

Suo Moto Vs State And Ors

Court: Rajasthan High Court

Date of Decision: July 23, 2020

Hon'ble Judges: Sandeep Mehta, J; Kumari Prabha Sharma, J

Bench: Division Bench

Advocate: Govind Beniwal, Anirudh Purohit, Farzand Ali, Abhishek Purohit, Anil Kumar Gaur, Pankaj Sharma, Sunil Beniwal, Anupam Gopal Vyas, Dev Kumar Khatri, Anil Vyas, Rekha Shekhawat Superintendent, Nari Niketan

Judgement

Shri Anirudh Purohit, Amicus Curiae has moved an application seeking a direction to the State Government to provide logistic/human resources for

operating the Juvenile Justice Secretariat, which has been established at the Rajasthan High Court, Principal Seat, Jodhpur and Bench Jaipur to assist

the Juvenile Justice Committee which has been constituted under the directions of the Hon'ble Supreme Court. Provision of such a Secretariat has

been mandated by the Hon'ble Supreme Court in the case of Exploitation of Children in Orphanages in State of Tamil Nadu In Re Vs. Union of India

& Ors. reported in (2017) 7 SCC 578. It may be stated here that till now, the financial and logistic support for operating the Secretariat to assist the

Juvenile Justice Committee was provided by the UNICEF which has now, owing to financial difficulties, stopped the same. Two relevant paragraphs

i.e 98 & 99 of the above judgment are quoted hereinbelow:-

98. That the judiciary is not far behind in fulfilling its constitutional responsibilities is obvious from the fact that the rather slack implementation of the

Juvenile Justice (Care and Protection of Children) Act, 2000 even after four years of its enactment, compelled the Chief Justice of India to request all

the High Courts to set up a Juvenile Justice Committee to ensure effective implementation of the said Act and monitor the activities under the said

Act. The High Courts have a constitutional obligation to ensure that the rights of all citizen, including children, as guaranteed under the Constitution are

preserved, protected and respected. With this in mind, all the High Courts have since set up a Juvenile Justice Committee consisting of Judges of the

High Court and these Committees ensure that the provisions of the Act are implemented in letter and spirit. For better coordination on issues relating

to children, some High Courts have also provided a Secretariat for the Juvenile Justice Committee.

99. With the passage of time, it has been realised that the importance of the Juvenile Justice Committee in the High Court cannot be overemphasized.

It is in an ivory tower. Judges of all the courts including the constitutional courts have non-judicial duties and obligations to perform so that the

fundamental rights of the people are respected. It is this realization that led the constitutional court to exercise jurisdiction in social justice issues

through public interest litigation and it is this that requires Judges of the courts to ensure access to justice under the Legal Services Authorities Act,

1986 to indigent people and those who cannot afford legal services due to financial or other constraints. It is very much in keeping with this

constitutional obligation and goals that the concern and involvement of each Juvenile Justice Committee in the effective implementation of the Act is

an absolute necessity. It is equally the obligation of the officials concerned of the State, including the police, to render all assistance to each Juvenile

Justice Committee to ensure that the goals envisaged by the Juvenile Justice Act and the constitutional vision are successfully achieved in the shortest

possible time.

The obligation to provide the facility of a Secretariat of the Juvenile Justice Committee is undoubtedly upon the State Government. The High Court has

already provided sufficient space and logistic support for this purpose and only human resources are to be provided.

Learned AAG Shri Anil Kumar Gaur, Shri Farzand Ali, Shri Pankaj Sharma, Shri Sunil Beniwal submit that they shall complete their instructions in this

regard and response shall be positively filed by the next date of hearing. Learned AAG prays for time to file response in reference to the earlier order

dated 19.02.2020.

This Court is apprised that the Nurse who was posted at the Quarantine Centre established for the Balika Gruh and Nari Niketan, Jodhpur has been

placed APO. An explanation of the Secretary concerned shall be filed on record on the next date of hearing. We expect that an ANM shall be posted

in the Quarantine Centre immediately.

Names of Shri Pankaj Sharma, AAG and Shri Sunil Beniwal, AAG shall henceforth be shown in the Cause List.

List on 17.08.2020.