
(2018) 02 J&K CK 0056
In the Jammu And Kashmir High Court
Case No : 24 of 2015

Shivan Mahajan	Vs	APPELLANT
State of J&K and others		RESPONDENT

Date of Decision : 09-02-2018

Acts Referred:

Citation : (2018) 02 J&K CK 0056

Hon'ble Judges : Badar Durrez Ahmed, Dhiraj Singh Thakur

Bench : Division Bench

Advocate : Sunil Sethi, Parimoksh Seth, Ravinder Gupta, Vishal Bharti, M. A.Bhat

Judgement

1. Mr Sethi, the learned senior counsel appearing on behalf of the petitioner, has drawn our attention to the order dated 31.01.2018 passed by the Division Bench in the Srinagar Wing in PIL No. 09/2015. The directions given therein take care of the issue with regard to constitution and operationalizing the Juvenile Justice Boards throughout the State of Jammu and Kashmir. The said order also deals with other aspects including the setting up of the Child Welfare Committees in each of the 22 Districts of the State. It also pertains to the setting up of special homes in the State, as required under the Jammu and Kashmir Juvenile Justice (Care and Protection of Children) Act, 2013 and the Rules made thereunder. He, therefore, submits that on those issues, which the Srinagar Bench has already dealt with in the order dated 31.01.2018, there need not be any direction from this Court as that would only lead to duplication. However, he has drawn our attention to the aspect of the child abuse, particularly, in schools. He made a suggestion that there is a lack of awareness, particularly amongst the children, as to what is the nature of child abuse and, as

a result, some of the children may be suffering in silence. He further pointed out that it is necessary for each of the schools to designate one officer

or a teacher, who is sensitive to these issues, who can function as the person where any complaint by any child is received for necessary action to

prevent further child abuse.

2. Both the above suggestions are, in our view, valid. We had asked the learned counsel for the respondents as to whether there was any policy or

scheme for creating such awareness and for appointing such officers/teachers as well as of providing any helpline where complaints could be made

by children who are being subjected to child abuse within the school premises. The learned counsel for the respondents could not give any positive

answer on this aspect. Therefore, we are of the view that if no such scheme or policy is in place, it would be appropriate that the Social Welfare

Department and the Education Department take joint action on this aspect of the matter and prescribe a manner of creating awareness in schools

with regard to child abuse. One of the suggestions given by Mr Sethi is for putting up display boards in simple language, informing the children as to

what is child abuse and in the languages which are understood by the children in the area concerned. The Headmasters/Principles of the schools

may also be directed to nominate at least one teacher/official, who is/are sensitive to child issues, to be nominated as the person to whom

complaints could be made whenever a child fears that he/she is undergoing child abuse within the school premises.

3. The compliance/ status report be submitted by both the above departments within four weeks.

4. Re-notify on 12.03.2018.

5. Copies of this order be given Dasti to the learned counsel for the respondents.