

(2015) 01 SC CK 0133

In the Supreme Court Of India

Case No : Writ Petition (C) Nos. 75/2012 and 906 of 2014

Bachpan Bachao Andolan

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 13-01-2015

Acts Referred:

Citation : (2015) 8 SCALE 669

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

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Having heard Learned Counsel appearing for the parties and taking into consideration the seriousness of the issue involved in this matter, we deem it appropriate to pass the following directions:

"1. The Secretary, Ministry of Women and Child Development, Government of India, will be the nodal officer to co-ordinate the efforts for preventing children going missing, tracing out the missing children, and for the resettlement and rehabilitation of children in child care institutions.

2. The Secretary, Ministry of Women and Child Development, Government of India, will co-ordinate with his/her counterparts in all the States and the Union Territories in respect of directions issued by this Court and obtain necessary information from them as required by this Court from time to time instead of having separate affidavits filed by the States and the Union Territories in this Court thereby burdening the record of this Court.

3. Insofar as the website viz., www.trackthemissingchild.gov.in is concerned, it is stated that website is in operation since the year 2012. We request the Director, Faculty of Management Studies, University of Delhi, Delhi, to appoint some competent members of the "said Faculty and if necessary to take outside assistance to study the aforesaid website and to suggest improvements, if any, at the earliest.

4. It appears that many States have prepared their own Standard Operating Procedure (SOP) to trace out missing children. Some of these SOPs are in line with the SOP framed by the NALSA. The Secretary, Ministry of Women and Child Development, Government of India, will make a compilation of all these SOPs and hand them over within a week from today to the Director, Tata Institute of Social Sciences (TISS), Mumbai. We request the Director of TISS to set up a group to study all these SOPs and to come out with a model SOP which would then be distributed to all the States and the Union Territories for implementation.

5. The Secretary, Ministry of Women and Child Development Government of India, will inform this Court on the next date of hearing whether the Advisory Committee mandated under the Juvenile Justice (Care and Protection of Children) Act 2000, has been set up in all the States and the Union Territories and if so, the details of meetings held by them.

6. He will also take urgent steps to fill up all the vacancies in the National Commission for Protection of Child Rights (NCPCR) including the vacancies of the Chairperson and the members of the Commission.

7. The Secretary, Ministry of Women and Child Development, Government of India, will also issue directions immediately to his/her counterparts in all the State Governments and the Union Territories to vigorously renew efforts to trace out the missing children."

The affidavits filed by some of the State Governments/Union Territories indicate that the efforts of the State Governments/Union Territories have been quite fruitful over the last couple of months but that should not result in the State Governments/Union Territories becoming slack in this regard. The renewed efforts and implementation of Operation Smile should be made for a full one month at least so that maximum number of missing children are traced out.

2. The Secretary, Ministry of Women and Child Development, Government of India, will file an affidavit indicating the result of the efforts made by the State Governments/Union Territories in this regard on or before 13.02.2015. The said affidavit will also indicate whether the Advisory Committees have been set up by all the State Governments and the Union Territories as well as the efforts made by Union of India to fill up the vacancies in the NCPCR. The time for filing the affidavit will not be extended.

3. We request the Director, Faculty of Management Studies, University of Delhi, Delhi, to try and complete the study of the website viz., www.tracktherriissingchild.gov.in before the next date of hearing and submit a report to this Court on or before 13.02.2015. Similarly, we request the Director of TISS to inform us about the progress made in formulation of a Standard Operating Procedure to trace out and handle the cases of missing children on or before 13.02.2015.

4. We also find from the affidavits filed by the various States/Union Territories

that a large number of police officers are involved in the process of tracing out missing children and many of those police officers have been appointed as Child Welfare Officers/Juvenile Welfare Officers. We find that there is nothing to indicate whether these police officers have been given training of any kind either in terms of awareness, sensitization of child rights or for tracing out the missing children.

5. Under the circumstances, we request the Director, National Police Academy, Hyderabad to consult with the police authorities across the country and to come out with a standard curriculum and a training module(s) for imparting training to the police officers and sensitizing them about the issue and to trace out the missing children as well as to prevent human trafficking, child labour and other vices that go along with the exploitation of missing children. We request the Director to try and complete the exercise on these issues and send a report to this Court on or before 13.02.2015.

6. The Director of the Faculty of Management Studies, the Director of the Tata Institute of Social Sciences and the Director of the National Police Academy will, no doubt, appreciate that the request is being made on behalf of a large number of voiceless missing children.

7. The Secretary, Ministry of Women and Child Development, Government of India, will communicate this order immediately to (1) the Director, Faculty of Management Studies, University of Delhi, Delhi, (2) the Director, Tata Institute of Social Sciences (TISS), Mumbai, (3) the Director, National Police Academy, Hyderabad, and (4) his/her counterparts in all the State Governments and the Union Territories, for necessary compliance.

8. In compliance of this Court's order, the Chief Secretary and the Director General. of Police for the State of Orissa are present in court in person. Until further orders, their personal presence is dispensed with.

9. Liberty to the States of Tripura and Chhattisgarh to file the additional affidavits. List the matter on 20.02.2015.