

ITEM NO.2

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 exemption from  
 directions, permission to file additional  
 report)

filing O.T., interim  
 documents and office

Date: 03/12/2010 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 Congalves, Sr. Adv.  
 Ms. Ritu Kumar, Adv.  
 Ms. Jyoti Mendiratta, Adv.

For Respondent(s) Mr. T.S. Doabia, Sr. Adv.  
 (Union of India) Mr. S.W.A. Qadri, Adv.  
 Ms. Aha G. Nair, Adv.  
 Mr. Manpreet Singh Doabia, Adv.  
 Mr. D.S. Mahra, Adv.

(For NCT of Delhi) Mr. T.S. Daobia, Sr. Adv.  
 Mr. S.W.A. Qadri, Adv.  
 Mrs. Asha G. Nair, Adv.

(State of West Bengal) Mr. Avijit Bhattacharjee, Adv.  
 Mrs. Sarbani Kar, Adv.  
 Mr. Bidyabrata Acharyya, Adv.

(State of Maharashtra) Mr. Sanjay V. Kharde, Adv.  
 Ms. Asha gopalan Nair, Adv.

(State of Tamil Nadu) Mr. V. Krishna Murthy, Sr. Adv.  
 Mr. T. Harish Kumar, Adv.  
 Mr. Prasanth P, Adv.  
 Mr. V. Vasudevan, Adv.

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(State of A.P.) Mr. Pattabhiram Vadrevu, Adv.  
 Mr. G.N. Reddy, Adv.

(State of U.P.) Mr. Pramod Swaroop, Sr. Adv.  
 Ms. Shweta Garg, Adv.  
 Mr. Anuvrat Sharma, Adv.

(State of Mizoram) Mr. Pragyan Pradip Sharma, Adv.  
 Mr. Siddhartha Lodha, Adv.  
 Mr. P.V. Yogeshwaran, Adv.

(State of Punjab) Mrs. Jayshree Anand,Adv.  
Mr. K.K. Mahalik,Adv.  
Mr. Ajay Pal,Adv.

(State of Sikkim) Mr. A. Mariarputham,Adv.General,Sikkim  
Ms. Aruna Mathur,Adv.  
Mr. Aneesh Arputham,Adv.  
Mr. Yusuf Khan,Adv.  
M/S Arputham,Aruna & Co.,Adv.

(State of Manipur) Mr. Khawairakpam Nobin Singh,Adv.  
Mr. Sapam Biswajit Meitei,Adv.

(State of Nagaland) Mr. Edward Belho,Adv.  
Mr. K. Enatoli Sema,Adv.

(State of Tripura) Mr. Gopal Singh ,Adv  
Mr. Rituraj Biswas,Adv.

(State of Bihar) Mr. Gopal Singh ,Adv  
Mr. Manish Kumar,Adv.

(State of Haryana) Mr. Manjit Singh,AAG  
Mr. Kamal Mohan Gupta,Adv.

(St.of Chhattisgarh) Mr. Atul Jha,Adv.  
Mr. Dharmendra Kumar Sinha ,Adv  
  
Mr. Yakshay Chheda,Addv.  
  
Ms. Sunita sharma,Adv.  
  
Mr. Arun K. Sinha ,Adv  
Mr. Anis Suhrawardy ,Adv  
  
Mr. Sunil Fernandes,Adv.  
Ms. Renu Gupta,Adv.  
Mr. Sidhan Goel,Adv.  
Mr. Vikrant Nagpal,Adv.  
  
Ms. Hemantika Wahi ,Adv

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Ms. Kamini Jaiswal ,Adv  
Mr. Naresh K. Sharma ,Adv  
  
Mr. Ranjan Mukherjee,Adv.  
  
Mr. V.G. Pragasam,Adv.  
Mr. S.J. Aristotle,Adv.  
Mr. Praburama Subramanian,Adv.  
Mr. L.A.J. Selvam,Adv.  
Mr. B.S. Banthia,Adv.  
  
Mr. Radha Shyam Jena,Adv.  
  
Mr. Ratan Kumar Choudhuri ,Adv  
  
Mr. Navneet Kaur,Adv.  
M/S Corporate Law Group ,Adv  
  
Mr. Jatinder Kumar Bhatia ,Adv  
  
Mr. P.V. Dinesh,Adv.  
Ms. T.P. Sindhu,Adv.  
  
Mr. Balaji Srinivasan ,Adv  
Mr. Milind Kumar ,Adv

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

The affidavit filed in court on behalf  
of the State of Tamil Nadu is taken on record.

We had directed that the status Report  
regarding implementation of Juvenile Justice  
Act in West Bengal, Delhi, Maharashtra and  
Tamilnadu to be taken in the first instance to  
consider whether there has been compliance with  
the various requirement of Juvenile Justice  
Act, 2000 ('Act' for short).

Re: West Bengal

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From the status report filed by the  
State of West Bengal, it is seen that it has  
established in each of the 19 districts, a  
Juvenile Justice Board ('JJB' for short), a  
Child Welfare Committees ('CWC' for short) and  
a Special Juvenile Police Unit ('SJPU' for  
short). It is stated that it has also  
established 17 Children Homes, 26 Shelter Homes  
and 2 After Care Homes. We find that the above  
broadly meets the requirements of the Act at  
the first stage.

Re: NCT of Delhi

It is stated that in NCT of Delhi, at  
present there are two JJBs and the third JJB  
is in the process of being set up. It is  
stated that as at present, there are 1200 cases  
before the JJBs, and the Government is of the

view that three JJBS will be sufficient to handle and deal with the cases ensuring that no adjournment is beyond a month. Learned counsel for the NCT of Delhi also stated that if and when there is any increase in the pendency of cases, steps will be taken to increase the number of JJBS proportionately. He also submitted that there are 4 Child Welfare Committees. He stated that there are 26 Children Homes run by the Government 51 Children Homes run by NGOs and 6 Shelter Homes run by NGOs. It was pointed out that the Region has two After Care Homes and fourteen SJPU's. We find that the figures disclose that the implementation of the Act in the NCT of Delhi is adequate. But we find that there is a need for increasing the number of Child Welfare Committees, particularly, having regard to children in need of care and protection.

Three months time is given to enable the NCT of Delhi to take necessary steps for establishment of adequate number of Child Welfare Committees. The learned counsel for the petitioner may also verify whether three JJBS will be sufficient to actual workload in Delhi.

Re: Maharashtra State:

It is stated that State of Maharashtra has 35 districts. The State has established 35 JJBS but only 31 could be notified and be made functional. In regard to the other 4, the State is awaiting the appointment of the

Presiding Officers by the High Court. He  
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stated that the other 4 JJBs will also be made functional within three months. It is also

stated that it has established Child Welfare Committees for every district, in all 35 Child Welfare Committees. It is stated that it has

60 Observation Homes (12 run by Government and 48 run by NGOs), 3 Special Homes (2 run by Government and 1 run by NGO), 1076 Children Homes (30 run by Government and 1046 run by NGOs) and 4 After Care Homes. As far as Shelter Homes are concerned, it is stated that the Government is in the process of examining the matter. We thus find that broadly there is

adequate compliance of the requirement. The petitioners counsel is requested to verify the same and make his submission on the next date of hearing.

Re: Tamilnadu

It is stated that there are 32 districts in Tamil Nadu. In 8 districts, JJBs are functioning. In regard to the remaining 24, the JJBs are notified but they are not functional as the selection of members is under process. Having regard to non-availability of

suitable members, there has been some delay and it is submitted by the learned counsel for the

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State that within three months, efforts will be made to make all the JJBs functional.

It is also stated that out of 32 districts, 18 districts have Child Welfare Committees and in regard to remaining 14

districts also though Child Welfare Committees are notified, they are not functional because of non availability of qualified members.

Here

again, it is stated that efforts will be made to make CWCs functional within three months from today.

We find that the State has 8 Observation Homes, 2 Special Homes, 32 Children Homes and 3 After Care Homes.

The State is lagging behind when compared to other States and the State will have to take necessary steps to implement the Act. The matter will therefore be reviewed after three months.

The concerned officers of the four States are present in court. Their further appearance is dispensed with.

Let the matter be listed on 17.1.2011. for considering the cases of Punjab, Haryana, Uttar Pradesh, Rajasthan and Assam.

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(O.P. Sharma)  
Court Master

(Harjinder Kaur)  
Court Master