

and brain danger, paralysis, lung ailments, deformed limbs, deafness and blindness etc of which many are fatal.

Out of these sufferers, 500 children and infants are paralysed for polio in a daily average. Similarly, a quarter million children die of neo-natal and tetanus per annum. Many die or are mal-nourished by measles. Two fifths of a million children die of T.B. every year and one tenth of million children die of whooping cough annually.

The expanded programme on Immunization, though started functioning in the year, 1978 aimed to cover 85% of the total infant population by 1990-91 but the achievement is very low.

This very important subject needs to be included in the next week business.

[*Translation*]

SHRI RAMSWAROOP RAM (Gaya): Mr. Deputy Speaker, Sir, the following subject may kindly be included in the List of Business for the next week :—

The law and order situation in Gaya, Jahanabad and Aurangabnd districts of Bihar has deteriorated. I urge the Government to issue proper orders to the State Government in this regard so that in future injustice is not done to the poor. The subject should be discussed in this august House also.

[*English*]

SHRI H.K.L. BHAGAT: I am grateful to the hon. Members for the observations and statements that have been made. I shall try to bring them to the notice of the Members of the Advisory Committee.

15.02 hrs.

JUVENILE JUSTICE BILL, 1986—contd.

[*English*]

MR. DEPUTY SPEAKER: The House will now take up further consideration of the following motion moved by Dr. (Smt.) Rajendra Kumari Bajpai, on the 5th November, 1986 namely :—

“That the Bill to provide for the care ; protection, treatment, development and rehabilitation of neglected or delinquent juveniles and for the adjudication of certain matters relating to, and disposition of, delinquent juveniles, be taken into consideration.”

Shri K. R. Natarajan will now speak.

15.03 hrs.

[SHRI VAKKOM PURUSHOTHAMAN
in the Chair]

SHRI K.R. NATARAJAN (Dindigul): On behalf of AIADMK, I support the Juvenile Justice Bill, 1986 seeking to make a uniform juvenile justice system throughout the country. It provides for a specialised approach towards the prevention and treatment of juvenile delinquency.

It also provides for the machinery and infrastructure required for the care, protection, treatment, development and rehabilitation of various categories of children. It is proposed to establish observation homes, juvenile homes for neglected juveniles and special homes for delinquent juveniles.

Various Agencies made surveys and have ascertained causes for juvenile delinquency. These are the main causes :

1. Destitution.
2. Vagrancy.
3. Truancy.

[Shri K.R. Natarajan]

4. Smoking in public places.
5. Obstinancy.
6. Bad association.
7. Living in unhygienic and immoral surroundings.
8. Economic instability.
9. Lack of Education.
10. Sex-appealing films and literature.
11. Lack of accommodation facilities.
12. Scanty remand homes.
13. Unemployment.
14. No income.
15. No work.
16. Exploitation of the juveniles by the unscrupulous smugglers and prohibition offenders etc.
17. Neglect by parents.
18. No adequate follow-up action after release of juveniles from the jails or homes.

Already a number of legal steps have been taken to achieve the objects and reasons given in the Bill :

1. Guardians and Wards Act, 1890 to protect the property rights of the minor children and of the children of unsound mind.
2. Hindu Minority & Adoption Act, 1956.
3. Central Probation Offender Act 1963.

There were a number of measures taken and Acts passed by the Tamilnadu Government.

1. Tamilnadu Borstal School Act.
2. Tamilnadu Children Act,

3. Taminadu Probation Offenders Act.

4. Tamilnadu Youthful Offenders Act. etc.

5. Reformatory Schools Act.

Now the present Bill consolidates all these Acts and makes it applicable to the whole of India.

This Bill provides for juvenile homes for neglected juveniles will accommodation, maintenance and facilities for education; vocational training and rehabilitation and also provides for the development of his character and abilities and gives him necessary training for protecting himself against moral danger or exploitation and for all-round growth and development of his personality. This Bill also provides for Special Homes for delinquent juveniles with the same facilities. Observation homes are provided for temporary reception of juveniles during pendency of enquiry. There is a provision for after-care organisations. Experts are of opinion that these measures will only minimise the incidence of offences but will not prevent the delinquency at all. The principle that prevention is better than cure should be implemented. As a matter of fact the rights that these categories are entitled to are ; the denial of rights such as : (1) the right to no residence or accommodation ; (2) the right to no education ; (3) the right to no work ; (4) the right to no employment ; (5) the right to no food ; (6) the right to no clothings ; (7) the right to no decent living ; (8) the right to exploitation by unscrupulous people and ; (9) the right to be the victims of sex abuse by moneyed people and so on. Yet we call them as kings of this land—*Indiar olloorum in Nattu Mannargale*”.

In these circumstances what we have to do is the implementation of the principles enshrined in the Chapter IV of the Constitution of India, Directive Principles of State Policy should be executed—articles especially 38, 39, 39A, 41, 42, 43, 45, 46 and 47. I hope that the present Rajiv

Government will faithfully implement these State policies and avoid occurrence of destitution and vagrancy etc. and to give the society a decent living.

SHRI SOMNATH RATH (Aska) : Sir, I rise to support the Bill. When this Bill becomes an Act, it will be a national law and it details with the human wealth of this country. At present, in the Statute book, laws are not wanting as far as the juvenile delinquents are concerned. We have the Children Act, 1960 ; Prohibition of Offenders Act, 1956 and also Section 27 of the Cr. P.C. envisages that there must be a Special Court to try these juvenile offenders. But this Bill has given a new dimension having included the neglected juveniles. So, rightly this Bill has been named as Juvenile Justice Act. It will create revolution in the country provided the aims and objects that are stated in Bill are implemented in the right earnest.

Sir, in the Bill it has been rightly said that these juvenile offenders or the children who are involved in criminal cases, they will not be lodged in Police Stations or in Jails. Recently, the Supreme Court enquiry revealed that the juvenile offenders are kept in Jails among the hard-core criminals for years together as under-trial/prisoners. After being convicted also, they are kept in the same jails. From the time of British regime in India, we have got jails separately meant for juvenile offenders. Even in the Central Jail there are not different wards where the children are kept. The aim being that the punishment should not be deterrent. It must be informative and scope should be given to the children not to commit the offence once again. If they remain with hard-core criminals in jails and are coming into contact with them, then necessarily they will turn themselves into hard-hearted criminals.

It is said in the Bill that they will not be tried along with the other accused who are not juvenile. And bail is a must ; irrespective of the offence committed, they will be released on bail and they will be kept with parents or homes. But there is one lacuna. The Bill is silent about the offences or crimes where the punishment is

death or imprisonment for life. So, it must be clearly spelt out as to what will be the fate of those delinquent juveniles who commit an offence or crime under section 302 I.P.C. or other offences where the maximum penalty is death or imprisonment for life. I hope the hon. Minister will clarify the position. We know that children are kidnapped and they are made blind for the purpose of begging. This Bill takes care of those juveniles also. Begging is prohibited. If any person utilises children for begging, he is also being punished.

I will invite the attention of the hon. Minister through you, Sir, to some clauses in the Bill.

Clause 11 reads :

"The State Government may establish and maintain as many observation homes as may be necessary for the temporary reception of juveniles during the pendency of any inquiry regarding them under this Act."

The Clause which are now in this Bill will become sections after it is passed into an Act. It is left to the State Governments. As I said earlier, the purpose and aim of the Bill will not be fulfilled unless the State Governments come in a very big way.

The Bill takes care of also persons who sell narcotics or alcohol to the juveniles. They are also being punished. but the punishment mentioned here is only three years which is very meagre. A more severe punishment must be given for this offence. The punishment should be imprisonment for life, so that the miscreants who use the juveniles in their trade of selling narcotics and liquor will be discouraged and encouraging the juveniles to adopt these immoral ways will also be reduced. This aspect should be taken care of by the hon. Minister.

We have homes now also. In America, there are homes for old people who are not supported by their children. They are

[Shri Somnath Rath]

also kept in Homes in China. In our country in different States we have some homes meant for children. Clause 9(3) reads.

"Every juvenile home to which a neglected juvenile is sent under this Act shall not only provide the juvenile with accommodation, maintenance and facilities for education, vocational training and rehabilitation, but also provide him with facilities for the development of his character and abilities and give him necessary training for protecting himself against moral danger or exploitation and shall also perform such other functions as may be prescribed to ensure all round growth and development of his personality".

That has to be implemented. It sounds very well. But how to implement it? If it is implemented, then and then alone this Bill which is going to be a national law will fulfil the long desired objectives.

The Hon. Minister may enlighten us in what manner Clause 9, sub-clauses (3) and (4) are going to be implemented. If we fail to implement it, there is no use in passing this Bill because it will be in the statute book only. The aim and objective will not be fulfilled and we have only the satisfaction of passing the Bill.

We have got at present many schemes under the poverty alleviation programme and also under the child development programme in some blocks of the country. Those facilities as well can be extended to these children. About the children suffering from leprosy, we shall have to see that they are cured and accepted by the society and they are employed.

The question is how to employ them. It is not sufficient to give them other facilities; besides that we have also to see that they are employed. If no steps are taken in this regard, after remaining in the Home for some time, when they come out, they

get frustrated and again commit crime. There is no use of all these laudable ideas if they are not achieved.

Therefore, while congratulating the Minister for bringing this Bill, I only request that this Bill must be acted upon in its true spirit.

DR. DATTA SAMANT (Bombay South Central): Sir, going through all the ideas contained in the Bill, I feel that the child who is begging, the child who is neglected and the child who is a criminal should not be kept behind bar and he should be properly trained. If you read the full text of the Bill you will find that academically it is good. Similarly, the Child Labour Abolition Act is coming at present for about 1,70,000 children who are working in this country. It is a socio-economic issue.

If we just discuss this academically here and give big publicity, I don't think we do any justice to them. I got the Report of 1976 which says that 50% of the basic laws of Juvenile Act are not implemented at all in 197 districts out of 370. The number of juvenile courts in the country are 80, the number of Children's Homes are only 90 and their total capacity is 15,000 while the number of criminal children are 1,50,000. If we take the number of neglected children into account, it will be more than 3 to 4 lakhs. In two years, that is, 1981-82 and 1982-83 the number of such children has gone up by 50 per cent. There are lakhs of children on the road. In Bombay if you go out of Santa Cruz airport you will find thousands of children begging.

There is a serious economic situation in the country. There are three lakh villages in the country without primary schools and drinking water facilities. I am categorically asking this Government whether they are in a position to supply all these facilities to these homes for which you require crores of rupees. You are not making any provision for that. The Financial Memorandum is providing only Ra. 1.5 crores for the Union Territories.

I want to know at present in all these categories how many children are there in the country. I am told the basic juvenile Acts are not being implemented in about 11 States. In South Delhi there are two juvenile schools and the Government report says that the children there are under-nourished and without clothes and shoes. If juvenile children are neglected in Delhi then what about the States for which you are not making any provision. Further while implementing this why are you not consulting the State Governments. Now academically you are telling you should do such and such thing without making any financial provision and leaving it to the States. Therefore, I say that we are wasting the time of the House.

Now assuming you will implement all these things what are you going to do with these boys when they leave the juvenile schools. At present there are seven crore educated unemployed in our country. You are not able to give employment to them. So what are you going to do with these boys afterwards. Therefore, I am requesting the Government not to go in for such a legislation when there are no socio-economic conditions and crores of children are working on account of poverty. If this Bill has to be implemented then more than Rs. 100 crores are required whereas you are not making any provision. You say the States will provide. I may point out that in 10 States even the basic law is not being implemented. You have used very nice words that a child should be properly nourished, properly treated, etc. but you see in Bombay lakhs of children are begging on the road. Therefore, I say that such a Bill should not be brought. Since the Government is not making any financial provision it will only remain as an academic discussion.

[*Translation*]

SHRI RAMSWAROOP RAM (Gaya) :
Mr. Chairman, Sir, I heartily welcome the Juvenile Justice, Bill, 1986. The hon. Minister has come before the House with a historic Bill. There are 40 lakh 40 thousand delinquent and neglected children in the country. About 2 crore children

are engaged in dangerous professions. Through you I want to draw the attention of the hon. Minister as to why after all these children become delinquent? 90 percent of them belong to the poor families who live in slums and as they do not get the proper environment and atmosphere, they take to undesirable ways. You have brought this Bill with good intention but unless you have a proper vigilance, I feel, by enactment of this Act we are not going to be benefited much. You visit any jail and you will find that children are being kept with hardened criminals. They get training in criminality there itself. How then you expect that after their release, those children will become good citizens? 14 year old children should never be kept in jails; they should be kept in separate Remand Homes. Although you have provided for one Remand Home in every district, they are exploited in these Homes too. It is an important subject and touches the emotional feelings of the society. You should make it compulsory for the State Governments to provide Remand Homes for those delinquent children who belong to the families living below the poverty line. One Remand Home in each district will not be sufficient because their number has increased so much that you cannot achieve your goal of reforming them by keeping them in one Remand Home. I, therefore, suggest that there should be one Remand Home in each Block. It is like a cancer in the society and if it is not treated in the beginning, we cannot take the country forward. The children are the future of the country.

If you go to the hotels on G.T. Road, you will find how juveniles are tortured. They are being exploited in stone and chip mines. The children are kidnapped from rural areas and are crippled or blinded and forced to beg. The Government should find out the places where the children are crippled and are forced to beg. If you look at your Remand Homes and Orphanages, you will come to know about their real condition. You should learn a lesson from it. No proper care is taken at these Remand Homes. Rather, they receive training here which turns them with criminals. In this Bill you have provided for Juvenile Boards and Juvenile Courts. I would request that such courts should be

[Shri Ramswaroop Ram]

set up in every district. The State Government's should be directed to set up at least one Juvenile Court in every district by the end of this year to decide the cases of juveniles. You have set up Juvenile Welfare Board also. Therefore, to avoid the overlapping between the two, you have to define the functions of the juvenile court separately. The Bill has provided for the appointment of probation officers but you have not defined their code of conduct and as a result of it, they will simply appoint the employees but nothing will be done for the reformation of delinquent children. Therefore, I once again request the Government to appoint some selected persons for this purpose from social services organisations. The Code of conduct should be framed for them. Only then the aims of the Government will be fulfilled. You should open more and more Remand Homes, so that children may not become delinquent juveniles.

MR. CHAIRMAN : We will now take up private members' legislative business.

Shri Suman.

15.26 hrs.

COMMITTEE ON PRIVATE
MEMBERS' BILLS AND
RESOLUTIONS

[English]

Twenty—Fourth Report

SHRI R.P. SUMAN (Akbarpur) : I beg to move :

"That this House do agree with the Twenty-fourth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 5th November, 1986."

MR. CHAIRMAN : The question is :

"That this House do agree with the Twenty-fourth Report of the Committee on Private Members' Bills and Resolutions presented to the House of the 5th November, 1986".

The motion was adopted

15.27 hrs.

MINIMUM WAGES (AMEND-
MENT) BILL, 1986*

(Amendment of Section 3)

[English]

SHRI RAHIM KHAN (Faridabad) : I beg to move for leave to introduce a Bill further to amend the Minimum Wages Act, 1948.

MR. CHAIRMAN : The question is :

"That leave be granted to introduce a Bill further to amend the Minimum Wages Act, 1948."

The motion was adopted

SHRI RAHIM KHAN : I introduce the Bill.

CONSTITUTION (AMENDMENT)
BILL, 1986*

(Amendment of article 311)

[English]

SHRI RAHIM KHAN (Faridabad) : I beg to move for leave to introduce a Bill further to amend the Constitution of India.

*Published in Gazette of India Extraordinary, Part II, Section 2, dated 7.11 1986.