

High Court of Sikkim

Record of proceedings

WP(PIL) No.01 of 2018

In RE : Effective Implementation of Juvenile Justice
(Care and Protection of Children) Act, 2015

Date : 01-05-2019

**CORAM : THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE
THE HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE**

For Petitioner

Mr. S. S. Hamal, Advocate as Amicus Curiae.

For Respondent

State of Sikkim

Mr. Karma Thinlay, Senior Government Advocate.
Mr. Thupden Youngda, Government Advocate.
Mrs. Pollin Rai, Assistant Government Advocate.

ORDER

Rai, J.

We have considered the Affidavit filed by the State Respondents dated 25-04-2019.

With regard to Direction (i) of the Hon'ble Supreme Court passed in Writ Petition (Civil) No.473 of 2005 dated 09-02-2018 (*Sampurna Behura vs. Union of India and Others*) on the question of appointment of Chairperson and Members of the State Commission for Protection of Child Rights (SCPCR), the appointments made in the SCPCR do not appear to have the requisite prescribed qualifications. Let the State Government take necessary steps in this context. Adequate staff are also to be recruited for the SCPCR. Details on this aspect be submitted.

For Direction (ii), let the State Government enumerate the details of the works assigned to and taken up by the SCPCR and whether the staff appointed therein are adequate as also details of remuneration paid to the Committee Members and staff.

With regard to Direction (iii), let the State Government inform this Court (a) about the steps taken with regard to the different Child Care Institutions and their establishments in the State in terms

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of Section 2(21) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act); (b) The Action Plan for generating awareness on the JJ Act and assistance taken from Non-Governmental Organizations (NGOs) and Civil Societies to ensure that the JJ Act serves the purpose for which it has enacted by Parliament.

In Direction (iv), it appears that there are vacancies in the Juvenile Justice Boards across the State. Learned Senior Government Advocate submits that vacant posts were advertised in the month of February, 2019, and steps could not be taken thereafter due to implementation of the Model Code of Conduct. Let all vacant posts be filled up in the Juvenile Justice Boards of all the Districts by June, 2019, without fail and report furnished before this Court.

On the question of Child Welfare Committee (CWC) Members, it is informed that the Members and Chairperson for the North District have been appointed. Advertisements have been issued for the vacancies in Committees of the other Districts, but appointments could not be made in view of the applicant not fulfilling the prescribed criteria. Let Respondent No.1 take necessary steps and appoint Members for all the CWCs by June, 2019.

Since the remaining report of the Respondent is evidently devoid of details, a consolidated report be filed with regard to Direction (v) and the remaining directions as obtains in the Judgment of the Hon'ble Supreme Court *supra*, by 04-05-2019.

List on 07-05-2019.

Judge
01-05-2019

Judge
01-05-2019

Index : Yes/No

Internet : Yes/No

ds/ak