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Title: Further discussion on the motion for consideration of the Juvenile Justice (Care and Protection of Children) Bill, 2014.

HON. SPEAKER: Hon. Members, before we take up further consideration of the Juvenile Justice (Care and Protection of Children) Bill, 2014, I have to inform the House that I have received a communication from the hon. Minister intimating that the Government intends to get clause 7 of the Bill negated.

Now, Shri Gajendra Singh Shekhawat to speak on this Bill.

श्री गजेन्द्र सिंह शेखावत (जोधपुर) : धन्यवाद अध्यक्ष महोदय।

अध्यक्ष महोदय, किशोरों को न्याय और संरक्षण प्रदान करने के लिए संविधान में आर्टिकल 15, आर्टिकल 39 और उसके अनेक उपबन्धों में प्रावधान किए गए हैं। उनके अनुरूप जो कानून इस देश में बना हुआ था, उस कानून में परिवर्तन करने के लिए जो बिल लाया गया है, मैं उस बिल का समर्थन करने के लिए खड़ा हुआ हूँ।

13.08 hrs. (Hon. Deputy Speaker *in the Chair*)

उपाध्यक्ष महोदय, कल जब इस बिल पर चर्चा हो रही थी, तब प्रतिपक्ष की माननीय सदस्या सुप्रिया जी ने अपनी बात शुरू करते हुए कहा था - चूंकि मैं एक मां हूँ, मेरे घर में किशोर वय के दो बच्चे भी हैं, तो मैं उस बिल को खिलोने से सोचती हूँ। इसलिए उन्होंने अपना पक्ष उसी बिल को खिलोने से प्रस्तुत किया। मेरे मित्र शशि थरूर जी ने जब अपनी बात आरंभ की, चूंकि वह वैश्विक संस्कृति के पुजारी हैं और वैश्विक संस्कृति के अनुरूप अपना जीवन जीते हैं, इसलिए उन्होंने उसी परिप्रेक्ष्य में, उसी बिल को खिलोने से अपनी बात कहनी शुरू की।

महोदय, मैं भारतीय संस्कृति का पुजारी हूँ। हमारे देश के इतिहास में अनेक ऐसे उदाहरण मिलते हैं। यदि मैं चर्चा करूँ गुरु गोविन्द सिंह के उन दोनों किशोर वय बच्चों की, उन्होंने जो सांस्कृतिक गुण एवं सांस्कृतिक मूल्य अपने परिवेश एवं अपने परिवार से प्राप्त किए थे, उन मूल्यों के आधार पर, जब उन दोनों बच्चों को अपने धर्म की रक्षा के लिए दीवार में जिन्दा चुन दिया गया, तब भी उन्होंने धर्म के मार्ग को नहीं छोड़ा।

महोदय, मैं राजस्थान से आता हूँ। वहाँ महाराज जसवंत सिंह जी के पुत्र अपने पिता की अस्मिता की रक्षा के लिए, अपने पिता के वचन की रक्षा के लिए आठ साल की आयु में शेर के साथ लड़े और शेर का जबड़ा फाड़कर उस पर विजय हासिल की। ऐसे अनेक उदाहरण दिए जा सकते हैं। अगर हम महाभारत काल की चर्चा करें तो उस वक्त अभिमन्यु ने अपनी माँ के गर्भ में जो ज्ञान प्राप्त किया था, उसके बल पर उन्होंने महाभारत के युद्ध में चक्रेयूद्ध को तोड़ने का काम किया था।

मैं ये बातें इसलिए रख रहा हूँ कि किशोर या बालक जिस तरह का आवरण करता है, क्योंकि किशोर का मन सामाजिक व्यवस्था और उसके आसपास के परिवेश का प्रतिबिम्ब या दर्पण होता है और वह उस रूप में कार्य करता है। इसलिए उस सामाजिक परिवेश का प्रतिबिम्ब उसके मन में साफ दिखाई देता है और उसका आवरण उसका प्रतिबिम्ब होता है।

इस बिल पर चर्चा करने के साथ-साथ, क्योंकि सदन इस देश का अविभाज्य निर्धारण करने का काम करता है, यह आवश्यक भी है कि हम इस बात की भी समीक्षा करें कि ऐसी स्थिति क्यों आई है कि जहाँ इस देश में ऐसे उदाहरण थे, वहाँ इस तरह के बच्चों पर चर्चा करने की हमें जरूरत पड़ रही है। पिछले अनेक वर्षों से जिस तरह से हमारे सामाजिक मूल्यों का ह्रास हो रहा है, जिस तरह से भौतिकवाद से हमारे विभिन्न सांस्कृतिक मूल्यों पर चौराहा डमला हो रहा है, वह एक सुनियोजित तरीके से इस देश में पाश्चात्य संस्कृति को थोपने का काम हो रहा है। इस वजह से देश में ऐसी स्थिति बनी है कि आज हमारे किशोर, जिनका आवरण समाज का प्रतिबिम्ब होता है, वे गम्भीर अपराधों में इन्वॉल्व हो रहे हैं। इस बारे में लगातार समाचार आते रहते हैं और समाचार पत्रों में भी ऐसी घटनाओं की उल्लेख होता है कि देश का किशोर ऐसे गम्भीर अपराधों में संलिप्त हो रहा है। इस देश का किशोर इस तरह का आवरण कर रहा है, जिसकी वजह से ऐसे गम्भीर प्रवृत्ति के अपराध हो रहे हैं। इसलिए इस पर चिंता व्यक्त करते हुए इस कानून में यह संशोधन बिल लाकर इस समस्या का समाधान करने का प्रयास किया जा रहा है।

मेरे मित्रों ने चर्चा करते हुए कहा कि इस बिल को लाकर हम बच्चों का बचपन खत्म कर रहे हैं, किशोरों का अधिकार समाप्त कर रहे हैं। जिस तरह के मानवीय अधिकार उन्हें प्राप्त थे, हम उन्हें समाज की मुख्याधारा में लाने का प्रयास करें और यह काम प्राथमिकता पर होना चाहिए। मैं उनकी बात से सहमत हूँ। मैं मानता हूँ कि किसी भी देश की सरकार की प्राथमिकता यही होनी चाहिए और होनी चाहिए।

मैं भी इस बात को मानता हूँ कि किशोरों को समाज की मुख्याधारा में फिर से लाने के लिए एक मौका मिलना चाहिए। इस बिल में ऐसे कई प्रावधान किए गए हैं। जिस तरह से 18 साल से घटाकर 16 साल करने का प्रावधान है, उसके लिए बिल के उपबंध में कहा गया है कि 16 साल की उम्र में इस प्रकार के गम्भीर प्रवृत्ति के अपराध अगर कोई किशोर करता है तो प्रत्येक जिले में जो किशोर न्याय समिति या किशोर न्याय बोर्ड का गठन किया जाएगा। इस बोर्ड में ऐसे लोग होंगे जिन्होंने वाइल्ड साइवलाइज में विशेषज्ञता प्राप्त की हो, मनोविज्ञान या समाज विज्ञान में दक्षता रखते हों, ऐसे लोगों द्वारा ऐसे अपराधों के लिए उसके फिजिकल स्टेटस, मेंटल स्टेटस का इन्वेस्टिगेशन किया जाएगा और इन्वेस्टिगेशन करते हुए इस तरह के अपराधों की प्रकृति और उसके लिए सजा देने का प्रावधान होगा।

यह जो बिल लाया गया है, यह निश्चित रूप से किशोरों का जो वैश्विक मानदंड है, उसके अनुरूप और अधिक संरक्षण प्रदान करने के लिए कारगर साबित होगा। साथ ही साथ इस बिल में जो 14 वर्षों से 18 वर्षों की उम्र के बच्चे अलग-अलग जगहों पर काम करते हैं, उनका जो शोषण होता है, उन्हें संरक्षण देने के लिए भी प्रावधान किया गया है, जो कि स्वागतयोग्य है।

महोदय, हमारे मंत्री महोदय, ने यह जो बिल प्रस्तुत किया है, पूरे विश्व में पशुओं के विरुद्ध जो अत्याचार होता था, जो बोल नहीं सकते हैं, उनके खिलाफ अत्याचार न हो, उनको संरक्षण देने के लिए इनको रखाति प्राप्त है। एक ऐसी महिला जिन्होंने मूक पशुओं के विरुद्ध होने वाले अत्याचारों से संरक्षण प्रदान करने की कोशिश की है। इस बिल से बच्चों को पूरा-पूरा संरक्षण मिलेगा, ऐसा मेरा विश्वास है। इसी के साथ मैं इस बिल का समर्थन करता हूँ। धन्यवाद।

श्रीमती रंजीत रंजन (सुपौल) : उपाध्यक्ष महोदय, कल बहुत सारे सांसदगण ने जुवाइन्ल एक्ट में संशोधन पर काफी चर्चा की थी। हम सब एक-दूसरे को सुन रहे थे। मेरी स्थिति हाँ और ना वाली है। मन में एक द्वंद है। कल शशि जी ने बहुत जज्बात के साथ निर्भया काण्ड का उल्लेख करते हुए बहुत जोर दिया कि इस तरह के काण्ड से सारे बच्चों का भविष्य तय नहीं कर सकते हैं। उनके जज्बात भी सही हैं। उनका कहना था कि अगर हम बचक जेल में उस बच्चे को रखते हैं तो निश्चित तौर से 10, 15 या 20 साल बाद जब वह आता है तो वह अपराधी बनकर ही आएगा। लेकिन मैं इस के साथ एक चीज और जोड़ना चाहूँगी कि जरूरी नहीं है कि जेल में ही, चाहे वह बचक हो या नाबालिग हो, वह अपराधी बनता है। हमारे यहाँ जो बाल सुधार गृह हैं, शैल्टर्स हैं, अनाथ बच्चों के लिए जो शैल्टर्स हैं, वहाँ क्या-क्या होता है, उस पर भी हम लोगों को ध्यान देना चाहिए। ऐसे जगहों के बहुत से केसिस आए हैं। इस तरह के अपराधों में बच्चे क्यों संलिप्त हो रहे हैं? उसका मेज कारण यह भी है कि होमोसेक्सुअलिटी हो, सेक्सुअल हेरमिटेज हो या अश्लीलता हो, बाल सुधार गृह और शैल्टर्स के लोग उस तरह की हरकतें उन बच्चों के साथ करते हैं। ऐसी बहुत सारी घटनाएं हम लोगों के सामने आती हैं। मैं आपके माध्यम से मंत्री महोदय से यह जरूर जानना चाहूँगी कि मैं आपके बिल के खिलाफ नहीं हूँ, लेकिन एक द्वंद जरूर है कि क्या यह बिल उन बच्चों को सुधारने के लिए है, कोई बोल रहा है 60 प्रतिशत बढ़ गया है, कोई 65 प्रतिशत बोल रहा है, लेकिन टोटल में 1 परसेंट से भी कम है।

दूसरा, एक सर्वे के अनुसार दिल्ली में कुछ सालों में 33 हजार घटनाओं में 25 हजार घटनाएं नाबालिगों ने की, जिसमें से एक हजार घटनाएं 7 से 12 साल के बच्चों ने की, 11 से 12 हजार घटनाएं 12 से 16 साल के बच्चों ने की। मैं आपके माध्यम से मंत्री जी से जानना चाहती हूँ कि सज़ा देने का प्रावधान कहां तक जाएगा? क्या हम आने वाले कुछ सालों में 7 से 12 साल के बच्चों को भी वयस्क में लेकर आएं? आज जरूरत इस बात की है कि हम इसकी जड़ में जाएं कि ऐसा क्यों हो रहा है? क्या वजह है कि इसका परसेंटेज गरीब, स्लम एरिया और झोंपड़पट्टी में ज्यादा है? जिनकी आमदनी एक लाख रुपये से कम है, 50 हजार रुपये से कम है या 25 हजार रुपये से सालाना कम है, यह सब वहीं क्यों कर रहे हैं? इसका रीज़न जो मुझे समझ में आता है और हम लोग देखते हैं कि चौक-चौराहों पर छोटे-छोटे बच्चे नशा कर रहे होते हैं, विक्स से कर रहे होते हैं, कोरेक्स खा रहे होते हैं, मैंने बहुत सारे बच्चों को पकड़ा है जो रूमाल में लेकर सूंघ रहे होते हैं। यह ध्यान देने वाली बात है कि हम सज़ा का प्रावधान क़ाज़म होने के बाद के लिए तो कर रहे हैं, लेकिन वह अपराध में क्यों घुस रहा है? बच्चे संराम चौक-चौराहों पर बच्चे नशा कर रहे होते हैं, पुलिस उनसे संराम हफ़्ता लेती है और जब वे क़ाज़म कर लेते हैं तब हम सज़ा के लिए शोर मचाते हैं। उसको क़ाज़म करने से रोकने के लिए हमारे कानून में कोई प्रावधान नहीं है। अगर मंत्री महोदय कुछ करना चाहें तो मैं उन चौक-चौराहों का नाम भी बताना चाहूंगी, दिल्ली में पटेल नगर है, सिद्धार्थ है, निजामुद्दीन है, जहां सारे नशेड़ी बैठते हैं, नशे का सामान भी बेचते हैं। उनके बच्चे भी नशेड़ी हैं। हम निर्भया की बात करते हैं, लेकिन अगर बलात्कार करने वाला नशेड़ी है तो आप जितनी भी सज़ा का प्रावधान कर लें, क्या वह दोबारा बलात्कार नहीं करेगा? जिस व्यक्ति को इस बात की समझ ही नहीं है, जो व्यक्ति इस कुंठा में जी रहा है, फिर किस तरह से सिर्फ सज़ा के प्रावधान से हम इसे कम कर सकेंगे।

उपाध्यक्ष महोदय, इसके दो पहलू और हैं। एक तरफ हम मानते हैं कि आज के बच्चों की सोच बहुत आगे बढ़ गई है, वे बहुत जल्दी वयस्क हो गये हैं, उनका खान-पान पहले से ज्यादा न्यूट्रिशियस हो गया है, अब न्यूट्रिशियस हो गया है या मैं कहूंगी कि हमारा खान-पान भी कुंठित हो चुका है। एक तरफ हम उन्हें रोकने की बात करते हैं, लेकिन दूसरी तरफ मुझे लगता है कि हम सब दोआला हैं और बाल सुधार गृह के पदाधिकारी और वे भी व्यक्ति दोआला हैं। आज बच्चों को ओपनली अप्लीकेशन नेट से, टी.वी. से हर जगह से मिल रही है, इसके लिए वे भी दोआला हैं। एक तरफ समाज उन्हें ये सब परोस रहा है, दूसरी तरफ अमीर बच्चों को शराब भी आसानी से मिल रही है, लड़कियां भी आसानी से मिल रही हैं। दूसरी तरफ उस गरीब बच्चे की कुंठा यह है कि आखिर वह शराब क्यों नहीं पी सकता, आखिर वह लड़की क्यों नहीं खास कर सकता। जब उसके पास लड़की खास करके के पैसे नहीं होते हैं तो वह जाकर बलात्कार करता है, छेड़छाड़ करता है। मैं समझती हूँ कि यह भी एक बहुत बड़ा कारण है। हमारी अमीरी और गरीबी की जो दीवार है, उस बच्चे की कुंठा है, वह भी इस बात के लिए बहुत ज्यादा जिम्मेदार है। हम उस गैप को कम नहीं कर पा रहे हैं। मैं कुछ आइडियाज देना चाहूंगी कि आखिर एक तरफ हम सज़ा का प्रावधान कर रहे हैं, आप जरूर करें, लेकिन मैं यह भी कहूंगी कि कुछ सालों के लिए करें, संशोधन को खुला रखें और अगर इससे भी अपराधिक घटनाएं नहीं घटती हैं तो इसे दोबारा संशोधित किया जाए।

महोदय, मैं यह जरूर कहूंगी, एक एनजीओ है, जिसका मैं नाम भूल रही हूँ। उन्होंने स्लम एरियाज और झोंपड़पट्टी के बच्चों को और गरीब बच्चों को मिलाकर, जो स्कूल पढ़ने नहीं जाते हैं, उनकी स्पोर्ट्स की टीम बनाई है। उन्हें फुटबाल सिखाया जाता है, उन्होंने बहुत मेहनत करके उनकी टीम बनाई। चूंकि यह जरूरी है कि उन बच्चों की ऊर्जा, जो दिनों-दिन हमारे जवान होते बच्चों में बढ़ती है, उसे डाइवर्ट करें। हम उसे डाइवर्ट नहीं करते हैं। दूसरे उनके पास मनोरंजन के साधन बहुत कम हैं, इसलिए एक ही साधन आसानी से मिलता है और वह अपराध है। अपराध अपनी कुंठा के लिए भी है, अपनी इनर्जी को डाइवर्ट करने के लिए भी है और यह कुंठा भी है कि अमुक व्यक्ति इतना अमीर क्यों है और मैं इतना गरीब क्यों हूँ। हत्या, चोरी, डकैती और बलात्कार आदि का एक बहुत बड़ा रीजन यह भी है। मैं यह कहना चाहूंगी कि कुछ इस तरह से एनजीओज आने जाएं और गवर्नमेंट हर मिनिस्ट्री में यह लेकर आए कि जो बच्चे स्लम और चौक-चौराहों पर संराम रहते हैं, उन्हें हम डाइवर्ट करने के लिए, चाहे संगीत एफेडमी हो, चाहे स्पोर्ट्स एफेडमी हो या नाट्य एफेडमी हो, हम कुछ ऐसे संशोधन क्यों नहीं लाते कि उनका ध्यान डाइवर्ट किया जाए, सिर्फ सज़ा के प्रावधान से यह कंट्रोल नहीं होगा।

दूसरी बात मैं कहना चाहती हूँ कि स्कूलों में आज यह जरूरत है कि जिस तरह से हमारे बच्चे आज दिनों-दिन बहुत जल्दी बड़े हो रहे हैं, आज स्कूलों में स्पोर्ट्स को अनिवार्य विद्या करना अति आवश्यक है। यह जरूरी है कि सज़ा से ज्यादा महत्वपूर्ण यह है कि हम उन्हें किस तरह से डाइवर्ट करें, यह अति महत्वपूर्ण विद्या है।

इसके साथ ही मैं यह भी कहना चाहती हूँ कि माननीय मंत्री जी जानवरों के प्रति बहुत प्रेम रखती हैं। मंत्री जी के बारे में यह बात सबको मालूम है। जब भी जानवर गलती करता है तो उसके बारे में हर व्यक्ति कहता है कि जानवर है, यह उसकी नेचर है। इसी तरह से ह्यूमैन बींग का भी नेचर होता है। जिस समाज में वह जीया है, उसका नेचर उस तरह का बन जाता है और खासकर अगर वह बच्चा है तो मेरी आत्मा यही कहती है कि अगर उसका जयन्त अपराध नहीं है तो उसे माफी दी जानी चाहिए और उसे एक बार ज़िंदगी का हक मिलना चाहिए।

महोदय, मैं एक संशोधन के बारे में और बोलना चाहूंगी कि आपने जो दिया है कि एक महीने के टाइम में बाल सुधार गृह या ट्रायल कोर्ट तय करेगा कि इसका जयन्त अपराध था या नार्मल बाल अपराध था। लेकिन आप उसे जनरल जेल में रखने की बात कर रहे हैं, मैं कहूंगी कि आप इसे चेंज कीजिए और उस बच्चे को तब तक बाल सुधार गृह में रखना चाहिए, जब तक कि उसका अपराध तय नहीं हो जाता है।

इन्हें शब्दों के साथ मैं अपनी बात समाप्त करती हूँ।

श्री असादुद्दीन ओवैसी (हैदराबाद) : सर, मैं आपका शुक्रिया अदा करूंगा कि आपने मुझे इस बिल पर बात करने का मौका दिया। मैं बड़ी जिम्मेदारी के साथ इस बात को इस एजान के सामने रखना चाहूंगा कि अगर यह बिल कानून में तब्दील होगा तो यकीनन इसका सबसे बड़ा गलत इस्तेमाल अगर किसी पर होगा तो मुस्लिम अकलीयत, आदिवासी और दलित बच्चों के ऊपर होगा। वह क्यों होगा, वह इसलिए होगा क्योंकि 27 अप्रैल के दिन छत्तीसगढ़ के सुकमा डिस्ट्रिक्ट में कोमान्डो विलेज में तीन आदिवासी लड़कियां, जिनकी उम्र 15 साल की थी, वे गैस चरा रही थीं। उन्होंने सीआरपीएफ और स्पेशल फोर्स को देखकर भागना शुरू किया। सीआरपीएफ और स्पेशल टारक फोर्स ने उनको यह कह कर गिरफ्तार किया कि वे उनको देख कर भागना शुरू क्यों किए? आठ घंटे उनको जंगल में चलाया। रात भर उन 15-16 साल की आदिवासी लड़कियों को पुलिस स्टेशन में रखा और अभी भी वे जेल में हैं। उनके ऊपर आर्म्स एक्ट लगाया गया है। पूरा बस्तर रीजन केरल के बराबर है। बच्चियों के लिए वहां पर एक भी होम नहीं है। मैं पूछना चाह रहा हूँ कि जब आप यह कानून तस्मीम कर रहे हैं। कानून को तस्मीम करने से पहले आदिवासी बच्चियों पर आर्म्स एक्ट लगा कर जेल में रखा जा रहा है। यह सैक्शन 11 (ए) के खिलाफ है कि चौबीस घंटों में उनको पेश करना चाहिए था। यह छत्तीसगढ़ में नहीं हुआ है। सर, मेरे पास आंकड़े हैं। एनसीआरबी सन् 1971-87 तक आंकड़े देता था, आप उनको उठा कर देख लीजिए। मेरा जो जवाबी मुशायदा है कि हमारे शहरी इलाकों में जहां-जहां ज्युविनाइल कोर्ट्स हैं, जेत्स हैं, वहां पर सबसे ज्यादा शहरी इलाकों में मुसलमान बच्चे हैं, दलित बच्चे हैं। आप गांवों के इलाकों में जाइए, वहां पर आदिवासी बच्चे हैं। यह कानून आखिर क्यों बनाया जा रहा है? इससे क्या हासिल होने वाला है?

सर, तीन फैक्टर्स हैं। The JJB will decide three factors – sending a child to adult criminal justice system; circumstances of an offence – increasing of time will not decide circumstances of an offence. Do I not have the right to put forward my views? It is what the Trial Court does, whether the cross-examination is there or not. Now, you are only increasing the time and you are allowing the complainant or the prosecutor to decide what the circumstances of an offence were. This again is a grave hardship towards those small 16 or 17 year old boys and girls. The third one is age determination on the basis of physical appearance. How can age be determined on the basis of physical appearance? Section 95 says that. Instead of strengthening that, you are saying that where reasonable grounds or doubt exist, then documents will be looked into. Already, our judicial system is crumbling. They have no time to see documents. So, they will look at their appearance and decide that the person is 18 years of age or more.

Introduction of bone ossification test! For God's sake, how can there be bone ossification test? There is an error margin of two years. The old system of a duly constituted Board as per the JJ Act of 2000 was much better. There was an error of only six months. Instead of that, the Government has done away with 'duly constituted Board', and they have brought an outdated and old technique of bone ossification test.

Clause 16 deals with preliminary assessment by the Juvenile Justice Board. This clearly violates constitutional prohibition on procedural arbitrariness. It goes against articles 14 and 21 of our Constitution. The clauses in the present Bill clearly violate UNCRC reform and rehabilitation. They are not strengthening functional assessment, probation and counselling; nothing is being done.

I want to know why the Government is not giving voting rights to a 16 year old. Why are you stopping a 16 year old from being given voting

rights? Why do you not give them a right to get married? Why do you not give them a right to drive a car? You are talking about the age group of 16 and 18 years in terms of heinous crimes. How many Sections of IPC are applicable here? There are 21 Sections of IPC which are applicable here, which includes Section 121 (b). I am going on record and saying that we will be surprised if tomorrow Section 121 (b) will be imposed on Dalit, Adivasi and Muslim children because you are giving an opportunity to the man in uniform.

Twelve sections of the Narcotics Substances Act and the Arms Act of 1959 will also be applied. In my introduction, I have said that the Arms Act has been applied on three Adivasi girls. I want to know what the hurry is. One incident cannot force you to make such laws wherein you are destroying the lives of children. The children are the foundation of our nation. But you are making them criminals by sending them to jails.

The hon. Minister, I am told, got an SHO transferred because he was mistreating monkeys. I salute her for that. But what about our children? These are our children. Let me remind the hon. Minister that I respect her for her political struggle. I want to remind her, through you, an incident where she was there; it happened in the year 1984 in Karimnagar. People from Karimnagar have called me and told me to remind her about it. At that time, there was an assault on the hon. Member in 1984 in Karimnagar. There was some trouble; Shri Akbar Ahmed Dumpy was also there. It was the 16 year old children who were supporting her in Hyderabad and Karimnagar. The hon. Minister has such a compassion for animals, but, what about small children? This is uncalled for. I hope that good sense will prevail on the Government and they will reconsider it. This will be struck down constitutionally by the Supreme Court. This has no ground whatsoever to stand.

श्री जय प्रकाश नायगण यादव (बाँका) : महोदय, एक अति महत्वपूर्ण विषय किशोर न्याय, बालकों की देखरेख संरक्षण विधेयक, 2014 पर आदरणीया श्रीमती मेनका संजय गाँधी द्वारा जा प्रस्ताव लाया गया है, उस प्रस्ताव के खिलाफ कई ऐसे सवाल हैं जिन पर बोलने के लिए मैं खड़ा हुआ हूँ। हम लोग यही पढ़ा करते हैं और आगे भी पढ़ेंगे कि बच्चे मन के सच्चे, लेकिन बच्चे मन के सच्चे नहीं, हमने इस बात की शुरुआत कानून के माध्यम से की है कि बच्चे मन के सच्चे होते हैं, लेकिन नहीं भी होते हैं और अपनी उम्र के हिसाब से अपराध करते हैं। यह एक बहुत बड़ी मानसिक रूप से प्रताड़ना हो रही है, बच्चे इसके लिए कम दोषी हैं और समाज ज्यादा दोषी है और समाज ज्यादा दोषी है, इसके कई कारण हैं। ऐसा नहीं है कि कोई बलात्कार जैसी घिनौनी घटना, शर्मनाक, राष्ट्रीय शर्म की घटना करे, उसमें हम इस बात को कहें कि वह घटना हुई, उस पर तीपापोती करें। उसमें हम सब एकमत हैं, कोई भी ऐसी घटना करे, वह निंदनीय ही नहीं, दुःखद है, बहुत ही खतरनाक है, चाहे वह जिस भी उम्र का हो।

महोदय, माता-पिता सबसे बड़ी पाठशाला हैं, ज्ञान की रोशनी, संस्कार, संस्कृति का उदय माता-पिता से होता है। हमें बहुत सी चीजों में संभलकर आगे खूबाल रखना चाहिए, अवेयरनेस पैदा करना चाहिए। आज यह कहा जाता है, बच्चे आज कहते हैं कि जन्म दिया है तो शिक्षा दो। हम बच्चों को भारत में शिक्षा नहीं दे रहे हैं, उन तक ज्ञान की रोशनी नहीं जा रही है, वह अंधकार में है और अगर वह अंधकार में रहेगा तो जीवन में भटकवा होगा, भटकवा होगा तो उसमें बुरी आदतें आएंगी, बुरी आदतें आएंगी तो कई ऐसी घटनाएं होंगी जो अत्यंत दुःखद और खतरनाक होंगी। इसीलिए जैसे आज मौसम का मिजाज बदल रहा है, वैसे ही कई जगह छोटे बच्चों के मिजाज पर भी असर पड़ा है। हमें इसे देखना पड़ेगा, चटकीले विज्ञापन हो रहे हैं, यह भी दुःखद है। चटकीले विज्ञापन हमारे भविष्य को अंधकार में ले जा रहे हैं। बहुत ही खतरनाक स्थिति, अलार्मिंग सिचुएशन हो रही है। बुरी आदतों पर पहेदार घर होगा, परिवार होगा, समाज होगा, संस्था होगी और सरकार होगी, हम सभी पहेदार होंगे। गाँधी जी बुरी आदतों पर कहते थे कि तुम सिंह के सामने जाते समय भयभीत मत होना, वह पराक्रम की परीक्षा है, तुम परत शिखर से पाताल में कूद पड़ना, वह तप का साधन है, लेकिन तुम बुरी आदतों से, शराब और शराबियों से हमेशा भयभीत रहना, वह पाप और अनाचार की जननी है, जिस पाप और अनाचार की जननी शराब है, उसकी महिरीयों अगर गाँव-गाँव में रहेंगी, टोते-टोते में रहेंगी, स्कूल के पास रहेंगी, ऐसी जगहों पर रहेगी जो चौक-चौराहा होगा, तो हम आगे वाले कल का, होनहार बच्चों का भविष्य पैदा नहीं कर सकते हैं। हमें शिक्षा पर, स्वास्थ्य पर, योग पर और जो शोषण और अत्याचार होता है, उस पर भी ध्यान देना होगा।

महोदय, मैंने अभी अपनी बात शुरू की है, मुझे तीन मिनट मौका दिया जाए। हम अच्छी बात कह रहे हैं। शोषण और अत्याचार की समाज में बहुत बड़ी खड़ी रेखा आज भी बनी हुई है। समाज को पड़ी रेखा में आना चाहिए, जिसमें गरीबों पर अत्याचार न हो। दहेज प्रथा, बाल-विवाह जैसी प्रथा खत्म होनी चाहिए। मजदूरी मजबूरी है, पेट की भूख और दिमाग की गुलामी ने भी हमें बर्बाद किया है। इंसान को पेट से भूखा रखा गया है, दिमाग से भूखा रखा गया है और इस कारण बच्चे गलत राह में जाते हैं। आज हम कुत्ते से प्यार करते हैं, लेकिन बच्चों, इंसान से प्यार नहीं करते हैं। भारत की एक सभ्यता और संस्कृति रही है, कुत्ते से प्यार नहीं हमें इंसान से प्यार करना पड़ेगा। हम कृष्ण का उदाहरण देना चाहते हैं। कृष्ण सोलह कला के अवतार थे। कृष्ण को नटवस्त्राल भी कहा गया, नटवर भी कहा गया। ... (व्यवधान) उन दिनों में लव-कुश के अंगूठे काटे गए, कर्ण को प्रताड़ित किया गया, एकलव्य का अंगूठा काटा गया। इसीलिए हमें आर्थिक, सामाजिक, सामंती शोषण, पुलिस का जुल्म, अनाथों के साथ अच्छा व्यवहार, इन सब के लिए सामाजिक स्तर पर प्रशिक्षण देना है, गृह सुधार करना है, आवासीय व्यवस्था करनी है, व्यवसाय तथा रोजगार में लगाना है और हमें मिल-जुलकर एक बेहतर भारत बनाना है। हमें सभी जगह मौका नहीं मिला। हम बताना चाहते हैं कि यूनाइटेड स्टेट्स में क्या है - 16 से 10, यूनाइटेड किंगडम में 10 से 13, साउथ अमेरिका में 10 साल, फ्रांस और कनाडा में 12 साल, जर्मनी में 14 साल - ये सब रिपोर्ट मेरे पास हैं। लेकिन हम कहेंगे कि भारतीय परिप्रेक्ष्य में यह नहीं देखना है कि होनहार बच्चे सिर्फ इस ओर मुड़ रहे हैं। हमें और भी बातें इसमें जोड़नी हैं। माननीय मेनका गांधी जी ने जिन पर्यावरण के सवालों पर, अन्य सवालों पर मेहनत करके अवेयरनेस पैदा की, मैं उसके लिए उनको बधाई देता हूँ। ... (व्यवधान) इतना कहकर मैं अपनी बात को विराम देता हूँ।

SHRI E.T. MOHAMMAD BASHEER (PONNANI): Mr. Deputy-Speaker, Sir, I am generally in support of this legislation. The background of this legislation is very much understandable. Abuse against the children is increasing at an alarming rate. Harassment and exploitation of children in the institutions meant for their welfare and character build up, are also taking place. There is a lack of quality of life.

Lack of clarity on the role and responsibility and the accountability of Child Welfare Committees and Juvenile Justice Board is an important issue. Adoption formalities also need to be addressed. Similarly, lost children, abandoned children, all these problems are very significant. Crimes committed by children in the age of group of 16 to 18 are also increasing in number.

On legislations like this it is quite natural to have differing viewpoints. The main controversy now is on the reduction of age, children between 16 and 18 years alleged to have committed heinous crimes and offences to be tried as adults. I agree that we must have child-friendly legislations. We must give opportunity for taking corrective and reformatory measures. That also is a vital thing. And we must have love and affection towards children. That also is an important thing. At the same time, I would like to say that overdose love and affection are dangerous. That may even make the children crime committing type of children. I do not find reducing the age of 16 is illogical completely or unjustifiable completely. We must have a loud thinking on all these things.

When we look at the crime records, the number of crimes like burglary, rape, kidnapping, abduction, robbery, murder and other offences in 2003 was 13,941 which went up to 25,804 in 2013. Then the question arises whether reformatory measures should be taken or not. I agree, there must be reformatory measures. That also is there in this Act. Once they are convicted for heinous crimes, the child would be lodged in a place of safety until he turns 21. Then that will be examined. Similarly there are other saving clauses also. We can and of course we are bound to try for the reformatory actions. Sir, I am of the opinion that there is no logic in calling this law as cruel to the children.

I would like to add some additional points about the deplorable condition in juvenile homes. I would say that it is really shameful. I do not hesitate to say that in juvenile homes children are not reformed, but they are emerging as hardened criminals. They are exploited ruthlessly. We have to think about it.

One more practical point I would like to add is about the elders who mould the character of children as criminals. What type of heavy punishment are we going to give them? Children are made scapegoats for the offences committed by the elders. Children are sexually abused and even in the shelter homes they are exploited. Smuggling mafia and other kinds of mafia are misusing the children. Anti-social elements are making the budding generation as drug addicts. All these things are there. It is stated in clause (9) of the Act. I request the Government that the punishment clause should be more stringent and very severe punishment should be given to elders who are misusing the children.

श्री कौशलेन्द्र कुमार (नालंदा) : उपाध्यक्ष महोदय, आपने मुझे एक बहुत ही महत्वपूर्ण विधेयक, जो बच्चों के भविष्य से सम्बन्धित है, किशोर न्याय (बालकों की देख-रेख और संरक्षण) विधेयक, 2014 पर चर्चा में भाग लेने की अनुमति दी है, इसके लिए मैं आपका बहुत आभार व्यक्त करता हूँ।

वैसे तो सरकार इस संशोधन विधेयक में 16 से 18 वर्षों की उम्र के बालकों द्वारा जघन्य अपराध करने पर उसके साथ वयस्कों की तरह व्यवहार किया जाये, यह मुख्य बिन्दु है, किन्तु किशोर न्याय अधिनियम, 2000 भी अपने आपमें पूर्ण है। प्रस्तावित संशोधन सिर्फ इसकी परिभाषा को अलग करता है। सवाल कानून बनाने का नहीं होता है, उस पर अमल करने की भी जरूरत होती है। कठोर से कठोर कानून बनाने के बाद भी अपराध बढ़े हैं, घटे नहीं हैं। इसके लिए हमें कुशीलियों को मिटाना होगा, इसमें भी सुधार करना होगा, अन्यथा कठोरतम कानून भी व्यर्थ हो जाता है।

जहां तक स्थायी समिति के सुझाव की बात आती है तो समिति आयु को 18 साल से कम करने के पक्ष में नहीं है। हमें बच्चों में ही शिक्षा, मनोविज्ञान और उन्हें सही दिशा प्रदान कर अपराध करने के बोध को मिटाना चाहिए। बचपन से ही भ्रम-पोषण में सही व्यवस्था हो, सही आवरण के प्रति सजग रहकर इसमें सुधार करने की जरूरत है। खासकर देखा गया है कि गरीब परिवार के बच्चों में कुछ गलत अवधारणा आ जाती है। वह गलत संगत के कारण और अधिकांश के कारण होता है, ऐसा मेरा मानना है। फिर उस व्यवस्था में उसे कैसे सुधारा जाये, कैसे असल किया जाये, इस पर चर्चा करने की जरूरत है।

आज बाल मजदूरी इसमें एक मुख्य कारण है। छोटे-छोटे बालकों से मजदूरी करवाई जाती है। वहां वह अन्य लोगों के सम्पर्क में आता है, जिनमें कुछ आपराधिक प्रवृत्ति के व्यक्ति होते हैं। वहीं से बालक जघन्य अपराधों के प्रति आकर्षित होता है और अपराध की दुनिया की ओर उसका झुकव बढ़ता जाता है। इस पर गम्भीरता से ध्यान देने की आवश्यकता है, इसे सुधारे जाने की आवश्यकता है, ताकि वह किशोर अपराध की दुनिया में कदम रखने की बजाय समाज का हिस्सा बन सके और सही रास्ते पर चल सके।

इन्हें सुझावों के साथ मैं अपनी बात समाप्त करता हूँ। बहुत-बहुत धन्यवाद।

SHRI N.K. PREMACHANDRAN (KOLLAM): Sir, I rise to oppose the Juvenile Justice (Care and Protection of Children) Bill 2014. This Bill is introduced to repeal and re-enact the Juvenile Justice Act 2000. My first submission is regarding the Standing Committee. The Bill was sent to the Standing Committee on Human Resources Development. The Standing Committee scrutinized the Bill in detail and submitted a fantastic report in respect of the Bill of 2014. But it is quite unfortunate to note that none of the major recommendations made by the Standing Committee has been honoured by this Government.

Yesterday also, we were all making allegations against the Government that it is not sending the Bills for the scrutiny of the Standing Committee. This was the main allegation on the part of the Opposition. This Bill was sent to and scrutinized by the Standing Committee which is chaired by Dr. Satyanarayan Jatiya and the Committee has a majority of Members from BJP. That Committee has said that the Bill is unconstitutional and the Bill has to be reviewed. Dr. Satyanarana, who is a Member of Parliament from BJP, has chaired the Standing Committee.

I am also a Member of the HRD Committee and that Committee has submitted a Report. The Report goes to show that most of the provisions of the Bill are against the Fundamental Rights under the Constitution. Hence, it is *ultra vires* the Constitution; so, it is illegal. It has to be reviewed. I would like to mention two or three recommendations. I may please be given a little time so that I can substantiate my case.

One recommendation is in para 3.21. What is the recommendation? It says:

"From the above, the Committee can only conclude that the existing juvenile system is not only reformative and rehabilitative in nature but also recognises the fact that 16-18 years is an extremely sensitive and critical age requiring greater protection. Hence, there is no need to subject them to different or adult judicial system as it will go against Articles 14 and 15(3) of the Constitution."

Another recommendation in para 3.26 says:

"The existing system that allows all juveniles to be treated within the juvenile justice system does not offend the right to equality under the Constitution. Altering the existing system under the guise of promoting the rights of victims of the right to equality is, therefore, highly suspect."

Then, the Report says in para 3.27:

"This becomes all the more worrisome as the most vulnerable section of the society, our children are likely to be adversely affected. The Committee is, therefore, of the firm view that all the relevant clauses of the Bill need to be reviewed in the light of constitutional provisions and modified so as to adhere to the Constitution."

It is also against the Supreme Court judgements. There are five Supreme Court judgements. This Bill is against the observations of the Supreme Court judgements also. Para 3.40 of the Report says:

"From the above, the Committee can conclude that the underlying principle of the juvenile justice system has always been to treat all children who have committed offences within the juvenile justice system and differential treatment or sending the child to the adult criminal justice system had always been excluded by the Supreme Court. The Committee is constrained to observe that observations/judgements of the Apex Court of the country have simply been ignored. The Committee takes a serious view of this development."

My point is this. It is against the Fundamental Rights. It is against the Constitution. It is against the UN Declaration on Rights of the Children, to which India is a signatory from 1992.

Regarding clauses 7 and 21 of the Bill, I would say that it is a very welcome step. Even though the Government did not care to hear the demand and the recommendation of the Standing Committee, today morning the hon. Speaker has intimated to this House that clause 7 is going to be negated. It is fully welcome.

If this Bill goes to the Court, it will definitely be struck down by the Court. So, please review this Bill. We are passing legislation not for being struck down by the Court but our wisdom has to play in this matter. So, once again, I urge that this has to be reviewed. Thank you.

KUMARI SUSHMITA DEV (SILCHAR): Sir, will you permit me for two minutes please? ...(*Interruptions*)

HON. DEPUTY SPEAKER: Already the time is over for the debate.

...(*Interruptions*)

SHRI DEEPENDER SINGH HOODA (ROHTAK): She has only one point. She will take only one minute. The Minister is also agreeing. ...(*Interruptions*)

KUMARI SUSHMITA DEV : Sir, I just want to make a very short point. I thank you for the opportunity.

I have a very simple issue here about clause 3 of this new Bill which says that there is a presumption of innocence in favour of a juvenile and the definition is below 18 years. But clause 16 (1) says that the Juvenile Justice Board enters upon an inquiry about the circumstances of an offence. Today, you are going to ask a juvenile, 'What were you thinking when you were committing the crime?' Suppose he says, 'I was not at the incident of crime', are we not militating against the Constitutional provision that he cannot be forced to make a self-incriminating statement. The moment you enter upon that inquiry, that trial is going against his right under the Constitution not to incriminate himself.

The second point I would like to say is this. Let this nation not think that we can put away people. Do we as a nation want to say, 'Look, 1.2 per cent people who have committed crimes are children and we have put them away'? That is not the question. Dr. Tharoor has given statistics. The Minister has given statistics saying that juvenile crimes are increasing. This nation, through this Bill, has to send a message that yes, we believe in reform and I do not believe that by putting juveniles away you are making women or people of this country any safer on the streets of this nation. Thank you.

SHRI HUKUM SINGH (KAIRANA): Sir, I fully support this Bill. The definition given in j(i) states: "who is found without any home or settled place of abode and without any ostensible means of subsistence"

यह इसमें दिया है जो बच्चे की केयर के लिए, प्रोटेक्शन के लिए इंस्टीट्यूट हैं। इस पर एक वलेंटिफिकेशन चाहिए। बहुत से रिजिजन हमारे यहां ऐसे हैं, जिसमें बचपन में ही दीक्षा लेते हैं। मान लीजिए किसी बच्चे ने जैन धर्म की 8, 9, 10 या 12 साल की उम्र में दीक्षा ले ली, उसका घर तो रहा नहीं, फैंट्स भी उसके नहीं रहे, वह दीक्षा लेकर जंगल में जाकर साधु बन गया। उनको डर यह है कि कहीं उन लोगों को भी इसमें कवर न कर लिया जाए।

Whenever the hon. Minister speaks, she can give a clarification on this.

THE MINISTER OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI MANEKA SANJAY GANDHI): Hon. Deputy Speaker, Members of the House, I rise to give a reply. I am going to divide it into two parts; one is a general reply and one is specific to what Members have brought out because many-many interesting points have been raised.

I keep listening to my being pro-animal, pro-people. You know, the heart is a door. When it opens, it opens for all species, all things. I do not know if you all know that for the last 25 years I have been running five centres for rescued children and we have rescued 16,000 children. It is an organization called Rugmark. It is one of the best in the country. So, we actually do a lot of work for all species.

Before I begin my reply I would like to answer this question, because it was a very interesting one, about *diksha*. Certainly, it is an important thing and when we will make rules I will include that in the Rules.

I would like to express my gratitude to all of you who have participated in the discussion. I would like to thank them for their observations, suggestions and assure them that I have examined all the issues raised by Members yesterday and today. I have particularly noted the observations made by Shri Shashi Tharoor, Shri Selvam, Shrimati Sule and Shri Patel. I would like to respond to these and give my concluding observations.

I became a Minister at a time when majority of the country wanted instant hanging for children. A certain number wanted instant freedom for children. And so, I applied, I think, one-and-a-half months of my life at the rate of about eight hours a day in bringing in people, listening to them, going to judges, listening to their views on it. In fact, I met even the judges who had ruled or who were sitting with the Nirbhaya case and listened to their views. And, then went line-by-line to see what we could do that would bring justice both for children and for the country.

With regard to the issue of constitutional validity of the provisions of the Bill, Shri Tharoor had mentioned that the Bill violates the provisions of Article 14, 15, 20 and 21. I would like to state that the Bill is in consonance with Article 14 that provides for equality before law. All children in the age group of 16-18 years are treated equally and no two children in the age group of 16-18 years who commit a heinous offence are proposed to be treated differently under the Bill. So, there will be no differential treatment of such children under any ground.

DR. SHASHI THAROOR (THIRUVANANTHAPURAM): There is a differential treatment between children of age group 16-18 and children below 16 years of age....(*Interruptions*)

SHRIMATI MANEKA SANJAY GANDHI: We will come to that later.

Further, general principle of the Bill states that there shall be no discrimination against a child on any ground including sex, caste, ethnicity, place of birth, disability and equality of access, opportunity and treatment to every child. Therefore, the Bill is in consonance with Article 15 which prohibits discrimination on grounds of religion, race, caste, sex or place of birth.

The procedures for treatment of children who commit heinous crimes in the age group of 16 to 18 years are well laid down in the Bill. There is no arbitrariness in the Bill with regard to procedure. So, there is no violation of article 21 of the Constitution which provides for right to life and personal liberty. To ensure that there is not even a remote contradiction with article 21(1) of the Constitution that relates to protection in respect of conviction for offences, I have already stated that clause 7 is being deleted from the Bill.

Dr. Tharoor had also referred to contradiction with the international conventions. The proposed Bill is not in contradiction with the international instruments to which India is a party. The UN Convention on the rights of children provides a framework of principles at which children should acquire rights and does not provide direction on the specific age or ages. The age of child as defined in any law is contextual in nature, depending upon the legal-socio-economic objectives sought to be achieved by the law.

With regard to age of criminal responsibility, the Committee on the Rights of Child has said that countries should regard 12 years as the absolute minimum age for criminal responsibility and continue to raise the age and no country should lower its minimum age of criminal responsibility to 12 years. Different countries have adopted different ages of criminal responsibility such as in England, it is 10 years; in Australia, it is 10 years; in Argentina, it is 16 years; and in France, it is 13 years.

Given the reality that children tend to mature faster and at much younger age, it is important to define the age of criminal responsibility at a level which is in tune with the current scenario. Further, clause 16 of the United Nations Rules for the Protection of Juvenile Deprived of their Liberty, 1990, state that these Rules are to be implemented in the context of the economic, social and cultural conditions prevailing in the country.

Recognizing that the ultimate aim of juvenile justice system is to ensure reformation of the child and to make him a contributing member of the society, the Bill provides for several restorative and reformatory measures for children in conflict with law and in need of care and protection. These include: individual care plans, counselling, community service, education, skill development, behaviour modification therapy and psychiatric support. The Juvenile Justice Board is to ensure informed participation of the child at every step and process and also ensure protection of child rights throughout the process of apprehending the child, inquiry, aftercare and rehabilitation. The Bill ensures that no child is sent to jail and remains within the JJ System till the age of 21 years. It is proposed that every State and UT will have at least one place of safety to keep children who commit heinous offence.

The Bill ensures that no child for committing any offence either under the JJ Act or under any other law can be sentenced to death or given life imprisonment without the possibility of release. This provision is in tune with article 37 of the UN Convention on the Rights of the Child.

Shrimati Sule highlighted that when the Supreme Court has upheld the provisions of JJ Act, 2000, why a new Bill is being proposed. To this, I would like to remind the hon. Members that the Supreme Court judgements are pronounced in light of the existing provisions in the law. It is not possible for the hon. Court to make a judgement on the basis of a Bill which is still in the making.

The Supreme Court in its recent proceedings dated 6th April, 2015 in the case of Gurav Kumar Monu *versus* State of Haryana has observed that time has come to think of an effective law to deal with the increase in crimes by juveniles, which requires re-looking, re-scrutinising and re-visiting the provisions of the existing law especially in respect to offences which are heinous in nature. Previously also, we had received an advice from the Ministry of Law that instead of making a number of amendments to the JJ Act, it is better to go in for a new legislation.

Sir, coming to the issue of crime statistics that some of the Members had referred to, it is important to remember that data released by the National Crime Records Bureau is the only authentic and most comprehensive data available with the Government of India on the subject of crime.

According to NCRB, 28,830 children in the age group of 16-18 years were apprehended in 2013 for committing various crimes. Out of these, 3,883 children were apprehended for committing heinous offences like rape, murder, kidnapping and abduction.

14.00 hrs.

These figures imply that the provisions of heinous crimes of the proposed law will apply to 3,883 children out of 47.2 crore children in the country and the majority of the children will not be affected by these provisions. I would deviate from here and just say that I agree in part by saying that poverty causes desperation of spirit. It causes children to do things which perhaps they would not have done. It causes envy; it causes anger; it causes many things that maybe, a more privileged child would not have had. But remember that out of 47.2 crore children, if we were to blame poverty for crimes, specially the heinous ones, then why is it that only 28000 in a year have committed them? Why is it that only 3000 have committed heinous crimes? Surely this level of poverty which we see in our villages would have caused far more. Could be less due to poverty and more due to some other factors? So, to use poverty as the base level and to say that because we are poor we do this, then perhaps it would not apply because the statistics are so few. The data also shows that the offences committed by children in the age of 16 to 18 to total crimes committed by children across the ages has increased from 18,049, that is 52.2 per cent in 2003, to 28,813, that is 66.3 per cent in 2013.

Sir, what do we want from this Bill? I do not want to arrest children. I do not want to be mean to them. No mother would want that. No Member of this House would want. But the point is that provisions for such children in this Bill we want it to act as a deterrent. When I became a Minister the first call I had was from a group of policemen who were dealing with children. They said that something very peculiar has happened in the last few years. Children come after committing a crime. They have not arrested them and that, at this point time, they were not aware even that they had committed a crime. They will come themselves into the police station and say हमने यह क़ाज़म किया है अब हमें जुवेनाइल जस्टिस एक्ट के तहत रखो। They said that they really started being pro-children and now there was a proposal for a very harsh Act which we have avoided only because of this.

Sir, the law cannot be lopsided and ignore the rights of the victims. The suffering of a victim of single heinous offence is equally worthy of action irrespective of the fact whether the offence was committed by a child or an adult. It was also highlighted that we need to look at the socio-economic background of children who commit heinous crimes. As I said before it is important to remember that poverty cannot be used as an excuse to commit such crimes. Looking at the statistics it cannot be an excuse at all. In most of these cases also, these crimes, specially the heinous crimes are committed against the poor and justice cannot be denied to them just because they are poor.

The proposed Bill is based on the principles and structures of the existing Act which has been in operation for more than 14 years. As such there are no financial implications involved in the Bill. During the course of its implementation, several issues have risen relating to heinous crimes by children, abuse of children in institutions, high pendency of cases, delays in adoption, lack of clarity of roles and responsibilities of stakeholders etc. In order to address these issues, several changes were proposed by the Ministry of Women and Child Development in the existing Act. As the changes proposed in the existing Act were plenty, the Ministry, as I said, advised us to repeal the existing Act and enact a new one. Therefore a new law is being proposed. This law actually is a very positive one. Everybody has talked about the age group of 16 to 18 but they have not looked further. It makes the most wonderous things to make adoption easy. To bring in something new to India called Foster care. Children who are over 2 years old are very rarely adopted. What should they do? They cannot sit in these institutions all their lives. I agree with the hon. Members that these institutions are awful. Even if we do our very best, they will still be awful because they are not just awful here but they are awful all over the world. A child deprived of a family exists in a vacuum. So, that cannot be allowed. We have brought in something called Foster Care for the first time in India where a child can be taken by a family who do not necessarily want to adopt the child and give it financial strength but are prepared to home the child, love him, send him to school and take care of his emotional needs. We will generate the money for helping these children. This Bill is all about wonderful things like that. Unfortunately, we seem to have stopped in the first few pages of the Bill.

The Ministry of Women and Child Development is implementing a Centrally Sponsored Scheme – the Integrated Child Protection Scheme (ICPS) since 2009-10 to provide financial resources to States/UTs for the effective implementation of the Juvenile Justice Act, 2000.

The Scheme has not only given a fillip to the establishment of statutory structures under the JJ Act, but it has also provided financial support for establishing dedicated service delivery structures for child protection....(*Interruptions*) The Scheme provides financial support to State Governments/UT Administrations for running services as laid down under the provision of the JJ Act, 2000.

For example, the Scheme provides two types of grants for setting up Juvenile Justice Boards. We provide a one-time grant of Rs. 7 lakh for establishment of the office of a new JJ Board and an annual grant of Rs. 2 lakh a year for maintenance of the offices of existing JJ Boards. Further, a grant of Rs. 7 lakh per year is provided to all JJ Boards for their operation.

We have ensured that the Bill provides for sufficient rehabilitation and social reintegration measures. With regard to children in conflict with law, there are Observation Homes, Special Homes and Place of Safety.

Shri Owaisi had talked about how there are no such structures in Chhattisgarh. I would like to tell him that there are 60 homes for children in which they could be placed in. Homes for children in need of care and protection include Children Homes, Specialized Adoption Agencies, Open Shelters and Fit facilities. Under the institutional care, children are to be provided with various services including education, health, nutrition, de-addiction treatment of diseases, vocational training, skill development, life skill education and counseling. to help them assume a constructive role in the society.

It is not only that. We have started something new. Every child from the age of one plus or two have got Adhaar Cards to give them an identity and to help them to live outside....(*Interruptions*) Let me finish my reply.

HON. DEPUTY SPEAKER: Madam, you may please continue.

...(*Interruptions*)

SHRIMATI MANEKA SANJAY GANDHI: I will come to that. I am glad that you brought up that point. Let me finish my reply and then I will come to your point.

HON. DEPUTY SPEAKER: Do not divert her attention.

...(Interruptions)

SHRIMATI MANEKA SANJAY GANDHI: Various non-institutional mechanism provided in the Bill include adoption, foster care, sponsorship and aftercare. Foster care including group foster care is also included as non-institutional care for placing children in a family environment which is other than child's biological family, which is to be selected, qualified, approved and supervised for providing care to children.

The Ministry has also thoroughly examined the recommendations of the Parliamentary Standing Committee. As I said, we have dropped Clause 7 from the Bill. This belief that we did not take any valuable suggestions is not correct. The Committee presented its 264th Report on 25th February. The total recommendations made were 13 and we accepted seven of them. We partially accepted three. So, the number comes to ten. Already covered in the Bill was one. So, only two recommendations were not accepted.

We have enhanced the period of preliminary inquiry/assessment from one month to three months, we have clarified that preliminary inquiry/assessment is not a trial, again suggested by you. The Committee had objected to Clause 60 of the Bill which states that if a child is not given for domestic adopted within 30 days from the date he is declared legally free for adoption, he can be given for inter-country adopted. This period is proposed to be enhanced to 60 days as per your suggestion.

With reference to Clause 36 that deals with surrender of children, the Committee is of the view that the one month period given to the parent/guardian to reconsider their decision to surrender the child for adoption is less and should be enhanced. The Clause has been modified and the reconsideration period is enhanced to two months to give sufficient opportunity to parents to reconsider their decision. We have added child friendly procedures for children when the trial is to be done by the Children's Court. Based on the suggestion of the Committee, we have added two new clauses on awareness generation and monitoring. So, we have great respect to your suggestions and have taken eleven out of 13 suggestions made.

To conclude, I would like to submit that the Bill before this august House is not just about the issue of lowering the age of Juvenile crime. In view of the increasing incidents of heinous crimes by Juvenile on one hand and the voice of the child rights' activists on the other hand, we have achieved a fine balance between the two aspects through the instrument of a two-stage assessment process. Further, the orders of the Juvenile Justice Boards have been made appealable at both the stages. Therefore, while the inherent rights of the child will not be compromised under any circumstances in this process, the Bill, when enacted, will also provide a minimum deterrence to the Juveniles from ruining their future and the victim's future by committing heinous crimes. What I would like the Members to appreciate is that this Bill is more about strengthening of child protection systems, reformation of adoption processes and providing new mechanism for care and protection to children when it is needed. I would request the hon. Member to support this Bill.

I would like to make a few other statements. I have already answered the questions raised by Shri Owaisi. The assessment of the Juvenile Justice Board is not a one-sided assessment. The Board will take due notice of the views of the child for which a psychologist and a social worker will be made as a member. The assessment itself, as I said before, has been appealable.

Let me try and explain how the thing goes. If a child has committed a heinous crime, he is initially not sent to jail at all. He is sent to a child-friendly institution and reformatory while the trial is on. When the trial is on, when the procedure starts, he or she goes before a Juvenile Justice Board. I will read out who will be the members of the Juvenile Justice Board so that you will feel safer. The Juvenile Justice Board will decide did the child do it with a child-like mind or did he do it with an adult mind. It is a process that is appealable. Suppose it is decided that the child did it with an adult mind, even then he does not go to a jail. He goes to what is known as a Bostel, a specific area kept for children apart from the jail system....(Interruptions)

DR. SHASHI THAROOR : Kindly clarify how you presume whether the child did it with a child-like mind or an adult mind?... (Interruptions)

SHRIMATI MANEKA SANJAY GANDHI: Just wait a minute. Let me just finish it....(Interruptions)

KUMARI SUSHMITA DEV : I am asking you to tell the facts and the circumstances of the crime committed....(Interruptions)

SHRIMATI MANEKA SANJAY GANDHI: What happens is he then goes to a Bostel. He stays there till he is 21. At 21, he gets another chance. If the child has behaved himself or herself during this period and has shown signs of reform, then, even at that point of time, we reverse the decision by the Juvenile Justice Board. If the child has not proven to be amenable to reform, then he goes straight into completing a system which is that of an adult, which is the same as any adult would have. So, there are two chances given to a child. Really, I have worked very hard to be pro-child actually.

I will just finish it. I have said as much as I could. I would like to thank you all for taking part in this discussion. Thank you.

HON. DEPUTY-SPEAKER: Hon. Members, please sit down.

...(Interruptions)

DR. A. SAMPATH (ATTINGAL): Sir, I would like to seek a clarification.

HON. DEPUTY-SPEAKER: At the time of Third Reading, you can seek clarifications. You give it in writing. I will allow you to speak then, not at this point. That stage is over.

...(Interruptions)

HON. DEPUTY-SPEAKER: Ms. Dev, I am not rushing through it. You have already spoken. At the time of Third Reading, you can ask. You give it in writing. I will allow you. Whatever you want, you give it in writing. I will allow you at that time, at the Third Reading stage.

...(Interruptions)

HON. DEPUTY SPEAKER: The question is:

"That the Bill to consolidate and amend the law relating to children alleged and found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social reintegration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established, hereinunder and for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

HON. DEPUTY SPEAKER: The House will take up clause-by-clause consideration of the Bill. Hon. Minister to move Amendment Nos.3 to 5.

Clause 2 Definition

Amendments made:

""Page 2, line 21, for "legitimate", substitute "lawful" (3)

"Page 2, line 22, for "legitimate", substitute "biological" (4)

"Page 3, line 44, after "who", insert "has been or"." (5)

(Shrimati Maneka Sanjay Gandhi)

HON. DEPUTY SPEAKER: Shri Adhir Ranjan Chowdhury to move Amendment No.45 to Clause 2. Are you moving?

SHRI ADHIR RANJAN CHOWDHURY (BAHARAMPUR): Yes, Sir. I am moving. I beg to move

""Page 3, for lines 28 to 31, -

substitute ` (5) "aftercare" means making provision of support, financial

or otherwise, to persons, who have not completed the age of

twenty-one years and have left any institutional care to help

them integrate with society;" (45)

Childhood is a period of growth of both body and mind and cannot be measured by the tempers of fears one has lived with but by the experiences one has been through. This process is influenced by the varying pace of the maturing brain related to intellectual capacity, emotional intelligence and empathy inhibiting harmful choices and finding new ways to adapt to situation. Sir, 25 years ago, India ratified the United Nations Convention on the Rights of the Child and joined the world in making a promise to protect and promote the rights of the children. Today, with the Government's proposed amendments to the Juvenile Justice Bill, India is in a serious danger of going back on their promise. This Government introduced the Juvenile Justice (Care and Protection) Bill, which proposes to introduce a judicial waiver system in India whereby juvenile offenders aged between 16 and 18 would be tried and punished as adult for certain crimes.

HON. DEPUTY SPEAKER: I shall now put Amendment No. 45 to Clause 2 moved by Shri Adhir Ranjan Chowdhury to the vote of the House.

The amendment was put and negatived.

HON. DEPUTY SPEAKER: Dr. Shashi Tharoor to move Amendment Nos. 56 and 57 to Clause 2. Are you moving?

DR. SHASHI THAROOR: I beg to move:

""Page 5, for lines 19 to 21, substitute-

` (33) "heinous offences" includes the offences for which the punishment under the Indian Penal Code or any other law for the time being in force includes punishment with the life imprisonment or death;' (56)

"Page 6, for line 38, substitute-

"for the time being for seven years or more;" (57)

I just want to point out with all respects to the Treasury Branches that their current definition of heinous offences is far too broad. It basically says that any crime where the law being enforced is imprisonment for seven years or more, any such crime now, the child can be sentenced, tried as an adult, for 20 years. All I am saying is, let us not have such a broad definition. If you want to toughen your Bill, let us focus on those serious crimes that you are concerned about, rape and murder, and therefore, I am suggesting that it should be any law for the time being that includes life imprisonment or death, which means, rape and murder. If you do that, at least to limit the Bill to just these two serious offences. It should not be armed robbery; it should not be attempted murder. ...*(Interruptions)*

HON. DEPUTY SPEAKER: I shall now put Amendment Nos. 56 and 57 to Clause 2 moved by Dr. Shashi Tharoor to the vote of the House.

The amendments were put and negatived.

HON. DEPUTY SPEAKER: The question is:

"That clause 2, as amended, stand part of the Bill. "

The motion was adopted.

Clause 2, as amended, was added to the Bill.

**Clause 3 General Principles to be followed
in Administration of Act**

HON. DEPUTY SPEAKER: Hon. Minister to move Amendment No.6.

Amendments made:

" "Page 7, line 46, omit "or offence committed,"." (6)

(Shrimati Maneka Sanjay Gandhi)

HON. DEPUTY SPEAKER: Shri Satpathy to move his Amendment No. 61 to Clause 3 – not present. The question is:

"That clause 3, as amended, stand part of the Bill. "

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 Juvenile Justice Board

HON. DEPUTY SPEAKER: Hon. Minister to move Amendment No.7 to Clause 4.

...(Interruptions)

HON. DEPUTY SPEAKER: It is not over yet. Just now I started. They want me to repeat it; I will repeat it.

...(Interruptions)

HON. DEPUTY SPEAKER: I will repeat it; that is all.

...(Interruptions)

HON. DEPUTY SPEAKER: See, regarding that amendment of Dr. Shashi Tharoor, the process is over. Then only he raised it. That is why I did not allow.

...(Interruptions)

HON. DEPUTY SPEAKER: Please listen to me. But, as far as this amendment is concerned, it is not yet completed. In that, some confusion came.

That is why, I am repeating it; that is all. That is not completely over.

Amendment made:

"Page 8, line 28, *omit* "from two different reputed non-governmental organisations"."

(7)

(Shrimati Maneka Sanjay Gandhi)

HON. DEPUTY SPEAKER: Dr. Shashi Tharoor, are you moving your Amendment No. 58 to Clause 4?

DR. SHASHI THAROOR : Yes, Sir. I beg to move:

Page 8, *after* line 31, *insert*"

"Provided that the Board shall be presided over by a Chief Judicial Magistrate, who shall then be the Principal Magistrate of the bench, for trial of heinous or serious offences and such a Board shall be referred to as the Special Bench.". (58)

Sir, in Amendment No. 58 to clause 4, what we are trying to do here, very simply is the following. At the moment, they are saying that a Board will be created. That essentially means that the matter will be referred to an adult court. What I am suggesting is that we would instead have – instead of an adult court – a special Bench of the Juvenile Court. So, all that requires is, we keep the existing Clause 4(2). My small suggestion is that we should add: "Provided that the Board will be presided by a Chief Judicial Magistrate and that this will be referred to as a Special Bench." The purpose being that the Juvenile Court, the Juvenile Board with its constitution, headed by a Chief Judicial Magistrate will then be the one looking at the serious, heinous offences rather than going to an adult court.

HON. DEPUTY SPEAKER: I shall now put Amendment No. 58 to clause 4 moved by Dr. Shashi Tharoor to the vote of the House.

...(Interruptions)

DR. SHASHI THAROOR : Sir, I want Division...(Interruptions)

HON. DEPUTY SPEAKER: Okay. Let the Lobbies be cleared"

Now, the lobbies have been cleared.

The Secretary-General to inform about the procedure of operating the Automatic Vote Recording System.

ANNOUNCEMENT RE: AUTOMATIC VOTE RECORDING SYSTEM

SECRETARY-GENERAL: Kind attention of the Hon'ble Members is invited to the following points in the operation of the Automatic Vote Recording System:-

1. Before a Division starts, every Hon'ble Member should occupy his or her own seat and operate the system from that seat only.
2. When the Hon'ble Speaker says "Now Division", the Secretary-General will activate the voting button whereupon "RED BULBS" above display boards on both sides of Hon'ble Speaker's Chair will glow and a GONG sound will be heard simultaneously.
3. For Voting, Hon'ble Members may please press the following two buttons simultaneously "ONLY" after the sound of the GONG and I repeat only after the sound of the first GONG.

Red "VOTE" button in front of every Hon'ble Member on the Head phone plate and any one of the following buttons fixed on the top of desk of seat for

Ayes : Green Colour

Noes : . Red Colour

Abstain : Yellow Colour

4. It is essential to keep both the buttons pressed till another GONG, is heard and the Red BULBS above plasma display are "OFF".

5. Hon'ble Members may please note that their votes will not be registered:

(i) If buttons are kept pressed before the first GONG.

(ii) Both buttons are not kept simultaneously pressed till second GONG.

6. Hon'ble Members can actually "SEE" their vote on display boards installed on either side of Hon'ble Speaker's Chair.

7. In case vote is not registered, they may call for voting through slips.

HON. DEPUTY SPEAKER: The lobbies have already been cleared.

The Lok Sabha divided.

DIVISION AYES 14: 24 Hrs.

Banerjee, Shri Prasun

Basheer, Shri E. T. Mohammad

Bose, Prof. Sugata

Chowdhury, Shri Adhir Ranjan

Dastidar, Dr. Kakoli Ghosh

De(Nag), Dr. Ratna

Dev, Kumari Sushmita

Faizal, Mohammed

Gogoi, Shri Gaurav

Hazra, Dr. Anupam

Hooda, Shri Deepender Singh

Jatua, Shri Choudhury Mohan

Kalvakuntla, Shrimati kavitha

Khan, Shri Saumitra

Mahato, Dr. Mriganka

Mukherjee, Shri Abhijit

Naik, Shri B.V.

Owaisi, Shri Asaduddin

Patil, Shri Bheemrao B.

Poddar, Shrimati Aparupa

Premachandran, Shri N.K.

Ranjan, Shrimati Ranjeet

Roy, Prof. Saugata

Roy, Shrimati Satabdi

Sampath, Dr. A.

Sanghamita, Dr. Mamta

Sule, Shrimati Supriya

Teacher, Shrimati P.K. Shreemathi

Thakur, Shrimati Mamata

Tharoor, Dr. Shashi

Tirkey, Shri Dasrath

Varma, Shrimati Dev

NOES

Agrawal, Shri Rajendra

Ahlawat, Shrimati Santosh

Ahluwalia, Shri S.S.

Amarappa , Shri Karadi Sanganna

Ananthkumar, Shri

Angadi, Shri Suresh C.

Babu, Dr. Ravindra

Baheria, Shri Subhash Chandra

Bais, Shri Ramesh

Bala, Shrimati Anju

Balyan, Dr. Sanjeev

Bhagat, Shri Bodh Singh

Bhagat, Shri Sudarshan

Bhamre, Dr. Subhash Ramrao

Bhatt, Shrimati Ranjanben

Bhole, Shri Devendra Singh

Bhuria, Shri Dileep Singh

Bidhuri, Shri Ramesh

Bohra, Shri Ramcharan

□Brahmpura, Shri Ranjit Singh

Chand, Shri Nihal

Chaudhary, Shri P.P.

Chaudhary, Shri Pankaj

Chaudhary, Shri Ram Tahal

*Chauhan, Shri P. P.

Chavan, Shri Harishchandra

Chavda, Shri Vinod Lakhmashi

Chhewang, Shri Thupstan

Chhotelal, Shri

Choubey, Shri Ashwini Kumar

Choudhary, Col. Sonaram

Choudhary, Shri Babulal

Choudhary, Shri Birendra Kumar

Chouhan, Shri Nandkumar Singh

Danve, Shri Raosaheb Patil

Devi, Shrimati Rama

Devi, Shrimati Veena
Dharambir, Shri
Dhotre, Shri Sanjay
Dhurve, Shrimati Jyoti
Dohre, Shri Ashok Kumar
Diwakar, Shri Rajesh Kumar
Dubey, Shri Nishikant
Gaddigoudar, Shri P.C.
Gaikwad, Dr. Sunil Baliram
Gandhi, Shrimati Maneka Sanjay
Gangwar, Shri Santosh Kumar
Gautam, Shri Satish Kumar
Girri, Shri Maheish
Gohain, Shri Rajen
Gupta, Shri Sudheer
Haribabu, Dr. Kambhampati
Jardosh, Shrimati Darshana Vikram
Jat, Prof. Sanwar Lal
Jaunapuria, Shri Sukhbir Singh
Jigajinagi, Shri Ramesh
Joshi, Shri Pralhad
Jyoti, Sadhvi Niranjan
Karandlaje, Kumari Shobha
Kashyap, Shri Virender
Kaswan, Shri Rahul
Kataria, Shri Rattan Lal
Kateel, Shri Nalin Kumar
Kaushik, Shri Ramesh Chander
Khanduri AVSM, Maj. Gen. (Retd.) B.C.
Khanna, Shri Vinod
Khuba, Shri Bhagwanth
Kinjarapu, Shri Ram Mohan Naidu
Kishore, Shri Kaushal
Koshyari, Shri Bhagat Singh
Kulaste, Shri Faggan Singh
Kumar, Dr. Virendra
Kumar, Shri Dharmendra
Kumar, Shri Kaushalendra
Kumar, Shri Santosh
Kumar, Shri Shanta
Kundariya, Shri Mohanbhai Kalyanjibhai

Kushwaha, Shri Upendra
Lekhi, Shrimati Meenakashi
Maharaj, Dr. Swami Sakshiji
Mahato, Dr. Banshilal
Mahato, Shri Bidyut Baran
Manjhi, Shri Hari
Maurya, Shri Keshav Prasad
Meena, Shri Harish
Meghwal, Shri Arjun Ram
Mishra, Shri Anoop
Mishra, Shri Bhairon Prasad
Mishra, Shri Daddan
Mishra, Shri Janardan
Munda, Shri Karia
Munde, Dr. Pritam Gopinath
Nagar, Shri Rodmal
Nath, Shri Chand
Nete, Shri Ashok Mahadeorao
Nishad, Shri Ajay
Nishad, Shri Ram Charitra

Oram, Shri Jual

Paatile, Shrimati Kamla
Pal, Shri Jagdambika
Pandey, Dr. Mahendra Nath
Pandey, Shri Rajesh
Pandey, Shri Ravindra Kumar
Paraste, Shri Dalpat Singh
Paswan, Shri Kamlesh
Paswan, Shri Ram Chandra
Patel, Dr. K. C.
Patel, Shri Devji M.
Patel, Shri Prahlad Singh
Patel, Shri Subhash
Patel, Shrimati Anupriya
Patel, Shrimati Jayshreeben
Pathak, Shrimati Riti
Patil, Shri Kapil Moreshwar
Patil, Shri Sanjay Kaka
Phule, Sadhvi Savitri Bai
Prasad, Dr. Bhagirath

Rai, Shri Nityanand
Rai, Shri Prem Das
Raj, Shrimati Krishna
Rajput, Shri Mukesh
Ram, Shri Janak
Ram, Shri Vishnu Dayal
Rathod, Shri D.S.
Raut, Shri Vinayak Bhaurao
Rawat, Shrimati Priyanka Singh
Ray, Shri Bishnu Pada
Ray, Shri Ravindra Kumar
Reddy, Shri Ch. Malla
Reddy, Shri J.C. Divakar
Rori, Shri Charanjeet Singh
Rudy, Shri Rajiv Pratap
Sahu, Shri Lakhan Lal
Sai, Shri Vishnu Dev
Sanjar, Shri Alok
Sarmah, Shri Ram Prasad
Sarswati, Shri Sumedhanand
Sawaikar, Adv. Narendra Keshav
Shah, Shrimati Mala Rajyalakshmi
Shekhawat, Shri Gajendra Singh
Shetty, Shri Gopal
Shewale, Shri Rahul
Shinde, Dr. Shrikant Eknath
Shirole, Shri Anil
Simha, Shri Pratap
Singh, Dr. Jitendra
Singh, Dr. Nepal
Singh, Dr. Satya Pal
Singh, Dr. Yashwant
Singh, Kunwar Bharatendra
Singh, Kunwar Haribansh
Singh, Shri Bhola
Singh, Shri Ganesh
Singh, Shri Hukum
Singh, Shri Nagendra
Singh, Shri R. K.
Singh (Raju Bhaiya), Shri Rajveer

Singh, Shri Rakesh
Singh, Shri Rama Kishore
Singh, Shri Sunil Kumar
Singh, Shri Sushil Kumar
Singh, Shri Uday Pratap
Solanki, Dr. Kirit P.
Somaiya, Dr. Kirit
Sonkar, Shri Vinod Kumar
Swaraj, Shrimati Sushma
Tadas, Shri Ramdas C.
Tamta, Shri Ajay
Teli, Shri Rameshwar
Thakur, Shrimati Savitri
Tiwari, Shri Manoj
Tomar, Shri Narendra Singh
Tripathi, Shri Sharad
Udasi, Shri Shivkumar
Usendi, Shri Vikram
Utawal, Shri Manohar
Vasava, Shri Manshukhbhai Dhanjibhai
Vasava, Shri Parbhubhai Nagarbhai
Verma, Shri Bhanu Pratap Singh
Verma, Shrimati Rekha
Vichare, Shri Rajan
Wanga, Shri Chintaman Navasha
Yadav, Shri Hukmdeo Narayan
Yadav, Shri Om Prakash
Yadav, Shri Ram Kripal
 Yediyurappa, Shri B.S.

ABSTAIN

Nil

HON. DEPUTY SPEAKER: Subject to correction[□], the result of the Division is:

Ayes: 032

Noes: 183

Abstain: 000

The motion was negatived.

HON. DEPUTY SPEAKER: The question is:

"That Clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 was added to the Bill.

**Clause 6 Placement of persons, who committed
an offence, when the person was below
the age of eighteen years**

HON. DEPUTY SPEAKER: Hon. Minister to move Amendment No. 8 to Clause 6.

Amendment made:

"Page 9, lines 15 and 16, *omit*", but is below twenty-one years of
age". (8)

(Shrimati Maneka Sanjay Gandhi)

HON. DEPUTY SPEAKER: The question is:

"That Clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

**Clause 7 Placement of a person above age
of twenty one years for committing
any offence when he was a child**

HON. DEPUTY SPEAKER: Before I put Clause 7 to the vote of the House, I have to inform that Amendment No. 46 to Clause 7 of the Bill has been tabled by Shri N.K. Premachandran. As you are already aware, the Government intends to get Clause 7 negated.

Shri Premachandran, do you still want to move Amendment No. 46 to Clause 7 of the Bill?

SHRI N.K. PREMACHANDRAN (KOLLAM): I beg to move:

"Page 9, for lines 24 to 26, *substitute*"

"for committing any serious or heinous offence when such person was below the age of eighteen years, then he shall be tried as a child. "" (46)

...(Interruptions) Why are you dictating? How can you dictate me? The Chair is there. ...(Interruptions)

HON. DEPUTY SPEAKER: Order please. Do not disturb him.

...(Interruptions)

SHRI N.K. PREMACHANDRAN: Sir, I am very thankful to the Government as well as to the hon. Minister in realising the fact that it is against the Constitution, that is, Article 20(1). I absolutely appreciate the Government for deleting this provision. So, my Amendment is very specific. It is in a positive way. So, instead of making a negative vote by the Government, let the House be positive. If this Amendment is carried on, what would be the impact? It will be a positive effect that this Article 20(1) will not be violated. It is also a positive aspect. Let the Government concede to the Amendment of the Opposition so that the purpose of the Government, in which instead of deleting Clause 7 we can incorporate Clause 7 protecting the interest of children and protecting the interest of the Opposition as well as the Government. This is my humble submission before the House.

HON. DEPUTY SPEAKER: I shall now put Amendment No. 46 to Clause 7 moved by Shri N.K. Premachandran to the vote of the House.

The amendment was put and negatived.

HON. DEPUTY SPEAKER: The question is:

"That Clause 7 stand part of the Bill."

The motion was negatived.

HON. DEPUTY SPEAKER: Clause 7 is negatived and dropped from the Bill.

...(Interruptions)

HON. DEPUTY SPEAKER: That is over. There is no point of discussing that now. I will call you at the third reading stage.

**Clauses 8 and 9 Procedure in relation to Board and
Powers, functions and responsibilities
of the Board**

HON. DEPUTY SPEAKER: The question is:

"That Clauses 8 and 9 stand part of the Bill."

The motion was adopted.

Clauses 8 and 9 were added to the Bill.

**Clause 10 Procedure to be followed by a Magistrate
who has not been empowered under this Act**

HON. DEPUTY SPEAKER: Hon. Minister to move Amendment No. 9 to Clause 10.

Amendment made:

"Page 11, line 9, for "Subject to provisions of section 7, if the court finds", substitute "If the court finds"." (9)

(Shrimati Maneka Sanjay Gandhi)

HON. DEPUTY-SPEAKER: The question is:

"That Clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

**Clause 11 Apprehension of child alleged
to be in conflict with Law**

HON. DEPUTY-SPEAKER: Shri Tathagata Sathpathy to move Amendment No.62 to Clause 11. Shri Tathagata Sathpathy – not present

The question is:

"That Clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Clauses 12 to 14 were added to the Bill.

**Clause 15 Enquiry by Board regarding
child in conflict with Law**

Amendments made:

"Page 12, line 32, *for* "preliminary inquiry", *substitute* "preliminary assessment". (10)

Page 12, line 33, *for* "one months", *substitute* "three months". (11)

Page 12, line 35, *omit* "or serious". (12)

Page 12, line 37, *for* "Provided that for heinous offences", *substitute* "Provided that for serious or heinous offences". (13)

(Shrimati Maneka Sanjay Gandhi)

HON. DEPUTY-SPEAKER: Shri N.K. Premachandran, are you moving your Amendments No. 47 to 48 to Clause 15?

SHRI N.K. PREMACHANDRAN : Sir, I am not moving Amendment No. 47 to Clause 15. But I am moving my Amendment No. 48 to Clause 15. My specific contention is that the existing system has to be protected. It is above 18 years. I beg to move:

"Page 13, line 11, *â€*"

for "for child above the age of sixteen years as on the date of
commission",

substitute "for child below the age of eighteen years as on the date of commission." (48)

HON. DEPUTY-SPEAKER: I shall now put the Amendment No. 48 to Clause 15 moved by Shri N.K. Premachandran to the vote of the House.

The amendment was put and negatived.

HON. DEPUTY-SPEAKER: The question is:

"That clause 15, as amended, stand part of the Bill."

The motion was adopted.

Clause 15, as amended, was added to the Bill.

**Clause 16 Preliminary enquiry into
heinous offences by the Board**

Amendments made:

Page 13, for lines 13 to 19, substitute—

""16 (1) In case of a heinous offence alleged to have been committed by a child, who has completed or is above the age of sixteen years, the Board shall conduct a preliminary assessment with regard to his mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence, and may pass an order in accordance with the provisions of sub-section (3) of section 19:

Provided that for such an assessment, the Board may take the assistance of experienced psychologists or psycho-social workers or other experts.

Explanation.—For the purposes of this section, it is clarified that preliminary assessment is not a trial, but is to assess the capacity of such child to commit and understand the consequences of the alleged offence." (14)

Page 13, line 20, for "preliminary inquiry", substitute "preliminary assessment". (15)

Page 13, line 22, insert—

"Provided that the order of the Board to dispose of the matter shall be applicable under sub-section (2) of section 102:"; (16)

Page 13, line 23, for "Provided that", substitute "Provided further that";

(17)

Page 13, line 23, for "inquiry", substitute "assessment". (18)

HON. DEPUTY-SPEAKER: Shri N.K. Premachandran, are you moving your Amendments No. 49 and 50 to Clause 16?

SHRI N.K. PREMACHANDRAN : Yes, Sir, I am moving my Amendment Nos. 49 and 50. I beg to move:

"Page 13, line 13,—

for "has completed or is above the age of sixteen years",

substitute "is below the age of eighteen years". (49)

Page 13, line 44,—

for "sixteen years",

substitute "eighteen years". (50)

HON. DEPUTY-SPEAKER: I shall now put the Amendment Nos. 49 and 50 to Clause 16 moved by Shri N.K. Premachandran to the vote of the House.

The amendments were put and negatived.

HON. DEPUTY-SPEAKER: Shri Thatagata Sathpathy to move Amendment No. 63 to Clause 16. Shri Thatagata Sathpathy -- not present.

The question is:

"That clause 16, as amended, stand part of the Bill."

The motion was adopted.

Clause 16, as amended, was added to the Bill.

Clause 17 to 18 were added to the Bill.

**Clause 19 Orders regarding child found
to be in conflict with Law**

Amendments made:

"Page 14, line 33, *for* "preliminary inquiry", *substitute* "preliminary assessment". (19)

Page 14, line 33, *for* "comes to the conclusion", *substitute* "pass an order".

(20)

Page 14, line 34, *omit* "further"." (21)

(Shrimati Maneka Sanjay Gandhi)

HON. DEPUTY-SPEAKER: Shri N.K.Premachandran, are you moving your Amendment No. 51 to Clause 19?

SHRI N.K. PREMACHANDRAN : Yes, Sir, I am moving my Amendment No. 51 to Clause 19. I beg to move:

Page 14, line 34, *â€œ*

omit "as an adult". (51)

HON. DEPUTY-SPEAKER: I shall now put the Amendment No. 51 to Clause 19 moved by Shri N.K. Premachandran to the vote of the House.

The amendment was put and negatived.

HON. DEPUTY-SPEAKER: Dr. Shashi Tharoor, are you moving your Amendment No. 59 to Clause 19?

DR. SHASHI THAROOR : No, Sir. In view of the vote in the previous issue, I am not moving it.

HON. DEPUTY-SPEAKER: The question is:

"That clause 19, as amended stand part of the Bill."

The motion was adopted.

Clause 19, as amended, was added to the Bill.

Clause 20 Powers of children's court

Amendments made:

"Page 14, line 37, *for* "preliminary inquiry", *substitute* "preliminary assessment". (22)

Page 14, line 41, *for* "section 22; or", *substitute* "section 22, considering the special needs of the child, the tenets of fair trial and maintaining a child friendly atmosphere; or". (23)

Page 14, lines 43 and 44, *for* "Section 18", *substitute* "Section 19".

(24)

(Shrimati Maneka Sanjay Gandhi)

HON. DEPUTY-SPEAKER: Shri N.K. Premachandran, are you moving your Amendment Nos. 52 to 54 to Clause 20?

SHRI N.K. PREMACHANDRAN (KOLLAM): Yes, I am moving my Amendment No. 52, 53 and 54 to Clause 20. Amendment No. 54 is very important, as the child is being sent to the jail. That has to be taken into consideration. So, I am moving all these three Amendments. I beg to move:

""Page 14, line 39,â€"

omit "as an adult". (52)

Page 14, line 42,â€"

omit "as an adult". (53)

Page 15, lines 5 and 6,â€"

omit ", till he attains the age of twenty-one years and thereafter, the person shall be transferred to a jail". (54)

HON. DEPUTY-SPEAKER: I shall now put the Amendment Nos. 52 to 54 to Clause 20 moved by Shri N.K. Premachandran to the vote of the House.

The amendments were put and negatived.

HON. DEPUTY-SPEAKER: The question is:

"That clause 20, as amended, stand part of the Bill."

The motion was adopted.

Clause 20, as amended, was added to the Bill.

Clause 21 was added to the Bill.

**Clause 22 Order that may not be passed against
a child in conflict with Law**

HON. DEPUTY SPEAKER: Dr. Shashi Tharoor, are you moving Amendment No. 60 to Clause 22?

DR. SHASHI THAROOR : Yes Sir, I am moving this amendment. I beg to move:

"Page 15, *for* lines 31 to 34, *substitute*â€"

"22. No child in conflict with law shall be sentenced to death or for a term of imprisonment for more than seven years, for any such

offence, either under the provisions of this Act or under the provisions of the Indian Penal Code or any other law for this time being in force." (60)

This is very important. The Minister has spoken about her heart. We have all explained why sentencing a child to 20 years is bad for the child and bad for society because it will unleash hardened criminals. What I would request her once more to seriously ask the Government to entertain our recommendation that in no case can a child be sentenced for more than seven years even for the so called heinous crimes. Let us try and rehabilitate the child our orphans should be on rehabilitation not retribution. I urge the Government not to just give a knee-jerk vote but to think humanely for a minute and to accept this amendment.

HON. DEPUTY SPEAKER: I shall now put Amendment Nos. 60 to Clause 22 moved by Dr. Shashi Tharoor to the vote of the House.

The amendment was put was negatived.

HON. DEPUTY SPEAKER: The question is:

"That clause 22 stand part of the Bill."

*The motion was adopted.
Clause 22 was added to the Bill.*

Clauses 23 and 24 were added to the Bill.

Clause 25 Removal of disqualification on the findings of an offence

Amendments made:

"Page 16, *after* line 4, *insert* –

Provided that in case of a child who has completed or is above the age of sixteen years and is found to be in conflict with law by the Children's Court under clause (i) of sub-section (1) of section 20, the provisions of sub-section (1) shall not apply." (25)

Page 16, line 5, *for* "the Police or the Children's Court and its",
substitute "the Police, or by the Children's Court to its". (26)

Page 16, *for* lines 8 to 10, *substitute*-

"Provided that in case of a heinous offence where the child is found to be in conflict with law under clause (i) of sub-section (1) of section 20, the relevant records of conviction of such child shall be retained Children's Court." (27)

(Shrimati Maneka Sanjay Gandhi)

HON. SPEAKER: Shri N.K. Premachandran to move Amendment 55 to clause 25.

SHRI N.K. PREMACHANDRAN : I beg to move:

"Page 16, lines 9 and 10, *omit*"

omit "only when the child is sent to a jail". (55)

HON. DEPUTY SPEAKER: I shall now put Amendment No. 55 to clause 25 moved by Shri N.K. Premachandran to the vote of the House.

The amendment was put and negatived

HON. DEPUTY SPEAKER: The question is:

"That Clause 25, as amended, stand part of the Bill."

*The motion was adopted.
Clause 25, as amended, was added to the Bill.*

Clauses 26 to 35 were added to the Bill.

Clause 36 Surrender of children

Amendment made:

"Page 19, line 33, *for* "one months", *substitute* "two months". (28)

(Shrimati Maneka Sanjay Gandhi)

HON. DEPUTY SPEAKER: The question is:

"That Clause 36, as amended, stand part of the Bill."

*The motion was adopted.
Clause 36, as amended, was added to the Bill.*

Clause 37 was added to the Bill.

Clause 38 Orders passed regarding a child in need of care and protection

Amendments made:

Page 20, line 29, *for* "38", *substitute* "38.(1)". (29)

Page 21, line 7, *omit* "one time". (30)

(Shrimati Maneka Sanjay Gandhi)

HON. DEPUTY SPEAKER: The question is:

"That clause 38, as amended, stand part of the Bill."

*The motion was adopted.
Clause 38, as amended, was added to the Bill.*

Clause 39 was added to the Bill.

Clause 40 Process of rehabilitation and social re-integration

Amendment made:

Page 22, for line 3 and 4, substitute –

"(4) The children in need of care and protection who are leaving
institutional care or children in conflict with law leaving special
homes or place of safety on attaining eighteen years of age, may". (31)

(Shrimati Maneka Sanjay Gandhi)

HON. DEPUTY SPEAKER: The question is:

"That Clause 40, as amended, stand part of the Bill."

*The motion was adopted.
Clause 40, as amended, was added to the Bill.*

Clauses 41 to 46 were added to the Bill.

**Clause 47 After care of children leaving
child care institutions**

Amendment made:

"Page 24, line 36, omit "a one-time"." (32)

(Shrimati Maneka Sanjay Gandhi)

HON. DEPUTY SPEAKER: The question is:

"That clause 47, as amended, stand part of the Bill."

The motion was adopted.

Clause 47, as amended, was added to the Bill.

Clauses 48 to 59 were added to the Bill.

Clause 60 Procedure for inter-country adoption

**of an orphan or abandoned or surrendered
child.**

Amendments made:

"Page 28, line 6, for "thirty days", substitute "Sixty days". (33)

Page 28, after line 7, insert--

"Provided that children with physical and mental disability, siblings and children above five years of age may be given preference over other children for such inter-country adoption, in accordance with the adoption regulations, as may be framed by the Authority." (34)

(Shrimati Maneka Sanjay Gandhi)

HON. DEPUTY SPEAKER: The question is:

"That clause 60, as amended, stand part of the Bill."

The motion was adopted.

Clause 60, as amended, was added to the Bill.

Clauses 61 to 75 were added to the Bill.

Clause 76 Punishment for cruelty to child

Amendments made:

"Page 32, after line 42, insert--"

"Provided that case it is found that such abandonment of the child by the biological parents is due to circumstances beyond their control, it shall be presumed that such abandonment is not willful and the penal provisions of this section shall not apply in such cases." (35)

Page 32, line 43, for "Provided that", substitute "Provided further that".

(36)

Page 32, line 47, for "Provided further that", substitute "Provided also that". (37)

(Shrimati Maneka Sanjay Gandhi)

HON. DEPUTY SPEAKER: Shri Tathagata Sathpathy to move Amendment Nos. 64-66 to clause 76– Not present

The question is:

"That clause 76, as amended, stand part of the Bill."

The motion was adopted.

Clause 76, as amended, was added to the Bill.

Clause 77 was added to the Bill.

**Clause 78 Penalty for giving intoxicating
liquor or narcotic drug or psychotropic
substance to a child**

HON. DEPUTY SPEAKER: Shri Tathagata Sathpathy to move his Amendment No. 67 to clause 78– Not present

The question is:

"That clause 78 stand part of the Bill."

The motion was adopted.

Clause 78 was added to the Bill.

**Clause 79 Using a child for vending, peddling,
carrying, supplying or smuggling any
intoxicating liquor, narcotic drug or
psychotropic substance**

HON. DEPUTY SPEAKER: Shri Tathagata Sathpathy to move his Amendment No. 68 to clause 79– Not present

The question is:

"That clause 79 stand part of the Bill."

The motion was adopted.

Clause 79 was added to the Bill.

Clause 80 Exploitation of a child employee

HON. DEPUTY SPEAKER: Shri Tathagata Sathpathy to move his Amendment No. 69 to clause 80– Not present

The question is:

"That clause 80 stand part of the Bill."

The motion was adopted.

Clause 80 was added to the Bill.

Clause 81 was added to the Bill.

Clause 82 Sale and procurement of children

for any purpose

HON. DEPUTY SPEAKER: Shri Tathagata Sathpathy to move his Amendment No. 70 to clause 82– Not present

The question is:

"That clause 82 stand part of the Bill."

The motion was adopted.

Clause 82 was added to the Bill.

Clauses 83 to 101 were added to the Bill.

Clause 102 Appeals

Amendments made:

"Page 38, after line 29, insertâ€œ"

"(IA) An appeal shall lie against the order of the Board, passed after making the preliminary assessment into a heinous offence under section 16 of the Act, before the Court of Sessions and the Court may, while deciding the appeal, take the assistance of experienced psychologists and medical specialists other than those whose assistance has been obtained by the Board in passing the order under the said section." (38)

Page 38, for line 32, substitute "committed an offence other than the heinous offence by a child who has completed or is above the age of sixteen years; or". (39)

(Shrimati Maneka Sanjay Gandhi)

HON. DEPUTY SPEAKER: The question is:

"That clause 102, as amended, stand part of the Bill."

The motion was adopted.

Clause 102, as amended, was added to the Bill.

Clauses 103 to 108 were added to the Bill.

Motion Re: Suspension of Rule 80 (i)

THE MINISTER OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI MANEKA SANJAY GANDHI): I beg to move:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No.40 to the Juvenile Justice (Care and Protection of Children) Bill, 2014 and that this amendment may be allowed to be moved."

HON. DEPUTY SPEAKER: The question is:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No.40 to the Juvenile Justice (Care and Protection of Children) Bill, 2014 and that this amendment may be allowed to be moved."

The motion was adopted.

New Clause 108A Public awareness on provisions of Act

Amendment made:

"Page 39, after line 47, insertâ€œ"

108A. The Central Government and every State Government, shall take necessary measures to ensure thatâ€”

(a) the provisions of this Act are given wide publicity through media including television, radio and print media at regular intervals so as to make the general public, children and their parents or guardians aware of such provisions;

(b) the officers of the Central Government, State Governments and other concerned persons are imparted periodic training on the matters relating to the implementation of the provisions of this Act."

(40)

(Shrimati Maneka Sanjay Gandhi)

HON. DEPUTY SPEAKER: The question is:

"That new clause 108A be added to the Bill."

The motion was adopted.

New clause 108A was added to the Bill.

Motion Re: Suspension of Rule 80 (i)

THE MINISTER OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI MANEKA SANJAY GANDHI): I beg to move:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No.41 to the Juvenile Justice (Care and Protection of Children) Bill, 2014 and that this amendment may be allowed to be moved."

HON. DEPUTY SPEAKER: The question is:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No.41 to the Juvenile Justice (Care and Protection of Children) Bill, 2014 and that this amendment may be allowed to be moved."

The motion was adopted.

New Clause 108B Monitoring of implementation of Act

Amendments made:

"Page 39, after line 47, insertâ€”"

4 of 2006	<p>"108B. (1) The National Commission for Protection of Child Rights constituted under section 3, or as the case may be, the State Commission for Protection of Child Rights constituted under section 17 (herein referred to as the National Commission or the State Commission, as the case may be), of the Commission for Protection of Child Right Act, 2005, shall, in addition to the functions assigned to them under the said Act, also monitor the implementation of the provisions of this Act, in such manner, as may be prescribed.</p> <p>(2) The National Commission or, as the case may be, the</p>
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State Commission, shall, while inquiring into any matter relating to any offence under this Act, have the same powers as are vested in the National Commission or the State Commission under the Commission for Protection of Child Right Act, 2005.

(3) The National Commission or, as the case may be, the State Commission, shall also include its activities under this section, in the annual report referred to in section 16 of the Commission for Protection of Child Right Act, 2005."

(41)

(Shrimati Maneka Sanjay Gandhi)

4 of 2006

4 of 2006

HON. DEPUTY SPEAKER: The question is:

"That New Clause 108B be added to the Bill."

The motion was adopted.

New clause 108B was added to the Bill.

Clause 109 Powers to make rules

Amendment made:

"Page 43, after line 8, insert"

"(via) to enable the National Commission, or as the case may be the State Commission to monitor implementation of the provisions of this Act under sub-section (1) of section 108B;" (42)

(Shrimati Maneka Sanjay Gandhi)

HON. DEPUTY SPEAKER: The question is:

"That clause 109, as amended, stand part of the Bill."

The motion was adopted.

Clause 109, as amended, was added to the Bill.

Clauses 110 and 111 were added to the Bill.

Clause 1 Short Title, extent, commencement and application

Amendment made:

"Page 2, line 5, for "2014", substitute "2015"." (2)

(Shrimati Maneka Sanjay Gandhi)

HON. DEPUTY SPEAKER: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:

"Page 2, line 1, for "Sixty-fifth", substitute "Sixty-sixth"." (1)

(Shrimati Maneka Sanjay Gandhi)

HON. DEPUTY SPEAKER: The question is:

"That Enacting Formula, as amended, stand part of the Bill."

The motion was adopted.

Enacting Formula, as amended, was added to the Bill.

The Preamble and the Long Title were added to the Bill.

HON. DEPUTY SPEAKER: Now the Minister may move that the Bill, as amended, be passed.

SHRIMATI MANEKA SANJAY GANDHI: I beg to move:

"That the Bill, as amended, be passed."

HON. DEPUTY SPEAKER: Motion moved:

"That the Bill, as amended, be passed."

Submissions are allowed at the Third Stage, therefore, I call Shri Deepender Singh Hooda.

SHRI DEEPENDER SINGH HOODA : Sir, we are quite disappointed that all the amendments that we moved regarding treatment of children between the age of 16 to 18 years in a more humane way, were rejected by the Government and the Government has decided to proceed with this. But the specific clarification that I seek from the hon. Minister is that during the course of Minister's reply she has accepted that the budget, as far as the Women and Child Development Ministry is concerned, has been slashed and she is trying to get the budget back. She said that here fingers were crossed. Actually, she gestured like that. So, I would seek a clarification from the hon. Minister as to what does cross fingers to get the budget for Women and Child Development Ministry back mean.

SHRI P.P. CHAUDHARY (PALI): Thank you very much Deputy Speaker, Sir. The Chapter 8 provides the adoption and it is very exhaustive. It is in the interest of the children. Clause 57, sub-Clause 3, provides that nothing in this Act shall apply to the adoption of children made under the provisions of the Hindu (Adoption and Maintenance) Act, 1956. If we see Chapter 8, there are very rigorous provisions regarding eligibility of the adoptive parents. The procedure for adoption has also been provided. But who will invoke it? Suppose, if the adoption is made under the Hindu (Adoption and Maintenance) Act, 1956, then what about the provisions provided under this and the purpose for which we have enacted it? I would like to seek a clarification from the hon. Minister as to how to reconcile these provisions.

SHRIMATI MANEKA SANJAY GANDHI : Sir, I just want to make a short clarification. Regarding the money for this particular section of childcare which comes out from ICPS budget, I have an adequate budget of Rs.430 crore. This part is not going to suffer at all. So, the question that you have asked me in relationship to this Act in this Budget is fine. ...(*Interruptions*)

HON. DEPUTY SPEAKER: Madam, please address the Chair.

SHRIMATI MANEKA SANJAY GANDHI: Wait a minute. What I have for provision of children's homes is about Rs.430 crore, which is adequate. Now, what we were talking about, where it may hurt and where the Government is going to look at, is ICDS, which does not come in the context of this debate at all.

I just want to make one thing. I wanted to say that before. You repeatedly talked about it being a trial and how a child cannot compromise him or herself by agreeing to something. This is not a trial of a child. It is an assessment that is made by the JJ Board. So, there is no question of a child incriminating himself.

HON. DEPUTY SPEAKER: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

HON. DEPUTY SPEAKER: The Bill, as amended, is passed.

Hon. Members, in the Bill that we have just passed, two new Clauses have been inserted and one Clause has been negated.

I, therefore, direct that wherever required, the subsequent Clauses may be renumbered accordingly.

Now, the Lobbies may be opened.