Item No.1
(Video Conferencing)

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

PIL No. 35 of 2015

The Registrar General, High Court of Manipur, Mantripukhri-795002, Manipur.

……. Petitioner

- Versus –

1. State of Manipur, represented by the Chief Secretary, Government of Manipur.
2. The Principal Secretary (Social Welfare), Government of Manipur.
3. The Commission for Protection of Child Rights, represented by its Chairperson.
4. Union of India, represented by the Secretary, Ministry of Women and Child Development, Government of India, New Delhi.

…….. Proforma Respondents

BEFORE
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR.JUSTICE KH.NOBIN SINGH

For the petitioner	:	Mr.S.Sasi, Advocate Mr.Juno Rahman, Advocate Commissioner
For the respondents	:	Mr. M.Rarry, Addl. AG
Date of Order	:	11.09.2020

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ORDER(ORAL)

CJ

[1] The PIL No.35 of 2015 has been initiated at the instance of the High Court of Manipur on the basis of the report of the Registrar General of this Court as below:-

> "On 4th April, 2015, a team led by his lordships Hon'ble Shri N. Kotiswar Singh, who is the Chairman, One Man Committee of the High Court of Manipur to oversee better and effective implementation of the Provision of the Juvenile Justice (Care and Protection of Children) Act, 2000 and Hon'ble Shri Kh. Nobin Singh inspected the government run Children Home and Observation Home-cum-Special Home at Takyel, Imphal. Certain shortcomings and deficiencies in the maintenance of the Homes were noticed, the inspection report of which is at Annx. 8. Consequent upon the said inspection, a meeting was held on 16th April, 2015 at the High Court co-chaired by his lordships Hon'ble Shri N. Kotiswar Singh and Hon'ble Shri Kh. Nobin Singh and attended by the Special Secretary and the Director of the Social

Welfare., Govt. of Manipur among others. A number of resolutions were passed which are at Annx. 9.

To see if any improvement has been made in the condition of the said Homes, inspections were made by Judicial Officers on various dates since 20th April, 2015 as directed by his Lordship Justice N. Kotiswar Singh. Finally on 24.08.2015, a note was put up before his lordship Justice N. Kotiswar Singh by the Joint Registrar (Judl. & Bench) compiling the reports of the various inspections with a summary that no significant improvement has been made in the dietary provisions given to the Homes and that the Nutrition and Diet Scale of the Schedule-II of the Manipur Juvenile Justice(Care & Protection of Children) Rules, 2012 (Annx.12) has not been complied with. The said note also mentions that certain articles mentioned in Schedule-I of the said rules have not been provided to the JCLs/CNPs. Further, the note also mentioned certain other shortcomings.

His lordship Justice N. Kotiswar Singh in turn submitted the note and the complied reports before his lordship, Hon'ble the Chief Justice with a suggestion that a PIL be taken up by the High Court suo motu. His lordship Hon'ble the Chief Justice was pleased to order the Registry to file a PIL. Accordingly this note is laid herewith with a prayer for taking up the same as PIL.

In this PIL, the State of Manipur, represented by the Chief Secretary, Govt. of Manipur, the Principal Secretary (Social Welfare), Govt. of Manipur and the State Commission for Protection of Child Rights, represented by its Chairperson which are directly concerned with the implementation of the Juvenile Justice (Care and Protection of Children) Act, 2000 have been impleaded as respondents. The Union of India, represented by the Secretary, Ministry of Women and Child Development, Govt. of India, New Delhi, may also be impleaded as a pro-forma respondent in view of the fact that the Integrated Child Protection Scheme (ICPS) introduced by the Govt. of India, is under the Ministry of Women and Child Development, Govt. of India, New Delhi and is entrusted with the responsibility of providing financial resources to the State Government to implement the Juvenile Justice (Care and Protection of Children) Act, 2000.**"**

[2] Thereafter, several orders have been passed by this Court. On 17.6.2016, a Division Bench passed the following order:-

" 17.6.2016

BEFORE
HON'BLE ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE SONGKHUPCHUNG SERTO

On 17.02.2016, it was placed before the Court that a sum of Rs.1400/- is being spent per child for food whereas complain was there to the effect that children are not getting adequate food. In that event, Mr.R.S.Reisang, learned senior G.A. was asked to file an additional affidavit indicating the food and quantity of such food given to make assessment as to whether the entire amount is spent in providing food to the children.

Pursuant to that order, an additional affidavit has been filed wherein in para no.3 it has been stated like this, which is given herein below:-

" 3. That, it is submitted that the Department of Social Welfare is trying its level best to ensure that the dietary quality of the food provided at the Children Home and Observation Home-cum- Special Home is as far as possible of the right quality and quantity as per Rules 44 Schedule II of Juvenile Justice (Care and Protection of Children) Ruels, 2012. The Notification of Paetiatric Centre of Excellence (PCOE), JNIMS has been consulted. As per the advice of the Nutritionist the Dietary items presently includes eggs, leafy vegetables, etc. A sample menu for seven days of the week has been prepared and followed as per the advice of the Nutritionist deputed by the Paetiatric Centre of Excellence (PCOE), JNIMS, Imphal vide letter of the Programme Officer Director, PCOE, JNIMS dated 5th May, 2015."

In support of the said statement, list has been attached wherein it has been indicated about the items being provided to the children in break fast, lunch, tea and dinner. The question does crop up relating to the mechanism to be adopted to ensure regular supply of those items to children for their meal/breakfast/ tea etc. During hearing, it was suggested that a committee of some of the panel lawyers attached with the Manipur State Legal Services Authority by visiting Children Home and Observation Home cum Special Home regularly may keep watch on the foods supplied to the children and report to this Court, to apprise to this Court about the situation prevailing. Since the list of panel lawyers is not available presently, matter be posted on 24.6.2016 so that in the meantime, list of panel lawyers be called for from the Member Secretary, Manipur State Legal Services Authority.

Copy of this order be communicated to the Member Secretary, Manipur State Legal Services Authority."

[3] On 01.8.2016, the Court passed a detailed order which is reproduced hereunder :-

"PIL No. 35 of 2015
With
PIL No. 28 of 2015
BEFORE
HON'BLE THE ACTING CHIEF JUSTICE RR PRASAD
HON'BLE MR. JUSTICE SONGKHUPCHUNG SERTO

01.8.2016

Acting CJ

Having heard Mr. A. Bimol, learned counsel appointed as Amicus Curiae and the learned counsel appearing for the State and on perusing the record we do find that on 4.4.2015 a team lead by two Hon'ble Judges of this Court made an inspection of the Observation Home cum Special Home at Takyel. During inspection number of shortcomings and deficiencies were found in the maintenance of the home. Thereby a meeting was held on 16.4.2015 chaired by Hon'ble Judges which was attended by the Special Secretary and Director

of Social Welfare. In that meeting a number of resolutions were taken. One of the resolutions taken is as follows:

> "The Social Welfare Department shall ensure that the dietary quality in the Children Home and Observation-cum-Special Home at Takyel is improved immediately. Food should be provided in right quality and quantity so that inmates do not feel inadequate. The dietary items should include seasonable fruit, eggs, leafy vegetables etc. The Nutrition and Diet scale as contained in Schedule-II of the Manipur Juvenile Justice (Care & Protection of Children) Rules, 2012 shall be adhered to as far as possible."

[2] In the said meeting it has also been resolved that the Social Welfare Department is to submit an action taken report to the Juvenile Justice Committee of the High Court on or before 22.4.2015. Pursuant to that resolution, the Director, Social Welfare submitted an action taken report vide her letter dated 22.4.2015 intimating therein that the Department has written to the Pediatric Centre for excellence (POE) for preparation of menu of the home keeping in view the provisions of the Juvenile Justice Rules. It was stated in that said action taken report that directions have been issued to constitute Management Committee under Rule 55 and Children Committee under Rule 56 to ensure food, water and sanitation and hygiene condition. Therefore, on the instruction of his lordship, the officer, time to time, make inspection of all the Observation-cum-Special Home. On submission of the report, number of shortcomings indicated below were found:

> (1) No significant improvement has been made in the dietary provisions given to the Homes. The JCLs still feel inadequate food were given to them. The reports suggest the requirements as given in the Nutrition and Diet Scale of the Schedule-II of the Manipur Juvenile Justice (Care & Protection of Children) Rules, 2012(Annx. 12) has not been complied with substantially and some important food items such as milk and seasonal fruit were not given. The quality and quantity of food given especially curry are unsatisfactory.
>
> (2) The report dt. 19.5.2015 suggests that at least some CNCPs need new school uniforms, shoes and shool bags. Many mosquito nets in the Children Home were found to be torn at several places. CNCPs complained of mosquito bites. Some of the mattress and blankets provided to the CNCPs were found to be very old and dirty. All these shortcomings would suggest that though for the current year the authorities had provided certain articles to the JCLs/CNCP of the homes, immediate replacement of some old articles is necessary.
>
> As per Schedule I of the JJ Rules (Ann.11), each child should be provided with 1 pair of school shoes and I2 sets of school uniforms in a year. One school bag should also be provided in a year to a child attending outside schools. These articles are not provided to at least some children.
>
> (3) Inadequate lighting was noticed in the toilets, living compartments and corridors of the Observation Home and in the dormitory no. 1 of the Children Home. Several bulbs were found missing from the holders. Some fans in the dormitories of the Children Home were not working.
>
> (4) Visit of doctors to the Homes has not yet resumed.
>
> (5) The Kitchen and the surrounding areas of the Children Home are not kept clean and tidy. Toilets and bathrooms of the homes are also untidy.

[3] The aforesaid shortcomings which were noticed clearly indicates that in spite of bringing to the notice of the authorities about the miserable condition of the Home, no improvement appears to be visible and in such a situation this Court took up the matter as PIL.

[4] In course of hearing the learned counsel appearing for the Government, after taking instruction did place before the Court which has been recorded under order dated 17.6.2016 which reads as follows:

"17.06.2016

On 17.02.2016, it was placed before the Court that a sum of Rs. 1400/- is being spent per child for food whereas complain was there to the effect that children are not getting adequate food. In that event, Mr. R.S. Reisang, learned senior G.A was asked to file an additional affidavit indicating the food and quantity of such food given to each child so that it would be possible for the Court to make assessment as to whether the entire amount is spent in providing food to children.

Pursuant to that order an additional affidavit has been filed wherein in para no. 3 it has been stated like this, which is given herein below:

"3. That, it is submitted that the Department of Social Welfare is trying its level best to ensure that the dietary quality of the food provided at the Children Home and Observation home cum Special Home is as far as possible of the right quality and quantity as per Rules 44 Schedule II of Juvenile Justice (Care and Protection of Children) Rules 2012. The Notification of Paediatric Centre of Excellence (PCOE), JNIMS has been consulted. As per the advice of the Nutritionist the Dietary items presently includes eggs, leafy vegetables etc. A sample menu for seven days of the week has been prepared and followed as per the advice of the Nutritionist deputed by the Paediatric Centre of Excellence (PCOE) JNIMS, Imphal vide letter of the Programme Officer Director, PCOE, JNIMS dated 5th May, 2015."

In support of the said statement, list has been attached wherein it has been indicated about the items being provided to the children in break fast, lunch, tea and dinner. The question does crop up relating to the mechanism to be adopted to ensure regular supply of those items to children for their meal/ breakfast/ tea etc. During hearing, it was suggested that a committee of some of the panel lawyers attached with the Manipur State Legal Services Authority be formed so that they under the supervision of the Member Secretary, Manipur State Legal Services Authority by visiting Children Home and Observation Home cum Special Home regularly may keep watch on the food supplied to the children and report to this Court, to apprise to this Court about the situation prevailing. Since the list of panel lawyers is not available presently, matter be posted on 24.06.2016 so that in the meantime, list of panel lawyers be called for from the Member Secretary, Manipur State Legal Services Authority.

Copy of this order be communicated to the Member Secretary, Manipur State Legal Services Authority.

[5] Subsequently , on 4.7.2016 the order was passed which read as follows:

"4.7.2016

When the case was called out, Mr. Bimol, learned counsel appearing for the petitioner suggested names of some of the advocates from the panel list supplied by the Manipur Legal Services Authority.

Mr. Reishang, learned sr. G.A. and Mr. Rupachandra, learned counsel appearing for the Union of India by referring to Section 35 of Juvenile Justice (Care and Protection of Children) Rules, 2012 and also Rule 63 submit that a Committee constituted u/s 35 is supposed to make inspection to see the condition of home and to find out as to whether children are kept properly or not.

Upon it, when we asked the learned sr. G.A. as to whether that committee is in place or not, Mr. Reishang, learned sr. G.A. frankly stated that he does not have any idea in this regard and therefore, he needs to take instruction. Upon it, learned counsel appearing for the petitioner submits that he also needs to examine as to whether there has been any changes in the new Act which has been in vogue since 2015.

In the above facts and circumstances, matter is posted after two weeks so that in the meantime learned counsel appearing for the state may have instruction on the point as has been stated above. It is made clear that if the committee has already been constituted in terms

of section 35, we may pass an order which would be fit and proper. If such committee is not functioning we may constitute a committee for making inspection of the children home.

Let this matter be posted on 22.07.2016."

[6] On 29.7.2016 when the matter was taken up for hearing, it was pointed by Mr. RS Reisang, learned counsel appearing for the State that the terms of the Committee constituted under section 35 of the Juvenile Justice (Care and Protection of Children) Act read with Rule 63 of 2012 Rules is over. In that event, Mr. A. Bimol, submits that a Committee be constituted for looking after the affairs of the aforesaid Home and to ensure that dietary and other facilities as has been contemplated under the Act and Rule is extended to the children. Accordingly, the matter was put up today for passing order.

[7] Having noticed of all the facts as stated above, we do find that the State Govt. has come up with the plea that a sum of Rs. 1400/- is being spent for a child for food but on inspection note by the officers, it was found that children are not getting adequate food. Under the circumstances, a Committee consisting of the following persons is constituted which will be functioning till a committee in terms of the new Act namely Juvenile Justice (Care and Protection of Children) Act 2015 and Rules, if any, is constituted so that it may keep watch regularly on the food supplied to the children and other facilities which the children are entitled to get in terms of the Act and Rules. Accordingly, a Committee headed by the Member Secretary, MASLSA is constituted consisting of the following members:

1. Member Secretary, MASLSA
2. Dy. Director Social Welfare, Govt. of Manipur.
3. Representative of Child Welfare Committee (CWC)
4. Chief Medical Officer
5. Ch. Momon Singh, Advocate,
6. Ch. Nanda Devi, Advocate
7. Ng. Jotindra Luwang, Advocate

[8] The said committee will frequently as it deems fit and proper visit the Homes to ensure that children of the Homes are provided with food and other facilities which they are entitled to in terms of the Act and Rules. Upon its inspection, report be submitted to this Court.

Matter be posted after four weeks i.e. on 05.09.2016.

Let a copy of this order be handed over to learned Sr. Govt. Advocate, Mr. A Bimol, Advocate and a copy of it be also sent to Member Secretary, MASLSA for doing the needful

JUDGE ACTING CHIF JUSTICE**"**

[4] On 16.01.2017, the Court passed the following order:-

"BEFORE
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE KH.NOBIN SINGH

16.01.2017

Having taken into consideration the submission made on behalf of the petitioner that the Children homes are not getting adequate food and also the plea taken by the State Government that they have been spending a sum of Rs. 1400/- per child per month for food, we constituted a Committee and directed the Committee to visit the Homes to ensure that the children are provided food and other facilities which they are entitled to in terms of the Act and Rules. The Committee inspected the Homes and taking the situation prevailing at the Homes, the Committee made the following recommendations for its implementation by the State Government which reads as follows :

"1. Enhancement of the rate of grants per child.
2. Regulating the timely flow of funds under ICPS related activities.
3. Need for more recreational items and allocation of funds for the same.
4. Urgent need for appointment of Inspection Committee under Section 54 of the Juvenile Justice (Care and Protection of Children) Act, 2015
5. Appointment of staff/employees on regular basis in both the Houses. (if possible)."

On receipt of the report, it was ordered that the same be furnished to the parties including the counsel appearing for the State so as to have response on it. According to Mr. A. Bimol, learned counsel appearing for the petitioner the State Government has made response to the report only by saying that they now have provided Foot-ball and some other sports items. Those items were provided only when the Committee held inspection of the Homes. No statement is there with respect to implementation of the recommendations made by the Committee which is required to be implemented keeping in view of the welfare of the children lodged in the Homes.

Since no specific statement seems to be there in the response made by the State with respect to implementation of recommendations, the authorities are hereby again directed to make response to the aforesaid recommendations within 10(ten) days so that necessary order be passed by this Court.

Let a copy of this order be furnished to the learned counsel appearing for the State for needful."

[5] Further, on 9.4.2018, the Court further directed as under:-

"PIL No. 35 of 2015 with
PIL No. 28 of 2015
BEFORE HON'BLE THE ACTING CHIEF JUSTICE MR. N. KOTISWAR SINGH
HON'BLE MR. JUSTICE KH. NOBIN SINGH

9.4.2018
(Acting CJ)

The present PIL relates to the condition of the Observation-cum-Special home of children located at Takyelpat governed by the provisions inter alia under the Juvenile Justice (Care and Protection of Children) Act, 2015.

[2] Considering the unsatisfactory conditions obtaining in the aforesaid Homes, this Court by an order dated 1-8-2016 constituted a Committee, who submitted a report regarding the various insufficient facilities being provided in the Homes or absence of the same, and also considering the fact that the statutory committee namely, the State Legal Inspection Committee to be constituted under Section 54 of the Juvenile Justice (Care and Protection of Children) Act, 2015 had not yet been constituted at the relevant time. The said Committee constituted by the order of this Court on 1-8-2016 consists of the following members:

1. Member Secretary, Manipur State Legal Services (MASLSA)
2. Dy. Director, Social Welfare, Government of Manipur.
3. Representative of Child Welfare Committee (CWC).
4. Chief Medical Officer.
5. Ch. Momon Singh, Advocate. 2
6. Ch. Nanda Devi, Advocate.
7. Ng. Jotindra Luwang, Advocate.

[3] This Court had directed the said Committee to submit a report. The said Committee held its inspection of the aforesaid Homes on 5-8-2016, 6-8-2016, 10-8-2016, 11-8-2016 and 3-9-2016 and submitted a report before this Court on 3-9-2016. The Committee made certain findings, some of which did show unsatisfactory affairs in the aforesaid Homes and also made recommendations for –

(a) Enhancement of the rate of grants per child.

(b) Regulating the timely flow of funds and allocation of funds for the same.

(c) Need for more recreational items and allocation of funds for the same.

(d) Urgent need for appointment of Inspection Committees under Section 54 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

(e) Appointment of staff/employees on regular basis in both the Homes, (if possible).

[4] The State Government was accordingly directed to file affidavit in the light of the findings and recommendation made in the said report. Accordingly, the State Government filed its affidavit on 22-6-2017.

[5] Mr. A. Bimol, learned senior counsel for the petitioner has submitted that the aforesaid affidavit filed by the State 3 respondent No. 2 does not clarify many of the issues raised and was silent on a crucial aspect. It has been stated that, as regards the issue of flow of funds is concerned as highlighted in the report, it has been stated in the said affidavit that as per the ICPS guidelines, the fund provided by the Ministry of Women and Child Development (MWCD), Government of India to the State Government along with the State share is to be directly transferred to the bank account of the State Child Protection Society (SCPS) within 15 days of receiving funds from the Central Government. The SCPS shall in turn provide grant-in-aid to the District Child Protection Units (DCPUs), CCIs and voluntary organizations under the different components of the Scheme within 15 days from the date of

receiving fund from the State Government. For this purpose, the bank account of the SCPS had been opened with the Principal Secretary (Social Welfare), Government of Manipur and the Director (Social Welfare), Manipur as signatories. However, the said account was non-operational due to non-transfer of funds by the State Government, leading to lengthy process in disbursing the funds.

However, there is nothing on record to show that the said financial arrangement through the bank account has been activated.

It has been submitted by Mr. A. Bimol, learned senior counsel that proper operationalisation of the said flow of funds would be critical in the proper functioning of the Homes. Thus, in absence of any documents to show that the said flow of funds has been operationalised, the State Government would be required to submit 4 before this Court by way of affidavit as to the development that has taken place in that regard.

[6] As regards the need for more recreational items and allocation of funds, the affidavit is also not satisfactory as it merely states in para 3 in the affidavit as follows:

> "That it is submitted that one multipurpose hall each, one on the first floor of the Observation Home and one on the ground floor of Children Home have been utilized for recreational purposes. Besides, T.V with cable connected and two daily newspapers are provided for the inmates of the Homes. Moreover, outdoor game facilities such as football, volleyball, Sepak Takraw, etc, are also being organized by the Manipur State Legal Services Authority for the inmates of the homes from time to time. The department will take up more activities in the time to come."

[7] As regards appointment of the Inspection Committee under section 54 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the affidavit merely states that the process has been already initiated. However, there is nothing on record to indicate that the same has been constituted.

[8] As regards the appointment of staffs/employees on regular basis in the said Homes, it has been also stated that necessary steps have been taken for appointment on contractual basis but the decision for regularization of the 19 staffs of the Observation Home and Children Home are awaited.

[9] As regards about the enhancement for grant, the aforesaid affidavit is silent.

[10] Accordingly, it has been submitted by Mr. A. Bimol, learned senior counsel that the State Government may be directed to file an updated affidavit as regards the developments which have 5 taken place after filing of the affidavit dated 22nd June, 2017 and the steps taken to address the issues raised by the Committee.

[11] Accordingly, the State Government is directed to file a fresh affidavit within a period of two weeks stating the latest position in the light of the observation made in this order.

[12] Since the report was submitted as far back on 3 rd September, 2016 and as there is nothing on record to show that the Inspection Committee under

Section 54 of the juvenile Justice (Care and Protection of Children) Act, 2015 has been constituted, the said Committee constituted by the Court vide order dated 1-8-2016 may again visit the Homes and submit a report as regards the present situation and condition obtaining in the aforesaid Homes within a period of two weeks so that the report can be considered on the next date along with the affidavit which may be filed by the State Government in this regard.

[13] A copy of this order may be furnished today itself to the learned counsel for all the parties and to the Member Secretary, Manipur State Legal Services Authority who will inform the other members of the Committee as regards the visit and preparation of the report. List the matters again on 30th April, 2018.

JUDGE ACTING CHIEF JUSTICE"

[6] On 28.5.20218,the Court further passed the following order:-

"28.05.2018

BEFORE
HON'BLE THE CHIEF JUSTICE RAMALINGAM SUDHAKAR
HON'BLE MR. JUSTICE KH.NOBIN SINGH

CJ

This PIL focuses on a major problem affecting the children Homes at Takyel and Chrangpat. There was a report in 2015 which shows a dismal nature of the Children Homes. Thereafter, pursuant to Court's order, a Committee was formed on the basis of a report dated 30.06.2018. At the instance of the Director, Social Welfare, certain steps were taken to improve the infrastructure of the Children Homes.

To support the development, Deputy Secretary, Social Welfare has filed a Supplementary Affidavit on 14.05.2018 indicating the steps taken by them.

In order to verify the actual conditions of the Homes, the following Advocate Commissioners namely ***Juno Rahman (8794690945), Th. Rohitkumar (xxx), M. Punam (9089649080), and M.C. Linthoingambee (9077799924)*** are appointed and they will visit the Children homes at the two places mentioned above and give a report as to the present status of the Children Homes.

Mr. R.S. Reisang, learned Sr. Advocate states that the Director, Social Welfare will also be present along with the four Advocate Commissioners at the time of inspection and Advocate commissioners will submit a report as to the needs of the homes as on the date of inspection with a copy to the Director, Social Welfare for taking steps to rectify the defects immediately.

Copy of the report of the Advocate Commissioners shall be submitted on 06.06.2018 and the Director, Social Welfare shall file a compliance report on 20.06.2018 without fail.

Copy of the order be issued to the registry, all the four Advocate Commissioners, Mr. N. Kumarjit, learned Advocate General, Director, Social Welfare and Mr. A. Bimol, learned counsel appearing the petitioner."

[7] Again, the Court passed the following order on 18.09.2018 as below:-

"18.9.2018

BEFORE
HON'BLE THE CHIEF JUSTICE RAMALINGAM SUDHAKAR
HON'BLE MR. JUSTICE N.KOTISWAR SINGH

CJ

Mr. A. Bimol, learned senior counsel appears for the petitioner and Mr. N. Kumarjit, learned A.G. for the State.

On 28.05.2018 the following has been passed :

"*This PIL focuses on a major problem affecting the children Homes at Takyel and Chrangpat. There was a report in 2015 which shows a dismal nature of the Children Homes. Thereafter, pursuant to Court's order, a Committee was formed on the basis of a report dated 30.06.2018. At the instance of the Director, Social Welfare, certain steps were taken to improve the infrastructure of the Children Homes.*

To support the development, Deputy Secretary, Social Welfare has filed a Supplementary Affidavit on 14.05.2018 indicating the steps taken by them.

In order to verify the actual conditions of the Homes, the following Advocate Commissioners namely ***Juno Rahman (8794690945), Th. Rohitkumar (xxx), M. Punam (9089649080), and M.C. Linthoingambee (9077799924)*** *are appointed and they will visit the Children homes at the two places mentioned above and give a report as to the present status of the Children Homes.*

Mr. R.S. Reisang, learned Sr. Advocate states that the Director, Social Welfare will also be present along with the four Advocate Commissioners at the time of inspection and Advocate commissioners will submit a report as to the needs of the homes as on the date of inspection with a copy to the Director, Social Welfare for taking steps to rectify the defects immediately.

Copy of the report of the Advocate Commissioners shall be submitted on 06.06.2018 and the Director, Social Welfare shall file a compliance report on 20.06.2018 without fail.

Copy of the order be issued to the registry, all the four Advocate Commissioners, Mr. N. Kumarjit, learned Advocate General, Director, Social Welfare and Mr. A. Bimol, learned counsel appearing the petitioner."

When the matter is taken up, no compliance report except affidavit has been found. We are not inclined to accept the explanation given by the State. To provide infrastructure to the Children Homes, Observation Home-cum-Special Homes etc. it the solemn duty of the State.

Last opportunity is granted to the State to rectify the defects on or before 29.10.2018, failing which, this Court will be constrained to pass appropriate order.

A copy of this order be furnished to the Advocate General, Advocate Commissioner and Director, Social Welfare Department.

List the matter on 29.10.2018."

[8] However, in PIL No. 7 of 2018, the Court has taken up the issue of effective implementation of the Juvenile Justice (Care and Protection of Children) Act, 2015

which encompass all the issues raised in PIL No. 35 of 2015 also. In order to ensure uniformity and focus in the directions issued on various issues relating to Juvenile Justice (Care and Protection of Children) Act, 2015 and the running of Children Home and Observation Home cum Special Home under the provisions of Juvenile Justice (Care and Protection of Children) Act, 2015, we deem it appropriate to address all the issues in PIL No.7 of 2018. As a result, PIL No.35 of 2015 stands closed. All the orders passed in PIL No.35 of 2015 will be placed in PIL No.7 of 2018. The respondent's authorities, particularly, the Secretary, Social Welfare Department and other departments who are directed to implement the provisions of the Act and Rules should implement the same without any default. The directions that have been incorporated in this order to be implemented and report filed in PIL No.7 of 2018.

[8] Registry is to delete the name of Mr. A.Bimol Singh, learned senior counsel from the cause list.

JUDGE CHIEF JUSTICE

FR/NFR

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