

GAHC010234612019



**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

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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

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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 : 13.09.2024**  
(K.R. Surana, J)

Heard Mr. P.P. Sarma, learned counsel for the petitioner through video conferencing. Also heard Mr. D. Nath, learned Senior Govt. Advocate appearing for the State; Mr. N.K. Sarma, learned counsel appearing on behalf of Mr. H.K.

Das, learned Standing Counsel, Gauhati High Court; Mr. R.K.D. Choudhury, learned DSGI for the Union of India. Dr. Preety Lekha Deka, ACS, Deputy Secretary to Govt. of Assam, Women and Child Development Department, and Smt. Priyambada Mishra, Programme Officer, CICP, SCPS, Assam are also present.

2. Mr. D. Nath, learned Senior Govt. Advocate has referred to the affidavit filed on 12.09.2024 and submits that about 1 (one) month more time will be consumed in settling and notifying the State Child Protection Policy and the Rules to be framed by the State would take some more time. He has also submitted that the Draft Rules has also been shared with the learned counsel for the petitioner.

3. We hope that in the absence of the State Child Protection Policy and the State Rules in place, the State would inform all the stakeholders that till the State Child Protection Policy and Rules are framed by the State, all the stakeholders shall follow the Draft Central Model Rules, 2016 *proprio vigore*.

4. The Registry has received a note from the Judicial Academy, Assam indicating the various challenges faced by the Juvenile Justice Boards. The said note dated 05.09.2024 along with compilation of the issues and challenges faced by the Juvenile Justice Boards be circulated to the learned counsel for the appearing parties. However, the said note shall be taken up by the Court on the next date of listing.

5. The State shall take steps for redressal of the various issues and challenges faced by the Juvenile Justice Boards.

6. Mr. P.P. Sarma, learned counsel for the petitioner, Bachpan Bachao Andolan has submitted that they have received a Draft Policy from the State and necessary inputs would be provided to the State within a week.

7. We just put on record our hope and trust that the State Govt. with all its resources and might would take immediate steps so as to notify the Draft State Child Protection Policy as well as to notify the Rules so that the purpose of Juvenile Justice (Care and Protection of Children) Act, 2015 is achieved in the State.

8. List on 05.11.2024 subject to availability of the Bench.

**JUDGE**

**JUDGE**

**Comparing Assistant**