
(2003) 05 PAT CK 0021
In the Patna High Court
Case No : C.W.J.C. No. 1740 of 2003

Shashank Shekhar, Advocate

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 08-05-2003

Acts Referred:

Citation : (2003) 3 PLJR 699

Hon'ble Judges : Ravi S. Dhavan, C.J;R.N. Prasad, J

Bench : Division Bench

Advocate : Party in Person, for the Appellant; Amar Nath Singh and Rekha Sinha and S.N Biswas, IAS, Chief Secretary, Bihar, Patna, B. Ram, Law Secretary, G.S. Kang, IAS, Commissioner and Secretary, Social Welfare, A.K. Srivastava, IAS, Director and Social Welfare, for the Respondent

Judgement

1. This matter is about the Juvenile Justice (Care and Protection of Children) Act, 2000. The petition brings to the notice of the court that notwithstanding the fact that law relating to juveniles has virtually been on the statute books since 1986, which enactment was replaced by the Act of 2000, in Bihar nothing worth the name has been done. Unfortunately, it is a fact that the Act of 2000 or for that matter of 1986 never saw implementation. In short, this means that juveniles have no place in Bihar as no institution having sanctity under the Act takes care of them.

2. Instead of going into a purposeless criticism of the administration on what it has not done, the time has come to ensure that they will do it as from today. It is admitted that nothing has been done to implement the Act. The Juvenile Justice (Care and Protection of Children) Act, 2000 is a social welfare legislation. The government of Bihar has to fall in line and ensure its implementation. There is rampant poverty, unemployment and illiteracy and juvenile delinquency is consequential. They are abundantly found at Patna railway station. Rural Bihar has another shade of delinquency. If a juvenile by mistake is locked up in custody and mixed up with hardened criminals it will be a violation of Human

Rights. The implementation of the Act, thus, cannot be delayed and the process has to be set in motion forthwith.

3. The court will take up the matter next week same day after luncheon interval and by that time the court expects that the workable machinery may be put in working position and is shown to the court.

4. List accordingly in the supplementary list.