

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.21267 of 2014

CHANGEindia,
rep. by its Director A.Narayanan,
No.7C, Daffodil, Ceebros Gardens,
Arcot Road, Virugambakkam,
Chennai-600 092. .. Petitioner

-vs-

- 1.The Chief Secretary to Government,
Government of Tamil Nadu,
Secretariat,
Chennai-600 009.
- 2.The Secretary to Government,
Department of Social Welfare &
Nutritious Meal Scheme,
Chennai-600 009.
- 3.Principal Secretary/State Commissioner
for the Differently Abled,
Commissionerate for the Welfare of
the Differently Abled,
Jawaharlala Nehru Inner Ring Road,
K.K.Nagar, Chennai-600 078.
- 4.The Commissioner,
The Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-34.
- 5.Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Secretariat, Chennai-600 009.

6.The Joint Secretary,
Integrated Child Protection Scheme,
Ministry of Women and Child Development,
Government of India,
Shastri Bhavan,
New Delhi-110 001.

7.The Member Secretary,
National Commission for Protection of Child Rights,
5th Floor, Chanderlok Building,
36, Janpath, New Delhi-110 001.

8.The State Commissioner for Protection of
Child Rights,
through its Member Secretary,
Purasaiwakkam High Road,
Kellys, Chennai-10. .. Respondents

(R7 impleaded as per the order of the Court
dt. 22.08.2014)

(R8 impleaded as per the order of the Court
dt. 16.12.2014)

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to strictly implement Section 34(3) of Juvenile Justice Act, 2000 as amended in 2006 with respect to, all Child Care Institutions whether run by NGOs or (Non Government Organisation) or by Government Agencies such as Children's Homes, Observation homes, Special Homes, Shelter homes, Reception Units, Orphanages and also those run by Commissionerate for Welfare for Differently Abled, Hindu Religious and Charitable Endowments Department, Adi-draavidar and Tribal Welfare Department and other Religious bodies in Tamil Nadu without a fixed time frame and to close down immediately all those institutions that do not fulfill the registration criteria and violating provisions of Juvenile Justice Act and Rules and to ensure appropriate, adequate and systematic rehabilitation of all children rescued from such closed institutions, preferably through non-institutional measures such as sponsorship scheme, uniting them with their families and extending all assistance to continue their education through neighbourhood schools and file an Action Taken Report within 100 days.

For Petitioner : Mr.A.Narayanan
Party-in-person

For Respondents : Mr.STS.Moorthy
Government Pleader for R1 to 3, 5 & 8
Ms.Rita Chandrasekaran
Spl.G.P. (HR & CE) for R4
Mr.V.P.Sengottuvel for R6
Ms.Geetha Ramseshan for R7

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner appearing in person states that the meeting with the authorities was fruitful and a decision has been taken to proceed with the suggestions made by the petitioner. In fact, he compliments Mr.STS.Moorthy, learned Government Pleader for having facilitated such a constructive meeting.

2. The next issue is how to implement the suggestions. We are of the view that a period of four months should be a reasonable time for their implementation. We would like to monitor that aspect with continued interaction as has happened in pursuance to the last order.

3. There are two other aspects pointed by the petitioner. The first is appointment of the Chairperson for State Commission for Protection of Child Rights. He submits that there was a challenge laid in W.P.No.8509 of 2013 seeking writ of quo-warranto. But that has become infructuous as the person has already completed his tenure. It is his suggestion, and we believe rightly so, that a person actively involved in this field and who has done a substantive work should be appointed.

4. Another aspect pointed out by the petitioner is with reference to paragraph 4 of our order dated 22.02.2016, wherein he suggests that the methodology to have checks in this behalf, has not crystallised yet. In this behalf, he seeks to take the assistance from Karnataka State Commission for Protection of Child Rights module, for which he has filed the additional typed set of papers. We believe that this can also be of assistance to the State of Tamil Nadu in the meetings to be held henceforth and this module can be considered for application in the State of Tamil Nadu.

5. At this stage, the petitioner states that he had inadvertently missed out another aspect arising from certain institutions trying to convert their institutions into hostels,

for which the State Government has enacted the Tamil Nadu Hostels and Homes for Women and Children (Regulation) Act, 2014, which is required to be implemented more rigorously. This aspect can also be taken up during the discussion. We are of the view that now no further directions are required except to ensure that what has been agreed upon is proceeded with expeditiously and the connected matters also be taken up as observed by us.

6. We dispose of the writ petition by appreciating the role of both parties on this crucial issue. No costs.

7. List for progress report on 21.06.2016 and the progress report be filed at least three days prior to the next date of hearing.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

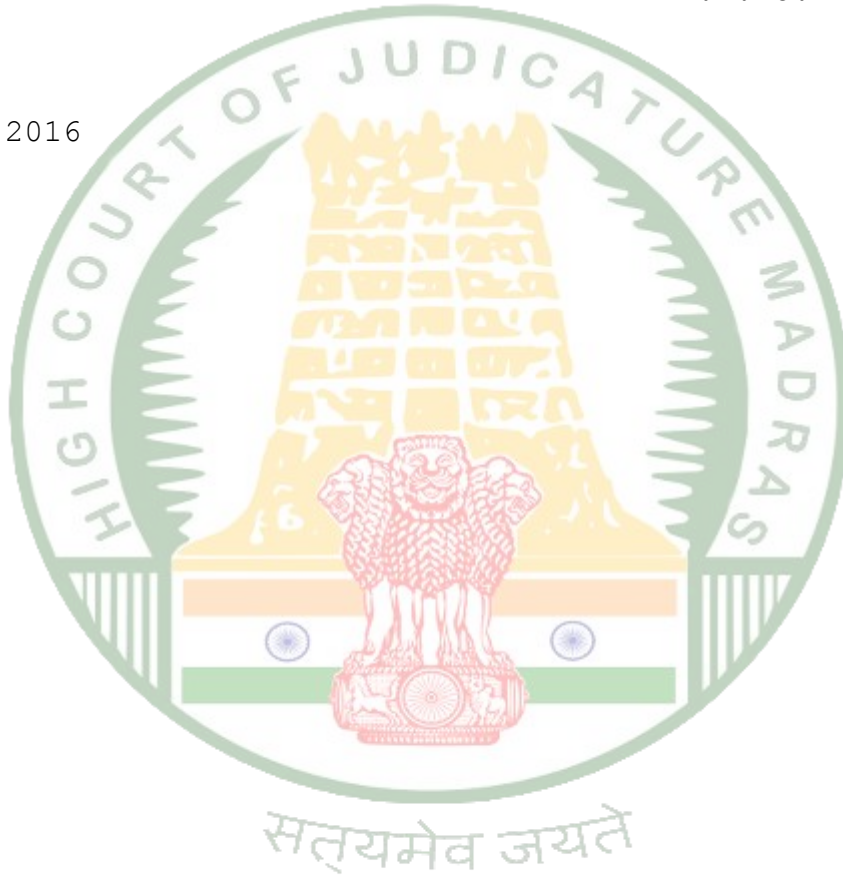
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1 cc to M/s.V.P.Sengottuvel, Advocate, sr.20370

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sns co
kra 10.05.2016



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