

ITEM NO.27 COURT NO.3 SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CIVIL) NO(s). 473 OF 2005

SAMPURNA BEHRUA Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

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

Date: 17/01/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. Colin Gonsalves,Sr.Adv.
Mr. Divya Jyoti,Adv.
Ms.Jyoti Mendiratta,Adv.

For Respondent(s) Mr. Parag P. Tripathi, ASG
Ms. Monisha Handa,Adv.s
(Union of India) Mr. T.S. Doabia,Sr.Adv.
Mrs. Asha G. Nair,Adv.
Mr. Manpreet Singh Doabia,Adv.
Ms. Sunita sharma,Adv.
Mr. S.S. Rawat,Adv.
Mr. D.S. Mahra,Adv.

(NCT of Delhi) Mr. T.S. Doabia,Sr.Adv.
Mr. W.A. Qadri,Adv.
Mrs. Asha G. Nair,Adv.

(State of U.P.) Mr. Pramod Swarup,Sr.Adv.
Ms. Pareena Swarup,Adv.
Ms. Alka Sinha,Adv.
Ms. Anuvrat Sharma,Adv.

Mr. Arun K. Sinha ,Adv

2

Mr. Anis Suhrawardy ,Adv

(state of W.Bengal) Mr. Avijit Bhattacharjee ,Adv
Mrs. Sarbani Kar,Adv.
Ms. Debjani Das Purkayastha,Adv.
Mr. Bidyabrata Acharya,Adv.

(State of Bihar) Mr. Gopal Singh ,Adv.
Mr. Manish Kumar,Adv.

(State of Tripura) Mr. Gopal Singh ,Adv.
Mr. Manish Kumar,Adv.

Ms. Hemantika Wahi, Adv.
Ms. Nupur Kamingo, adv.

Ms. Kamini Jaiswal ,Adv
Mr. Naresh K. Sharma ,Adv
Ms. Sushma Suri ,Adv.

(State of Sikkim) Mr. A. Mariarputham, Adv. Genl., Sikkim
Mrs. Aruna Mathur, Adv.
Mr. Yusuf Khan, Adv.
Mr. Avnesh Arputham, Adv.
Ms. Megha Gaur, Adv.
For M/S Arputham, Aruna & Co. , Adv

(State of Meghalaya) Mr. D.S. Mahra ,Adv
Mr. Ranjan Mukherjee ,Adv
Mr. S. Bhowmick, Adv.
Mr. S.C. Ghosh, Adv.

(State of Nagaland) Mr. Edward Belad, Adv.
Mr. Kenatoli Sema, Adv.

(State of Arunachal Pradesh)
Mr. Anil Shrivastav, Adv.
Mr. Rituraj Biswas, Adv.

(UT of Pondicherry) Mr. V.G. Pragasam ,Adv
Mr. S.J. Aristotle, Adv.
Mr. Praburama Subramanian, Adv.

(State of M.P.) Mr. B.S. Banthia, Adv.
Mr. Vikrant Singh Bais, Adv.

(State of Goa) Ms. A. Subhashini, Adv.

(State of Manipur) Mr. Khwairakpam Nobin Singh ,Adv
3

Mr. Sapam Biswajit Meitei, Adv.

Mr. Radha Shyam Jena ,Adv.

(State of Maharashtra) Mr. Sanjay V. Kharde, Adv.
Ms. Asha Gopalan Nair, Adv.

Mr. Sanjay R. Hegde ,Adv
Mr. Ratan Kumar Choudhuri ,Adv.

Mr. Riku Sarma, Adv.
Mr. Navneet Kumar, Adv.
For M/S Corporate Law Group ,Adv

Mr. Jatinder Kumar Bhatia ,Adv

(State of Mizoram) Mr. Pragyan Pradip Sharma, Adv.
Mr. Siddhartha Lodha, Adv.
Mr. P.V. Yogeswaran ,Adv.

Mr. P.V. Dinesh, Adv.
Mr. P. Rajesh, Adv.
Mr. Jithin V.J. Adv.
Mr. P.V. Vinod, Adv.

(St. of Chhattisgarh) Mr. Atul Jha, Adv.
Mr. Dharmendra Kumar Sinha ,Adv

(State of A.P.) Mr. D. Mahesh Babu, Adv.
Mr. Ramesh Allanki, Adv.

Mr. T. Harish Kumar, Adv.

Mr. Manjit Singh, AAG, Haryana
For Mr. Kamal Mohan Gupta, Adv.

Mr. Balaji Srinivasan, Adv.
Mr. Milind Kumar, Adv.
Mr. Ajay Pal, Adv.
Mr. G.N.Reddy, Adv.
Mr. Sunil Fernandes, Adv.

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

We had directed the States to file status reports
4

in regard to implementation of the Juvenile Justice Act.

Re: State of Punjab

The latest position is not reflected by filing of an affidavit. The learned counsel for the petitioner submitted that on verification with several NGOs in the state, it is found that Juvenile Justice Boards have been constituted in every district but the Child Welfare Committees have not been constituted in all the 20 districts. Learned Additional Solicitor General appearing for the Union of India submitted that as per the information available with the National Commission for Child Welfare, the Child Welfare Committees have been constituted in five districts and these five Child Welfare Committees are catering to the needs of all the 20 districts. Having regard to Juvenile Justice Act, it will be necessary for the State to constitute Child Welfare Committee for every district. The State of Punjab seeks time to constitute the Child Welfare Committee in accordance with the provisions of the Act. Compliance and affidavit to be filed within two months.

Re: State of Haryana

In regard to State of Haryana, no affidavit is filed. None appears for the State of Haryana. In the

5

circumstances, two months time is granted for filing affidavit by the State of Haryana subject to payment of cost of Rs.2500/- payable to Supreme Court Legal Services Committee within four weeks.

Re: State of Uttar Pradesh

In regard to the State of Uttar Pradesh, an affidavit has been filed showing that there are 72 districts in U.P.; that in 66 districts, Juvenile Justice Boards have been constituted and that in 61 districts, Child Welfare Committees have been constituted. Mr. Pramod Swarup, learned senior counsel appearing for the State of U.P. submits that even in regard to the remaining districts, the Juvenile Justice Boards and Child Welfare Committees will be constituted in a short while and the process of issuing notification is on. Two months time is given to enable them to issue necessary notifications and file a further compliance report.

Re: State of Rajasthan

In regard to State of Rajasthan, an affidavit has been filed. It is stated that there are 33 districts in the State and in all districts, Juvenile Justice Boards had been constituted. However, as the term of some of the Boards have expired, the State is in the process of reconstituting the Boards and it has submitted that reconstitution will be completed shortly. In so far as the Child Welfare Committees are concerned, the State has established them in 29 of the districts and in regard to the remaining 4 districts, the process of establishing them is stated to be in progress. In view of the said

6

statement, matter is adjourned by two months to enable them to do the needful and file appropriate compliance report.

Re: State of Assam

In regard to the State of Assam, an affidavit regarding compliance has been filed. Affidavit shows that Juvenile Justice Boards and Child Welfare Committees have been constituted in all the 27 districts. Learned counsel for the State submitted that the figure '25' in regard to Juvenile Justice Board is a typographical error and State has established Juvenile Justice Board in every district. They are permitted to file an amended affidavit reporting compliance within two months.

Re: NCT of Delhi

Mr. T.S. Doabia, learned senior counsel appearing for NCT of Delhi submitted that the figure of pending cases had been given earlier approximately; and that two Juvenile Justice Boards are functioning and the third Board is being set up. He stated that steps are also being taken for establishment of adequate number of Child Welfare Committees and seeks two months time to file a compliance report.

List the matter for consideration of the compliance by the states of Himachal Pradesh, Uttarakhand, Madhya Pradesh, Orissa and Karnataka on 14.2.2011. The Union of India is also directed to file an affidavit giving consolidated figure in regard to all the States by then.

(O.P. Sharma)
Court Master

(M.S. Negi)
Court Master