

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
DELHI

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 : 05.11.2024
(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; Mr. H.K. Das, learned Standing Counsel, Gauhati High Court. 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. At the outset, the learned senior Govt. Advocate has produced a copy of written instruction dated 04.11.2024 along with certain documents annexed thereto and it is verbally submitted that as per his instruction, the State Child Protection Policy as well as the Juvenile Justice (Care and Protection of Children) Rules is likely to be settled and notified by the year end.

3. The learned counsel for the petitioner as well as the learned standing counsel for the High Court have pointed out that in several judicial districts, the Juvenile Justice Boards (JJB for short) have not been constituted and the child in conflict with law are subjected to jurisdiction of nearest JJBs.

4. Accordingly, the State Govt. shall inform the Court by way of a report as to (i) whether JJBs have been constituted in each and every district; (ii) whether it is properly constituted in accordance with the Juvenile Justice (Care and Protection of Children) Act; and (iii) it will also be indicated therein the last

date of tenure of the various Members. In the said report, it shall also be indicated if the JJBs where the proceedings of districts where no JJBs are constituted are taken up, whether such a process is backed by any notification of the State Govt. so as to empower the JJBs of a different district to act as a JJB for the other district.

5. Before parting with the records, we once again record our hope and trust that the State Govt. shall do the needful to notify the draft Child Protection Policy as well as Juvenile Justice (Care and Protection of Children) Rules at the earliest by expediting the consultation process.

6. To be updated about the process and awaiting the report of the functioning and the constitution of JJBs, list the matter again on 18.12.2024.

JUDGE

JUDGE

Comparing Assistant