

is the solemn assurance given in the House. So, hon. Members can write to the Minister, and he will reply.

Now, I put the motion to vote. The question is:

“That the Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2012-13 for the purposes of Railways, as passed by Lok Sabha, be taken into consideration.”

The motion was adopted.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We shall now take up Clause-by-Clause consideration of the Bill.

Clauses 2 and 3 and the Schedule were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI MUKUL ROY: Sir, I move:

That the Bill be returned.

The question was put and the motion was adopted.

The protection of children from Sexual Offences Bill, 2011

THE MINISTER OF STATE OF THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI KRISHNA TIRATH): Sir, I move:

That the Bill to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for that of such offences and for matters connected therewith or incidental thereto, be taken into consideration.

महोदय, यह एक बहुत ही अहम बिल था जिसे लाने में पहले इतनी देरी हुई और आज हाउस में भी बहुत देरी हुई है। मैं यह बताना चाहती हूँ कि इस बिल की आवश्यकता क्यों पड़ी। आज के समय में इस बिल को लाने की आवश्यकता इसलिए पड़ी क्योंकि NCRB, National Crime Record Bureau का जो डाटा है, उसके अनुसार sexual offence against children cases दिन प्रति दिन बढ़ते चले जा रहे हैं। आए दिन अखबारों के माध्यम से, समाचार-पत्रों के माध्यम से, टेलीविज़न के माध्यम से पता चलता है कि बच्चों के खिलाफ जो अपराध होते हैं, वे कितने घिनौने अपराध हैं। बच्चों को इन अपराधों से किस तरह से प्रोटेक्ट किया जाए, इसके बारे में एक स्टडी मेरे मंत्रालय ने कराई थी। Study on child abuse, India 2007 इसके अनुसार 13 राज्यों में 13 हजार बच्चों से बातचीत की गई। जिसमें पता चला और 43 परसेंट बच्चों ने यह माना कि किसी न किसी प्रकार से उनके साथ यौन अपराध हुआ है और कुछ केसेज़ में बच्चे बता नहीं पाए, लेकिन अधिकतर बच्चों ने माना कि उनके

[श्रीमती कृष्णा तीरथ]

अपने जानकार ने, अपने सगे-संबंधियों ने घर में, आसपास में जो जानने वाले लोग थे, उन्होंने इस तरह का दुर्व्यवहार उनके साथ किया। एक तरफ हम कहते हैं कि बच्चे मन के सच्चे, बच्चे आंख के तारे, एक तरफ हम कहते हैं कि बहुत भोले हैं, भगवान का, ईश्वर का रूप हैं और जब हम उन्हें आंख का तारा कहते हैं, यदि उस आंख के तारे को, आंख से निकाल लिया जाए, तो अंधेरा हो जाएगा। जब हम कैसे मान सकते हैं कि आज के हमारे भारत के बच्चे, जब आंख के तारे को हटा दें, जो उनकी परवरिश करने वाले हैं, वे अगर ब्लाइंड हो जाएंगे, तो कैसे उसकी परवरिश करेंगे और कैसे मान सकते हैं कि आज के देश के बच्चे, कल का देश का भविष्य बनकर देश को सम्भालेंगे, उबारेंगे, उसके लिए तरक्की बनायेंगे, तरक्की में उसको लेकर जायेंगे। वह ज्योति इतनी ऊपर उठेगी कि पूरा विश्व जानेगा कि जो भारत सबसे बड़ा देश है, जिसमें सबसे अधिक बच्चे हैं। विश्व में सबसे अधिक बच्चे हमारे भारत में हैं, लेकिन आज की प्रताड़ना के अनुसार इस बिल को लाने की जरूरत पड़ी। इस बिल में बहुत ही कठोर प्रॉविजन हमने रखे हैं। जिससे कोई भी अपराध करने से पहले यह सोचेगा कि क्या मैं अपराध करूं या न करूं। लेकिन आज तक जब यह बिल नहीं था, तो बच्चों प्रति जो अपराध थे, वे बढ़ते ही चले जा रहे थे। NWC द्वारा जो 2007 में स्टडी कराई गई, उसमें कम्प्लेंट्स के बारे में बताया गया कि हम लोग लोकल पुलिस में कम्प्लेंट करते हैं। लेकिन लोकल पुलिस में भी **Special Juvenile Police Unit** बनाने का प्रावधान है, जो उस जगह पर अपनी कम्प्लेंट करेगा। जो हमारे **IPC, Indian Penal Code** है, उसमें जो प्रॉविजन थे, उनके अनुसार बड़े और छोटे के साथ जो अपराध होता था, वह बराबर माना जाता था। उसमें यह होता था कि किस प्रकार से बच्चे को परेशान किया जाए, उससे बच्चे के दिमाग पर बुरा असर पड़ता था और यह बर्डन उसके ऊपर डाला जाता था कि आपके साथ किसने क्या किया, कैसे किया, तो बच्चा हमेशा के लिए अपने दिमाग में उस बात को रख कर उस छवि को रख कर आगे की तरक्की के लिए रुक जाता था। हमने इसमें वे प्रॉविजन भी डाले हैं जो **IPC** में नहीं थे। अब इसके अंदर जो **offences covered** किए गए हैं, बिल में जो इन्क्लूड है, **penetrative sexual assault in Section 3, aggrieved penetrative sexual assault in Section 5, sexual assault in Section 7; aggrieved sexual assault in Section 9, sexual harassment of child in Section 11, use of child for pornographic purpose in Section 13** और इसमें बहुत सारी चीजें भी रखी गई हैं। मैंने पीछे अखबार में पढ़ा और एक केस नारायणा में हुआ था कि एक बच्ची के पीछे बार-बार, उसको कोई फॉलो करता है, वह न घर में बता सकती थी, न वह बाहर बता सकती थी, हमेशा मेंटली टॉर्चर रहती थी और जब उसने घर में बताया, तो जो पीछा करता था उसके साथ मारपीट की गई और मारपीट होने के बाद वह वहां से चला गया। लेकिन 6-8 महीने बाद वह वापिस आया और उसको रिवाल्वर से शूट कर दिया। ऐसे-ऐसे केसेज़ मिलते हैं। एक तरफ हमारे देश में लिंगानुपात गिर रहा है। इसमें तो जेंडर न्यूट्रल है, इसमें 18 साल से कम उम्र के लड़का या लड़की को रखा गया है। इसके अंतर्गत ई-मेल करने वाला, एसएमएस करने वाला अपराध भी आता है। महोदय, मैं आपके माध्यम से बताना चाहूंगी कि बच्चों के खिलाफ होने वाले यौन अपराध पिछले दिनों मीडिया में काफी चर्चा में रहे हैं। साथ ही, नेशनल क्राइम ब्यूरो के 2001 से 2010 के जो आँकड़े हैं, उनके अनुसार इनमें बहुत बढ़ोतरी हुई है। अभी

कानूनों की जो व्यवस्था है, उसमें यह महसूस किया गया कि अपराधियों के खिलाफ जो मुकदमे दर्ज भी होते हैं, तो बाद में साक्ष्यों के अभाव में वे अपराधी छूट जाते हैं। इसलिए यह आवश्यक है कि कानून में इस प्रकार के प्रावधान किए जाएँ, जो मासूम बच्चों के हक में हों, ताकि बच्चों के खिलाफ दुराचार करने वाले अपराधी किसी भी सूरत में कानून से बच न सकें। इन्हीं सब बातों को ध्यान में रखते हुए द प्रोटेक्शन ऑफ चिल्ड्रेन फ्रॉम सेक्सुअल ऑफेंसेज़ बिल, 2011 में बहुत सारे चाइल्ड फ्रेंडली प्रोसीज़र्स रखे गए हैं।

उपसभाध्यक्ष जी, मैं आपके माध्यम से सदन को बताना चाहूँगी कि इस बिल में मुख्यतः 6 प्रकार के ऑफेंसेज़ रखे गए हैं, जैसे मैंने अभी बताया है। वर्तमान में इस प्रकार के अपराध इंडियन पीनल कोड की विभिन्न धाराओं में कवर नहीं किए गए थे और इनके अलावा भी बहुत सारे ऐसे सेक्सुअल ऑफेंसेज़ हैं, जिनको आईपीसी में न तो विशेष रूप से डिफाइन किया गया है और न ही उनके लिए किसी दण्ड का प्रावधान है। इसके कारण इस प्रकार के अपराधों को आईपीसी के साधारण व नॉन-स्पेसिफिक प्रोविजन के अन्तर्गत रजिस्टर किया जाता है। इसके अलावा वर्तमान कानून में मेल चाइल्ड के प्रति हुए लैंगिक अपराधों को डील करने का कोई स्पेसिफिक प्रोविजन नहीं था। साथ ही साथ, आईपीसी के अनुसार एक बच्चे के रेप या एक वयस्क के रेप को एक बराबर कानूनी प्रक्रिया से डील किया जाता था, जबकि बच्चों के लिए इस प्रकार के अपराधों में व्यस्क की तुलना में ज्यादा फिज़िकल और साइकोलॉजिकल ट्रॉमा होता है। महोदय, मेरे मंत्रालय द्वारा 2007 में चाइल्ड एब्यूज़ के बारे में की गई स्टडी के बारे में मैंने बताया कि एक स्टडी की गई, जिसमें 53 प्रतिशत बच्चों ने यह मान लिया, लेकिन मुझे ऐसा लगा कि बहुत सारे बच्चों के साथ ऐसा होता है, जो कुछ बता भी नहीं पाते हैं।

महोदय, मैं आपके माध्यम से सदन को एक बात और बताना चाहूँगी कि यह सुनिश्चित किया जाए कि ऐसे व्यक्ति, जो इस अपराध में शामिल हैं, उन्हें शीघ्र सजा मिले। इसलिए फास्ट ट्रैक कोर्ट बनाने की बात की गई है। पुलिस को भी इसमें तुरंत केस रजिस्टर करके कोर्ट में पेश करने की बात है। बिल में यह व्यवस्था भी की गई है कि विक्टिम बच्चों को बार-बार कोर्ट में न जाना पड़े। कानूनी प्रक्रिया के दौरान अगर किसी स्थिति में बच्चा अपनी बात व्यक्त न कर सके, तो किसी एक्सपर्ट या इंटरप्रेटर या अगर उस बच्चे की लैंग्वेज दूसरी है या वह गूंगा है या मेंटली रिटार्डेड है, तो उसकी मदद के लिए, जिसके ऊपर बच्चे को विश्वास हो, उस व्यक्ति को रखा जाए, जो उसकी बात कह सके। इस बिल में 'बच्चे' को ठीक प्रकार से परिभाषित किया गया है। कोई भी व्यक्ति, जिकी आयु 18 साल से कम हो, उसे बच्चे की कैटेगरी में रखा गया है।

महोदय, मैं आपके माध्यम से सदन का ध्यान बिल की धारा 24, 25, 26, 27 और 33 की तरफ भी ले जाना चाहूँगी, जिसके द्वारा हमने चाइल्ड फ्रेंडली प्रोसीज़र्स लाने की कोशिश की है। इन प्रावधानों में विस्तार से यह डाला गया है कि यदि पुलिस को किसी बच्चे का बयान नोट करना है, तो किन बातों का ध्यान रखना होगा। मजिस्ट्रेट या स्पेशल कोर्ट के द्वारा बच्चों का बयान नोट करते समय इन चाइल्ड फ्रेंडली प्रोसीज़र्स को ध्यान में रखना होगा। विक्टिम चाइल्ड के मेडिकल एक्जामिनेशन के लिए हमने बिल के अन्दर ही कई प्रावधान किए हैं और इस बिल से सम्बन्धित पार्लियामेंटरी स्टैंडिंग कमेटी की जो रिकमेंडेशंस और सजेशंस आई थीं, हमने उनको माना है। महोदय, यह बिल 23 मार्च 2011 को इसी सदन में मेरे द्वारा

[श्रीमती कृष्णा तीरथ]

इंट्रोड्यूस किया गया था। सदन के द्वारा इस बिल को पार्लियामेंटरी स्टैंडिंग कमेटी को भेजा गया। पार्लियामेंटरी स्टैंडिंग कमेटी ने 21 दिसम्बर 2011 को अपनी रिपोर्ट पेश की थी। सरकार ने पार्लियामेंटरी स्टैंडिंग कमेटी के ज्यादातर सिफारिशों को माना और उन्हीं को ध्यान में रखते हुए बिल में अमेंडमेंट्स के प्रस्ताव रखे हैं।

महोदय, इस बिल के मूल प्रारूप में धारा 3 और धारा 7 में हमने 16 से 18 की आयु के लिए जो सेक्सुअल एक्टिविटी में इंगेज्ड होने के लिए कंसेंट की बात कही थी, दूसरे शब्दों में प्रोविजन के अनुसार अगर एक 16 से 18 साल का बच्चा किसी व्यक्ति से, जो कितने भी वर्ष का हो, उससे शारीरिक सम्बन्ध बनाता है और बाद में अगर किसी कारण से उस व्यक्ति की शिकायत होती है, तो मूल प्रावधान के अनुसार यह देखा जाएगा कि सेक्सुअल एक्टिविटी के लिए बच्चे की मंजूरी थी या नहीं। बच्चे के लिए यह एक बड़ा ट्रामा होगा कि बार-बार उससे पूछा जाए कि तुमने हाँ कहा था या नहीं कहा था। इसलिए उस प्रोविजन को हटा किदया गया है।

बिल में बहुत सारे प्रावधान रखे गए हैं। मैं समझती हूँ कि यदि एक बच्चे के माता-पिता या कोई सम्बन्धी इसकी शिकायत करते हैं, तो उसे तुरंत केस में रखा जाता है। कई जगहों से शिकायतें मिली हैं कि आपने इसकी एज 16 से 18 क्यों कर दी है, 16 ही क्यों नहीं रहने दी, इसके लिए बच्चों में बहुत सारी स्टडी करवाई गई। बच्चों ने स्वयं यह माना कि जो **sexual age** है, वह 18 से ऊपर होनी चाहिए और कइयों ने तो इसे 21 साल मकाना है। मैं जानती हूँ कि बहुत सारी एनजीओज ने भी कहा कि इसको कम क्यों किया गया है, तो इसे कम करने के पीछे ये कुछ कारण थे। सदन से भी मैं चाहूँगी कि वह भी इस बात पर गौर दे। हमारी जो पार्लियामेंट्री स्टैंडिंग कमेटी है, उसने भी यही कहा है कि इसके लिए 18 साल की उम्र ही होनी चाहिए।

मैं यह भी स्पष्ट कर देना चाहूँगी कि **Teenage Sex** के बारे में मीडिया की कुछ जगहों पर भी इस तरह की कुछ बात उठाई गई है, जो बिल्कुल निराधार है। इसमें बहुत सारे अन्य प्रावधान भी हैं, लेकिन समय भी कम है। कमेटी की सिफारिशों के अनुरूप धारा 42(ए) में इन्हें डाला गया है, जिनके अन्तर्गत केन्द्रीय सरकार और सभी राज्य सरकारों को यह सुनिश्चित करना होगा कि आम जनता, बच्चों और अभिभावकों को इस कानून के बारे में जानकारी दे, इसके लिए अवेयरनेस क्रिएट करे। जब अवेयरनेस क्रिएट की जाएगी तो बच्चों के खिलाफ होने वाले जो बहुत सारे अपराध हैं, उनको रोका जा सकेगा।

इन्हीं शब्दों के साथ मैं सभी माननीय सदस्यों का धन्यवाद करती हूँ। इस बिल का बहुत दिन से इंतजार था, तो आज इस बिल को लाया गया है। इससे बच्चों के प्रति हो रहे अपराध को रोका जा सकेगा और जल्दी से जल्दी उन्हें न्याय भी मिल सकेगा। धन्यवाद।

The question was proposed.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Okay. Now, Shrirpati Smriti Zubin Irani.

SHRIMATI SMRITI ZUBIN IRANI (Gujarat): Sir, will the House sit beyond six o'clock, because my speech will not be over in five minutes? (*Interruptions*) Is the House sitting beyond six, Sir?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI RAJEEV SHUKLA): Sir, let us clear it today because tomorrow is the Private Members' Business. Next week too, very important Bills would be coming. (*Interruptions*)

SHRIMATI SMRITI ZUBIN IRANI: Sir, I am ready with my speech, if the House goes beyond six. I don't think it is. (*Interruptions*)

श्री राजीव शुक्ल: कल प्राइवेट मैम्बर बिज़नेस है। जब प्राइवेट मैम्बर बिज़नेस आ जाएगा, तब फिर यह फंस जाएगा।

SHRI D. RAJA (Tamil Nadu): Sir, we are for passing this Bill. It is a very important Bill. Let the Parties express their views so that the Bill can be strengthened. That is why we are saying that we will have the debate tomorrow.

श्री राम कृपाल यादव (बिहार): सर, यह बहुत महत्वपूर्ण बिल है ... (व्यवधान)।

SHRI RAJEEV SHUKLA: Well, they want to have Special Mentions. Then, they want to have Private Members' Business. When will it be taken up tomorrow? (*Interruptions*)

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): The point is, there will be no time for this Bill.

SHRIMATI SMRITI ZUBIN IRANI: We are ready.

SHRI RAJEEV SHUKLA: Yes, please. Let us sit and discuss.

SHRIMATI SMRITI ZUBIN IRANI: Is the House sitting beyond six, Sir? (*Interruptions*)

SHRI RAJEEV SHUKLA: Yes, yes. Then, let us have a debate. We are all sitting here. Let us have the debate.

SHRI D. RAJA: Sir, this Bill is important and we are all for passing this Bill. (*Interruptions*)

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): We will start and then ... (*Interruptions*) No. Please listen. If Smriti is willing to speak, let us start then. Then, we will... (*Interruptions*)

SHRIMATI SMRITI ZUBIN IRANI: The Chair was telling me that they would shut the House by 6 o'clock.' So, if they have two minutes, how can I speak?

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): No. We will have the first speaker and, then, we will decide, (*Interruptions*) Anyhow, I have called her name. Please listen to her. Now, you may speak.

SHRIMATI SMRITI ZUBIN IRANI: Sir, am I permitted to complete my speech today?

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Yes, you may finish your speech today. We will sit up to that time and, then, we will decide. Anyhow, I have called your name. You may start with your speech.

SHRIMATI SMRITI ZUBIN IRANI: Let me say that the hon. Minister wants to rush through the observations that I make, thereby signifying that the Bill is not important enough for the entire House to sit together and ponder over.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): No, no. Nothing like that. (*Interruptions*)

SHRIMATI SMRITI ZUBIN IRANI: Sir, I would request him not to scream. (*Interruptions*) I would request him not to scream. (*Interruptions*)

THE VICE CHAIRMAN (PROF. P. J. KURIEN): No, no. Let us not argue.

SHRIMATI SMRITI ZUBIN IRANI: I am ready to put forth my observations. He may kindly take his seat. (*Interruptions*)

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Minister, please; no. Let us not argue on this. (*Interruptions*)

SHRIMATI SMRITI ZUBIN IRANI: You may please take your seat.

SHRI RAJEEV SHUKLA: Ask her to ...(*Interruptions*)

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): Smritiji, you may begin your speech now.

SHRIMATI SMRITI ZUBIN IRANI: I would request the hon. Parliamentary Affairs Minister to first keep his peace before I begin. May I?

SHRI RAJEEV SHUKLA: Yeah. You may.

THE VICE-CHAIRMAN (PROF. P. J. KURIEN): No, no. Please.

SHRIMATI SMRITI ZUBIN IRANI: I rise today to speak on an issue which is every parent's nightmare, Sir. When a mother holds a child for the first time, in her embrace lies the promise of protecting the child from all evils in the world. Unfortunately, many parents in our country have not been able to keep that promise because of the

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absence of a stringent law that seeks to punish sexual predators of children, in a nation which many consider encompasses 20 per cent of the world's children, this Bill is 62 years too late. However, I appreciate that in the Bill the Government mentions the UN Convention on Right of Children, and India's ratification on the 11th of December, 1992, as one of the reasons why this Bill has been introduced.

Sir, I wonder why we, a nation of thinkers, have never pondered over the need to legislate and protect our children on our own. Maybe, there are many ugly truths about our own society that we are uncomfortable in confronting.

The hon. Minister, while introducing the Bill, has rightly said that the truth of our nation is that the study on child abuse conducted in 13 States has brought forth the data that over 53 per cent children in our country have been abused once or more than once. And, 50 per cent of the children who are abused have been abused by somebody they trusted or somebody in a position of responsibility. This study has also highlighted an alarming figure that the rate of conviction in cases of rape of children has fallen by 8 per cent from 2001 to 2009. Worst still, conviction of those who procure minor girls has fallen by 20 per cent in the same time period. According to the Standing Committee Report, Sir, the reason for fall in rate of conviction is the stigma that the victim has to go through and the delay in judicial proceedings. But, one of the biggest reasons that the Standing Committee is silent on is the attempt by the society and families to keep quiet.

I think, Sir, there are many amongst us today and those who might be watching the proceedings of this House who know that it is difficult for us to believe the reality that there may be people amongst us, in our families, in our circle of friends who will abuse the relationship of trust and abuse a child. This urge to disbelieve that a human being can fall to such levels makes us many a time turn away from a child who seeks protection, a child who needs rehabilitation and a child who deserves justice.

However, this Bill which seeks to protect the child and provide justice is silent on efforts to prevent abuse. Sir, while I will put forth my humble suggestions to the hon. Minister with regard to prevention of the abuse which can be encompassed by this Bill, I would first like to highlight certain gaps in the clauses mentioned in this Bill which see to protect our children.

Hon. Minister, I would like to draw your attention to Chapter-II, Explanation 1A, which defines consent. According to this, consent also means any form of non-verbal communication. I would plead today that you delete this particular phrase as

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no predator should be allowed to use this phrase in any manner whatsoever to indicate that through non-verbal communication he or she received consent for the act from the victim-child.

Madam Minister, in clause 5(i), page 4, I draw your attention to the aggravated penetrative sexual assault and punishment therefor, which will be adjudged on the basis of the fact that whoever commits penetrative sexual assault on a child knowing that the child is pregnant will be punished accordingly. Madam Minister, all that an accused has to do is explain ignorance of the pregnancy to enable a lenient view of the law. I request you to kindly delete the same and ensure that punishment is harsher still in such a case.

Sir, on page 6, clause 9(1), it is said, “whoever commits sexual assault on the child more than once or repeatedly”. Through you, Sir, I would urge the Minister to ensure that the punishment for the first time offender should be high enough to serve as a deterrent; and, in case of repeated offence, a repeat-offender should get life imprisonment.

I am intrigued, Madam Minister, that clause 9 (r), states, “whoever commits sexual assault on a child and attempts to murder the child”; and, according to clause 10, the punishment prescribed is not less than five years but which may extend to seven years and shall also be liable to fine. Madam, under section 307 of the IPC, attempt to murder entails imprisonment of ten years along with fine. If the victim has been caused hurt, this punishment is extended to life imprisonment. I would like you to explain us as to why attempt to murder of a child under this Bill carries a lesser sentence as compared to section 307 of the IPC.

Sir, before I move on to the next clause, let me tell the hon. Minister that I am distressed as a mother that even this Bill, which seeks to protect all children in our country from sexual abuse, exempts the children of Jammu and Kashmir. I would urge the entire House to resolve unitedly to impress upon the Government to ensure that even the children of Jammu and Kashmir are protected from sexual abuse. Sir, through you, I would like to draw the Minister’s attention towards Clause 11 which defines ‘sexual harassment’. According to Clause 11, a person is supposed to have committed sexual harassment upon a child when such a person with sexual intent follows a child repeatedly. The hon. Minister, while presenting the Bill, spoke of a girl who was continuously harassed by a man who repeatedly followed her. Madam, if such a clause is brought into practice, all that a harasser needs to do is say that his following the child had no sexual intent. Hence, I would urge you to re-look at the phrase ‘sexual intent’ and not give a predator any excuse under this clause to be absolved of the crime.

Clause 15, Madam, on page 7, states, “Any person, who stores, for commercial purposes any pornographic material in any form involving a child shall be punished with imprisonment of either description which may extend to three years or with fine or with both.” Sir, I would like to ask the hon. Minister, through you: is she implying that people who store pornographic material involving a child for personal use and not for commercial purposes, are not to be punished under this law? If, Minister, that is not your intention, then, please delete the words ‘for commercial purposes’.

Sir, in Chapter IV, Clause 18, it is said, “Whoever attempts to commit any offence punishable under this Act or to cause such an offence to be committed, and in such attempt, does any act towards the commission of the offence, shall be punished with imprisonment of either description which may extend to one year or with fine or with both.” Through you, Sir, I would like to attract the hon. Minister’s attention to the fact that you can imagine if this predator was successful in his or her attempt to abuse the child, please ensure that punishment for attempting such a heinous crime is a minimum of five to seven years so that such a punishment acts as a deterrent in the future.

Sir, in Clause 19, if you look at sub-clause (5), I am sure, all the Members in this august House would find the description preposterous because this sub-clause states, “Where the Special Juvenile Police Unit or local police is satisfied that the child against whom an offence has been committed is in need of care and protection, then, it shall, after recording the reasons in writing, make immediate arrangement to give him such care and protection,” Madam, a police officer is no psychologist, I would beg you to include, on compassionate grounds, the needs of victims to ensure that they receive immediate relief and rehabilitation. We all know that victims of violence and abuse need such support. Let this Clause be compassionate towards the needs of the victims, instead of ignoring it.

In Chapter VI, Sir, which outlines, Mr. Minister, I would like your attention on this because for me it is a matter of concern, Clause 24, sub-clause (1) reads, “For the purpose of recording the statement of the child, the provisions of section 157 of the Code of Criminal Procedure, 1973, shall apply”. Madam, I would like to attract your attention to the fact that in Section 157 of the CrPC, according to proviso (A) and (B) of sub-section (1), “The officer cannot be compelled to fully investigate a case before him. He can simply in his report state his reasons for not fully investigating the alleged crime, and inform the victim of the fact that he will not investigate the case, or, caused it to be investigated”. Now, imagine if the abuser is a member of the family, who approaches this officer, and impresses upon the officer

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not to investigate further, or, for that matter, takes support from other members of the family to persuade the officer to drop the investigation, or, worst still, attempts to bribe the officer to ensure that investigations do not take place. Imagine, Madam, the condition of the child who barely manages to articulate his or her sufferings to a uniformed officer only to be dismissed later. In fact, I would urge, through the Chair, that the Minister should ensure that this Bill directs each and every officer to complete investigations, to submit the reports to the courts, and let the courts decide whether further investigation or prosecution is required in the case. If an officer in-charge does not fulfill his responsibility, then the harshest of punishment should be given to the said officer. Sir, in sub-clause 2 of clause 24, it is said that if the statement of the child is being recorded, it shall be done so in the presence of the parents of the child or any other person in whom the child has trust or confidence in. I would beseech you to Include parent, guardian or child welfare officer as designated by the court in the absence of a guardian which may include a counselor, if the court so decides. Sir, while the Minister in her speech said that all the offence with regard to children under the age of 18 have been considered in the Bill in Clause-29, it is said that the victim is defined only as a child below the age of 16, thereby dismissing that children between the age of 16 and 18 can also be victims. I would like you to reconsider the same. In clause 33, sub-clause 7, the court shall ensure that the identity of the child is not disclosed to the media at any time during the investigation except with the consent of the child or the parent or the guardian. Madam Minister, I don't think this particular sub-clause of clause 33 serves in any way in protecting the child's interest. In fact, I am sure my media friends in the gallery would join me in telling you that no publication or no right-minded journalist would want to profit from the trauma of a child. The identity of the child victim should not be revealed under any circumstances whatsoever, Madam Minister. That is my plea to you. In clause 35, sub-clause 2, while the Minister introducing the Bill said that judicial proceedings are not delayed. That is the intention of this Bill. I would like you to concentrate on the fact that sub-clause 2 says that special court shall complete the trial as far as possible within a period of one year from the date of taking cognizance of the offence. Madam Minister, I would like you if you please delete the words 'as far as possible' and instead be inspired by section 309 of the CrPC, which ensures proceedings on a daily basis and in case of rape under sections 376 to 376(d), which ensures that the entire trial is to be completed within a period of two months from the start of the recording of the statement of witnesses. Sir, clause 36 which describes how the child is not exposed in any way to the accused at the time of recording of the evidence, while at the same time, ensuring that the accused is not in a position to hear the statement of

the child and communicate with his advocate, I would like the Minister to tell me what kind of infrastructure is being made available in the courts to ensure that this clause is implemented effectively. Sir, through you, I would like to attract the attention of the hon. Minister towards clause 41, which says the provisions of clauses 3 to 13, both all inclusive shall not imply in case of medical examination, medical treatment of a child when such an examination or treatment is undertaken with the consent of his parent or guardian. Madam Minister, I would request you that in the interest of children in this country to get into consultations with members of the medical community to ensure that those people who have taken the Hippocratic oath and yet defy it and then abuse a child should not take the cover of this clause to escape the hands of the law. I would hope that the Minister does consult the stakeholders in the medical community and reviews another aspect of this particular clause. Sir, while I have highlighted the gaps in the Bill, I would now like to take this opportunity to put forth my suggestions. Let there be a mechanism, Madam Minister, if you so please, of setting up a cadre of welfare officers who are not only trained in law but also specifically trained to deal with the issues arising out of emotional and mental scars that are left on a child subsequent to abuse. I know this Bill involves the use of special juvenile police unit, but the hon. Minister also knows that in the Standing Committee deliberations stakeholders had apprised the Ministry that these mechanisms are yet to be established in many States, and, wherever established, cannot be considered to be performing their mandated task. In fact, Sir, the Minister might not remember, but in the Winter Session of 2011, on the Floor of this House, I had asked the Minister to let me know the number of cases of abuse of women and children, that have been registered in the institutions run by the Government. The response from the Minister was that 'the data is still being collected.' Madam, we are half way through 2012, and I, still, have not received the data, because I guess that the mechanism of detection, conviction and rehabilitation, which you spoke about today, still lacks the conviction with which you tried to present the Bill today in this House. Sir, in order to prevent abuse, I think we need to engage with the schools and educational institutions and impress upon them the need to report a crime if a child brings it to their notice, I would also like that this Bill should make it mandatory. Hon. Minister, I would beg your special attention to this. Please make sure that this Bill makes it mandatory to register any person who has been previously convicted of any sexual offence, whether against children or in general, with the local police authorities and carry a punishment in the event of non-compliance. Local police authorities should be directed to share this information with the community leaders and the educational institutions in order to enable parents to monitor and, or, prevent their children from interacting with anybody who has a history of sexual abuse or deviance.

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Sir, I also, through you, urge the hon. Minister to ensure that the Limitation Act does not apply to any civilian claim under this Act against the offender. This Act should not prevent a separate civil proceeding against the offender for compensation. Sir, I am sure the Minister would agree that this Bill is extremely silent on rehabilitation of child victims. I would urge the Minister, through you, Sir, to consult with State Governments in order to determine adequate allocation of funds, which would ensure not only effective implementation of the law but also provide for relief and rehabilitation of child victims.

Sir, before I conclude, let me thank all the Members who are present in the House for this debate. Today, their very presence communicates to the children of our nation our resolve to protect them. Sadly, there were many who were robbed of their innocence, many who were denied justice and yet many who escaped the full force of law in the absence of such legislation. In the year 1996, Sir, the mother of a six-year old daughter sought justice from the Delhi High Court. This child was abused by her father and his office colleagues. The father of this six-year old worked as Under Secretary in the Ministry of Home Affairs. After work, every day, he would take his child along with his four colleagues to a hotel, consume alcohol, watch blue films and proceed to abuse the child.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, please conclude.

SHRIMATI SMRITI ZUBIN IRANI : When the senior counsel representing the mother pleaded with the Court to punish the group for sexually abusing the child, all the law could permit was a slap on the wrist of the abettor and his accomplices, for there was an absence of a definite law which would punish the group severely for its actions. The counsel, Sir, for the mother, who sought justice said, "It was time to give a go by to traditional approach which according to him reflected male views and male standards." He made an impassioned plea to recognise, feel, and respond to the changing scenario and challenge. The law did not respond and those who indulge in sexually abusing the child in a group got away with a slap on the wrist. They still, Sir, roam the streets of the nation's capital. I am afraid, they, still, probably, serve in the Administration today. Let, Sir, this Bill tell those predators that we shall never again deny justice to a child that seeks protection under the Constitution. Let them know that this House stands united in punishing those who defy and demean the laws of humanity.

It is my proud privilege, Sir to initiate this debate on behalf of the BJP, wherein, I, today, am led by the same Counsel in this House who sought justice for

that six-year old girl. That Senior Counsel is Shri Arun Jaitley, and this House today should rise above all ideological differences to help deliver justice to those when there was none.

Hon. Minister, in conclusion, I would urge you to work in the interests of our nation's children and to consider my pleas, my suggestions, and, with these words, Sir, I thank you for this opportunity.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Congratulations. It was a well-studied speech. Now, Shrimati T.N. Seema.

DR. T.N. SEEMA (Kerala): Thank you very much, Sir, for having given me this opportunity.

Firstly, while supporting the Bill, I would like to appreciate the hon. Minister of Women and Child Development for bringing this important Bill in this house.

The Protection of Children from Sexual Offences Bill is, perhaps, the most important piece of legislation in the interest of children that we have seen so far. It addresses an important aspect of child care, that is, to give protection to a child to live with dignity.

Sir, our nation which proclaims high human values, peace and non-violence also has a bad record in the matter of treatment of children and women for that matter. Sir, data from the National Crimes Record Bureau show an alarming increase in cases of sexual offences against children. Sir, if we see the record of the last many years, we will find that 25 per cent of the reported cases in each year were registered against children. Worse, such offences are mostly committed by persons known to the child or close to them, including near-relatives. Hence, these cases are either not comprehended by the children as crimes, and even they do not like it, they do not report it out of fear. Our existing laws are not effective in curbing these crimes and in giving justice to the victims.

Sir, in this context, the proposed Bill is highly timely and will be welcomed by all.

Sir, although the Bill is fairly comprehensive in its approach and its provisions, there are a few areas in which changes will be required. The Standing Committee has already recommended many amendments to the Bill which I feel should be incorporated. I would like to highlight only some of the points.

Firstly, about the provision regarding consent for sexual acts. Clauses 3 and 7 of the Bill have identical provisions which state that if a sexual assault is committed

[Dr. T.N. Seema]

against a child between 16 and 18 years of age, it shall be considered whether the consent has been obtained or not. I understand that the Government has already decided to amend the similar provisions in the Indian Penal Code (375 and 377) in the matter of rape of women between 16 and 18 years of age. While supporting this provision of consent of age as 16-18 in the Bill, I would like to express my concern about the issue regarding the teenagers who are getting married without the permission of their parents. We know there are many incidents of honour killings reported from many, many States and it is happening every day in many States. Young people are getting married without the will of their parents. I am afraid, the penal provisions against the offenders who are involved in sexual relationship with minor girls provided in this Bill will be used as a tool against those young couples who are getting married without the permission of their parents. So, I would like to suggest that a provision should be added in this Bill that 'if two young people engage in consensual act, then it should not be criminalized and the boy should not be punished. If the age difference is five years or more between the man and the minor girl, then the man can be held liable.

Sir, I would also like to point out some inadequacies in this Bill. The Bill contains no provision with respect to compensation to the victims of the offences contained therein. This omission is indeed glaring, considering that the victim is in his or her tender years and thus is extremely susceptible to intense psychological harm, perhaps, more so, than the adult victims. The family of the victims require financial resources to engage experts to periodically review the child's mental and physical health. On the other hand, the National Commission for Protection of Child Rights have advocated compensation for child victims in the form of the craft Bill. The Supreme Court, in the Delhi Domestic Working Women's Forum versus Union of India and Others, has directed the National Commission for Women to evolve a scheme so as to wipe out the tears of the unfortunate victims of rape. This led to the establishment of the Criminal Injuries Compensation Board for compensating the rape victims. Moreover, Section 357 of the CrPC is inadequate in such cases, as it provides compensation only after conviction of the accused. Thus, in most cases, owing to the immense backlog of cases in courts, the compensation would be given only at a much delayed stage, whereas the requirement is immediate. Realizing these concerns, as also the intention of the Bill, which is mainly reparative and not compensatory, I urge upon the Government to add provisions for compensation of the child victims of sexual abuse in this Bill, so as to make this legislation more effective.

Sir, the Standing Committee recommended an effective mechanism for monitoring, evaluation and even rehabilitation. I fully agree with what Smritiji said about rehabilitation, I would request the hon. Minister to ensure effective running of

the child homes and child protection institutions in all States for effective implementation of this Bill.

Sir, I would like to draw the attention of the hon. Minister to the serious issue of declining conviction rate of rape cases against children. Even that point was made by Smritiji in this House. It is clear that formulation of laws alone cannot make a difference to this situation. We need to sensitize the whole judicial system, the police, the whole bureaucratic system as also the society, about the rights of the children. I think, we, the representatives of people in this country, should take up the initiative to change the mindset of the society and have a more child-friendly and women-friendly society.

With these words, I extend my support to this Bill.

श्री राम कृपाल यादव: उपसभाध्यक्ष महोदय, यह जो बिल है, बहुत ही महत्वपूर्ण बिल है। सबसे पहले मैं माननीय मंत्री जी का आभार व्यक्त करना चाहता हूँ, जिन्होंने इस बिल में हर चीज को बहुत ही बढ़िया ढंग से कवर करने की कोशिश की है, पूरे तौर पर बालकों को संरक्षण देने की व्यवस्था की है। ऐसा लगता है कि एक मां की अपने बच्चों के प्रति जो वेदना होती है, जैसा कि बताया गया है, उस वेदना को लेकर यह काम किया गया है। किस तरह से बच्चों का शोषण हो रहा है, किस तरह से बच्चों को प्रताड़ित किया जा रहा है, उसको ध्यान में रखते हुए इस कानून को लाया गया है। मैं समझता हूँ कि कानून तो इस देश में बहुत बनते हैं, मगर कानून का सही पालन हो, इसको भी इन्श्योर करने की आवश्यकता है। मंत्री महोदय, मेरा आपसे निवेदन होगा कि आपने यह एक अच्छा कानून बनाने का काम तो किया है, मगर इस कानून को जमीन पर लाने का काम भी होना चाहिए, ताकि इसका सदुपयोग हो सके और अपराधी डर सकें।

महोदय, एक दो बातें हैं, जिनकी मैं यहाँ चर्चा करना चाहता हूँ, जैसा मैडम ने चाइल्ड होम का बताया। चाइल्ड होम में बच्चों को रखने की जो व्यवस्था होती है, मैंने खुद देखा है, वहाँ बच्चों का शोषण होता है और बड़े पैपाने पर अधिकारियों की मिलीभगत से लोग बच्चों का शोषण करवाने का काम करते हैं। ऐसे लोगों पर सख्त निगाह रखनी चाहिए और उनके खिलाफ सख्त कार्रवाई भी होनी चाहिए। आपने कहा है कि अगर कम्प्लेंट जाती है, तो पुलिस तुरन्त केस रजिस्टर करे। बहुत सारे मामलों में देखा गया है कि पुलिस कम्प्लेंट रजिस्टर नहीं करती है। तो ऐसे पुलिस अधिकारी को दंड देने के लिए सख्त प्रावधान रखने का काम कीजिए, जो केस रजिस्टर न करता हो और उसकी मोनेटरिंग करने का काम ठीक से न करता हो।

इन्हीं चंद शब्दों के साथ, चूंकि सदन यही चाहता है कि मैं इतना ही बोलूँ और आप तो चाहते ही हैं, इसलिए मैं इस बिल का समर्थन करता हूँ। साथ ही मैं यह भी विश्वास करता हूँ कि मैडम आप एक मंत्री हैं, उसके पहले एक मां हैं, मां और बाप, दोनों यहाँ बैठे हैं, और जैसी हम लोगों की फीलिंग है, इस कानून का इम्प्लिमेंटेशन बिलकुल सही ढंग से होगा और बच्चों को प्रताड़ना से निजात मिलेगी। धन्यवाद।

श्रीमती बिमला कश्यप सूद (हिमाचल प्रदेश): उपसभाध्यक्ष महोदय, आपने मुझे लैंगिक अपराधों से बालकों का संरक्षण विधेयक, 2011 पर बोलने का मौका दिया, इसके लिए मैं आपको धन्यवाद देती हूँ। भारत वह गौरवशाली देश है, जहाँ महिलाओं का बहुत मान-सम्मान

[श्री राम कृपाल यादव]

था, जहां कन्या को देवी का रूप मानकर नवरात्रों में या घर में कोई शुभ कार्य होता है, तो पूजन किया जाता है, लेकिन आज उसी देश में छोटी-छोटी बच्चियों के साथ यौन उत्पीड़न होने लगा है। छोटे बच्चे, जिन्हें इन बातों की समझ नहीं होती, उन बच्चों को लालच देकर या जबरदस्ती उठाकर ले जाते हैं और उनको यौन शोषण करते हैं। ऐसे पुरुष, पुरुष के वेश में भेड़िए हैं। ऐसा नहीं है कि इन बच्चों के साथ कोई बाहर का व्यक्ति दुराचार करता है, बल्कि नज़दीक के रिश्तेदार-चाचा, मासड़, फूफा सा उनके बच्चे यानी रिश्ते के भाई के या पड़ोसी भी ऐसा करते हैं। कई बार तो पिता ही अपनी बेटी को अपनी हवस का शिकार बना लेता है। पिछले दिनों हमने समाचारपत्र में पढ़ा कि एक व्यक्ति ने घर में पत्नी के होते हुए भी, अपनी ही बेटी को बन्धक बनाकर रखा हुआ था और उसको बच्चा भी हो गया। आए दिन समाचारपत्रों में ऐसे समाचार पढ़ने को मिलते हैं।

उपसभाध्यक्ष जी, हम चिंता करते हैं और सरकार भी बहुत चिंतित है कि 1,000 लड़कों पर लड़कियों की संख्या कम होती जा रही है। कहीं-कहीं तो यह संख्या केवल 850 रह गई है। बेटी को जन्म देने के बाद समाज में बेटी की रक्षा कैसे हो, घर में, स्कूल में उसकी रक्षा कैसे हो, यह एक विचारणीय विषय है। जब छोटी बच्चियों के साथ ऐसा यौन शोषण होता है, तो वह बच्ची सारी उम्र उस मानसिक पीड़ा से उबर नहीं पाती है और उसमें कभी आत्मविश्वास नहीं आ पाता।

उपसभाध्यक्ष जी, भारत सरकार ने यौन शोषण के अपराध का मुकाबला करने के लिए अनेक वैधानिक और प्रशानिक उपाय किए हैं, परन्तु लगता है कि जितने कानून बन रहे हैं, उतने ही अपराध भी बढ़ रहे हैं। आज महिला कहीं भी सुरक्षित नहीं है। कार्यालय में, अपने वर्कप्लेस में, हर स्थान पर महिला को एक भोग्य की दृष्टि से देखा जाता है। वैसे तो संविधान के अनुच्छेद 14 और 21 के अंतर्गत महिलाओं को समानता से जीने का अधिकार दिया गया है, परन्तु लगता है कि ये कानून किताबों में ही रह जाते हैं।

यह जो बिल आया है, मैं सरकार को, विशेषकर मंत्री जी को बधाई देती हूँ कि इस बिल में केवल यौन उत्पीड़न की अपराध नहीं है, बल्कि कोई अश्लील कमेंट करना भी अपराध है। स्कूल, कॉलेज और राह चलती लड़कियों पर अश्लील वाक्यों का प्रयोग होता है। पहले समय में ऐसे लड़कों या पुरुषों की हम लोग पिटाई कर देते थे, परन्तु यदि अब लड़की react करती है, तो उस पर तेजाब फेंक दिया जाता है या सामूहिक बलात्कार करके, उसे जान से मार दिया जाता है। पहले ऐसे कृत्य गुंडे करते थे, लेकिन अब अच्छे-अच्छे घरों और परिवारों के लड़के, जिनके मां-बाप बड़े अधिकारी होते हैं या राजनेता होते हैं या अमीर मां-बाप के संस्कार-विहीन बच्चे ऐसे कृत्य करते हैं और वे अपने मां-बाप के प्रभाव से छूट जाते हैं तथा सज़ा नहीं मिल पाती है।

उपसभाध्यक्ष जी, मैं आपके माध्यम से कहना चाहती हूँ कि इंटरनेट पर जो अश्लील सामग्री उपलब्ध है, उस पर रोक लगनी चाहिए तथा अभिभावकों को जागरूक बनाना चाहिए ताकि वे अपने बच्चों को अच्छे संस्कार दे सकें। मीडिया को भी इसमें अपनी भूमिका निभानी चाहिए और कुछ पॉज़िटिव सोच लेकर काम करना चाहिए।

उपसभाध्यक्ष जी, यह अच्छी बात है कि यौन शोषण की शिकार महिला के बयान अब बन्द कमरे में होंगे। इसके कारण पहले जो अन्याय वह चुपचाप सह लेती थी और अपनी प्रतिष्ठा को बचाने के लिए शिकायत नहीं करती थी, वह महिला भी अब सामने आयेगी। मेरा मंत्री महोदय से आग्रह है कि यौन शोषण की शिकार लड़कियों के पुनर्वास पर भी समुचित ध्यान देना चाहिए। तीन वर्ष पहले यह बिल आया था, लेकिन अभी तक यह पास नहीं हुआ

है। चाहे सरकारी कार्य हो, चाहे अदालती काम हो, इस देरी की वजह से दोषी बच जाते हैं और जो भुक्तभोगी होता है, उसका विश्वास सरकार के ऊपर से तथा न्याय के ऊपर से उठ जाता है। इसलिए इसमें समय सीमा निर्धारित की जाए और ऐसे अपराधियों को सख्त से सख्त सजा होनी चाहिए। मैं तो मांग करूंगी कि ऐसे अपराधियों को फांसी की सजा होनी चाहिए, जिससे इन अपराधों पर रोक लग सके।

SHRI D. RAJA: Sir, I support this Bill. It is a very important Bill. But, the success of this legislation lies in the implementation of various other legislations related to child welfare, for instance, Right to Education, Abolition of Child Labour, and Prevention of Child Marriages. All these legislations will have to be effectively put in practice. Then only, this legislation can be successful.

Having said that, I would like to raise one small issue. The Statement of Objects and Reasons, in para 2, states, “2. The United Nations Convention on the Rights of Children, ratified by India on 11th December, 1992, requires the State Parties to undertake all appropriate national, bilateral and multilateral measures to prevent (a) the inducement or coercion of a child to engage in any unlawful...”. What is ‘unlawful’ or ‘lawful’? Further, it states, “...sexual activity; (b) the exploitative use of children in prostitution or other unlawful sexual practices”. Even though it is part of the United Nations Convention on Rights of Children, India could have taken serious note of formulation of offences. It is a serious flaw that I find in this Convention, that is, ‘unlawful’ or ‘lawful’ sexual practices in which children are coerced. This is one issue India could have taken at the time of ratifying the U.N. Convention.

Having said that, Sir, I must make one or two points. One is that the Standing Committee has talked about a special treatment to the children who belong to the SC/ST categories. The Committee also feels that some provision for protecting the interest of children belonging to the Scheduled Caste and Scheduled Tribe categories should be added to this Bill. The Committee’s recommendation is based on the premise that the SCs and STs are still marginalised groups in the society. I do not know as to why this Bill does not speak about that.

Sir, finally, I agree with previous speakers, Shrimati Smriti Irani and Dr. Seema, who have stressed the points on compensation and rehabilitation of children. Sir, the greatness of any nation is measured, and should be measured, by how it treats its

[Shri D. Raja]

children, how much concern it has for its children. If India wants to demonstrate its greatness, India should prove that it cares for its children and it has utmost concerns for its children. Otherwise, this Bill will remain as one of the legislations we pass.

श्रीमती कृष्णा तीरथ: उपसभाध्यक्ष महोदय, माननीय सदस्यों के बहुत अच्छे सुझाव आए हैं, पर मैं कहना चाहूंगी कि स्मृति जुबिन ईरानी जी ने जो सुझाव दिए हैं, उनसे ज्यादा हमारे

[श्रीमती कृष्णा तीरथ]

official amendments के सुझाव हैं। उन्होंने शायद पुराना बिल देखा, जिस पर उन्होंने बहुत सारे comments दिए हैं। Clause 3 and 7 के जो proviso इन्होंने हटाने के लिए कहे थे, वे पहले ही हटा दिए गए हैं। जहां तक fund allocation की बात है, तो Integrated Child Protection Scheme के अंतर्गत हमारा fund allocation already इन बच्चों के rehabilitation के लिए है।

दूसरा, डा. टी.एन. सीमा ने जो “consent” और proviso official amendment में हटाने का प्रस्ताव सदन में रखा, वह पहले ही रखा जा चुका है और Member का suggestion और PSC का recommendation हमने पहले ही मान लिया है। यह मैंने अपनी स्पीच में पहले ही कहा है, अगर उसको देखें, तो उसमें यह सब मैंने बताया था।

Compensation के बारे में बिल का Clause 33(8) इसे provide करता है। CrPC के Section 357 में इसका प्रावधान है कि स्टेट गवर्नमेंट इसके लिए स्कीम बनाए और इसके लिए जो awareness create करने की बात कर रहे हैं, कोर्ट इसके तहत सिफारिश कर सकता है। नया Section 42(B) लाया गया है, जिसमें NCPCR और State PCR को monitoring का दायित्व दिया गया है। अन्य बहुत सारी चीजें हैं, जैसे attempt to commit an offence की जो सजा है, वह already Clause 18 में है। Awareness generation के लिए कहा गया कि awareness generation कैसे होगा? तो proposed Section 42(A) में इस सबका proviso किया गया है। बहुत सारी हमारी नई additional information भी हैं, जैसे “Section 43 of the Bill lists the provisions under which the rules will be made. These include...”

बहुत सारी चीजें हैं, वे आपको बिल में मिल जाएंगी। बाकी जो चीजें करनी हैं, वे हम रूल्स में करेंगे। सर, माननीय सदस्यों के जितने सुझाव आए हैं, उनके संबंध में हम जितना कर सकते हैं, जरूर करेंगे। हमारे बहुत सदस्यों ने यहां पर अपने विचार रखे। माननीय राम कृपाल यादव जी, श्रीमती बिमला कश्यप सूद, श्री डी. राजा जी ने अपने विचार रखे। ... (व्यवधान)... श्री डी. राजा जी ने कहा, उसकी रिकमेंडेशन के लिए जो रिस्पांस हमारे एमडब्ल्यूसीडी के हैं, उसमें एससी और एसटी के लिए ये प्रोविजंस भी रखे गए हैं। इन सब चीजों के साथ मैं कहना चाहती हूँ कि सदन में माननीय सदस्यों की ओर से जो बहुत अच्छे सुझाव दिए गए, उनको मैंने माना है—मैंने पहले भी उनको मान रखा था—इसलिए मैं चाहती हूँ कि इस पर बिल पास किया जाए।

श्री राम कृपाल यादव: इतना ऐश्वर्य तो दे दीजिए कि .. (व्यवधान) ..

SHRIMATI SMRITI ZUBIN IRANI: Sir, please allow one clarification. (Interruptions) Sir, there is a need for a separate fund for relief and rehabilitation of child victims. In my conversation with the Minister, she has assured me that in the Rules, it will be taken up but my concern is with regard to the offence of attempt to murder. Madam, I have not found that. If you could please also assure that section 307 which gives imprisonment up to ten years or extends it to life imprisonment will be taken care of. (Interruptions)

SHRIMATI KRISHNA TIRATH: That is up to the court. (Interruptions)

SHRIMATI SMRITI ZUBIN IRANI: Madam, even section 157 has not been taken in. (Interruptions)

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): The question is:

That the Bill to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto, be taken into consideration.

The Motion was adopted

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): We shall now take up clause-by-clause consideration of the Bill.

In clause 2, there are 3 amendments no. 3 to 5 by the hon. Minister.

Clause 2—Definitions

SHRIMATI KRISHNA TIRATH: Sir, beg to I move:

3. That at page 2, lines 14 and 15, the words “**save as provided otherwise**” be **deleted**.
4. That at page 2, after the 18, the following be **inserted** namely:
(fa) “**prescribed**” means prescribed by rules made under this Act;
(fb) “**religious institution**” shall have the same meaning as assigned to it in the Religious Institutions (Prevention of Misuse) Act, 1988.’
5. That at page 2, line 22, for the words “**in a domestic relationship with the parent of the child and**” the words “**or has lived at any time in a domestic relationship with**” be **substituted**.

The questions were put and the motions were adopted.

Clause 2, as amended, was added to the Bill

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up clause 3. There is one Amendment (No. 6) by the hon. Minister.

Clause 3—Penetrative Sexual Assault

SHRIMATI KRISHNA TIRATH: Sir, I beg to move:

6. That at page 3, lines 1 to 16, be deleted.

The question was put and the motion was adopted.

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

Clause 4 was added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up clause 5. There are nine Amendments (Nos. 7 to 15) by the hon. Minister.

Clause 5—Aggravated Penetrative Sexual Assault

SHRIMATI KRISHNA TIRATH: Sir, beg to I move:

7. That at page 3, after line 25, the following be inserted, namely:
“(iv) where he is known as, or identified as, a police officer; or”.

8. That at page 3, line 41, after the words “**educational institution**”, the words “**or religious institution**” be **inserted**.
9. That at page 3, line 43, the word “**or**” be **deleted**.
10. That at page 3, after line 43, the following be inserted, namely:

“Explanation:—When a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang penetrative sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone; or”.
11. That at page 4, line 1, for the words “**causing injury**” the words “**causing bodily harm and injury or injury**” be **substituted**.
12. That at page 4, lines 4 and 5, for the words “**to become mentally ill or to become mentally unfit to perform**” the words “**to become mentally ill as defined under clause (1) of section 2 of the Mental Health Act, 1987 or causes of impairment of any kind so as to render the child unable to perform**” be **substituted**.
13. That at page 4, line 10, for the words “**mentally ill or mentally unfit**” the words “**or mentally ill**” be **substituted**.
14. That at page 4, line 33, after the words “**time being in force**”, the word “**or**” be **inserted**.
15. That at page 4, after line 33, the following be **inserted**, namely:

‘(u) whoever commits penetrative sexual assault on a child and makes the child to strip or parade naked in public;’.

The questions were put and the motions were adopted.

Clause 5, as amended, was added to the Bill.

Clause 6 was added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up clause 7. There are two Amendments (Nos. 16 and 17) by the hon. Minister.

Clause 7—Sexual Assault

SHRIMATI KRISHNA TIRATH: Sir, I beg to move:

16. That at page 4, lines 43 to 48, be **deleted**.
17. That at page 5, lines 1 to 10, be **deleted**.

The questions were put and the motions were adopted.

Clause 7, as amended, was added to the Bill.

Clause 8 was added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up clause 9. There are ten Amendments (Nos. 18 to 27) by the hon. Minister.

Clause 9—Aggravated Sexual Assault

SHRIMATI KRISHNA TIRATH: Sir, I beg to move:

18. That at page 5, line 20, for the words **“when the person is known”** the words **“where he is known as”** be substituted.
19. That at page 5, line 35, after the words **“educational institution”**, the words **“or religious institution”** be inserted.
20. That at page 5, line 37, the word **“or”** be deleted.
21. That at page 5, after line 37, the following be inserted, namely:

Explanation: When a child is subjected to sexual assault by one or more persons of a group in furtherance of their common intention, each of such persons shall be deemed to have committed gang penetrative sexual assault within the meaning of this clause and each of such person shall be liable for that act in the same manner as if it were done by him alone; or”.

22. That at page 5, line 40, for the words **“causing injury”** the words **“causing bodily harm and injury or injury”** be substituted.
23. That at page 5, line 42, the word **“penetrative”** be deleted.
24. That at page 5, lines 43 and 44, for the words **“to become mentally ill or to become mentally unfit to perform”** the words **“to become mentally ill as defined under clause (1) of section 2 of the Mental Health Act, 1987 or causes of impairment of any kind so as to render the child unable to perform”** be substituted.
25. That at page 5, line 47, for the words **“mentally ill or mentally unfit”** the words **“or mentally ill”** be substituted.
26. That at page 6, line 18, after the words **“time being in force”**, the word **“or”** be inserted.
27. That at page 6, after line 18, the following be inserted, namely:
‘(u) whoever commits sexual assault on a child and makes the child to strip or parade naked in public;’.

The questions were put and the motions were adopted.

Clause 9, as amended, was added to the Bill.

Clause 10 was added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up clause 11. There are two Amendments (Nos. 28 to 29) by the hon. Minister.

Clause 11—Sexual Harassment

SHRIMATI KRISHNA TIRATH: Sir, I beg to move:

28. That at page 6, line 33, for the words “**or through any means**” the words “**or through electronic, digital or any other means**” be **substituted**.
29. That at page 6, after line 36, the following be inserted **namely—**
‘(vi) entices a child for pornographic purposes or gives gratification therefor.’

The questions were put and the motions were adopted.

Clause 11, as amended, was added to the Bill.

Clauses 12 and 13 were added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up Clause 14. There are three Amendments (Nos. 30-32) by the Minister.

Clause 14—Punishment for using child for pornographic purposes

SHRIMATI KRISHNA TIRATH: Sir, I beg to move:

30. That at page 7, lines 5 and 6, for the words “**liable for rigorous imprisonment**” the words “**punished with imprisonment of either description**” be **substituted**.
31. That at page 7, line 8, after the words “**also with fine**”, the words “**also be liable to fine**” be **inserted**.
32. That at page 7, for lines 9 to 11, the following be **substituted**, namely:
 - “(2) If the person using the child for pornographic purposes commits an offence referred to in section 3, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.
 - (3) If the person using the child for pornographic purposes commits an offence referred to in section 5, by directly participating in pornographic acts, he shall be punished for rigorous imprisonment for life and shall also be liable to fine.
 - (4) If the person using the child for pornographic purposes commits an offence referred to in section 7, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than six years but which may extend to eight years, and shall also be liable to fine.

- (5) If the person using the child for pornographic purposes commits an offence referred to in section 9, by directly participating in pornographic acts, he shall be punished with imprisonment of either description for a term which shall not be less than eight years but which may extend to ten years, and shall also be liable to fine.”.

The questions were put and the motions were adopted.

Clause 14, as amended, was added to the Bill.

Clause 15 was added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up Clause 16. There is one Amendment (No. 33) by the Minister.

Clause 16—Abetment of an offence

SHRIMATI KRISHNA TIRATH: Sir, I beg to move:

33. That at page 7, after line 29, the following be **inserted**, namely:

“Explanation III—Whoever employs, harbours, receives or transports a child, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position, vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of any offence under this Act, is said to aid the doing of that act.”

The question was put and the motion was adopted.

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

Clause 17 was added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up Clause 18. There is one Amendment (No. 34) by the Minister.

Clause 18—Punishment for attempt to commit an offence

SHRIMATI KRISHNA TIRATH: Sir, I beg to move:

34. That at page 7, lines 37 and 38, for the words **“punished with imprisonment of either description which may extend to one year”** the words **“punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence”** be substituted.

The question was put and the motion was adopted.

Clause 18, as amended, was added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up Clause 19. There are five Amendments (Nos. 35-39) by the Minister.

Clause 19—Reporting of offences

SHRIMATI KRISHNA TIRATH: Sir, I beg to move:

35. That at page 7, line 42, for the word **“apprehends”** the words **“has apprehension”** be substituted.
36. That at page 8, line 9, after the words **“an interpreter”**, the words **“having such qualifications, experience and on payment of such fees as may be prescribed”** be inserted.
37. That at page 8, line 15, for the words **“as may be required”** the words **“as may be prescribed”** be substituted.
38. That at page 8, line 17, for the words **“report the matter to the Special Court”** the words **“report the matter to the Child Welfare Committee and the Special Court”** be substituted.
39. That at page 8, after line 19, the following be inserted, namely—

“(7) No person shall incur any liability, whether civil or criminal, for giving the information in good faith for the purpose of sub-section (1).”.

The questions were put and the motions were adopted.

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

Clause 20 was added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up Clause 21. There is one Amendment (No.40) by the Minister.

Clause 21—Punishment for failure to report or record a case

SHRIMATI KRISHNA TIRATH: Sir, I beg to move:

40. That at page 8, line 26, after the words **“who fails to report”**, the words **“the commission of”** be inserted.

The question was put and the motion was adopted.

Clause 21, as amended, was added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up Clause 22. There are four Amendments (Nos. 30-32) by the Minister.

Clause 22—Punishment for false complaint or false information

SHRIMATI KRISHNA TIRATH: Sir, I beg to move:

41. That at page 8, line 36, the words **“on a child below the age of sixteen years”** be deleted.
42. That at page 8, line 41, the words **“being less than sixteen years”** be deleted.
43. That at page 8, lines 42 to 46, be deleted.

44. That at page 8, line 47, for the bracket and figure “(4)” the bracket and figure “(3)” be **substituted**.

The questions were put and the motions were adopted.

Clause 22, as amended, was added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up Clause 23. There are five Amendments (Nos. 45-49) by the Minister.

Clause 23—Procedure for media

SHRIMATI KRISHNA TIRATH: Sir, I beg to move:

45. That at page 9, lines 3 and 4, the words “**and without the consent of the child or his parents or guardian, who may be involved in an offence under this Act either as an accused or as a victim,**” be **deleted**.
46. That at page 9, the 5, for the word “**character**” the word “**reputation**” be **substituted**.
47. That at page 9, lines 6 and 7, the words “**without the consent of the child or his parents or guardian,**” be **deleted**.
48. That at page 9, after line 9, the following provision be **Inserted**, namely:
“Provided that for reasons to be recorded in writing, the Special Court, competent to try the case under the Act, may permit such disclosure, if in its opinion such disclosure is in the interest of the child.”.
49. That at page 9, line 14, for the words “**one year but which may extend to two years**” the words “**six months but which may extend to one year**” be **substituted**.

The questions were put and the motions were adopted.

Clause 23, as amended, was added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up Clause 24. There is one Amendment (No. 50) by the Minister.

Clause 24—Recording of statement of a child

SHRIMATI KRISHNA TIRATH: Sir, I beg to move:

50. That at page 9, for lines 17 to 37, the following be **substituted**, namely:
“24.(1) The statement of the child shall be recorded at the residence of the child or at a place where he usually resides or at the place of his choice and as far as practicable by a woman police officer not below the rank of sub-inspector.
(2) The police officer while recording the statement of the child shall not be in uniform.

- (3) The police officer making the investigation, shall, while examining the child, ensure that at no point of time the child come in the contact in anyway with the accused.
- (4) No child shall be detained in the police station in the night for any reason.
- (5) The police officer shall ensure that the identity of the child is protected from the public media, unless otherwise directed by the Special Court in the interest of the child.”.

The question was put and the motion was adopted.

Clause 24, as amended, was added to the Bill.

THE VICE CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up Clause 25. There is one Amendment (No. 51) by the Minister.

Clause 25—Police officer not to be in uniform

SHRIMATI KRISHNA TIRATH: Sir, beg to move:

51. That at page 9, for lines 38 and 39, the following be **substituted**, namely:

“25.(1) if the statement of the child is being recorded under section 164 of the Code of Criminal Procedure, 1973 (herein referred to as the Code), the Magistrate recording such statement shall, notwithstanding anything contained therein, record the statement as spoken by the child:

Provided that the provisions contained in the first proviso to sub-section (1) of section 164 of the Code shall, so far it permits the presence of the advocate of the accused shall not apply in this case.

- (2) The Magistrate shall provide to the child and his parents or his representative, a copy of the document specified under section 207 of the Code, upon the final report being filed by the police under section 173 of that Code.”.

The question was put and the motion was adopted.

Clause 25, as amended, was added to the Bill.

THE VICE CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up Clause 26. There is one Amendment (No. 52) by the Minister.

Clause 26—Accused not to be in contact

SHRIMATI KRISHNA TIRATH: Sir, I beg to move:

52. That at page 9, for lines 40 and 41, the following be **substituted**, namely:

- “26.(1) The Magistrate or the police officer, as the case may be, shall record the statement as spoken by the child in the presence of the parents of the child or any other person in whom the child has trust or confidence.
- (2) Wherever necessary, the Magistrate or the police officer, as the case may be, may take the assistance of a translator or an interpreter, having such qualifications, experience and on payment of such fees as may be prescribed, while recording the statement of the child.
- (3) The Magistrate or the police officer, as the case may be, may, in the case of a child having a mental or physical disability, seek the assistance of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed, to record the statement of the child.
- (4) Wherever possible, the Magistrate or the police officer, as the case may be, shall ensure that the statement of the child is also recorded by audio-video electronic means.”.

The question was put and the motion was adopted.

Clause 26, as amended, was added to the Bill.

THE VICE CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up Clause 27. There are two Amendments (Nos. 53-54) by the Minister.

Clause 27—Medical examination of a child

SHRIMATI KRISHNA TIRATH: Sir, I beg to move:

53. That at page 9, line 42, for the figure and full stop “27” the figures, full stop and bracket “27(1)” be substituted.
54. That at page 9, after line 45, the following be inserted namely:
- “(2) In case the victim is girl child, the medical examination shall be conducted by a woman doctor.
- (5) The medical examination shall be conducted in the presence of the parent of the child or any other person in whom the child reposes trust or confidence.
- (4) Where, in case the parent of the child or other person referred to in sub-section (3) cannot be present, for any reason, during the medical examination of the child, the medical examination shall be conducted in the presence of a woman nominated by the head of the medical institution.”.

The questions were put and the motions were adopted.

Clause 27, as amended, was added to the Bill.

THE VICE CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up Clause 28. There is one Amendment (No. 51) by the Minister.

Clause 28—Designation of Special Courts

SHRIMATI KRISHNA TIRATH: Sir, I beg to move:

55. That at page 10, after line 2, the following proviso be **inserted**, namely:

“Provided that if a Court of Session is notified as a children’s court under the Commissions for Protection of Child Rights Act, 2005 or a Special Court designated for similar purposes under any other law for the time being in force, then, such court shall be deemed to be a Special Court under this section.”.

The question was put and the motion was adopted.

Clause 28, as amended, was added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up Clause 29. There are two Amendments (Nos. 56-57) by the Minister.

Clause 29—Presumption as to certain offences

SHRIMATI KRISHNA TIRATH: Sir, I beg to move:

56. That at page 10, line 10, for the words “**violating any of the provisions**” the words “**committing or abetting or attempting to commit any offence**” be **substituted**.

57. That at page 10, line 11, the words “**land where the victim is a child below the age of sixteen years,**” be **deleted**.

The questions were put and the motions were adopted.

Clause 29, as amended, was added to the Bill.

Clauses 30 to 32 were added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up clause 33. There are three Amendments (Nos. 58 to 60) by the hon. Minister.

Clause 33—Procedure and powers of Special Court

SHRIMATI KRISHNA TIRATH: Sir, beg to move:

58. That at page 11, lines 9 and 10, the words “**except with the consent of the child or his parents or guardian**” be **deleted**.

59. That at page 11, after line 10, the following proviso be **inserted** namely:

“Provided that for reasons to be recorded in writing, the Special Court may permit such disclosure, if in its opinion such disclosure is in the interest of the child.”.

60. That at page 11, line 15, for the words “**payment of compensation**” the words “**payment of such compensation as may be prescribed**” be **substituted**.

The questions were put and the motions were adopted.

Clause 33, as amended, was added to the Bill.

Clauses 34 to 37 were added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up clause 38. There are two Amendments (Nos. 61 and 62) by the hon. Minister.

Clause 38—Assistance of an interpreter or expert while recording evidence of child

SHRIMATI KRISHNA TIRATH: Sir, I beg to move:

61. That at page 12, line 4, for the words “an interpreter”, the words “a translator or interpreter having such qualifications, experience and on payment of such fees as may be prescribed” be substituted.
62. That at page 12, line 7, for the words “an expert in that field”, the words “any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed” be substituted.

The questions were put and the motions were adopted.

Clause 38, as amended, was added to the Bill.

Clauses 39 to 42 were added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up Amendment (No. 63) insertion of new clauses 42A and 42B by the hon. Minister.

New Clauses 42A and 42B—Public awareness about Act and Monitoring of implementation of Act

SHRIMATI KRISHNA TIRATH : Sir, I beg to move:

63. That at page 12, after line 26, the following be **inserted**, namely:

“42A. The Central Government and every State Government, shall take all measures to ensure that:—

- (a) the provisions of this Act are given wide publicity through media including the television, radio and the print media at regular intervals to make the general public, children as well as their parents and guardians aware of the provisions of this Act;
- (b) the officers of the Central Government and the State Governments and other concerned persons (including the police officers) are imparted periodic training on the matters relating to the implementation of the provisions of the Act.”.

42B.(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, of the Commissions for Protection of Child Rights Act, 2005, shall, in addition to the functions assigned to them under that Act, also monitor the implementation of the provisions of this Act in such manner as may be prescribed.

- (2) The National Commission or, as the case may be, the State Commission, referred to in sub-section (1), shall, while inquiring into any matter relating to any offence under this Act, have the same powers as are vested in it under the Commissions for Protection of Child Rights Act, 2005.
- (3) The National Commission or, as the case may be, the State Commission, referred to in sub-section (1), shall, also include, its activities under this section, in the annual report referred to in section 16 of the Commissions for Protection of Child Rights Act, 2005.”.

The question was put and the motion was adopted.

New Clauses 42A and 42B were added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up clause 43. There are two Amendments (Nos. 64 and 65) by the hon. Minister.

Clause 43—Power to make rules

SHRIMATI KRISHNA TIRATH: Sir, I beg to move:

64. That at page 12, after line 28, the following be **inserted**, namely:

- “(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:
 - (a) the qualifications and experience of, and the fees payable to, a translator or an interpreter, a special educator or any person familiar with the manner of communication of the child or an expert in that field, under sub-section (4) of section 19; sub-sections (2) and (3) of section 26 and section 38;
 - (b) care and protection and emergency medical treatment of the child under sub-section (5) of section 19;
 - (c) the payment of compensation under sub-section (8) of section 33;
 - (d) the manner of periodic monitoring of the provisions of the Act under sub-section (1) of section 42B.”.

65. That at page 12, line 29, for the bracket and figure “(2)”, the bracket and figure “(3)” be **substituted**.

The questions were put and the motions were adopted.

Clause 43, as amended, was added to the Bill.

Clause 44 was added to the Bill.

The Schedule was added to the Bill.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up clause 1. There is one Amendment (No. 2) by the hon. Minister.

Clause 1—Short title, extent and commencement

SHRIMATI KRISHNA TIRATH: Sir, I beg to move:

2. That at page 2, line 4, for the figure “2011” the figure “2012” be substituted.

The question was put and the motion was adopted.

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

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): Now, we shall take up the Enacting Formula. There is one Amendment (No. 2) by the hon. Minister.

Enacting Formula

SHRIMATI KRISHNA TIRATH: Sir, I beg to move:

1. That at page 2, line 1, for the word “Sixty-second”, the word “Sixty-third” be substituted.

The question was put and the motion was adopted.

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

The Preamble and the Title were added to the Bill.

SHRIMATI KRISHNA TIRATH: Sir, I beg to move: That the Bill, as amended, be passed.

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): This was a very important Bill. I thank all the hon. Members who sat beyond 6 o'clock and have cooperated to get it passed.

RECOMMENDATION OF THE BUSINESS ADVISORY COMMITTEE

THE VICE-CHAIRMAN (PROF. P.J. KURIEN): I have to inform Members that the Business Advisory Committee in its meeting held on 10th May, 2012, has allotted time for Government Legislative Business, as follows:

Business	Time Allotted
1. Further consideration and passing of the Educational Tribunals Bill, 2010, as passed by Lok Sabha.	Three Hours
2. Consideration and passing of the following Bills, after they are passed by Lok Sabha:	