

GAHC010098842021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL(Suo Moto)/5/2021

XXX
GUWAHATI, ASSAM

VERSUS

IN RE - STATE OF ARUNACHAL PRADESH AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY, CIVIL SECRETARIAT,
ITANAGAR - 791111

2:THE DIRECTOR GENERAL OF POLICE
ARUNACHAL PRADESH
POLICE HEADQUARTERS
CHANDRANAGAR
ITANAGAR - 791111

3:DEPARTMENT OF SOCIAL WELFARE
WOMEN AND CHILD WELFARE
REPRESENTED BY THE COMMISSIONER
D SECTOR
CONA
NAHARLAGUN
ITANAGAR - 791110

4:NANI MARIA CHILD CARE INSTITUTE
REPRESENTED BY ITS CHAIRPERSON
ROING
P.O. AND P.S. ROING
DIST. LOWER DIBANG VALLEY
ARUNACHAL PRADESH

5:CHILD WELFARE COMMITTEE
ROING
DIST. LOWER DIBANG VALLEY
ARUNACHAL PRADES

Advocate for the Petitioner : MR. U K NAIR, SR. ADV

Advocate for the Respondent : MR. A CHANDRAN, ADDL. SR. GA, AP

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. SUDHANSHU DHULIA

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

16-07-2021

(Sudhanshu Dhulia, CJ)

The matter is taken up through video conferencing.

Heard Mr. UK Nair, learned senior counsel for the Gauhati High Court. Also heard Mr. N Dutta, learned Advocate General, Arunachal Pradesh, Mr. BD Goswami, learned Additional Advocate General, Arunachal Pradesh, Mr. NNB Choudhury, learned Additional Advocate General, Arunachal Pradesh and Mr. A Chandran, learned Additional Senior Government Advocate, Arunachal Pradesh appearing for respondent Nos.1, 2 and 3, Ms. Bulin Pulu, learned counsel for respondent No.4 and Mr. CW Mantaw, learned counsel appearing for the father of the victim.

Pursuant to our order dated 30.06.2021, the victim has been medically examined by medical board and the report of the board is before us which states that the victim is between 14 to 16 years of age at the time of examination. The examination was done on 06.07.2021. In our order dated 30.06.2021, we also directed the state authority to provide police protection and also directed the concerned Deputy Commissioner to visit the CCI, Roing and conduct an enquiry with regard to the facilities available in the CCI. The inspection report of the concerned Deputy

Commissioner dated 02.07.2021 has also been filed before us, which reads as under:

- “1. Inspection of CCI: Inspected the office and Hostel buildings with capacity of 50 children supported by the District Administration and found to be well established. Few buildings are still under construction.*
- 2. Inspection of Nani Maria Kinder Garten School: 42 children including Miss A, victim girl from CCI are presently shifted to nearby Hostel of Nani Maria Kinder Garten School due to COVID 19. Few Staff from CCI is tested COVID 19 positive recently along with some children.*
- 3. Security Wall/Compound Wall: There is proper Security Wall/Compound Wall all along the school and hostel buildings. Since school is located in a corner of Roing town, needs extra security measures and attention. So, attention of the Management has been drawn.*
- 4. Compound of the School: The compound of the school and hostel was found to be neat and clean.*
- 5. Accommodation: Accommodation facilities being provided to the children are hygienic and spacious with proper furniture.*
- 6. Linen and clothing items: Linen items and clothing being provided to the children are found to be clean and hygienic.*
- 7. Foods: Management caters nutritious and hygienic food items including seasonal fruits and local vegetables.*
- 8. Hostel Wardens and Caretakers: Hostel warden and her supporting staff taking care of victim girl along with other children*

are found to be sincere, dedicated, caring and humble. They also regulate COVID 19 SOP properly.

9. Security arrangements: The District Police has provided 5 ladies police personnel for security of the victim girl and other inmates round the clock. The CCI also have their own security staff for 24x7. So, the victim girl is in safe custody of CCI. Police has been ordered for frequent patrolling in and around vicinity area.

10. Interaction with the children: Undersigned with SDO (HQ) Ms. Rebecca Tayeng interacted with the victim girl in group as well as in single. She seems to be very happy, healthy and looks confident there.

11. Meeting with the management members: Held a separate meeting with the members of the institute. Smti Desai Lingi, Chairperson was present. Heard their grievances and briefed them about the latest development of the case. Also directed them to ensure utmost care for security and well being of the victim girl and make sure that no harm is caused to her from outside institute so long as she lives in CCI.

12. Monitoring Team: A monitoring team headed by Smti Rebecca Tayeng, SDO HQs has been constituted to monitor the security arrangement and other welfare measures for the children of CCI, particularly the victim girl."

Since the present facilities at CCI, Roing are adequate and the child is well protected, it will be in the interest of justice that the child Ms 'A' will stay there for the time being. Meanwhile, this Court has also been apprised that charge-sheet has been filed and the matter is pending

before the Court.

Learned senior counsel for the Gauhati High Court, Mr. UK Nair submits that sub-rule 18 of Rule 54 of the Juvenile Justice (Care and Protection of Children) Model Rules, 2016 mandates that there shall be a child-friendly Court where matters regarding POCSO are taken up. We have been informed that there is no child-friendly Court in the State of Arunachal Pradesh.

The learned Advocate General of Arunachal Pradesh, Mr. N Dutta appears in this matter. We request the learned Advocate General to take up this matter with the State Government so that as early as possible at least one child-friendly Court can be constructed and made functional in the State of Arunachal Pradesh, at the earliest.

List again on **16.08.2021**.

The medical report dated 08.07.2021 and the inspection report dated 02.07.2021 are marked as 'A' and 'B', respectively and the same are made part of the record.

JUDGE

CHIEF JUSTICE

Comparing Assistant