

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3.8.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18564 of 2018
and
Review Application Nos.91 to 93 of 2018
in
W.P.No.8241 of 2017 and
W.P.(MD) Nos.7083 and 18254 of 2017

W.P.No.18564 of 2018

Suo motu writ petition

- 1 The State of Tamil Nadu
Rep. By the Chief Secretary
Fort St. George Secretariat
Chennai-600 009.
- 2 The State of Tamil Nadu
Rep. By the Principal Secretary
Home Department
Fort St. George Secretariat
Chennai-600 009.
- 3 The State of Tamilnadu
Rep. By the Principal Secretary
Social Welfare and Noon Meal
Programme Department
Fort St. George Secretariat
Chennai-600 009.
- 4 The State of Tamilnadu
Rep. By the Principal Secretary
Finance Department
Fort St. George Secretariat
Chennai-600 009.
- 5 The Principal Secretary /
Special Commissioner
Social Defence Department
New No.300 Purasaiwakkam High Road
Kellys Chennai-600 010.

- 6 The Director General of Police
- Tamilnadu
D.G.P. Office Kamarajar Salai
Chennai-600 004.
- 7 Tamil Nadu Legal Services Authority
Rep. By its Member Secretary
Chennai-600 104.
- 8 State Commission for
Protection of Child Rights (SC for P.C.R.).
183/1 Periyar EVR Road
Poonamallee High Road
Kilpauk Chennai-600 010.

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India as per the order of the Honourable First Division Bench dated 18.07.2018 to initiate Suo-Motu Proceedings for appointment of Child Welfare Committees in every District in the State of Tamil Nadu and thereby to direct the Respondents to appoint Chairman as well as Members to the Child Welfare Committees in all the Districts of the State of Tamil Nadu to ensure the implementation as mandated under Juvenile Justice (Care and Protection of Children) Act 2015 and Juvenile Justice (Care and Protection of Children) Model Rules 2016 and to provide necessary infrastructure for effective and efficient functioning of the Child Welfare Committees and to file compliance report before this court within the time frame fixed by this court.

Review Application No.91 of 2018

The Director of Social Defence,
No.300, Purasaiwalkam High Road,
Kellys, Chennai 600 010.

Applicant

vs.

1. Thiru.S.Srinivasa Raghavan

2. The Government of India,
rep. by its Secretary for
Women and Child Development,
Nirman Bhavan, New Delhi.

Respondents

WEB COPY

Review Application Nos.92 & 93 of 2018

1. The State of Tamil Nadu,
rep. by the Principal Secretary,
Ministry of Social Welfare and
Nutritious Meal Programme,
Government of Tamil Nadu,
Chennai 600 009.

2. The Director
Directorate of Social Defence,
Government of Tamil Nadu,
Old No.153, New No.300,
Purasaiwalkam High Road,
Kellys, Chennai 600 010.

Applicants

vs.

1. Thiru.C.Anand Raj

2. Union of India,
rep. by its Secretary
Ministry of Women and Child Welfare,
Union of India Shastri Bhavan,
New Delhi 110 001.

Respondents

Prayer: Review Applications filed under Order 47 Rule 1 read with section 114 CPC as against the order dated 26.4.2018 made in W.P.No.8241 of 2017 and W.P.(MD) 7083 and 18254 of 2017 on the file of this court.

W.P.No.8241 of 2017 filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus forbearing the second respondent from appointing new members to the District Juvenile Justice Boards without first constituting the Selection Committee under Rule 119 of the Model Rules Juvenile Justice (Care and Protection of Children) Act, 2015 as mandated under Rule 3(2) thereto.

W.P.(MD)No.7083 of 2017 filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to direct the Respondent Nos.2 and 3 to take action to constitute the Selection Committee under Rule 87 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 and to take appropriate steps for the selection of the members for the Juvenile Justice Boards (JJB) and Chairperson and members of the Child Welfare Committees (CWC) in all 32 Districts in Tamil Nadu under Section 88 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016, consequently to direct the respondents to establish Rehabilitation Centres for mentally ill

or addicted to alcohol or drugs affected child in all the Districts of Tamil Nadu Under Rules 80(2) and 80(3) of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 within the time stipulated by this Court.

W.P.(MD)No.18254 of 2017 filed under Article 226 of the Constitution of India, for issuance of a Writ of Declaration to declare the Rule Numbers 4 and 17 of the Tamil Nadu Juvenile Justice (Care and Protection of Children) Rules, 2017 as illegal and against the Rule Number 87 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016, consequently to direct the respondent Nos.2 and 3 to frame new rules to constitute the selection committee for selecting the members of the Juvenile Justice Boards (JJB) and Chairperson and members of the Child Welfare Committees (CWC) in all 32 Districts in Tamil Nadu under Section 88 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016, within the time stipulated by this Court.

For respondents in WP.18564/2018
and review applicant

: Mr.P.S.Sivashanmugasundaram
Special Government Pleader

COMMON ORDER

(Order of the court was made by HULUVADI G.RAMESH,J.)

Heard the learned Special Government Pleader on the issue.

2. The matter relates to appointment of Child Welfare Committees in every District in the State of Tamil Nadu and thereby to direct the Respondents to appoint Chairman as well as Members to the Child Welfare Committees in all the Districts of the State of Tamil Nadu to ensure the implementation as mandated under Juvenile Justice (Care and Protection of Children) Act 2015 and Juvenile Justice (Care and Protection of Children) Model Rules 2016 and to provide necessary infrastructure for effective and efficient functioning of the Child Welfare Committees.

3. When the matters are taken up for consideration, it is submitted by the learned Special Government Pleader that by the time the new Model Rules of the Government of India under the Juvenile Justice Act, 2015 was notified in the Government of India Gazette on 21.9.2016, the State Rules were framed and in existence and the selection of Chairperson and Members to the Child Welfare Committee and Juvenile Justice Board had also been done by the Selection Committee under State Rules was almost completed except issuing appointment orders, which they undertake to do expeditiously.

4. Therefore, the respondent-authority shall comply with the undertaking by appointing the Chairperson and Members in respect of all the 32 Districts within a period of four weeks and report to this court for easy facilitation for extension of due care and attention to the children who are covered under the Juvenile Justice (Care and Protection of Children) Act, 2015 and Juvenile Justice (Care and Protection of Children) Model Rules, 2016.

5. The writ petition and the review applications are ordered accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Chief Secretary,
Government of Tamil Nadu
Fort St. George Secretariat
Chennai-600 009.
- 2 The Principal Secretary,
Government of Tamil Nadu
Home Department
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10. The Director
Directorate of Social Defence,
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11. The Secretary,
Union of India,
Ministry of Women and Child Welfare,
Union of India Shastri Bhavan,
New Delhi 110 001.

+1cc to Mr.T.Gowthaman, Advocate sr.no.54415
+1cc to Government Pleader sr.no.54094

W.P.No.18564 of 2018 and
Review Application
Nos.91 to 93 of 2018

nr 24/09/2018