

WP(Crl.) No. 2 of 2016

Harka Bahadur Subba vs. Nirmal Chaya, N.G.O. and Ors.

**BEFORE
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE**

11 . 28.06.2017 Present: Mr. Joginder Tuli, Advocate for the Petitioner.

Parents of the minor girl present in person.

Mrs. Pollin Rai, Asst. Public Prosecutor, for the State-Respondent.

Dr. Doma T. Bhutia, Advocate as 'Amicus Curiae'.

Ms Chumsang Bhutia, Protection Officer, Social Justice, Empowerment & Welfare Department, Government of Sikkim, present in person with Minor.

I.A. No.2 of 2017

Heard.

Ms. Rachhita Rai, Counsel for the Petitioner seeks to retire from this case on grounds given in the Petition.

No objection raised by any party.

Petition is accepted and I.A. is disposed of accordingly.

(1) Heard.

(2) It is submitted by learned Counsel for the Petitioner that, the child is 17 years old and is in Class-VIII, whereas her class mates are aged about 14 years. In order to enable her to be at par with the other students, a private tutor

may be appointed by the State-Respondent to achieve the aforesaid target. It is also submitted that although the State-Respondent in its Report dated 23.5.2017, has stated that they are willing to keep the child until she completes 18 years of age in the Balika Niketan, however, provision should be made for keeping her beyond that period until alternative arrangements are made. It is also submitted that as the income of the parents of the child are below poverty line, they are not in a position to visit the child, but they ought to be in constant touch with her. Hence, orders may be issued to the Protection Officer to accompany the child to her home twice a month.

(3) Learned 'Amicus Curiae' for the part submits that the Court may direct the State-Respondent to admit the child into Palzor Namgyal Girls Senior Secondary School, Gangtok, and the hostel thereof, so that she is in a conducive atmosphere, which is not prevalent in Balika Niketan, where children are either victims of trafficking or victims of Prevention of Children from Sexual Offences Act, cases or Domestic Violence victims.

(4) It is submitted by learned Counsel for the State-Respondent that she will seek instructions for appointment of

a tutor since funds have to be arranged as well as for the admission of the child in Palzor Namgyal Girls Senior Secondary School, Gangtok. Further, it is submitted that Section 46 of the Juvenile Justice (Care & Protection of Children) Act, 2015, provides for after care of children and in adherence to the provision, the Balika Niketan is willing to house the child till she attains the age of 21 years, by which time efforts will have been made to reintegrate her into society. That, arrangements will also have to be worked out for the child to visit her family for which instructions are required. She undertakes to file a consolidated report on all of the above within two weeks.

(5) List accordingly on 14.7.2017.

Judge
28.06.2017

Index : Yes / No
Internet : Yes / No

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