
(1990) 07 MP CK 0045

In the Madhya Pradesh High Court

Case No : Criminal M.P. No's. 3357 of 1989, 783, 1712/1713 and 2045 of 1990

Laxmi Kant Pandey

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 12-07-1990

Acts Referred:

Juvenile Justice Act, 1986 — Section 63

Citation : (1990) MPJR 468

Hon'ble Judges : S.C. Agarwal, J;Rangnath Mishra, J;M.M. Punchhi, J

Bench : Full Bench

Judgement

The remaining States and Union Territories served in terms of the Court's order are Arunachal Pradesh. State of West Bengal and the Union Territories of Andaman & Nicobar Islands and Lakshwadeep as also Dadra and Nagar Haveli. All these States & Union Territories have now entered appearance and have filed their affidavits. In view of the fact that there has been compliance with the notice of the Court the contempt proceedings are dropped.

A petition filed on behalf of the All India Lawyer's Union Tamil Nadu, Madras, has brought to the notice of the Court the fact that at the time the main judgment was delivered the operative law was contained in the Children's Act and the Juvenile Court was authorised to deal with the children concerned. With the enforcement of the Juvenile Justice Act, 1986, u/s 63 the provisions of the earlier law have been repealed as Chapter III of the Juvenile Justice Act, 1986, has contained provisions for neglected juveniles. Under this Chapter the power to deal with relevant aspects vests in the Board constituted under that Act and, therefore, reference made is the main judgment to the Children's Act in regard to production of neglected juveniles and the procedure adopted to be followed in regard to such children including power to commit them to suitable custody now vest in the Board. The main judgment shall, therefore, be deemed to have been modified by operation of the law and reference made to Juvenile Courts for such purposes shall be taken to be the Board under Juvenile Justice Act, 1986. We

would like to clarify the position that as a result of the change in the law the Juvenile Courts under the Children Act would no longer deal with these matters and the Board constituted under the Juvenile Justice Act, 1986 shall be appropriate authority for such purpose. This alteration shall be operative from 1st of September, 1990 so that adequate notice will be available of this change and for the purpose of informing the courts and the people dealing with this matter. We direct that this part of the order shall be given adequate publicity in law journals and the Registrar General shall have it otherwise publicised. The matter shall now be called on 21-9-1990.