

Bachpan Bachao Andolan vs The State Of Jharkhand And Others on 20 June, 2018

Author: Aparesh Kumar Singh

Bench: Aparesh Kumar Singh, Ratnaker Bhengra

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IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (PIL) No. 139 of 2011

Bachpan Bachao Andolan	---	----	Petitioner
	Versus		
The State of Jharkhand and others	---	---	Respondents

CORAM: Hon'ble Mr. Justice Aparesh Kumar Singh			
Hon'ble Mr. Justice Ratnaker Bhengra			

For the Petitioner: M/s Jagjit Singh Chhabra, Amit Kr. Tiwari, Advocates For the Resp - State: M/s Rajeew Ranjan Mishra, GP-II, Arbind Kr, JC to GP-II

53 /20.06.2018 Mr. Jagjit Singh Chhabra, learned counsel representing the petitioner, during course of his submission in response to the various steps taken by the State towards protection of child rights and prevention of child abuse and trafficking, has referred to the background of the case and the journey which it has covered till date.

2. Essentially, he has conveyed that it is a work in progress. Various difficulties and omissions in the process of achieving the goal and object of protection of child rights and prevention of their abuse, have been overcome, but only with the interference of the Court from time to time. State has been compelled to implement the mandate of the Juvenile Justice (Care and Protection of Children) Act, Commission for Protection of Child Rights Act, 2005, etc. He has also pointed out to the lack of enough infrastructure, so far as the Children Homes in the State are concerned which are only two, one at East Singhbhum for boys and another at Deoghar for girls. He has also relied upon the judgment rendered by the Apex Court in the case of Sampurna Behura Versus Union of India [(2018) 4 SCC 433] and referred to the operative directions issued at paragraph-94 of the Report. According to him, not only the decisions taken by the State Government, as taken note of in the orders passed earlier by this Court, are to be implemented in letter and spirit, but other areas as reflected in the direction of the Apex Court in the case of Sampurna Behura (Supra) which are still uncovered, have to be covered.

3. We have, by our order dated 16.05.2018, after taking note of the various decisions and steps taken by the Respondent State, recorded our appreciation for the efforts taken by the Department in collaboration with the UNICEF in this regard. While doing so, we reiterated our request to JHALSA to extend full support to the exercise. We also issued direction to the Learned Registrar General to place the matter, as referred to in the order date 16.05.2018, before the Administrative Committee of the High Court constituted for suggesting remedial measures for betterment of conditions of Juvenile Home and matters relating to women and juvenile as well. It does not appear from the record that these directions have been duly communicated to the Learned Registrar General or JHALSA by the Registry. Learned Registrar General would inquire into the matter and ensure corrective steps for lapses, if any, found.

4. Keeping into account the facts noted above, we adjourn the matter for two weeks. Learned counsel for the State Mr. Rajiv Ranjan Mishra would seek instruction from the Respondent Department on the subject and specifically in the light of the directions issued by the Apex Court in the case of Sampurna Behura (Supra). Learned Registrar General and Member Secretary, JHALSA would also submit their report in this regard by the next date.

5. Let the case appear on 04.07.2018 as unfixed case.

6. Let a copy of the order be handed over to the learned counsel for the State.

(Aparesh Kumar Singh, J) (Ratnaker Bhengra, J) Ranjeet/