

**IN THE HIGH COURT OF JHARKHAND AT RANCHI.**  
**W.P (PIL) No. 1746 of 2015**

...  
Court On Its Own Motion ... Petitioner  
-V e r s u s-  
The Union of India & Ors. ... Respondents  
...

**CORAM: - HON'BLE MR. JUSTICE VIRENDER SINGH, CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE P.P. BHATT.**

...  
For the Petitioner : Mr. Sumit Gadodia, Amicus Curiae  
For the State : Mr. Binod Poddar, A.G.  
Mr. Ajit Kumar, A.A.G.  
For the UOI : Mr. Rajiv Sinha, A.S.G.I.  
...

**03/ Dated : 21<sup>st</sup> May, 2015**  
**Per Virender Singh, C.J.:**

Mr. Gadodia states that Union of India in its affidavit has highlighted the seriousness of the issue relating to the **Left Wing Extremism** (for short **LWE**). It is a serious threat to the national security at present and the intension of the LWE is to over-throw the Indian Parliamentary Democracy. Union of India also admits that certain boys and girls of a tender age are recruited by LWE primarily from the tribal areas in the State of Bihar, Chhattisgarh, **Jharkhand**, Maharashtra and Odisha. Such children are asked to perform various tasks like acting as informer, fighting with non-lethal weapons. They are also imparted training with regard to use of explosives, etc. Not only that, these children are used tactically by different groups of LWE by pushing them in the forefront when they are armed exchanges with the security force. They are also used for the purpose of propaganda mileage whenever there is any casualty of minors. Learned counsel submits that Union of India is not sure till date as to how many children are recruited by LWE in the country. Mr. Gadodia states that about Jharkhand State where this shocking incident has happened, Union of India is silent with regard to recovery of the children and any preventive measure, which it intends to take in due course. What they have only stated in their affidavit is that a letter has been written by Ministry of Home Affairs to the Principal Secretary, Home, Government of

Jharkhand asking for the latest status report of the action taken by the State in the present issue, although showing willingness to extend all possible help to the State. This, according to Mr. Gadodia, is the sum and substance of the affidavit filed by the Union of India.

2. Adverting to the affidavit filed by the State, Mr. Gadodia submitted that it appears that the State has taken this issue very lightly, may be considering that it has become usual feature in the State of Jharkhand. According to Mr. Gadodia, the State appears to be more concerned with lodging of the FIRs whenever any occurrence of this type takes place in stead of taking effective measures for recovery of the kidnapped children and to adopt preventive measures so as to prevent such type of incident/occurrence in near future. Learned counsel submitted that in stead of the direction by the Court to the State to come out with some comprehensive steps to address the issue, it has only mentioned in its affidavit about certain status report given by the respective Superintendents of Police where the criminal cases have been registered with regard to alleged kidnapping of the children and only giving incidence of one case where the State has been able to recover 5 children out of 17 victim children. According to Mr. Gadodia, the report submitted by the State takes us nowhere.

3. According to Mr. Gadodia, keeping all these aspects, what, in fact, is required to be done, is that the Union of India should immediately intervene in the present situation and coordinate with the State Government to take immediate steps for recovery of the kidnapped children by extremist group(s). Mr. Gadodia states that in a peculiar situation which has now emerged and many of the kidnapped minor children have not been recovered till date, it would be most appropriate, if a writ of habeas corpus is issued to the State Government to recover the kidnapped children and to produce them before this Court or before the

court having jurisdiction where the criminal case(s) has/have been registered.

4. The other suggestion put forth by Mr. Gadodia is that the State should take immediate adequate measures/steps for rehabilitation of the recovered abducted children as the information to his is that the parents of all those children are not ready and willing to have the custody of their children, may be under the threat, fear or apprehension that they would be kidnapped or killed by the extremist group(s).

5. Mr. Gadodia further suggests that a detailed development plan for naxal/extremist affected areas/districts should be prepared and the same may be produced before this Court for its perusal and further directions. By way of an example Mr. Gadodia states that the State has prepared one '**Saranda Development Plan**' in which they have identified several measures for prevention of naxalism and their removal from the particular area and on one or two occasions, the State has turned up to be successful also. According to Mr. Gadodia, the State can also seek the help of Union of India in this regard, so that a special task force is deployed for this purpose.

6. Mr. Sinha, while drawing our attention to the affidavit filed by the Union of India, states that under Integrated Action Plan (IAP) in 82 selected tribal dominated districts, in the nine LWE affected States have been given Rs.30 crores each district per year and this financial assistance was given by the Union of India during the year 2013-14 and 2014-15. However, with regard to financial year 2015-16 no fund provision has been made by the Ministry of Finance under ACA scheme and the scheme has been transferred to the respective States. According to Mr. Sinha, Ministry of Home Affairs is taking this matter with Ministry of Finance for its retention.

7. Mr. Sinha states that not only that, to improve road connectivity in the affected areas, a programme titled '**Road Requirement Plan-I**' for LWE affected areas is under implementation by the Ministry of Road Transport and Highways in 34 LWE affected districts of 8 LWE affected States of Telangana, Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha and Uttar Pradesh. Under this plan, the total road length of 5,477 kms is required to be constructed with an estimated cost of Rs.7,300 crores. Up to 30.4.2015 the total length of 3,667 kms has been completed with an expenditure of Rs.4,880 crores.

8. Mr. Sinha, however, fairly concedes that in the affidavit filed by the Union of India, it should have been made clear as to how much finance has been released to the State of Jharkhand with regard to each LWE infested district for the year 2013-14 and 2014-15 besides making it clear as to how much has been released to the State of Jharkhand under the programme, Road Requirement Plan-I. According to Mr. Sinha, all this can be made clear even by the State.

9. Mr. Sinha states that even Ministry of Communication and I.T. Is implementing a scheme of Mobile Services in the LWE affected areas in the 10 LWE affected States with the support of Universal Service Obligation Fund (USOF) to improve the mobile connectivity in all those areas and this project has been approved by the Government to provide mobile towers in 2199 locations with an estimated cost of Rs.3,567.58 crores. The implementation of this scheme is to be closely monitored by the Department of Telecom. This scheme has to be targeted by August, 2015 only. He states that he is not clear in the affidavit as to how much amount has been released for the implementation of the scheme in the State of Jharkhand.

10. With regard to handling LWE problem in the holistic manner, Mr. Sinha states that Union of India has come out with **four-pronged**

intervention in the areas of security, development, ensuring rights and entitlements of local communities and public perception management. For this, the Central Government has prepared a national policy and action plan to combat LWE problem in the country which has been circulated to all the stakeholders in January, 2015. He submits that the specific security related measures formulated by the Government include :-

- (i) deployment of Central Armed Police Forces (CAPFs)
- (ii) sanction of Indian Reserve (IR) Battalions
- (iii) setting up of Counter Insurgency and Anti Terrorism (CIAT) Schools
- (iv) modernization of State Police Force
- (v) revised Security Related Expenditure (SRE) Scheme
- (vi) Special Infrastructure Scheme (SIS) for upgradation of special forces
- (vii) construction of fortified police stations.

11. Mr. Sinha states that Union of India, on demand of each State, deploys all the aforesaid forces in case of need, undoubtedly with the consultation of the State. He states that Union of India also shares the intelligence inputs with the States which in any case cannot be made public.

12. Mr. Binod Poddar, learned Advocate General states that all what is stated by the Union of India in its affidavit requires to be replied by way of an affidavit of some senior official of the State, may be the Chief Secretary or Director General of Police. He states that he may be given just one day's time to have detailed discussion with the Chief Secretary and Director General of Police today itself enabling him to file an affidavit, if not detailed one, by tomorrow.

13. **Granted.**

14. Consideration of the instant petition is deferred for a day. Be kept on board for tomorrow. To be taken in the start of the day at 10:30 A.M. sharp.

15. We will appreciate, if the Director General of Police of the State appears in person tomorrow to assist this Court.

**(Virender Singh, C.J.)**

**(P.P. Bhatt, J.)**

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