

WP 75/2012

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ITEM NO.1

COURT NO.1

SECTION PIL

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION (CIVIL) NO.75 OF 2012

BACHPAN BACHAO ANDOLAN

Certified to be true copy

Petitioner(s)

VERSUS

H. M. B.
12-1-13
Assistant Registrar (Jud.)
Supreme Court of India

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and office report)

Date: 17/01/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s)

Mr. H.S. Phoolka, Sr. Adv.
Mr. Jagjit Singh Chhabra, AOR
Mr. Gursimranjit Singh, Adv.
Mr. Bhuwan Ribhu, Adv.

For Respondent(s)
U.O.I.

Mr. A.S. Chandhiok, ASG
Mr. T.A. Khan, Adv.
Mr. B.K. Prasad, Adv.
Mr. Waseem Quadri, Adv.
Ms. Rashmi Malhotra, Adv.
Mr. Alok Kumar, Adv.
Ms. Harleen, Adv.
Mr. D.S. Mahra, AOR

For UT of Andaman &
Nicobar Islands

Mr. D.S. Mahra, AOR

For Andhra Pradesh

Mr. G.N. Reddy, AOR
Mr. M. Ram Babu, Adv.
Mr. S. Nagaraj, Adv.

For NHRC

Ms. Shobha, AOR
Mr. Atul, Adv.
Mr. Ashok Kumar Singh, Adv.

For Assam

Mr. Riku Sarma, Adv.
Mr. Navnit Kumar, Adv.
for M/s. Corporate Law Group

For Karnataka	Ms. Anitha Shenoy, AOR
For Haryana	Mr. Manjit Singh, AAG, Haryana Mr. Tarjit Singh Chikkara, Adv. Mr. Kamal Mohan Gupta, AOR
State of Puducherry	Mr. V.G. Pragasam, AOR Mr. S.J. Aristotle, Adv. Mr. Praburama Subramanian, Adv.
For Bihar	Mr. Gopal Singh, AOR Mr. Manish Kumar, Adv. Mr. Chandan Kumar, Adv.
For Tripura	Mr. Gopal Singh, AOR Mr. Ritu Raj Biswas, Adv.
For Sikkim	Mr. A. Mariarputham, AG, Sikkim Mrs. Aruna Mathur, Adv. Mr. Yusuf Khan, Adv. M/s. Arputham, Aruna & Co.
For Mizoram	Mr. K.N. Madhusodhanan, Adv. Mr. T.G. Narayanan Nair, AOR
For Chhattisgarh	Mr. Atul Jha, Adv. Mr. Sandeep Jha, Adv. Mr. Dharmendra Kumar Sinha, AOR
For U.P.	Ms. Pragati Neekhra, AOR Mr. Upendra Mishra, Adv.
For Rajasthan	Dr. Manish Singhvi, AAG Mr. Amit Lubhaya, Adv. Ms. Pragati Neekhra, Adv.
For Punjab	Mr. Ajay Bansal, Adv., AAG Mr. Devendra Singh, Adv. Mr. Kuldip Singh, AOR Mr. Pardaman Singh, Adv. Mr. Dheeraj Gupta, Adv. Mr. Rajiv Kumar Adv. Mr. Gaurav Yadav, Adv.
For Manipur	Mr. Khwairakpam Nobin Singh, AOR Mr. Sapam Biswajit Meitei, Adv.
For NALSA	Ms. Anitha Shenoy, Adv.
For J&K	Mr. Sunil Fernandes, Adv. Ms. Astha Sharma, Adv. Ms. Insha Mir, Adv. Mr. Raghav Chadha, Adv.
For West Bengal	Mr. Avijit Bhattacharjee, Adv.

- For M.P. Mr. Bikas Kargupta, Adv.
- For Nagaland Mrs. Sarbani Kar, Adv.
- For H.P. Ms. Devjani Das Purkayastha, Adv.
- For Maharashtra Ms. Vibha Datta Makhija, Adv.
- Mr. Naresh Kumar, Adv.
- Mrs. K. Enatoli Sema, Adv.
- Mr. Amit Kumar Singh, Adv.
- Mr. Sanjay V. Kharde, Adv.
- Ms. Asha G. Nair, Adv.

UPON hearing counsel the Court made the following
O R D E R

This matter has been listed today for a follow-up of the directions given earlier regarding the filing of status reports by the different States and Union Territories. Despite such directions, till today only the States of Punjab, Chhattisgarh and U.P., have filed their status reports.

From the appearances given today, it appears that out of the various States and Union Territories, five are yet to file any kind of appearance whatsoever. Neither has any Vakalatnama been filed nor has anybody appeared on their behalf, nor has any status report been filed. Although, the writ petition involves a matter of some concern regarding missing children, different States have failed to treat the matter with the seriousness it deserves. Let the matter be listed once again after two weeks (05.02.2013).

Time to file status reports by the States, who are yet to file their reports or yet to appear, is extended till the next date (05.02.2013).

Ms. Anitha Shenoy, learned Advocate, appears and submits that she has already filed Vakalatnama on behalf of the National Legal Services Authority and that the said Authority will be submitting its comprehensive response to

the writ petition within the aforesaid period. She also submits that she will ensure that the State of Karnataka is duly represented and files its status report within the next date.

On the next date, the Chief Secretaries of the State of Arunachal Pradesh, State of Goa, State of Gujarat, State of Orissa and State of Tamil Nadu, are directed to be present in the Court at 10.30 a.m., to explain as to why the matter has not been treated with the seriousness it deserves.

Apart from the above, it has been submitted by Ms. Shobha, learned Advocate, appearing for the National Human Rights Commission, that two interim directions may be given with regard to these matters, namely, (1) mandatory recording of First Information Report with regard to missing children and, (2) formation of Special Juvenile Police Units in the different States, in accordance with the provisions of Section 63 of the Juvenile Justice (Care and Protection of Children) Act, 2000, as amended in 2006, hereinafter referred to as the "Juvenile Justice Act".

As far as the first submission is concerned, it appears to be fully justified, since filing of a first information report would activate the police authorities in taking active steps to try and trace the missing child. Accordingly, we direct that in case a complaint with regard to any missing children is made in a police station, the same should be reduced into a First Information Report and appropriate steps should be taken to see that follow up investigation is taken up immediately thereafter.

We also agree with Ms. Shobha's second submission and are of the view that the States should put the same in place in the event this menace of missing children or

trafficking of children is to be reduced. Accordingly, having regard to the fact that the Juvenile Justice Act was enacted in 2000, we direct each State to set up a Special Juvenile Police Unit within two months from date, if not set up already. For a start, the State should ensure that there is one officer of the said Special Juvenile Police Unit stationed at every police station, in accordance with the provisions of the Juvenile Justice (Care and Protection of Children) Rules, 2007.

Let copies of this order be made available by the Registry to the learned Advocates-on-Record for the petitioner, the Union of India, as also the National Human Rights Commission, for necessary follow up action.

The Chief Secretaries of the different States shall cause these directions to be circulated to all the police stations within their jurisdiction.

Since the Ministry of Women and Child Welfare, as also the Ministry of Social Welfare, will have a part to play in giving effect to these directions, on the oral prayer made on behalf of the petitioner, the said two Ministries are added as parties through their respective Secretaries.

Let copies of the Rule issued on the writ petition, be also served on the added respondents, through Mr. D.S. Mahra, learned Advocate-on-Record for the Union of India.

Chetan
18/01/2013
(Chetan Kumar)
Court Master
✓

Juginder Kaur
18/1/13
(Juginder Kaur)
Assistant Registrar

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