

(2004) 02 PAT CK 0051
In the Patna High Court
Case No : L.P.A. No. 733 of 2002

Mamta Kumari

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 05-02-2004

Acts Referred:

Citation : (2004) 3 PLJR 357

Hon'ble Judges : Ravi S. Dhavan, C.J.; Shashank Kr. Singh, J

Bench : Division Bench

Judgement

1. The Registrar General had reported that nothing had been done by the State of Bihar in implementing the Juvenile Justice (Care and Protection of Children) Act, 2000. In fact on the day of meeting the Secretary concerned conveniently absented himself. When a request was sought that this matter be discussed with the Hon'ble Chief Minister, no response was received. The Governor also sent a letter to the State Government, a copy of which has been marked to the High Court inquiring what exactly has happened in putting the machinery of the Act in place. The Court does not know what reply the Governor may have received.

2. This matter relates to public justice specially catering for the juveniles and of matters which may be conferred on a Board. The visitation can be exercised by the High Court also. This is provided under the Act itself. This is lackadaisical attitude of the Government in running away from placing the machinery ordained by an Act of Parliament. Before the Court certifies that the Government is evading installing the structure which the law has provided, during the pre-lunch session the Court indicated to the State Counsel (S.C. 8) to intimate the Hon'ble Chief Minister of the state of affairs. The Court indicated to the State Counsel that the machinery of the Act cannot be evaded and it must be put in place forthwith in all the districts of Bihar. What the High Court desires to know from the Hon'ble Chief Minister is why the aforesaid Act of Parliament will not be implemented.

3. The State Counsel has been good enough in getting in touch with the Hon'ble

Chief Minister and the Chief Secretary, Government of Bihar, and has intimated that this matter will engage the active consideration of the Hon''ble Chief Minister at a meeting with the High Court on 7.2.2004. Strange are the ways of governmental function, but in the interest of public justice and the juveniles the High Court/ill await positive results.

4. A preliminary brief note will be sent by the Registrar General to the Chief Secretary, Government of Bihar, for placing it before the Hon''ble Chief Minister within 24 hours. The note will indicate the structure identified by the Act.

5. The Registrar General may take an order from the Court for listing the case next.