

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

Suo Motu

Versus

1. State of Rajasthan through Chief Secretary, Government of Rajasthan, Jaipur
2. Additional Chief Secretary, Social Justice and Empowerment Department, Govt. of Rajasthan
3. Secretary, Department of Child Rights, Govt. of Rajasthan, Jaipur

-----Respondents

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

ORDER

13/05/2025

The Juvenile Justice (Care and Protection of children) Act was enacted to establish Child Welfare Committees, Juvenile Justice Boards, Special Juvenile Police Units, and appropriate Homes for children in need of care and protection. The goal was to enhance the living conditions of children in conflict with the law, provide medical facilities for children detained by the State, and address various issues related to the rights of children.

The involvement of State Government is crucial for child rights and effective implementation of the JJ Act. The State Government must ensure that all positions in the JJBs and CWCs are filled up in accordance with the JJ Model Rules, 2016 and adequate staff is provided to these statutory bodies so that they can function effectively and meaningfully for the benefit of the

children. However, a report sent by Deputy Secretary, Rajasthan State Commission for Protection of Child Rights (RSCPCR), Jaipur to the Nodal Officer, Juvenile Justice Committee, Rajasthan High Court, Jaipur on 02.05.2025 shows a grim picture. According to the report, there is no fulltime Chairperson, RSCPCR and charge has been given to Additional Chief Secretary, Social Justice and Empowerment Department. As far as the Members are concerned, the total members should be 06 but 01 post is lying vacant. The post for Member Secretary is lying vacant and the additional charge has been given to Special Secretary, Home Department. Similarly, the post for DYSP is also lying vacant.

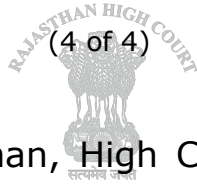
It has also come to notice of this Court that apart from RSCPCR, the number of sanctioned posts in various institution/bodies under JJ Act are lying vacant including various Juvenile Justice Boards in the State. A JJB works virtually in the nature of a court, although it does not conduct a trial, but conducts an enquiry. There are total 34 Juvenile Justice Boards and number of sanctioned posts is 238 (34 Principal Magistrates and 204 subordinate staff) whereas, the working strength is 34 Principal Magistrates (28 full time and 6 on Additional charge). The JJB also needs staff to perform its functions in an efficient manner. Out of 68 posts of members in JJB, 54 members are working at present and 14 posts are lying vacant, which is hampering effective working of concerned JJB's. Nodal Officer, JJC also placed letter no. 450 dated 16-07.07.2024 sent by JJB Sawaimadhopur, wherein it has been mentioned that the post of both Members are lying vacant since 24.05.2024.

Further, against the sanctioned posts of 165 (including Chairman, members and 33 Assistant cum Data Entry operator) in total of 33 Child Welfare Committees, only 144 (including Chairman and members) and 33 Assistant cum Data Entry Operator are currently working. Similarly, in the various Child Care Institutions i.e. Observation Home (4) Special Home (19) Place of Safety (19), around 205 and 144 posts are lying vacant against the sanctioned post of 365 and 576 respectively. Similarly, 110 posts are lying vacant against the 201 sanctioned posts in District Child Protection Unit (Total-33). Copy of the communications are placed on record.

In this background, this Court being in-charge of the Juvenile Justice Committee, Rajasthan High Court, Jodhpur, feels compelled to exercise its suo moto powers for the effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015. Accordingly, it directs the registration of a suo moto writ petition.

Let the notices of this petition be issued to Chief Secretary, Government of Rajasthan, Jaipur, Additional Chief Secretary, Social Justice and Empowerment Department, Govt. of Rajasthan and Secretary, Department of Child Rights, Govt. of Rajasthan, Jaipur.

In the interest of justice, this Court appoints Shri Anirudh Purohit, Advocate to act as Amicus Curiae on behalf of the Court. The Nodal Officer, Juvenile Justice Committee & Registrar (Classification-I), Rajasthan, High Court, Jaipur and Juvenile



Justice Secretariat, Rajasthan, High Court, Jodhpur shall provide appropriate assistance to the Amicus Curiae.

The Registrar (Judicial) is directed to place the present petition before the Hon'ble Chief Justice under Rule 385-Q of the Rajasthan High Court Rules, for registration of the same as a Public Interest Litigation to be listed before the appropriate Division Bench.

(MANOJ KUMAR GARG),J

BJSH