

>12.13 hrs.

NATIONAL COMMISSION FOR CHILDREN BILL*

Title: Introduction of the National Commission for Children Bill, 2003.

मानव संसाधन विकास मंत्री, विज्ञान और प्रौद्योगिकी मंत्री तथा महासागर विकास मंत्री (डॉ. मुरली मनोहर जोशी) : अध्यक्ष महोदय, मैं प्रस्ताव करता हूँ कि राष्ट्रीय बाल आयोग का गठन करने और उससे संबंधित या उसके आनुांगिक विार्यों का उपबंध करने वाले विधेयक को पुर:स्थापित करने की अनुमति दी जाए।

MR. SPEAKER: Yes, Shri Radhakrishnan.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I am not opposed to it in principle. But the question is that this is also a State subject.

The child welfare is a matter concerning the entire nation. The States are also involved in it. It will not be proper for the Central Government to initiate a legislation without taking into consideration the objectives of the States also. This will be good for election purpose. I do agree. But for legal purpose, it will not be good for child welfare because it is again an invasion or encroachment on the powers of the States.

Article 39 of the Constitution is very specific that the State shall endeavour to bring in legislation with regard to the welfare of the children. Chapter III deals with the functions and powers of the Commission. I am reading section 13, sub-clause (1)(d):

"The Commission shall perform all or any of the following functions, namely:-

- a. inspect or cause to be inspected any juvenile custodial home, or any other place of residence or institution meant for children, under the control of the Central Government or any State Government or any other authority;"

* Published in the Gazette of India, Extraordinary Part-II, Section-2, dt. 5.12.03

So, the State Governments are also conducting or running these institutions. Now the Bill gives powers for inspection of those institutions that are being governed by the State Governments. That means, the Central Government is interfering in the administrative affairs when the Child Welfare Centre is being run by the Government.

So, without demarcation of powers, it will not be proper. It will not be sound to bring in the legislation concerning the Centre only. I can understand if he has taken a step for bringing in a constitutional amendment for formation of a Central Commission for children. That is all right and good. But there is no provision for a State Commission. This provision is only for Central Commission. I would like to know why.

MR. SPEAKER: You have made your point.

SHRI VARKALA RADHAKRISHNAN : On that basis, for not having brought in a measure to bring in the State Commission also into picture, I oppose it because it is beyond the legislative competence.

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Sir, we passed a glorious constitutional amendment for compulsory education of minors and children. Till today, appropriate funds have not reached the respective States. I would also like the hon. Minister to respond, when he responds to Shri Radhakrishnan, whether the Chairmanship of this Commission would be offered to RSS or would he really select somebody who stands in the merit.

DR. MURLI MANOHAR JOSHI: Sir, I think, the hon. Member has not gone through the Bill. They know who was going to be appointed as the Chairperson.

MR. SPEAKER: He is not very serious.

...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI: Sir, I thank Dr. Joshi that he considered that these three States should be there

and the future of Parliament should be all right...(*Interruptions*)

DR. MURLI MANOHAR JOSHI: I thought that he was in the House and not in the football play ground. I thought that he was serious. But I am sorry that he was not serious.

Now Sir, this is a commitment of this Government and it is an international commitment to have a National Commission for Children. This has been the demand from the States, from the Standing Committee, especially the hon. Member, Shrimati Margaret Alva, who is here, who has been all the time placing before this House, and also when she was in the other House, the need to have a National Commission for Children.

This Commission, as it is a National Commission, has powers but it is not going to interfere in the daily administration. It is only when a certain complaint comes or when a certain law is being violated - because there are a large number of Central laws, which are there for the protection of children - that they take care...(*Interruptions*) So, there is no reason for having any apprehension that there will be an interference in the day-to-day administration. But it is necessary to take care of our children. It is an international commitment by the previous Governments and it is a ratification of an international Charter. Our Constitution has a large list of welfare measures which the State has to take about our children. There are a large number of constitutional measures, a large number of legal measures, which have been enacted by this very hon. House.

Therefore, in order to have an overview that all those laws and constitutional provisions are being properly implemented that this Bill has been placed before this august House and I appeal to the House not only to accept it but to pass it very quickly so that the welfare of children can be taken up with seriousness.

MR. SPEAKER: Hon. Members, I have to inform the House that there is a well-established practice that the Speaker does not decide whether or not a Bill is constitutionally within the legislative competence of the House. The House also does not take a decision on specific question of merits of a Bill. I shall, therefore, put the motion by the Minister to the vote of the House.

The question is:

"That leave be granted to introduce a Bill to provide for the constitution of a National Commission for Children and for matters connected therewith or incidental thereto."

The motion was adopted.

डॉ. मुरली मनोहर जोशी : महोदय, मैं विधेयक को पुरःस्थापित करता हूँ।
