

Kerala Gazette No. 12 dated 23rd March 2021.

**PART I**

**Section i**



GOVERNMENT OF KERALA

**Law (Legislation-Publication) Department**

NOTIFICATION

No. 19492/Leg. Pbn. 2/2019/Law.

*Dated, Thiruvananthapuram,  
28th September 2019.*

The following Acts of Parliament published in the Gazette of India, Extraordinary, Part II, Section I dated 6th day of August, 2019 is hereby republished for general information. The Bills as passed by the House of Parliament received the assent of the President of India on the 5th day of August, 2019.

By order of the Governor,

ARAVINTHA BABU, P. K.,

*Law Secretary.*

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES  
(AMENDMENT) ACT, 2019

(ACT No. 25 OF 2019)

AN

ACT

*further to amend the Protection of Children from Sexual Offences Act, 2012.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Protection of Children from Sexual Offences (Amendment) Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. Amendment of section 2.**—In the protection of Children from Sexual Offences Act, 2012 (32 of 2012) (hereinafter referred to as the principal Act), in section 2,—

(a) in sub-section (1), after clause (d), the following clause shall be inserted, namely :—

‘(da) “child pornography” means any visual depiction of sexually explicit conduct involving a child which include photograph, video, digital or computer generated image indistinguishable from an actual child, and image created, adapted, or modified, but appear to depict a child;’;

(b) in sub-section (2), for the words, brackets and figures “the Juvenile Justice (Care and Protection of Children) Act, 2000” (56 of 2000), the words, brackets and figures “the Juvenile Justice (Care and Protection of Children) Act, 2015” (2 of 2016) shall be substituted.

**3. Amendment of section 4.**—In the principal Act, section 4 shall be renumbered as section 4(1) thereof and—

(a) in sub-section (1) as so renumbered, for the words “seven years”, the words “ten years” shall be substituted ;

(b) after sub-section (1), the following sub-sections shall be inserted, namely :—

“(2) Whoever commits penetrative sexual assault on a child below sixteen years of age shall be punished with imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of natural life of that person, and shall also be liable to fine.

(3) The fine imposed under sub-section (1) shall be just and reasonable and paid to the victim to meet the medical expenses and rehabilitation of such victim.”.

4. *Amendment of Section 5.*—In section 5 of the principal Act,—

(I) in clause (j),—

(A) in sub-clause (i), the word “or” occurring at the end shall be omitted;

(B) in sub-clause (iii) the word “or” occurring at the end shall be omitted;

(C) after sub-clause (iii) the following sub-clause shall be inserted, namely:—

“(iv) causes death of the child; or”;

(II) in clause (s), for the words “communal or sectarian violence”, the words “communal or sectarian violence or during any natural calamity or in similar situations” shall be substituted.

5. *Substitution of new Section 6.*—For section 6 of the principal Act, the following section shall be substituted, namely:—

“6. *Punishment for aggravated penetrative sexual assault.*—(1) Whoever commits aggravated penetrative sexual assault shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of natural life of that person, and shall also be liable to fine, or with death.

(2) The fine imposed under sub-section (1) shall be just and reasonable and paid to the victim to meet the medical expenses and rehabilitation of such victim.”.

**6. Amendment of Section 9.**—In section 9 of the principal Act,—

(i) in clause (s), for the words “communal or sectarian violence”, the words “communal or sectarian violence or during any natural calamity or in any similar situations” shall be substituted;

(ii) after clause (u), the following clause shall be inserted, namely:—

“(v) whoever persuades, induces, entices or coerces a child to get administered or administers or direct anyone to administer, help in getting administered any drug or hormone or any chemical substance, to a child with the intent that such child attains early sexual maturity;”.

**7. Substitution of new Section 14.**—For section 14 of the principal Act, the following section shall be substituted, namely:—

“14. *Punishment for using child for pornographic purpose.*—  
(1) Whoever uses a child or children for pornographic purposes shall be punished with imprisonment for a term which shall not be less than five years and shall also be liable to fine, and in the event of second or subsequent conviction with imprisonment for a term which shall not be less than seven years and also be liable to fine.

(2) Whoever using a child or children for pornographic purposes under sub-section (1), commits an offence referred to in section 3 or section 5 or section 7 or section 9 by directly participating in such pornographic acts, shall be punished for the said offences also under section 4, section 6, section 8 and section 10, respectively, in addition to the punishment provided in sub-section (1).”.

**8. Substitution of new Section for section 15.**—For section 15 of the principal Act, the following section shall be substituted, namely:—

“15. *Punishment for storage of pornographic material involving child.*—(1) Any person, who stores or possesses pornographic material in any form involving a child, but fails to delete or destroy or report the same to the designated authority, as may be prescribed, with an intention to share

or transmit child pornography, shall be liable to fine not less than five thousand rupees, and in the event of second or subsequent offence, with fine which shall not be less than ten thousand rupees.

(2) Any person, who stores or possesses pornographic material in any form involving a child for transmitting or propagating or displaying or distributing in any manner at any time except for the purpose of reporting, as may be prescribed, or for use as evidence in court, shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.

(3) Any person, who stores or possesses pornographic material in any form involving a child for commercial purpose shall be punished on the first conviction with imprisonment of either description which shall not be less than three years which may extend to five years, or with fine, or with both, and in the event of second or subsequent conviction, with imprisonment of either description which shall not be less than five years which may extend to seven years and shall also be liable to fine.”.

**9. Amendment of Section 34.**—In section 34 of the principal Act, for the words, brackets and figures “the Juvenile Justice (Care and Protection of Children) Act, 2000”, (56 of 2000), the words, brackets and figures “the Juvenile Justice (Care and Protection of Children) Act, 2015” (2 of 2016) shall be substituted.

**10. Amendment of Section 42.**—In section 42 of the principal Act, for the figures, letter and words “376E or section 509 of the Indian Penal code”, the figures, letters and words “376E, section 509 of the Indian Penal Code (45 of 1860) or section 67B of the Information Technology Act, 2000 (21 of 2000) shall be substituted.

**11. Amendment of Section 45.**—In section 45 of the principal Act, in sub-section (2), clause (a) shall be re-lettered as clause (ab) thereof and before clause (ab) as so re-lettered, the following clauses shall be inserted, namely:—

“(a) the manner of deleting or destroying or reporting about pornographic material in any form involving a child to the designated authority under sub-section (1) of section 15;

(aa) the manner of reporting about pornographic material in any form involving a child under sub-section (2) of section 15;”.



THE INSOLVENCY AND BANKRUPTCY CODE (AMENDMENT) ACT, 2019

(ACT No. 26 OF 2019)

AN

ACT

*further to amend the Insolvency and Bankruptcy Code, 2016.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Insolvency and Bankruptcy Code (Amendment) Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. Amendment of Section 5.**—In section 5 of the Insolvency and Bankruptcy Code, 2016 (31 of 2016) (hereinafter referred to as the principal Act), in clause (26), the following *Explanation* shall be inserted, namely:—

*“Explanation.*—For the removal of doubts, it is hereby clarified that a resolution plan may include provisions for the restructuring of the corporate debtor, including by way of merger, amalgamation and demerger;”.

**3. Amendment of Section 7.**—In section 7 of the principal Act, in sub-section (4), the following proviso shall be inserted, namely:—

“Provided that if the Adjudicating Authority has not ascertained the existence of default and passed an order under sub-section (5) within such time, it shall record its reasons in writing for the same.”.

**4. Amendment of Section 12.**—In section 12 of the principal Act, in sub-section (3), after the proviso, the following provisos shall be inserted, namely:—

“Provided further that the corporate insolvency resolution process shall mandatorily be completed within a period of three hundred and thirty days from the insolvency commencement date, including any extension of the period of corporate insolvency resolution process granted under this section and the time taken in legal proceedings in relation to such resolution process of the corporate debtor:

Provided also that where the insolvency resolution process of a corporate debtor is pending and has not been completed within the period referred to in the second proviso, such resolution process shall be completed within a period of ninety days from the date of commencement of the Insolvency and Bankruptcy Code (Amendment) Act, 2019.”.

5. *Amendment of Section 25A.*—In section 25A of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) Notwithstanding anything to the contrary contained in sub-section (3), the authorised representative under sub-section (6A) of section 21 shall cast his vote on behalf of all the financial creditors he represents in accordance with the decision taken by a vote of more than fifty per cent. of the voting share of the financial creditors he represents, who have cast their vote:

Provided that for a vote to be cast in respect of an application under section 12A, the authorised representative shall cast his vote in accordance with the provisions of sub-section (3).”.

6. *Amendment of Section 30.*—In section 30 of the principal Act,—

(a) in sub-section (2), for clause (b), the following shall be substituted, namely:—

“(b) provides for the payment of debts of operational creditors in such manner as may be specified by the Board which shall not be less than—

(i) the amount to be paid to such creditors in the event of a liquidation of the corporate debtor under section 53; or

(ii) the amount that would have been paid to such creditors, if the amount to be distributed under the resolution plan had been distributed in accordance with the order of priority in sub-section (1) of section 53,

whichever is higher, and provides for the payment of debts of financial creditors, who do not vote in favour of the resolution plan, in such manner as may be specified by the Board, which shall not be less than the amount to be paid to such creditors in accordance with sub-section (1) of section 53 in the event of a liquidation of the corporate debtor.

*Explanation 1.*—For the removal of doubts, it is hereby clarified that a distribution in accordance with the provisions of this clause shall be fair and equitable to such creditors.



*Explanation 2.*—For the purposes of this clause, it is hereby declared that on and from the date of commencement of the Insolvency and Bankruptcy Code (Amendment) Act, 2019, the provisions of this clause shall also apply to the corporate insolvency resolution process of a corporate debtor—

(i) where a resolution plan has not been approved or rejected by the Adjudicating Authority;

(ii) where an appeal has been preferred under section 61 or section 62 or such an appeal is not time barred under any provision of law for the time being in force; or

(iii) where a legal proceeding has been initiated in any court against the decision of the Adjudicating Authority in respect of a resolution plan;”;

(b) in sub-section (4), after the words “feasibility and viability”, the words, brackets and figures “the manner of distribution proposed, which may take into account the order of priority amongst creditors as laid down in sub-section (1) of section 53, including the priority and value of the security interest of a secured creditor” shall be inserted.

**7. Amendment of Section 31.**—In section 31 of the principal Act, in sub-section (1), after the words “members, creditors”, the words “including the Central Government, any State Government or any local authority to whom a debt in respect of the payment of dues arising under any law for the time being in force, such as authorities to whom statutory dues are owed”, shall be inserted.

**8. Amendment of Section 33.**—In section 33 of the principal Act, in sub-section (2), the following *Explanation* shall be inserted, namely:—

“*Explanation.*—For the purposes of this sub-section, it is hereby declared that the committee of creditors may take the decision to liquidate the corporate debtor, any time after its constitution under sub-section (1) of section 21 and before the confirmation of the resolution plan, including at any time before the preparation of the information memorandum.”.

**9. Amendment of Section 240.**—In section 240 of the principal Act, in sub-section (2), in clause (w), for the words “repayment of debts of operational creditors”, the words “payment of debts” shall be substituted.



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**Section i**



GOVERNMENT OF KERALA

**Law (Legislation-Publication) Department**

NOTIFICATION

No. 19491/Leg. Pbn. 2/2019/Law.

*Dated, Thiruvananthapuram,  
28th September 2019.*

The following Act of Parliament published in the Gazette of India, Extraordinary, Part II, Section I dated 6th day of August, 2019 is hereby republished for general information. The Bill as passed by the House of Parliament received the assent of the President of India on the 6th day of August, 2019.

By order of the Governor,

ARAVINTHA BABU, P. K.,  
*Law Secretary.*

THE AIRPORTS ECONOMIC REGULATORY AUTHORITY OF INDIA  
(AMENDMENT) ACT, 2019

(ACT No. 27 OF 2019)

AN

ACT

*to amend the Airports Economic Regulatory Authority of India Act, 2008.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

**1. Short title and commencement.**—(1) This Act may be called the Airports Economic Regulatory Authority of India (Amendment) Act, 2019.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. Amendment of Section 2.**—In section 2 of the Airports Economic Regulatory Authority of India Act, 2008 (27 of 2008) (hereinafter referred to as the principal Act), in clause (i), for the words “one and a half million”, the words “three and a half million” shall be substituted.

**3. Amendment of Section 13.**—In section 13 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything contained in sub-sections (1) and (2), the Authority shall not determine the tariff or tariff structures or the amount of development fees in respect of an airport or part thereof, if such tariff or tariff structures or the amount of development fees has been incorporated in the bidding document, which is the basis for award of operatorship of that airport:

Provided that the Authority shall be consulted in advance regarding the tariff, tariff structures or the amount of development fees which is proposed to be incorporated in the said bidding document and such tariff, tariff structures or the amount of development fees shall be notified in the Official Gazette.”.