

Jharkhand High Court

Bachpan Bachao Andolan vs State Of Jharkhand & Ors on 17 December, 2013

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IN THE HIGH COURT OF JHARKHAND AT RANCHI.

W.P. (PIL) No. 139 of 2011

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Bachpan Bachao Andolan. ... Petitioner

-V e r s u s-

The State of Jharkhand & others ... Respondents.

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CORAM: - HON'BLE MR. JUSTICE D. N. PATEL.

HON'BLE MR. JUSTICE P.P. BHATT.

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For the Petitioner : - M/s Jagjit Singh Chhabra &
A.K. Tiwari, Advocates.

For the Respondents : - Mr. Jai Prakash, A.A.G.

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22/ Dated: 17th December, 2013

Per D.N. Patel, J.

1. Counsel appearing for the petitioner has argued out the case at length, provided brief synopsis of this petition and pointed out various suggestions about every prayer. Certain case-laws have also been referred and the reports given by the United Nations' Office on drugs and crimes have also been tendered and particular chapter about the Jharkhand State has also been pointed out to this Court, giving details about human trafficking. It is submitted by the counsel for the petitioner that in the State of Jharkhand, not a single shelter home is functioning and only two children homes are operational-one at Jamshedpur for boys and another at Deoghar for girls. Several children, who are victim of the human trafficking, are brought to the State of Jharkhand and where to keep these children, is a problem for the whole State and therefore, though the State is getting sizable amount of grant from the Central Government agencies, the homes are not being properly constructed in adequate numbers. There are various types of homes to be constructed by the State under the Juvenile Justice Act, 2000. Under various sections of this Act, the duties have been pointed out and many more things are also required to be pointed out in the synopsis given by the counsel appearing for the petitioner.

2. Counsel for the State-AAG is seeking time to file affidavit of the Secretary of the relevant Department. It is submitted by the learned AAG that it is true that some amount has been received from the Central Government for construction of the homes and the future action plan for the construction of different types of homes will be presented before this Court.

3. We, therefore, direct the State respondents to point out at least following facts on or before the next date of hearing on oath by the affidavit to be filed by the Secretary of the relevant Department :-

(a) How much amount has been received by the State from the Central Government or such other agencies and for the purposes to execute functions under the Juvenile Justice Act, 2000 ?

(b) What is the future action plan of the State for construction of various types of homes in the districts of the State of Jharkhand because already the State CID has declared ten districts of the State of Jharkhand as a "trafficking prone districts" and they are Gumla, Simdega, Khunti, East Singhbhum, West Singhbhum, Pakur, Sahebganj, Giridih, Hazaribagh and Dhanbad. Though this State has been constituted on November, 2000 and this Juvenile Justice Act is also of the year 2000, only two children homes are functional-one for boys and another for girls. Every year, several girls and boys are rescued from different States and they are brought to the State of Jharkhand and there are no adequate homes for their care and protection and for their further development.

(c) Whether Child Welfare Committees (CWC) are getting their remuneration or not, because they are working under Section 29 of the Juvenile Justice Act, 2000? The State should have pointed out to the CWC where the meeting should be convened or at least some places may be allotted in every district for holding meeting; otherwise, this Court has seen for the district of Khunti. CWC members have filed a petition for getting their remuneration and the State is objecting for payment of remuneration.

(d) In the affidavit to be filed by the Secretary of the concerned Department, it shall be pointed out that how many Anti-human Trafficking Units are working in the State of Jharkhand set up by the State. There are two types of Anti-human Trafficking Units-one is set up by the Ministry of Home Affairs of the Central Government and another by the State of Jharkhand. Figure of Anti-human Trafficking Units will be pointed out to this Court and the constitution thereof because none of the counsel is knowing, who is working as Anti-human Trafficking Units.

(e) If any amount has been received by the State of Jharkhand under the Integrated Child Protection Scheme, same shall also be pointed out to this Court for setting up of Child Protection Units at various district levels.

(f) What is the constitution of the State Commission for protection of child rights? Whether this Commission has convened any meeting and has done so far any work or not? Said Commission is constituted under Section 17 of the Commission for Protection of Child Rights Act, 2005 and functions of the Commission have been referred under Section 13 to be read with Section 24 of the said Act, 2005.

(g) It shall also be pointed out by the State that how many children are staying in different types of homes within the State of Jharkhand, owned managed and operated by the State of Jharkhand from January, 2013 to December, 2013. These figures will be pointed out on oath.

(h) Whether these homes are having adequate facilities of male and female Doctors and whether sanitary and drinking water facilities are available or not?

(i) How much remuneration is being given to the CWC members by the State? Whether they have been paid from January, 2013 to December, 2013 or not and how much amount is paid to homes?

4. This affidavit shall be filed by the concerned Secretary/ Secretaries of the concerned Department on or before 20th January, 2014.

5. This matter is adjourned to be listed on 20th January, 2014.

(D.N. Patel, J) (P.P. Bhatt, J.) APK/SB