

HIGH COURT OF SIKKIM
Record of Proceedings

WP (PIL) No. 01/2018

IN RE – EFFECTIVE IMPLEMENTATION OF JUVENILE JUSTICE
(CARE AND PROTECTION OF CHILDREN) ACT, 2015.

For Petitioner : Mr. S.S. Hamal, Amicus Curiae.

For Respondents : Mr. Sudesh Joshi, Addl. Advocate General
Mr. Yadev Sharma, Govt. Advocate
Mr. Sujan Sunwar, Asst. Govt. Advocate.

Date: 20/04/2021

CORAM :

HON'BLE MR. JUSTICE JITENDRA KUMAR MAHESHWARI, CJ.
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, J.

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PER J.K. MAHESHWARI, CJ

Direction No. (4)

So far as direction No. (4) is concerned, a reply has been filed *inter alia* contending that in furtherance to the process to fill up the posts of Member, Juvenile Justice Board (JJB), three persons got selected, out of them two were selected in the Child Welfare Committee (CWC) panel, therefore, they joined as CWC Member and out of three, one person has joined as Member, JJB. Thus, the posts of JJB Members are vacant in all the districts. The State Government shall take steps to organize the Rule whereby the post of JJB Members be filled up.

Compliance be made in this regard within two months.

Direction No. (5)

In so far as direction No. (5) is concerned, steps are also required to be taken to fill up the remaining vacant posts of CWC Members in the State.

As requested by learned Additional Advocate General, two months' time is allowed to do the needful.

Direction No. (6)

In response to direction No. (6), it is stated that the State Commission for the Protection of Child Rights (SCPCR) had decided to conduct a State Level Coordination Meeting on 09.04.2021 which could not be done on account of Covid-19 cases.

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Considering the aforesaid, two months' time further granted to do the needful.

Direction No. (7)

In response to the reply submitted by the State Government, it is prayed that one month time may be granted to seek approval regarding appointment of two posts of Legal-cum-Probation Officer, four posts of Protection Officer, one post of Program Officer and one post of Accountant.

Needful be done within a period of month.

Report be made available in this regard within the specified time.

Reports of the SCPCR as reported in direction Nos. (6) & (7) be also made available.

Direction No. (11)

So far as direction No. (11) is concerned, clarity for taking steps to establish the special home, place of safety and children's homes is not in the reply.

As submitted by the learned Amicus Curiae, the reports regarding compliance of the State Level Inspection Committee and District Level Inspection Committee have not been clarified as required under Section 54 of the Juvenile Justice (Care and Protection of Children) Act.

Needful be done within a period of one month and response to that effect be filed.

Direction No. (12)

As submitted by learned Amicus Curiae, report regarding compliance of State Level Inspection Committee and District Level Inspection Committee is required to be submitted.

The response so filed is not clear, however, it be clarified that who are the persons of the State Level Inspection Committee and District Level Inspection Committee.

Response in this regard be filed within a month.

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Direction No. (15)

So far as direction No. (15) is concerned, in furtherance to the compliance of the direction Nos. (4) and (5), the compliance report in that effect be submitted within two months.

List on 22.05. 2021 for further orders.

Judge

Chief Justice