

SUPREME COURT OF INDIA

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

Vs.

Union of India (UOI)

W.P.(CrI.) No. 102 of 2007

(B.Sudershan Reddy and S.S.Nijjar,JJ.,)

10.01.2011

ORDER

1. This Court by its Order dated 1st September, 2010 directed the Ministry of DONER to hold special meetings with North Eastern States especially Assam, Arunachal Pradesh, Manipur, Meghalaya and Nagaland to assess their requirement in terms of educational infrastructure, such as construction of school buildings, hostels and children homes for support by the Ministry. It appears pursuant to the said directions, a meeting was convened on 30th September, 2010 in the Ministry of DONER where the issues came up for discussion as is evident from the minutes dated 8th October, 2010 (a copy whereof is made available for our perusal by the learned ASG). In the said meeting, the issues concerning educational infrastructure, such as construction of school buildings, hostels and children homes did not come up for consideration. Obviously, the North Eastern States appears to have not submitted any details as regards their requirement so far as educational infrastructure is concerned.

2. In the circumstances, there shall be a direction to the Ministry of Development of North Eastern Region to issue appropriate directions to the concerned north eastern States and call for the particulars as regards the requirements in terms of educational infrastructure such as, construction of school buildings, hostels and childrens homes etc. for the necessary support by the Ministry. The North Eastern States, namely, Assam, Arunachal Pradesh, Manipur, Meghalaya and Nagaland are directed to submit the details of the requirement regarding educational infrastructure within six weeks from today. The same shall be taken up for consideration by the Ministry of DONER.

“(b) The State of Manipur in its affidavit filed pursuant to our order dated 1.9.2010 states that only 9 girls of Manipur were repatriated and restored to their respective parents on 17th August, 2010 as per report of the Chairperson, Child Welfare Committee, Tamenglong but there is no mention as to whether those repatriated girls who are restored to their respective parents have been admitted into any schools and steps, if any, taken in that direction. In the circumstances, there shall be a direction to

the State of Manipur to file an additional affidavit as to whether those 9 girls of Manipur who were repatriated and restored to their respective parents have been admitted into any schools. It is needless to direct that if they have not been admitted into the schools and the necessary assistance has not been extended by the State, the same shall be done within six weeks from today and compliance report may be filed.

(c) So far as State of Assam is concerned, it is stated that the children repatriated from the State of Tamil Nadu and Bangalore were in total 33 and out of those 33 children, two were orphans who have been admitted in the Orphan Home run by Social Welfare Department, Halflong and the rest of them were handed over to their respective parents as per guidelines issued by the Child Welfare Committee, Halflong. It is also stated that the action has been initiated by the Inspector of Schools regarding supply of books, note books and learning materials. The affidavit does not state whether they have been admitted into the schools and the details thereof. The State of Assam is accordingly directed to file additional affidavit duly stating the details concerning 31 children who are handed over to their respective parents as regards their admission into the schools and the assistance provided by the State in that regard.

(d) The Ministry of Home Affairs and Ministry of Human Resource Development filed their affidavit pursuant to our directions dated 13.12.2010, inter alia, providing the details of the buildings of educational institutions, date of occupation and likely date of their vacation. So far as States of Bihar, Chattisgarh, Jammu & Kashmir and Tripura are concerned but there is no mention whatsoever about the occupation of the educational institutions by the security forces in the North Eastern States. In the circumstances, there shall be a direction to the Ministry of Home Affairs to furnish the details of educational institutions that are under the occupation of the security forces in the North Eastern States. The States of Tripura, Bihar, Chattisgarh shall file their affidavits duly stating as regards the schedule and the time for vacating the educational institutions by the security forces.

(e) The North Eastern States, namely, State of Assam, Arunachal Pradesh, Manipur, Meghalaya and Nagaland are directed to file their affidavit within eight weeks from today providing the details of the educational institutions under that occupation and the time schedule vacating the same pursuant to the earlier directions issued by us.

(f) The State of Karnataka and Kerala shall file their affidavit as directed by us.”

3. Liberty is granted to Ms. Sunita Sharma, learned Counsel on behalf of UOI to inspect the record at any point of time and mark the necessary papers and affidavits for the perusal of the Court.

4. Stand over for eight weeks.