

(2015) 04 SC CK 0175

In the Supreme Court Of India

Case No : Writ Petition (C) No. 75 of 2012

Bachpan Bachao Andolan

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 17-04-2015

Acts Referred:

National Commission for Protection of Child Rights Rules, 2006 — Rule 6(6)

Citation : (2015) 9 SCALE 45

Hon'ble Judges : Madan B. Lokur, J;U.U. Lalit, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Once again, the Ministry of Women and Child Development, Government of India has reacted in an extremely unsatisfactory manner. The Ministry needs to be far more sensitive, particularly towards children. In our order dated 20th February, 2015, we had required the Ministry to file an affidavit pursuant to our order dated 13th January, 2015.

2. The Ministry was required to inform Us about the Constitution of Advisory Boards under the Juvenile Justice (Care and Protection of Children) Act, 2000 (for short "the Act").

3. In the affidavit now filed by the Ministry, we have been informed that the States of Andhra Pradesh, Arunachal Pradesh, Gujarat, Jammu and Kashmir, Karnataka (the tenure of the Board has expired), Kerala, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, Jharkhand, West Bengal have not yet constituted an Advisory Board despite the requirement of the law laid down by the Parliament. The Union Territories of Andaman and Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep have also not set up Advisory Boards.

4. To make matter worse, we have been told that even the Central Government has not constituted the Central Advisory Board despite the Act having been in

force for the last 15 years. This is a clear indication of a complete lack of sensitivity and the apathy that the Ministry has for children and also a complete disregard for the law enacted by the Parliament. We expect the Ministry to wake up and take stock of the law enacted by the Parliament.

5. We had also required the Ministry to inform us about the appointment of the Chairperson of the National Commission for Protection of Child Rights (NCPCR). We have been told by the learned Additional Solicitor General that about 100 applications have been received so far till 15th April, 2015 which was the last date for receipt of applications.

6. Learned Counsel for the Petitioner has drawn our attention to Rule 6(6) of the National Commission for Protection of Child Rights Rules, 2006, which states that a vacancy in the NCPCR shall be filled up within 90 days from the date of occurrence of the vacancy. We are told that the vacancy of the Chairperson arose in October, 2014 and almost six months have gone by, but still a Chairperson has not been appointed.

7. Worse still, the vacancies of the Members of the NCPCR arose in October, 2013 and they ought to have been filled up within 90 days, but almost one and half years have gone by and there does not seem to be any sign of the Ministry filling up the vacancies in the near future although it is stated on the affidavit that the process of selection is on. Absolutely, no indication has been given as to when the selection process will be or is likely to be completed.

8. With regard to the improvements in the website, viz., www.trackthemissingchild.gov.in, it is stated that the recommendations of the Faculty of Management Studies will be implemented within another ten or fifteen days. It is also stated that the steps are being taken to make the website available in regional languages with the assistance of the National Informatics Centre.

9. We had directed on 20th February, 2015 that for the efforts put in by the Faculty of Management Studies, an amount of Rs. 1,00,000/- be sanctioned as a token honorarium. We are told that the sanction was granted only last week. This is an extremely sorry state of affairs that it took such a long time merely to sanction some funds for the excellent work done by persons who were requested by this Court, which work should have actually been done by the Ministry itself.

10. Be that as it may, the amount should be handed over to the Faculty of Management Studies within a period of one week from today.

11. The National Police Academy has, on our request, prepared an excellent training module for police officers. We suggest that the National Police Academy may consider adding field visits in the curriculum prepared by it.

12. The Tata Institute of Social Sciences (TISS) has formulated a Standard Operating Procedure (SOP) on our request and we have gone through the excellent work done by it.

13. It is however, stated by TISS that to avoid any conflict or contradiction and to bring about convergence, it will be appropriate if the matter is discussed with the National Police Academy and the Faculty of Management Studies.

14. Accordingly, we direct the Secretary in the Ministry of Women and Child Development, Government of India to convene a meeting with representatives of the National Police Academy, the Faculty of Management Studies and TISS to iron out any possible conflicts or contradictions in the reports given by each of them.

15. For the work done by the TISS and the National Police Academy, we direct the Ministry of Women and Child Development to pay a token honorarium of Rs. 1,00,000/- each to both these institutions within two weeks from today.

16. We had also required the Ministry to inform us on affidavit the details of the number of missing children in each State, the children recovered and information with regard to the implementation of Operation Smile. That affidavit has still not been filed.

17. Learned Additional Solicitor General says that the affidavit will be filed within ten days.

18. We must once again record our extreme dissatisfaction with the way in which the Ministry is reacting to the orders passed by this Court and the complete lack of interest that appears from the manner in which this public interest litigation is being taken by the Ministry.

19. Accordingly, we impose cost of Rs. 50,000/- on the Ministry to be paid to the Supreme Court Legal Services Committee within two weeks. The amount should be utilized for juvenile justice issues.

20. We direct the Secretary in the Ministry of Women and Child Development to remain present in Court on the next date of hearing. List the matter on 1st May, 2015.