

PETITIONER:  
SUPREME COURT LEGAL AID COMMITTEE

Vs.

RESPONDENT:  
UNION OF INDIA & ORS.

DATE OF JUDGMENT 05/09/1989

BENCH:  
MISRA RANGNATH  
BENCH:  
MISRA RANGNATH  
VENKATACHALLIAH, M.N. (J)

CITATION:  
1989 AIR 1278                      1989 SCR (2) 60  
1989 SCC (2) 325                JT 1989 (1) 549  
1989 SCALE (1)651

ACT:  
Juvenile Justice Act, 1986: Sections 2(e)(h), 53 and 62--Setting up of Advisory Boards for implementation of Act---Directions---Issued.

HEADNOTE:  
In a public interest application filed under Article 32 of the Constitution for enforcement of fundamental rights under Articles 14 and 21 of the Constitution being denied to the hundreds of juvenile delinquents, all over the country, the Supreme Court had issued directions from time to time. Issuing further directions in the matter, this Court,

HELD: For the present the Advisory Board in terms of the provision of the scheme for facilitating the monitoring of the implementation of the Act should be set up at the State level and steps at the District level may be deferred. [35E]

Each of the States, including the State of Jammu & Kashmir to which the scheme would apply, by its consent, is directed to set up its Advisory Board in terms of the scheme. The total number of the Advisory Boards should not be below 15 and not above 20. The State Government should indicate as to who would be the Chairman and Secretary respectively of the Board. Such Committee should be set up within six weeks and report of compliance filed with the Registry of this Court within eight weeks. The first meeting of the Board should be within four weeks of its constitution and every such Board should send its first proceeding to the Registry, [35F, H, 36A-B]

JUDGMENT:  
ORIGINAL JURISDICTION: Writ Petition (Crl.) No. 145 1 of 1985.

(Under Article 32 of the Constitution of India).  
R.K. Jain and R.K. Bhatt for the Petitioner.

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Kapil Sibal, Anil D. Singh, V.C. Mahajan, A.S. Nambiar, Salman Khurshid, Gopal Singh, Ms. K. Jaiswal, Ms. S. Janani, Ms. A. Subhashini, Mrs. Indira Sawhney, Mrs. Urmila Kapoor, A.S. Bhasme, A.M. Khanwilkar, K.R. Nambiar, J.R. Das,

D.K. Sinha, D. Bhandari, Y.P. Rao, S.K. Agnihotri, P.K. Manohar, M. Veerappa, R.K. Mehta, K.R.R. Nambiar, B.D. Sharma, K. Vasdev, D.N. Mukharjee, M.P. Jha, T.V.S.N. Chari, Mahabir Singh, M.N. Shroff, A. Subba Rao, R.S. Sodhi, K. Ramkumar, S.K. Bhattacharya, L.R. Singh, A.K. Sanghi, C.V.S. Rao, R. Venkataramani, Probir Choudhary, T.V.S. Krishna-murthy, S. Vasudevan, D.R.K. Reddy, K.J. Rao and U.N. Singh for the Respondents.

The following Order of the Court was delivered:

ORDER

It is stated by counsel appearing for the States including that of Nagaland that affidavits as directed have been filed. Mr. Jain appearing in support of the writ petition has asked for a direction to the State to set up Advisory Boards both at the State and the District levels, as contemplated in the scheme so that implementation of the various provisions of the Act can be facilitated.

We are of the view that for the present the Board in terms of the provision of the scheme should be set up at the State level and steps at the District level may be deferred for the present.

Each of the States including the State of Jammu & Kashmir to which the scheme would apply though not under the Act in view of its consent, is directed to set up its Advisory Board in terms of the scheme. Implementation of the Act would be convenient if in the Board to be set up the Ministers of Law and Social or Children's Welfare, as the case may be, the Secretary to Government in the relevant Department, the Head of the Police Establishment (Director General or the Inspector General, as the case may be), the Head of the Health Directorate, two members of the Bar with appropriate aptitude, an acknowledge lady social worker, a Member of Parliament and a Member of the State Legislature, one or two social workers of .acknowledged repute preferably connected with children's rehabilitation activity are included. It would be open to the State Government to make small variations depending upon the requirements of any particular State. The total number of the Advisory Boards should not be below 15 and not above 20. The State Government should indicate

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as to who would be the Chairman and Secretary respectively of the Board. Such Committee should be set up within six weeks from today and report of compliance shah be filed with the Registry of this Court within eight weeks. The first meeting of the Board should be within four weeks of its constitution and every such Board is directed to send its first proceeding to the Registry.

N.P.V-

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