

**Bill No. 160 of 2014**

THE CHILDREN PROTECTION BILL, 2014

By

SHRIMATI SUPRIYA SULE, M.P.

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BILL

*to provide for protection of children from exploitation, domestic violence,  
trafficking for prostitution, corporal punishment and kidnapping and for  
matters connected therewith*

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Children Protection Act, 2014.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification  
5 in the Official Gazette, appoint.

Short title,  
extent and  
commence-  
ment.

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

Definitions.

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

(b) “child” means a boy or a girl who has not attained 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) “street children” means children with unknown parentage or abandoned or vagabond children including neglected and destitute children who generally live on pavements or in hutments or slums or at railway platforms or bus stop; and 5

(e) “prescribed” means prescribed by rules made under this Act.

Rights of a Child.

**3. (1)** Notwithstanding anything contained in any other law for the time being in force, every child shall have the right to—

(a) adequate means of livelihood;

(b) protection and security of life against exploitation and physical and mental violence; 10

(c) free education and vocational training;

(d) access to means of free and fair development of personality; and

(e) free access to highest standard of health and nutrition.

Annual Survey of street children.

**4. The appropriate Government shall conduct yearly survey of street children in the area under its jurisdiction.** 15

Establishment of children Homes.

**5. (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.

**(2)** The Children homes established under sub-section (1) shall provide free of cost boarding and lodging and such other facilities to the street children, as may be prescribed. 20

Setting up of Special Police Posts.

**6. (1)** The appropriate Government shall set up Special Police Posts to deal exclusively with the cases of missing children and crimes against children including exploitation, domestic violence, trafficking for prostitution, corporal punishment, sale or kidnapping.

**(2)** The number of Special Police Posts shall be set up in accordance with the population of a State and in such manner as may be prescribed. 25

Maintenance of records.

**7. The appropriate Government shall maintain a record of complaints regarding the missing, kidnapped and abducted children in the area under its jurisdiction.**

Establishment of Special Courts.

**8. (1)** The appropriate Government shall establish such number of Special Courts, as may be necessary, for efficient disposal of cases of crimes against children.

**(2)** The Special Court shall dispose of a case within a period of six months from the date of filing of the case. 30

Central Government to provide moneys to the State Governments.

**9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide such sums of money to the State Governments, as may be necessary for carrying out the purposes of this Act.**

Act to have overriding effect.

**10.** The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. 35

Act to supplement other laws.

**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.

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

Power to  
make rules.

(2) Every rule made under this Act 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  
5 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  
10 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.

## STATEMENT OF OBJECTS AND REASONS

Children are the future of any country. It is the duty of the State to provide a healthy environment to ensure that every child is able to live a dignified life. Unfortunately, in our country there have been numerous cases of ill treatment and exploitation of children. This situation worsens when a child does not have any guardian to take care of him. The gruesome Nithari serial killings case calls for concerted action on the part of the Government to prevent such crime against the children. There is a need for concerted effort to be made by the Government as well as society to have in place a faster action-oriented police machinery, vigilant media and speedy exemplary punishment to the offenders by the Courts to deter the offender from committing offences against children.

The Human Rights Commission in one of its reports have stated that nearly 45,000 children go missing every year in the country. Of these, majority cases missing children remain untraceable for the reason they are either pushed in trafficking or engaged as bonded labour. Therefore, a proper coordination among the Government agencies, police and non-governmental organizations working for protection of children is urgently required in order to tackle the growing crimes against children.

The Bill, therefore, seeks to provide for—

- (i) securing certain basic rights to children;
- (ii) conducting of an yearly survey of homeless and street children;
- (iii) establishment of children homes for homeless and street children with all basic facilities;
- (iv) setting up of Special Police Posts to deal exclusively with the cases of missing children and crimes against children; and
- (v) establish Special Courts for speedy disposal of cases of crimes against children.

Hence this Bill.

NEW DELHI;  
*November 12, 2014.*

SUPRIYA SULE

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for an yearly survey of street children. Clause 5 provides for establishment of children homes with all basic facilities for street children. Clause 6 provides for setting up of Special Police Posts to deal exclusively with the cases of crimes against the children. Clause 8 provides for establishment of special courts for speedy disposal of cases of crimes against the children. Clause 9 provides for Central Government to provide moneys to the State Governments for carrying out the purposes of the Bill. The Bill therefore, if enacted will involve expenditure from the consolidated fund of India. It is likely to involve the recurring expenditure of about rupees one thousand crore per annum.

A non-recurring expenditure of rupees ten crore is also likely to be involved.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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