

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-3428-2019 (O&M)
Date of Decision:07.02.2019**

Kamaljit Kaur

... Petitioner

Versus

District Child Protection Unit & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Piyush Aggarwal, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner claims herself to be a physically handicapped lady and who has been abandoned by her husband and her in laws. Petitioner has a son, namely, Harjit. Being unable to maintain and provide for the well being of her son, the child was got admitted in the Snehalaya (Child Care Home), Sector 39, Maloya, Chandigarh in the year 2013. As per pleadings on record, Harjit having attained the age of 18 years on 05.01.2019 was turned out from the Snehalaya (Child Care Home).

The instant writ petition has been filed seeking a mandamus directing the respondent/authorities to provide sponsorship for son of the petitioner under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter to be referred to as 'the 2015 Act') and the Rules framed thereunder.

Counsel adverts to Sections 45 and 46 of the 2015 Act which mandate the appropriate State Government to make Rules for the purpose of undertaking various programmes of sponsorship of children such as individual

to individual sponsorship, group sponsorship and community sponsorship. Section 45(2) lays down a criteria for sponsorship as also the eligibility conditions. Under Section 46, any child leaving a Child Care Institution on completion of 18 years of age may be provided with financial support in order to facilitate child's reintegration into the main stream of the society.

It is a case projected by counsel that the petitioner would fall under the criteria and eligibility conditions laid down under Section 45(2) of the 2015 Act.

Counsel has also referred to Rule 25 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 (hereinafter to be referred to as 'the 2016 Rules') and which make it obligatory on the appropriate State Government to ensure that the children who leave the Child Care Institution on attaining 18 years of age to be provided education, to be given employable skills and placements as well as to provide them places for stay to facilitate their reintegration into the main stream of the society.

Under Rule 24 of the 2016 Rules, the sponsorship programme is to be implemented by the District Child Protection Unit and which in turn is to prepare a panel of persons or family or organizations interested in sponsoring a child. After preparation of such a panel, the District Child Protection Unit has to put forward the same to the Board or the Committee or the Children's Court.

The short grievance raised in the instant petition is that inspite of an application dated 12.01.2019 (Annexure P-2) having been made to the District Child Protection Unit, Snehalaya, U.T. and Maloya and the same having been received on 14.01.2019, no steps have been taken with regard to sponsorship and other assistance in favour of son of the petitioner and as envisaged under the 2015 Act and Rules framed thereunder.

In view of the above and without even ascertaining the correctness of the averments made in the petition, I deem it appropriate to dispose of the instant writ petition with a direction to respondent No.1 i.e. the District Child Protection Unit, Sector 17, Chandigarh to examine the claim of Harjit i.e. son of the petitioner in terms of an application dated 12.01.2019 (Annexure P-2) as per mandate and objective of the 2015 Act and Rules framed thereunder.

It would be appreciated if action on the application dated 12.01.2019 (Annexure P-2) is taken expeditiously.

Disposed of.

07.02.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |