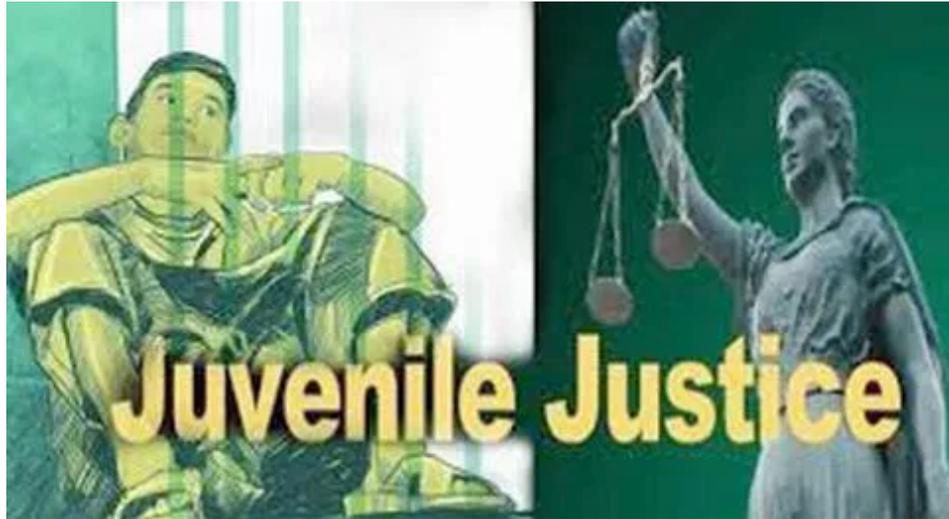


# HC raps govt over juvenile justice act lapses

By **NUSRAT SIDIQ** on February 18, 2019 *No Comment*

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SRINAGAR: The Jammu and Kashmir High Court on Friday came down heavily on state authorities for failing to meet requirements in terms of the Juvenile Justice Act, 2013.

“We are not willing to simply go on adjourning this matter while the Child Care Institutions in the state are completely un-operational and unable to serve the purpose for which they have been created. It is also not possible for us to ignore the life of the children of the State who would be suffering in the meantime,” the court noted.

The court recorded that in case directions are not complied with a status report is to be filed within eight weeks and the Secretary, Social Welfare Department of the State Government and Mission Director, Integrated Child Protection Scheme (ICPS), shall remain present in court.

The court remarked that in the instant PIL, which relates to the working of the J&K Juvenile Justice (Care and Protection of Children) Act, 2013, the record of the case discloses an absolutely unacceptable state of affairs.

The order passed by the Court on 28th August 2017 directed the respondents to ensure provision of the requisite facilities to all Child Care Institutes under the said enactment. The repeated directions thereafter as well as several reports which have been placed before court by Justice Hasnain Masoodi, Chairperson of the Selection-cum-Oversight Committee (SCOC), has placed the deficiencies in Juvenile Justice Boards, Child Welfare Committees, District Child Protection Units (DCPUs) and other institutions under the law.

Meanwhile, the compliance reports dated 14 February 2019 filed by State Mission Director and 15 February 2019 filed by Director General Social Welfare Department, Kashmir, was taken on record. The Division Bench remarked that perusal of the same would reveal that there is non-compliance of all the orders passed by the court.

The court noted in the order, "Significant among the deficiencies is the lack of essential staff. Despite repeated requests from the Chairperson of SCOC and the order of the court, while posts are created, the authorities have not moved a single step towards filling up the vacancies."

"As a result, the institutions under the Juvenile Justice Act would be unable to discharge the statutory mandate. It needs to be borne in mind that the Juvenile Justice enactment in fact only reiterates the Constitutional mandate regarding the care and protection of children," the court recorded.

Meanwhile, State Counsel Feroz Ahmad Sheikh informed court on Friday that he has received the compliance report in terms of the court order dated 21 December 2018 only yesterday.

The same was handed over in court and taken on record. "Perusal thereof would show that it encloses the letter which was sent six months ago on 20th August 2018 by the Director General of Social Welfare Department to the Secretary of the same department," court noted.

"We find from the order sheet that substantial indulgence has been shown to the respondents. Even our order dated 21st December 2018 has not been complied with and no status report regarding compliance of the directions has been filed," the court recorded.

It was submitted by State Counsel that forty positions which are lying vacant in ICPS have been advertised.

The Division Bench of Chief Justice Gita Mittal and Justice Sanjeev Kumar after hearing the counsel said, "We were inclined to take a serious view of the non-compliance of the various directions [on Friday]. However, the same would not achieve the intended purpose of ensuring the welfare of the children. We, therefore, give a very last chance to the respondents to ensure that the directions made by us and the statutory mandate is forthwith complied with. The respondents shall ensure that the requisite staff is provided to all the Child Care Institutions within a period of eight weeks from today."

Also on Friday, court was informed that the Ministry of Women and Child Development of the Government of India has revised its scheme and is transferring funds for implementation of ICPS directly to the SCPS. “Let this aspect be examined by the State Government and a view taken so that there is no delay in transfer of funds,” the court ordered.

Further the court said that in case there is difficulty or delay in effecting the recruitment of staff by the State Government, the respondents may explore the possibility of delegating the same to the SCOS for selection of the positions and making recommendations to the State Government for consideration and appointment, especially of such positions as the District Child Protection Officer, Programme Officer, Probationary Officer and Welfare Officer.

It was directed to the State Government to examine the need of the State Commission for Protection of Child Rights with a particular information about the administration/management by the State Government of the Rotary Inner Wheel Circle Home, Channi Ram, meant for specially-abled children.