

PIL No. 9 of 2015

BEFORE
HON'BLE THE ACTING CHIEF JUSTICE N. KOTISWAR SINGH
HON'BLE MR. JUSTICE KH. NOBIN SINGH
(ORAL)

4-10-2017

Heard Mr. A. Bimol, learned senior counsel for the petitioner as well as Mr. R.S Reisang, learned senior GA for the State respondents and Mr. K.R Pamei, learned counsel for the Union of India.

[2] Today, Smt. Florence Lamkhongai Haokip, Chairperson, Child Welfare Committee, Churanchandpur, Mr. Robindro Salam, District Child Protection Unit Officer, Churachandpur, Smt. Lalthienzo mother of El-Bethel and Shri Samuel D. Sungte, guardian of Martha Lalremsiem are present in person in terms of the order passed on 18th September, 2017.

[3] Smt. Lalthienzo mother of El-Bethel and Shri Samuel D. Sungte, guardian of Martha Lalremsiem have produced the accounts of the expenditures incurred by them out of Rs. 1.2 lakhs released by the State Government in favour of the two minor children. As per the account furnished by Smt. Lalthienzo, mother of El-Bethel, of the Rs. 1.2 lakhs received, about Rs. 38,585/- have been spent towards purchase of rice, sugar, dal, alu, tea-leaf etc., and about Rs. 41,416/- have been spent for payment of school fees, uniforms and books to the Vision Academy. Similarly, as per the account submitted by Mr. Samuel D. Sungte, about Rs. 53,120/- have been spent towards payment of school fees, uniforms, books etc., and another 41,460/- for purchase of rice, dal, vegetables etc, and about 16,300/- for clothing and Rs. 1000/- for medicines.

[4] The aforesaid amount of Rs. 1.2 lakhs given by the State Government to each of the two victim girls are meant to be utilised for

the benefit of the child and the guardian/mother of the children they are supposed to utilise the amount judiciously in the best interest of the children. We are not satisfied with the manner in which the expenses have been incurred as these expenditures can be borne otherwise with the help of various beneficial schemes already existing in the State. We do not consider that these expenses incurred as mentioned above are justifiable at all, considering the fact that these two children are victims of serious crimes within the purview of POCSO Act and these certainly cannot be said to be the proper and judicious utilisation of the compensation amount released by the State Government to the victim children.

[5] Accordingly, we direct both Mr. Samuel D. Sungte, guardian of Martha Lalremiem and Smt. Lalthienzo, mother of El-Bethel to ensure that a fixed deposit of a minimum amount of Rs. 50,000/- each be opened in the State Bank of India, Churachandpur Branch in the name of the two girls viz., Martha Lalremiem and El-Bethel for a minimum period of 5 (five) years with the observation that the said period of 5 years period may be also by way of yearly period, which may be extended from year to year, keeping into account the best interest rate which may accrue to the fixed deposits of Rs. 50,000/- each in the name of the two victim girls. Shri Samuel D. Sungte and Smt. Lalthienzo pray that they may be granted two months' time to do so. Prayer is allowed so that the fixed deposits in the name of the two victim girls can be opened in the State Bank of India, Churachandpur Branch within two months as requested.

[6] When this Court enquired from the Chairperson, CWC, Churachandpur as well as the Officer of the District Child Protection Unit, Churachandpur as to whether they have any knowledge or information about the amount sanctioned by the State Government to the two victim girls, they have expressed their ignorance of the financial transactions and the manner in which the aforesaid amount have been spent.

[7] We are a bit surprised that such important functionaries

are ignorant of such financial benefits which have been given by the State Government for the benefit of children who are victims of serious crimes and who are within the supervision of the CWC. **We, therefore, direct that in future, if any financial benefit or assistance is given to any child who comes within the purview of the Juvenile Justice (Care and Protection of Children) Act 2015, the State Government shall ensure that all the functionaries and stakeholders involved with children under the aforesaid Act and Rules framed thereunder are also involved and made aware of such financial benefits so that these functionaries can monitor the proper utilisation of such financial assistance given by the State or by any other authority in this regard to the victims/children in need and care.**

[8] As far as the present case is concerned, the Child Welfare Committee, Churachandpur as well as the District Child Protection Unit, Churachandpur are directed to monitor from time to time the present condition and progress of the children and their well-being and how they are being integrated in the society as required under the Juvenile Justice (Care and Protection of Children) Act 2015, and Rules framed thereunder.

[9] Member Secretary, Manipur State Legal Services Authority has furnished a report as directed earlier regarding four other children. As per the report submitted on 3rd October, 2017, it has been stated that the four other minor girls had not received any compensation as they are witnesses of the offences and are not victims in the case and as such they may not be eligible for any compensation under the Manipur Victim Compensation Scheme, 2011. However, it has been pointed out in the report that there are other benefits which can be granted under ICPS or any other suitable scheme for the remaining four girls.

[10] Let the copy of this report be furnished to Mr. A. Bimol, learned Amicus Curiae, Mr. R.S Reisang, learned senior GA and Mr. K.R Pamej, learned counsel for the Union of India so that the authorities

may examine the feasibility to giving any benefit to the aforesaid four girls under any other scheme.

[11] Let the matter be listed again on 15th November, 2017. In the meantime, the State respondents may indicate as to the feasibility of giving any benefits to the four girls.

[12] As regards the fixed deposit to be made in the name of the two victim girls by their guardian/mother, the same may be done by 7th December, 2017 and the photo copies of the fixed deposit receipts be placed before this Court.

[13] The personal appearance of Smt. Florence Lamkhongai Haokip, Chairperson, CWC, Churachandpur, Shri Robindro Salam, District Child Protection Unit Officer, Churachandpur, Shri Samuel D. Sungte, guardian of Martha Lalremsiem and Smt. Lalthienzo, mother of El-Bethel are dispensed with.

[14] Copies of this order are also to be furnished to the Commissioner/Secretary (Social Welfare) and Director (Social Welfare) for compliance, especially the direction issued under para No. [7] above.

JUDGE

ACTING CHIEF JUSTICE

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