

SUPREME COURT OF INDIA

Re: Exploi. of Chiln. Inj Orph. in ST. of T.N.

Vs.

Union of India (UOI)

(K.G.Balakrishnan CJI. Deepak Verma and B.S.Chauhan JJ.)

31.03.2010

ORDER

1. It is alleged that a large number of children below the age of 16 years have been illegally transported from North-East States to State of Tamil Nadu. This Court had issued notice to the State of Tamil Nadu and had asked the concerned S.P. to submit Report. Pursuant thereto, Superintendent of Police, Kanyakumari district of Tamil Nadu has filed his Affidavit. It is mentioned therein that it was found that 76 malnourished children, from Manipur and Assam were kept at child care home at Kuzhithurai in Kanyakumari District of Tamil Nadu. On inquiry it was found that these children with the help of an elder person travelled from Manipur and initially were admitted to school but taken to this centre. All children belong to Kuki tribe by name 'sema'. The initial inquiry revealed that the parents of the children handed over them to some persons due to poverty and social background, thinking that the children will be provided with better education and health care, but facts revealed to be otherwise.

2. The Amicus Curiae points out that subsequently some more children came from North-Eastern States to Tamil Nadu. Pursuant to the investigation made by the Superintendent of Police, all children were repatriated to the State of Manipur and are said to be with their respective families.

3. As there is an allegation that large scale of transportation of children from North-Eastern States is still going on, we would like to have an inquiry in this matter as it may ultimately affect the welfare of these children.

4. The Union of India has enacted the Commissions for Protection of Child Rights Act, 2005, and as per Section 3 of the said Act, the National Commission for Protection of Child Rights has been constituted and as per Section 15 of the Act, the Commission can conduct inquiry with regard to violation of child rights of a serious nature or contravention of provisions of any law for the time being in force.

5. In view of the serious allegations made in the petition, we are of the view that matter required further investigation. Accordingly, National Commission for Protection of Child Rights is requested to conduct an inquiry with regard to large scale transportation of children

from one State to another. The Commission is requested to conduct inquiry regarding this matter and file a Report within a period of three weeks. If the Commission is so advised, it may take assistance of an expert they deem fit to conduct such an inquiry. Notice be also issued to the State of Manipur and Assam. The Superintendent of Police, Kanyakumari district, Tamil Nadu shall render all help to the Commission to complete the inquiry and would submit further detailed Affidavit showing the names, addresses and other necessary details of the children who have been repatriated to their home State,

6. The State Governments, who have so far not filed counter affidavits, shall file the same within a period of four weeks.

7. Registrar to communicate the order to the Commission urgently.

8. List in the 1st week of May, 2010.