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STATEMENT OF OBJECTS AND REASONS

India is primarily an agricultural country as more than 70 per cent of its population is, one way or the other, dependent on agriculture. The agricultural scientists and our farmers have made the nation self-sufficient in the production of foodgrains through green revolution. Most of the industrial products in the country are based on agriculture as their raw materials come from agriculture. But, unfortunately, the lot of farmers as well as of agricultural sector as a whole is far from satisfactory. There is sharp contrast between the agricultural and the industrial sectors. The margin of profit in industrial sector is manifold whereas it is nominal or very meager in agricultural sector.

Though the agricultural sector is the backbone of our economy, the irony is that this sector has consistently been neglected both at the States and the national level. A tiny percentage of our GDP is allocated to this sector. As a result even after implementing ten five-year plans, the agriculture is still dependent on rains as irrigation capability has not been increased to the desired levels and the poor farmers have to face the brunt of the vagaries of nature. As such, the development of agriculture, more so in the light of our booming population, has become very crucial for the nation. The need of the hour is to give the status of industry to agriculture and extend all the facilities to it which are enjoyed by the industrial sector. A national welfare policy needs to be implemented for the farmers. The agricultural workers have to be given a fair deal and equal treatment as per. with industrial workers. If we are able to improve the living standards of our farmers, agricultural workers and artisans, it will be our national achievement and this is possible only when the agricultural sector gets its due share at the national level.

In view of the above, the proposed Bill seeks to include a provision in the part relating to directive principles of State policy of our Constitution seeking to list measures needed to be taken by the State for the welfare of agriculture and the farmers.

Hence this Bill.

NEW DELHI,
November 3, 2009.

SHAILENDRA KUMAR

BILL NO. 110 OF 2009

A Bill to provide for the rehabilitation and welfare measures to be undertaken by the Union and the State Governments for the street children who subsist on rag picking, begging, shoe polishing, working as potters or performing acrobatics at road crossings or public places and for their rehabilitation by taking their custody and providing them due care, protection, education, vocational training and for matters connected therewith or incidental thereto.

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

Short title and extent.

1. (1) This Act may be called the Street Children (Rehabilitation and Welfare) Act, 2009.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the State Government, and in other cases, the Central Government;

(b) "child" means a boy or girl who is below the age of eighteen years;

(c) "children home" means an institution or home established or certified as such by the appropriate Government for the purposes of this Act;

(d) "prescribed" means prescribed by rules made under this Act; and

(e) "street child" means a child who is an orphan or has been abandoned or is a vagabond and who subsists on income earned by collecting and selling of waste materials from garbage dumps or streets or other public places or begging or working as a potter or vendor or shoe polisher and who lives on pavement or in a hutment or slum or railway platform or bus stop or such other place.

3. (1) The Central Government shall, as soon as may be, formulate a National Policy for the rehabilitation and welfare of street children so as to secure them all rights of childhood and make them responsible citizens.

National
Policy for
street
children.

(2) Without prejudice to the generality of the foregoing provision, the National Policy referred to in sub-section (1) may include:—

(a) taking custody of every street child and provide him boarding, lodging and other facilities in children home;

(b) taking of such measures, as may be necessary, to discourage street children from returning to their earlier means of subsistence;

(c) provision of free educational facilities, vocational training and facilities for developing moral values and other skills among street children to make them self-dependent;

(d) provision of employment opportunities for street children after they complete their education and vocational training;

(e) provision of annual grants-in-aid to such orphanages and non-governmental organizations as are working for the welfare of street children; and

(f) such other measures as may be deemed necessary for carrying out the purposes of this Act.

4. It shall be the duty of the appropriate Government to implement the National Policy formulated under section 3.

Appropriate
Government to
implement the
National
Policy.

5. (1) The Central Government shall, as soon as may be, by notification in the Official Gazette, establish a Fund to be known as the Street Children Welfare Fund with an initial corpus of rupees two thousand crore to be provided by the Central Government by due appropriation made by law by Parliament in this behalf.

Establishment
of Street
Children
Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

(3) Such other sums as may be received by way of donation, contribution or assistance from individuals, organizations or otherwise shall also be credited to the Fund.

(4) The Fund shall be used for the welfare of the street children in such manner as may be prescribed.

6. (1) The appropriate Government shall establish or cause to be established such number of children homes as it may deem necessary for the purposes of this Act.

Establishment
of children
homes.

(2) The children homes established under sub-section (1) shall provide free boarding and lodging and such other facilities to the street children as may be prescribed.

Welfare measures for the street children.

7. The appropriate Government shall—

- (a) maintain a district-wise register of all street children;
- (b) open sufficient number of schools and colleges for imparting education to the street children and provide books, writing materials, clothes, uniforms and other relevant articles free of cost;
- (c) provide healthcare facilities free of cost to all street children;
- (d) take custody of every street child in such manner as may be prescribed;
- (e) send every street child taken into custody under this Act to a children home or to a non-governmental organisation certified by the appropriate Government in such manner as may be prescribed;
- (f) provide vocational training and gainful employment to street children; and
- (g) take such other measures as may be necessary for the rehabilitation and welfare of street children.

Central Government to provide adequate funds.

8. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.

Punishment.

9. Notwithstanding anything contained in the Indian Penal Code, 1860 or any other law for the time being in force, whoever—

- (a) forces any child covered under this Act to beg, commit petty crime or ragpicking or any act which is injurious to the health of such child shall be punished with imprisonment for a term which shall not be less than four years but may extend to seven years and also with which may extend to rupees five lakh;
- (b) sexually exploits any child covered under this Act shall be punished with imprisonment for a term which shall not be less than ten years but may extend to life imprisonment and also with fine which shall not be less than rupees five lakh but may extend to rupees ten lakh; and
- (c) having already been convicted of an offence under this Act or an abetment of such offence is again convicted of any such offence or abetment shall be punished with life imprisonment and also with fine which may extend to rupees ten lakh.

Act to have overriding effect.

10. The provision of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act not in derogation of any other law.

11. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Power to make rules.

12. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid; both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

It has rightly been said that children are the future of any country because they grow as the citizens of that country. It is, therefore, necessary to bring them up in a good atmosphere by providing them all the necessities of life, good education and a joyful childhood. It is equally important to note that most of the parents try their best to give their children good upbringing and provide them best facilities. But in our country, unfortunately, there are millions of orphans, who are mostly homeless, abandoned, runaway, vagabond and destitute who are generally known as street children and can be seen in most of the urban areas littering, collecting waste papers, plastic and metal scraps from the dumping pits and public places for their subsistence. They can also be seen begging at the road crossings, near the religious places, markets, bus stops and railway stations. Many a times they indulge in petty crimes like stealings pick-pocketing and snatching for their survival. They are exploited by anti-social elements and even by the police. Such children become hardened criminals when they grow up. The girl child in this category is often sexually exploited and ultimately pushed into flesh trade. They fall prey to all kinds of dreaded diseases. Education is a day dream for them and even two squire meals are a luxury for them. These children are thus most vulnerable to abuses, exploitation and depravity.

Ours is a welfare State and thus it is the duty of the State to ensure that these hapless, homeless orphan and street children are protected against neglect, cruelty and exploitation and they must enjoy childhood by bringing them into the national mainstream by giving every opportunity and protection they deserve in order to fully develop their potentials. They should be provided with good education, nutrition, healthcare and good atmosphere which will enable them to grow as responsible citizens. The Government have to establish children homes with all facilities for the street children. The NGOs too have to be encouraged for the upliftment of orphans and street children. The provisions of the Bill will go a long way in creating a better society and a strong nation.

Hence this Bill.

NEW DELHI;
November 3, 2009.

SHAIENDRA KUMAR

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the establishment of a Street Children Welfare Fund with an initial corpus of rupees two thousand crore to be provided by the Central Government. Clause 6 provides for establishment of children homes for street children. Clause 7 provides for welfare measures to be undertaken by the appropriate Government for the street children. Clause 8 provides that the Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act. Although, the expenditure relating to States shall be borne out of the Consolidated Funds of the respective States, the Central Government shall bear the expenditure in providing assistance to the State Governments for carrying out the purposes of the Act and for implementing the provisions of the Act in Union territories. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. Though, at this stage, it is difficult to assess the exact expenditure, it is estimated that a sum of rupees five thousand crore would be involved as recurring expenditure per annum.

A sum of rupees ten thousand crore would also be involved as a non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only.

The delegation of legislative power is, therefore, of a normal character.

P.D.T. ACHARY,
Secretary-General.