

# PARLIAMENT WATCH!

## CHILDREN'S ISSUES IN PARLIAMENT

### 2018-19



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India's 37 per cent of the population are children in the age group of 0-18 years. HAQ: Centre for Child Rights has been analysing the questions raised by Parliamentarians in both the Houses on issues affecting children to understand what interests them.

Both Starred and Unstarred questions relating to children are extracted from all the questions raised from both Lok Sabha and Rajya Sabha.

**Monsoon session:** 18 July 2018 to 10 August 2018

**Winter session:** 11 December 2018 to 08 January 2019

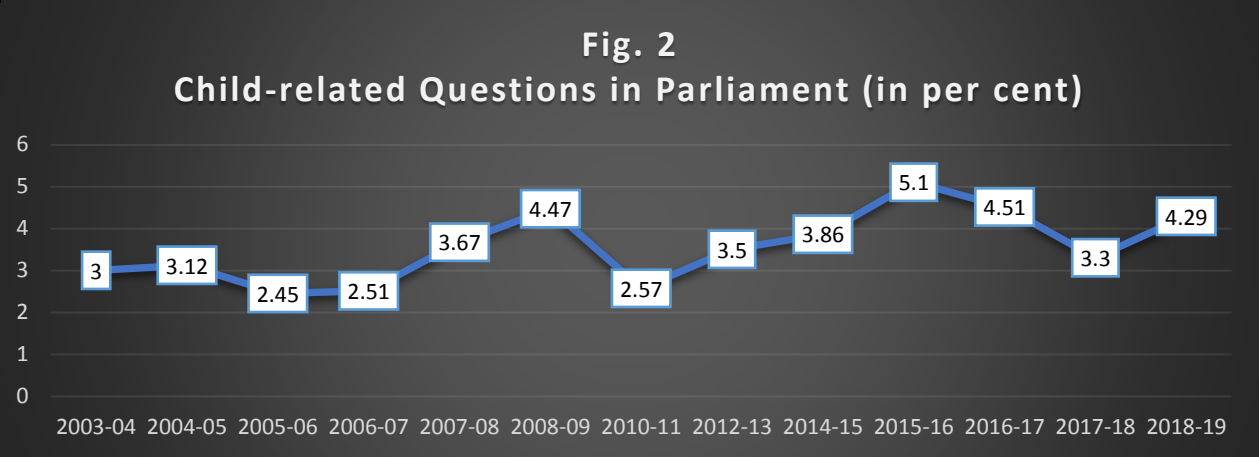
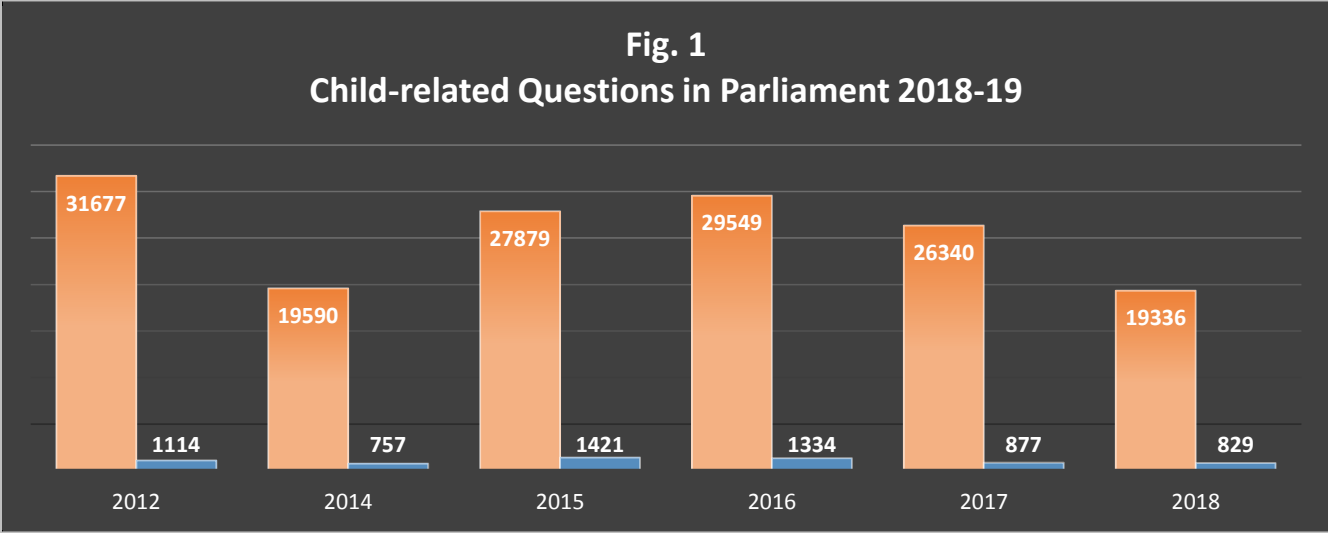
**Budget session:** 31 January 2019 to 13 February 2019

The purpose of this analysis is for MP's to get an understanding of what child rights issues have been discussed, the information that is generated and also to inspire them to speak for children in Parliament. We hope that it will inspire others to raise their concerns or ask questions on behalf of children.

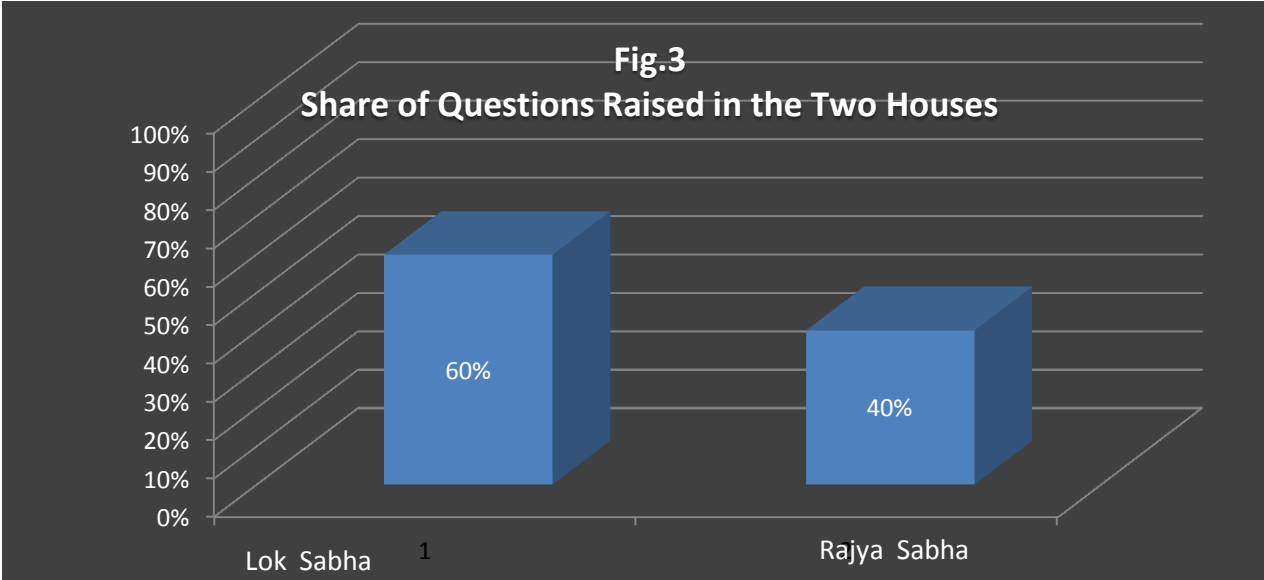
## SHARE OF CHILD RELATED QUESTIONS

In 2018-19 a total of 19,336 questions were asked in the 2 houses of Parliament, of which 829 (4.3 per cent) were on children. In 2017-18 of the 26,340 questions raised in both houses, 877 (3.3 per cent) questions were on children related issues. Hence there is a small increase in interest on child related issues witnessed.

<b>Table 1. Questions in Parliament</b>						
	<b>2017-18</b>			<b>2018-19</b>		
	<b>Total Questions</b>	<b>Child Related</b>	<b>Per cent</b>	<b>Total Questions</b>	<b>Child Related</b>	<b>Per cent</b>
Rajya Sabha	10840	534	6.8	7836	333	4.2
Lok Sabha	15500	343	1.8	11500	496	4.3
<b>Total</b>	<b>26,340</b>	<b>877</b>	<b>3.3</b>	<b>19,336</b>	<b>829</b>	<b>4.3</b>



Unlike in the past when we have seen Rajya Sabha members being more concerned about children issues, in 2018-19 the analysis shows that Lok Sabha Members have shown more interest as is evident from the below chart.





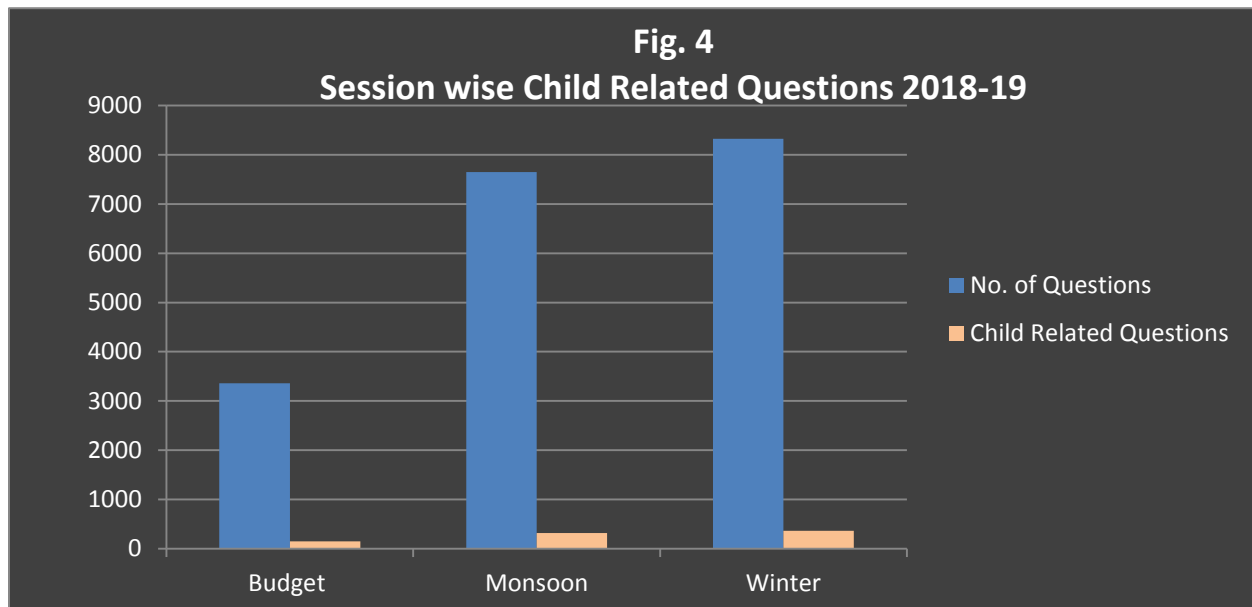
## WHO WERE THE MPS MOST INTERESTED IN CHILDREN RELATED ISSUES?

**Rajya Sabha:** Shri Raj Kumar Dhoot of the Shiv Sena asked 10 questions

**Lok Sabha:** Dr. Ravindra Kumar Ray of the Bhartiya Janata Party asked 10 questions.

## SESSION WISE CHILD RELATED QUESTIONS

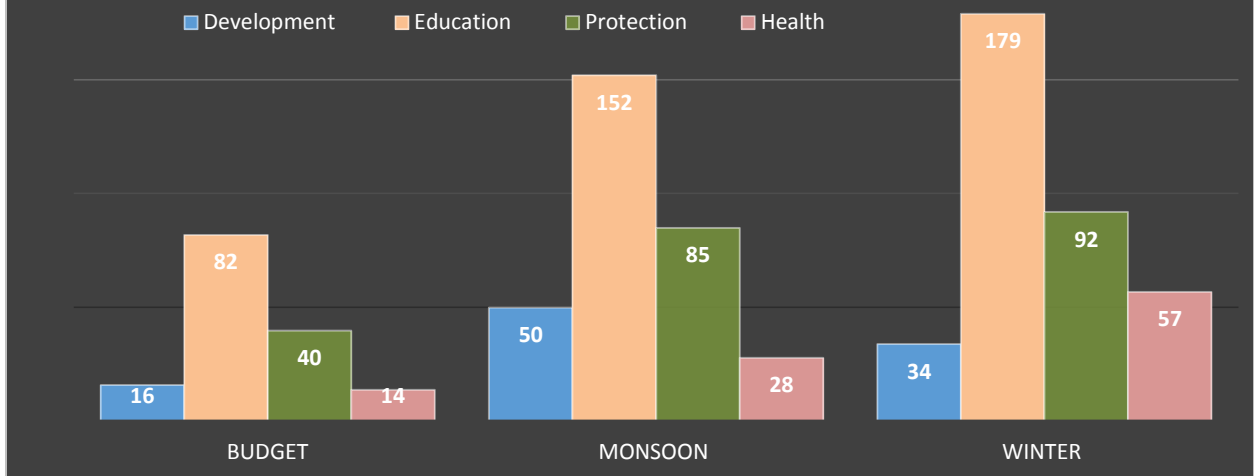
Of all three, Winter Session drew the maximum number of child related questions raised followed by monsoon session. The child related questions in the various sessions were unevenly distributed.



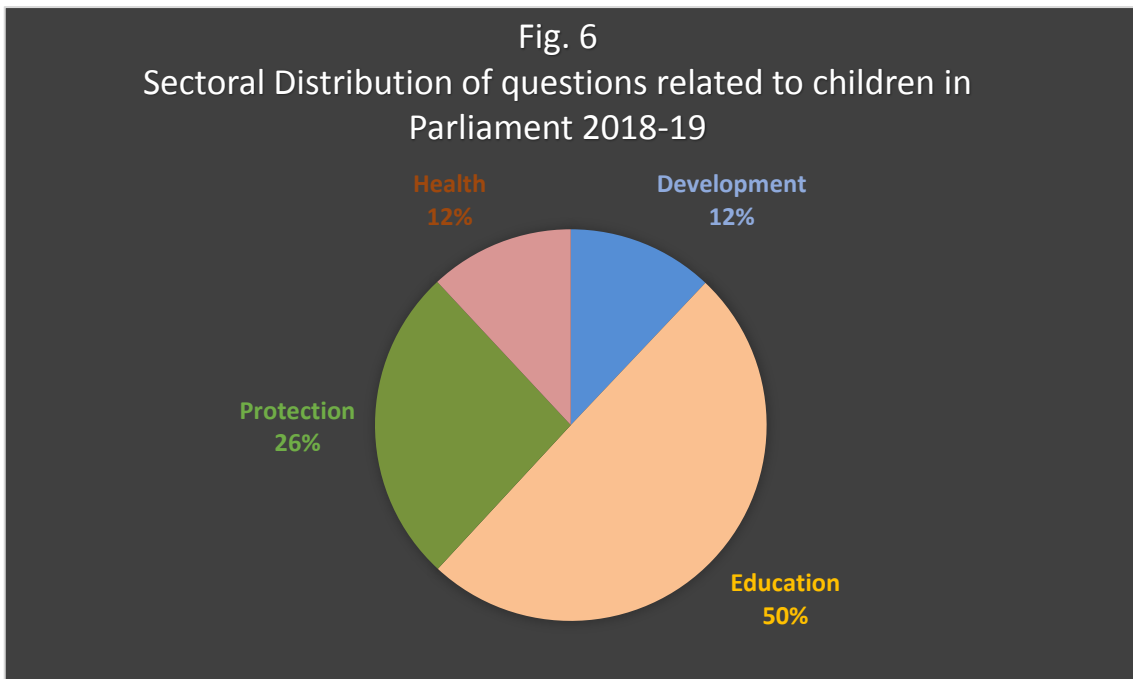
## SECTORAL DISTRIBUTION OF QUESTIONS IN PARLIAMENT, 2018-19

If we look at the sectoral distribution of child related questions, we can see that the education sector drew the maximum attention of the parliamentarians followed by protection. Figure 5 shows the distribution of questions over sectors. It has been found that Parliamentarians are interested mostly in education related issues when it comes to children, the same holds true for this year as well as is evident from the below chart.

**Fig. 5**  
**Session Wise Sectoral Distribution of Questions in Parliament**  
**2018-19**



**Fig. 6**  
**Sectoral Distribution of questions related to children in Parliament 2018-19**



Rising child rapes have been in the public debate throughout 2018-19, especially following the 'Kathua rape incident' – the rape of an eight-year-old Bakarwal girl in Jammu and Kashmir, the unveiling of the rape and murder of children in shelter homes, particularly following the incident in Muzzafarpur, Bihar, and the rape of a young girl by a sitting MLA in Unnao. The demand for justice- especially hanging of the rapist- has been the public outcry. This has led to changes in law. In response to “public demand”, death penalty was introduced for child rape first by the states and then a bill was introduced at the national level. It is therefore not surprising to also find a fairly high number questions on child protection being raised in Parliament

### ***India introduces death penalty for child rapists***

21 April 2018

**India's Cabinet has approved the introduction of the death penalty for those who rape children, amid uproar over a series of high-profile cases.**

The change to the country's penal code applies to those convicted of raping a child under the age of 12.

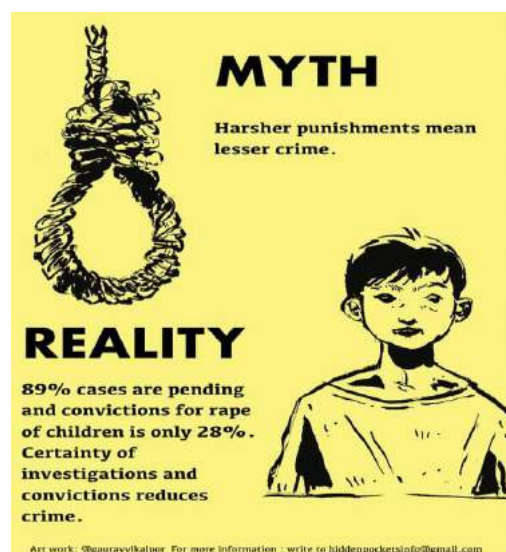
There have been nationwide protests in recent weeks over the gang rape and murder of an eight-year-old girl.

The government has come under fire for not doing enough to prevent sexual-assault cases, many involving children.

A number of serious crimes in India carry the death penalty, but raping a child was not among them until now.

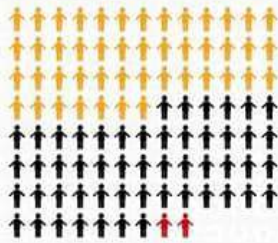
Nearly 19,000 cases were registered in India in 2016 - more than 50 each day.

While the concern over violent sexual crimes on children was a shared concern, and child rights activists had been flagging this strongly, the introduction to death penalty led to criticism from a large number of activists across the country. They petitioned the government with their concerns. Death Penalty has never been a deterrent. Guarantee of prosecution and Rightful conviction was the answer they said. The Justice Verma Committee too had opposed the introduction of death penalty.

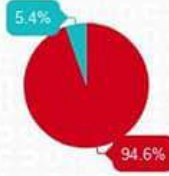




# Why Death Penalty is not the Solution for Child Rape



53.2% of children disclosed to having experienced some form of sexual abuse. Only 3.4% reported to the police. [MWCD 2007 study]



94.6% of offenders in rape cases are known to their victims [NCRB 2016]. Children often retract their statement when the perpetrator is a family member or known person. [CCL-NLSIU & HAQ studies]

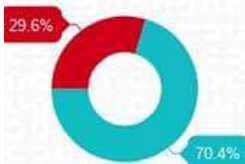


Death penalty will further silence children and increase the burden of guilt of sending a known person to the gallows.



Death Penalty also increases the risk of offenders killing their victims to escape detection and punishment.

## How child-friendly is our criminal justice system?



Only 29.6% cases of child rape result in conviction [NCRB 2016]

### Disposal of child rape Cases



89.6% of child rape cases are still pending before courts [NCRB 2016]



No exclusive courts and prosecutors to try sexual offences against children



Children continue to be directly questioned by defence-lawyer



Children routinely exposed to the accused inside & outside courtrooms



No support system or victim protection for children and their families



Compensation rarely awarded

## What do we really need?



Not Death Penalty but better implementation of existing laws



Enhanced Budget for Children. Allocation for Child Protection is only at 0.05% [i.e., 5 paise per Rs.100]



Robust Victim and Witness Protection System



Child Protection Policy in all Schools, Institutions and Organisations



Support system for victims and families during and after trial.



Community Awareness and Involvement in creating safe spaces for children at village, block and district level



Sensitisation and training of all stakeholders to adhere to child friendly procedure



Challenge of stereotypes and attitudes that encourage violence and perpetuate inequality

Despite the widespread criticism of this move by child rights activists, academicians, women's rights activists and others, and several representations to the government, which it chose to ignore, the Minister of State For Women and Child Development completely denied this when a question regarding this matter was raised.

GOVERNMENT OF INDIA  
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

**RAJYA SABHA**  
**UN STARRED QUESTION NO. 2712**  
TO BE ANSWERED ON 09.08.2018

**DEATH PENALTY FOR RAPE OF GIRLS BELOW 12 YEARS**

2712. SHRI KANAKAMEDALA RAVINDRA KUMAR

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

- (a) whether it is a fact that Government is facing serious opposition from social activists including Child Right Activists in its efforts to prescribe death penalty for rape of girls below the age of 12;
- (b) if so, the details thereof;
- (c) whether Government has received any suggestions/representations/ memoranda in this regard; and
- (d) whether Government is determined to move further in this regard or going to wait and seek more suggestions?

**ANSWER**

MINISTER OF STATE IN THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT  
(DR. VIRENDRA KUMAR)

- (a) to (d): **No sir, as reported by Ministry of Home Affairs, the Government has not received any representation from Child Right Activists opposing the death penalty for rape of girls below 12 years of age.** However, the Criminal Law(Amendment) Bill, 2018 has been passed by the Lok Sabha on 30.07.2018 and by the Rajya Sabha on 06.08.2018.

\*\*\*\*\*

Apart from death penalty, trafficking of girls and children, declining sex ratio, child labour as well as online portal for missing children was also a major concern for the MPs.

As for the continuing trend of child marriages in the country, the MPs were concerned about the existing rules and its prevention. The declining sex ratio was raised in several questions, including on the *Beti Bachao Beti Padhao* campaign.



### **Impact of BBBP on Sex Ratio**

As per the Sample Registration Survey (SRS), Registrar General of India (RGI)-2014-16, 9 states out of 22 states have recorded improvement in Sex Ratio (female per 1000 male) at Birth whereas 13 states have shown decline. In the states of Haryana, Uttarakhand and Chhattisgarh an improvement has been recorded in Sex Ratio at Birth whereas decline has been recorded in the states of Rajasthan, Maharashtra, Himachal Pradesh and Karnataka.

*[Unstarred Q. No. 1617, 27<sup>th</sup> July 2018, LS, Monsoon session, Sex ratio]*

### **Khoya Paya Web Portal**

No. of Children missing across the country during last three years on KhoyaPaya (2nd June 2015 to 21st December 2018) Track Child is 191,679

No. of children tracked and found during the said period using Khoya - Paya web portal is 5828.

*[Unstarred Q. No. 2874, 28<sup>th</sup> December 2018, LS, Winter session, Khoya Paya Web Portal]*

## **CHILD LABOUR**

Child labour remains one of the grim realities of India's children despite various schemes run by the government. One of the such scheme is the National Child Labour Project (NCLP) Scheme for rehabilitation of child labour working in both organised and unorganised sectors. Under the Scheme, children in the age group of 9-14 years, rescued/withdrawn from work in any occupation or process, are enrolled in the NCLP Special Training Centres, where they are provided with bridge education, vocational training, mid day meal, stipend, health care, etc. before being mainstreamed into formal education system. Children in the age group of 5-8 years are directly linked to the formal education system through a close coordination with the SSA.

At present the NCLP Scheme is sanctioned in 313 districts in the country. As per the information received from District Project Societies, at present, 3250 Special Training Centres under the Scheme are in operation.

*[Unstarred Q. No. 2355, 02<sup>nd</sup> January 2019, RS, Winter session, Vocational training opportunities under the NCLP]*

## **DEVELOPMENT**

Development sector for children attracted 12 per cent of the questions raised in both the houses. The major issues most MPS were interest in knowing were the funds released and utilized in anganwadi centres, their working, fake beneficiaries, crèche facilities for employees in offices, and the Integrated Child Development Scheme (ICDS).

### **Anganwadi Services Scheme**

Anganwadi Services Scheme is a unique early childhood development programme aimed at addressing health, nutrition and developmental needs of children under the age of six years. Under the Scheme, 14 lakh Anganwadi Centres were sanctioned out of which 13.63 lakh AWCs were operational (June 2018). The scheme covers more than 8.85 crore beneficiaries.

### **Honorarium to Anganwadi Workers**

The Government of India has recently enhanced the honorarium of Anganwadi Workers (AWWs) at main-Anganwadi Centres(AWCs) from Rs. 3,000/- to Rs. 4,500/- per month; AWWs at mini-AWCs from Rs. 2,250/- to Rs. 3,500/- per month; Anganwadi Helpers(AWHs) from Rs. 1,500/- to Rs. 2,250/- per month; and introduced performance linked incentive of Rs. 250/- per month to AWHs, effective from 1st October, 2018. Unfortunately, as honorary workers they are not covered under the Minimum Wages Act.

### **NATIONAL HEALTH MISSION (NHM)**

The Government of India has recently approved increase in the amount of routine and recurring incentives under National Health Mission for ASHAs that will enable ASHAs to get at least Rs 2000/- per month subject to ASHAs carrying out the activities. The activities for which incentives have been increased are placed at Annexure. The total estimated cost of the Scheme is Rs 1905.46 Crore of which Central share is Rs 1224.97 Crore for two years i.e 2018-19 and 2019-20

The Government has also approved enhancement of supervisory visit charges for ASHA Facilitators from Rs. 250/-per visit to Rs. 300/- per visit. The estimated additional expenditure to be incurred is Rs 74.53 crore for 2018-19 and 2019-20 with central share of Rs.46.95 crore.

*[Unstarred Q. No. 2968, 8<sup>th</sup> January 2019, RS, Winter session, Increasing the remuneration of ASHA workers]*

### **EDUCATION**

Parliamentarians have always been more interested in the Education of India's children as compared to other issues. In fact, it has been seen in the past too education and child rights are seen to be synonymous. In 2018-19 too, 50 per cent of the child-related questions in Parliament were on this issue.

Questions raised related to overall situation of education in the country, right to free and compulsory education, reforms in the system, new education policy, use of digitization in education system, quality of education, suicide by students, merging of gurukul and modern education, evaluation of private school teachers, mainstreaming of madarsa education through bridge course, funds and expenditure in this sector.

The allocation for education for the year 2019-20 is 3.40% of the total Budget, as compared to 3.48% for 2018-19. In absolute terms there was an increase of Rs. 9,843.35 crores in allocation for education during the same period (Allocation in 2018-19 was Rs. 85,010.29 crores and Rs. 94,853.64 crores in 2019-20).

The literacy among the children with disability was a concern. MPs asked about the improvement, evaluation and ways to increase the literacy rate; literacy in the rural areas and among *divyang* students (children with disability) and tribal children.

The Right to Education (RTE) Act has also been under scrutiny in the Parliament. Questions related to standard of schooling; reimbursement to schools under the RTE; pupil teacher ratio; its implementation in minority institutions were asked.

Questions related to dropout rates, especially among girls, tribals, minorities, children with disability, especially physical disability, out of school girls and adolescents were asked. Regarding the Sarva Shiksha Abhiyan (SSA), the questions were on the goals, shortcomings and irregularities, funding, share of the Central government, evaluation, vacancies, and honorarium for the teaching staff.

### **Samagra Shiksha**

The Department of School Education and Literacy has formulated an Integrated Scheme for School Education - Samagra Shiksha which subsumes the three erstwhile Centrally Sponsored Schemes of Sarva Shiksha Abhiyan (SSA), Rashtriya Madhyamik Shiksha Abhiyan (RMSA) and Teacher Education (TE). Samagra Shiksha is under implementation from 1st April, 2018. The new scheme envisages school education as a continuum from pre-school to senior secondary level and aims to ensure inclusive and equitable quality education for all.

Budget allocations for SS Scheme are Rs. 36,322 crore in 2019-20. With the acceptance of the recommendations of the 14th Finance Commission by the Government of India, the devolution of funds to the States has been increased from 32% to 42% of the net Union Tax Receipts.

Mid- day meals (MDMs) are provided to students enrolled in schools and the questions pertained to the enrolment, quality of food, review and social audit of the scheme, linking it with Aadhaar number, outsourcing to NGOs, complaints, pilferage of food grains, children excluded under it, and the provision of MDMs during holidays.

### **Cost Per Child in Mid-Day Meal Scheme**

Under the Mid-Day Meal Scheme, the present approved cooking cost per child per day for Primary and Upper Primary stages is Rs. 4.13 and Rs. 6.18, respectively. In addition, the Central Government provides 100% funding for food grains, transport assistance, kitchen devices and management/monitoring expenses.

MPs also asked about sports, physical education, yoga and sex as well as moral education in schools. Availability of basic amenities of drinking water; toilets, especially for girl students; electricity and playground in schools were also raised, along with security for the students.

### **Special training for Out of School Children**

The Central Government provides funds to the States and UTs for provisioning of Special Training to out of school children identified by the concerned States and UTs. The fund is provided on per Child basis. (Rs. 6000 per child per annum for non-residential mode of training and Rs. 20,000 per child per annum for residential mode). As per reports submitted by States/ UTs, a total of 39,521 Special Training Centres were operationalised across the country during 2017-18 for Special Training of out of school children.

A total of 5.13 lakh children were enrolled in 39,521 Special Training Centres during 2017-18 out of which 3.97 lakh children have been enrolled into schools after completion of Special Training.

*[Unstarred Q. No. 2627, 9<sup>th</sup> August 2018, RS, Monsoon session, Special training for Out of School Children]*

## **Infrastructure in Schools**

### **Toilet facilities in Schools and Anganwadi Centres**

As per the information received from the Ministry of Human Resource Development, as per Unified District Information System for Education (UDISE), 2016-17 (Provisional), total number of Government schools, without girls' toilet was 20,977 (1.93%) and without boys' toilet was 28,713 (2.67%).

As per the information received from the Ministry of Women and Child Development, there are 14.00 lakh Anganwadi Centres (AWCs) sanctioned in the country out of which 13,63,300 are operational. Of these operational AWCs, toilet facilities are available in 9,29,339 Anganwadi Centres which constitutes 68.17%.

*[Unstarred Q. No. 1022, 26<sup>th</sup> July 2018, RS, Monsoon session, Construction of toilets in schools]*

### **Problems in schools of rural and remote areas**

1.78% of schools in rural areas are without buildings;

0.75% of schools in rural areas are with buildings in dilapidated condition;

2% of all schools do not have toilets,

3.17% of schools in rural areas are without drinking water facility and

39.61% of schools in rural areas are without playground facilities.

70.84% of schools at all India level have pupil-teacher ratio (PTR) less than or equal to 30.

*[Unstarred Q. No. 257, 19th July 2018, RS, Monsoon session, Problems in schools of rural and remote areas]*

### **Electrification of Schools**

61.67% elementary schools are having electricity connection; and 89.65% secondary schools and 92.88% higher secondary schools have electricity

*[Unstarred Q. No. 700, 23<sup>rd</sup> July 2018, LS, Monsoon session, Electrification of Schools]*

### **Single Teacher Schools**

As per Unified District Information System of Education (UDISE), 2016-17 (Provisional), there are 92275 single-teacher Government schools at both elementary level and secondary level.

*[Unstarred Q. No. 179, 4<sup>th</sup> February 2019, LS, Budget session, Single Teacher Schools]*

## EDUCATION OF DIVYANGS (CHILDREN WITH SPECIAL NEEDS (CWSN)/ CHILDREN WITH DISABILITY (CWD))

The RTE mandates Free and Compulsory Education to all children from 6-14 years of age. It states that “a child suffering from disability shall have the right to pursue free and compulsory elementary education.” Children with disability have been included in the 25% admission quota given to disadvantaged children in private schools.

SSA promotes inclusion of children with special needs (CWSN) in neighbourhood schools through their early identification, educational placement, provision of resource support, teacher training, parental training, community mobilisation, and removal of architectural barriers. The Government is implementing the component of Inclusive Education for Disabled at Secondary Stage (IEDSS) under Rashtriya Madhyamik Shiksha Abhiyan with an objective to enable all CWSN completing elementary schooling an opportunity to complete secondary schooling in an inclusive and enabled environment in government schools.

The Scheme of IEDSS replaced the earlier scheme of ‘Integrated Education for Disabled Children’ (IEDC) in 2009-10. Under the IEDC Scheme, it was not possible to cover all the disabled children primarily because the implementation was based on the receipt of viable proposals from the implementing agencies.

The IEDSS Scheme enables all disabled children to have access to secondary education and to improve their enrolment, retention and achievement in the general education system. It covers all children studying at secondary stage in Government, local body and Government-aided schools, with one or more disabilities as defined under the Persons with Disabilities Act (1995) and the National Trust Act (1999), namely, i) Blindness, ii) Low vision, iii) Leprosy cured, iv) Hearing impairment, v) Locomotor disabilities, vi) Mental retardation, vii) Mental Illness, viii) Autism, and ix) Cerebral Palsy and eventually will cover Speech impairment, Learning Disabilities, etc.

### **Education for Differently Abled Children**

Under Inclusive Education 2100918 CWSN has been approved in the year 2018-19 against which Rs. 102350.91 lakh is the estimated approved outlay.

5803 sports events have been approved to the States & UTs with the approved outlay of Rs 1104.48 lakhs during the year 2018-19. This has been done to promote social inclusion of CWSN with other students and to enhance their motivation level.

*[Starred Q. No. 35, 13th December 2018, RS, Winter session, Schools for children with disabilities]*

2,65,069 number of ramps and 14,113 number of CWSN friendly toilets have been sanctioned under the Sarva Shiksha Abhiyan for elementary schools across the Country.

*[Unstarred Q. No. 4305, 7th January 2019, LS, Winter session, Education for Differently Abled Children]*

### **Principle of equity in primary education in rural areas**

Till 31.03.2018, construction of 3.12 lakh school buildings, 18.87 lakh additional classrooms, provision of 2.42 lakh drinking water facility, construction of 3.95 lakh Boys' toilets, 5.18 lakh separate girls' toilets and 1.41 lakh CWSN toilets have been sanctioned to States and UTs, out of which States and UTs have reported construction of 2.94 lakh school buildings, 18.03 lakh additional classrooms, provision of 2.35 lakh drinking water facility, construction of 3.76 lakh Boys' toilets, 5.07 lakh separate girls' toilets and 1.21 lakh CWSN toilets.

## **HEALTH**

Twelve per cent of child-related questions raised by MPs were on health issues. Most of them pertained to malnutrition, infant mortality, immunisation, protecting children from diseases and maternity benefit programmes (Pradhan Mantri Matru Vandana Yojana). Death of infants in hospitals across the country drew attention of the MPs.

As per the "Every Child Alive- The urgent need to end new-born deaths" published by UNICEF in 2018, India ranks 12th in the 52 low middle income countries of the world on the basis of new-born mortality. However, as per Sample Registration System report of Registrar General of India, the Neo-natal Mortality Rate (NMR) is 24 per 1000 live births, Infant Mortality Rate (IMR) is 34 per 1000 live births in the year 2016 and Maternal Mortality Ratio is 130 per 100000 live births (2014-16).

*[Unstarred Q. No. 1814, 27<sup>th</sup> July 2018, LS, Monsoon session, MMR and IMR]*

## **TACKLING MALNUTRITION**

POSHAN Abhiyaan (National Nutrition Mission - NNM) set up by Government on 30.11.2017 aims to reduce the level of stunting, under-nutrition, anemia and low birth weight babies. The important components of the Abhiyaan are: ensuring convergence with various programmes; incentivizing States/ UTs for achieving goals; IT enabled Real Time Monitoring (ICT-RTM); Evaluation; weighing efficiency and making nutrition visible; Community mobilization awareness advocacy; IEC, Jan Andolan - to educate the people on nutritional aspects, on-line Course on Nutrition for Children, Nutrition message from folk songs and songs on WASH, sending messages on nutrition and also creating ring-tones, Yoga for children at AWCs; strengthening human resource; measuring height and length of children below 6 years of age. Coverage of districts in a phased manner is 315 districts in 2017-18, 235 districts in 2018-19 and remaining districts in 2019-20. Mission also strives to achieve reduction in Stunting from 38.4% (NFHS-4) to 25% by 2022 (Mission 25 by 2022).

The total budget for the POSHAN Abhiyaan is Rs.9046.17 crore with GoI share of Rs.2849.54 crore.

*[Unstarred Q. No. 4042, 10<sup>th</sup> August 2018, LS, Monsoon session, National Nutrition Mission]*



## NUTRITION REHABILITATION CENTRES (NRCS)

As per report received from States/ UTs, 1.86 lakhs under five children were admitted in the NRCs in the year of 2017-18, out of which 1.17 lakhs children were discharged with target weight gain.

*[Unstarred Q. No. 1985, 21<sup>st</sup> December 2018, LS, Winter session, Nutritional Rehabilitation Centres]*

As per Sample Registration System (SRS) 2016, U5MR of India is 39 per 1,000 live births. However, mortality for girl child was 41 whereas, that for male child is 37. In 2011 U5MR was 55. Mortality for girl child was 59 whereas, that for male child was 51. There has been 18 points decline in girl child mortality as against 14 points decline in male child mortality. Thus gender gap has decreased from 8 points in 2011 to 4 points in 2016.

*[Unstarred Q. No. 252, 28<sup>th</sup> December 2018, LS, Winter session, Deaths due to Gender Bias]*

## **WHO Global TB report 2018.**

India has reported the highest number of childhood tuberculosis cases in the World for the last three consecutive years which is something to worry and act upon.

2015	99,133
2016	104,886
2017	1,05,568

*[Unstarred Q. No. 2019, 21<sup>st</sup> December 2018, LS, Winter session, Childhood TB Cases]*