

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

M.A. No. 2069/2018

IN

W.P.(C) No. No. 473/2005

SAMPURNA BEHRUA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

O R D E R

There are six issues that still require consideration in the present petition:

1. Standard Operating Procedure (SOP) for children who are victims of violence

We have been informed (and it has been recorded in our order dated 08.10.2018) that the Ministry of Women and Child Development is in the process of preparing / developing an SOP addressing the problem of violence, sexual or otherwise. This is with reference to children in Child Care Institutions and even other children who may not necessarily be in Child Care Institutions.

Today, we are told by the learned ASG that the SOP is not ready but in the meanwhile, an interim advisory has been issued to all the State Governments / UTs giving the protocol to be followed.

The learned Amicus says that she would like to look into the advisory and make her comments because this information has been

given today in the Court.

2. Report of the Study by the NCPCR

It is stated by the learned ASG that an interim report has been submitted by the NCPCR. This has been shared with 10 State Governments and sharing the report with 12 other States is in the process. It is not clear whether the report is being shared with the remaining State Governments and UTs.

It is pointed out by learned counsel for the NCPCR that some of the States have not yet given the information with regard to number of child care institutions registered under the Juvenile Justice (Care and Protection) of Children Act, 2015. We expect the State Governments to ensure that registration is complete and information is passed with the NCPCR at least for the sake of children who are living in the States concerned. This should be done within two weeks.

3. Child Protection Policy

On 08.10.2018, we were informed that the Child Protection Policy is on the anvil and it will take about two months or so.

Today, it is stated that the first draft will be ready in December, 2018.

We reiterate what we have recorded on 08.10.2018 to the effect that when the first draft is available, it should be circulated widely and also be given to the learned *Amicus* so that suggestions can be invited from all concerned.

4. National Institution for benefit of Children

It is stated by the learned ASG that the matter has been referred to the Department of Expenditure and tentatively the National Institute for Public Cooperation and Child Development is likely to be the institution that will need strengthening in terms of the suggestion made in the order dated 08.10.2018.

5. Status Report with regard to Child Welfare Committees and Juvenile Justice Boards

The learned ASG has handed over to us a status report in compliance of the order dated 08.10.2018. We find that the status report is incomplete in as much as information in respect of a large number of States / UTs is valid till September, 2018.

It is also not clear from the status report whether Child Welfare Committees are in existence in all the districts of the States for which information is available till November, 2018. She says that she will look into the matter and give the complete status report and also take it up with the State Governments.

6. Study of Reports furnished by the States

It is stated that the State Governments have furnished reports of the child care institutions pursuant to the meeting held on 18.09.2018. The State Governments have been asked to study the reports and to intimate the follow up action on or before 30.11.2018.

List the matter in the second week of January, 2019.

It is pointed out by learned *Amicus* that even the Reports that

were furnished subsequent to the meeting held on 18.09.2018 are incomplete in some cases. The Ministry of Women and Child Development should take it up with the States .

Any affidavit or status report proposed to be filed should be handed over to the learned Amicus at least three days in advance.

.....J.
[MADAN B. LOKUR]

.....J.
[S. ABDUL NAZEER]

.....J.
[DEEPAK GUPTA]

NEW DELHI;
NOVEMBER 27, 2018.

ITEM NO.5

COURT NO.2

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

M.A. No. 2069/2018 in W.P.(C) No. No. 473/2005

SAMPURNA BEHRUA

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VERSUS

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Date : 27-11-2018 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MR. JUSTICE DEEPAK GUPTA

Ms. Aparna Bhat, Advocate(A.C)
Ms. Shivangi Singh, Adv.
Mr. Tipoo Ningombam, Adv.

For Petitioner(s)

By Courts Motion

Mr. Niraj Gupta, AOR
Mr. Anshu Gupta, Adv.

For Respondent(s)
UOI

Ms. Pinky Anand, ASG
Mr. Shailinder Saini, Adv.
Mr. S. wasim A. Qadri, Adv.
Mr. B.V. Balram Das, Adv.
Mr. Raj bahadur Yadav, Adv.
Ms. Snidha Mehra, Adv.
Mr. Chakitan Vikram Shekher Papta, Adv.
Mr. R. R. Rajesh, Adv.
Mr. Vikas Bansal, Adv.
Mr. G.S. Makker, AOR

Bihar

Mr. Gopal Singh, Adv.
Mr. Manish Kumar, Adv.

AIIMS

Mr. Sudhir Naagar, AOR
Mr. Binay Kumar Pandey, Adv.

TISS

Ms. Vrinda Grover, Adv.
Mr. Soutik Banerjee, Adv.

NCPCR

Dr. Anindita Pujari, AOR
Ms. Aarti Kumar, Adv.
Ms. Harsha Garg, Adv.

UPON hearing the counsel the Court made the following

O R D E R

List the matter in the second week of January, 2019.

Any affidavit or status report proposed to be filed should be handed over to the learned Amicus at least three days in advance.

**(MEENAKSHI KOHLI)
COURT MASTER**

**(KAILASH CHANDER)
ASSISTANT REGISTRAR**

[Reportable signed order is placed on the file]

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