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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4689/2018 & CM APPL. 47123/2018

COURT ON ITS OWN MOTION

..... Petitioner

Through: Mr. Satish Tamta, Senior Advocate
(Amicus Curiae) with Ms. Nisha
Narayanan, Advocate.

versus

STATE

..... Respondent

Through: Mrs. Avnish Ahlawat, Standing
Counsel-GNCTD with Mr. Satya
Kam, ASC, Mr. Pradyu Kashyap,
Mrs. Taniya Ahlawat, Mr. Nitesh
Kumar Singh, Ms. Laavanya
Kaushik, Ms. Aliza Alam and Mr.
Mohnish Sehrawat, Advocates for
State
Mr. Anant Kumar Asthana,
Amicus Curiae
Mr. S.K. Sethi, Advocate for
DSLISA
Mr. Vivek Goyal, CGSPC with
Mr. Gokul Sharma and Mr.
Shivam Singh, Advocates for UOI.
Mr. Hemant Mehta, Legal-cum-
probationer officer, Department of
Women & Child Development,
GNCTD

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

23.02.2024

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1. This Court is informed that till date, there is no response from the respondent-State with respect to the suggestions put forth by Mr. Satish Tamta, learned *amicus curiae* vide report dated 02.03.2020.
2. It is pertinent to mention here that the learned *amicus curiae*, after visiting around 160 children homes, had submitted a report dated 02.03.2020 wherein some suggestions were put forth to Government of NCT of Delhi which are as under:

“SUGGESTIONS:

a) The intention of the legislature is that these Homes should really look like homes in every respect. Presently all these Homes are lacking home like environment. The quality of the care and rehabilitation needs immediate attention. Immediate steps needs to be taken for providing adequate facilities both in terms of staff and the infrastructure.

b) The Homes are interested in keeping the head counts up and therefore are not interested in sending the children of other states to the Homes of the other states. This is an impediment on the aim and object of the Act which desires the child to be rehabilitated and socially reintegrated. It can only be possible by the inspections carried out by the Inspection Committee constituted under section 54 of the Act.

c) It is suggested that to ensure effective implementation of the Act, in the letter and spirit, the Department of Women and Child Development should constitute and notify the Inspection Committees at district level in terms of Section 54 of the Act, who should make periodical visit to the Children Homes being run in Delhi both under the government and NGO's under the license issued by the government. The inspections are to be carried out as per the formats that are specified under the JJ Model Rules, 2016.



d) It is suggested that the children on short-term stay should be put in short-term home only so that they do not disturb the children on the long term stay and for that separate Homes be made.

e) The NGO run Homes, which are funded by the government, receive reimbursement after much delay resulting in shortfall of staff and services. The funds should be streamlined and released monthly or at least quarterly.

f) The Adoption Homes do not have a proper check on the number of children they have and the number that they are uploading. There is no record of 80% of tiny tots who put up there. There's a huge lag in the amount that needs to have a check on. Their records are improper and is a matter of huge concern. There should be a constant check on the whereabouts of adoption homes.

g) The registration process of Homes needs to be streamlined and made more simplified.

h) That this Hon'ble Court vide orders dated 29.01.2018 had directed that Audit on Urgent Basis should be conducted by the Comptroller Auditor General (CAG) in respect of all Homes (including Homes run by the Govt.) so that the deficiency and malfunctioning if any are brought to light and the functioning of all such homes is put in order by taking appropriate remedial steps. On 02.02.2018, a list of Institutions was provided to Ld. Counsel for the CAG and this Hon'ble Court had once again directed that the CAG shall now proceed to carry out the internal audit of the said Institutions without any delay. Therefore, the Hon'ble Court may be pleased to direct the CAG to file its audit report without any further delay”

3. We hereby direct the respondent-State to immediately take note of all the abovesaid suggestions and to take steps to implement the same



within four weeks failing which the Chief Secretary, Government of NCT of Delhi shall personally remain present in the Court to explain as to why the order passed by this Court is not complied with.

4. Renotify on 01.04.2024.

SURESH KUMAR KAIT, J

MANOJ JAIN, J

FEBRUARY 23, 2024/rk