

ITEM NO.303

COURT NO.9

SECTION PIL(W)

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s).75/2012

BACHPAN BACHAO ANDOLAN

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for exemption from filing O.T. and exemption from personal appearance and permission to file additional documents and office report)

Date : 11/09/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. H.S. Phoolka, Sr. Adv.
 Mr. Jagjit Singh Chhabra, AOR
 Mr. Bhuwan Ribhu, Adv.
 Mr. Anand Kumar, Adv.
 Mr. Virender Verma, Adv.

For Respondent(s)
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 Ms. Sunita Sharma, Adv.
 Ms. Gunwant Dara, Adv.
 Mrs. Anil Katiyar, Adv.
 Mr. D.S. Mahra, AOR
 Ms. Sushma Suri, Adv.
 Mr. P.K. Dey, Adv.
 Mr. T.A.Khan, Adv.
 Mr. B.V. Balaram Das, Adv.

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Ms. Shalini Chandra, AOR

Mr. Sunil Fernandes, AOR

Mr. Avijit Bhattacharjee, AOR

Ms. A. Subhashini, Adv.

UPON hearing the counsel the Court made the following
O R D E R

We have gone through the affidavit filed by Mr. Ashi Kapoor on 8th September, 2015. We have also heard learned Additional Solicitor General and learned counsel for the petitioner.

In the affidavit, it is admitted that there is a discrepancy in the figures that are available with the Ministry of Women and Child Development (MWCD) and National Crime Records Bureau (NCRB), but the process of reconciliation is going on. It is stated that the reconciliation has been finalized in respect of eleven States and steps are being taken to reconcile the figures

with regard to other States and Union Territories on missing and recovered children. It is expected that the reconciliation of figures will take place within about six weeks.

It is further stated that the process for integration of the website "trackthemissingchild" with "khoya-paya" is going on and consultations have already been held with the National Informatics Centre (NIC) and the process is expected to be completed very soon.

It is also stated that a meeting was held on 14th August, 2015 and discussions held with regard to various issues, including a social audit Standard Operating Procedures on missing children, Individualized Child Care Plan etc.

The next meeting is expected to be held on 29th September, 2015. The MWCD should make all efforts to finalize the requirements and the discussions at the earliest.

It has been brought to the notice of learned Additional Solicitor General that no appointments have been made to the National Commission for Protection of Child Rights (NCPCR) in spite of various orders passed by this Court from time to time, particularly from January, 2015 onwards. Eight long months have passed by in this regard and we have been extremely indulgent and patient

in this regard, but the MWCD does not seem to be taking any interest in filling up the vacancies. Learned Additional Solicitor General says that the matter is under active consideration, something that we have been hearing at least from February, 2015. For this unexplained delay, we impose costs of Rs.25,000/- on the Ministry of Women and Child Development, Government of India. This amount be deposited with the Supreme Court Legal Services Committee within four weeks from today to be utilized for issues pertaining to juvenile justice.

Learned Additional Solicitor General has also stated that action is being taken on '*Operation Smile*' and '*Operation Muskaan*'. It has been brought to our notice that there has been some criticism about the manner in which both these Operations are being conducted in the sense that sometimes street children are being taken away from their parents. Learned Additional Solicitor General says that he will personally take up the matter with the Ministry of Home Affairs and ensure that such complaints do not occur and that '*Operation Smile*' and '*Operation Muskaan*' are implemented in proper spirit and not just to produce numbers.

We have brought to the notice of learned Additional Advocate General for the State of Uttar Pradesh the contents of paragraph 10 of the affidavit filed by the

MWCD. He says that he will get back to us on 18th September, 2015. List the matter for 18th September, 2015 only for this purpose.

For the response of the Union of India, list the matter on 6th November, 2015.

The Registry should not accept any affidavits other than those filed by the Union of India, or under our specific directions.

(SANJAY KUMAR-I)
COURT MASTER

(JASWINDER KAUR)
COURT MASTER