

ITEM NO.8

COURT NO.3

SECTION PIL

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

## RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 473 OF 2005

SAMPURNA BEHRUA

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

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

Date: 19/08/2011 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.  
Ms. Divya Jyoti, Adv.  
Ms. Jyoti Mendiratta, Adv.

For Respondent(s)  
St. of Uttarakhand Mr. Ashutosh Kr. Sharma, Adv.  
Mr. Jatinder Kumar Bhatia ,Adv  
  
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Ms. Suveni Banerjee, Adv.  
Ms. Ashwini Kumar, Adv.

St. of MP Mr. Vikrant Singh Bais, Adv.  
Mr. B.S. Banthia , Adv.  
  
Mr. Radha Shyam Jena ,Adv  
  
Mr. Milind Kumar ,Adv

St. of Bihar/Tripura Mr. Gopal Singh ,Adv  
Mr. Manish Kumar, Adv.  
Mr. Rituraj Biswas, Adv.

Mr. Arun K. Sinha ,Adv

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Mr. Sapam Biswajit Meitei, Adv.

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Ms. Sunita Sharma, Adv.  
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2

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St. of CG Mr. Atul Jha, Adv.  
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Mr. Anis Suhrawardy ,Adv  
  
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3  
  
Mr. Balaji Srinivasan ,Adv

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Mr. Kuldip Singh, Adv.

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St. of Goa Ms. A. Subhashini, Adv.

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St. of W.B.	Mr. Abhijit Sengupta, Adv. Mr. B.P. Yadav, Adv. Ms. Anima Kujur, Adv. Ms. Sampa Sengupta, Adv.
St. of U.P.	Mr. S.R. Singh, Sr. Adv. Mr. Ashutosh Sharma, Adv. Mr. G.V. Rao, Adv.
	Mr. Abhay Singh, Adv. Ms. Yasmin Zafar, Adv. Mr. Anuvrat Sharma, Adv.
NALSA	Ms. Indu Malhotra, Sr. Adv. Mr. Gagan Gupta, Adv.

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

4

We have heard Ms. Indu Malhotra, learned Senior Counsel for NALSA. One of the suggestions made by the National Legal Services Authority is that the Juvenile Justice Boards (JJB) should ensure that the juveniles in conflict with law are provided effective legal aid. It is stated that on account of non-availability of adequate trained and committed legal aid counsel, the Juvenile Justice Boards are not in a position to ensure immediate and effective legal aid to the juveniles. The National Legal Services Authority (NALSA) has stated that through the State Legal Services Authorities and District Legal Services Authorities, efforts will be made to make available the legal aid counsel for providing legal aid to the juveniles in conflict with law. In view of the above, we direct that all Juvenile Justice Boards should ensure that juveniles in conflict with law, who are brought before them, are provided immediate legal aid and if there is any difficulty to direct or instruct, the respective District Legal Services Authority to provide

such legal aid. Another suggestion is that Juvenile Justice Boards should call for a social investigation report to be conducted by the Probation Officer as provided by Section 15 (2) of the Juvenile Justice (Care & Protection of Children) Act, 2000 read with Section 11 (1) (c) of the Rules. It is submitted that though calling for such a report is mandatory, many of the Juvenile Justice Boards are not calling for such reports. We direct that the Juvenile Justice Boards should follow Section 15(2) by calling for social investigation report. For this purpose wherever, the Probation Officers are not already appointed and attached to the Juvenile Justice Boards, the State Government should take steps to ensure that the Probation Officers are appointed.

5

There is considerable confusion and uncertainty about the statistics relating to number of juveniles in conflict with law in each District, the nature of offences they are accused of, the period which they have spent in detention and the other particulars. In the

absence of such particulars, it has not been possible to effectively plan and put in place a scheme for providing legal aid or providing Special Homes, Observation Homes, Places of Safety and Shelter Homes etc.

It would be

appropriate if the State Legal Services Authorities could collect the necessary information in the necessary format through the District Legal Services Authorities so that the State Legal Services Authorities can also take necessary steps for implementation of the provisions of the Act. NALSA may make available to this Court, the

above particulars for issuing further directions. We request the National Legal Services Authority to obtain the necessary information in the suggested format.

Various reports have been submitted by the State

Government stating that Juvenile Justice Boards and Child Welfare Committees have been established in every district. But there are compliants that in many districts, the Child Welfare Committees are not operational or functional and even the Juvenile Justice Boards are not constituted in the manner provided for under the Act. Therefore, we request the State Legal Services Authorities to co-ordinate with the respective Child Welfare Department of the respective States to ensure that the Juvenile Justice Boards and Child Welfare Committees are established and function with the required facilities.

Mr. Colin Gonsalves, learned senior counsel stated that in many places juveniles in conflict with law who are produced before the Juvenile Justice Boards do not get adequate or appropriate timely legal aid and assistance. In these circumstances the NALSA may examine and try to put in place a Legal Aid Centre attached to the Juvenile Justice Board in the State capitals where there is a high pendency.

As considerable co-ordination is required, the Executive Chairmen and Member Secretaries of the State Legal Services Authorities may arrange for periodic supervision and visits to ascertain the functioning of the Children Homes, Observation Homes etc.

List after three weeks.