

09/03/2021
Item 134-135(t)
Court No.1.
AB/S DE

WWW.LIVELAW.IN
Through Video Conference

W.P.A. (P) 9 of 2020

Arijit Adhikary

Vs

The State of West Bengal & Others

With

W.P.A. (P) 13 of 2020

The Court on its own motion :

In re : Unnatural death of a teenaged boy in

Mollarpur, P.S. Birbhum

Mr. Debasish Banerjee ...for the Petitioner in
WPA (P) 9 of 2020.

Mr. Saikat Banerjee,
Mr. Uttam Kr. Ray,
Mr. Vivekananda Tripathi ...for the High Court
Administration.

Mr. Kishore Dutta, Ld. AG,
Mr. Tapan Kr. Mukherjee,
Mr. Somnath Naskar ...for the State.

Mr. Y. J. Dastoor, Ld. ASG,
Mr. Siddhartha Lahiri ...for the UOI in
WPA (P) 13 of 2020.

We have before us the compliance report of the
Director General & Inspector General of Police, West
Bengal annexing therewith the copy of message no.12/
Law Cell Adm/CR/LC-19/21 dated 14.01.2021 issued
from his Office to the Superintendents of Police of all
Districts/Police Districts/Commissioners of Police of
all Police Commissionerate under West Bengal Police /
all Superintendents of Railway Police-W- All Range

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DIGs-W- All Zonal IGPs-W-ADG, Western Zone-W-IGP, North Bengal Region-W-ADG (L&O), WB-W-CP, Kolkata, alerting the Police Administration of the State that the Rule 8 of the West Bengal Juvenile Justice (Care and Protection of Children) Rules, 2017 shall be scrupulously followed and no action shall be taken in derogation thereof.

The applicability of Rule 8 of the West Bengal Juvenile Justice (Care and Protection of Children) Rules, 2017 in the backdrop of the provisions contained in the Juvenile Justice (Care and Protection of Children) Act, 2015 are brought in place to support a fragile sector of the Indian citizenry, namely, the children, who also turn out to be the brick and mortars for future India.

Hence, we are of the view that unless the sum and substance of Rule 8 of the West Bengal Juvenile Justice (Care and Protection of Children) Rules, 2017 are carried to its hilt in letter and spirit, the very objects sought to be achieved by making that Rule and the existence of its energizing provisions in the Juvenile Justice (Care and Protection of Children) Act, 2015 would remain futile.

We are, therefore, of the view that the officers in the ground level in the Police Department needs to be appropriately instructed with adequate information about the contents and modality of operation of Rule 8

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of the West Bengal Juvenile Justice (Care and Protection of Children) Rules, 2017. We also see that Rule 8 itself provides for a system of undertaking and liaisoning between different departments including Legal Services Authority under the Legal Service Authority Act. The CWCS and other institutions of national governance are entrusted with duties and responsibilities to ensure due and requisite operation and enforcement of the terms of Rule 8 of the West Bengal Juvenile Justice (Care and Protection of Children) Rules, 2017 in the backdrop of the principal Act.

In our considered opinion, it is absolutely necessary that a training sector of the Police Department in the State of West Bengal should carry out requisite training programmes at least in the form of capsule programme with the guidelines and inputs of the Juvenile Justice Committee of the High Court at Calcutta and with the involvement of appropriate resourced person, as may be suggested by the Juvenile Justice Committee. The modality of carrying this forward will be regulated by the ADG (Training) in the Home Department of the Government of West Bengal by requisite interactions with the Chairperson of the Juvenile Justice Committee of the High Court as and when required.

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Since the matter falls, by and large within the subject covered by the Juvenile Justice Act and Rules framed thereunder including the West Bengal Juvenile Justice (Care and Protection of Children) Rules, 2017, we request the Chairperson of the Juvenile Justice Committee to look into the contents of this order and pave way through appropriate instructions to the ADG (Training) in the Home Department of the State of West Bengal so that the process of empowerment of the police personnel at all levels through requisite legal literacy programme, which would be comprehensive and value oriented, is carried out in the best interest of the large sector of juveniles, who would be the beneficiary of such training through the police personnel.

We hope that steps in this regard will take a final shape through the Chairperson of the Juvenile Justice Committee and a process of imparting training will, as may be finalized, commence within a period of a month from date.

List these matters on 19.03.2021 at 2 p.m. as a “Specially Fixed Matter”.

(Thottathil B. Radhakrishnan, C.J.)

(Aniruddha Roy, J.)

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