

GAHC010234612019



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/60/2019

BACHPAN BACHAO ANDOLAN
A CHARITABLE SOCIETY HAVING ITS OFFICE AT L-6, KALKAJI, NEW
DELHI 110019 AND REP. BY ITS GENERAL SECRETARY MR. R.S.
CHAURAUSIA

2: SAMPURNA BEHURA
D/O LT. GANGA DHAR BEHURA
R/O FLAT NO. 501
TECHNOLOGY APARTMENT
PATPARGANJ
DELH

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, SOCIAL WELFARE
DEPTT. BLOCK-D, 1ST. FLOOR, JANATA BHAWAN, DISPUR, GAUHATI-
781006

2:DIRECTORATE OF SOCIAL WELFARE
REP. BY THE DIRECTOR
KACHARI GHAT
MG ROAD
UZAN BAZAR
GAUHATI-781001

3:ASSAM STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS
REP. BY THE CHAIRPERSON
BYE LANE NO. 1
H.NO. 1
SAMMANOY PATH
SURVEY
BELTOLA-BASISTHA ROAD
GAUHATI-781028

4:THE DIRECTOR GENERAL OF POLICE
OFFICE DR. BK KAKATI RD. ULUBARI
GAUHATI
ASSAM 781007

5:REGISTRAR
GAUHATI HIGH COURT
GAUHATI
ASSA

Advocate for the Petitioner : MR. P P SARMA

Advocate for the Respondent : GA, ASSAM

Linked Case : PIL(Suo Moto)/1/2018

X-X-X
X-X-X

VERSUS

IN RE THE GOVT OF ASSAM AND 3 ORS
REP. BY THE SECRETARY
DEPTT. OF SOCIAL WELFARE
BLOCK-D
1ST FLOOR
JANATA BHAWAN
DISPUR
GUWAHATI- 781006

2:DIRECTORATE OF SOCIAL WELFARE
REP. BY THE DIRECTOR
KACHARI GHAT
M G ROAD
UZAN BAZAR
GUWAHATI- 781001

3:ASSAM STATE COMMISSION FOR PROTECTION OF CHILD RIGHTS
REP. BY THE CHAIRPERSON
BYE LANE NO.1
H NO.1
SAMMANOY PATH

SURVEY
BELTOLA- BASISTHA ROAD
GUWAHATI- 781028
4:UNION OF INDIA
REP. BY THE SECRETARY MIN OF WOMEN AND CHILD DEVELOPMENT
SHASTRI BHAWAN
NEW DELHI- 01

Advocate for : MR. H K DAS(SC
GHC)

Advocate for : GA

ASSAM appearing for IN RE THE GOVT OF ASSAM AND 3 ORS

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

28.03.2024

(KR Surana, J)

Heard Mr. PP Sarma, learned counsel for the Bachpan Bachao Andolan, writ petitioner herein through video conferencing along with Mr. N. Choudhury, learned counsel. Also heard Mr. D. Nath, learned Senior Govt. advocate appearing for the State. Mr. NK Sarma, learned counsel appearing on behalf of Mr. HK Das, learned standing counsel for the Court. Also heard Mr. RKD Choudhury, learned DSGI for the Union of India. Also heard Dr. Preety Lekha Deka, ACS, Deputy Secretary to the Govt. of Assam, Women and Child Development Department who has appeared along with Mr. Ashok Sarma, Programme Manager (CP), ASCPS, Assam, Dr. Shyamal Prasad Saikia, Chairperson, Assam State Commission for Protection of Child Rights, Mr. Pranab Jyoti Goswami, SSP CID (Rep. Home Deptt.) and Mr. Maharshi Goswami, Technical Consultant, Assam State Commission for Protection of Child Rights.

2. Pursuant to order dated 08.02.2024, the learned Senior Govt. Advocate has produced a communication dated 27.03.2024, received from the Deputy Secretary to the Govt. of Assam, Women and Child Development Department thereby forwarding the response in respect of the order dated 10.10.2023 of this Court in PIL 60/2019.

3. Referring to the directions contained in para-2 of the order dated 10.10.2023, it is submitted that on the last occasion only 8 CCIs were inspected but as on 27.03.2024 the High Court Committee had made 58 visits covering the CCIs of Kamrup (Metro), Kamrup, Darrang, Baksa, Sonitpur, Nagaon, Morigaon, Cachar, Hailakandi, Karimganj, Nalbari, Barpeta and Udalguri districts and inspections were carried out keeping in view the Form no.46 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016. It is submitted that the reports are under compilation and will be presented before the Court on the next date. The prayer for the same is allowed.

4. It is submitted that in compliance of directions contained in para-4 of the said order dated 10.10.2023, the High Court appointed Committee has already been formed. Pursuant to directions contained in para-5 of the said order, it is submitted that the State Child Protection Society had conducted a one day training programme of social workers of the Juvenile Justice Boards of various districts as mentioned therein. The 1st phase of training was conducted on 09.11.2023 and the 2nd phase of training for the Chairperson and members of the Child Welfare Committees was conducted on 22nd and 23rd February, 2024 for various districts mentioned therein.

5. With regard to the directions contained in para-7 of the order, it is projected that the views of the Education Department has been considered and wherever applicable incorporated in the Draft Rules. The Draft Rules were examined by several persons named therein and three video conferences were held among the core members of the Drafting Committee and a State Level Consultation was held on 20.03.2024 in the presence of various authorities whose names are mentioned therein and it is projected that the recommendation from all the participating delegates including suggestions from the Bachpan Bachao Andolan were noted by the Committee and some of the recommendations were accepted for being incorporating in the Draft and it is also projected that the recommendation would be finalized and the same will be sent to the State Government at the earliest.

6. We hope and trust that the recommendations and suggestions from Bachpan Bachao Andolan shall be forwarded to the State Govt. for its consideration. We also hope and trust that the State Govt., after due consideration, will approve and notify the Child Protection Policy for the State of Assam at the earliest, hopefully before the next date of listing.

7. In respect of the directions contained in para-14 and 15 of the said order, it is projected that the communications are being made with TISS, Gauhati Campus despite but last two communications made on 14.11.2023 and 15.02.2024 further response from them has not been received.

8. In this regard the inordinate delay in finalization of the agency for

conducting social audit does not appear to be in public interest. Therefore, we grant liberty to the Govt. to explore alternatives for appointing persons for conducting social audit. We hope and trust that the agencies would be finalized prior to the next date of listing.

9. Having heard all the stakeholders present, we once again reiterate our hope and trust that before the next date of listing, the State Govt. would do the needful for (1) notifying the Child Protection Policy; (2) the High Court appointed Committee shall be able to complete the inspection of all the Child Care Institutions in the State; (3) the rules under the Juvenile Justice (Care and Protection) Act shall also be notified.

10. As prayed for by the learned DSGI, we grant time to the Union of India to file their response by way of an affidavit in terms of order dated 08.02.2024 which shall be done at least two days prior to the next date of listing.

11. List the matter on 24.06.2024.

12. The communication dated 27.03.2024 is made a part of the record.

JUDGE

JUDGE

Comparing Assistant