

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
Writ Petition (Civil) No.51 of 2006

Bachpan Bachao Andolan

...Petitioner

VERSUS

Union of India & Ors.

...Respondents

O R D E R

We have heard learned counsel for the parties.

The prayer made in this writ petition is as follows:

"1. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to frame appropriate guidelines for the persons engaged in circuses;

2. Issue a writ of mandamus or any other appropriate writ, order or direction directing the respondents to conduct simultaneous raids in all the circuses by CBI to liberate the children and to check the gross violation of all fundamental rights of the children;

3. Issue a writ of mandamus or any other appropriate writ order or direction to appoint special forces in the borders to ensure action and to check on the cross border trafficking;

4. Issue a writ of mandamus or any other writ order or direction applying the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000 and make intra-state trafficking of young children, their bondage and forcible confinements, regular sexual harassments and abuses cognizable offences under the Indian Penal Code as well as under section 31 of the Juvenile Justice Act.

5. Issue a writ of mandamus or any other appropriate writ order or direction to empower child welfare committee under the Juvenile Justice (Care and Protection of Children) Act, 2000 to award compensation to all those victims rescued from the

circuses with a time bound rehabilitation package and the State Government to create a fund for the same;

6. Issue a writ of mandamus or any other appropriate writ order or direction to lay out a clear set

of guidelines prohibiting the employment/engagement of children up to the age of 18 years in any form in the circuses.

7. Any pass such other order or orders as this Hon'ble Court may deem fit in the facts and circumstances of the case."

The relief is essentially with regard to the exploitation of children in circuses in the form of child labour.

Pursuant to our order dated 12.12.2014, a meeting was convened by the Secretary, Ministry of Women and Child Development which was attended by the Secretary, Ministry of Labour as well as by a large number of officers from various States. The issue with regard to circuses was discussed and considered in that meeting along with other issues including those of human trafficking, child labour and issues pertaining to juvenile justice.

In our opinion, it is not necessary to mix up the other issues with the issue relating to circuses.

Having gone through the report prepared by the Ministry of Women and Child Development, we are of the opinion that it will be appropriate if the following directions are issued to the Central Government as well as to all the State Governments and Union Territories:

- (i) There should be a constant monitoring of circuses, both static and mobile, to ensure that child labour is not used in these circuses. The monitoring should also ensure that the children are not exploited in any other manner;
- (ii) In the event the law enforcement machinery is made aware of any instance of use of employment of child labour or any other violation of law by the circuses, prompt action should be taken to stop the violation of law and take necessary follow-up action;
- (iii) The Central Government should monitor the activities of the circuses through the National Commission for Protection of Child Rights and the State Governments so that our directions are complied with;
- (iv) Needless to say, liberty is granted to the petitioner or any other person to approach the appropriate court of law or the appropriate authority in the event any specific instance of child labour or child abuse is found in any circus, both static or mobile.

The meeting held on 12th January, 2015 unfortunately indicates that responses were received only from 7-8 States/Union Territories. We certainly expect the States/Union Territories to be more vigilant and responsive when issues pertaining to children come up but, as mentioned above, the response has been little unfortunate. However, it is stated by the learned Additional Solicitor General that the responses are still being received from some States.

The Ministry of Women and Child Development, Government of India will analyse all the responses and prepare a detailed report on the issues that were discussed in the aforesaid meeting with specific regard to (i) child trafficking, (ii) juvenile justice issues and (iii) child labour. The analysis should be completed within two months. The analysis should be kept readily available by the Ministry of Women and Child Development since it will be of some use in some other cases relating to these issues.

We direct the Director, Ministry of Home Affairs to circulate the Compendium of Advisories referred to in the meeting held on 12th January, 2015, as requested by the Secretary, Ministry of Labour and Employment. The Compendium of Advisories should be circulated within a week from today. The State Governments shall translate these Advisories into the local language and make them

available for use by the concerned officers and authorities. The translation should be made available within a period of four weeks after receipt of the Compendium of Advisories from the Ministry of Home Affairs.

The writ petition is disposed of with the above directions.

In view of the orders passed in the writ petition, all pending applications are also disposed of.

.....J.
(MADAN B. LOKUR)

.....J.
(UDAY UMESH LALIT)

NEW DELHI
JANUARY 30, 2015

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Writ Petition (Civil) No.318 of 2005

Shanta Sinha & Ors.

...Petitioners

VERSUS

Union of India & Ors.

...Respondents

O R D E R

We have heard learned counsel for the parties.

We are not inclined to entertain the prayers made in the writ petition since they are of a very general nature.

The writ petition is dismissed.

In view of the orders passed in the writ petition, all pending applications, if any, are disposed of.

.....J.
(MADAN B. LOKUR)

.....J.
(UDAY UMESH LALIT)

NEW DELHI
JANUARY 30, 2015

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Writ Petition (Civil) No.287 of 2010

Deepika Thusso

...Petitioner

VERSUS

State of J&K & Ors.

...Respondents

O R D E R

We have heard learned counsel for the parties.

The Juvenile Justice (Care and Protection of Children) Act, 2000 has already been enforced in the State of Jammu and Kashmir. In view of this, nothing further survives in this writ petition which is accordingly dismissed.

.....J.
(MADAN B. LOKUR)

.....J.
(UDAY UMESH LALIT)

NEW DELHI
JANUARY 30, 2015

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Transfer Petition (Civil) No.462 of 2010

Deepika Thussoo

...Petitioner

VERSUS

State of J&K & Ors.

...Respondents

O R D E R

We have heard learned counsel for the parties.

In view of the orders passed by this Court in Deepika Thusso Vs. State of J&K & Ors. [Writ Petition(C) No.287 of 2010] today, i.e., 30.01.2015, nothing further survives in the transfer petition, which is dismissed accordingly.

.....J.
(MADAN B. LOKUR)

.....J.
(UDAY UMESH LALIT)

NEW DELHI
JANUARY 30, 2015

ITEM NO.44

COURT NO.9

SECTION PIL

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(Civil) No.51/2006

BACHPAN BACHAO ANDOLAN

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for C/Delay in filing affidavit and directions and exemption from filing O.T. and interim directions and intervention and permission and office report)
(For final disposal)

WITH

W.P.(C) No. 318/2005
(With Office Report)

W.P.(C) No. 287/2010
(With Office Report)

T.P.(C) No. 462/2010
(With Office Report)

Date: 30/01/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.
Mr. Divya Jyoti Jaipurkar, Adv.
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For Respondent(s)

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Goa Mr. Pratap Venugopal, Adv.
 Ms. Supriya Jain, Adv.

Haryana Mr. Sanjay Kumar, AAG
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H.P. Mr. Suryanaryana Singh, AAG
 Ms. Pragati Neekhra, AOR

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Ms. A. Subhashini, Adv.

Dr. Abhishek Atrey, Adv.
Mr. Pratik Dwivedi, Adv.
Mr. Sumit Rajora, Adv.

WP(C) 318/2015

Mr. Prashant Bhushan, Adv.
Mr. Musaib Syed, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Writ Petition(Civil) No.51/2006

The writ petition is disposed of with the directions
as indicated in the signed order.

In view of the orders passed in the writ petition,
all pending applications are also disposed of.

W.P.(C) No. 318/2005

The writ petition is dismissed in terms of the signed order.

In view of the orders passed in the writ petition, all pending applications, if any, are disposed of.

W.P.(C) No. 287/2010

The writ petition is dismissed in terms of the signed order.

T.P.(C) No. 462/2010

The transfer petition is dismissed in terms of the signed order.

(SANJAY KUMAR-I)
COURT MASTER

(RENU DIWAN)
COURT MASTER

(Signed orders are placed on the file)