

SUREME COURT OF INDIA

Supreme Court Legal Aid Committee (Ii)

Vs.

Union of India

(M Venkatachaliah and R Misra JJ.)

09.05.1989

ORDER

1. On 17th of March, 1989, this Court required a draft scheme to be submitted for facilitating the monitoring of the implementation of the Juvenile Justice Act, 1986 and it was to be placed for consideration of the Court. We are happy to find that pursuant to the said direction a draft scheme has now been furnished and has also been circulated. Counsel appearing for the Union of India and the different States/Union Territories want time to make it possible for their clients to examine the scheme and make their response. We adjourn the matter to July 25, 1989, when the objections to, or suggestions in regard to, the scheme shall be considered. We find that there has been a salutary effect in regard to housing of juvenile delinquents in regular jails after this Court made a direction prohibiting such housing. The latest position is that in no State except in the Union Territory of Andaman & Nicobar Islands juvenile delinquents are kept in regular jails. From several hundreds the number has got reduced to nil in some of the States. So far as the Union Territory of Andaman & Nicobar Islands is concerned, it is directed to give effect to the previous order of this Court and ensure that within the month from today juvenile delinquents are shifted from the regular jails and housed in separate homes as required under the Juvenile Justice Act, 1986. A report is directed to be made to the Registry of this Court that compliance has been effected.

2. The Court shall remain closed for about two months for the long vacation and the matter has now, therefore, to be posted to 25.7.1989. In the meantime, there shall be a direction to every State/Union Territory authority to (i) either recognise or establish appropriate number and type of institutions as required under Sections 2(f)(o), 9, 10 and 11 of the Juvenile Justice Act. Such institutions should have the requisite facilities and congenial atmosphere for the healthy development of the children housed there, (ii) Requisite number of Probation Officers keeping in view the requirements of the State should be appointed on or before 15.7.1989. An affidavit has to be filed by every State or Union Territory on or before 20.7.1989 indicating compliance with this order.

3. It shall be necessary to set up training institutes for imparting adequate and appropriate knowledge in child psychology and welfare but we are of the view that instead of setting up such institutions in every State, appropriate centers can be opened on region basis so that the level of the teaching can be kept up. This aspect of the matter shall be considered on the adjourned date.

4. Smt. Ved Kumari, a social worker of Delhi has filed an affidavit indicating her interest in the matter and has suggested that she be permitted to assist this Court in the present proceeding. Counsel appearing for the petitioner-Committee says that she has been of assistance in drawing of the draft scheme. Smt. Ved Kumari states that she is prepared to provide free service. In the circumstances, she is permitted to associate herself with the proceeding and as and when necessary she will be given specific assignments.

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