

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

PIL No. 13 of 2022

Court on its own motion

Petitioner

Vs.

State of Manipur; &Ors.

Respondents

BEFORE

**HON'BLE THE ACTING CHIEF JUSTICE MR. MV MURALIDARAN
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

13.06.2023

A. Guneshwar Sharma, Judge :

[1] Heard Mr. Kh. Tarunkumar, learned senior counsel, appearing for the petitioner; Mr. M. Devananda, learned Additional Advocate General, Manipur, appearing for respondent No 1; Mr. Th. Rajikshore, learned counsel, appearing for respondent No. 2; and Mr. RS Reisang, learned senior counsel, appearing for respondent Nos. 3 & 4.

[2] The present PIL is initiated by this Court on its own motion consequent to a report in daily Sangai Express newspaper dated 13.04.2022 in news item under the caption "Children Home inmate thrashed brutally." It was reported that three inmates of Destitute Children Home, run by respondent No. 3 at Ukhrul, were thrashed by senior inmates on 09.04.2022 for going out of the campus without permission and loitering elsewhere and also on the next day, i.e., on 10.04.2022, the warden (respondent No. 4) also punished the three inmates with sticks.

[3] This Court issued notice on 18.04.2022 to the respondents. Vide order dated 23.05.2022, this Court observed that the affidavit filed by respondent Nos. 3 & 4 is not in compliance of the direction of the Hon'ble Supreme Court in

[Exploitation of Children in Orphanages in the State of Tamil Nadu In Re: Vs. Union of India & Others reported in **(2017) 7 SCC 578]**. Thereafter, additional affidavits have been filed by respondent Nos. 3 & 4. Respondent No. 1 & 2 also filed their affidavit-in-opposition. Mr. Kh. Tarunkumar, learned senior counsel, has pointed out that the affidavit-in-opposition dated 18.07.2022 of the State Government did not indicate whether the direction of the Hon'ble Supreme Court in paras 108.2, 108.6 and 108.9 of the aforesaid judgment have been complied with or not. Thereafter, the State Government filed additional affidavits dated 10.11.2022, 16.02.2023 and 19.04.2023 enumerating various steps taken up by the State Government in compliance of the direction of the Hon'ble Supreme Court as well as direction of this Court.

[4] In the affidavit-in-opposition of respondent Nos. 3 & 4, they have admitted the incident and stated that some senior inmates punished the three junior inmates as they leave the home without any permission and without knowing this fact, the warden also punished the three inmates on the next day. It is also stated that the children have been counseled and they were given proper medical treatment. The delinquent senior inmates were also given separate counseling to realize their own wrongdoing and warned not to repeat the same. It was also stated that the management has removed the warden for the wrong committed by him and they have also undertaken that such action would never occur in future. On having the information, respondent No. 2-MCCPR also made enquiry and the inspection team comprising of members of the Commission and the Chairperson as well as two members of the CWC, Ukhul gave its findings on 20.04.2022 and the Commission is monitoring the case.

A spot enquiry was conducted by the Program Officer (SCPS), CNCP along with the District Child Protection Unit (DCPU), Ukhrul District, regarding the assault to three minor inmates of the children home and in its report dated 17.04.2022, the committee made the following recommendations.

"RECOMMENDATIONS FROM THE VISITING OFFICIAL TEAM:

Within a period of 30 days w.e.f. 17/04/2022, instruction were given to the NGO Nigrin Club to complete the following works and to submit a status report to DCPO Ukhrul:

- *To complete the fencing of the surrounding campus*
- *To renovate the ceilings of the Dormitories and other rooms*
- *To White Wash all the rooms*
- *To paint the double decker beds of the children*
- *To construct bore well/rainwater harvesting system*
- *To update all the files/documents/ICP etc.*
- *To prepare a daily duty roster system wherein all the staff including the Superintendent should be on a night duty in weekly basis.*
- *To do away with the current staff recruitment/appointment policy restricting service to three years only and adopt an open staff retaining policy as long as they are fit and capable.*
- *To conduct In-House Training/Orientation program of all the staff and NGO functionaries along with the DCPU and CWC Ukhrul on regular basis. Documented report of the program should be submitted to DCPU."*

[5] In the additional affidavit dated 10.11.2022 filed by respondent No. 1, it is stated that direction Nos. 108.2, 108.6 and 108.9 of the Supreme Court in **(2017) 7 SCC 578** have been complied with, as such 86 Child Care Institutions (CCIs) funded under "Mission Vatsalya" Child Protection Services (CPS) Scheme and 59 Non-funded Child Care Institutions (CCIs) have been registered; the State Government constituted State Level and District Level Inspection Committee for Child Care Institutions (CCIs) and the Social Welfare Department has been organizing the training programmes for various stakeholders as required by the JJ Act in association with Manipur State Legal Services Authority and Manipur Judicial Academy and also nominated participants for attending the training programmes organized by National Institute of Public Co-operation & Child

Development, New Delhi & National Institute of Public Co-operation & Child Development Regional Centre, Guwahati

[6] In the additional affidavit dated 16.02.2023, the fact stated in the additional affidavit dated 10.11.2022 have been reiterated and also stated that inspection has been started and spot enquiry was conducted. Apart from that, every Child Care Institutions (CCIs) funded under "Mission Vatsalya" Child Protection Services (CPS) Scheme have constituted Home Management Committee (HMC) under section 39 of the JJ Act, 2015 in which the District Protection Officer (DCPO) of the respective District is the Chairperson monitoring and supervision of the overall functioning of the CCI.

[7] The additional affidavit dated 19.04.2023 was filed by respondent No. 1 in terms of the order dated 21.02.2023 passed by this Court. Relevant paras read as follows:

"2. As the above direction of the Hon'ble High Court order dated 21.02.2023, the answering deponent beg to submit the following reports:

STATUS OF DESTITUTE CHILDREN HOME FOR BOYS, UKHRUL WITH REGARDS TO THE RECOMMENDATIONS GIEN BY DISTRICT INSPECTION COMMITTEE (CCI)

SL No.	RECOMMENDATION	POST RECOMMENDATION	REMARKS
1.	CCTV cameras	Additional two more 360 degree digital wireless security cameras installed	Four channel cameras already in place and functioning effectively
2.	Bathrooms	Additional two new facility constructed and functional	Pre existing facilities well maintained.
3.	Cradle point	Face lifted with new paint along with bell provision and other necessary requirements.	Facility previously availed at the entrance gate.
4.	Staff strength	Additional staff strength engaged	Staff were avail as per erstwhile CPS
5.	Kitchen	Additional new stove, burner with chimney available	Pre existing structural component needed certain renovations
6.	Drainage	Drainage is well maintained	Non stagnant and clogged water
7.	Medical	Medical assessment is initiated as advised	Conducts check up, needs such intervention from time to time.
8.	Vocational	Vocational training organized as recommended	To continue such initiatives whenever favorable and applicable

3. *The answering deponent also beg to submit that the above mentioned CCI and its inmates have also undertaken certain other activities during the FY 2022-23 which includes*

- i) Three boys selected for free education and boxing training at Mary Kom Regional Boxing Foundation.*
- ii) Participation in Shiruy Lily Festival and securing top position in literary event.*
- iii) Participation in indigenous sports at Khuman Lampak.*
- iv) Participation in Eat Right India, Ukhrul and securing top positions.*
- v) Participation in Kala Utsav at JN Manipur Dance Academy and securing top position.*
- vi) Participation in the 8th State conference at City Convention.*
- vii) Participation in the Rashtra Katha Shivir, a National integration camp at Pransla, Gujarat.*
- viii) Empowering Citizens through legal awareness and outreach campaign under the theme Impact of deforestation, painting competition and organized at the CCI sponsored by DLSA, Ukhrul.*

True copy of the Status of Destitute Children Home for Boys, Ukhrul with regards to the Recommendations given by District Inspection Committee (CCI) are enclosed as Annexure C/17 (Colly)

4. *That, the answering deponent also beg to submit that the District Inspection Committee of the CCIs is complying as per the judgment of the Hon'ble Supreme Court of India – (2017) 7 SCC 578, para 90"*

[8] During the course of hearing, Mr. M. Devananda, learned Additional Advocate General, Manipur, appearing for respondent No. 1, submits that the PIL may be closed on the basis of the three affidavits mentioned above, specially the affidavit dated 19.04.2023 as the State Government have complied with the directions passed by this Court as well as the direction passed by the Supreme Court reported in **(2017) 7 SCC 578**.

Mr. RS Reisang, learned senior counsel, also submits that the destitute home is now running as per Rule and in compliance of all necessary directions and the unfortunate incident is not repeated.

Mr. Kh. Tarunkumar, learned senior counsel, also submits that the PIL may be closed with a direction that there shall be periodic inspection of the

home every three months by the committee constituted by the State Government and a report of such inspection be submitted to the Director, Social Welfare, Government of Manipur and Secretary, Juvenile Justice Committee, High Court of Manipur, in terms of the direction of the Hon'ble Supreme Court reported in **(2017) 7 SCC 578**

[9] We have heard the learned counsel appearing for the parties and perused the material documents, specially the affidavits filed by the State Government. We are satisfied that the directions of the Hon'ble Supreme Court in the case reported in **(2017) 7 SCC 578** and other directions given by this Court have been substantially complied with by the State Government as well as by the Home.

[10] Recording the submission of the parties, PIL No. 13 of 2022 is disposed of with a direction that the Inspection Committees constituted by the State Government for inspection of CCIs in all districts, shall make periodic inspection of all the homes every three months and submit report in this regard to the Director, Social Welfare Department, Government of Manipur and to the Secretary, Juvenile Justice Committee, High Court of Manipur.

Accordingly, PIL No. 13 of 2022 is closed with the above directions.

JUDGE

Sandeep

ACTING CHIEF JUSTICE