

## RAJYA SABHA

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### \*SYNOPSIS OF DEBATE

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(Proceedings other than Questions and Answers)

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Wednesday, July 24, 2019 / Shravana 02, 1941 (Saka)

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#### FAREWELL TO THE RETIRING MEMBERS

**MR. CHAIRMAN:** Five of our colleagues, Dr. V. Maitreyan, Shri D. Raja, Shri K. R. Arjunan, Dr. R. Lakshmanan and Shri T. Rathinavel, representing the State of Tamil Nadu, are retiring today, that is, the 24th of July, 2019. The retiring Members have contributed significantly to the deliberations of this House and the parliamentary committees and, in the process, to nurturing and strengthening our parliamentary democracy and in enhancing the dignity and prestige of this august House. I place on record my heartfelt appreciation for the valuable contributions and service rendered by them to our democracy and to the society at large. I wish the retiring Members good health, happiness and many more years of service to the nation.

**THE LEADER OF THE OPPOSITION (SHRI GHULAM NABI AZAD):** Five Members of Parliament from Rajya Sabha, from the southern part of our country, are retiring today. In this House, we have got a few Members of Parliament who have got an expertise that most of us do not have. I bid farewell to Shri D. Raja. He has been the only leader in this House who makes four to five speeches a day. I congratulate him three days ago that he became the General Secretary of his Party. Our association has been very old. He has been the Member of so many Committees. I wish him well and wish him to come back again. Dr. V. Maitreyan is from AIADMK. He is a known doctor. He got his degree in Oncology. I wish him again to come

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\*This Synopsis is not an authoritative record of the proceedings of the Rajya Sabha.

back so that he can do service to the people. Shri K. R. Arjunan, belongs to Nilgiris, the area where Amma spent most of the time. I am sure that he was more close to Amma than anybody else. I wish him well. Dr. R. Lakshmanan is another doctor. I would also like to congratulate him that instead of choosing his profession and making money, he has chosen to serve the people. I wish him well. Shri T. Rathinavel, our another friend who did not get much time in this House, I also wish him well. I wish all my colleagues from the Southern part of the country well.

**THE LEADER OF THE HOUSE (SHRI THAAWAR CHAND GEHLOT):** Today, five of our member MP's are retiring after completing their office. The work they have been doing in their respective areas, they are going back to continue that again. One of them is Shri D. Raja, who is my close friend. Our association has been old. We have worked together in the Scheduled Castes and Scheduled Tribes Committees. Dr. V. Maitreyan is our good friend, we have a very old connection. Mr. K. R. Arjunan, Dr. R. Lakshmanan and Shri T. Rathinavel, I wish all of them good luck. I wish for their bright future and expect it that they will again come amongst us and continue to contribute in the service of the people and the country.

**DR. V. MAITREYAN:** After fourteen-and-a-half years of my tenure in Rajya Sabha, I am retiring. I place on record my deep sense of gratitude to my beloved leader, Puratchi Thalaivi Amma. She gave me the honour of being the only Member from AIADMK to have been given membership of Rajya Sabha for three terms. I would like to express my heartfelt thanks to Shri Arun Jaitley, who has guided me throughout in this House. I cannot forget my friend Shri Narendra Modi. I have been part of certain historic moments - the Joint Session of both the Houses of Parliament to pass the POTA Bill; the passing of Women's Reservation Bill; the impeachment proceedings against a Judge of the Kolkata High Court; the debate on the Lokpal Bill; Indo-US nuclear deal and so on. I had passionately fought for the rights of fishermen of Tamil Nadu. But, one thing has always been a thorn in my heart. In May, 2009, when more than one-and-a-half lakh innocent people from Tamil Eelam, were killed in Lanka, this House did not even take notice of that. I urge that this House should not pass any condolence resolution or observe silence for me also whenever the situation arises. The mentor of Dravidian movement, Perarignar Anna and my beloved leader, Amma, also started his legislative career from this House only. It is my turn to return to the State politics.

**SHRI D. RAJA:** This may be my last speech in this House. I express my sincere gratitude to all Members of this august House who showed immense love and affection towards me irrespective of party lines. The Parliament is the supreme institution in our democracy. I wish that our Parliament should remain a Parliament as the framers of the Constitution had wished and visualized. When I entered first time into the Parliament, I was quite aware that this is the institution where many great communist leaders have played important role. As Leader of the Opposition has said that I am retiring, but, I am not retiring. I am retiring from this House for the time being. I will be doing my work.

**SHRI K. R. ARJUNAN:** I express a deep sense of gratitude to my mentor, Dr. Puratchi Thalaivi Amma, who had made me a Member of this august House. She had tremendous confidence in me that I would fulfil all her dreams. In this temple of democracy, I acquired knowledge in parliamentary procedures, debates, deliberations and discussions from great political stalwarts. I am so pleased that I utilized all my MPLAD funds for the welfare of downtrodden people and with special attention to various infrastructure and developmental projects in my district and our State. I feel satisfied that I have used my office for the betterment of my people of Tamil Nadu and India. I also cannot forget the excellent love shown by my colleagues, all AIADMK leaders and Members, Canteen staff and entire staff of Rajya Sabha Secretariat. I thank hon. Chairman, hon. Deputy Chairman, Secretary-General, Leader of the House, Leader of the Opposition, Treasury Officers, all my colleague Members of Parliament, with special thanks to my Party Members whose continuous encouragement and support have helped me fruitfully complete my term of office. Thank you all for your cooperation.

**DR. R. LAKSHMANAN:** Parliament gave me the opportunity to serve the society and all those who have shaped my life. While I was here as a Member, I got the richest experience and tremendous satisfaction in my life. I am ever grateful and indebted to my beloved leader, hon. Puratchi Thalaivi Amma, who made me the Member of this august House. I have learnt exclusive lessons from the hon. Members who served this august House during my tenure. Although I lost the great opportunity to hear eloquent speeches of our hon'ble Chairman, but speeches of Shri Arun Jaitley were superb. I learnt from Shri Ghulam Nabi Azad, as to how to be both cool and rock solid in Parliament while addressing the sensitive issues. The ravishing speeches of Shri Ravi Shankar Prasad cannot be forgotten. Shri P. Chidambaram's explanation is like knife cutting the butter. Similarly, the speeches of Shri Jairam Ramesh, Shri Kapil Sibal, Derek O'Brienji and many

other Members stirred my mind. I learnt from Dr. Manmohan Singh how to be polite and humble, but still be very authoritative in our stand. I am grateful to all my AIADMK Members. Our hon. Prime Minister and hon. Home Minister are two great leaders who work in unison like two eyes for the development of new India. I would like to thank the Secretary-General and all the staff of Rajya Sabha Secretariat. My greatest respects to all of you.

**\*SHRI T. RATHINAVEL: (Spoke in Tamil.)**

**SHRI A. NAVANEETHAKRISHNAN:** I am only the humble worker of AIADMK. All the credit goes to my hon. Amma. Our five Members are retiring. It is really a great loss to the State of Tamil Nadu. Dr. V. Maitreyan, Shri Rathinavel, Dr. Lakshmanan, Shri Arjunan and Shri Raja are valuable assets to this House, assets to Tamil Nadu. The whole nation, especially, the State of Tamil Nadu acknowledges their services. I join with this House in bidding them farewell.

**SHRI TIRUCHI SIVA:** Parting is always painful. Much can be said about each and everyone. I would like to say about Shri D. Raja. He was a true representative of the last man in this country. Apart from that, all the issues that were discussed in this House, his part was very remarkable. He has just made his mark as a true representative. Dr. Maitreyan is a real fighter. Everyone will miss Shri Arjunan and also Dr. Lakshmanan. I wish them all the best in their future endeavours.

**\*SHRI T.K. RANGARAJAN: (Spoke in Tamil.)**

**SHRI MAJEED MEMON:** On behalf of my leader, Shri Sharad Pawar and my party colleagues, I extend a fond farewell to our six colleagues, who are leaving us. I congratulate Shrimati Kanimozhi because she has been elected to the Lok Sabha. I congratulate Shri D. Raja for being elected as the General Secretary of his party, where certainly, he would be in

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\* Synopsis of speech delivered by hon'ble Member in Tamil will be published separately as supplement.

a position to serve the Indian society with greater vigour. Dr. V. Maitreyan's vociferous voice keeps on echoing in the House. I wish all of them long life. They would certainly continue to contribute to the building of Indian society and Indian nation.

**PROF. MANOJ KUMAR JHA:** On behalf of my party, I can say with conviction that all the Members who are retiring, they have fared very well. I have learnt a lot from all of them. Members from Tamil Nadu I have learnt from all how to press for your cause. The distinction between DMK and AIADMK gets blurred when it is a State's cause. I knew Mr. D. Raja much before I entered the Parliament. We have stood together on very many occasions. I wish all of them, all the best in their life.

**SHRI PRASANNA ACHARYA:** All the retiring Members have contributed to the proceedings of the House in their own way during their tenure in this House. Mr. D. Raja has been my well-wisher. He used to inform me whenever he was going to my State for his party work. I personally have learnt a lot of things from Dr. Maitreyan. He is a very learned and experienced person. I also appreciate the contribution of other three Members whose term is ending today. On behalf of myself, and on behalf of my party, the BJD, I bid farewell to all the five Members.

**PROF. RAM GOPAL YADAV:** Today, the members who are retiring, I send them best wishes on behalf of myself and my party. The way these people always raised their point in this House for the interests of their state is also exemplary for the MPs of other states. It is my wish that Shri D. Raja may take his party forward. I can never forget Maitreyan ji. It is my good wishes to make your party stronger while working in the state. I wish all these members a bright and happy future.

**SHRI MANISH GUPTA:** We are following the footsteps of the father of the Constitution. It was to meet the hopes and aspirations of the people. Whenever the retiring Members participated in the discussions in this august House, they have put their might, effort, thinking, intelligence and experience to take forward this noble cause. On behalf of my party and all the Members here, I wish them all the best.

**SARDAR SUKHDEV SINGH DHINDSA:** Our five colleagues are retiring today after completing their term. Mr. D. Raja used to speak frankly on every issue. His personal touch was with all the members and all the parties. I hope that our five retired colleagues will do better in their life. I

want to congratulate D. Raja for becoming a general secretary and hopefully the new position he has gone will take his party a lot forward.

**SHRI RAM CHANDRA PRASAD SINGH:** After the completion of the tenure, I congratulate my five companions going from here on behalf of me and also on behalf of my party. We come here with the help of our previous experience. It makes our experiences even stronger after coming here. Then we establish our coordination with public, in the public life. My best wishes to all of my colleagues is that they make their lives good and succeed wherever they go.

**SHRI SANJAY RAUT:** I believe that even after going out of the house, the work of our retired colleagues will continue. Whenever Mr. D. Raja has raised the voice of exploited persons and victims in the country or outside, its effect has been seen in the House also. Maitreyan ji sings Marathi songs also very well. Whenever we used to talk to him, he used to speak in Marathi. I wish you all the best and I believe that people like you will come back to this house and work.

**SHRI SANJAY SINGH:** I extend my good wishes to my five retiring members for their bright future. Shri D. Raja has always raised the voice for the poor and the deprived persons. I extend good wishes to Dr. V. Maitreyan and other members also. You all will ever continue to work for your rights, the rights of Tamil Nadu and for the country.

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## GOVERNMENT BILLS

The Insolvency and Bankruptcy Code (Amendment) Bill, 2019 was introduced.

### **The Protection of Children from Sexual Offences (amendment) Bill, 2019- *Contd.***

**SHRI VIVEK K. TANKHA:** The parent Act was made on the basis of the U.N. Convention on rights of the child. Three points were outlined in that U.N. Convention. The first one is, inducement or coercion of a child to engage in unlawful sexual activity. The second is exploitative use of children in prostitution or unlawful sexual practices. The third is exploitative use of children in pornography performances and matters. According to the NCRB, the cases of rape with children have doubled in 2016 compared to 2015. It is a matter of great regret that after 2016, NCRB has not released any figures on this subject. The country has no information

about how many children have been affected after 2016 and how many cases of children have been redressed. State wise figures are also only up to 2016. In some states, cases of sexual assault towards children have increased by up to 100 percent. The government has stopped giving these figures after 2016. This is mockery with the knowledge of the country because the issue of children is a very big issue. We should think about our children properly because they are the future of the country. The purpose of this amendment is to make punishment more stringent. There is no harm in it, because this is the need of the hour. In the Section (4), In the case of penetrative sexual assault against a child, the sentence has been increased up to minimum 20 years or life imprisonment. In the Section (5), the involvement of policemen has been mentioned in the case of crime against children. The involvement of the police in this crime is the worst thing. A common citizen is afraid of going to the police station in this country because he does not know how he will be behaved there. The experience of public about the police is very bad. Section (14) relates to punishment for making pornographic films of children and posting them on social media. Section (15) relates to imposing fines in case of storing of pornographic material and posting it on social media. It should be discouraged. This amendment is singularly focussed on punishment but it is quiet on protecting children from sexual crime before it happens. As a society, community, nation, we need to start thinking about prevention. We should prevent the exploitation of those thousands and lakhs of children who are exploited every day in the homes, at workplaces, and in the educational institutes. Every second child is being subjected to this exploitation. In the most of cases, children are exploited by their closed relatives. Till 2016, 1,04,976 cases were registered for trial under this Act. As per the NCRB, trial has been completed only in ten per cent of these cases and out of them, conviction rate is only 30 percent. We are talking about prevention, but we are not talking about protection and sensitization. We just bring the amendments and demand life imprisonment or death sentence but these are not going to prevent rapes and murders. We must focus on the real issue. A guideline issued in 2013 says that in case of a child with special needs, there must be a trained person right from FIR to medical examination. It is appreciable that we are bringing such amendments but this is only a small initiative, much more is required to be done. We cannot allow our daughters to go outside. Unless and until we improve our law and order such crimes are not going to be stopped.

**SHRI HARNATH SINGH YADAV:** I do support the Protection of Children from Sexual Offences (Amendment) Bill, 2019. This Amendment Bill has several provisions of stringent punishments, we must think that sexual crimes are still continued despite the life imprisonment and the death penalty law. We should see that why there is steep increase of sexual crimes in our country. We should think that what are we giving to our children. Obscene contents are being shown on TV channels and social media. Self-styled 'Babas' are preaching on the TV channels. Baseless programmes on astrology are being shown. So, we must think as to what is being served to the children.

**SHRIMATI VIJILA SATHYANANTH:** This Bill is an excellent piece of legislation as it seeks to investigate cases in a time-bound manner. It also seeks to protect children from sexual offences during times of natural calamities and other similar situations, which is proposed in Clause 9, as also the menace of child pornography. I want to give some suggestions. Special Courts must be set up on the line of Mahila Courts but these are already overburdened. Honourable Puratchi Thalaivi Amma had set up fast-track mahila courts in all districts to carry out speedy and thorough investigations. I would like to urge this Government to form special courts. The Public Prosecutors should be women and Special Public Prosecutors must be 65 years of age or more. It is the duty of the Central Government to give full financial assistance for setting up such courts. The time-limit should be fixed for the trials in Special courts and there should be a speedy trial on daily basis and solatium should be given by the Government to the victims. Nirbhaya Fund is under-utilised. The Minister has brought the Amendment that it has to be life sentence. Wherever it is twenty years, it should be a life sentence. I welcome this Amendment Bill. Puratchi Thalaivi Amma ensured women safety by bringing 15-point programme. We emphasise for death penalty and chemical castration to the person who has done this heinous crime. The top police officials must be probing these incidents. Close Circuit TV sets should be installed in all the public buildings and police personnel in plain clothes be deployed in important locations. The entire medical expenses of women who suffer from sexual assault should be borne by the Government. If a child refuses to undergo medical examination but the family members and the Investigation Officer are insisting on medical examination, this POCSO Act is silent on this. The issue of consent in such cases is crucial. The POCSO Act mandates that in the case of female child or adolescent victim, the medical examination should be done by a female doctor but sometimes female medical officer is not available. There is a



conflicting legal position which arises when the female doctor is not available. The government has to take the responsibility for reimbursing the cost. The child marriage is considered illegal under this Act but it is allowed in certain personal laws. That complicates the matter. There is an urgent need to train the medical professionals, teachers, judicial advocates and law enforcing agencies in the POCSO Act. The role of the mental health professionals is crucial in the intervention of child in the court of law. It is well known that the cases of child sexual abuse are usually not reported. It should be taken care of. This Bill should be immediately passed in this Parliament.

**SHRI ABIR RANJAN BISWAS:** Our children today are not safe. The Supreme Court registered a PIL seeking a concrete response by the nation towards zero tolerance of sexual assault on children. 24,212 cases of child sexual abuse have been registered from 1st January to 30th June this year. But only four per cent cases have been decided. The intention of the Bill is to curb sexual abuse against children by introducing stringent punishment. The Bill introduces a definition for 'child pornography' to fill the lacunae that existed in the law till now. Besides, there are flaws in certain provisions of the Bill. First, the drafting of the Bill is ambiguous at certain instances. The Bill falls flat in its promise of strict punishment for child pornography. In some instances, the perpetrator may just walk away with a paltry fine. Secondly, the Bill prescribes different punishments for the similar offence of storing pornographic material with the intention of transmitting child pornography. It is very confusing for us. Under the bill, child pornography has to be reported to a designated authority. The Bill delegates the rule-making power regarding manner of reporting but not regarding the designation of such an authority. I would like to seek a clarification from the Minister in this regard. The Bill lays down that fine imposed on the perpetrator shall be transferred to the survivor. It would have been more prudent to have a fund from which this fine could be given to the victim. The POCSO is often misused to cover up cases of elopement or inter-caste marriages. This Bill should also look into the fact that any harassment under the POCSO should be avoided. Studies have shown that higher punishments do not have a deterrent effect on the rate of crimes committed. Year after year, the punishments prescribed for sexual

assault on children and women have increased, but the rate of offences of this nature has shown a steep rise. Most trials are delayed or the perpetrators are often acquitted on grounds of insufficient evidences. This Bill needs to look into it. The Courts are overburdened with cases and although a timeline has been set for deciding cases under POCSO, it is mostly not met. Until and unless it is met, it is of no value. We should have dedicated courts for this purpose. Once we have dedicated courts, it will become much easier to handle such cases. So, I would like the Minister to take note of it. The atmosphere of dedicated courts should be completely different. They should be placed somewhere other than the courts in which these hard criminals are trailed. Workshops should be conducted for children to create a safe space for them to speak about the issues of abuse. There is a big issue about the treatment cost. The law casts a legal obligation on medical fraternity and establishment to provide free medical care to the survivors. If there are no proper facilities, and if the procedures are costly, then the State should step in to bear the cost; otherwise, hospitals may provide substandard medical treatment or we may see them depriving the survivor from comprehensive treatment. Also there are many cases of consensual sex among adolescents between the age of 16 years and 18 years. It is proposed that any consensual sexual act should not be an offence. If both of them are consenting and yet they are under the age of 18, both of them are charged with rape. Here, we are stressing upon reporting, if we stress upon reporting in such cases, and this goes on, what will happen is that we will register the highest number of rape cases in the world. Though the POCSO Act, 2012 is an excellent piece of legislation, yet a few challenges remain to be answered. A multi-dimensional, multi-agency team and multi-tier approach including access to psychological support is to be made available to deliver holistic and comprehensive care under one roof for victims of child sexual abuse. Larger societal changes are brought not just by amending the written words, but by affecting and appealing to the psyche of the people.

**SHRIMATI JAYA BACHCHAN:** I support this amendment Bill. All necessary changes have been made but are these

changes sufficient? Only amendments will not solve the problem. The most important thing is that time-bound investigation, prosecution and proportionate compensation should be brought into the Rules. The NCPCR is toothless. The Government should provide for an 'independent' National Children Tribunal. After the Nirbhaya case, very stringent laws were made. Special funds were allocated but this has not stopped the abuse. In fact, the crime rate has increased. We have one of the highest crime rates against the vulnerable women and children. It is a very embarrassing situation. Only making laws will not help. As long as disintegration in the society and disparity level is not bridged, the situation will not improve. A cultural crisis is looming. If our laws were executed well, the scenario would have been different. There is no fear amongst the people today for law enforcement agencies. We have to change this mindset. There should be fear of police. How long will you fight with technological progress? It is up to you that something that looks obscene, turn off the TV instantly. Remote is in your hands. This is your freedom. This is you right. Whether we speak about filmmakers, about TV serials or about pornography, but these gadgets are such that you can turn them off whenever you want. It's your responsibility. I feel that the punishment should be proportionate without age being the consideration. I remember that during the Nirbhaya case, the youngest member of the group, which committed this crime, was a minor. They had to wait for years to punish him. I think we are not fair. And I followed this case very seriously. I only thought of Nirbhaya's mother. She looks helpless and she is looking for justice for her daughter. But there is inordinate delay in the delivery of justice. I feel that there must be a deterrent law to instil fear in people. We need to sit down and discuss it further as to how we can punish these people. It takes years to punish the perpetrators. Abused children have to wait for years to get justice. We are destroying minds of children in this country and we are going to pay a very heavy price for such psychologically affected children. Even, boys are sexually abused and they try to hide it due to social stigma. And they get psychologically affected and when they grow up, they are the ones who commit crimes. I would like to tell the Minister that you become a crusader of

this issue and every mother, every sister, every wife, every girl child and every boy child will give you support and strength including all of us sitting in this House, bringing quick justice and prosecution.

**SHRIMATI SAROJINI HEMBRAM:** I support this Bill. 37% of India's population is under 18 years of age. This amendment Bill is very important for the safety and dignity of innocent children. In social life, child abuse is the biggest inhumanity. It seems that there is no such thing as morality and humanity in society. Social media and TV are badly affecting children. Children under the age of 18 are not mentally or physically mature enough to make any decisions. We have to look into this. This Bill has been made very stringent. But making stringent law does not solve the problem. The cases are growing every year. This is a very serious problem. There are many pending cases, and they should be decided within a timeframe so that survivors can get justice. In society, there are many problems like domestic violence, child marriage, sexual abuse, trafficking of children etc. The efforts of the Government of Odisha are praiseworthy for resolving all these problems. Legal aid and police action are very important to solve the cases of child abuse. There are heinous sexual offenses against girls. Children should be imparted life skill education to protect them. Children should be told about Good Touch and Bad Touch. Spiritual education is very important for them. Drug abuse should be curbed and training for self defense is also very important for children. Awareness programmes should be organized in respect of such sensitive subject in the village. The police department should work properly. In tribal areas and remote areas, cases are not registered. To address this problem, this law must be implemented appropriately. Children are the future of our country. So, I support this bill for the creation of an advanced nation.

**SHRIMATI KAHKASHAN PERWEEN:** I support this bill because the future of those children is related to this bill with whom such incidents take place. This will give them justice and culprits will be given a severe punishment. All people have said that strict laws should be made and the guilty should be punished. This law was made in the year 2012 and today we are amending it. What is lacking in our society and education that

today we are talking about controlling the issue of ethics by law only. Today, our relationship has become such that we cannot leave our children with anyone. Our relationship is not being able to be pure. The biggest reason for this seems to me that we have forgotten our civilization and culture somewhere. We can say that the development of ethics is an integral part of success. We make laws and people who are in strong position also take advantage of it. But the downtrodden people of the villages could not resist it. I say to the government that however strict law we make enact, but we will not be able to get rid of this problem till we do not run awareness campaign and make the people alert about it. Therefore, in consultation with Ministry of Information and Broadcasting, a legal advice should always be given at the end of serials being telecast. Mahatma Gandhi also said that we have to create such a society in which the control of society by law is minimum.

**\*SHRI B. LINGAIAH YADAV:** (spoke in Telugu.)

**SHRIMATI JHARNA DAS BAIDYA:** I want to say that in April 2018, after widespread outrage over the Kathua rape case, the murder of eight year old child, the Government brought an Ordinance amending the IPC to take child rape as a separate crime in the IPC. Death penalty does not find any place in the POCSO Act. The Ordinance introduced death penalty for the rape of a girl below the age of twelve and provides for life imprisonment for the rape of girls between the age of twelve to sixteen. It is important to remember that the Supreme Court also disallowed the death penalty. The Verma Committee also disallowed the death penalty. Therefore, how many people we will punish. How many people we will hang. It is that poor, dalit, tribal, backward class and minority people can not even hire a prosecutor. Those people can not file a case. They can not even register a FIR in the police station. Therefore, it is not the case of awarding death penalty only, there is a need for awareness and counselling is also needed. The bill should also include sectarian, communal and natural disasters. Victims need counselling. For this, we should make some provision in the police station. We should set up courts for women. In addition to counselling, they need rehabilitation. They need compensation. Unless this happens, the situation will not improve. Until society improves itself, it will not stop. A father

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\* Synopsis of speech delivered by hon'ble Member in Telugu will be published separately as supplement.

rapes his own girl, a brother rapes his own sister, even then nothing happens and they roam comfortably. Looking at such cases, we have to take action at basic level.

**PROF. MANOJ KUMAR JHA:** I am aware of the public outrage that had happened in the whole country after Nirbhaya incident. I had a small stake in that public outrage. Justice Verma also said that if there is only one sentence for murder and rape, then the rapist will not let the victim survive. Even if any incident takes place with my child, still I would want my child back home. It is an apprehension of a very large part of civil society. In about 95 percent cases of rape, insiders not outsiders are involved. We should analyze this apprehension once again. In Muzaffarpur shelter home, wrong activities were taking place on institutional scale and after that there were reports from more places. The State is the custodian of the shelter homes. Shelter homes were also being misused. Social audit must be compulsory and it should match the experience of children. The work of social audit should be in the hands of independent agencies. There should be an attempt to strengthen the system. The rate of conviction is continuously decreasing and the number of pending cases is increasing.

**DR. NARENDRA JADHAV:** There are several commendable provisions in this Bill. If a person commits penetrative sexual assault, the Bill proposes to increase the punishment from 7 years to 10 years. If a person commits penetrative sexual assault on a child below the age of 16, he is punishable with an imprisonment between 20 years to life and fine. This is, indeed, a welcome step. In the case of aggravated penetrative sexual assault, the Bill proposes to increase the minimum punishment from 10 years to 20 years and the maximum punishment is death penalty which is also entirely appropriate. The punishment for using child for pornographic purposes, has been increased and it is welcome. 2012 Act penalizes storage of pornographic material for commercial purposes and prescribes punishment up to 3 years or a fine or both. I do not see in the Bill a provision for penalizing those perverts who force children to watch pornographic pictures or videos for their own sexual gratification. Such endeavours result into aggravated sexual assault or even penetrative sexual assault. I support this Bill.

**SHRI SANJAY RAUT:** This subject touches heart and emotions. To correct this, we have arranged to bring amendment to POCSO law. It is such a serious crime that girls of 10-10 years age are being made victims of rape. Now you have provided for the death penalty. It's a good thing. But the people whom we believe believe and trust

most are associated with such misdeeds. India is one of those countries, where most of the innocent are misbehaved. We will make laws for years, provide for execution, provide for capital punishment. But under that law no one has been hanged till date. I would like to point out that in view of such incidents in our country, there is a need to make at least 2,000 fast track courts and for this, a provision of about Rs 1,000 crore will be required. Even after having a law today, this is social and mental disorder which is above the law. You have made a good provision about child porn and created the definition of child porn by modifying it. But it is the responsibility of everybody, society and the House that we protect our children. I support your amendment and the Bill.

**SHRI T.K.S. ELANGOVA:** This is an Amendment Bill. In the past seven years, the Government could not control this crime. Without making the police responsible, without making the children know their rights and without registering complaints against such cases, it will be of no use. This Bill only increases the punishment and beyond that it has done nothing. Basic teachings are missing from the period of schools. Children should be taught how to behave, what to do, empathy towards others, friendliness and brotherhood. I welcome this Bill and want to know from the Government what has happened in the past seven years and how many culprits have been booked. We are not supportive of this death sentence. I want that the words 'death sentence' should be removed. I also want a clarification from the Minister about communal and sectarian violence.

**SHRI SHAMSHER SINGH DULLO:** Many crimes have been committed against children, women in this country and we all see that these crimes are increasing. Regardless of names of states, such crimes are increasing everywhere. Similar incidents happen with labourers working in fields, with tribal people, but they do not get justice. There have been too many crimes against children in the past years. The matter of concern is that there are no fears of law for anyone who is guilty. Whoever may be the Government, it must have the will power, in their governance system. Its most vulnerable prey are shelter homes. Such crimes take place in large number in

Delhi. The SHO of police stations know about the crimes taking place in their areas. To prevent this, you have provided for punishment, that is fine, we support it, but it is also important to raise awareness among people about these crimes. Unless people are afraid of law, crime can not be reduced. Crime is increasing in the country, but conviction takes place in very few cases. For this fast track courts and special courts should be formed, special judges should be appointed. Unless there is such a system in the country, crime against children will continue to take place. Moreover, if giving political support to criminals is stopped, crime in this country might stop.

**SHRI RAVI PRAKASH VERMA:** Our own children are unsafe in our own country. This is a big deal. We should think about it. The law is strict, it is worth praising, but the implementation is not good. The trial, the investigation is not time-bound. The conviction is one per cent, which is very low and special provisions should be made in the rules for this. More than 80 per cent of the victims have not received any compensation. I want to say that a National Child Tribunal should be constituted to bring all agencies to the right path, which will work independently. I want to say that if a child-sensitive society and child-sensitive system and child-sensitive policing are formed, I think it will make a difference. Finally, I want to say that if the police will try only to control the society, there will never be a solution. As a ray of hope, we need a very sensitive, accountable and democratic citizen.

**SHRI SASMIT PATRA:** This Amendment Bill. The amendments that have been made are extremely crucial in taking forward and strengthening the POCSO Act. But deterrence is going to be the key to the execution of this amendment. Without conviction we will not have the desired results. The definition of Child Pornography has been brought in. It is a very welcome step. The second is in term of imprisonment which has been increased to not less than twenty years. It is also a welcome step. Thirdly, the Government should take complete responsibility of ensuring that the medical expenses are borne till ruling comes. Fourthly, rehabilitation should meet physical, social, mental and emotional needs of the victim. Only at the rarest of



rare cases death penalty be exercised. The Government should probably revisit the fine and the provisions regarding that. But the other ancillary aspects, which are going to strengthen and foster and help the victim during the process of investigation, are equally or more importantly required. But at the same point of time, ensure that mentoring, counselling and the kind of social fabric support that is required for a victim are also provided.

**SHRI NAZIR AHMED LAWAY:** I support this bill. The girl who is raped she is doubly murdered and also her entire family and relatives and whole social structure is murdered. There are millions of mothers in our country, today I stand here for them. Today, every citizen of Jammu and Kashmir is asking about the Kathua rapists, when they will be hanged. I think that such a law should be made, which is the most absolute and the strongest one. If the law continues to be there and no action is taken, then this will keep happening. The District Magistrate should be made accountable for rape. It's a shame for the whole country. This law should be made more strict.

**SHRI KANAKAMEDALA RAVINDRA KUMAR:** The aim of the Bill is to punish those who commit heinous crimes against girls and children. This amendment seeks to impose severe punishment on a person who is committing the sexual assault. There are categories of punishment. Mere legislation or an enactment is not sufficient. We will have to see that there is effective implementation of the provisions which are proposed to be amended through this Bill. Sexual abuse of children has to be controlled at any cost awarding stringent punishments. Punishment will be a deterrent for perpetrators of such offences. My practical experience is, when there is a provision for fine, Courts take a lenient view about fine because of prolonged litigation. For this purpose also, fine is not sufficient. The main issue is that there are thousands of unreported cases in the country. The offences against children are increasing manifold. The police are delaying the investigation. The cases are delayed for many years without filing any charge sheet. Another aspect is the huge pendency of cases. Constitution of special courts and fast track courts is required

for the offences committed under POCSO Act. Apart from compensation, rehabilitation should also be there. The police have not filed the charge sheet in thousands of cases.

**SHRIMATI KANTA KARDAM:** I complement Women and Child Development Minister Shrimati Smriti Irani Ji for introducing this Bill. I also hope that this House will support this bill. Because somewhere we are very sad when such incidents take place. In fact when the Nirbhaya scandal took place, we all were very shocked. Sir, I want to say that even after this the crime has not stopped. These incidents should stop. This is a very important bill. Whether it is a girl or a boy, today there is danger for both. Such crimes are not stopping in homes. The people of the family are also doing such crimes. No voice is raised against the member of the house. Such criminals should be punished with severe punishment and these cases will not stop till strict punishment is awarded. The pornography is also a new word. This should also be stopped. Through this, bad habits are also being created in children. Whether teachers are men or women, teachers must tell children about bad touch and good touch. In Uttar Pradesh, Yogi Ji started a campaign called "Kavach" for protection and awareness from July 1, in which other institutions, including the police force, the Defense Department, talked directly with the girls of 10 to 17 years of age and provided them training to raise their voice against exploitation. Such training should be given in every state. Even at home children should be treated as a friend and interaction should be made with them. Parents should talk to them and try to learn from them. The teacher who comes into the house his activities should be watched. Many people have such sort of psyche and to overcome this, it is necessary to make a provision for stringent punishment by amending the bill. My appeal is that such cases should be disposed of in a time-bound manner by constituting fast track courts and provision should also be made in law. By making the PocsO Act more effective, such people should be brought to book. There are lots of internal areas where many incidents are seen with the children of the poor families. I would like to thank the Minister of Women and Child Development that she has brought such an important bill.

**DR. AMEE YAJNIK:** I urge the Minister to send the bill to a Select Committee. It has dealt with only the punishment part of the Act. The POCSO Act was brought and enacted to see that children are protected from child abuse, children get best welfare. This Act was enacted in 2012. I do support the amendment. Many of the Members have suggested that trial should be in-camera, child should be protected. All this is already there in the main Act and there is a need to bring in more amendments for these particular sections. From 2014 to 2016, there has been a record by NCRB, which says that there are almost one lakh and odd cases registered. Supreme Court in this month itself suo motu took up the issue of rising child cases across the country. It does speak about the psyche of our society. Law has to be taken to its logical end in a court which will give justice. The purpose of these trials and inquiries is to elicit truth. If we are talking about children and child abuse, we are not giving them anything and they have got a life ahead. Many times, the cases are under-reported. The first thing in a rape case is that the victim is to be taken to the medical fraternity. There should be a medical team or a team of psychiatrists to console the victim. So, an amendment is required that there should be a particular frame of timeline to wind up the case. Justice is barely 20 per cent. The Amendment Bill talks about punishment. But what are we going to do for these children because the Act is mainly meant for the welfare and to give dignity to these children. We are not doing anything for rehabilitation. No protection is being provided to the children. These components should be incorporated along with this Amendment. I would request the hon. Minister to put it before a Select Committee so that inputs from various sections of the country can be taken to make this bill more effective and a justice delivery Bill for the children.

**SHRI DEREK O'BRIEN:** I stand here to happily and strongly support this Bill. If this Bill had gone to a Select Committee, it would have created a lot of awareness on this subject. I just want to make one single point That point is 'the prevention'. How can we prevent this from happening. This exploitation at our homes. The children should be allowed to express themselves. I would like and urge more people, especially, in public life to interact with the

common people about their experiences of sexual exploitation so that the people are encouraged to express themselves with ease. They should reach out to the people. We should work towards the prevention of this heinous crime.

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**Desh Deepak Verma,**  
*Secretary-General.*

[rssynop@sansad.nic.in](mailto:rssynop@sansad.nic.in)

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\*\*\*\*Supplement covering rest of the proceedings is being issued separately.