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SAMPURNA BEHRUA

v.

UNION OF INDIA & ORS.

(M.A. No. 2069/2018)

B

in

(W. P. (C) No. 473/2005)

NOVEMBER 27, 2018

**[MADAN B. LOKUR, S. ABDUL NAZEER AND
DEEPAK GUPTA, JJ.]**

C

Juvenile Justice (Care and Protection) of Children Act, 2015 – Standard Operating Procedure (SOP) for children who are victims of violence – Report of the Study by the NCPCR – Child Protection Policy – National Institution for benefit of Children – Status Report with regard to Child Welfare Committees and Juvenile Justice Boards – Study of Reports furnished by the States – Directions for further listing.

D

CIVIL ORIGINAL JURISDICTION : M.A. No. 2069 of 2018 in Writ Petition (C) No. 473 of 2005.

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Under Article 32 of the Constitution of India.

Ms. Aparna Bhat, (A.C.), Ms. Shivangi Singh, Tipoo Ningombam, Advs.

Sampurna Behrue (By Courts Motion).

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Ms. Pinky Anand, ASG, Niraj Gupta, Anshu Gupta, Shailinder Saini, S. Wasim A. Qadri, B. V. Balram Das, Raj Bahadur Yadav, Ms. Snidha Mehra, Chakitan Vikram Shekhar Papta, R. R. Rajesh, Vikas Bansal, G. S. Makker, Gopal Singh, Manish Kumar, Sudhir Naagar, Binay Kumar Pandey, Ms. Vrinda Grover, Soutik Banerjee, Dr. Anindita Pujari, Ms. Aarti Kumar, Ms. Harsha Garg, Advs. for the appearing parties.

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The following Order of the Court was passed:

ORDER

There are six issues that still require consideration in the present petition:

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1. Standard Operating Procedure (SOP) for children who are victims of violence A

We have been informed (and it has been recorded in our order dated 08.10.2018) that the Ministry of Women and Child Development is in the process of preparing / developing an SOP addressing the problem of violence, sexual or otherwise. This is with reference to children in Child Care Institutions and even other children who may not necessarily be in Child Care Institutions. B

Today, we are told by the learned ASG that the SOP is not ready but in the meanwhile, an interim advisory has been issued to all the State Governments / UTs giving the protocol to be followed. C

The learned Amicus says that she would like to look into the advisory and make her comments because this information has been given today in the Court.

2. Report of the Study by the NCPCR D

It is stated by the learned ASG that an interim report has been submitted by the NCPCR. This has been shared with 10 State Governments and sharing the report with 12 other States is in the process. It is not clear whether the report is being shared with the remaining State Governments and UTs. E

It is pointed out by learned counsel for the NCPCR that some of the States have not yet given the information with regard to number of child care institutions registered under the Juvenile Justice (Care and Protection) of Children Act, 2015. We expect the State Governments to ensure that registration is complete and information is passed with the NCPCR at least for the sake of children who are living in the States concerned. This should be done within two weeks. F

3. Child Protection Policy

On 08.10.2018, we were informed that the Child Protection Policy is on the anvil and it will take about two months or so. G

Today, it is stated that the first draft will be ready in December, 2018.

We reiterate what we have recorded on 08.10.2018 to the effect that when the first draft is available, it should be circulated widely and also be given to the learned *Amicus* so that suggestions can be invited from all concerned. H

A 4. National Institution for benefit of Children

It is stated by the learned ASG that the matter has been referred to the Department of Expenditure and tentatively the National Institute for Public Cooperation and Child Development is likely to be the institution that will need strengthening in terms of the suggestion made in the order dated 08.10.2018.

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5. Status Report with regard to Child Welfare Committees and Juvenile Justice Boards

The learned ASG has handed over to us a status report in compliance of the order dated 08.10.2018. We find that the status report is incomplete in as much as information in respect of a large number of States / UTs is valid till September, 2018.

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It is also not clear from the status report whether Child Welfare Committees are in existence in all the districts of the States for which information is available till November, 2018. She says that she will look into the matter and give the complete status report and also take it up with the State Governments.

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6. Study of Reports furnished by the States

It is stated that the State Governments have furnished reports of the child care institutions pursuant to the meeting held on 18.09.2018. The State Governments have been asked to study the reports and to intimate the follow up action on or before 30.11.2018.

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List the matter in the second week of January, 2019.

It is pointed out by learned *Amicus* that even the Reports that were furnished subsequent to the meeting held on 18.09.2018 are incomplete in some cases. The Ministry of Women and Child Development should take it up with the States .

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Any affidavit or status report proposed to be filed should be handed over to the learned *Amicus* at least three days in advance.

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Ankit Gyan

Directions for further listing.