption of education of the child, or continued education of the child, or shifting of the child to a new school, if required.</p> <p>(Refer to Rule 4 (12))</p>	
		<p>Shall inform the child and child's parents or guardian or other person in whom the child has trust and confidence about their entitlements and services available to them under the Act or any other law for the time being applicable as per Form-A.</p> <p>(Refer to Rule 4 (14))</p>	Special Juvenile Police Unit (SJPU) or the local police
		<p>It shall also complete the Preliminary Assessment Report in Form B within 24 hours of the registration of the First Information Report and submit it to the CWC.</p> <p>(Refer to Rule 4 (14))</p>	Special Juvenile Police Unit (SJPU) or the local police
Interpreters, translators, special educators, experts and support persons	In each district, the DCPU shall maintain a register with names, addresses and other contact details of interpreters, translators and special educators for the purposes of the Act, and this register shall be made available to the Special Juvenile Police Unit (hereafter referred to as "SJPU"), local	In each district, the DCPU shall maintain a register with names, addresses and other contact details of interpreters, translators, experts, special educators and support persons for the purposes of the Act, and this register shall be made available to the SJPU, local police, magistrate or Special Court, as and when required	District Child Protection Unit (DCPU)

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	<p>police, magistrate or Special Court, as and when required.</p> <p>(Refer to Rule 3 (1))</p>	(Refer to Rule 5 (1))	
	<p>The qualifications and experience of the interpreters, translators, Special educators, and experts, engaged for the purposes of sub-section (4) of section 19, sub-sections (3) and (4) of section 26 and section 38 of the Act, shall be as indicated in these rules.</p> <p>Refer to Rule 3 (2)</p>	<p>The qualifications and experience of the interpreters, translators, special educators, experts and support persons engaged for the purposes of sub-section (4) of section 19, sub-sections (3) and (4) of section 26 and section 38 of the Act, and rule 4 respectively shall be as indicated in these rules.</p> <p>Refer to Rule 5(2)</p>	Respective authority assigning support persons
	<p>“Payment for the services of an interpreter, translator, special educator or expert whose name is enrolled in the register maintained under sub-rule (1) or otherwise, shall be made by the State Government from the Fund maintained under section 61 of the Juvenile Justice Act, 2000, or from other funds placed at the disposal of the DCPU, at the rates determined by them, and on receipt of the requisition in such format as the State Government may prescribe in this behalf.”</p> <p>(Refer to Rule 3 (6))</p>	<p>“Payment for the services of an interpreter, translator, special educator, expert or support person whose name is enrolled in the register maintained under sub-rule (1) or otherwise, shall be made by the State Government from the Fund maintained under section 105 of the Juvenile Justice Act, 2015 (2 of 2016), or from other funds placed at the disposal of the DCPU.”</p> <p>(Refer to Rule 5 (7))</p>	State Government

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	<p>Corresponding rules regarding matters related to interpreters, translators, special educators and experts can be found in POCSO Rules 2012. The provisions noted in the adjoining column are additional rules incorporated in POCSO Rules 2020.</p> <p>(Refer to Rule 3)</p>	<p>Any interpreter, translator, special educator, expert or support person engaged for the purpose of assisting a child under this Act, shall be paid a fee which shall be prescribed by the State Government, but which, shall not be less than the amount prescribed for a skilled worker under the Minimum Wages Act, 1948 (11 of 1948).</p> <p>(Refer to Rule 5 (8))</p>	<p>State Government</p>
	<p>Any preference expressed by the child at any stage after information is received under subsection (1) of section 19 of the Act, as to the gender of the interpreter, translator, Special educator, or expert, may be taken into consideration, and where necessary, more than one such person may be engaged in order to facilitate communication with the child.</p> <p>(Refer to Rule 3(7))</p>	<p>Any preference expressed by the child at any stage after information is received under sub-section(1) of section 19 of the Act, as to the gender of the interpreter, translator, special educator, expert or support person, may be taken into consideration, and where necessary, more than one such person may be engaged in order to facilitate communication with the child.</p> <p>(Refer to Rule 5 (9))</p>	<p>Respective authority assigning support persons</p>
	<p>The interpreter, translator, Special educator, expert, or person familiar with the manner of communication of the child engaged to provide services for the purposes of the Act shall be unbiased and impartial and shall disclose any real or perceived conflict of interest. He shall render a complete and accurate interpretation or translation without any</p>	<p>The interpreter, translator, special educator, expert, support person or person familiar with the manner of communication of the child engaged to provide services for the purposes of the Act shall be unbiased and impartial and shall disclose any real or perceived conflict of interest and shall render a complete and accurate interpretation or translation</p>	<p>The interpreter, translator, special educator, expert, support person or person familiar with the manner of communication of the child</p>

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	<p>additions or omissions, in accordance with section 282 of the Code of Criminal Procedure, 1973.</p> <p>(Refer to Rule 3(8))</p>	<p>without any additions or omissions, in accordance with section 282 of the Code of Criminal Procedure, 1973 (2 of 1974).</p> <p>(Refer to Rule 5 (10))</p>	
	<p>In proceedings under section 38, the Special Court shall ascertain whether the child speaks the language of the court adequately, and that the engagement of any interpreter, translator, Special educator, expert or other person familiar with the manner of communication of the child, who has been engaged to facilitate communication with the child, does not involve any conflict of interest.</p> <p>(Refer to Rule 3(9))</p>	<p>In proceedings under section 38, the Special Court shall ascertain whether the child speaks the language of the court adequately, and that the engagement of any interpreter, translator, special educator, expert, support person or other person familiar with the manner of communication of the child, who has been engaged to facilitate communication with the child, does not involve any conflict of interest</p> <p>(Refer to Rule 5 (11))</p>	Special Court
	<p>Any interpreter, translator, Special educator or expert appointed under the provisions of the Act or its rules shall be bound by the rules of confidentiality, as described under section 127 read with section 126 of the Indian Evidence Act, 1872.</p> <p>(Refer to Rule 3(10))</p>	<p>Any interpreter, translator, special educator, expert or support person appointed under the Act shall be bound by the rules of confidentiality, as described under section 127 read with section 126 of the Indian Evidence Act, 1872.</p> <p>(Refer to Rule 5 (12))</p>	Interpreter, translator, special educator, expert or support person

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	<p>“wherever necessary, a referral or consultation for mental or psychological health or other counselling should be made”</p> <p>(Refer to Rule 5 (4) (v))</p>	<p>“wherever necessary, a referral or consultation for mental or psychological health needs, or other counselling, or drug de-addiction services and programmes should be made”</p> <p>(Refer to Rule 6 (4) (e))</p>	Registered Medical Practitioner
	<p>Corresponding rules regarding medical care and aid can be found in POCSO Rules 2012. The provisions noted in the adjoining column are additional rules incorporated in POCSO Rules 2020.</p> <p>(Refer to Rule 5)</p>	<p>Shall submit the report on the condition of the child within 24 hrs to the SJPU or Local Police.</p> <p>(Refer to Rule 6 (5))</p>	Registered Medical Practitioner
		<p>Shall counsel the child, if found to be pregnant, and her parents or guardians, or support person, regarding the various lawful options available to the child as per the Medical Termination of Pregnancy Act 1971 and the Juvenile Justice (Care and Protection of Children) Act 2015 (2of 2016)</p> <p>(Refer to Rule 6 (7))</p>	Registered Medical Practitioner
		<p>If the child is found to have been administered any drugs or other intoxicating substances, access to drug de addiction programme shall be ensured.</p> <p>(Refer to Rule 6 (8))</p>	Rules does not specify who will ensure this

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		<p>If the Child is a divyang (person with disability), suitable measure and care shall be taken as per the provisions of The Rights of Persons with Disabilities Act, 2016 (49 of 2016).</p> <p>(Refer to Rule 6 (9))</p>	Rules does not specify who will ensure this
Legal aid and assistance	This is a new provision and therefore, does not find any corresponding rules in POCSO Rules 2012.	<p>The CWC shall make a recommendation to the District Legal Services Authority (hereafter referred to as "DLSA") for legal aid and assistance.</p> <p>(Refer to Rule 7 (1))</p>	Child Welfare Committee (CWC)
		<p>The legal aid and assistance shall be provided to the child in accordance with the provisions of the Legal Services Authorities Act, 1987 (39 of 1987).</p> <p>(Refer to Rule 7 (2))</p>	District Legal Services Authority (DLSA)
Special Relief	This is a new provision and therefore, does not find any corresponding rules in POCSO Rules 2012.	<p>For special relief, if any, to be provided for contingencies such as food, clothes, transport and other essential needs, CWC may recommend immediate payment of such amount as it may assess to be required at that stage, to any of the following:- (i) the DLSA under Section 357A; or; (ii) the DCPU out of such funds placed at their disposal by state or; (iii) funds maintained under section 105 of the Juvenile Justice (Care and Protection of Children) Act,2015 (2 of 2016)</p>	Child Welfare Committee (CWC)

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		(Refer to Rule 8 (1))	
		Such immediate payment shall be made within a week of receipt of recommendation from the CWC. (Refer to Rule 8 (2))	DLSA/ DCPU/ State Government
Procedure for imposition of fine and payment thereof	This is a new provision and therefore, does not find any corresponding rules in POCSO Rules 2012.	The CWC shall coordinate with DLSA to ensure that any amount of fine imposed by the Special Court under the Act which is to be paid to the victim, is in fact paid to the child. (Refer to Rule 10 (1))	Child Welfare Committee (CWC)
		The CWC will facilitate any procedure for opening a bank account, arranging for identity proofs, etc., with the assistance of DCPU and support person (Refer to Rule 10 (2))	Any individual receiving or having information about pornographic material involving a child
Reporting of pornographic material involving a child	This is a new provision and therefore, does not find any corresponding rules in POCSO Rules 2012.	Reporting of any pornographic material received, which involves a child or any information regarding such pornographic material being stored, possessed, distributed, circulated, transmitted, facilitated, propagated or displayed, or is likely to be distributed, facilitated or transmitted in any manner shall report the contents to the SJPU or local police, or as the case may be, to cyber-crime portal (cybercrime.gov.in) and hand over the necessary material including the source	Child Welfare Committee (CWC)

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		<p>from which such material may have originated to the SJPU or local police, or as the case may be, cyber-crime portal (cybercrime.gov.in)</p> <p>(Refer to Rule 11 (1))</p>	
		<p>Upon such receipt of the report, the SJPU or local police or the cyber-crime portal take necessary action as per the directions of the Government issued from time to time.</p> <p>(Refer to Rule 11 (1))</p>	<p>SJPU/Local Police/Cyber Crime Portal</p>
		<p>In case the “person” as mentioned in sub-rule (1) is an “intermediary” as defined in clause (w) of sub-section (1) of section 2 of the Information Technology Act,2000, such person shall in addition to reporting, as provided under sub-rule(1), also hand over the necessary material including the source from which such material may have originated. Upon such receipt of the said material, the SJPU or local police or the cyber-crime portal take necessary action as per the directions of the Government issued from time to time.</p> <p>(Refer to Rule 11 (2))</p>	<p>SJPU/Local Police/Cyber Crime Portal</p>

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		<p>The report shall include the details of the device in which such pornographic content was noticed and the suspected device from which such content was received including the platform on which the content was displayed.</p> <p>(Refer to Rule 11 (3))</p>	SJPU/Local Police/Cyber Crime Portal
		<p>Shall make all endeavours to create widespread awareness about the procedures of making such reports from time to time.</p> <p>(Refer to Rule 11 (4))</p>	Central and every State Government
Monitoring of implementation of act	<p>Monitor the appointment of Public Prosecutors by State Governments</p> <p>(Refer to Rule 6(b))</p>	<p>Monitor the appointment of the Special Public Prosecutors by the State Governments</p> <p>(Refer to Rule 12 (1)(b))</p>	NCPCR and SCPCR
	<p>Corresponding rules regarding monitoring of the implementation of act can be found in POCSO Rules 2012. The provision noted in the adjoining column is additional rules incorporated in POCSO Rules 2020.</p> <p>(Refer to Rule 6)</p>	<p>The concerned authorities mandated to collect data, under the Act, shall share such data with the Central Government and every State Government, NCPCR and SCPCRs.</p> <p>(Refer to Rule 12 (2))</p>	Not clear who 'concerned authorities' are.
	<p>The Forms A and B are new to POCSO Rules 2020, and therefore, do not find any corresponding provisions/Forms in POCSO Rules, 2012.</p>	<p>Form A - Entitlement of children who have suffered sexual abuse to receive information and services</p>	Special Juvenile Police Unit (SJPU) or the local police
		<p>Form B - Preliminary Assessment Report</p>	Special Juvenile Police Unit (SJPU) or the local police