

Bill No. 125 of 2018

THE ANGANWADI WORKERS (EMPOWERMENT AND WELFARE)
BILL, 2018

By

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to constitute an Anganwadi Workers Welfare Authority to provide for performance based pay to anganwadi workers and helpers, regularise their employment, recognise the unpaid work done by anganwadi workers and protect their right to financial entitlement, increase their wages and index them to inflation, provide for penalty to be paid to workers in case of delay in the payment of their monthly wages, redefine their job role and increase their responsibilities, make affordable healthcare accessible to anganwadi workers, helpers and their families through health insurance scheme and healthcare coupons, provide for paid maternity leave, social security and pension benefits to anganwadi workers, improve access to education among children of anganwadi workers through scholarships and reservations, provide for quota in all government jobs for children of anganwadi workers and for all matters connected therewith or incidental thereto.

WHEREAS the 45th Indian Labour Conference has recommended recognition of scheme for workers (including anganwadi workers under the Integrated Child Development Services Scheme) as regular workers stipulating them with minimum wages and social security benefits;

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

Short title,
extent and
commencement.

1. (1) This Act may be called the Anganwadi Workers (Empowerment and Welfare) Act, 2018.

(2) It extends to the whole of India.

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

Definitions.

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

(a) "anganwadi worker" means a woman employed to provide additional and supplementary healthcare and nutritional services to children and pregnant women under the Integrated Child Development Services Scheme (ICDS Scheme); 10

(b) "appropriate Government" means in the case of a State or a Union territory having legislature, the concerned State Government or the Union territory Government, as the case may be, and in all other cases, the Central Government;

(c) "Authority" means the Anganwadi Workers' Empowerment and Welfare Authority constituted under section 3; 15

(d) "placement agency" means any agency or contractor, whether registered or otherwise, engaged in the placement of children of anganwadi workers with prospective private employers; and

(e) "prescribed" means prescribed by the rules made under this Act.

Constitution
of the
Anganwadi
Workers
Empowerment
and Welfare
Authority.

3. (1) With effect from such date as the Central Government may, by notification, appoint, there shall be constituted, an Authority to be known as the Anganwadi Workers Empowerment and Welfare Authority. 20

(2) The Authority shall consist of—

(a) the Union Minister of Women and Child Development — *ex-officio*, Chairperson; 25

(b) the Union Ministry of Health and Family Welfare - *ex officio*, Vice-Chairperson;

(c) the Director General of Health Services, Union Ministry of Health and Family Welfare — *ex-officio* member;

(d) the Secretaries of the Union Ministries of Women and Child Development, Health and Family Welfare and Statistics and Programme Implementation — *ex-officio* 30 members;

(e) the Chairperson, National Commission for Women — *ex-officio* member;

(f) the Director, National Institute of Health and Family Welfare — *ex-officio* member;

(3) The Central Government shall appoint such number of officers and staff as it considers necessary for the efficient functioning of the Authority. 35

(4) The salary and allowances payable to and other terms of conditions of services of officers and staff of the Authority shall be such as may be prescribed.

Meetings of
the Authority.

4. (1) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to transaction of business at its meetings as may be prescribed. 40

(2) The expenditure incurred to attend meetings by the members referred to in sub-clauses (a) to (f) of section 3, shall be borne by their concerned controlling authorities.

Functions of
the Authority.

5. The Authority shall, under guidance of the appropriate Government,—

(a) formulate a comprehensive policy for welfare of Anganwadi workers;

(b) forward such information as it may deem necessary to departments of the State Governments;

5 (c) undertake a baseline study to collect comprehensive data about anganwadi workers and their families, nutritional and health status of children (below six years of age) and pregnant women within one year of its establishment; and

10 (d) formulate a policy to redefine responsibilities of anganwadi workers and anganwadi helpers to include, but not limited to, participation in health screening programs for especially cancer in women, public awareness activities for all sectors of health, sanitation, education, road safety and any other such service, within one year of its establishment; and

(e) discharge such other functions as may be assigned to it by the Central Government:

15 Provided that the roles and responsibilities of anganwadi workers and anganwadi helpers, prescribed under clauses (c) and (d) shall be in addition to the functions already carried out by them under the Integrated Child Development Services Scheme (ICDS Scheme).

6. (1) The Authority shall recommend to the Central Government to regularise the service of anganwadi workers and anganwadi helpers and confer the status of permanent Government employees on such workers and helpers.

Regularisation of employment of anganwadi workers and anganwadi helpers.

20 (2) The Authority shall, in consultation with the State Governments, decide the formula and criteria for determination of wages of anganwadi workers and anganwadi helpers:

Provided that the wages and other incentives including bonus to be paid anganwadi workers and anganwadi helpers shall be directly linked to the improved nutritional status of children and pregnant women under their care:

25 Provided further that the wages of anganwadi workers and helpers shall be indexed to market inflation.

7. (1) The appropriate Government shall pay interest at such rate as may be determined for any delay in —

Penalty to be paid by the appropriate Government for delay in payment of wages and transfer of funds to anganwadi centres.

30 (a) payment of wages and performance related bonuses to be paid to the anganwadi workers and anganwadi helpers; and

(b) transfer of funds to anganwadi centres for providing nutritional supplements to children, pregnant women and its normal functioning:

35 Provided that if the delay is in the payment of Central Government share of wages to the anganwadi workers and anganwadi helpers or its contribution to the anganwadi centres, then the Central Government shall pay monthly interest at the rate of twenty per cent, on its wage share for the entire delay period:

Provided further that if the delay is in the payment of State Government's share of wages to the anganwadi workers and helpers or its contribution to the anganwadi centres, then the respective State Government shall pay monthly interest at the rate of fifteen per cent. on its wage share for the entire delay period:

40 Provided also that where the delay in payment of the Central Government and the State Government share is more than a month then the interest shall be compounded monthly.

45 8. (1) In cases of vacancies in posts of supervisors, workers or helpers at the anganwadi centres, and where the existing workers or helpers are burdened with performing additional responsibilities of the posts lying vacant, such workers or helpers shall be paid additional salary for undertaking such additional work.

Vacancies in posts at anganwadi centres and joint responsibilities.

(2) In case of delay in the payment of additional salary under sub-section (1), the provisions of payment of interest as mentioned under section 7 shall apply.

(3) The appropriate Government shall fill the vacancy within two months from the date on which such post becomes vacant.

Training of Anganwadi Workers and Anganwadi Helpers and computerisation of health records.

9. (1) The Authority shall impart pre-service and in-service training to anganwadi workers and anganwadi helpers and also initiate capacity building programme for such workers and helpers to enable them to carry out their responsibilities in the best possible way. 5

(2) The training under sub-section (1) shall include—

(a) training in maintenance of health and nutritional records of children, pregnant and lactating women in digital form; and 10

(b) bimonthly training in digital and medical technologies.

Healthcare facilities and coupons for families of anganwadi workers and helpers.

10. (1) The appropriate Government shall—

(a) provide qualitative and affordable healthcare to anganwadi workers and their families including their spouse, children and parents. 15

(b) provide healthcare coupons to anganwadi workers that may be redeemed for free healthcare in private hospitals.

Maternity benefits to anganwadi workers and helpers.

11. (1) The anganwadi workers and anganwadi helpers shall be entitled to paid maternity leave.

(2) The cost of paid maternity leave shall be borne by the appropriate Government on the basis of the cost sharing ratio on which the monthly wages are paid. 20

Pension and social security benefits to anganwadi workers and helpers.

12. The anganwadi workers and anganwadi helpers shall be entitled to pension and other social security benefits, to be paid by the appropriate Government, on the basis of the cost sharing ratio on which wages are paid.

Scholarships and reservation in schools and colleges to children of anganwadi workers and helpers.

13. (1) The Central Government shall provide scholarship to children of anganwadi workers and helpers till completion of their school education. 25

(2) The Central Government shall, in consultation with the State Government, reserve five *per cent.* of seats in all Government schools and colleges in favour of children of anganwadi workers and anganwadi helpers.

Reservation in public sector jobs to children of anganwadi workers.

14. (1) The Central Government shall reserve three *per cent.* of jobs in the public sector in favour of children of anganwadi workers. 30

(2) The Central Government shall, in consultation with the Authority, determine the relevant principles and criteria for providing reservation in favour of children of anganwadi workers helpers in job under the State.

Constitution of Placement Agency.

15. The Authority shall, in consultation with the appropriate Government, constitute a Placement Agency to engage the children of anganwadi workers with prospective private employers. 35

Monthly supervision of anganwadi centres and report submission by Child Development Project Officers.

16. The State Government shall direct supervisors and Child Development Project Officers to visit the anganwadi centres and families of anganwadi workers every month, and submit a report to the appropriate Government apprising the working conditions of anganwadi workers and anganwadi helpers alongwith benefits being provided under welfare schemes and policies formulated under this Act and the functioning of the anganwadi centres in such manner as may be prescribed. 40

17. The health, education, employment and such other welfare measures to be provided to anganwadi workers and helpers under this Act shall be in addition to the benefits already available to such workers and helpers. Benefits to anganwadi workers over and above the present benefits.
18. (1) The Authority shall prepare once every year, as may be prescribed, an annual report giving the summary of its activities, including schemes implemented, recommendations made to the appropriate Government and statements of its annual accounts and submit the same to the Central Government. Annual report and its laying before the Parliament.
- (2) The Central Government shall cause the annual report of the Authority to be laid, before each House of Parliament within a period of one year from the date of receipt of such report.
19. **The Central Government shall, from time to time, after due appropriation made by Parliament by law in this behalf, provide requisite funds for carrying out the purposes of this Act.** Central Government to provide funds.
20. 20. If any difficulty arises in giving effect to the provisions of this Act, the Central Government, in consultation with the State Governments, may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of any difficulty: Power to remove difficulties.
- Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.
21. (1) The Central Government may, by notification in Official Gazette, make rules for carrying out the purposes 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 or, as the case may be, each House of the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive, sessions aforesaid, Parliament or, as the case may be, the State Legislature agrees in making any modification in the rule or agrees 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.

STATEMENT OF OBJECTS AND REASONS

Healthcare workers are an important link between the healthcare providers and community, and are instrumental in raising awareness about health related risks, especially in rural areas. Study undertaken about functioning of the anganwadi centres proved that interventions by anganwadi workers and helpers can help in early detection and appropriate management of preventable childhood disabilities like malnutrition.

As per the National Family Health Survey (NFHS), the malnutrition in children (below five years of age) reduced to 35.7 per cent. in NFHS-4, compared to 42.5 per cent. in NFHS-3. *Anganwadi sevikas* who work at the grassroot level are major contributors for this reduction in malnutrition. Anganwadi workers are responsible for actual delivery of healthcare and education services under the Government's Integrated Child Development Services Scheme (ICDS scheme). The National Early Childhood Care and Education (ECCE) Policy of the Central Government notified in the year 2013, envisaged anganwadi centres as vehicles of ECCE service delivery. *Anganwadi sevikas* undertake a range of crucial functions and are responsible for conducting real time monitoring of malnutrition among children and lactating mothers, organise immunization drive along with Auxiliary Nurse Midwife (ANM), maintain growth monitoring charts to track and assess the nutrition status of children, maintain records (including registrations of births and deaths), provide pre-school and health education, distribute supplementary nutrition, undertake health check-ups and referral services among others.

The importance of anganwadis is also reflected in the renaming of ICDS Scheme as Anganwadi Services Scheme. The *anganwadi sevikas* are equipped with increasing responsibilities over the years. Under Access to Justice project, the anganwadis also aid in facilitating access of legal services to marginal communities. As per the Centre for Equity Studies Report, the burden of non-ICDS work on the anganwadi workers was high, as reflected in the percentage of anganwadi workers mobilised for other non-ICDS work. For instance, in 2014, 17 per cent of anganwadi workers were mobilised for panchayat related work, 46 per cent, for pulse polio, 42 per cent, for election work and 22 per cent. for other work. Thus, on an average 63 per cent. of the anganwadi workers were mobilised for non-ICDS work in 2014. There is need to increase the role and responsibilities of anganwadi workers by including participation in health screening programs for especially cancer in women, public awareness activities for all sectors of health, sanitation, education, road safety, among others. Despite the importance of the functions they perform and their ever increasing responsibilities, they are not entitled to any wages but are paid a meager amount of honorarium by the Central and the State Governments as per the cost sharing ratio. While a respective State's contribution to the honorarium varies, the Central Government pays its share of monthly honorarium to the anganwadi workers and anganwadi helpers at the rate of Rs. 3,000/- and Rs. 1,500/- respectively. Recognition of the relatively unpaid care work done by women anganwadi workers and right to financial entitlements, job security and other employment related benefits is also required. The 45th Indian Labour Conference has also recommended the recognition of this scheme workers (including anganwadis under Integrated Child Development Services Scheme) as regular workers stipulating them with minimum wages and social security benefits.

In context of their changing responsibilities and roles, there is need to regularise anganwadi workers and anganwadi helpers and confer the status of permanent Government employees to them. The payment and bonuses are required to be based on the nutritional status of children, rather than keeping them fixed. As per the research undertaken by Bill and Melinda Gates Foundation, the performance pay and bonuses paid to healthcare workers based on the nutritional status of children in their care, proved to be effective in improving

the nutritional status of children, compared to fixed bonuses. While this initiative reduced the prevalence of underweight among children five percentage points, height of the children increased by one centimeter, in a short span of three months.

The wages paid to the anganwadi workers and helpers shall be indexed to inflation. As per the Progress of Children Under Six Report, 2016 released by the Centre for Equity Studies, 35 per cent of the anganwadi workers were not paid their wages on time. To counter the problem of delay in wages to anganwadi workers and budget for buying nutritional supplements at anganwadi centres, a monthly interest at the rate of 20 per cent. and 15 per cent. respectively on the delayed amount for the entire period of delay should be paid by the Central and the State Governments. The interest shall be compounded, if the delay period is more than a month.

To deal with the issue of vacancies in posts at anganwadi centres and the resulting work overload, the provision for payment of wages for both positions to the anganwadi performing tasks related to both posts has to be made and any delay in payment shall be subject to penalty conditions.

Also participation of anganwadi workers in the health screening programs is necessary. The Medical Research Institutes in India undertook health screening program involving the anganwadi workers by training them of the risks of cancer and various tests for cancer. This has shown positive results with the number of people attending the health care camps for screenings, followed by diagnosis and treatment increased, especially for cancer screening among Indian women. To keep the workers up to date with the evolving technologies, frequent pre-service and in-service training and capacity building programme is required. The compulsory computerisation of health records and requisite training and technology for the same is also necessary.

Qualitative and affordable healthcare to *anganwadi sevikas* through healthcare coupons which can be redeemed for free healthcare at private hospitals is required which can be availed by these anganwadi workers and their spouse, children and parents. These *anganwadi sevikas* shall also be entitled to get paid maternity leave, the cost of which shall be shared by both the Central and the State Governments in the same cost sharing ratio as the wages. The provisions of pension after the retirement and other social security benefits to be paid to Anganwadi workers and helpers by the Government to overcome the pitiable conditions of the anganwadi workers and anganwadi helpers. Also to provide access to education, scholarships to children of anganwadi workers till their completion of school education shall also be granted. Further, provision of reservation of atleast five *per cent.* of seats in all Government schools and colleges, 3 *per cent.* of jobs in the public sector for children of anganwadi workers and helpers be made. Placement Agency is required to be constituted to engage children of anganwadis with prospective private employers. Monthly supervision of anganwadi centres and anganwadi household by Child Development Project Officers (CDPOs) to ascertain whether the benefits which are in addition to the services allocated to them under the present ICDS scheme to anganwadi workers' families are being realized or not.

The Bill, therefore, champions for the rights and welfare of the anganwadi workers and anganwadi helpers by mandating the Government to allocate the anganwadi workers and anganwadi helpers their due share of entitlements *viz.* wages and bonuses, healthcare and education services, pension and social security benefits.

Hence this Bill.

NEW DELHI;

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July 2, 2018.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Anganwadi Workers' Empowerment and Welfare Authority. It also provides appointment of such number of officers and staff for its functioning. Clause 4 provides for meetings of the Authority to observe rules of procedure for transaction of business. Clause 8 provides for additional salary to the anganwadi workers for undertaking additional responsibilities. Clause 9 provides for training of anganwadi workers and helpers. Clause 10 provides for affordable healthcare services and coupons to anganwadi workers and anganwadi helpers. Clause 11 provides for paid maternity leave to anganwadi workers and anganwadi helpers. Clause 12 provides for pension and social security benefits to the anganwadi workers and anganwadi helpers. Clause 13 provides for scholarships and reservation in educational institutions and in job in public sector in favour of children of anganwadi workers and helpers. Clause 15 provides for constitution of a Placement Agency to engage children of anganwadi workers and anganwadi helpers with prospective private employers. Clause 19 makes it obligatory for the Central Government to provide requisite funds for carrying out the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of five thousand crore rupees would be involved per annum.

A non-recurring expenditure to the tune of rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 21 of the Bill empowers the Central Government to make rules for carrying out the purposes 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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(Shrimati Supriya Sule, M.P.)