

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: 14/02/2011 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. Divya Jyoti, Adv.
Ms.Jyoti Mendiratta,Adv.

For Respondent(s)
Mr. Arun K. Sinha ,Adv
Mr. Anis Suhrawardy ,Adv

St. of W.B. Mr. Avijit Bhattacharjee ,Adv
Ms. Sarbani Kar, Adv.
Ms. Debjani Das Purkayastha, Adv.
Mr. Bidyabrata Acharya, Adv.

Mr. Gopal Singh ,Adv
Mr. Manish Kumar, Adv.

Ms. Hemantika Wahi ,Adv
Ms. Nupur Kanungo, Adv.

Ms. Kamini Jaiswal ,Adv

Mr. Naresh K. Sharma ,Adv

Ms. Sushma Suri ,Adv

St. of Sikkim Mr. A. Mariarputham, Sr. Adv.
Ms. Aruna Mathur, Adv.

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Mr. Avneesh Arputham, Adv.
Mr. Yusuf, Adv.
Ms. Megha Gaur, Adv.
for M/S Arputham, Aruna & Co. ,Adv

Mr. Gopal Subramaniam, SG
Mr. T.S. Doabia, Sr. Adv.
Mr. Aman Ahluwalia, Adv.
Mr. Varu Sarin, Adv.
Mr. S. Wasim A. Qadri, Adv.
Ms. Asha G. Nair, Adv.
Ms. Sunita Sharma, Adv.
Mr. S.S. Rawat, Adv.
Ms. Rashmi Malhotra, Adv.
Mr. D.S. Mahra ,Adv

	Ms. Anil Katiyar, Adv.
	Mr. Ranjan Mukherjee ,Adv
Govt. of Pondicherry	Mr. V.G. Pragasam ,Adv Mr. S.J. Aristotle, Adv. Mr. Prabu Ramasubramanian, Adv.
St. of MP	Mr. Vikas Upadhyay, Adv. Mr. B.S. Banthia ,Adv
St. of Manipur	Mr.Khwairakpam Nobin Singh ,Adv Mr. Sapam Biswajit Meitei, Adv.
	Mr. Radha Shyam Jena ,Adv
St. 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. Navnit Kumar, Adv. for M/S Corporate Law Group ,Adv
	Mr. Jatinder Kumar Bhatia ,Adv
	Mr. P.V. Yogeswaran ,Adv
	Mr. P.V. Dinesh ,Adv
St. of CG	Mr. Atul Jha, Adv. Mr. Dharmendra Kumar Sinha ,Adv
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	Mr. T. Harish Kumar ,Adv
St. of U.P.	Mr. Pramod Swarup, Sr. Adv. Mr. Ameet Singh, Adv. Mr. Anuvrat Sharma ,Adv
	Mr. Balaji Srinivasan ,Adv
	Mr. Milind Kumar ,Adv
	Mr. Ajay Pal ,Adv
St. of A.P.	Mr. G.N.Reddy ,Adv Mr. V. Pattabhiram, Adv.
	Mr. Sunil Fernandes ,Adv
St. of Nagaland	Mr. Edward Belho, Adv. Ms. K. Enatoli Sema, Adv. Mr P. Athuimei R. Naga, Adv.
St. of Arunachal P.	Mr. Anil Shrivastav, Adv. Mr. Rituraj Biswas, Adv.
St. of Goa	Ms. A. Subhashini, Adv.
St. of Haryana	Mr. Manjit Singh, AAG Mr. Vivekta Singh, Adv. Mr. Kamal Mohan Gupta, Adv.

UPON hearing counsel the Court made the following

O R D E R

On 17.1.2011, we had directed the Union of India to give a consolidated figures in regard to various States. The position, as disclosed from the report of the petitioner and the affidavit filed on behalf of Union of India are as follows:

Re. State of Himachal Pradesh

The State has 12 districts. It has constituted Juvenile Justice Boards ('JJBs', for short) in 11 districts and has constituted Child Welfare Committees

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('CWCs' for short) in all the 12 districts.

Learned counsel for the State of H.P. submitted that in the remaining one district, the JJB has not been constituted because that hill district has very sparse population and no juvenile delinquency and that if and when the State considers that district requires a JJB, it will take steps to constitute the same.

On the facts and circumstances, we proceed on the basis that there is broad compliance with the requirements of the Juvenile Justice Act, 2000 ('Act' for short) in so far as establishment of JJBs and CWCs is concerned.

Re. State of Madhya Pradesh

There are 50 districts in the State of M.P. The affidavit of Union of India shows that in 48 districts, the State has constituted JJBs and CWCs. Learned counsel for the State states that the remaining two districts are newly carved out districts and the State is taking steps to constitute JJBs and CWCS in these districts also within a period of four months.

In view of the said submission, we are of the view that there is broad compliance insofar as State of M.P. is concerned in regard to establishment of JJBs and CWCs.

Re. State of Orissa

The affidavit of Union of India shows that the State has constituted JJBs and CWCs in all the thirty districts and, therefore, there is broad compliance with that requirement.

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Re. State of Karnataka

There are 30 districts in the State. The latest affidavit of the Union of India as also the affidavit filed by the State in April, 2000, show that JJBs are constituted only in 8 districts and in the remaining districts they are not constituted. Insofar as CWCs are concerned, we find that they are constituted in all the districts.

There is no explanation forthcoming in regard to non-constitution of JJBs in the remaining 22 districts.

In view of the above, we finally grant three months' time to the State to constitute JJBs in the remaining 22 districts and file an affidavit in that behalf.

Re. State of Uttarakhand

There are 13 districts in the State and the affidavit of Union of India shows that JJBs are constituted in all the 13 districts whereas CWCs have been constituted only in 9 districts. It is submitted on behalf of the State that CWCs will be constituted in the remaining 4 districts within four months.

We accept the same that there is broad compliance with the requirement of the Act relating to JJBs and CWCs.

Common directions

Having regard to the provisions of the Act, setting up of the JJBs and CWCs is only a preliminary step. The Act contemplates setting up of Observation Homes, Special Homes, Children Homes, Shelter Homes, 6

Special Juvenile Police Units etc. Further, setting up of JJBs and CWCs and merely following the letter instead of object and spirit of the Act will not be sufficient.

It would, therefore, be appropriate if the National Commission for Protection of Child Rights ('NCPCR' for short), which is already concerned with these matters, is also involved in the implementation of the provisions of the Act. We, therefore, direct NCPCR to be impleaded as respondent.

Ms. Anil Katiyar, learned counsel, submitted that she is instructed to appear on behalf of NCPCR. She appears and takes notice and waives further notice.

We request the NCPCR to give a report in regard to the various steps that have to be taken to implement the provisions of the Act and also to suggest and make appropriate applications for issuing further directions in the matter.

List after four weeks for considering the compliance by the States of Arunachal Pradesh, Bihar, Chhattisgarh, Jharkhand, Pondicherry and Andaman & Nicobar Islands.

(Ravi P. Verma)
Court Master

(M.S. Negi)
Court Master