

**MINUTES OF THE MEETING OF THE HON'BLE MONITORING COMMITTEE OF JUVENILE JUSTICE COMPRISING HON'BLE MR. JUSTICE KISHORE KUMAR MANDAL, HON'BLE MR. JUSTICE ASHWANI KUMAR SINGH AND HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH HELD ON 13<sup>TH</sup> APRIL, 2017 (THURSDAY) AT 4.30 P.M. IN THE COMMITTEE ROOM OF THE PATNA HIGH COURT TO DISCUSS THE ISSUES RELATING TO ADOPTION MATTERS UNDER JUVENILE JUSTICE IN THE STATE OF BIHAR**

The meeting was also attended by the following Officers:

- (1) Smt. Vandana Kini, the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
- (2) Mr. Vinay Kumar, Additional Director General of Police, C.I.D. (Weaker Sections), Patna.

The Committee deliberated on various issues concerning the constitution of the Juvenile Justice Boards, the Child Welfare Committees, the condition of Observation Homes, After Care Homes, Safety Places, attachment of Social Workers with Special Juvenile Probation Officers and also with regard to there being lady officers to investigate cases relating to girl child under the POCSO Act.

With regard to the aforesaid issues, a written response has been submitted by the Principal Secretary, Department of Social Welfare, Government of Bihar. The same shall form part of these minutes and, for the sake of brevity, are not being repeated here. The Committee would add to the aforesaid report with regard to the following points:-

(i) It was informed by the Principal Secretary that the Committee, formed for appointing/filling up all vacant posts of Social Members of the Juvenile Justice Boards and Child Welfare Committees, has already been notified, but in the absence of Rules with regard to the modalities of the procedure to be adopted for

such selection by the Committee, it has been proposed that the Model Central Rules be adopted by the State of Bihar for which the proposal has already been put up before the State Cabinet and is likely to be approved whereafter the same shall be notified and meeting shall be convened at the earliest. The Committee expects that such would be done expeditiously as has been indicated by the Principal Secretary.

(ii) With regard to Observation Homes, After Care Homes and Place of Safety, the Principal Secretary informed that due to there being paucity of land and the cost of acquisition of land, such places were available only in 12 districts but efforts are being made to make arrangements for more and the same is likely to fructify in the near future. The Committee impressed upon the Principal Secretary that the issue needs to be dealt with on an urgent basis and should not be left to be done in a routine manner, especially keeping in view the order passed by the Hon'ble Supreme Court of India in the case of *Sampurna Behrua vrs. Union of India and Ors.*

(3) With regard to two Social Workers being placed with the Special Juvenile Probation Officers, the Principal Secretary informed that process for appointment of such Social Workers has been initiated. It was also informed that proposal for appointment of Probation Officers has also been sent. She assured that the same would be followed up. The Committee earnestly expects that the Government would be filling up such posts on a priority basis as report by the

Probation Officers play a vital role in deciding matters relating to cases under the Juvenile Justice Act.

(iv) The Additional Director General of Police informed that in the entire State of Bihar, out of a strength of around 15,000 Police Officers, there were only 187 Lady Police Officers and, thus, Lady Police Officers being made the Investigating Officers of all cases relating to girls under the POCSO Act, may not be practicably feasible. However, he assured that steps would be taken in this regard. He further informed that a proposal has also been sent by the Criminal Investigation Department to the Police Headquarters for appointment of Deputy Superintendents of Police specially for monitoring various cases under the Special Acts.

The Committee appreciates and endorses such proposal and expects that the Government would have a pro-active and positive approach as it is felt that there has to be a senior officer for coordinating, monitoring and implementing the provisions of various Special Acts including the Juvenile Justice Act and the POCSO Act.

sd/- (Kishore Kumar Mandal, J.)

sd/- (Ashwani Kumar Singh, J.)

sd/- (Abganuddin Amanullah, J.)