

APHC010511462024



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3458]

WEDNESDAY ,THE TWENTY SIXTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

IA 2 OF 2025

IN

WRIT PETITION NO: 26228/2024

Between:

Child Protection Network Cpn

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.J SUDHEER

Counsel for the Respondent(S):

1.GP FOR WOMEN DEV CHILD WELFARE

The Court made the following:

ORDER:-

Heard Sri J.Sudheer, learned counsel for the petitioner and learned Government Pleader for Women Development and Child Welfare.

2. Grievance of the petitioner is that the provisions of Juvenile Justice Act would not apply to the petitioner and its associate institutions. It is contended that the petitioner does not house the children that fall within the definition of CNCP and CICL. Children, who are admitted in the hostels, are

those who have their parents/guardian/legal guardians and with their consent they would admit the children. Only those under privileged children and the children, who lack educational facilities at home, are provided accommodation and education in their hostels. Therefore, the provisions of JJ Act would not apply, the only provisions which may apply to them would be the provisions of 'National Commission for Protection of Child Rights'. Therefore, prays for grant of interim directions to repatriate the children those who have been placed by the respondents in child care institutions.

3. The learned Assistant Government Pleader for Medical and Health would contend that the notification issued by the department is a general notification not aiming at the petitioner alone. If the petitioner feels that the provisions of the JJ Act are not applicable to them, they need not register themselves however will be subject to scrutiny. He further contends that if the provisions are not applicable to them, the petitioner can give a declaration before the District Magistrate.

4. I have given my anxious consideration to the contentions advanced.

5. Having regard to the definition of 'Children in Need of Care(CNCP) and Protection' under the JJ Act, which, *inter alia*, provides that the children, who is found without any ostensible means of subsistence would also fall within the definition of the word 'CNCP'. The contention of the petitioner is that it would be at best governed by the provisions of 'NCPCR' act

and not the provisions of JJ Act, may require further examination after filing of the counter affidavits of the respective respondents. Matter requires consideration.

6. By the next date of hearing, the petitioner is directed to place the material before the Court to substantiate its claim that the petitioner and its constituents would not fall within the definition of 'CNCP'.

7. In the meanwhile, the 3rd respondent is directed to repatriate the children taken by them from the constituents of the petitioner viz., Kalvari Sandhesh Ministries, Our Fathers' Home Ministries, Amazing Grace Association, Bethesfa Evangelical Interior Ministries, Newman Mission House of Hope for Boys Home. On such repatriation, the petitioner shall ensure that the children are provided with proper nutritious food, medical care and that their safety is taken care of.

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List on 09.04.2025.

JUSTICE KIRANMAYEE MANDAVA

Date:26.03.2025

MVK