

GAHC010234612019



undefined

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/60/2019

BACHPAN BACHAO ANDOLAN
A CHARITABLE SOCIETY HAVING ITS OFFICE AT L-6, KALKAJI, NEW
DELHI 110019 AND REP. BY ITS GENERAL SECRETARY MR. R.S.
CHAURAUSIA

2: SAMPURNA BEHURA
D/O LT. GANGA DHAR BEHURA
R/O FLAT NO. 501
TECHNOLOGY APARTMENT
PATPARGANJ
DELH

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, SOCIAL WELFARE
DEPTT. BLOCK-D, 1ST. FLOOR, JANATA BHAWAN, DISPUR, GAUHATI-
781006

2:DIRECTORATE OF SOCIAL WELFARE
REP. BY THE DIRECTOR
KACHARI GHAT
MG ROAD
UZAN BAZAR
GAUHATI-781001

3:ASSAM STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS
REP. BY THE CHAIRPERSON
BYE LANE NO. 1
H.NO. 1
SAMMANOY PATH
SURVEY
BELTOLA-BASISTHA ROAD
GAUHATI-781028

4:THE DIRECTOR GENERAL OF POLICE

OFFICE DR. BK KAKATI RD. ULUBARI
GAUHATI
ASSAM 781007

5:REGISTRAR
GAUHATI HIGH COURT
GAUHATI
ASSA

Advocate for the Petitioner : MR. P P SARMA, N CHAUDHURY,MR. M DAS,MR. B D DEKA

Advocate for the Respondent : GA, ASSAM, SMT. PRIYAMBADA MISHRA, PROG.
OFFICER,SRI ASHOK SHARMA, PROG. MANAGER,DR. PREETY LEKHA DEKA, ACS,MR. R
K D CHOUDHURY, DY. S.G.I.,SC, GHC

Linked Case : PIL(Suo Moto)/2/2023

IN RE- PLIGHT OF CHILDREN IN TEMPORARY SHELTER HOMES
X

VERSUS

THE STATE OF ASSAM AND ANR.
X

2:THE MEMBER SECRETARY
THE ASSAM STATE LEGAL SERVICES AUTHORITY

Advocate for : MR. B D KONWAR SR. ADV. (AMICUS CURIAE)
Advocate for : MR. D NATH (SR. GOVT. ADVOCATE
ASSAM) appearing for THE STATE OF ASSAM AND ANR.

Linked Case : PIL(Suo Moto)/1/2018

X-X-X
X-X-X

VERSUS

IN RE THE GOVT OF ASSAM AND 3 ORS
REP. BY THE SECRETARY

DEPTT. OF SOCIAL WELFARE
BLOCK-D
1ST FLOOR
JANATA BHAWAN
DISPUR
GUWAHATI- 781006

2:DIRECTORATE OF SOCIAL WELFARE
REP. BY THE DIRECTOR
KACHARI GHAT
M G ROAD
UZAN BAZAR
GUWAHATI- 781001

3:ASSAM STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS
REP. BY THE CHAIRPERSON
BYE LANE NO.1
H NO.1
SAMMANOY PATH
SURVEY
BELTOLA- BASISTHA ROAD
GUWAHATI- 781028

4:UNION OF INDIA
REP. BY THE SECRETARY MIN OF WOMEN AND CHILD DEVELOPMENT
SHASTRI BHAWAN
NEW DELHI- 01

Advocate for : MR. H K DAS(SC
GHC)
Advocate for : GA
ASSAM appearing for IN RE THE GOVT OF ASSAM AND 3 ORS

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 18.12.2024
(K.R. Surana, J)

Heard Mr. N. Chaudhury, learned counsel for the petitioner. Also heard Mr. D. Nath, learned Senior Govt. Advocate appearing for the State; and Mr. R.K.D. Choudhury, learned DSGI. Dr. Preety Lekha Deka, ACS, Deputy Secretary

to Govt. of Assam, Women and Child Development Department; Mr. Ashok Sarma, Programme Manager, CP, SCPS, Assam; and Smt. Priyambada Mishra, Programme Officer, CICL, SCPS, Assam are also present.

2. The learned Senior Govt. Advocate has produced a copy of instruction dated 17.12.2024 indicating the present status of the Juvenile Justice Boards of 35 (thirty five) districts in the State of Assam; notification dated 17.12.2024; as well as minutes of the meeting held in the Judicial Department.

3. It is submitted that the Draft Child Protection Policy of the State of Assam as well as the Draft Assam State Juvenile Justice Rules, 2024 has been placed in the Cabinet portal and also sent to the Judicial Department, School Education Department as well as the Finance Department for their final views and accordingly, the Child Protection Policy would be placed before the Cabinet in the next sitting.

4. It is also submitted that steps are being taken to incorporate the direction contained in paragraph-44(i) of the order dated 20.08.2024, passed by the Supreme Court of India in Suo Moto WP(C) 3/2023 in the Draft Juvenile Justice Rules.

5. As it is projected that it will take some time to notify the Rules and Child Protection Policy as well as to notify the appointments after the closure of the selection process, we deem it appropriate to adjourn the matter today.

6. On the next date, the Court proposes to also take up the issues of infrastructure relating to the Juvenile Justice Boards functioning in the State of Assam as well as the condition of the Children Home in the State of Assam.

7. The learned Senior Govt. Advocate shall inform the Court about the status of the (i) issuance of notification for the Draft Rules and Child Protection Policy; (ii) filling of the vacancies; as well as (iii) the status of social audit and

tentative time of completion of the said audit.

8. The learned Senior Govt. Advocate has submitted that taking into account the pendency of cases before the Juvenile Justice Boards in the State of Assam, the State would also like to explore if the sitting of certain Juvenile Justice Boards can be increased as per necessity on case to case basis.

9. As this is a welcome suggestion, the Govt. may explore the possibility of rescheduling the sitting of Juvenile Justice Boards in the State of Assam, wherever necessary and forward it to the Court through the learned Senior Govt. Advocate so as to enable the stakeholders to also examine it.

10. List on 25.02.2025.

JUDGE

JUDGE

Comparing Assistant