

ITEM NO.301

COURT NO.9

SECTION PIL(W)

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(s) (Civil) No(s) .473/2005

SAMPURNA BEHRUA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for exemption from filing O.T. and extension of time and interim directions and permission to file additional documents and office report)

Date : 11/09/2015 This petition was 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.
Ms. Jyoti Mendiratta, AOR

For Respondent(s)
UOI
Mr. P.S. Patwalia, ASG
Ms. V. Mohana, Sr. Adv.
Ms. Natasha Vinayak, Adv.
Mr. Harish Kr. Khinchi, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. Shalinder Shaini, Adv.
Ms. Sunita Sharma, Adv.
Mr. Gaurav Sharma, Adv.
Mr. Ajay Sharma, Adv.
Mr. S.S. Rawat, Adv.
Mrs. Anil Katiyar, Adv.
Mr. D. S. Mahra, AOR
Mr. B.V. Balaram Das, Adv.

NALSA Mr. Gagan Gupta, AOR

For States of
Andhra Pradesh Ms. Prerna Singh, Adv.
Mr. Guntur Prabhakar, Adv.

Arunachal Pradesh Mr. Anil Shrivastav, AOR
Mr. Rituraj Biswas, Adv.

Assam	Mr. Riku Sarma, Adv. Mr. Navnit Kumar, Adv. Ms. Deepika Ghatowar, Adv. for M/s Corporate Law Group
Bihar	Mr. Gopal Singh, AOR Mr. Manish Kumar, Adv.
Chhattisgarh	Mr. C.D. Singh, AAG Mr. Aniruddha P. Mayee, AOR Mr. Apoorv Kurup, Adv. Mr. Darpan Bhuyan, Adv. Ms. Charudatta Mahindran, Adv. Mr. A. Selvin Raja, Adv.
Gujarat	Ms. Hemantika Wahi, AOR Ms. Jesal Wahi, Adv. Ms. Vinakshi Kadan, Adv.
H.P.	Mr. Suryanaryana Singh, AAG Ms. Pragati Neekhara, AOR
Jharkhand	Mr. Jayesh Gourav, Adv. Mr. Ratan Kumar Choudhri, AOR
Karnataka	Mr. V.N. Raghupathy, Adv.
Manipur	Mr. Sapam Biswajit Meitei, Adv. Mr. Ashok K. Singh, Adv. Mr. S.V. Sharma, Adv. Ms. B. Khushbansi, Adv.
Madhya Pradesh	Mr. C.D. Singh, AAG Mr. Darpan Bhuyan, Adv.
Maharashtra	Mr. Shashibhushan Padgaonkar, Adv. Mr. Rana Sandeep Bussa, Adv. Mr. Nishant R. Katneshwarkar, Adv.
Mizoram	Mr. Pragyan Sharma, Adv. Mr. Shikhar Garg, Adv. Mr. P. V. Yogeswaran, AOR Mr. T.L.V. Ramachari, Adv. Mr. K.V.L. Raghavn, Adv. Mr. Hitesh Kumar Sharma, Adv.
Nagaland	Mrs. K. Enatoli Sema, Adv. Mr. Edward Belho, Adv.

	Mr. Amit Kumar Singh, Adv. Mr. Balaji Srinivasan, AOR
Punjab	Mr. Ajay Bansal, AAG Mr. Thomas Franklin Caesar, Adv. Mr. Vijendra Kasana, Adv. Mr. Gaurav Yadava, Adv. Mr. Jagjit Singh Chhabra, AOR
Sikkim	Ms. Aruna Mathur, Adv. Mr. Yusuf Khan, Adv. for M/s Arputham Aruna & Co.
Tamil Nadu	Mr. B. Balaji, AOR
Telangana	Mr. S. Udaya Kumar Sagar, Adv. Mr. Krishna Kumar Singh, Adv.
Tripura	Mr. Gopal Singh, AOR Mr. Rituraj Biswas, Adv. Ms. Varsha Poddar, Adv.
Uttar Pradesh	Mr. Ranjit Rao, AAG Mr. Mukul Singh, Adv. Ms. Pragati Neekhra, Adv.
Uttarakhand	Mr. Jatinder Kumar Bhatia, AOR Mr. Mukesh Verma, Adv.
West Bengal	Mr. Anip Sachthey, AOR
A&N Islands	Mr. K.V. Jagdishvaran, Adv. Mrs. G. Indira, AOR
Puducherry	Mr. V.G. Pragasam, AOR Mr. Prabu Ramasubramanian, Adv. Mr. Anuvrat Sharma, AOR Mr. Sanjay R. Hegde, AOR Mr. Radha Shyam Jena, AOR Mr. Milind Kumar, AOR Mr. Arun K. Sinha, AOR Mr. Khwairakpam Nobin Singh, AOR Mr. P. V. Dinesh, AOR

Mr. Naresh K. Sharma, AOR
Mr. Ranjan Mukherjee, AOR
Mr. G. N. Reddy, AOR
Ms. Kamini Jaiswal, AOR
Mr. Avijit Bhattacharjee, AOR
Mr. T. Harish Kumar, AOR
Mr. Sunil Fernandes, AOR
Ms. Sushma Suri, AOR
Mr. Sudarshan Singh Rawat, AOR
Mr. B. S. Banthia, AOR
Mr. Sibho Sankar Mishra, AOR
M/s. Venkat Palwai Law Associates
Ms. A. Subhashini, Adv.
Ms. Sneha Kalita, Adv.

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

We have heard learned counsel for the parties and have gone through the affidavit filed by Mr. Naveen Yadav on 31st July, 2015 and the affidavit filed by Mr. Ashi Kapoor on 9th September, 2015.

From Annexure - II of the affidavit filed by Mr. Naveen Yadav, it appears that for the State of Assam (which has been taken as an illustrative State) the number of boys and girls available in homes run by NGOs

are in quite a large number. It appears that these homes are not registered under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000 (for short "the Act").

We have expressed our concern to learned Additional Solicitor General and he shares our concern, viz., that there is a possibility of trafficking of children if they are kept in unregistered homes and/or with unregistered NGOs. Learned Additional Solicitor General says that the Ministry of Women and Child Development, Government of India is alive to the problem and has already initiated steps to ensure that the homes run by NGOs are registered and he says that the process will be completed in a few months' time. The Ministry of Women and Child Development will coordinate with all the State Governments/Union Territories to ensure that the unregistered homes are not given any funds unless they are registered. The State Governments/Union Territories will ensure that children in unregistered homes should be shifted to registered homes.

Needless to say, we expect full cooperation of the State Governments and Union Territories, particularly the Women and Child Department of these Governments as well as the police to ensure that unregistered NGO homes do not house children since it may involve issues of

trafficking also. It is for this reason the matter has to be taken up very seriously and learned Additional Solicitor General assures us that the matter will be taken up seriously.

A copy of this order be circulated to the Secretary in the Department of Women and Child Development (or corresponding Department) of all the States/Union Territories for information and compliance. The circulation be done by the Registry as also by the Ministry of Women and Child Development, Government of India.

The chart relating to the State of Assam, which is Annexure - II of the affidavit of Mr. Naveen Yadav, is a sample chart, as mentioned above. Similar charts will be prepared with regard to all the States and Union Territories and will be brought to Court, as and when required.

With regard to the issue of probationary officers, NALSA had given a report and we are told by learned counsel appearing on behalf of NALSA that the training curriculum for probationary officers will be finalized positively by 31st December, 2015. NALSA will also have a fresh look at the requirement of probationary officers in all the States and Union Territories. Learned Additional Solicitor General says that he will personally be in

touch with NALSA to try to suggest some solutions to ensure that there are adequate number of probationary officers in all the States and Union Territories.

In this regard also, we expect all the State Governments and the Union Territories, particularly the Women and Child Departments of these Governments to extend full cooperation and assistance to the Government of India. If there is any recalcitrance on the part of the State Governments or the Union Territories, the Ministry of Women and Child Development, Government of India may be in touch with the Chief Secretary of the concerned State Government/Union Territory and if still there is no positive response, it should be brought to the notice of this Court.

To follow up on the discussions that learned Additional Solicitor General proposes to have with NALSA, list the matter on 9th October, 2015.

The Registry should not accept any affidavits other than those filed by the Union of India, or under our specific directions.

(SANJAY KUMAR-I)
COURT MASTER

(JASWINDER KAUR)
COURT MASTER